
OLR Bill Analysis

sSB 494

AN ACT REQUIRING STATE CONTRACTORS AND UNIONS TO ADOPT A SEXUAL HARASSMENT POLICY.

SUMMARY

Beginning October 1, 2018, this bill requires certain state contractors to adopt minimum sexual harassment policies and provide a sworn affidavit regarding such policies to be eligible for a contract for goods, services, or public works projects. The bill applies to any potential state contractors with at least three employees who apply for construction contractor prequalification or respond to a state agency solicitation for competitive bids and request for proposals. It also requires labor unions with three or more employees to adopt sexual harassment policies with the same minimum criteria.

EFFECTIVE DATE: October 1, 2018, and applicable to solicitations, applications, and requests for proposals and qualifications on and after this date.

SEXUAL HARASSMENT POLICY REQUIREMENTS

Minimum Criteria

The bill requires the sexual harassment policies to be posted in a prominent and accessible location and, if applicable, on the contractor's or organization's website. At a minimum, such policies must include:

1. the statutory definition of sexual harassment, including different examples;
2. notice that it is illegal under state and federal laws;
3. the address and phone number of the Commission on Human Rights and Opportunities (CHRO);

4. a statement that, under state law, a person must file a complaint with CHRO within 180 days after an incident;
5. a statement concerning the (a) policies and procedures regarding sexual harassment and (b) disciplinary action that may be taken for employees who violate them;
6. a contact person at the place of employment for employees to report complaints or direct questions or concerns; and
7. a statement that any retaliation against an individual who (a) has submitted a complaint or (b) is cooperating with an investigation, will not be tolerated.

Correspondingly, a state agency's notices of solicitation for competitive bids and requests for proposals or qualifications for such contracts must require contractors to meet these requirements.

Sworn Affidavit

The bill requires contractors to provide the awarding state agency with an affidavit, signed under penalty of false statement by a chief executive officer, president, chairperson or other corporate officer authorized to adopt company or corporate policy, which certifies that its sexual harassment policy meets the established minimum criteria and is currently in effect. The bill prohibits state agencies from awarding a contract to a contractor who has not submitted the affidavit.

Unless there is a change to the information in the affidavit, the bill does not require contractors to resubmit it in subsequent contract bids. Instead, such contractors must annually certify to the awarding state agency that the affidavit on file is current and accurate, not later than 14 days after the one-year anniversary of the most recently filed or updated affidavit. If there is any change, the contractor must submit an updated affidavit (1) within 30 days after the change's effective date, or (2) upon the execution of a new contract with the awarding state agency, whichever is earlier.

BACKGROUND

Sexual Harassment

By law, sexual harassment means any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment (CGS § 46a-60).

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 17 Nay 0 (03/23/2018)