

# Sheet Metal Workers' International Association

Local Union



No. Forty

Hartford, New Haven, Middlesex, Tolland, Windham, New London Counties, State of Connecticut and Fisher's Island, State of N.Y.

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**TESTIMONY of**  
**Jeremy Zeedyk**  
**Business Representative**  
**SMART Local Union 40**

March 3, 2015

Honorable Senator Winfield, Honorable Representative Tercyak, and esteemed members of the Labor Committee:

The Sheet Metal Air Rail and Transportation (SMART) International Union Local 40 submits this testimony in support of S.B. No. 1039 (RAISED) AN ACT CONCERNING GENERAL CONTRACTOR LIABILITY FOR WAGES AND WORKERS' COMPENSATION.

SMART Local 40 is a building and construction trades and production union which represents over 1000 working families who are employed by approximately 50 signatory construction contractors constructing, renovating and testing buildings throughout Connecticut and the region, many of which are State of Connecticut projects. We are one of the 14 unions commonly referred to as the "Building Trades".

My colleagues and I in the Building Trades have appeared before this committee and others to discuss the very issue that this bill addresses. And for that reason SMART Local 40 and the Building Trades thank this committee for raising such an important bill. I would ask the committee to consider expanding this language to include not just general contractors (GCs), but construction managers (CMs) as well because owners are increasingly relying on CM's to perform GC duties.

The physical construction of a building or infrastructure project is the only place I know of where "lowest responsible bidder" language is used. We can debate the value or necessity of this for construction contractors versus design professionals etc. another time, perhaps. For today's discussion let's just focus on how this practice can be, and is, detrimental to the construction worker.

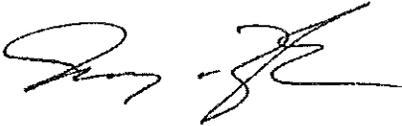
Not in every instance, but frequently enough for it to cause concern, low bid seeking by GCs or CMs results in GCs and CMs contracting with contractors that they know, or should know, are not up to the task; or, their bids do not support either prevailing wages or legitimate wages, at the very least. They in affect turn a blind eye to wage and hour violations because they are not in any way held responsible for the actions of their subcontractors. This behavior includes but is not limited to: illegally classifying workers as independent contractors; hiring undocumented workers; paying workers in cash under the table; and, my favorite...not paying workers at all.

If I, or the Department of Labor, can spot these violations within minutes of entering a jobsite, then it is reasonable to assume that the full time on-site supervisors know about them also.

This legislation would help ensure that if violations are found, the workers would have an avenue to recover their wages from the subcontractor and the GC or CM who hired them. This protects workers from not getting paid, when a shady subcontractor goes out of business to avoid paying wages, or a GC or CM refuses to pay the subcontractor, thus forcing them out of business. In short this legislation protects the workers from predatory employers, and GCs and CMs who over-leverage their subcontractors. It begins to stop the downward spiral that construction has been on for many years and is a much needed fix to a system that offers very little recourse for workers who have not been compensated properly for their skills and hard work.

SMART Local 40 looks forward to continuing this discussion with the committee and offering input and solutions to this and other issues concerning the construction industry.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jeremy Zeedyk', written in a cursive style.

Jeremy Zeedyk  
Business Representative  
SMART Union Local 40