



Greater Hartford Legal Aid

Testimony of Attorney Nicholas P. Yorio, Greater Hartford Legal Aid, Inc.

In Support of S.B. 243 and H.B. 5284; and

In Opposition to H.B. 5206 and H.B. 5299

Joint Committee on Labor and Public Employees, March 2, 2010

I am here to testify in opposition to two of the proposals before the Committee today, HB 5206 and HB 5299, and in support of two of the proposals before the Committee today, SB 243 and HB 5284. I am an attorney at Greater Hartford Legal Aid, an organization providing free legal services to low-income residents in and around Hartford County. Some of my core responsibilities are to provide clients with advice regarding employment law, representation in unemployment compensation appeals, and representation in proceedings before both the Commission on Human Rights and Opportunities and state and federal courts. The four proposals I identified will have a unique impact on the community I serve and I would like to briefly highlight that impact for the Committee.

House Bill 5206. This bill seeks to change present law to allow individuals to bring a discriminatory practice action directly in Superior Court rather than through the Commission on Human Rights and Opportunities (CHRO). Maintaining the CHRO process as an administrative exhaustion requirement has a number of significant advantages to parties and to the state. First, the CHRO process is settlement oriented and helps promote voluntary resolution of complaints. The process is navigable by pro se complainants and respondents and, with a shorter time limitations for filing actions and fact-finding procedures, the structure is designed to handle cases quickly and efficiently. Finally, maintaining the CHRO requirement parallels the federal scheme, which requires that Title VII claims be processed first through the Equal Employment Opportunity Commission (EEOC). Presently, the CHRO performs this function through a work-sharing agreement with the EEOC, thus enabling review of all claims at the same time.

House Bill 5299. This bill would eliminate the Board of Review from the unemployment compensation appeal process. For virtually all of my clients, the Board of Review is the last stop for their case. As such, the decision is very significant because it is the difference between receiving subsistence benefits or being denied all assistance (and becoming obligated to repay any assistance previously received). The Board of Review combines a process that is pro se friendly with analysis that is more detailed and in-depth than that contained in the decision being appealed. To eliminate this stage of appeals will deprive many persons the opportunity to have their case resolved by a body that contains specialized knowledge of unemployment compensation law and that is structured to facilitate the simple presentation of grounds for appeal. This would be a significant loss for all those in the unemployment appeals process – both claimants and employers alike.

Senate Bill 243. This proposal seeks to continue unemployment benefits for persons who become injured while collecting such benefits. For recently separated persons, the loss of employment means a loss of their primary source of income and often health coverage in a matter of days. Absent unemployment, many people face imminent foreclosure or eviction and financial hardship from not being able to pay for food, utilities, transportation costs, and other necessities of life. These threats are all the more serious for an injured person who may be looking at increased costs of healthcare and associated expenses. Discontinuing someone's

benefits in that situation will almost certainly condemn them and their families to poverty that will be difficult to escape – even when the person gets better.

House Bill 5284. This bill increases employment protections for victims of domestic violence. Increased employment protections for victims of domestic violence is important because economic independence is essential to a victim escaping from control of the batterer. In furtherance of this concept, Legal Services is working with the Connecticut Coalition Against Domestic Violence (CCADV) on an additional bill being raised in Judiciary, that grants employment protections to DV victims under the victims protection statute (CGS 54-85b).

Thank you for the opportunity to offer these comments.