



General Assembly

Amendment

February Session, 2022

LCO No. 5174



Offered by:
SEN. KUSHNER, 24th Dist.

To: Subst. Senate Bill No. 421

File No. 369

Cal. No. 268

"AN ACT CONCERNING STANDARD WAGES."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Subsections (a) to (k), inclusive, of section 31-57f of the
4 general statutes are repealed and the following is substituted in lieu
5 thereof (*Effective July 1, 2022*):

6 (a) As used in this section: (1) "Required employer" means any
7 provider of food, building, property or equipment services or
8 maintenance listed in this subdivision whose rate of reimbursement or
9 compensation is determined by contract or agreement with the state or
10 any state agent: (A) Building, property or equipment service companies;
11 (B) management companies providing property management services;
12 and (C) companies providing food preparation or service, or both; (2)
13 "state agent" means any state official, state employee or other person
14 authorized to enter into a contract or agreement on behalf of the state;
15 (3) "person" means one or more individuals, partnerships, associations,
16 corporations, business trusts, legal representatives or organized groups

17 of persons; (4) "building, property or equipment service" means any
18 janitorial, cleaning, maintenance, security or related service; (5)
19 "prevailing rate of wages" means the hourly wages paid for work
20 performed within the city of Hartford under the collective bargaining
21 agreement covering the largest number of hourly nonsupervisory
22 employees employed within Hartford County in each classification
23 established by the Labor Commissioner under subsection (e) of this
24 section, provided the collective bargaining agreement covers no less
25 than five hundred employees in the classification; (6) "prevailing rate of
26 benefits" means the total cost to the employer on an hourly basis for
27 work performed within the city of Hartford, under a collective
28 bargaining agreement that establishes the prevailing rate of wages, of
29 providing health, welfare and retirement benefits, including, but not
30 limited to, (A) medical, surgical or hospital care benefits; (B) disability
31 or death benefits; (C) benefits in the event of unemployment; (D)
32 pension benefits; (E) vacation, holiday and personal leave; (F) training
33 benefits; and (G) legal service benefits, and may include payment made
34 directly to employees, payments to purchase insurance and the amount
35 of payment or contributions paid or payable by the employer on behalf
36 of each employee to any employee benefit fund; (7) "employee benefit
37 fund" means any trust fund established by one or more employers and
38 one or more labor organizations or one or more other third parties not
39 affiliated with such employers to provide, whether through the
40 purchase of insurance or annuity contracts or otherwise, benefits under
41 an employee health, welfare or retirement plan, but does not include
42 any such fund where the trustee or trustees are subject to supervision
43 by the Banking Commissioner of this state or of any other state, or the
44 Comptroller of the Currency of the United States or the Board of
45 Governors of the Federal Reserve System; and (8) "benefits under an
46 employee health, welfare or retirement plan" means one or more
47 benefits or services under any plan established or maintained for
48 employees or their families or dependents, or for both, including, but
49 not limited to, medical, surgical or hospital care benefits, benefits in the
50 event of sickness, accident, disability or death, benefits in the event of
51 unemployment, retirement benefits, vacation and paid holiday benefits,

52 legal service benefits or training benefits.

53 (b) On and after July 1, 2000, the wages paid on an hourly basis to any
54 employee of a required employer in the provision of food, building,
55 property or equipment services provided to the state pursuant to a
56 contract or agreement with the state or any state agent, shall be at a rate
57 not less than the standard rate determined by the Labor Commissioner
58 pursuant to subsection (g) of this section.

59 (c) Any required employer or agent of such employer that violates
60 subsection (b) of this section shall pay a civil penalty in an amount not
61 less than two thousand five hundred dollars but not more than five
62 thousand dollars for each offense. Any pay period in which an employee
63 is paid at a rate less than that required by this section shall constitute an
64 offense. The contracting department of the state that has imposed such
65 civil penalty on the required employer or agent of such employer shall,
66 within two days after taking such action, notify the Labor
67 Commissioner, in writing, of the name of the employer or agent
68 involved, the violations involved and steps taken to collect the fine.

69 (d) The Labor Commissioner may make complaint to the proper
70 prosecuting authorities for the violation of any provision of subsection
71 (b) of this section.

72 (e) For the purpose of predetermining the standard rate of covered
73 wages on an hourly basis, the Labor Commissioner shall establish
74 classifications for all hourly nonsupervisory employees based on the
75 applicable occupation codes and titles set forth in the federal Register of
76 Wage Determinations under the Service Contract Act of 1965, 41 USC
77 351, et seq., provided the Labor Commissioner shall classify any
78 individual employed on or before July 1, 2009, as a grounds
79 maintenance laborer or laborer as a janitor, and shall classify any
80 individual hired after July 1, 2009, performing the duty of grounds
81 maintenance laborer, laborer or janitor as a light cleaner, heavy cleaner,
82 furniture handler or window cleaner, as appropriate. The Labor
83 Commissioner shall then determine the standard rate of wages for each

84 classification of hourly nonsupervisory employees which shall be (1) the
85 prevailing rate of wages paid to employees in each classification, or if
86 there is no such prevailing rate of wages, the minimum hourly wages
87 set forth in the federal Register of Wage Determinations under the
88 Service Contract Act, plus (2) the prevailing rate of benefits paid to
89 employees in each classification, or if there is no such prevailing rate of
90 benefits, a thirty per cent surcharge on the amount determined in
91 subdivision (1) of this subsection to cover the cost of any health, welfare
92 and retirement benefits, other than those otherwise required by federal,
93 state or local law and shall not include vacation, holiday and personal
94 leave, or, if no such benefits are provided to the employees, an amount
95 equal to thirty per cent of the amount determined in subdivision (1) of
96 this section, which shall be paid directly to the employees. The standard
97 rate of wages for any employee entitled to receive such rate on or before
98 July 1, 2009, shall not be less than the minimum hourly wage for the
99 classification set forth in the federal Register of Wage Determinations
100 under the Service Contract Act plus the prevailing rate of benefits for
101 such classification for as long as that employee continues to work for a
102 required employer.

103 (f) Required employers with employees covered by collective
104 bargaining agreements which call for wages and benefits that are
105 reasonably related to the standard rate of wages shall not be
106 economically disadvantaged in the bidding process, provided the
107 collective bargaining agreement was arrived at through arms-length
108 negotiations.

109 (g) The Labor Commissioner shall, in accordance with subsection (e)
110 of this section, determine the standard rate of wages for each
111 classification on an hourly basis where any covered services are to be
112 provided, and the state agent empowered to let such contract shall
113 contact the Labor Commissioner at least ten days prior to the date such
114 contract will be advertised for bid, to ascertain the standard rate of
115 wages and shall include the standard rate of wages on an hourly basis
116 for all classifications of employment in the proposal for the contract. The
117 standard rate of wages on an hourly basis shall, at all times, be

118 considered the minimum rate for the classification for which it was
119 established. Each required employer shall contact the Labor
120 Commissioner on or before September first of each year for the duration
121 of such contract to ascertain the standard wages to be provided each
122 year and shall make any necessary adjustments on September first,
123 annually.

124 (h) Where a required employer is awarded a contract to perform
125 services that are substantially the same as services that have been
126 rendered under a predecessor contract, such required employer shall
127 retain, for a period of ninety days, all employees who had been
128 employed by the predecessor to perform services under such
129 predecessor contract, except that the successor contract need not retain
130 employees who worked less than fifteen hours per week or who had
131 been employed at the site for less than sixty days. During such ninety-
132 day period, the successor contract shall not discharge without just cause
133 an employee retained pursuant to this subsection. If the performance of
134 an employee retained pursuant to this subsection or section 4a-82 is
135 satisfactory during the ninety-day period, the successor contractor shall
136 offer the employee continued employment for the duration of the
137 successor contract under the terms and conditions established by the
138 successor contractor, or as required by law. The provisions of this
139 subsection shall not apply to any contract covered by section 31-57g or
140 subsections (n) and (o) of section 4a-82.

141 (i) Each required employer subject to the provisions of this section
142 shall (1) keep, maintain and preserve such records relating to the wages
143 and hours worked by each employee and a schedule of the occupation
144 or work classification at which each person is employed during each
145 work day and week in such manner and form as the Labor
146 Commissioner establishes to assure the proper payments due to such
147 employees, [and] (2) annually or upon written request, submit to the
148 contracting state agent a certified payroll which shall consist of a
149 complete copy of such records accompanied by a statement signed by
150 the employer which indicates that (A) such records are correct, (B) the
151 rate of wages paid to each employee is not less than the standard rate of

152 wages required by this section, (C) such employer has complied with
153 the provisions of this section, and (D) such employer is aware that filing
154 a certified payroll which it knows to be false is a class D felony for which
155 such employer may be fined not more than five thousand dollars or
156 imprisoned not more than five years, or both, and (3) not later than the
157 first day upon which work is required to be performed under the
158 contract, and for the duration of the contract, post in a prominent and
159 accessible place a poster stating (A) the standard rate of wages owed to
160 the employees under this section, (B) employee rights and remedies for
161 a violation of this section, and (C) the contact information of the Labor
162 Commissioner. The Labor Commissioner shall develop a suitable poster
163 containing the information described in subdivision (3) of this
164 subsection for employers and provide such poster to required
165 employers. The Labor Commissioner shall post its determinations of the
166 corresponding standard rates for each classification on its Internet web
167 site. Notwithstanding the provisions of section 1-210, the certified
168 payroll shall be considered a public record and every person shall have
169 the right to inspect and copy such record in accordance with the
170 provisions of section 1-212. The provisions of subsections (a) and (b) of
171 section 31-59, section 31-66 and section 31-69 which are not inconsistent
172 with the provisions of this section shall apply. Any person who files a
173 false certified payroll in violation of subdivision (2) of this subsection
174 shall be guilty of a class D felony for which such person may be fined
175 not more than five thousand dollars or imprisoned not more than five
176 years, or both.

177 (j) This section shall not apply to contracts, agreements or grants
178 which do not exceed forty-nine thousand nine hundred ninety-nine
179 dollars per annum.

180 (k) [On receipt of a complaint for nonpayment of the standard rate of
181 wages,] Any employee or group of employees and their designative
182 representatives alleging nonpayment of the standard rate of wages may
183 bring the complaint to the Labor Commissioner. The Labor
184 Commissioner, the Director of Wage and Workplace Standards and
185 wage enforcement agents of the Labor Department shall have power to

186 enter, during usual business hours, the place of business or employment
 187 of any employer to determine compliance with this section, and for such
 188 purpose may examine payroll and other records and interview
 189 employees, call hearings, administer oaths, take testimony under oath
 190 and take depositions in the manner provided by sections 52-148a to 52-
 191 148e, inclusive. The commissioner or the director, for such purpose, may
 192 issue subpoenas for the attendance of witnesses and the production of
 193 books and records. Any required employer, an officer or agent of such
 194 employer, or the officer or agent of any corporation, firm or partnership
 195 who wilfully fails to furnish time and wage records as required by law
 196 to the commissioner, the director or any wage enforcement agent upon
 197 request or who refuses to admit the commissioner, the director or such
 198 agent to a place of employment or who hinders or delays the
 199 commissioner, the director or such agent in the performance of any
 200 duties in the enforcement of this section shall be fined not less than
 201 twenty-five dollars nor more than one hundred dollars, and each day of
 202 such failure to furnish time and wage records to the commissioner, the
 203 director or such agent shall constitute a separate offense, and each day
 204 of refusal of admittance, of hindering or of delaying the commissioner,
 205 the director or such agent shall constitute a separate offense."

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2022	31-57f(a) to (k)