

---

## OLR Bill Analysis

### sSB 761

#### ***AN ACT MAKING THE JANITORIAL WORK PILOT PROGRAM FOR PERSONS WITH A DISABILITY OR A DISADVANTAGE PERMANENT.***

#### **SUMMARY:**

This bill makes permanent the janitorial work pilot program for people with a disability or a disadvantage, which was established in 2006 and is administered by the Department of Administrative Services (DAS). It allows (1) the Board of Regents for Higher Education (BOR) and the Judicial Branch to participate in the program and (2) DAS to create a task force to study extending it beyond janitorial services. The bill does not specify any membership requirements or deadlines for the task force.

The bill generally extends, with some modifications, the pilot program's existing requirements and establishes new ones. Additionally, it requires the Government Administration and Elections Committee to continue studying the program's effectiveness, but eliminates the requirement to study the need for making it permanent.

Lastly, the bill makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2013

#### **JANITORIAL WORK PROGRAM**

Under the janitorial work pilot program, the DAS commissioner awards contracts to qualified partnerships, which are commercial janitorial contractors and community rehabilitation programs, designated by the Connecticut Community Providers Association (CCPA), that meet certain criteria. The bill makes this program permanent and allows BOR and the Judicial Branch to participate. It extends to the chief court administrator and BOR president a

prohibition, currently applicable to the DAS commissioner, on delegating program-related responsibilities to an outside vendor. BOR governs the Connecticut State University System, regional community-technical colleges, and Charter Oak State College.

Under current law and the bill, the program must create and expand work opportunities, specifically full-time jobs or full-time equivalents at standard wage rates, for people with a disability and people with a disadvantage. The bill eliminates requirements that the program (1) consist of four janitorial work projects, (2) create at least 60 full-time jobs or equivalent, and (3) have a total market value of at least \$3 million. It also eliminates a provision authorizing DAS to adopt regulations concerning the program.

### ***Modifications to Existing Requirements***

Under current law, if more than one qualified partnership submits a bid, the contract must be awarded to the lowest responsible qualified bidder. The bill additionally allows an award to the most advantageous proposer, according to criteria specified in the request for proposals. It specifies that if no qualified partnership submits a bid, then the Judicial Branch must award the contract according to the branch's contracting laws.

Under current law, qualified partnerships awarded pilot contracts must provide CCPA with a list of their target employees (see BACKGROUND) no later than six months after the contract starts. CCPA must certify to DAS, in a manner and form the DAS commissioner prescribes, that the contractor continues to employ the required number of people with disabilities in positions equivalent to those created under the contract and has integrated them into the contractor's general workforce. The bill additionally requires that (1) qualified partnerships provide lists to CCPA on an annual basis after the initial provision of the list and (2) CCPA (a) provide DAS with the certification on an annual basis and (b) also provide it to BOR and the Judicial Branch.

Under current law, if DAS awards an exclusive contract during the

pilot program's term under the state's preferential purchasing law for people with disabilities, including one for janitorial services, the contract must remain in effect with no change in the fair market value formula used by DAS for determining whether a vendor should be awarded the contract. The bill instead specifies that contracts awarded during the pilot program's term (which ends October 1, 2013) must remain in effect until terminated by either party, with at least 60 days' written notice. The contract can be amended to include updated terms and conditions, but cannot allow for price increases except for those mandated for minimum and standard wages. If the contract is terminated, the next one can be awarded either under standard contracting laws or the preferential purchasing law for people with disabilities.

### ***New Requirements***

The bill prohibits awarding authorities from awarding contracts at sites where employees are employed pursuant to a collective bargaining agreement or under the state's preferential purchasing law for people with disabilities, including those for janitorial services, unless a contract has previously been awarded to a qualified partnership under the pilot program.

The bill specifies that if a position is not available at a job site for a janitorial contract award and a person with a disability or disadvantage is placed at an alternate job site, then he or she must be paid the alternate site's wage rate. It requires that, when a position becomes available at the original job site, the person be transferred and paid the standard wage rate at the original site. The bill further specifies that if a person who is transferred subsequently leaves the position, then it must be filled by another person with a disability or disadvantage, unless it would violate another janitorial contractor employee's collective bargaining rights.

## **BACKGROUND**

### ***Pilot Program***

The pilot program consists of four janitorial work projects in state agencies that together must (1) create at least 60 full-time jobs or the

equivalent at standard wages for people with disabilities, except blindness, or a disadvantage and (2) have a total market value of at least \$3 million. To qualify for the latter category, an individual must either (1) have income up to 200% of the federal poverty level for a family of four or (2) be eligible for employment services under the federal Workforce Investment Act as the state Labor Department determines.

**COMMITTEE ACTION**

Government Administration and Elections Committee

Joint Favorable

Yea 14 Nay 0 (04/05/2013)