



STATE OF CONNECTICUT
OFFICE OF POLICY AND MANAGEMENT
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TO THE GOVERNMENT ADMINISTRATION AND ELECTIONS COMMITTEE

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**Raised Bill No. 1144 – AN ACT CONCERNING FLEXIBLE WORK
SCHEDULES AND TELECOMMUTING OPTIONS FOR STATE
EMPLOYEES.**

This bill mandates the establishment of flexible work schedule programs for state employees. This topic is an inappropriate subject for legislation. It is more appropriately addressed at the bargaining table. In fact, by its own terms, this bill commands the Commissioner of DAS to work with the labor organizations in developing and implementing a flexible work schedule program. Most of the executive branch labor agreements already provide a mechanism for the creation and continuation of alternative work schedule programs. Hours of work are a mandatory subject of bargaining and any labor organization can raise the issue during the bargaining process.

Alternative work schedules are typically for the benefit of the employee. State employees currently have substantial paid time off available to them. An employee should not, however, be permitted to work less than a full time schedule under the pretense of a flexible work schedule and reap all of the benefits of a full time employee. While the bill purports to address any potential conflicts with issues concerning exempt employee status under state wage and hour law, it does not and cannot address the same problem that arises under the Fair Labor Standards Act.

This bill also provides for a “phased-in retirement program.” Employees within five years of retirement eligibility may, under this bill, reduce their weekly hours. Although there is a corresponding reduction in their wages, the employee nonetheless gets full salary credit for retirement purposes. An employee’s pension is based, among other things, on the employee’s salary. This legislation effectively gives employees unearned retirement credit thus further stressing an already overtaxed pension fund and compounding the unfunded liabilities. Inasmuch as state employee pensions are statutorily an appropriate subject for collective bargaining, any modification of the existing agreement between the parties should be initiated through the bargaining process.

This legislation amends the current voluntary schedule reduction program in such a way as to make an appointing authority less likely to allow employees to avail themselves of it. While it permits employees, with the approval of the appointing authority to reduce their work schedules, it absolutely prohibits management from allowing other employees to perform those people's duties in their absence. How can government function when it is hamstrung by one employee's election to reduce his or her schedule and the work cannot be redistributed? The only option management would have would be to disapprove all such requests. The status quo language provides the mechanism necessary to accomplish the desired end while fully addressing the needs of both the employer and the employee.

Under this Bill, all state employees would be allowed to participate in a telecommuting or work-at-home program. This Bill is completely unworkable. It would allow correction officers, mental health workers, social workers, as well as any other state employee to work at home or telecommute, a clearly unacceptable result.

Many private employers have reduced or completely eliminated these types of programs because experience has shown that lower productivity and lack of management control is often the result of these programs. Especially where state employees are responsible to the taxpayers of this state, the existing programs should not be expanded beyond present applications. The duty and responsibility of state agencies to clients and taxpayers should be of paramount importance.

Based upon the foregoing, this Bill should not be passed.