



STATE OF CONNECTICUT
JUDICIAL BRANCH

EXTERNAL AFFAIRS DIVISION

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Testimony of Stephen N. Ment
Labor and Public Employees Public Hearing
March 5, 2015

House Bill 6933, An Act Concerning Predictable Scheduling For Employees

Thank you for the opportunity to submit written testimony on behalf of the Judicial Branch concerning House Bill 6933, *An Act Concerning Predictable Scheduling for Employees*. The Branch is concerned with several provisions of the bill that would reduce flexibility and increase costs.

Section 2 of the bill mandates that employers, including the State of Connecticut, provide employees with work schedules at least 21 days in advance, and further states that an employer shall not require an employee to work shifts not included in the work schedule without the employee's written consent.

As members of the Committee may be aware, the Judicial Branch operates two 24/7 Juvenile Detention Centers and two 24/7 lock-ups. The requirements of this bill would be problematic for these facilities. Each of them has minimum staffing requirements and sometimes unexpected situations arise that make it necessary to hold staff over in order to meet those requirements. In fact, the ability to hold-over employees is so critical that it is addressed in our collective bargaining agreements with the unions representing the staff in the Detention Centers and the lockups. Removing this ability would tie our hands, potentially imperiling the safety of those held in the facilities, as well as the safety of the staff operating these facilities.

We also anticipate that provisions requiring predictable pay when certain shift changes are made, and provisions that mandate overtime pay for employees who work a shift within 11 hours of a prior shift, could result in a fiscal impact on the Branch.

Thank you for your consideration of these concerns.

this case the employee, with an ability to respond to the complaint prior to the court ruling. Missing from the bill is an opportunity for the defendant to file an answer or a counter-claim in the action.

The bill also allows for a foreclosure of the lien, and again the bill is unclear. The bill seemingly contemplates the possibility of a foreclosure action being brought in the Small Claims court. This is problematic. Foreclosure actions must be brought in the Superior Court and the Branch would oppose any effort to allow for these matters to be initiated in Small Claims. The bill contemplates that a potential foreclosure action would be brought by the employee and we believe that it would be more appropriate for this action, and any action previously initiated by the employer, to take place in the same court.

In instances where the foreclosure results in a judgment, subsection (e) states that the Commissioner of the Department of Labor may order the sale or transfer of that property. We would respectfully suggest that this authority more properly rests with the court. In other instances, it is the judge who would order the sale or transfer of the property as part of the foreclosure judgment.

Thank you for the opportunity to submit written testimony opposing the sections of the bill pertaining to court process. If the bill is viewed favorably by members of the Committee, we would respectfully request an opportunity to discuss these, and other concerns, that we have with the bill as drafted.