

February 26, 2015
Public Hearing
Joint Committee on Labor and Public Employees

Senate Bill No. 439 - An Act Concerning Hazardous Duty Retirement Credit certain employees of the Department of Energy and Environmental Protection

Thank you for the opportunity to provide testimony on Senate Bill No. 439. My name is Michael Harder, and I am a resident of Hebron, Connecticut. I retired from the Department of Environmental Protection on April 1, 2006 after 32 years of service with the Department. At the time of my retirement I was Chief of the Bureau of Waste Management, which included the Emergency Response and Spill Prevention Division. As Bureau Chief I supervised the Director of the Emergency Response Division.

I should point out that in 2008 I testified on a similar bill that unfortunately did not become law. The problems that would have been corrected by that proposal still exist, and therefore my position and testimony remain the same.

The comments I provide you today are in support of Senate Bill 439. Passage of this proposal would bring several significant benefits to the state of Connecticut. First, it would recognize the real need that exists for direct involvement by DEEP Emergency Response managers in very hazardous incidents. Second, it would correct an unfairness that has existed for several years and that has created significant potential hardship for at least one individual. Finally, it would create a much greater incentive for staff in the division to move into the managerial ranks, thereby improving the process of managerial succession in the agency and helping to ensure that fully qualified people are retained by the agency for these important positions.

On the first point, the staff and managers of the Emergency Response Division routinely respond to a variety of public health and safety and environmental emergencies. These range from the "simple" oil spill to hazardous chemical releases, biological agent releases, sewage spills and weapons of mass destruction incidents. By definition, these emergencies can occur at any time, day or night, weekday or weekend, regardless of the weather. They also frequently involve responders from other agencies and jurisdictions, plus elected officials and sometimes the press. It is not unusual for these individuals to be called out for several hours in the middle of the night in a storm to direct the response to an emergency, often at great personal hardship and risk.

During my tenure with the Department, it was common for the Director to be part of the on-scene response to many of these incidents, and I am aware that this practice continues today. This was and is necessary for several reasons. First, because of the limited number of supervisors in the division, it is not uncommon for a manager to fill in for a supervisor on-site when the supervisor is sick or responding to another incident. Many times the nature of the incident requires that a manager be available for direct and immediate communication with responders from other agencies. That manager often serves as the state's on-scene coordinator or incident commander. The health and safety

of Connecticut's citizens and its environment would simply not be adequately protected in many situations if a DEP emergency response manager were not present and actively involved on-site. We can only imagine the criticism the Department would come under if these incidents were not properly managed.

One of the inequities that would be corrected by today's proposal is that many of the responders from other agencies that work alongside the Department's managers are eligible for hazardous duty retirement benefits. In addition, my understanding is that Directors and Captains within the Department's Law Enforcement Division are also eligible for hazardous duty retirement. It would be wrong to continue this unfair treatment of the DEP Emergency Response managers.

Finally, and most importantly for the long term, the issue of management succession must be considered. Non-managerial emergency responders are presently eligible for both hazardous duty retirement and overtime pay. As long as their managers are eligible for neither, there is little or no incentive for a staff person to want to move into a management position, thus effectively eliminating a large pool of highly qualified people from consideration for these positions. It is hard to believe that the legislature and the people of this state would prefer to have the future organization and management of this critically important program hampered in this manner.

Thank you again for the opportunity to provide this testimony.

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