



STATE OF CONNECTICUT
OFFICE OF POLICY AND MANAGEMENT

TESTIMONY OF SANDRA FAE BROWN-BREWTON
ASSISTANT DIRECTOR OF LABOR RELATIONS
BEFORE THE LABOR & PUBLIC EMPLOYEES COMMITTEE OF THE
GENERAL ASSEMBLY

6957
Raised H.B. No. ~~6975~~ An Act Concerning Light Duty Work In The
Department of Correction.

It is generally acknowledged that employees injured on the job and able to perform light-duty or limited work should be assigned such work where it is feasible. No less is required by the State's Workers' Compensation Act. This Bill proposes guaranteed "light duty" work for employees within the Department of Correction who are injured on the job, and who are unable to perform their regular duties.

The largest class of employees within the Department of Correction is the Correction Officers (Guards). Given the inherently volatile prison environment, these employees must be ready and able to perform the full gamut of their responsibilities. If they are not, they could in all likelihood become re-injured, or worse, be the catalyst causing the injury or death of a co-worker. The Department of Correction currently tries to accommodate such employees with "recuperative posts." These posts allow the recovering employees to return to work and function within their medical restrictions, yet continue to perform duties that properly fall within the bargaining unit. There is a limit, however, to the number of such posts that the Department can legitimately establish.

This Bill requires the Department to, "make available and transfer the employee to suitable full-time work..." Work that is "suitable," based upon the medical

restrictions may improperly encroach on duties that belong to a different bargaining unit. Duties performed while sitting at a desk such as paper-work, phone work, typing and computer work generally fall under the jurisdiction of other bargaining units. The Department would then be subject to countless grievances and prohibited practice complaints because this Bill, if enacted, requires the Department of Correction to allow these recovering employees to perform duties outside of their own bargaining unit. Transfers are a mandatory subject of collective bargaining. As such, the State and the Union must be given the opportunity to negotiate the transfer of employees.

Public Act No. 93-228 obligated the State to negotiate such alternative work assignments with the State Employee Bargaining Agent Coalition (SEBAC). This Act directly addressed the needs of employees who were eligible for workers' compensation, certified unable to perform regular duties and who were able to perform other work. During 1994 and 1995 the State engaged in extensive negotiations with SEBAC. The need for alternative or "light-duty" assignments needed to be "bargaining unit blind" SEBAC, because of the numerous bargaining units represented, could not and would not agree to this concept of alternative work assignments. This Bill does not overcome this barrier of job duties and bargaining unit governance.