

February 1, 2011

GENERAL ASSEMBLY
LABOR AND PUBLIC EMPLOYEES COMMITTEE
Room 3800, Legislative Office Building
Hartford, CT 06106

RE: H.B. 5465 - An Act Concerning Family and Medical Leave Benefits for
Certain Municipal Employees

Senator Prague, Representative Zalaski, and members of the Labor and Public Employees Committee:

My name is Susan Nelson and I am counsel with CSEA/SEIU Local 2001, a union that represents 2,500 paraeducators in 34 local and regional public school districts as well as Regional Education Service Centers across Connecticut. For the past several years, I have been negotiating multiple school paraprofessional contracts with local boards of education.

As we all know, the economy is requiring sacrifices from all of us. Paraprofessionals are profoundly impacted by this because of historically low hourly wages in what was once considered a "mom's job," together with the limited work opportunities presented by the school calendar of 180 workdays. Paras are being forced to pay enormous percentages of their income for health insurance, on top of accepting zero percent wage increases in many communities.

During negotiations a couple of years ago, I learned that one of our negotiating committee members had been denied family leave because she is not covered by the law. It turns out that most school paraprofessionals are excluded from FMLA coverage because they are just shy of the 1250 minimum annual hours required to be worked. This means that full time school employees can be denied the right to return to their jobs after taking leave to care for family or to undergo medical treatment. This is simply wrong, and cannot have been intended or understood at the time the law was first adopted.

Accordingly, we have proposed several times to add contract language that would extend this right to paraprofessionals in our bargaining unit without success. Legislative action is the only way to right this situation.

There is virtually no economic impact to school districts as a result of considering paras eligible for FMLA. In fact, the maximum exposure financially would be three months of the employer contribution to health insurance for the employee on leave. Quite frankly, the inconvenience of scheduling substitutes or juggling assignments does not justify the hardship placed on paraprofessionals by this

inequity. Moreover, school administrators are already accommodating the rest of their regular employees who work at least 1,250 hours annually, with FMLA and are presumably set up to deal with it.

There is no reason not to pass this bill and we strongly encourage you to do so.

Susan Nelson

CSEA/SEIU Local 2001 Counsel

SN:dmo

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To Whom It May Concern,

5465

I've been working as a Para for almost 18 years. I have never had a problem with FMLA. I was born with asthma. I've had it all my life. Sometimes I do get asthma attacks. It doesn't matter when or where I am at. When it happens, it happens.

It has happened at work sometimes. I always had my doctor fill out the FMLA forms for this. I never had a problem until this year. I think it's unfair.

That paras can't get FMLA, especially when we use to before. There are alot of us who legitimately have an illness and now we're being told we can't apply or are not eligible for FMLA. I don't think we would ask for FMLA if we didn't really

need it. Thank you.

A. Pappalardo



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**Senate Bill 850, An Act Concerning the Department of Administrative Services,
Department of Transportation and Prequalification and Evaluation of
Contractors**

Labor and Public Employees Committee

February 10, 2011

CCIA Position: Opposed

Connecticut Construction Industries Association, Inc. (CCIA) represents various sectors of the commercial construction industry in the state. Formed over 40 years ago, CCIA is an organization of associations, where all segments of the commercial construction industry work together to advance and promote their shared interests. CCIA is comprised of about 350 members, including contractors, subcontractors, suppliers and affiliated organizations. CCIA members have a long history of providing quality work for the public benefit.

Section 1 of Senate Bill 850, An Act Concerning the Department of Administrative Services, Department of Transportation and Prequalification and Evaluation of Contractors, would require the Commissioner of Administrative Services to deny a prequalification certificate to any contractor or substantial subcontractor who, within the past five years, has received three or more unsatisfactory written evaluations. It eliminates the Commissioner's current discretionary authority and makes it mandatory for him to deny a prequalification certificate in these circumstances. Additionally, section 4 of the bill requires, for contracts to construct public buildings under the supervision and control of the Commissioner of Transportation, regulations specifying that bidders would not be deemed prequalified if, within the past seven years, they received three or more unsatisfactory written performance evaluations on public or private projects.

CCIA is **opposed** to Senate Bill 850 because the significant unintended negative consequences of the mandatory requirements far outweigh its intended benefits. Further, it would upset the balance of a very measured statute to a point that it could easily put good state contractors that have a long history of performing quality work for the public benefit out of business.

While CCIA strongly supports contractor evaluations as an integral part of an effective prequalification system, there are several issues that must be addressed before these extreme measures are considered, including:

- Standards should be developed for evaluations and they should provide safeguards from abuse.
- Contractors should be afforded a hearing to test the accuracy of an evaluation, or explain extenuating circumstances relating to an evaluation.
- Remedial measures and mitigating factors should be considered when analyzing evaluations.



Standards and safeguards are needed

Different government and private entities may use different criteria or standards as a basis for evaluations. Depending on the purpose, criteria, and standard used by the evaluator, an unsatisfactory evaluation by one entity may be perfectly acceptable, or even irrelevant to another. Without proper criteria and standards, the bill poses a risk to every state contractor, that it could be eliminated from state contracting based on an evaluation that has absolutely nothing to do with its ability to perform on a state project.

Simply basing a denial of prequalification on an arbitrary number of unsatisfactory evaluations can lead to unintended results. For example, contractor evaluations may be misused to gain leverage in construction disputes, or to gain an advantage over contractors performing on projects. The parties to construction projects often have differing opinions regarding the interpretation of contract provisions, drawings, and specifications that lead to disputes. A party in control of an evaluation could use it as leverage to gain an advantage over the contractor to be evaluated on a project.

Contractors should be afforded a hearing

If a contractor's prequalification is called into question based on evaluations, the contractor, at the very least, should have a sufficient opportunity to test and explain the evaluation. A denial of prequalification without a hearing could effectively eliminate qualified contractors from state contracting without a chance to tell the contractor's side of the story, which may call the evaluation into question, show it to be inaccurate, or show that it is irrelevant to the contractor's ability to perform public work.

Remedial measures and mitigating factors should be considered

Basing prequalification determinations on unsatisfactory evaluations extending back over long periods of time may inadvertently eliminate competent contractors. Contractors quickly address concerns on projects and with their business. Key personnel can change in construction companies from year to year. State contracting agencies should consider mitigating factors and remedial measures that come into play to address concerns before deeming a contractor not prequalified.

Prequalification is the lifeblood for most successful contractors. A denial is a death-knell. Proper protections should be in place before the state considers extreme measures to remove poor-performing contractors from public contracting.

Please contact John Butts, Executive Director of AGC of Connecticut, or Matthew Hallisey, Director of Government Relations and Legislative Counsel for CCIA, at 860-529-6855, if you have any questions or if you need additional information.

MICHELSON, KANE, ROYSTER & BARGER, P.C.

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Testimony of Attorney Steven B. Kaplan
Legal Counsel to the Connecticut Subcontractors Association
Re: Senate Bill 850--
An Act Concerning Department of Administrative Services & DOT Prequalification and
Evaluation of Contractors
Committee on Labor & Public Employees
February 10, 2011

My name is Steven Kaplan. I am a partner with Hartford law firm of Michelson, Kane, Royster & Barger PC in Hartford, where I have concentrated in the area of construction law for 30 years. I routinely represent contractors, subcontractors, construction managers, design professionals, and owners in all matters involving contracts for public and private construction. I am Legal Counsel to the Connecticut Subcontractors Association, as well as Chairman and a founding member of the Construction Law Section of the Connecticut Bar Association.

The Connecticut Subcontractors Association strongly **opposes** Senate Bill 850, An Act Concerning Department of Administrative Services & DOT Prequalification and Evaluation of Contractors. Specifically objectionable are the following two sections of the bill:

Section 1: This section would amend Conn. Gen. Stat. §4a-100 and require the DAS Commissioner to deny prequalification for contractor and substantial subcontractors who had received “three or more unsatisfactory written evaluations” within the past five years.

Section 4: This section would amend Conn. Gen. Stat. §13b-20(n) and require CDOT to deny prequalification to any bidder who has “received three or more unsatisfactory written evaluations of the bidder’s performance on public or private jobs” in the prior seven years.

Although well-intentioned, the effect of these amendments would be to impose unfair and draconian punishment on many responsible and qualified contractors or substantial subcontractors (hereinafter referred to as “contractors”). The specific problems here are: (a) the mandatory nature of these provisions, which eliminate all agency discretion in reviewing a contractor’s qualifications on a case-by-case basis; (b) the lengthy timeframes for penalizing contractors regarding previous jobs; and (c) the lack of any meaningful criteria for imposing these absolute requirements.

CSA, along with other industry groups, was instrumental in establishing the contractor prequalification program that is now being administered by DAS. The CSA continues to work closely with DAS officials to ensure that the program runs smoothly and efficiently, and above all fairly. DAS, and its administrative personnel, deserve special praise for their great success in implementing

this very successful program. We know from discussions with other trade groups and government agencies in the Northeast that the Connecticut Contractor Prequalification Program is widely respected and emulated.

If a contractor's prequalification status is revoked or rejected, it imposes a death sentence on that contractor. Not only does this bar the contractor from performing public construction for at least one year, but it also stamps an indelible, highly prejudicial mark on the contractor's resume that will have an extremely deleterious effect on its ability to procure private work as well.

It is a fact of life in the construction industry that disputes arise despite the good faith efforts by all parties involved, and these frequently lead to litigation or arbitration. There is little doubt that parties involved in such disputes lose their objectivity toward one another, and oftentimes seek to "get even" with their adversary. When an owner, or its agent (construction manager, architect, etc.), issues a negative contractor evaluation—at the same time that party is engaged in contentious disputes with that contractor—the fairness or accuracy of that evaluation automatically is suspect.

Currently, these factors are skillfully sorted out by DAS when it reviews contractor evaluations, and considers explanations provided by the contractor as to mitigating factors—including facts that may undermine the credibility of a negative evaluation issued by a disgruntled owner. But if all agency discretion was eliminated from this process, as would be the case with this proposed legislation, the "contractor evaluation" mechanism would become a readily available "contractor assassination" weapon.

Consider, too, that a construction manager on one project frequently will be supervising one of its competitors for future projects. What better way to eliminate one's competition than to issue (improperly) an unsatisfactory evaluation of that contractor. Per the proposed legislation, incredible power would be conferred upon owners, and their representatives. Just the threat of issuing one of these "three strikes and you're out" unsatisfactory evaluations would severely restrict the ability of contractors to pursue otherwise meritorious contract adjustments or claims on virtually all construction projects, public or private.

Finally, the length of time that would be provided to this devastating effect for "unsatisfactory evaluations" —seven years for CDOT, five years for CDAS—is excessive. Key personnel can change in construction companies from year to year—and companies that experience bad projects in a given year usually correct their problems and practices on subsequent projects. Contractors should be given the opportunity to improve their performance; a few "unsatisfactory" evaluations issued five to seven years ago should not mandate a "lingering death sentence." The local construction market is a small universe, and a contractor's problems on one significant project usually are widely broadcast. The ramifications of this negative publicity in and of itself imposes curative results on bad contractor practices— through natural market forces.

Thanks to the Chair and all members of Committee on Labor & Public Employees for considering the CSA's comments on this important legislation.

Connecticut Insurance and Financial Services Cluster

**Statement on Behalf of
Connecticut's Insurance and Financial Services Cluster
Regarding
*House Bill 5460: AAC Captive Audience Meetings***

Labor & Public Employees Committee

February 10, 2011

Aetna
Bank of America
Catlin Insurance
ConnectiCare
The Hartford Financial
Services Group
Hartford Steam Boiler
Inspection & Insurance
Company/Munich RE

ING Group
InSource, LLC/ Virtusa
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KPMG

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Group

MetroHartford Alliance

NewAlliance Bank

Northeast Utilities

People's United Bank

The Phoenix Companies

PricewaterhouseCoopers

Prudential Retirement

Robinson & Cole, LLP

Savings Bank Life
Insurance/Vantis Life

Sovereign Bank

TD Bank

Travelers Companies

UnitedHealth Group

United Illuminating

Webster Bank

XL Group plc

The Connecticut Insurance & Financial Services [IFS] Cluster, funded by its members, is committed to strengthening and advancing Connecticut's sixth largest industry sector which currently provides jobs for over 115,000 people and includes over 6,000 establishments within Connecticut.

As this vital and historic industry in Connecticut continues its recovery, business executives need confidence that Connecticut's legislative climate will remain steadfast and predictable in supporting business growth. Additionally, as the global recovery continues, the importance of an 'open for business' economic message will ensure that Connecticut can still compete for new jobs, capital and business.

House Bill 5460 significantly undermines the essence of a 'pro-growth' economic agenda particularly to our resident employers by banning 'political' topics to be discussed at 'all employees' meetings.

The bill challenges the very core of the employer- employee relationship by barring open communication. The wide definition of 'political' topics could restrict information on the current political climate, world events, developments at the State Capitol that could affect jobs, charitable giving or other community activities. Other stoppages could include informational updates on laws such as the Dodd-Frank Act which have direct correlation to jobs in Connecticut.

The IFS sector has made employer-employee communications a priority in its business operations. For example, the industry has instituted in-house communication vehicles, surveys and policies to foster communication and transparency to and from employer to employee.

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Connecticut Insurance and Financial Services Cluster

Further protections are in place under the *National Labor Relations Act* which provides for strict compliance that “guarantees the employer’s right to express an opinion about unionization as long as the employer does not also threaten reprisal or promise a benefit.”

With the federal law and protections in place, House Bill 5460 is redundant and anything but pro-growth. More importantly, it’s anti-job retention and anti-growth and sends the wrong message to our resident IFS businesses, employees, and those seeking a new place of business that Connecticut is ‘not open for business’.

As partners in the Connecticut economy, let’s work together in creating a predictable, healthy economic climate, not a harmful one. I ask that you reject House Bill 5460.

Susan C. Winkler

Susan C. Winkler
Executive Director
Connecticut Insurance & Financial Services Cluster

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**STATEMENT REGARDING
House Bill 5460: AAC Captive Audience Meetings**

**Labor and Public Employees Committee
February 1st, 2011**

The MetroHartford Alliance is the region's economic development leader and Hartford's Chamber of Commerce. Our investors include businesses of all sizes, health care providers, institutions of higher education, and regional municipalities. Although diverse, all of these investors share a common interest in the full economic recovery of our state supported by the attraction and retention of jobs, capital and talent.

While we continue to face such extreme fiscal challenges, we urge the legislature to make Connecticut's economic recovery its only priority. Consider the facts:

- Currently, Connecticut has the highest deficit per capita in the entire nation compounded by the highest bonded indebtedness.
- We are facing deficits in the next biennium that exceed \$7B, while unfunded public retiree pensions and healthcare hover around \$40B.

Given these enormous obstacles to growth, any legislation that is irrelevant to the vital work that is being done to balance the state budget should be postponed until the state is on solid financial ground. In fact, any legislation that exacerbates these conditions by making our state *less* competitive should be rejected on arrival by anyone who truly wishes to create jobs in Connecticut.

At this time, to consider legislation like House Bill 5460 that would make Connecticut less competitive and make it difficult for employers to communicate to their employees regarding the political climate, pending legislation that may affect their employment, charitable giving or other community activities or events is not the

answer. Under the National Labor Relations Act, employers must already comply with strict federal regulations regarding employer-employee speech. In 2004, the Connecticut General Assembly considered this concept and chose not to pursue it. In the bill summary, the Office of Legislative Research referenced the existing protections of the NLRA, "The NLRA guarantees the employer's right to express an opinion about unionization as long as the employer does not also threaten reprisal or promise a benefit."

By attempting to frustrate the purpose of existing federal law, House Bill 5460 would further decrease our ability to be competitive in a highly volatile marketplace. Even proposing this legislation sends a message to Connecticut's existing employers that we are not a friendly place for them to remain or expand. The reality needs to be quite the opposite. At this time of intense global competition for jobs, capital and talent, we cannot overstate the importance of sending a pro-growth message to incumbent businesses considering expansion as well as those looking to relocate.

As an economic development organization and the capital city's chamber of commerce, we ask you to work with us to help Connecticut stand out as a *premier* place to do business and create jobs, and take steps to help us strengthen our economy for future growth, not weaken it further. Focusing instead on controlled spending and addressing our budget deficits is critical to our ability to retain and attract jobs, and this must be our top priority.

For all of these reasons, we urge the defeat of House Bill 5460.



**BRIDGEPORT REGIONAL
BUSINESS COUNCIL**

BRIDGEPORT CHAMBER OF COMMERCE
STRATFORD CHAMBER OF COMMERCE
TRUMBULL CHAMBER OF COMMERCE
LEADERSHIP GREATER BRIDGEPORT
WOMEN'S LEADERSHIP COUNCIL

**STATEMENT BY PAUL S. TIMPANELLI, PRESIDENT & CEO
BRIDGEPORT REGIONAL BUSINESS COUNCIL**

Relative to: House Bill 5460, AAC Captive Audience Meetings

**Labor and Public Employees Committee
February 3, 2011**

The *Bridgeport Regional Business Council* is the greater Bridgeport region's premier business membership association representing 1,000 businesses and serving as an economic development partner to our region's communities. Our membership ranges from each of the largest employers in our region to hundreds of small businesses. Our membership's common interest is in the economic growth of our state and in limiting the burdens that are placed on the state's businesses in order to help assure that growth.

As our state confronts what seems to be mounting economic challenges, we urge our legislative leadership and rank and file to devote all of its energies and commitment to the economic recovery of our state. Balancing the budget must be your first priority. Our state's deficit is mounting and our bonded indebtedness is out of control. Our projected deficits will mean our children will face an uncertain future burdened to the point of bankruptcy!

These obstacles to our economic prosperity must be confronted. Until they are adequately addressed, all other matters, particularly those that add burdens to business, are irrelevant!

To consider bills like the Captive Audience bill, at any time, is anathema to our common goal of economic growth, but to consider such an added burden to business at this time, is particularly troublesome and wrong-headed.

Under the NLRA, employers must now comply with federal regulations regarding employer-employee speech. In 2004, the General Assembly considered this concept and made the right decision to reject it. One of the reasons is that the "NLRA guarantees the employer's right to express an opinion about unionization as long as the employer does not also threaten reprisal or promise a benefit".

This bill would, if enacted, further denigrate our ability to be competitive in an increasingly competitive business environment. The mere fact that such legislation is even proposed sends the wrong message about our willingness and our capacity to be a place that is hospitable to business growth. Our situation needs to be changed, and we must send the message that we are open to

business. We cannot overstate the importance of the message that we must send to the world. Connecticut is a place for Connecticut!

As one of our region's economic development partners and its regional chamber of commerce, we seek to partner with the legislature to improve Connecticut's climate for business, to help create jobs not inhibit the environment for job growth and to undertake initiatives that would nurture jobs not threaten their existence.

WE urge you to focus your attention, your energy and your passion for our state on balancing the budget, reduce the debt, rid ourselves of deficit spending, and create the environment that enables job growth.

Please defeat House Bill 5460.

COMMISSION OFFICERS

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Cecilia J. Woods, *Vice Chair*
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EXECUTIVE DIRECTOR

Teresa C. Younger

Connecticut General Assembly



PCSW

Permanent Commission on the Status of Women

The State's leading force for women's equality

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**Testimony of
Teresa C. Younger, Executive Director
The Permanent Commission on the Status of Women
Before the
Labor and Public Employees Committee
February 10, 2011**

**RE: HB. 5174, AAC State Employees and Training to Deal with Workplace Violence
H.B. 5465, AAC Family and Medical Leave Benefits for Certain Municipal Employees.**

Senators Prague and Guglielmo, Representatives Zalaski and Rigby, and members of the committee, thank you for this opportunity to provide testimony on behalf of the Permanent Commission on the Status of Women (PCSW) in response to the introduction of **HB. 5174, AAC State Employees and Training to Deal with Workplace Violence** and **H.B. 5465, AAC Family and Medical Leave Benefits for Certain Municipal Employees**.

H.B. 5465, AAC Family and Medical Leave Benefits for Certain Municipal Employees

H.B. 5465 would grant paraprofessionals the right to family and medical leave. Passage of this bill would benefit paraprofessionals who work in public elementary and secondary schools.

CT Specific Data

- Families incur income losses ranging from over \$300 to more than \$3,500 per year due to lost wages from the wage-earner's own illnesses.¹
- Families incur losses ranging from \$800 to \$6,900 per year due to lost wages during a family illness.²

As you are aware, the PCSW has long supported paid family and medical leave proposals. We have done so because balancing the needs of work and family is now a priority for most workers. Additionally, the occupations which continue to deny FMLA benefits to its employees are occupations that are female dominated, such as the paraprofessionals addressed in this bill.

¹ Women's Union. *The Real Cost of Living and Getting Health Care in Connecticut: The Health Economic Sufficiency Standard*. Prepared for the Permanent Commission on the Status of Women and the Foundation for Connecticut Women, February 2006.

²Ibid.

According to the paraprofessional's union, United Electrical Union Local 22, paraprofessionals work 6.25 hours a day (1,125 a school year), rather than the required 1,250 hours needed to be eligible for FMLA. Paraprofessionals are not allowed to work more than 6.25 hours a day, and therefore should not be penalized for it. Passage of this bill would assist families to care for themselves and family members when they are ill, and add some protection against loss of income.

HB. 5174, AAC State Employees and Training to Deal with Workplace Violence

HB. 5174 would require the Department of Administrative Services to develop an employee training program to instruct state employees on workplace violence awareness, prevention and preparedness. Passage of this bill would benefit all state workers by providing a safe working environment.

National Data

- Bullying is 4 times more prevalent than illegal forms of "harassment."³
- 37% of American workers, an estimated 54 million people, have been bullied at work.⁴
- 49% of American workers, 71.5 million workers, are affected when witnesses are included.⁵
- 58% of all perpetrators are women.
- 81% of female bully's targets women
- 71% of male bully's targets are women.

Not only can workplace bullying have a detrimental affect on a person's health, it can also have negative affects for employers. In addition to obvious financial costs such as increased turnover rates of staff, employers can also be harmed if their business environment is seen as a hostile work environment.⁶ Passage of this bill would address safety and security in the workplace.

We appreciate continued attention to these matters, and look forward to working with you on this important issue.

³ Ibid.

⁴ <<http://bullyinginstitute.org/zogby2007/wbi-zogby2007.html>>

⁵ Ibid.

⁶ Ibid.



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Labor & Public Employees Committee

Commissioner Donald DeFronzo
Department of Administrative Services

February 10, 2011

Good afternoon Senator Prague, Representative Zalaski, Senator Guglielmo, Representative Rigby and distinguished members of the Labor and Public Employees Committee. For the record, I am Commissioner Donald DeFronzo and I want to thank you for the opportunity to submit comments on two bills today:

- Senate Bill 850, “An Act Concerning the Department of Administrative Services, Department of Transportation and Prequalification and Evaluation of Contractors,” and
- House Bill 5174, “An Act Concerning State Employees and Training to Deal with Workplace Violence.”

Senate Bill 850, “An Act Concerning the Department of Administrative Services, Department of Transportation and Prequalification and Evaluation of Contractors

Senate Bill 850 impacts the DAS Construction Contractor Prequalification program. To provide a little background, DAS prequalification is a screening process that evaluates construction companies to ensure they meet certain baseline standards to work on state-funded construction projects. By statute, the prequalification unit evaluates a number of factors, such as a company’s financial background, experience in certain construction classifications, record of performance, integrity, safety record, and other criteria. It should be noted that the DAS prequalification program does not apply to Department of Transportation (“DOT”) projects or to contractors that seek to bid on DOT contracts. DOT has its own prequalification program.

DAS strongly believes that performance evaluations are essential to the prequalification process and we are attempting to strengthen their use. SB 850 will help with this goal.

Senate Bill 850 Allows DAS to Disqualify Companies with Three or More Unsatisfactory Evaluations

First, SB 850 strengthens DAS’s ability to use performance evaluations in the prequalification process in a more meaningful way. Currently, DAS is able to deny prequalification or disqualify a company with a poor performance record only if the average of all of the company’s evaluations on file falls below the minimum threshold for satisfactory performance. Therefore, even if DAS receives several unsatisfactory evaluations about a contractor, DAS cannot disqualify that contractor if the combined average continues to remain above the minimum threshold as a result of older, better evaluations.

SB 850 allows us to address such situations by giving DAS the authority to deny prequalification or disqualify a company if the company receives three or more unsatisfactory evaluations within a five year period. This would eliminate the problem of failing contractors remaining prequalified based solely on outdated evaluations while continuing to reward contractors that demonstrate consistently good performance over the years.

Senate Bill 850 Extends Liability Protection to Private-Sector Project Owners

In addition, the liability protections in Section 3 of SB 850 will enable us to secure more performance evaluations for contractors seeking renewals of their prequalification certificate. Currently, when a contractor first applies for certification, it must submit performance evaluations for its three most recently completed projects. These evaluations are completed by private-sector or public-sector projects owners, in-state or out-of-state. However, when a contractor files a renewal application, it provides only evaluations for any construction project that it completed in the preceding year that was subject to the prequalification statutes (i.e., state funded projects with a value of \$500,000 or more).

Passage of SB 850 will support a key change in the renewal process – requiring contractors that did not work on enough large state-funded projects during the preceding year to provide evaluations from their three most recently completed projects regardless of funding. This will enable DAS to obtain a more complete and current view of the contractor's actual performance record.

We anticipate that this change in our renewal process will result in more evaluations from private-sector project owners. SB 850 makes this administrative change possible by **extending the liability protections currently provided to public-sector project owners who complete evaluation to the private-sector project owners as well.** Extending this liability protection will promote compliance and will help ensure that we receive honest evaluations from these private-sector project owners.

Other Efforts to Improve Contracting Processes

I would also like to take this opportunity to let the Committee know that I have asked my staff at DAS to consider other ways to strengthen the prequalification program, particularly with regard to applicants' safety records. We are also analyzing how we can make the prequalification process – and state contracting in general – less cumbersome and more business-friendly while still ensuring that construction companies that perform work on state projects – and companies that are on other state contracts – are capable, reliable and trustworthy. We will keep the Committee apprised of any progress we make as we review these topics.

House Bill 5174 – Workplace Violence Prevention Training

House Bill 5174 requires DAS, by January 2012, to develop an employee training program to instruct state employees on workplace violence awareness, prevention, and preparedness. It also requires that any individual employed by the state on or after January 1, 2011 attend such training as a condition of his or her employment.

DAS has been offering and coordinating workplace violence prevention training to state employees since 1999 as a result of Executive Order 16. Since that time, DAS has provided training to all Executive Branch agencies, and thousands of state employees. Currently, DAS offers Workplace Violence Prevention training and Threat Assessment Team training to individual state employees through the DAS Learning Center at least 4 times per year, and also to larger groups upon request, at state agencies.

House Bill 5174 appears to codify this procedure in statute and mandate the training for all state employees who have not already participated in it. If that is the intent, and DAS is not required to re-formulate the trainings that we have already established, re-train employees who have already participated in prior classes, or validate prior attendance for employees hired prior to January 1, 2011, then the goals of this proposal could be accomplished within existing state resources. DAS would be happy to work with the proponents of this proposal to ensure that those goals and objectives are met.

Thank you again for the opportunity to submit testimony. Please do not hesitate to contact me or my staff if we can be of any assistance.

Testimony of
Gwenath Douglas, Special Education Para-Educator
Hartford Federation of Paraprofessionals,
AFT Local 2221

**HB 5465 - An Act Concerning the FMLA Family Medical Leave
Benefits for Certain Municipal Employees**

The Labor and Public Employees Committee
February 1, 2011

Good afternoon Senator Prague, Representative Zalaski and distinguished members of the Committee. My name is Mrs. Gwenath Douglas. I am a Para-Educator for Special Education in Hartford and a building union representative. I sit on several committees within the Hartford Federation of Paraprofessionals and AFT Connecticut. I would like to speak briefly today about the HB 5465 An Act Concerning Family and Medical Leave Benefits for Certain Municipal Employees.

The Family and Medical Leave Act (FMLA) provides select employees with up to twelve (12) weeks of unpaid, employment protected leave per year. It also provides assistance in the fact that their medical benefits continue during this said leave. The FMLA is designed to help employees balance both family and work responsibly. Balance is an important attribute to have in any one person's life and in the workplace, especially where people like us work in education, working directly with meeting the needs of our children, the city of Hartford and the state of Connecticut as a whole.

I support HB 5465 because there was a time in my life not too long ago that I suffered greatly without this bill being in place. The fine and outstanding man, to whom I had been married for 14 years, became very ill and suffered a very painful and terminal illness. This was not a short-term one, but very long. I went from wife/lover to care giver, advocate, legal representative, nurses aid, social worker and on top of everything else, provider. My work from the school matched my home. There was never an outlet. You go from high energy to a stress level that causes one to develop different sickness due to depression.

Unable to be with Paul hurt my heart every day. It pulled hard on me not knowing if this would be the last time I see him again. There were times when I had to pick and choose when I could be out of work fearing that I may lose my job. Had I had this benefit in place it would have lessened some of the stress I encountered at that time by being affected by what I had to face every day of our lives together until sadly Paul passed away. I had to go home after putting our students on the bus to face watching my loving husband deteriorate and waste away before my eyes and die and not being able to do anything about it even when I gave my best. He was God's gift to me and I'm glad I stayed. Having the HB5465 bill pass will not only mean so much to me, but to all of us who so greatly deserve it.

I work with students who require so much special and delicate help and services. You go from meeting the needs of your students to going back home to meet the needs of your terminal loved

one. This was not an easy task. We are not baby sitters but educators. I testify not just for one, but for all those who have to be a care giver for their loved ones who are suffering today and would benefit from this bill. Allow them to hold their hand one last time and not feel guilty because they were not there until God says otherwise.

Testimony of Mary Symkowicz, Paraprofessional
East Hartford Public Schools
1st Vice President, East Hartford Federation of Para educators

HB 5465 An Act Concerning Family and Medical Leave Benefits for Certain
Municipal Employees

Labor and Public Employees Committee

February 10, 2011

Good Afternoon Senator Prague, Representative Zalaski, and Committee Members. My name is Mary Symkowicz. I have been a paraprofessional in the East Hartford Public Schools for over 19 years. I am the 1st Vice president of my union. On behalf of my fellow paraprofessionals as their colleague and representative, I would like to testify that there is a definite need for the changing of the F.M.L.A. law as currently written.

In **HB 5465** the hours one has to work to qualify for F.M.L.A. are lessened which allows paraprofessionals to qualify for it. Paraprofessionals are dedicated public school employees who work very hard and simply are not offered the hours to reach 1,250 hours, but because of their love and commitment to the children they teach and guide through our public school system, they remain loyal employees. Many are working two jobs to be able to return each Fall with much anticipation and hope to our future, the children of Connecticut.

Serving as a paraprofessional or, as my union prefers, paraeducator, more and more is expected of us. We are given training alongside our colleagues, the teachers and therapists. We work closely together to improve our students' reading, adaptability to inclusion, job training, life skills, physical, occupational, and speech therapy. In today's budget crisis we are the answer to the budget problems. We are an asset which adds little costs to the municipalities we work for.

Being a paraprofessional's union representative, I have seen a lot of different circumstances in which paras have suffered due to the current F.M.L.A. law's hour eligibility. Our district's administrative board makes paras, who carry their family health insurance, pay 75% costs of their insurance once they have exhausted their sick days. This is very costly and produces tremendous stress on a family. If you are suffering from a medical condition, the thought of not having enough money to afford astronomical health care costs is overwhelming.

For instance, a para at Mayberry Elementary School, Sharon Beaulieu's husband was diagnosed with brain cancer. Her husband underwent grueling chemo-therapy and was unable to work. She needed to stay home and care for him. She was forced to get help from a charity to pay for her husband's medical insurance, while she struggled to pay for the other half of the \$1,100 health insurance bill that was expected of her at the first of every month.

In another case, Leslie Sousa severely broke her ankle and was unable to return to work for over three months. Once she depleted her sick days, she was told she had to pay over \$2,000 to cover her health benefits. She felt defeated and applied for a loan from her bank. Our union was able to establish a "sick bank" for her. Fellow employees donated their own sick time. As long as her days were covered, the administration did not charge her. Although more than willing, why should we have to give up our earned time to colleagues because of the way the law is written? The current law, as it stands, allows the administrators to threaten or terminate our employment and /or health benefits, at their discretion.

In closing, it is heart wrenching to represent these hard working professionals and to see them knocked down at their lowest times. I would like to thank you for allowing me to testify before you today. If you have any questions, I will answer them to the best of my ability.