



General Assembly

Amendment

January Session, 2015

LCO No. 8521



Offered by:

REP. TERCYAK, 26th Dist.

SEN. GOMES, 23rd Dist.

To: Subst. House Bill No. 6877

File No. 381

Cal. No. 237

**"AN ACT CONCERNING A MINIMUM WORK WEEK FOR
PERSONS PERFORMING JANITORIAL WORK."**

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective October 1, 2015*) (a) For purposes of this
4 section:

5 (1) "Covered employee" means any person performing janitorial
6 work in or about a covered location. "Covered employee" does not
7 include any person providing janitorial work in or about a covered
8 location on a temporary basis to replace another covered employee
9 who is taking covered leave;

10 (2) "Covered employer" means any person, firm, business,
11 educational institution, nonprofit agency, corporation, limited liability
12 company or other entity, including the state or any political
13 subdivision thereof, that (A) directly employs at least one covered

14 employee, (B) contracts or subcontracts for the services of at least one
15 covered employee, (C) owns or operates a covered location, or (D)
16 leases any portion of a covered location and (i) directly employees at
17 least one covered employee, or (ii) contracts or subcontracts for the
18 services of at least one covered employee;

19 (3) "Covered leave" means any paid or unpaid temporary leave
20 voluntarily taken by a covered employee pursuant to (A) any
21 applicable state or federal law, (B) any written employee handbook, or
22 (C) written request initiated by the covered employee;

23 (4) "Covered location" means (A) an office building having an area
24 of not less than one hundred thousand square feet, (B) a private or
25 public institution of higher education, or (C) a museum, as defined in
26 section 11-80 of the general statutes;

27 (5) "Janitorial work" means work performed in connection with the
28 care or maintenance of buildings, including, but not limited to, work
29 customarily performed by cleaners, porters, janitors and
30 handypersons;

31 (6) "Minimum work week" means the minimum number of
32 compensated hours provided to a covered employee in any work
33 week, except for weeks in which the covered employee is taking
34 covered leave; and

35 (7) "Work week" means a fixed, regularly recurring period of one
36 hundred sixty-eight hours or seven consecutive twenty-four-hour
37 periods.

38 (b) On and after January 1, 2016, the minimum work week for a
39 covered employee shall be thirty hours per work week.

40 (c) Each covered employer shall provide notice to each covered
41 employee (1) of the entitlement to a minimum work week, and (2) that
42 the covered employee has a right to file a complaint with the Labor
43 Commissioner for any violation of this section. Covered employers

44 may comply with the provisions of this section by displaying a poster
45 in a conspicuous place, accessible to covered employees, at the covered
46 location and the covered employer's place of business that contains the
47 information required by this section in both English and Spanish. The
48 Labor Commissioner may adopt regulations, in accordance with
49 chapter 54 of the general statutes, to establish additional requirements
50 concerning the means by which covered employers shall provide such
51 notice.

52 (d) Any covered employee aggrieved by a violation of the
53 provisions of subsection (b) or (c) of this section may file a complaint
54 with the Labor Commissioner. Upon receipt of any such complaint,
55 said commissioner may hold a hearing. After the hearing, any covered
56 employer who is found by the Labor Commissioner, by a
57 preponderance of the evidence, to have violated the provisions of
58 subsection (b) of this section shall be liable to the Labor Department for
59 a civil penalty of up to five hundred dollars for the first violation and
60 up to one thousand dollars for any subsequent violation. Any covered
61 employer who is found by the Labor Commissioner, by a
62 preponderance of the evidence, to have violated the provisions of
63 subsection (c) of this section shall be liable to the Labor Department for
64 a civil penalty of up to one hundred dollars for each day that such
65 covered employer fails to post notice, provided such penalty shall not
66 exceed five hundred dollars. The Labor Commissioner may award the
67 covered employee all appropriate relief, including payment of back
68 wages. Any party aggrieved by the decision of the commissioner may
69 appeal the decision to the Superior Court in accordance with the
70 provisions of chapter 54 of the general statutes.

71 (e) The Labor Commissioner shall administer this section within
72 available appropriations.

73 (f) The provisions of this section shall not apply to any covered
74 employee performing janitorial work at a covered location pursuant to
75 a contract for janitorial services that (1) is intended to create janitorial
76 work job opportunities for persons with a disability, as defined in

77 section 4a-82 of the general statutes, and (2) is in conformity with state
78 and federal statutes and regulations regarding the employment of
79 persons with a disability."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015</i>	New section