



STATE OF CONNECTICUT

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**Testimony of Michelle Cruz, Esq., State Victim Advocate
Labor and Public Employees Committee
Tuesday, March 2, 2010**

Good afternoon Senator Prague, Representative Ryan and distinguished members of the Labor and Public Employees Committee. For the record, my name is Michelle Cruz and I am the Victim Advocate for the State of Connecticut. Thank you for the opportunity to provide testimony regarding:

Raised House Bill No. 5284, An Act Concerning Domestic Violence Victims and Discriminatory Practices (Proposed Amendment)

The proposal before you would prohibit an employer from denying employment or discriminate against an employee based on the person's status as a victim of domestic violence. Many crime victims, including domestic violence victims, sustain physical, emotional and financial harm as a result of the crime committed against them. The important thing to remember is that crime victims do not choose this path; it is chosen for them by the offender. In some cases, the ripple effects experienced by many crime victims include a loss of (1) personal security; (2) financial stability; and (3) independent transportation. A crime victim's employment status should not be an additional burden for the crime victim to overcome.

During the 2002 legislative session, the General Assembly enacted Public Act No. 02-136, AAC Employment Protection for Crime Victims and Persons Whose Criminal Records have been Erased. Section 1 of the Public Act (C.G.S. §54-85b) protects crime victims from an employer depriving employment, threatening, penalizing or coercing an employee for participating and/or cooperating throughout the criminal justice process. Additionally, subsection (c) allows for a remedy for the crime victim through civil litigation. However, the employee (crime victim) is required to file the civil action within ninety days (90) from the occurrence. This is an unrealistic time table for a crime victim who is already in the throws of the criminal justice process and the complications and frustrations that come with it.

Therefore, I respectfully request the committee to support an amendment to this proposal to (1) provide all crime victims with employment protection; and (2) extend the period of time that an employee (crime victim) has to file a civil action against an employer from ninety days (90) to one-hundred eighty days (180), which is consistent with the time period for filing an action for discriminatory employment practices pursuant to C.G.S. § 46a-60. On the reverse side, for your convenience, I have provided the proposed changes.

Thank you for consideration of my testimony.

Respectfully submitted,

Michelle Cruz, Esq.
State Victim Advocate

Section 54-85b of the General Statutes

(a) An employer shall not deprive an employee of employment, penalize or threaten or otherwise coerce an employee with respect thereto, because (1) the employee obeys a legal subpoena to appear before any court of this state as a witness in any criminal proceeding, (2) the employee attends a court proceeding or participates in a police investigation related to a criminal case in which the employee is a crime victim, (3) a restraining order has been issued on the employee's behalf pursuant to section 46b-15, as amended, or (4) a protective order has been issued on the employee's behalf by a court of this state or by a court of another state, provided if issued by a court of another state, the protective order shall be registered in this state pursuant to section 46b-15a. For purposes of this section, "crime victim" means an employee who suffers direct or threatened physical, emotional or financial harm as a result of a crime or an employee who is an immediate family member or guardian of (A) a person who suffers such harm and is a minor, physically disabled, as defined in section 46a-51, as amended, or incompetent, or (B) a homicide victim.

(b) Any employer who violates subdivision (1) of subsection (a) of this section shall be guilty of criminal contempt and shall be fined not more than five hundred dollars or imprisoned not more than thirty days or both.

(c) If an employer discharges, penalizes or threatens or otherwise coerces an employee in violation of subsection (a) of this section, the employee, not later than [ninety] **one-hundred eighty** days from the occurrence of such action, may bring a civil action for damages and for an order requiring the employee's reinstatement or otherwise rescinding such action. If the employee prevails, the employee shall be allowed a reasonable attorney's fee to be fixed by the court.

Raised House Bill No. 5284 (Section 46a-60 of the General Statutes)

Instead of:

“actual or perceived status as a victim of domestic violence”

“Any victim of crime, as defined by C.G.S. § 1-1k”