

Testimony of
The Connecticut Messenger Courier Association
Testimony Before the Legislature's
Labor & Public Employees Committee

6:00 PM, Tuesday, February 24, 2015
Middletown City Hall
Middletown, Connecticut

Testimony submitted to the Connecticut Labor and Public Employees Committee on HB 5366

Good evening. My name is Michael Gualtieri. I am President of ProCourier, Inc., a member of the Connecticut Messenger Courier Association, and I'm here to offer brief testimony in support of HB 5366 An Act Concerning Eligibility For Unemployment Compensation And For-Profit Delivery Service Courier Companies.

Our company provides "just in time" transportation services to many Connecticut businesses. We currently provide logistics solutions to the manufacturing, "Fortune 500" automotive, legal and accounting industries. It is vital that we are able to maintain a flexible work force, able to expand and contract on short notice for a variety of sound reasons.

Our industry has used the independent contractor model, the standard in the courier industry, for over 75 years. I recently completed a 15 year term on the Board of Directors of our national association, culminating as its President. One of the more difficult jobs I have is explaining exactly who we are to national and local legislators. No, we're not the guys on the bikes or Fed Ex. Our industry fills a vital "last mile" link in the supply chain that often goes unnoticed and is frequently misunderstood.

Have you ever thought about how your prescriptions are filled so quickly, even when your local pharmacy is out of stock? How about how your local automobile repair facility diagnoses your car troubles and has the exact parts needed for the repair within 1-2 hours of ordering them? This is just a small slice of what we do.

I have worked in this industry and in Connecticut my entire adult life- some 35 years. I am a native of Waterbury. I was involved with forging the Department of Labor Declaratory Ruling 1994, an instrument signed by the then Commissioner Ron Petronella that recognized our industry uniqueness and need for flexibility. We operated without threat until the 2003 JSF ruling by the Connecticut Supreme Court. DOL staff has stated that it changed the ABC test they use to determine independent status and removes any discretion DOL has when deciding such cases. The JSF case had nothing to do with the courier industry; we are told its existence precludes independent contractors from being classified as such if they provide those services only to a single company.

The DOL suggested solution requires our contractors to provide proof of service to other transportation companies, is simply not feasible. The requirement is overly burdensome. Some drivers have told us candidly that it should be none of our business. They're absolutely right.

In 2013 the motor carriers in Connecticut were granted relief from the particular facet of the ABC test that required their contractors to work for more than one company. At the time, the DOL opposed our inclusion in this legislation and to this day we cannot understand why. Our contractor's investment is "substantial" and "substantial" is a relative term. The CMCA deserves the same treatment as the motor carriers and our contract drivers deserve the same protection given to the motor carrier industry. I urge you to support HM5366 to correct this gross inequity.