



General Assembly

January Session, 2023

**Raised Bill No. 6862**

LCO No. 5279



Referred to Committee on LABOR AND PUBLIC EMPLOYEES

Introduced by:  
(LAB)

**AN ACT CONCERNING BROADBAND CONSTRUCTION AND THE PREVAILING WAGE.**

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

1 Section 1. Section 16-330c of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2023*):

3 (a) On or before January 1, 2022, the Commissioner of Energy and  
4 Environmental Protection shall establish and administer a grant  
5 program, subject to the availability of state and federal funding, to  
6 support the deployment of broadband Internet access service. The  
7 commissioner shall establish criteria consistent with any requirement of  
8 federal law for the grants, including, but not limited to, (1) application  
9 requirements, (2) applicant eligibility, (3) addressing unserved areas in  
10 distressed municipalities, (4) broadband Internet access service speed,  
11 and (5) an applicant's commitment to pay at least twenty per cent of the  
12 costs for any project entered into pursuant to this section with such  
13 applicant's own funding, provided such funding does not derive from  
14 government grants, loans or subsidies to said applicant.

15 (b) In awarding such grants, the commissioner [may] shall give

16 priority to applicants (1) based on the percentage of said applicant's  
17 commitment to cost sharing, (2) that are able to demonstrate that (A)  
18 said applicant provides robust training programs to its workforce who  
19 will be performing the contract that contains requirements that are tied  
20 to titles, uniform wage scales and skill codes recognized in the industry,  
21 and (B) said applicant requires occupational health and safety training  
22 for its workforce performing the contract, (3) who will perform the  
23 contract funded by the program using a directly employed workforce,  
24 (4) that are able to demonstrate that said applicant has programs to  
25 promote training and hiring pipelines for underrepresented  
26 communities, and (5) that, (A) within the last five years, have had robust  
27 records of compliance with the Connecticut Labor Code, Occupational  
28 Safety and Health Act, Fair Labor Standards Act, Title VII of the Civil  
29 Rights Act of 1964 and all other applicable labor or employment laws,  
30 or (B) have mitigated violations with labor compliance agreements and  
31 measures in order to ensure future labor compliance. The commissioner  
32 may deny applications from broadband Internet access service  
33 providers that do not provide information to the Office of Policy and  
34 Management pursuant to subsection (c) of section 16-330b or to the  
35 Department of Energy and Environmental Protection pursuant to  
36 subsection (b) of section 16-330d. The commissioner may employ  
37 outside consultants in developing and implementing said grant  
38 program.

39 (c) Any disclosure made by an applicant pertaining to the criteria in  
40 subdivisions (2) to (5), inclusive, of subsection (b) of this section shall be  
41 made available to the public on the Office of Telecommunications and  
42 Broadband's Internet web site.

43 (d) The commissioner shall award the grants based on a point system.  
44 Each applicant shall be given points that range from zero to one  
45 hundred points. For grants funded by the Broadband Equity, Access  
46 and Development program, satisfaction of the criteria established in  
47 subdivisions (2) to (5), inclusive, of subsection (b) of this section and the  
48 "Fair Labor Practices" outlined in the National Telecommunications and  
49 Information Notice of Funding Opportunity published on May 13, 2022,

50 together, shall be awarded at least twenty-five points. For grants not  
51 funded by the Broadband Equity, Access and Development program,  
52 satisfaction of the criteria established in subdivisions (2) to (5), inclusive,  
53 of subsection (b) of this section shall be awarded a substantial point  
54 allocation, constituting at least fifteen points.

55 (e) In awarding such grants, the commissioner shall give priority to  
56 entities and projects that can reliably meet or exceed one hundred  
57 megabits per second symmetrical speeds and further give preference to  
58 projects that are capable of delivering gigabit symmetrical speeds. The  
59 commissioner shall also consider the scalability of the project's  
60 technology and infrastructure beyond such project's current maximum  
61 speed offering for future increases in bandwidth. The commissioner  
62 shall give preference to projects that use fiber-optic architecture and  
63 may only award grants to projects using non-fiber technologies in  
64 scenarios where fiber-optic architecture would either be (1) physically  
65 impossible, based on the geography or topography, or (2) excessively  
66 financially burdensome.

67 (f) All projects funded by grants awarded pursuant to this section  
68 shall be subject to the prevailing wage requirements established in  
69 section 31-53, as amended by this act.

70 [(b)] (g) On or before January 1, 2023, and every year thereafter for a  
71 period of five years after receiving a grant pursuant to this section, the  
72 recipient of such grant shall submit a report to the Commissioner of  
73 Energy and Environmental Protection concerning the status of such  
74 recipient's broadband Internet access service deployment and other  
75 information deemed relevant by the commissioner.

76 [(c)] (h) On or before December 1, 2022, and every two years  
77 thereafter, the Department of Energy and Environmental Protection, in  
78 consultation with the Office of Policy and Management, the Office of  
79 State Broadband, the Commission for Educational Technology and  
80 other state agencies deemed appropriate by the Commissioner of  
81 Energy and Environmental Protection, shall report to the Governor

82 concerning (1) the grants awarded pursuant to this section, (2) the status  
83 and progress made toward a state-wide goal of attaining universal  
84 access to (A) broadband Internet download speeds of one gigabit per  
85 second; and (B) broadband Internet upload speeds of one hundred  
86 megabits per second, and (3) broadband Internet access service  
87 adoption rates, the price and nonprice barriers to broadband adoption  
88 and digital equity. Such report shall include recommendations to  
89 overcome any such barriers, including, but not limited to, addressing  
90 issues of digital literacy and affordability.

91 Sec. 2. (NEW) (*Effective July 1, 2023*) (a) Applicants for a grant under  
92 section 16-330c of the general statutes, as amended by this act, shall  
93 provide the Commissioner of Energy and Environmental Protection the  
94 following information with such applicant's application:

95 (1) Whether the workforce is directly employed by the contractor or  
96 whether the proposed work will be performed by a subcontracted  
97 workforce;

98 (2) The subcontractors with whom the contractor plans to subcontract  
99 with, if any, in carrying out the proposed work;

100 (3) For each job title required to carry out the proposed work, a  
101 description of:

102 (A) The wages, benefits and applicable wage scales, including  
103 overtime rates, and a description of how such wages are calculated;

104 (B) Any training programs provided by the applicant, including  
105 whether the training program is tied to titles, uniform wage scales and  
106 skill codes recognized in the industry;

107 (C) Any safety training, certification or licensure requirements,  
108 including whether such participant requires its employees to complete  
109 occupational safety and health training or any other training required  
110 by law; and

111 (D) The entity employing the workforce in each job title.

112 (b) If an applicant is awarded a grant under section 16-330c, as  
113 amended by this act, such applicant shall submit a monthly report to the  
114 commissioner with the information provided in subsection (a) of this  
115 section. The provisions of this section shall apply to any applicant that  
116 is a public agency.

117 (c) Any person or entity that fails to meet the requirements of this  
118 section or provides false information on their application or the monthly  
119 report in subsection (b) of this section may be deemed ineligible for  
120 future participation in grant programs through the Office of  
121 Telecommunications and Broadband.

122 Sec. 3. Subsections (a) to (e), inclusive, of section 31-53 of the general  
123 statutes are repealed and the following is substituted in lieu thereof  
124 (*Effective July 1, 2023*):

125 (a) Each contract for the construction, remodeling, refinishing,  
126 refurbishing, rehabilitation, alteration or repair of any public works  
127 project by the state or any of its agents, or by any political subdivision  
128 of the state or any of its agents, or any broadband installation project  
129 funded by a grant pursuant to section 16-330c, as amended by this act,  
130 shall contain the following provision: "The wages paid on an hourly  
131 basis to any person performing the work of any mechanic, laborer or  
132 worker on the work herein contracted to be done and the amount of  
133 payment or contribution paid or payable on behalf of each such person  
134 to any employee welfare fund, as defined in subsection (i) of this section,  
135 shall be at a rate equal to the rate customary or prevailing for the same  
136 work in the same trade or occupation in the town in which such public  
137 works project or broadband installation project is being constructed.  
138 Any contractor who is not obligated by agreement to make payment or  
139 contribution on behalf of such persons to any such employee welfare  
140 fund shall pay to each mechanic, laborer or worker as part of such  
141 person's wages the amount of payment or contribution for such person's  
142 classification on each pay day.

143 (b) If the commissioner, upon inspection or investigation of a

144 complaint, believes that a contractor or subcontractor has knowingly or  
145 wilfully employed any mechanic, laborer or worker in the construction,  
146 remodeling, refinishing, refurbishing, rehabilitation, alteration or repair  
147 of any public works project for or on behalf of the state or any of its  
148 agents, or any political subdivision of the state or any of its agents, or  
149 employs any mechanic, laborer or worker in a broadband installation  
150 project funded by a grant pursuant to section 16-330c, as amended by  
151 this act, at a rate of wage on an hourly basis that is less than the rate  
152 customary or prevailing for the same work in the same trade or  
153 occupation in the town in which such public works project or  
154 broadband installation project is being constructed, remodeled,  
155 refinished, refurbished, rehabilitated, altered or repaired, or who has  
156 failed to pay the amount of payment or contributions paid or payable  
157 on behalf of each such person to any employee welfare fund, or in lieu  
158 thereof to the person, as provided by subsection (a) of this section, such  
159 contractor or subcontractor shall be issued a citation and may be fined  
160 five thousand dollars for each offense. The commissioner shall maintain  
161 a list of any contractor or subcontractor that, during the three preceding  
162 calendar years, violates this section or enters into a settlement with the  
163 commissioner to resolve any claim brought by the commissioner  
164 pursuant to this section. For each contractor or subcontractor placed on  
165 such list, the commissioner shall record the following information: (1)  
166 The nature of the violation; (2) the total amount of wages and fringe  
167 benefits making up the violation or agreed upon in any settlement with  
168 the commissioner; and (3) the total amount of civil penalties and fines  
169 agreed upon by the commissioner. The commissioner shall review the  
170 list on the first day of May each year for the preceding rolling three-year  
171 period and may refer for debarment any contractor or subcontractor that  
172 committed a violation of this section during the rolling three-year  
173 period. The commissioner shall refer for debarment any contractor or  
174 subcontractor that entered into one or more settlement agreements with  
175 the commissioner where the sum total of all settlements within such  
176 period exceeds fifty thousand dollars in back wages or fringe benefits,  
177 or entered into one or more settlement agreements with the  
178 commissioner where the sum total of all settlements within such period

179 exceeds fifty thousand dollars in civil penalties or fines agreed upon by  
180 the commissioner. Any contractor or subcontractor the commissioner  
181 refers for debarment may request a hearing before the commissioner.  
182 Such hearing shall be conducted in accordance with the provisions of  
183 chapter 54. In addition, if it is found by the contracting officer  
184 representing the state or political subdivision of the state that any  
185 mechanic, laborer or worker employed by the contractor or any  
186 subcontractor directly on the site for the work covered by the contract  
187 has been or is being paid a rate of wages less than the rate of wages  
188 required by the contract to be paid as required by this section, the state  
189 or contracting political subdivision of the state may (A) by written or  
190 electronic notice to the contractor, terminate such contractor's right to  
191 proceed with the work or such part of the work as to which there has  
192 been a failure to pay said required wages and to prosecute the work to  
193 completion by contract or otherwise, and the contractor and the  
194 contractor's sureties shall be liable to the state or the contracting political  
195 subdivision for any excess costs occasioned the state or the contracting  
196 political subdivision thereby, or (B) withhold payment of money to the  
197 contractor or subcontractor. The contracting department of the state or  
198 the political subdivision of the state shall, not later than two days after  
199 taking such action, notify the Labor Commissioner, in writing or  
200 electronically, of the name of the contractor or subcontractor, the project  
201 involved, the location of the work, the violations involved, the date the  
202 contract was terminated, and steps taken to collect the required wages.

203 (c) The Labor Commissioner may make complaint to the proper  
204 prosecuting authorities for the violation of any provision of subsection  
205 (b) of this section.

206 (d) For the purpose of predetermining the prevailing rate of wage on  
207 an hourly basis and the amount of payment, contributions and member  
208 benefits paid or payable on behalf of each person to any employee  
209 welfare fund, as defined in subsection (i) of this section, in each town  
210 where such contract is to be performed, the Labor Commissioner shall  
211 adopt the rate of wages on an hourly basis in accordance with the  
212 provisions of this section and section 31-76c and the amount of payment,

213 contributions and member benefits, including health, pension, annuity  
214 and apprenticeship funds, as recognized by the United States  
215 Department of Labor and the Labor Commissioner paid or payable on  
216 behalf of each person to any employee welfare fund, as defined in  
217 subsection (i) of this section, as established in the collective bargaining  
218 agreements or understandings between employers or employer  
219 associations and bona fide labor organizations for the same work in the  
220 same trade or occupation in the town in which the applicable building,  
221 heavy or highway works project is being constructed. For each trade or  
222 occupation for which more than one collective bargaining agreement is  
223 in effect for the town in which such project is being constructed, the  
224 collective bargaining agreement of historical jurisdiction shall prevail.  
225 For residential project rates and for each trade or occupation for which  
226 there is no collective bargaining agreement in effect for the town in  
227 which the building, heavy or highway works project is being  
228 constructed, the Labor Commissioner shall adopt and use such  
229 appropriate and applicable prevailing wage rate determinations as have  
230 been made by the Secretary of Labor of the United States under the  
231 provisions of the Davis-Bacon Act, as amended.

232 (e) The Labor Commissioner shall determine the prevailing rate of  
233 wages on an hourly basis and the amount of payment or contributions  
234 paid or payable on behalf of such person to any employee welfare fund,  
235 as defined in subsection (i) of this section, in each locality where any  
236 such public work is to be constructed, and the agent empowered to let  
237 such contract shall contact the Labor Commissioner, at least ten but not  
238 more than twenty days prior to the date such contracts will be  
239 advertised for bid, to ascertain the proper rate of wages and amount of  
240 employee welfare fund payments or contributions and shall include  
241 such rate of wage on an hourly basis and the amount of payment or  
242 contributions paid or payable on behalf of each person to any employee  
243 welfare fund, as defined in subsection (i) of this section, or in lieu thereof  
244 the amount to be paid directly to each person for such payment or  
245 contributions as provided in subsection (a) of this section for all  
246 classifications of labor in the proposal for the contract. The rate of wage



247 on an hourly basis and the amount of payment or contributions to any  
248 employee welfare fund, as defined in subsection (i) of this section, or  
249 cash in lieu thereof, as provided in subsection (a) of this section, shall, at  
250 all times, be considered as the minimum rate for the classification for  
251 which it was established. Prior to the award of any contract, purchase  
252 order, bid package or other designation subject to the provisions of this  
253 section, such agent shall certify to the Labor Commissioner, either in  
254 writing or electronically, the total dollar amount of work to be done in  
255 connection with such public works project or broadband installation  
256 project, regardless of whether such project consists of one or more  
257 contracts. Upon the award of any contract subject to the provisions of  
258 this section, the contractor to whom such contract is awarded shall  
259 certify, under oath, to the Labor Commissioner the pay scale to be used  
260 by such contractor and any of the contractor's subcontractors for work  
261 to be performed under such contract.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2023</i>	16-330c
Sec. 2	<i>July 1, 2023</i>	New section
Sec. 3	<i>July 1, 2023</i>	31-53(a) to (e)

**Statement of Purpose:**

To implement oversight, accountability and labor standards for the state's expenditure of broadband funds received pursuant to federal funds.

*[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.]*