



Senate

General Assembly

File No. 255

February Session, 2024

Substitute Senate Bill No. 312

Senate, April 4, 2024

The Committee on Human Services reported through SEN. LESSER of the 9th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING A JANITORIAL WORK PROGRAM FOR PERSONS WITH A DISABILITY AND PERSONS WITH A DISADVANTAGE.

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

1 Section 1. Section 4a-82 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) For the purposes of this section:

4 (1) "Person with a disability" means any individual with a disability,
5 excluding blindness, as such term is applied by the Department of
6 Mental Health and Addiction Services, the Department of
7 Developmental Services, the Department of Aging and Disability
8 Services or the United States Department of Veterans Affairs and who
9 is certified by the Department of Aging and Disability Services as
10 qualified to participate in a qualified partnership, as described in
11 subsections (e) to (l), inclusive, of this section;

12 (2) "Vocational rehabilitation service" means any goods and services

13 necessary to render a person with a disability employable, in accordance
14 with Title I of the Rehabilitation Act of 1973, 29 USC 701 et seq., as
15 amended from time to time;

16 (3) "Community rehabilitation program" means any entity or
17 individual that provides directly for or facilitates the provision of
18 vocational rehabilitation services to, or provides services in connection
19 with, the recruiting, hiring or managing of the employment of persons
20 with disabilities based on an individualized plan and budget for each
21 worker with a disability;

22 (4) "Commercial contractor" means any for-profit proprietorship,
23 partnership, joint venture, corporation, limited liability company, trust,
24 association or other privately owned entity that employs persons to
25 perform janitorial work or contractual services, and that enters into
26 contracts to provide janitorial services or contractual services;

27 (5) "Janitorial work" means work performed in connection with the
28 care or maintenance of buildings, including, but not limited to, work
29 customarily performed by cleaners, porters, janitors and handypersons;

30 (6) "Janitorial contract" means a contract or subcontract to perform
31 janitorial work for a department or agency of the state;

32 (7) "Person with a disadvantage" means any individual who is
33 determined by the Labor Department, or its designee, to be eligible for
34 employment services in accordance with the Workforce Innovation and
35 Opportunity Act or whose verified individual gross annual income
36 during the previous calendar year was not greater than two hundred
37 per cent of the federal poverty level for a family of four;

38 (8) "Awarding authority" means the Commissioner of Administrative
39 Services, Chief Court Administrator of the Judicial Branch and president
40 of the Connecticut State Colleges and Universities, as applicable; and

41 (9) "Contractual services" includes, but is not limited to, any and all
42 laundry and cleaning services, mail supply room staffing, data entry,
43 telephone call center staffing and other services specified by the

44 Commissioner of Administrative Services under subsection (b) of this
45 section.

46 (b) (1) The Commissioner of Administrative Services shall establish a
47 program to create and expand janitorial work job opportunities for
48 persons with a disability and persons with a disadvantage. The program
49 shall create full-time jobs or full-time equivalents at standard wage rates
50 for persons with disabilities and persons with disadvantages. The
51 Judicial Branch and Board of Regents for Higher Education may
52 participate in such program.

53 (2) The Commissioner of Administrative Services may expand such
54 program to include contractual services that the commissioner deems
55 appropriate and shall post a list of such services on the department's
56 Internet web site.

57 (c) Notwithstanding any other provision of the general statutes,
58 under such program, the awarding authority may award janitorial
59 contracts or contracts for contractual services pursuant to the following
60 procedures: (1) Upon receipt of a request for janitorial services or a
61 contractual service that the Commissioner of Administrative Services
62 has deemed appropriate for inclusion in the program by an agency or
63 department of the state, the awarding authority shall notify each
64 qualified partnership, as described in subsections (e) to (l), inclusive, of
65 this section, of such request and invite each qualified partnership in
66 good standing to submit a bid proposal for such janitorial contract or
67 service contract to the awarding authority in a manner and form as
68 prescribed by the awarding authority; (2) in the event that only one such
69 qualified partnership submits a bid or proposal for such janitorial or
70 service contract, the awarding authority shall award such contract to
71 such qualified partnership, provided such bid or proposal does not
72 exceed the fair market value for such contract, as determined by the
73 awarding authority; (3) if more than one qualified partnership submits
74 a bid or proposal, the awarding authority shall award the contract to the
75 lowest responsible qualified bidder or most advantageous proposer, as
76 described in section 4a-59; and (4) in the event that a qualified

77 partnership does not submit a bid or proposal or is not awarded such
78 contract, the awarding authority shall award such contract in
79 accordance with the provisions of sections 4a-52a, 4a-59, 10a-151b and
80 17a-796, as amended by this act, or title 51, as applicable. No awarding
81 authority shall award a contract under the provisions of this subsection
82 at a site where employees are employed pursuant to an existing
83 collective bargaining agreement or where a contract has been awarded
84 pursuant to section 17a-796, as amended by this act, unless a contract
85 has been previously awarded to a qualified partnership pursuant to this
86 section at such site.

87 (d) Notwithstanding any other provision of the general statutes, the
88 responsibilities of the Commissioner of Administrative Services, Chief
89 Court Administrator or president of the Connecticut State Colleges and
90 Universities as established in subsections (b) and (c) of this section, may
91 not be delegated to an outside vendor.

92 (e) The [Connecticut Community Providers Association] CT
93 Community Nonprofit Alliance shall designate a commercial contractor
94 and a community rehabilitation program as a "qualified partnership"
95 whenever the following criteria have been established: (1) Such
96 commercial contractor has entered into a binding agreement with [such]
97 one or more community rehabilitation [program in which such
98 contractor agrees to fill not less than one-third of the jobs from a
99 successful bid] programs for the entire term of any contract award for a
100 janitorial or service contract under the program established in
101 subsections (b) to (d), inclusive, of this section in which the contractor
102 agrees to fill not less than one-third of the jobs with persons with
103 disabilities and not less than one-third of such jobs with persons with a
104 disadvantage; (2) such contractor employs not less than two hundred
105 persons who perform janitorial work or contractual services in the state;
106 and (3) such contractor certifies, in writing, that it will pay the standard
107 wage to employees, including persons with disabilities, under such
108 janitorial or service contract. Any partnership between a commercial
109 contractor and a community rehabilitation program that has been
110 denied designation as a qualified partnership may appeal such denial,

111 in writing, to the Commissioner of Administrative Services and said
112 commissioner may, after review of such appeal, designate such program
113 as a qualified partnership.

114 (f) The requirement established in subsection (e) of this section to fill
115 not less than one-third of the jobs from a successful bid for a janitorial
116 or service contract with persons with disabilities and one-third with
117 persons with a disadvantage shall be met whenever such contractor
118 employs the requisite number of persons with disabilities and persons
119 with a disadvantage throughout the entirety of its operations in the state
120 provided any persons with disabilities employed by such contractor
121 prior to the commencement date of any such contract shall not be
122 counted for the purpose of determining the number of persons with
123 disabilities employed by such contractor.

124 (g) The number of persons with disabilities and the number of
125 persons with a disadvantage that such contractor is required to employ
126 pursuant to the provisions of subsection (e) of this section shall be
127 employed not later than six months after the commencement of
128 janitorial work or the contractual service under the terms of any contract
129 awarded pursuant to the provisions of subsections (b) to (d), inclusive,
130 of this section, provided such contractor shall fill any vacancy for
131 janitorial work or contractual service that arises during the first six
132 months of any such contract with persons with disabilities and persons
133 with disadvantages.

134 (h) The [Connecticut Community Providers Association] CT
135 Community Nonprofit Alliance shall develop an application process
136 and submit a list of employees who have applied to participate in a
137 partnership to the Department of Aging and Disability Services for
138 certification. Such association shall maintain a list of certified employees
139 who are persons with disabilities and community rehabilitation
140 programs.

141 (i) Any qualified partnership awarded a janitorial or service contract
142 pursuant to the provisions of subsections (b) to (d), inclusive, of this
143 section shall provide to the [Connecticut Community Providers

144 Association] CT Community Nonprofit Alliance, not later than six
145 months after the commencement date of such contract and annually
146 thereafter, a list of the persons with disabilities and persons with a
147 disadvantage employed by such contractor that includes the date of hire
148 and employment location for each such person. Such association shall
149 certify annually to the Department of Administrative Services, the
150 Judicial Branch or the Board of Regents for Higher Education, as
151 applicable, in such manner and form as prescribed by the Commissioner
152 of Administrative Services, Chief Court Administrator or the president
153 of the Board of Regents for Higher Education, that the requisite number
154 of persons with disabilities for such contract continue to be employed
155 by such contractor in positions equivalent to those created under such
156 contract and have been integrated into the general workforce of such
157 contractor.

158 (j) Notwithstanding any other provision of the general statutes, the
159 responsibilities of the Department of Aging and Disability Services, as
160 established in subsections (e) to (l), inclusive, of this section, may not be
161 delegated to an outside vendor.

162 (k) The Commissioner of Aging and Disability Services may adopt
163 regulations, in accordance with the provisions of chapter 54, to
164 undertake the certification requirements established pursuant to
165 subsections (e) to (l), inclusive, of this section.

166 (l) Notwithstanding the provisions of subsection (e) of this section,
167 [the Commissioner of Administrative Services shall authorize certified
168 small and minority businesses to participate in such program] any
169 commercial contractor who is certified as a small or minority business
170 within the Department of Administrative Services' supplier diversity
171 program may participate in the program established under subsections
172 (b) to (d), inclusive, of this section. Small and minority businesses shall
173 meet the criteria provided in subsection (e) of this section except for
174 subdivision (2) of subsection (e) of this section, which shall be waived.

175 (m) The joint standing committee of the General Assembly having
176 cognizance of matters relating to government administration shall study

177 the effectiveness of such program, including, but not limited to, the
178 effectiveness of such program to create integrated work settings for
179 persons with disabilities. Additionally, said committee shall study ways
180 to provide incentives for municipalities and businesses to utilize such
181 program if such program is determined by the committee to be effective.

182 (n) Each exclusive contract awarded prior to October 1, 2013,
183 pursuant to section 17a-796, as amended by this act, shall remain in
184 effect until such time as either party terminates the contract in such
185 party's own best interest, with not less than sixty days written notice.
186 Each such contract may be amended to include updated terms and
187 conditions, but shall not allow for any price increases except statutory
188 or mandated increases to the minimum wage and standard wage. If
189 either party exercises his or her right to terminate any such contract, the
190 next contract solicitation may be awarded pursuant to this section or
191 sections 4a-59 and 17a-796, as amended by this act. Additionally, any
192 new janitorial contract awarded pursuant to section 17a-796, as
193 amended by this act, shall be limited to not more than four full-time
194 employees per contract.

195 (o) Any person employed under a janitorial contract let: (1) On or
196 before October 1, 2006, or thereafter if such contract constitutes a
197 successor contract to such janitorial contract let on or before October 1,
198 2006, and (2) pursuant to section 4a-57 or 10a-151b or by the judicial or
199 legislative departments or pursuant to subsections (b) to (d), inclusive,
200 of this section shall have the same rights conferred upon an employee
201 by section 31-57g for the duration of the program described in
202 subsections (b) to (d), inclusive, of this section. The provisions of this
203 subsection shall not apply to any new janitorial contract with not more
204 than four full-time employees per contract, as described in subsection
205 (n) of this section.

206 (p) If a position is not available at a job site for a janitorial or service
207 contract awarded pursuant to subsection (c) of this section and a person
208 with a disability or a person with a disadvantage is placed at an alternate
209 job site in the operations of the contractor pursuant to subsection (f) of

210 this section, such person with a disability or person with a disadvantage
211 shall be paid the wage applicable at such alternate site, provided when
212 a position at the job site for a janitorial or service contract awarded
213 pursuant to subsection (c) of this section becomes available, such person
214 with a disability or person with a disadvantage shall be transferred to
215 the job site for a janitorial or service contract awarded pursuant to
216 subsection (c) of this section and shall be paid the applicable standard
217 wage for such site.

218 (q) If a person with a disability or a person with a disadvantage is
219 transferred pursuant to subsection (p) of this section and such person
220 subsequently leaves such position, the position shall be filled with
221 another person with a disability or person with a disadvantage.

222 Sec. 2. Section 17a-796 of the general statutes is repealed and the
223 following is substituted in lieu thereof (*Effective from passage*):

224 Whenever any products made or manufactured by or services
225 provided by persons with disabilities through community rehabilitation
226 programs or in any workshop established, operated or funded by
227 nonprofit and nonsectarian organizations for the purpose of providing
228 persons with disabilities training and employment suited to their
229 abilities meet the requirements of any department, institution or agency
230 supported in whole or in part by the state as to quantity, quality and
231 price such products shall have preference over products or services from
232 other providers, except (1) articles produced or manufactured by
233 Department of Correction industries as provided in section 18-88, (2)
234 emergency purchases made under section 4-98, and (3) janitorial or
235 contractual services provided by a qualified partnership, pursuant to
236 the provisions of subsections (b) to (d), inclusive, of section 4a-82. A list
237 describing styles, designs, sizes and varieties of all such articles made
238 by persons with disabilities and describing all available services
239 provided by such persons shall be prepared by the [Connecticut
240 Community Providers Association] CT Community Nonprofit Alliance.

241 Sec. 3. Subsection (a) of section 19a-6h of the general statutes is
242 repealed and the following is substituted in lieu thereof (*Effective from*

243 *passage*):

244 (a) There is established a State-wide Primary Care Access Authority.
 245 The authority shall consist of the Commissioners of Public Health and
 246 Social Services, the Comptroller and the following members: One each
 247 appointed by the Connecticut Primary Care Association, the
 248 Connecticut State Medical Society, the Connecticut Chapter of the
 249 American Academy of Pediatrics, the Connecticut Nurses Association,
 250 the Connecticut Association of School-Based Health Centers, the
 251 Connecticut State Dental Association, the [Connecticut Community
 252 Providers Association] CT Community Nonprofit Alliance and the
 253 Weitzman Center for Innovation In Community Health and Primary
 254 Care and two appointed by the Commissioner of Public Health.
 255 Members shall serve for a term of four years commencing on August 1,
 256 2007. All initial appointments to the committee shall be made by July 15,
 257 2007. Any vacancy shall be filled by the appointing authority.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	4a-82
Sec. 2	<i>from passage</i>	17a-796
Sec. 3	<i>from passage</i>	19a-6h(a)

Statement of Legislative Commissioners:

In Section 1(l), "such program" was changed to "the program established under subsections (b) to (d), inclusive, of this section" for clarity.

HS *Joint Favorable Subst. -LCO*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill, which makes changes to the qualification requirements for the janitorial work program, results in no estimated impact to the state. In the past, program rates have been similar to prices from non-program janitorial contracts.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**SB 312*****AN ACT CONCERNING A JANITORIAL WORK PROGRAM FOR PERSONS WITH A DISABILITY AND PERSONS WITH A DISADVANTAGE.*****SUMMARY**

This bill explicitly requires small and minority businesses that participate in the Department of Administrative Services' (DAS) janitorial work program to meet the program's employment and wage criteria, except for the minimum number of employees.

Under existing law, commercial contractors participating in the program generally must (1) fill at least one-third of jobs of a specific janitorial services contract with people with disabilities and an additional one-third with people with a disadvantage (i.e., a person eligible for employment services under the Workforce Innovation and Opportunity Act or whose income is less than two hundred percent of the federal poverty level), (2) employ at least 200 people who perform janitorial work, and (3) pay these employees a standard wage. Current law requires DAS to authorize certified small and minority businesses to participate in the program notwithstanding these requirements. The bill explicitly requires these businesses to meet these requirements but waives the 200-employee threshold, conforming to current DAS practice.

The bill also updates the name of the organization responsible for determining if employers meet program participation criteria to the CT Community Nonprofit Alliance (formerly the Connecticut Community Providers Association).

EFFECTIVE DATE: Upon passage

COMMITTEE ACTION

Human Services Committee

Joint Favorable

Yea 22 Nay 0 (03/19/2024)