



General Assembly

January Session, 2019

Committee Bill No. 6508

LCO No. 6219



Referred to Committee on LABOR AND PUBLIC EMPLOYEES

Introduced by:
(LAB)

***AN ACT CONCERNING INVESTMENT IN THE CONSTRUCTION JOB
WORKFORCE FOR LOW-INCOME RESIDENTS.***

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

1 Section 1. Subsection (b) of section 4a-60 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2019*):

4 (b) If the contract is a public works contract, municipal public works
5 contract or contract for a quasi-public agency project, the contractor
6 agrees and warrants that he or she will make good faith efforts to
7 employ (1) minority business enterprises as subcontractors and
8 suppliers of materials on such public works or quasi-public agency
9 project, and (2) a workforce comprised of not less than twenty-five per
10 cent minorities, as such term is defined in subsection (a) of section 32-
11 9n, not less than twenty-five per cent state residents and not less than
12 eight per cent women.

13 Sec. 2. Section 46a-68c of the general statutes is repealed and the

14 following is substituted in lieu thereof (*Effective October 1, 2019*):

15 (a) In addition to the provisions of section 4a-60, as amended by this
16 act, each contractor with fifty or more employees awarded a public
17 works contract, municipal public works contract or contract for a
18 quasi-public agency project in excess of fifty thousand dollars in any
19 fiscal year, but not subject to the provisions of section 46a-68d, as
20 amended by this act, shall develop and file with the Commission on
21 Human Rights and Opportunities an affirmative action plan [which]
22 that shall (1) comply with regulations adopted by the commission, and
23 (2) include a statement that the contractor shall make good faith
24 efforts, as described in subsection (e) of section 4a-60, and determined
25 pursuant to subsection (b) of this section, to employ a workforce
26 comprised of not less than twenty-five per cent minorities, as such
27 term is defined in subsection (a) of section 32-9n, not less than twenty-
28 five per cent state residents and not less than eight per cent women.
29 Failure to develop an approved affirmative action plan pursuant to
30 this section shall act as a bar to bidding on or the award of future
31 contracts until such requirement has been met. When the commission
32 approves an affirmative action plan pursuant to this section, it shall
33 issue a certificate of compliance to the contractor. This certificate shall
34 be prima facie proof of the contractor's eligibility to bid or be awarded
35 contracts for a period of two years from the date of the certificate. Such
36 certificate shall not excuse the contractor from monitoring by the
37 commission or from the reporting and record-keeping requirements of
38 sections 46a-68e and 46a-68f. The commission may revoke the
39 certificate of a contractor if the contractor does not implement its
40 affirmative action plan in compliance with this section and sections 4a-
41 60, as amended by this act, 4a-60g, 4a-62, 46a-56, 46a-68b, 46a-68d, as
42 amended by this act, and 46a-68e to 46a-68k, inclusive.

43 (b) Determination of the contractor's good faith efforts shall include,
44 but not be limited to, the following factors: (1) The contractor's
45 employment and subcontracting policies, patterns and practices; (2)
46 affirmative advertising, recruitment and training; and (3) technical

47 assistance activities and such other reasonable activities or efforts as
48 the commission may prescribe that are designed to ensure the
49 employment of such minorities, state residents and women in public
50 works projects. The contractor shall develop and maintain adequate
51 documentation, in a manner prescribed by the commission, of its good
52 faith efforts.

53 Sec. 3. Section 46a-68d of the general statutes is repealed and the
54 following is substituted in lieu thereof (*Effective October 1, 2019*):

55 (a) In addition to the provisions of section 4a-60, as amended by this
56 act, every public works contract, municipal public works contract or
57 contract for a quasi-public agency project subject to the provisions of
58 part II of chapter 60 shall also be subject to the provisions of this
59 section. After a bid has been accepted but before a contract is awarded,
60 the successful bidder shall file with and have obtained the approval of
61 the commission for an affirmative action plan that shall include a
62 statement that the contractor shall make good faith efforts, as
63 described in subsection (e) of section 4a-60, and determined pursuant
64 to subsection (b) of this section, to employ a workforce comprised of
65 not less than twenty-five per cent minorities, as such term is defined in
66 subsection (a) of section 32-9n, not less than twenty-five per cent state
67 residents and not less than eight per cent women. The commission
68 may provide for conditional acceptance of an affirmative action plan
69 provided written assurances are given by the contractor that it will
70 amend its plan to conform to affirmative action requirements. In the
71 case of a public works contract, the state shall withhold two per cent of
72 the total contract price per month from any payment made to such
73 contractor until such time as the contractor has developed an
74 affirmative action plan, and received the approval of the commission.
75 In the case of a municipal public works contract or contract for a quasi-
76 public agency project, the municipality or entity, as applicable, shall
77 withhold two per cent of the total contract price per month from any
78 payment made to such contractor until such time as the contractor has
79 developed an affirmative action plan and received the approval of the

80 commission. Notwithstanding the provisions of this section, a
81 contractor subject to the provisions of this section may file a plan in
82 advance of or at the same time as its bid. The commission shall review
83 plans submitted pursuant to this section within sixty days of receipt
84 and either approve, approve with conditions or reject such plan. When
85 the commission approves an affirmative action plan pursuant to this
86 section, it shall issue a certificate of compliance to the contractor as
87 provided in section 46a-68c, as amended by this act.

88 (b) Determination of the contractor's good faith efforts shall include,
89 but not be limited to, the following factors: (1) The contractor's
90 employment and subcontracting policies, patterns and practices; (2)
91 affirmative advertising, recruitment and training; and (3) technical
92 assistance activities and such other reasonable activities or efforts as
93 the commission may prescribe that are designed to ensure the
94 employment of such minorities, state residents and women in public
95 works projects. The contractor shall develop and maintain adequate
96 documentation, in a manner prescribed by the commission, of its good
97 faith efforts.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2019	4a-60(b)
Sec. 2	October 1, 2019	46a-68c
Sec. 3	October 1, 2019	46a-68d

Statement of Purpose:

To create a construction job career path for low-income residents and ensure successful employment through state hiring requirements in state construction contracts.

[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.]

Co-Sponsors: REP. NAPOLI, 73rd Dist.; REP. REYES, 75th Dist.

H.B. 6508