



**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 and requests for proposals or qualifications noticed on or after*
3 *said date*) (a) For the purposes of this section:

4 (1) "Contractor" means a person or business entity with three or
5 more employees who submits a competitive bid or proposal in
6 response to a solicitation of a state agency;

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

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

13 (4) "Public works contract" has the same meaning as provided in
14 section 46a-68b of the general statutes; and

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

17 statutes.

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

28 (1) The statutory definition of sexual harassment and examples of
29 different types of sexual harassment;

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

33 (3) Notice that sexual harassment is prohibited by Title VII of the
34 1964 Civil Rights Act, as amended from time to time;

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

37 (5) A statement that Connecticut law provides that a formal written
38 complaint may only be filed with the commission within one hundred
39 eighty days of the date when the alleged sexual harassment occurred;

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

44 (7) A contact person at the contractor's place of employment to
45 whom an employee can report complaints of sexual harassment or

46 direct questions or concerns regarding sexual harassment; and

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

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

53 (d) When responding to a state agency solicitation for competitive
54 bids or request for proposals or qualifications for a contract for goods
55 or services or a public works contract, the contractor shall provide the
56 awarding state agency with an affidavit bearing notice that it is signed
57 under penalty of false statement and signed by a chief executive
58 officer, president, chairperson or other corporate officer duly
59 authorized to adopt company or corporate policy that certifies that the
60 company or corporate policy of the contractor includes, at a minimum,
61 the sexual harassment policy requirements set forth in subsection (b) of
62 this section and is in effect on the date the affidavit is signed.

63 (e) No state agency shall award a contract for goods or services or a
64 public works contract to a contractor who has not provided the
65 affidavit required under subsection (d) of this section. After the initial
66 submission of such affidavit, the contractor shall not be required to
67 resubmit such affidavit unless there is a change in the information
68 contained in such affidavit. If there is any change in the information
69 contained in the most recently filed or updated affidavit, the contractor
70 shall submit an updated affidavit, either (1) not later than thirty days
71 after the effective date of such change, or (2) upon the execution of a
72 new contract with the awarding state agency, whichever is earlier.
73 Such contractor shall also certify to the awarding state agency, not later
74 than fourteen days after the twelve-month anniversary of the most
75 recently filed affidavit or updated affidavit, that the affidavit on file
76 with the awarding state agency is current and accurate.

77 Sec. 2. Subsection (c) of section 4a-100 of the general statutes is
78 repealed and the following is substituted in lieu thereof (*Effective*
79 *October 1, 2018, and applicable to applications made on or after said date*):

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

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

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

86 (3) Any legal or administrative proceedings pending or concluded
87 adversely against the applicant or any of the applicant's principals or
88 key personnel within the past five years which relate to the
89 procurement or performance of any public or private construction
90 contract and whether the applicant is aware of any investigation
91 pending against the applicant or any principal or key personnel;

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

95 (5) A statement of whether (A) the applicant has been disqualified
96 pursuant to section 4b-95, this section or section 31-57c or 31-57d, (B)
97 the applicant is disqualified or prohibited from being awarded a
98 contract pursuant to section 31-57b, (C) the applicant has been
99 disqualified by another state, (D) the applicant has been disqualified
100 by a federal agency or pursuant to federal law, (E) the applicant's
101 registration has been suspended or revoked by the Department of
102 Consumer Protection pursuant to section 20-341gg, (F) the applicant
103 has been disqualified by a municipality, and (G) the matters that gave
104 rise to any such disqualification, suspension or revocation have been
105 eliminated or remedied; [and]

106 (6) If the applicant has three or more employees, an affidavit bearing

107 notice that it is signed under penalty of false statement and signed by a
108 chief executive officer, president, chairperson or other corporate officer
109 duly authorized to adopt company or corporate policy that certifies
110 that the company or corporate policy of the contractor includes a
111 sexual harassment policy and is in effect on the date the affidavit is
112 signed; and

113 [(6)] (7) Other information as the commissioner deems relevant to
114 the determination of the applicant's qualifications and responsibilities.

115 Sec. 3. (NEW) (*Effective October 1, 2018*) Each labor organization, as
116 defined in section 46a-51 of the general statutes, that has three or more
117 employees, shall adopt a sexual harassment policy. Such policy shall
118 be posted in a prominent and accessible location and on the
119 organization's Internet web site, if applicable. At a minimum, such
120 policy shall include:

121 (1) The statutory definition of sexual harassment and examples of
122 different types of sexual harassment;

123 (2) Notice that sexual harassment is prohibited by the state pursuant
124 to subdivision (8) of subsection (b) of section 46a-60 of the general
125 statutes;

126 (3) Notice that sexual harassment is prohibited by Title VII of the
127 1964 Civil Rights Act, as amended from time to time;

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

130 (5) A statement that Connecticut law provides that a formal written
131 complaint may only be filed with the commission within one hundred
132 eighty days of the date when the alleged sexual harassment occurred;

133 (6) A statement concerning the organization's policies and
134 procedures regarding sexual harassment and a statement concerning
135 the disciplinary action that may be taken if sexual harassment has been

136 committed;

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

140 (8) A statement that any retaliation against an individual who has
 141 complained about sexual harassment or retaliation against an
 142 individual for cooperating with an investigation of a sexual
 143 harassment complaint will not be tolerated.

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

Statement of Purpose:

In Sections 1 and 2, the effective dates were clarified, in Sections 1(b)(2) and 3(2) "(a)" was changed to "(b)" for accuracy and Sections 1(b)(5) and 3(5) were reworded for clarity.

[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.]

GAE *Joint Favorable Subst.*