



General Assembly

January Session, 2017

Committee Bill No. 6914

LCO No. 4815

* _____HBO6914LAB___031017_____*

Referred to Committee on LABOR AND PUBLIC EMPLOYEES

Introduced by:
(LAB)

**AN ACT CONCERNING A MINIMUM WORKWEEK FOR PERSONS
PERFORMING JANITORIAL OR BUILDING MAINTENANCE
SERVICES.**

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2017*) (a) For purposes of this
2 section:

3 (1) "Covered employee" means any person performing janitorial or
4 building maintenance services in or about a covered location. "Covered
5 employee" does not include any person providing janitorial or
6 building maintenance service in or around any part of a covered
7 location solely to temporarily replace a covered employee who is
8 taking covered leave;

9 (2) "Covered employer" means any person, firm, business,
10 educational institution, nonprofit agency, corporation, limited liability
11 company or other entity, including the state or any political
12 subdivision thereof, that (A) directly employs at least one covered
13 employee or contracts or subcontracts for the services of at least one
14 covered employee, (B) owns or operates a covered location, or (C)

15 leases any portion of a covered location, and (i) directly employs at
16 least one covered employee, or (ii) contracts or subcontracts for the
17 services of at least one covered employee;

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

22 (4) "Covered location" means (A) a covered office location having an
23 area of not less than one hundred thousand square feet, (B) a private or
24 public institution of higher education, or (C) a museum, as defined in
25 section 11-80 of the general statutes, except where the janitorial
26 contract for that location is intended to create work opportunities for
27 people with disabilities, and where the procurement and award for
28 such contracts is in conformity with state and federal statutes and
29 regulations specific to that purpose, including, but not limited to,
30 public acts 77-405, 13-233 and 14-188 and 41 USC Chapter 85, as
31 amended from time to time;

32 (5) "Covered office location" means (A) an industrial, commercial or
33 business facility, (B) a continuous, commonly owned office park, or (C)
34 a group of office buildings that (i) have common ownership or
35 management, and (ii) are contiguous or have consecutive addresses,
36 except where the janitorial contract for that location is intended to
37 create work opportunities for people with disabilities, and where the
38 procurement and award for such contracts is in conformity with state
39 and federal statutes and regulations specific to that purpose, including,
40 but not limited to, public acts 77-405, 13-233 and 14-188 and 41 USC
41 Chapter 85, as amended from time to time;

42 (6) "Janitorial work or building maintenance services" means work
43 performed in connection with the care or maintenance of buildings,
44 including, but not limited to, work customarily performed by cleaners,
45 porters, janitors and handypersons and security guards;

46 (7) "Minimum workweek" means the minimum number of
47 compensated hours provided to a covered employee in any workweek,
48 except for weeks in which the covered employee is taking covered
49 leave; and

50 (8) "Workweek" means a fixed, regularly recurring period of one
51 hundred sixty-eight hours or seven consecutive twenty-four-hour
52 periods.

53 (b) On and after January 1, 2018, the minimum workweek for a
54 covered employee shall be thirty hours per workweek.

55 (c) Each covered employer shall provide notice to each covered
56 employee (1) of the entitlement to a minimum workweek, and (2) that
57 the covered employee has a right to file (A) a complaint with the Labor
58 Commissioner, or (B) a civil suit against the employer for any violation
59 of this section. A covered employer may comply with the provisions of
60 this section by displaying a poster in a conspicuous place, accessible to
61 covered employees, at the covered location and the covered employer's
62 place of business that contains the information required by this section
63 in both English and Spanish. The Labor Commissioner may adopt
64 regulations, in accordance with chapter 54 of the general statutes, to
65 establish additional requirements concerning the means by which
66 covered employers shall provide such notice.

67 (d) Any covered employee aggrieved by a violation of the
68 provisions of subsection (b) or (c) of this section may file a complaint
69 with the Labor Commissioner. Upon receipt of any such complaint,
70 said commissioner may hold a hearing. After the hearing, any covered
71 employer who is found by the Labor Commissioner, by a
72 preponderance of the evidence, to have violated the provisions of
73 subsection (b) of this section shall be liable to the Labor Department for
74 a civil penalty of up to five hundred dollars for the first violation and
75 up to one thousand dollars for any subsequent violation. Any covered
76 employer who is found by the Labor Commissioner, by a
77 preponderance of the evidence, to have violated the provisions of

78 subsection (c) of this section shall be liable to the Labor Department for
79 a civil penalty of up to one hundred dollars for each day that such
80 covered employer fails to post notice, provided such penalty shall not
81 exceed five hundred dollars. The Labor Commissioner may award the
82 covered employee all appropriate relief, including, but not limited to,
83 reinstatement, payment of back wages, any medical costs incurred
84 during the period of time the covered employee was entitled to and
85 denied the minimum workweek, liquidated damages in an amount not
86 to exceed one hundred dollars per day for each day the covered
87 employer was in violation of the provisions of this section and
88 reasonable attorney's fees. Any party aggrieved by the decision of the
89 commissioner may appeal the decision to the Superior Court in
90 accordance with the provisions of chapter 54 of the general statutes.

91 (e) The Labor Commissioner shall administer this section within the
92 available appropriations.

93 (f) It shall be a violation of this section for any covered employer to:
94 (1) Violate any provisions of subsection (b) or (c) or this section; (2)
95 discharge or in any other manner discriminate against any covered
96 employee because that employee filed a complaint or instituted or
97 caused to be instituted any proceeding under or related to this section,
98 or has testified or is about to testify or otherwise cooperate in any such
99 proceeding; (3) hinder or delay the commissioner or the
100 commissioner's authorized representative in the enforcement of this
101 section; (4) refuse to admit the commissioner or the commissioner's
102 authorized representative to any place of employment upon demand;
103 or (5) refuse to make available to the commissioner or the
104 commissioner's authorized representative any records required by him
105 or her in investigating the covered employer for purposes of this
106 section.

107 (g) Nothing in this section shall prohibit a covered employee from
108 filing a civil suit against an employer in a court of competent
109 jurisdiction to recover such legal or equitable relief as may be
110 appropriate, including, but not limited to: (1) Reinstatement, (2) back

111 pay of not less than the hourly rate of pay received by the covered
112 employee immediately prior to the violation of this section multiplied
113 by the number of compensated hours below the minimum workweek
114 the covered employee was provided each workweek in which a
115 violation occurred, as well as interest calculated in accordance with the
116 provisions of section 31-265 of the general statutes from the date the
117 wages should have been received had the wages been paid in a timely
118 manner, (3) actual medical costs incurred during the period of time the
119 employee was entitled to and denied the minimum number of hours
120 required by this section and during any period in which the employee
121 is not working due to a violation by a covered employer described in
122 subsection (f) of this section, and (4) liquidated damages in the amount
123 of one hundred dollars per day.

124 (h) An action to recover damages under this section may be
125 maintained in any court of competent jurisdiction in the state by any
126 one or more persons aggrieved by a violation of this section, for or on
127 behalf of the covered employee and other covered employees who are
128 similarly situated.

129 (i) If any provision of this section is determined to be invalid or
130 incapable of being enforced, such provision shall be excluded to the
131 extent of such invalidity or unenforceability. All other provisions of
132 this section shall remain in full force and effect.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2017	New section

LAB *Joint Favorable*