



General Assembly

February Session, 2018

***Raised Bill No. 494***

LCO No. 2599



Referred to Committee on GOVERNMENT ADMINISTRATION  
AND ELECTIONS

Introduced by:  
(GAE)

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

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

1 Section 1. (NEW) (*Effective October 1, 2018, and applicable to*  
2 *solicitations on and after said date*) (a) For the purposes of this section:

3 (1) "Contractor" means a person or business entity submitting a  
4 competitive bid or proposal in response to a solicitation of a state  
5 agency;

6 (2) "State agency" means each state board, commission, department,  
7 office, institution, council or other agency with the power to contract  
8 for goods or services, itself or through its head;

9 (3) "Goods or services" includes, but is not limited to, supplies,  
10 materials and equipment and contractual services, as such terms are  
11 defined in section 4a-50 of the general statutes;

12 (4) "Public works contract" has the same meaning as provided in

13 section 46a-68b of the general statutes; and

14 (5) "Sexual harassment" has the same meaning as provided in  
15 subdivision (8) of subsection (b) of section 46a-60 of the general  
16 statutes.

17 (b) On and after October 1, 2018, each state agency, when awarding  
18 a contract for goods or services or a public works contract, shall state  
19 in its notice of solicitation for competitive bids or request for proposals  
20 or qualifications for such contract that the contractor shall be required  
21 to comply with the provisions of this section. Each contractor  
22 responding to a state agency's solicitation of bids for a contract for  
23 goods or services or a public works contract shall provide to the state  
24 agency a copy of its sexual harassment policy, in accordance with  
25 subsection (d) of this section. At a minimum, such policy shall include:

26 (1) The statutory definition of sexual harassment and examples of  
27 different types of sexual harassment;

28 (2) Notice that sexual harassment is prohibited by the state pursuant  
29 to subdivision (8) of subsection (a) of section 46a-60 of the general  
30 statutes;

31 (3) Notice that sexual harassment is prohibited by Title VII of the  
32 1964 Civil Rights Act, as amended from time to time;

33 (4) The address and telephone number of the Commission on  
34 Human Rights and Opportunities;

35 (5) A statement that Connecticut law requires that a formal written  
36 complaint be filed with the commission within one hundred eighty  
37 days of the date when the alleged sexual harassment occurred;

38 (6) A statement concerning the employer's policies and procedures  
39 regarding sexual harassment and a statement concerning the  
40 disciplinary action that may be taken if sexual harassment has been  
41 committed;

42 (7) A contact person at the place of employment to whom an  
43 employee can report complaints of sexual harassment or direct  
44 questions or concerns regarding sexual harassment; and

45 (8) A statement that any retaliation against an individual who has  
46 complained about sexual harassment or retaliation against an  
47 individual for cooperating with an investigation of a sexual  
48 harassment complaint will not be tolerated.

49 (c) Such policy shall be posted in a prominent and accessible  
50 location and on the contractor's Internet web site, if applicable.

51 (d) When responding to a state agency solicitation for competitive  
52 bids or request for proposals or qualifications for a contract for goods  
53 or services or a public works contract, the contractor shall provide the  
54 awarding state agency with any one of the following:

55 (1) Documentation in the form of a company or corporate policy  
56 adopted by resolution of the board of directors, shareholders,  
57 managers, members or other governing body of such contractor that  
58 includes, at a minimum, the sexual harassment policy requirements set  
59 forth in subsection (b) of this section;

60 (2) Documentation in the form of a company or corporate policy  
61 adopted by a prior resolution of the board of directors, shareholders,  
62 managers, members or other governing body of such contractor if (A)  
63 the prior resolution is certified by a duly authorized corporate officer  
64 of such contractor to be in effect on the date the documentation is  
65 submitted, and (B) the head of the awarding state agency, or a  
66 designee, certifies that the prior resolution includes, at a minimum, the  
67 sexual harassment policy requirements set forth in subsection (b) of  
68 this section; or

69 (3) Documentation in the form of an affidavit bearing notice that it is  
70 signed under penalty of false statement and signed by a chief executive  
71 officer, president, chairperson or other corporate officer duly  
72 authorized to adopt company or corporate policy that certifies that the

73 company or corporate policy of the contractor includes, at a minimum,  
74 the sexual harassment policy requirements set forth in subsection (b) of  
75 this section and is in effect on the date the affidavit is signed.

76 (e) No state agency shall award a contract for goods or services or a  
77 public works contract to a contractor who has not provided the  
78 representation or documentation required under subsection (d) of this  
79 section. After the initial submission of such representation or  
80 documentation, the contractor shall not be required to resubmit such  
81 representation or documentation unless there is a change in the  
82 information contained in such representation or documentation. If  
83 there is any change in the information contained in the most recently  
84 filed representation or updated documentation, the contractor shall  
85 submit an updated representation or documentation, as applicable,  
86 either (1) not later than thirty days after the effective date of such  
87 change, or (2) upon the execution of a new contract with the awarding  
88 state agency, whichever is earlier. Such contractor shall also certify to  
89 the awarding state agency not later than fourteen days after the  
90 twelve-month anniversary of the most recently filed representation,  
91 documentation or updated representation or documentation, that the  
92 representation on file with the awarding state agency is current and  
93 accurate.

94 (f) Each contractor shall provide two hours of training and  
95 education to all supervisory employees within one year of October 1,  
96 2018, and to all new supervisory employees within six months of their  
97 assumption of a supervisory position, provided any employer who has  
98 provided such training and education to any such employees after  
99 October 1, 2018, shall not be required to provide such training and  
100 education a second time. Such training and education shall include  
101 information concerning the federal and state statutory provisions  
102 concerning sexual harassment and remedies available to victims of  
103 sexual harassment.

104 Sec. 2. Subsection (c) of section 4a-100 of the general statutes is  
105 repealed and the following is substituted in lieu thereof (*Effective*

106 *October 1, 2018, and applicable to applications made on and after said date):*

107 (c) The application form shall, at a minimum, require the applicant  
108 to supply information concerning:

109 (1) The applicant's form of organization;

110 (2) The applicant's principals and key personnel and any names  
111 under which the applicant, principals or key personnel conducted  
112 business during the past five years;

113 (3) Any legal or administrative proceedings pending or concluded  
114 adversely against the applicant or any of the applicant's principals or  
115 key personnel within the past five years which relate to the  
116 procurement or performance of any public or private construction  
117 contract and whether the applicant is aware of any investigation  
118 pending against the applicant or any principal or key personnel;

119 (4) The nature of any financial, personal or familial relationship  
120 between the applicant and any public or private construction project  
121 owner listed on the application as constituting construction experience;

122 (5) A statement of whether (A) the applicant has been disqualified  
123 pursuant to section 4b-95, this section or section 31-57c or 31-57d, (B)  
124 the applicant is disqualified or prohibited from being awarded a  
125 contract pursuant to section 31-57b, (C) the applicant has been  
126 disqualified by another state, (D) the applicant has been disqualified  
127 by a federal agency or pursuant to federal law, (E) the applicant's  
128 registration has been suspended or revoked by the Department of  
129 Consumer Protection pursuant to section 20-341gg, (F) the applicant  
130 has been disqualified by a municipality, and (G) the matters that gave  
131 rise to any such disqualification, suspension or revocation have been  
132 eliminated or remedied; [and]

133 (6) A copy of the applicant's sexual harassment policy, in  
134 accordance with section 1 of this act; and

135 ~~[(6)]~~ (7) Other information as the commissioner deems relevant to

136 the determination of the applicant's qualifications and responsibilities.

137 Sec. 3. (NEW) (*Effective October 1, 2018*) (a) Each labor organization,  
138 as defined in section 46a-51 of the general statutes, shall adopt a sexual  
139 harassment policy. Such policy shall be posted in a prominent and  
140 accessible location and on the organization's Internet web site, if  
141 applicable. At a minimum, such policy shall include:

142 (1) The statutory definition of sexual harassment and examples of  
143 different types of sexual harassment;

144 (2) Notice that sexual harassment is prohibited by the state pursuant  
145 to subdivision (8) of subsection (a) of section 46a-60 of the general  
146 statutes;

147 (3) Notice that sexual harassment is prohibited by Title VII of the  
148 1964 Civil Rights Act, as amended from time to time;

149 (4) The address and telephone number of the Commission on  
150 Human Rights and Opportunities;

151 (5) A statement that Connecticut law requires that a formal written  
152 complaint be filed with the commission within one hundred eighty  
153 days of the date when the alleged sexual harassment occurred;

154 (6) A statement concerning the employer's policies and procedures  
155 regarding sexual harassment and a statement concerning the  
156 disciplinary action that may be taken if sexual harassment has been  
157 committed;

158 (7) A contact person at the place of employment to whom an  
159 employee can report complaints of sexual harassment or direct  
160 questions or concerns regarding sexual harassment; and

161 (8) A statement that any retaliation against an individual who has  
162 complained about sexual harassment or retaliation against an  
163 individual for cooperating with an investigation of a sexual  
164 harassment complaint will not be tolerated.

165 (b) Each labor organization shall provide two hours of training and  
166 education to all supervisory employees within one year of October 1,  
167 2018, and to all new supervisory employees within six months of their  
168 assumption of a supervisory position, provided any employer who has  
169 provided such training and education to any such employees after  
170 October 1, 2018, shall not be required to provide such training and  
171 education a second time. Such training and education shall include  
172 information concerning the federal and state statutory provisions  
173 concerning sexual harassment and remedies available to victims of  
174 sexual harassment.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2018, and applicable to solicitations on and after said date</i>	New section
Sec. 2	<i>October 1, 2018, and applicable to applications made on and after said date</i>	4a-100(c)
Sec. 3	<i>October 1, 2018</i>	New section

**Statement of Purpose:**

To require state contractors and unions to adopt a sexual harassment policy.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*