



# STATE OF CONNECTICUT

MILITARY DEPARTMENT  
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February 19, 2013

Honorable Carlo Leone, State Senator  
Honorable Jack F. Hennessy, State Representative  
Co-Chairmen, Veterans' Affairs Committee  
Hartford, CT 06106

**SB 835, "AAC Military Leave From Employment"**  
**SB836, "AAC Military Recruiter Access to Military Record"**  
**HB 6348, "AAC State Military Service"**  
**HB 6349, "AAC the State Military Relief Fund"**

I write to express the Military Department's support for the above-noted bills. With the continuing reliance upon members of Connecticut's Armed Forces to conduct both federal and state military operations, this legislation is required to facilitate the efficient use of and access to government resources and to ensure effective military service by our citizen soldiers and airmen. I ask the members of the Veterans' Affairs Committee to support the enactment of these bills.

Connecticut consistently leads the way in many areas in her efforts to support our armed forces and to honor our veterans. Initiatives such as the Military Family Relief Fund, the Military Support Program, the Military Funeral Honors Program, the Wartime Service Medal and the recently activated state website (<http://www.veterans.ct.gov>) underscore Connecticut's commitment to military service and to the men and women who serve and have served in the military. Even with the progress we have made, many State statutes which govern the military have not kept pace with the development of our armed forces. As a result, various sections of the General Statutes of Connecticut, especially those within Chapter 504, "Militia," require revision.

**Raised Bill No. 835** revises Section 27-33a of the General Statutes to ensure that each member of the armed forces of the state is permitted to take a leave of absence from work to attend all types of ordered military duty, including drills, meetings, specialized training and recruiting events, without being subjected to adverse employment repercussions. The revised statute provides a service member to take military leave without pay from their civilian job rather than to have to take paid leave or try to find someone to fill in for them (switch their hours). In extreme cases, a member may be forced into an unauthorized absence to attend military duty.

This statutory revision clarifies the authority of the state to order members of its armed forces to duty without causing an undue burden on the member or on the employer. It is akin to federal law which protects federal Reservists from employment discrimination (Uniform Services Employment Reemployment Rights Act). Most ordered duty is known well in advance, so that the employee may schedule around military obligations. However, in the case of emergency call-ups, when forces are ordered out to respond to exigent circumstances, the military member may absent him or herself from work without reprisal. This revision underscores the proposition that service members should not suffer employment discrimination due to military service obligations, whether those obligations are required by the state or federal government.

**Raised Bill No. 836** revises Section 27-33a of the General Statutes to allow military recruiters to access military records that veterans file with town clerks or public agencies. Prior to the passage of Public Act 2-137, an act pertaining to the confidentiality and retention of military discharge documents (which addressed concerns of identity theft), such records were public documents. Military recruiters routinely accessed the documents to generate leads for military recruiting. The practice was a proven source of leads. Many prior-service members (a.k.a. "veterans") rejoin the ranks of the military after completing an initial tour or a period of active service. Approximately 30% of National Guard accessions are prior service. Access to military records held by our state and municipal agencies by recruiters does not pose a risk of identity theft. Documents in the possession of military recruiters are protected by federal law, including the Privacy Act and the Freedom of Information Act. Military recruiters must have a security clearance and are training in document handling and retention procedures. Passage of this act facilitates military recruiting in the state while protecting military personnel and veterans from the release of their personally identifying information.

**HB 6348, "AAC State Military Service"** revises the General Statutes to clarify statutory provisions pertaining to military service, including provisions pertaining to military pay and allowances, including provisions for voluntary gratuitous service; death, disability and injury benefits; special benefits provided to State employees who perform military duty; and for the erection of memorials to veterans and service members on State military property. Members of the State Armed Forces, whether in a National Guard or the Governor's Guards may perform gratuitous military service by performing duty without pay. Federal military pay statutes permit this for members of the National Guard (see 32USC502). State statutes permit the practice, but by reference to the federal statute. This bill revises the military pay statute to permit voluntary military service without reference to the federal statutes and updates the pay statute by deleting obsolete language. No member will be coerced to perform military duty without pay. To ensure informed consent, each member volunteering for gratuitous service is required to sign an acknowledgement apprising the member of his or her right to decline voluntary service.

In addition, the bill ensures that members of the armed forces are adequately covered by the Workers Compensation Act, applying coverage similar to that provided to members of volunteer fire companies. State military personnel performing state duty (i.e., paid for by comptroller) are already covered by Workers Compensation under 27-67 and 27-67a. This legislation clarifies the nature of coverage, aligning it with the coverage provided to other emergency response personnel (e.g., volunteer fire personnel or ambulance drivers). This revised coverage applies the no-fault coverage standard (as opposed to the military's negligence or misconduct standard) and includes a baseline income for coverage of members who cannot show lost wages (e.g., a college student who is a member of the state armed forces). To perfect the coverage, the bill considers state military personnel (while performing State Active Duty) as state employees for the sole purpose of coverage under Chapter 568 (Worker's Compensation Act) of the General Statutes. The coverage will apply to state military personnel whether they are performing state military duty with or without pay, so long as the member is performing ordered military duty.

The state of emergency caused by Winter Storm Nemo (February 8-9, 2013) required the state to call up over 200 Connecticut National Guard members in a State Active Duty status. Response operations required the performance of approximately 2,000 "man days" of duty, during which two members sustained injury that required reporting to worker's compensation. In response to

the emergency caused by Storm Sandy (October 29, 2012), the state ordered out over 1,000 Connecticut Guard members, who performed approximately 4,150 man days of State Active Duty. Seven members sustained injury during Storm Sandy operations that required worker's compensation reporting.

In response to state emergencies, Connecticut's armed forces are called up within hours and ordered out to perform a wide array of missions to be performed in virtually every community throughout the state. Whether the call to duty requires members to engage in snow removal, distribution of FEMA-supplied commodities, infrastructure protection, high water rescue, debris clearance or security patrol activities throughout the state, the risk of injury and death is a stark reality of military service. Revising the statutes to ensure our armed forces are adequately covered by worker's compensation is necessary, proper and timely.

This bill also revises section 27-75 of the General States to permit the Adjutant General to authorize the erection of military and veteran memorials on state military property. The proposal requires the memorial to be erected at no cost to the state. The Military Department possesses the resources to fully review and authenticate initiatives or requests for military and veteran memorials. Whether the memorial is a bronze plaque to memorialize a classroom in a military facility, a bench at a military training site or a statue to honor a fallen military hero, each request will be subject to review, authentication and approval by the Adjutant General. This provision continues the State's effort to honor and facilitate military service.

**HB 6349** revises Section 27-100a by transitioning the Military Family Relief Fund (MFRF) into the Military Relief Fund (MRF). As currently designed, only family members (with cognizable hardships arising from the military service) of Connecticut's service members may apply for grants from the fund. This bill will permit Connecticut service members, who are enduring hardship due to their military service, to apply for grants as well. Since its inception, the MFRF has issued over 80 grants, totaling approximately \$200,000. To support the funding of the MFRF, Connecticut residents have donated almost \$500,000 through the state's income tax return charitable contribution program. The current balance of MFRF is approximately \$800,000. Based on application volume and the provision to limit grants to \$5,000, the MFRF appears more than adequate to support its transition to the MRF.

On behalf of Connecticut's nearly 5,000 citizen soldiers and airmen, their families and our veterans, I ask the Veterans' Affairs Committee to take favorable action on these bills and to work for their passage into law during this legislative session.

Sincerely,

  
THEODORE J. MARTIN  
Major General  
The Adjutant General

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Governor's Office