

**Proposed Substitute
Bill No. 494**

LCO No. 3138

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

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 with three or
4 more employees who submits a competitive bid or proposal in
5 response to a solicitation of a state 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 sworn affidavit concerning its sexual harassment policy, in
25 accordance with subsection (d) of this section. At a minimum, such
26 policy shall include:

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

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

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

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

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

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

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

46 (8) A statement that any retaliation against an individual who has
47 complained about sexual harassment or retaliation against an

48 individual for cooperating with an investigation of a sexual
49 harassment complaint will not be tolerated.

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

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

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

76 (f) Each contractor shall provide two hours of training and
77 education to all supervisory employees within one year of October 1,
78 2018, and to all new supervisory employees within six months of their
79 assumption of a supervisory position, provided any employer who has
80 provided such training and education to any such employees after

81 October 1, 2018, shall not be required to provide such training and
82 education a second time. Such training and education shall include
83 information concerning the federal and state statutory provisions
84 concerning sexual harassment and remedies available to victims of
85 sexual harassment.

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

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

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

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

95 (3) Any legal or administrative proceedings pending or concluded
96 adversely against the applicant or any of the applicant's principals or
97 key personnel within the past five years which relate to the
98 procurement or performance of any public or private construction
99 contract and whether the applicant is aware of any investigation
100 pending against the applicant or any principal or key personnel;

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

104 (5) A statement of whether (A) the applicant has been disqualified
105 pursuant to section 4b-95, this section or section 31-57c or 31-57d, (B)
106 the applicant is disqualified or prohibited from being awarded a
107 contract pursuant to section 31-57b, (C) the applicant has been
108 disqualified by another state, (D) the applicant has been disqualified
109 by a federal agency or pursuant to federal law, (E) the applicant's
110 registration has been suspended or revoked by the Department of
111 Consumer Protection pursuant to section 20-341gg, (F) the applicant

112 has been disqualified by a municipality, and (G) the matters that gave
113 rise to any such disqualification, suspension or revocation have been
114 eliminated or remedied; [and]

115 (6) If the applicant has three or more employees, an affidavit bearing
116 notice that it is signed under penalty of false statement and signed by a
117 chief executive officer, president, chairperson or other corporate officer
118 duly authorized to adopt company or corporate policy that certifies
119 that the company or corporate policy of the contractor includes a
120 sexual harassment policy and is in effect on the date the affidavit is
121 signed; and

122 ~~[(6)]~~ (7) Other information as the commissioner deems relevant to
123 the determination of the applicant's qualifications and responsibilities.

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

130 (1) The statutory definition of sexual harassment and examples of
131 different types of sexual harassment;

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

135 (3) Notice that sexual harassment is prohibited by Title VII of the
136 1964 Civil Rights Act, as amended from time to time;

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

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

142 (6) A statement concerning the employer's policies and procedures
143 regarding sexual harassment and a statement concerning the
144 disciplinary action that may be taken if sexual harassment has been
145 committed;

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

149 (8) A statement that any retaliation against an individual who has
150 complained about sexual harassment or retaliation against an
151 individual for cooperating with an investigation of a sexual
152 harassment complaint will not be tolerated.

153 (b) Each labor organization with three or more employees shall
154 provide two hours of training and education to all supervisory
155 employees within one year of October 1, 2018, and to all new
156 supervisory employees within six months of their assumption of a
157 supervisory position, provided any employer who has provided such
158 training and education to any such employees after October 1, 2018,
159 shall not be required to provide such training and education a second
160 time. Such training and education shall include information
161 concerning the federal and state statutory provisions concerning
162 sexual harassment and remedies available to victims of sexual
163 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