



**Senate Bill 494**  
**An Act Requiring State Contractors and Unions to Adopt a Sexual Harassment Policy**

**Testimony of Commissioner Melody A. Currey**

**Government Administration & Elections Committee**

**March 19, 2018**

Good morning Senator Flexer, Representative Fox, Senator McLachlan, Representative Devlin and distinguished members of the Government Administration and Elections Committee. For the record, I am Melody Currey, Commissioner of the Department of Administrative Services (DAS). I want to thank the Committee for providing me the opportunity to provide comment on Senate Bill 494, "An Act Requiring State Contractors and Unions to Adopt a Sexual Harassment Policy."

**DAS supports the intention of this bill but respectfully suggests some technical modifications that would allow state agencies and contractors to comply with the bill without undue bureaucratic requirements.**

Under Senate Bill 494, "contractor" is defined as "a person or business entity submitting a competitive bid or proposal in response to a solicitation of a state agency." This is a major expansion of the definition of "contractor," which is usually defined to include only entities that actually enter into a contract with a state agency.

Senate Bill 494 requires any potential contractors responding to a solicitation of bids to provide a copy of its sexual harassment policy, which must include the elements listed in the bill. Potential contractors responding to other types of competitive contract solicitation must provide the contracting agency with one of the following:

- Documentation in the form of a company or corporate policy adopted by resolution of the contractor's governing body that includes the sexual harassment policy requirements set forth in the bill;
- Documentation in the form of a company or corporate policy adopted by a prior resolution of the contractor's governing body if (A) the prior resolution is certified by a duly authorized corporate officer of such contractor to be in effect on the date the documentation is submitted, and (B) the awarding state agency certifies that the prior resolution includes, at a minimum, the sexual harassment policy requirements set forth in the bill; or
- Documentation in the form of an affidavit bearing notice that it is signed under penalty of false statement and signed by an authorized member of the contractor's governing body that

certifies that its company policy includes the sexual harassment policy requirements set forth in the bill section and is in effect on the date the affidavit is signed.

Senate Bill 494 also requires every company who applies for construction contractor prequalification to provide DAS with a copy of its sexual harassment policy.

In addition to the policy requirements, Senate Bill 494 requires all companies that submit a competitive bid or proposal in response to a solicitation of a state agency to provide sexual harassment prevention training to all supervisory employees.

As a threshold matter, DAS cautions that imposing burdens on companies that simply respond to a competitive solicitation (as opposed to companies that have been awarded contracts with the State) may dissuade companies from responding, thus limiting competition, restricting options and raising prices.

DAS agrees that companies that have been awarded contracts by state agencies ought to have policies that prohibit harassment on the basis of **all** protected categories, including sexual harassment. Requiring companies to have specific “sexual harassment” policies is contrary to the best practices advocated by most professionals in who work in the equal employment opportunity fields.

DAS does not believe that it is necessary for the awarding agencies to receive copies of their vendors’ harassment-prevention policies. Similarly, it is not necessary for the DAS Construction Contractor Prequalification Unit to receive copies of the policies. Contracting staff at agencies are not necessarily experts in anti-harassment law and do not necessarily have the expertise to opine on the sufficiency of a vendor’s policy. Moreover, requiring companies to provide copies of their policies is contrary to the streamlining efforts made by the State. DAS recommends simply requiring vendors and prequalification applicants to attest under oath that they have anti-harassment policies.

Sections 4a-60 and 4a-60a of the Connecticut General Statutes set forth the nondiscrimination and affirmative action provisions that must be included in all state contracts. DAS respectfully suggests that including the requirement to have an anti-harassment policy and the requirement to conduct harassment prevention training for supervisors in these statutes may be an effective and efficient way of achieving the intent of Senate Bill 494.

Thank you for the opportunity to submit comments on this bill.

