CHAIRPERSON: Senator Julie Kushner

SENATORS: Kushner, Lesser, Miner, Osten

REPRESENTATIVES: Fishbein, Hall, Luxenberg, Polletta, Porter, Rutigliano, Vargas, Wilson-Pheanious, Winkler

SENATOR KUSHNER (24TH): [AUDIO BEGINS HERE] hearing and since my chair is not here, I won’t ask if she has any comments. We do have some housekeeping rules we need to read and I’m gonna ask Senator Miner to do us the honor. Senator Miner.

SENATOR MINER (30TH): Everybody knows how to get out of here if we have a big alarm go off? [laughing] All right, we’re done. Thanks. [laughing] Oh my Lord, I guess we gotta put this on the record. Okay. Yeah. So, I have to read this. In the interest of safety, I would ask you to note the location of and access to the exits in this hearing room. Should some of you be pointing to the doors, Madam Chairman? There we go. [laughing] The two doors through which you entered the room are the emergency exits and are marked with exit signs. In the event of an emergency, please walk quickly to the nearest exit. After exiting the room, proceed to the main stairs or follow the exit signs to one of the fire stairs. Please quickly exit the building and follow any instructions from Capitol Police. Do not delay, do not return unless and until you are advised that it is safe to do so. In the event of a lockdown announcement, please remain in the hearing room, stay away from the exit doors.
until the all clear announcement is heard. Thank you.

SENATOR KUSHNER (24TH): Thank you, Senator Miner, and I just will ask, since she is here now, does my Chair have any comments or remarks?

CHAIR: No, I’m ready to begin.

SENATOR KUSHNER (24TH): She’s ready to begin, so let’s rock-n-roll. We will be staring with the public officials for the first hour, after which time we will alternate back and forth if we have not completed the elected official’s list and we will begin with Representative Mike D’Agostino from the 91ST Assembly District, and joining Representative D’Agostino will be Dan Livingstein, Livingston.

REP. D’AGOSTINO (91ST): Thank you, esteemed members of the Labor Committee, for the opportunity to speak about House Bills 6926, 6930, 6935, and 6936. As you mentioned, Chairwoman, before, with me is Daniel Livingstone, the Chief Negotiator and General Counsel for CBAC. We’re here to talk about these bills, which have been I think kind of euphemistically called The Janus Bills, although, and frankly I’m guilty of that as well, but frankly, that’s not really accurate. Janus, as Representative Fishbein and I discussed on the House Floor yesterday, of course, is a decision that deals with the relationship between the union and the nonmembers and the fair share fees with respect to those nonmembers. That, of course, has been addressed with respect to the contract amendments for our public employee unions in the state. These bills concern the relationship between unions and their members and public employers, both state and municipal, and it’s that tripartite relationship that is still intact and unaffected by Janus and frankly valued in Connecticut. I think Governor
Lamont said it well yesterday when he said that he is not looking for a Wisconsin moment, he’s looking for a Connecticut moment and in this state, of course, we do still value the institution of collective bargaining. It provides a means to ensure that the services that those members provide are delivered efficiently and cost effectively and collective bargaining minimizes disputes and disruptions that can affect those services and they key to that, of course, is communication between the union and its members, between the public employer and the union. That ability to communicate between the union and the employees is necessary to ensure both the effectiveness of state unions and frankly allow them to do their job under law, to discharge its legal obligation to meet the duty of fair representation. So what do these bills do? And I’m sure and I hope you all will have questions about them, but generally, they enhance the union’s ability to communicate with the employees that each union represents. It confirms the clear lines of communication between those members and with the public employees and it makes the union responsible for maintaining membership information and providing that information to the employer when it’s needed and this is important, it confirms the unambiguous process related to payroll deductions for union dues and it puts on the union clearly to make sure that is done correctly and just briefly, you know, for example, you know 6936 is a perfect example of that, where the proposed bill you have before you is designed to frankly alleviate a lot of the burden on the public employer. It makes the unions responsible for maintaining that membership information, for communicating it to the employer, and if something goes wrong in that process, the union is responsible for indemnifying the state, so again, this is really about, these bills frankly are
about confirming that relationship, that institution that we still value in this state, and frankly the underlying purpose of it to again enable efficient communication, particularly between the union and its members, but also making sure that third part of the relationship remains clear as well between the union and the public employer. Thank you.

DANIEL LIVINGSTON: So, thanks for the opportunity to address you and I’ll just add a couple of things to what Representative D’Agostino just shared. So for more than four decades, the State of Connecticut has recognized the important public interest in an effective system of public sector collective bargaining. Representative D’Agostino touched on some of it, that it promotes more efficient public services. It’s actually been shown that by empowering frontline workers, we reduce issues of workplace discrimination on the basis of gender, race or national origin and we allow people to raise important issues within their workplaces without fear of retaliation or retribution, so there is a very strong public interest in a good solid system of collective bargaining in the public sector and even such a strongly anti-union opinion as Janus, did not question the public interest in collective bargaining. The only thing Janus said was it didn’t agree that fair share fees were necessary in order to carry out that public interest. We might very much disagree on the result in Janus, but Janus is, of course, the law of the land, so what these bills do is recognize that in the post-Janus world, the public interest in collective bargaining in the public sector is more in need of attention than it would have been without Janus and why is that? Because it’s very important that unions have an opportunity to talk to new employees, let them understand how the contract works and the
protections that they get from the collective bargaining agreement, let them understand how the grievance procedure works and that they’re free to speak their mind and will be represented if they don’t. All of those things are important. You need strong unions to do that. The result in Janus was unfortunate in terms of the need for strong unions and these bills will help the state carry out the public interest, despite what a narrow 5:4 majority did in the Janus case.

REP. PORTER (94TH): Thank you both. Any questions or comments? Yes, Representative Fishbein.

REP. FISHBEIN (90TH): Thank you, Madam Chair and good afternoon and welcome. Thank you for coming. I just had some brief questions with regard to I think it’s 6930 if we could start there. You know, when we come into this building, we walk the hallways. There are lobbyists and people trying to get our attention to go their way on certain bills and I think this bill has to do with is someone coming in as a new employee and getting the attention of whether it be management, who may not want someone to be a part of the union and union leadership that would want the person to be part of the union. Is that fair to say?

REP. D’AGOSTINO (91ST): I don’t know if I’d characterize it quite that way because it’s not necessarily that dichotomy because when we’re talking about, for example, a pre-existing collective bargaining agreement and union, part and parcel of your rights as a new employee is to know exactly what is available to you. If I’ve been hired in this division, the employees in this division by and large are covered by a particular contract, what are their rights and responsibilities that are owed to me as an employee in that division
should I choose to become a member of that union and allowing the union representatives access to that type of meeting, where all of your responsibilities are being laid out, I think avoids any misunderstanding about how they’re explained for example and again, sort of consistent with the overall theme of these bills, putting the onus on the union representatives to communicate so that way the public employer isn’t in a position of saying well, we think you have this right of that right, they’re there, they can be explained, the union representatives are responsible for that and the state is not. I viewed it more as again sort of a piece of this overall process and again, part of that theme of putting the onus on the union representatives to explain that part of it.

REP. FISHBEEIN (90TH): No, I accept that. I just, you know, the, and I think by default, and we’re talking about public sector union members at this point.

DANIEL LIVINGSTON: Correct.

REP. FISHBEEIN (90TH): You know private being totally separate. The default is that ordinarily that employee becomes a member of that union, but we’re talking about, this is prior to that happening. Is that fair to say?

REP. D’AGOSTINO (91ST): Just to, just to clarify that point and Dan, you can correct me if I’m wrong here, but you do not automatically become a member by being hired. You have to make that affirmative election and sign the authorization card and that’s a really important point in this stage with respect to orientation because of the rights and responsibilities to the employee that go along with that from the union. The impetus behind this particular proposal is to make sure that that
representative is in the room to be able to explain it and the employer doesn’t have to be burdened with that.

REP. FISHBEIN (90TH): I totally agree as to the problem.

REP. D’AGOSTINO (91ST): And it is public is right, you’re absolutely correct. This is only public employees.

REP. FISHBEIN (90TH): So under your model, the message would be delivered at the same time. Is that what I’m to assume or would they be delivered in two different vehicles?

REP. D’AGOSTINO (91ST): I think the intent here is at the same time, again for efficiency sake, you’ve got a new member orientation meeting occurring, different things are being explained to those new members that are there at a particular place and time. We provide the particular bargaining unit notice of that meeting so they can be there and have somebody there and available to answer questions and explain, so again, the idea of all these bills is to increase efficiency. I was not anticipating – I would not be anticipating two separate meetings either, that that would be, of course, inefficient.

DON LIVINGSTON: And if I can just respond to I think the original question you propounded Representative Fishbein that the assumption that the public employer at the training would not want people to join the union. I think it is correct that workers might worry about that. They might fear that the employer doesn’t want them to join the union, but the public policy of the State of Connecticut is actually in favor of collective bargaining. There is no legitimate reason why the
public employer would want fewer people to join the union. [crosstalk]. I wouldn’t make that assumption. I would like to make the assumption that at least a large number of public employers recognize the public policy that favors collective bargaining in that it is an individual’s free choice without concern about how the employer feels about it that controls whether to join the union or not.

REP. FISHBEIN (90TH): And I respect that position. I just – I glean an undertone from this particular bill that there is a lack of let’s say trust that the information will be delivered in a manner that the union would feel to be appropriate. Otherwise, we wouldn’t need something like this. Is that fair to say?

REP. D’AGOSTINO (91ST): I, again, I mean that’s, I, that’s certainly not the gloss that I had on it nor the impetus behind it. It was actually quite and frankly the opposite, as I mentioned, to say, you know, here’s this part of your employment. We’re gonna let these folks deal with that and explain it so me as the employer, I don’t have to sit there and tick through the contract and worry about misstating something, something gets misrepresentative, it actually, the design of this and purpose was frankly to again alleviate part of the burden on the public employer and make the whole orientation process a lot easier. I don’t, I’m frankly not aware of in the public employee context that Attorney Livingston just mentioned that kind of undertone. You missed, for example, speaking of someone who was on a board of ed for 13 years. You know, I want all my teachers to know what the contract says and be part of that because I want them to know what either their salary structure is and the grievance process and who they report to. That’s very important to manage all those employees. I think that’s the same
across the line with respect to state agencies too. There’s a – there’s a desire to want that communicated effectively. Now, on the private side, which this does not cover, we’ve got the whole separate incidences where they hold captive audience meetings and that sort of thing, that’s a completely different issue and that may be where you’re sensing that undertone where there might have – there’s been, of course, some conflicts like the whole, you know, Tesla and that sort of thing, but on the public side, I actually think the motivations are quite different.

REP. FISHBEIN (90TH): And I don’t from the [inaudible 15:23]. It’s merely from this bill, but let me just, you would have this applied to municipal, as well as state, because I didn’t see that in the language.

REP. D’AGOSTINO (91ST): The intent here was all public employers, so yes, municipal public employers and state public employers. Again, to make sure there is uniformity throughout and frankly, where we can get into some of the other bills. You know, we’ve got a head start on uniformity on the state level obviously because of [inaudible 15:51] because of the architecture that exists. I’m quite concerned about a lack of uniformity at the municipal level with respect to not really so much orientation gains, but some of the other things about deductions and things like that that I’m sure we’ll talk about.

REP. FISHBEIN (90TH): Yeah, I’m very interested to talk about that. Why not have the communication be passive, meaning why not have the stakeholders from both sides, if there are competing interests, come together and develop a communication that is given
to the workers that they are to review prior to electing as opposed to this actual?

REP. D’AGOSTINO (91ST): House Bill 6935 actually deals with that topic of mass communications and the idea of a - if the employer does want to send something out regarding membership, that the union has the opportunity to do that and it is meant to be a joint communication to the best that they can negotiate and if they can’t, it’s the two pieces, I would view that and this bill sort of as hand and glove in terms of what’s being communicated and how it’s being communicated and being communicated in the most efficient manner, but that kind of passive if you will or rather combined effort at communication I think is addressed in 6395.

REP. FISHBEIN (90TH): The difference though in 6395, however, is a commission precedent to that happening is there has to be an intent of the employer to mass produce some sort of message. Here the difference is that some communication should happen, no matter what the intent of the parties are.

REP. D’AGOSTINO (91ST): I think that’s fairly stated. I guess I’d - the only correlate I would put on that is that I - I’m assuming here with respect to 6930, that employee orientations are taking place, that it’s, that even though it’s not mandated in this bill that that has to take place, that they are taking place I would hope and again, I think the experience of most people on this committee and throughout the state is that that indeed takes place when you do new hires. There is some form of new orientation, but you are correct that that is not a precursor requirement at least embedded in here. It’s assumed that that is taking place.
REP. FISHBEIN (90TH): Now moving to 6936, I do have some concerns in that when the employee signs that authorization, you know, people that I’ve talked to are really not aware of what they’re signing. They’re not aware of what they’re ostensibly being locked into and that’s the reason why we have the litigations going on now. You know, it is an adhesion contract basically. So this looks to lock in the, what I perceive to be, the union’s position with regard to the -- and I don’t want you to take this favor – the draconian nature

REP. D’AGOSTINO (91ST): I hear ya.

REP. FISHBEIN (90TH): of that contract. So can you just – you know you did touch on it, why, you know, because I’m all about worker rights. I want workers to have their ability to do whatever, but when we – when we have a contract like this and, you know, many times we have a contract, people are allowed to consult with an attorney of their own choosing. We don’t have anything like that here so that they know what they’re getting into. Why is this bill important other than to resolve the dispute?

REP. D’AGOSTINO (91ST): So, I think there’s a lot to sort of unpack here. I guess I – we’ll just sort of start with I guess the disagreement on the first part, the first part of your question, which is are those terms draconian? Are they not clear enough or unequivocal enough. As you just said, Representative, that is the subject of separate litigation. Some people have taken the position that – and if you just sort of back up here – when you sign that authorization, it does lay out your various rights and responsibilities and an important part of that, of course, is when you may withdraw from paying dues. I want to be clear, absolutely clear. A union member in the State of Connecticut,
Daniel, correct me if I’m wrong, has the right to drop his or her membership immediately, anytime, right? The question is in that authorization card is when do the dues stop being taken out, right? And in many of the cards, they say even though you’ve dropped your membership, you agreed in advance that you will fund for the whole year and there are policy reasons for that from our perspective -- the union perspective - right? That you may be getting the benefit of it for 364 days and you should pay for that, you know, and can’t just drop on the last day and therefore, not have paid for that. So, there’s a reason for that. So the question is whether or not that contractual relationship between the member and the union that sets forth when that member can stop paying dues, not be a member, but stop paying dues, when does that take effect, and as you mentioned, some people have argued that because I’m waiving a right, because I’m agreeing to something like that, boy I need to know clearly that I’m doing that and it should be in 20-point font and explained in this particular type of language. That’s gonna be a question for the courts. This bill does not get into what is or should be required on those cards and whether or not the language is explicit enough or not. That is a separate question. All this proposed bill does, it says that arrangement is set forth in that contractual relationship between the member and the union on that authorization and whatever that says should control and if that says, you know, that it’s not, if the court says it’s not clear and equivocal enough, then so be it. Then that’s gonna be the law of the land, but right now what we’re saying is that’s where it set forth and from the employer’s point of view, and this is why this bill is important. Unions with state or municipal employer don’t want to get in the middle of that fight
because, let me pause it to the hypothetical, right? The litigations for example, employee says “Darn it, I didn’t know what I was signing. I don’t want you to take my dues out anymore” and they go to the employer and say stop taking my dues out and the union says to the employer, wait a minute, they signed an authorization card that says they have to pay for the whole year. And really the employer is sitting there going I got one telling me one thing, one telling me another thing. This, and the core of this bill, is to again alleviate burden on the public employer to say I am not getting in the middle of that mess. You guys figure that out in court, figure that out with the litigation decide it, but by law, your relationship with them controls, the union is in charge of maintaining that membership and I have to go by what the union tells me is the membership and if I want to see the cards, I can get the cards, but I don’t have to get in the middle of that arrangement. What’s in there controls. I’m not gonna be in a trend of this tug-of-war and critically, the last part is important, right? Because if for some reason something’s overturned and something shouldn’t have been paid, the union is responsible for indemnifying the public employer, so again, each piece of 6936 is really designed to pull the public employer out of what is this litigation that’s going on, out of responsibility of that, put it on the union, and make sure that the union is responsible for maintaining that membership, communicating with the state employer. That’s the one clear line of communication that the employer knows it can rely on so it doesn’t get dragged into that mess. That whole issue, separate issue that this isn’t meant to address. I think I quoted that right.
REP. FISHBEIN (90TH): We touched on this yesterday when we were debating the contract. That last section, a union shall indemnify the employer, that would contemplate some sort of litigation. I would assume — and we talked about yesterday we would put the onus on the employee, the worker, to sue their union to get the money back and then there’s indemnification there and can probably implead the town because they are a part of it. They took out the money, right? We do that when we do it with the state.

REP. D’AGOSTINO (91ST): Possibly.

REP. FISHBEIN (90TH): And then that’s where the indemnification comes in. Am I getting the scenario [crosstalk].

REP. D’AGOSTINO (91ST): Yeah, I think it — though frankly I’m less concerned with the sort of idea of that kind of piecemeal litigation, precisely because, as you’ve identified, Representative Fishbein, this is the next frontier in the Janus file litigation, so you’ve already got a couple of class actions proceeding on this issue. It’s like to make its way to the supreme court. I would like you’re not gonna want to expend time and money and effort on a lawsuit when your interests are already being taken up frankly through a number of these other vehicles. It’s possible, I’m not saying it’s not, but that is the next frontier, those lawsuits are proceeding, and I don’t think you’ll see a lot of cities and towns in the state being dragged into these different types of litigation, precisely because they’re already there and percolating up.

REP. FISHBEIN (90TH): So then, and I think this is one of my last questions, I just wanted to compare section paren 1 with paren 2, just trying to figure out the difference. So paren 1 says the employee
may only revoke the authorization pursuant to the terms of the authorization he or she signed. So if the – you’re saying that the intent is in going forward that the employee can revoke their – can at least communicate revocation at any point.

REP. D’AGOSTINO (91ST): To the union, correct.

REP. FISHBEIN (90TH): Yes. No matter what the authorization says.

REP. D’AGOSTINO (91ST): You can always withdraw as a member, period, full stop.

REP. FISHBEIN (90TH): So why would we need No. 1, the employee may only revoke the authorization pursuant to the terms of the authorization he or she signed. Why wouldn’t it say the employee may revoke the authorization at any time they deem fit?

REP. D’AGOSTINO (91ST): Well first of all, the first part is the law. What’s drafted here though is necessary because of what you see in the following sections. Again, this is all designed to deal with the payroll situation and the question for the employer. This, as drafted, is so the employer can go and say in stature, you can only revoke your authorization pursuant to those terms and I as the employer can rely on that and I am not by law going to rely on something else, what you’re telling me or what your representative is telling me. I have to rely solely on this precisely because I don’t want to, as the employer, be dragged into a he said/she said of what the authorization says. I know that’s it. It’s up to the union to tell me about it. The first part of your question about whether you can do that or not, that is current law. I don’t know if it’s in stature or not. It’s certainly is in stature that you can always withdraw your membership. I’m pretty sure – it’s not in stature,
but that is the law. If there’s – if that – if the committee and the legislature saw fit to codify that, I mean that’s a separate question, but it is the law. But this – this language here is different. It’s meant to address the payroll issue that I was talking about.

REP. FISHBEIN (90TH): It’s meant to address I think the – when that revocation becomes effective. The physical communication is at one point and the actual effectiveness of that is at a different point.

REP. D’AGOSTINO (91ST): And when we’re talking about revocation, let’s just be clear, we’re talking about the revocation of paying dues. Your revocation of membership is effective immediately. The question is when do I stop paying dues and all this is getting that is the contract terms that you signed control. We can debate whether or not those contract terms are clear and unambiguous enough, that’s the litigation, but that’s what this is getting under, that revocation of dues, not – and– maybe that – and I appreciate the confusion there because there are two different questions. There’s revocation of membership and revocation of dues. This is meant to get at dues and if that needs to be clarified with precise language, then I’m all in favor of that, but those are two distinct questions.

REP. FISHBEIN (90TH): Okay, thank you. And so

DON LIVINGSTON: If I could just add one piece to that and I want to say for the record that your – the reference to the litigation that you make I’m sure you make in good faith and I’m not challenging your motives, but we do have to put on the record that we do have to challenge the motives of the people bringing the litigation. When you suggest and compare a voluntarily signed union card to a
contract of adhesion, contract of adhesion comes from a concept where someone has no choice, signs it. The bargaining position between the parties is so out of whack that the person effectively has no choice but to sign a contract, which shocks the conscience. I’ve been practicing labor law or a union organizer for all my life. I’ve never seen anything even close to that by any union and the people who are funding litigation that suggests that these are contracts of adhesion are not representatives of workers. They are representatives of organizations funded by billionaires who are out and very hostile collective bargaining and are out to destroy the labor movement and that’s not where the State of Connecticut – that’s not what the State of Connecticut stands for. I hope that’s not what you stand for, but I can’t let that reference to contract of adhesion stand in the record without talking about the motives of the people who make those claims.

REP. FISHBEIN (90TH): Well, in the contract of adhesion is wrapped in my characterization that some contractual arrangements, you are required to be able to consult with an attorney of your own choosing. So a prenuptial agreement for instance, you are required to have the ability to inquire of an attorney of your own choosing to review that with you before you sign it and if you sign it without having that opportunity, it’s unenforceable. It is in effect found to be an adhesion contract. So that – and that’s the situation, and I’m not – you know, you brought me down the road, but the situation is we have a new employee coming to work at the state whose given this contract, some information perhaps about what it means from someone with no statutory guidance really sign it. You know – it could be and by some
characterized as a - what is that - the junior/senior sort of situation where one has more knowledge than the other as to what they’re signing. So that’s - you know - and I said I don’t try to cast dispersions, but what I’m saying, adhesion contracts some people have said and that’s actually what’s being litigated, you know. Is this enforceable? Were we on the same footings? Is this constitutional? Those are the issues that have arisen from this contract, so I mean no offense by my reference to adhesion contracts as we analyze the same and I thank you gentlemen for your answering to the questions and thank you, Madam Chairman.

REP. WILSON-PHEANIOUS (53RD): Yes, I just have one question and - I’m sorry about that. In your experience, have you found that managers and people from the state municipal governments that are enforcing or advising about contracts are equally as knowledgeable about the contract as the union members, the union representatives? Have you found an equality of knowledge generally?

DAN LIVINGSTON: So, I would answer it I think a couple of ways. I think that in terms of knowledge, there will be a great variation you know, some managers are very familiar with the union contracts and sometimes I think some managers barely even ever look at it, so there is a great variation. I think the important thing, though, is that the institutional roles of the manager and of the union representative are different.

REP. WILSON-PHEANIOUS (53RD): Very different.

DAN LIVINGSTON: And it’s important that both institutional roles be served and that this legislation allows both institutional roles to be served. The union has its perspective on the contract that it negotiated. Management has its
perspective on the contract it negotiated. They’re not expected to be identical and it’s important that those two roles be recognized in value.

REP. WILSON-PHEANIOUS (53RD): I think that’s an important point. Thank you.

SENATOR KUSHNER (24TH): Other members of the committee, other questions? Okay, seeing no other questions, thank you very much for your effort. [crosstalk] Next up, we have Representative Anne Dauphinais. I don’t know how to say your name. Dauphinais? Dauphinais? Sorry about that. I don’t think we’ve met yet.

REP. ANNE DAUPHINAIS (44TH): Good afternoon. Thank you esteemed members of the Labor Committee. I am here to testify in favor of House Bill 5637, AN ACT CONCERNING CLEAR AND CONSPICUOUS STATEMENTS REGARDING STATE AND MUNICIPAL EMPLOYEES RIGHT TO OPT OUT OF UNION MEMBERSHIP. I am a co-sponsor of this bill because I am a firm believer that our state workers should be fully informed of labor laws that apply to them, similar to what we do for 19 other state and federal labor laws and regulations. Informing state workers of their right to opt out of any union membership is no different. In light of the decision handed down in the Supreme Court case, Janus versus AFSCME, we, as a state government, should hold ourselves accountable to inform state and municipal employees of their option to opt out. This is a decision that directly impacts employee’s pay, their first amendment right, and their right of association in contract. State and municipal employees have a right to know and we as employers would be derelict if we did not make workers aware of this change in the law. It is the obligation of the state as an employer to ensure workers are fully informed of their rights, as we do for other
significant changes in labor laws. To suggest that state and municipal workers should not be informed of significant labor laws that pertain to their well-being would contradict the very purpose of the labor laws. Simply put, if you oppose this bill, you oppose freedom. Informing state and municipal workers of their rights under the law is not only proper, but it is just. If you support worker’s rights, you should support passage of this bill. That is why I urge favorable action of House Bill 5637. It is only right that state and municipal employees are provided with a clear and conspicuous statement of an employee’s right to opt out of membership in the union. Thank you for your time and consideration.

SENATOR KUSHNER (24TH): I have to get his down, like when to turn it on and when to turn it off, the microphone [laughter]. Senator Osten.

SENATOR OSTEN (19TH): So, good afternoon Representative Dauphinais. It’s nice to see you. I appreciate your testimony, but I certainly would not characterize someone who has a difference of opinion of me saying that I would not believe in either the first amendment or freedom of workers and I would let you know that all workers under our collective bargaining agreement were informed of the Janus rules as they were going through the Supreme Court and as the Supreme Court decision came down. This is not a secret to those of us who believe in collective bargaining. We actually informed all the members that we were doing this. We actually informed all the members of the possibilities of what would happen should the Supreme Court rule one way or the other and we actually went back and informed all members of the decision, so to think that that’s not something that we don’t care about when we’re - when those of us who have been part of
a collective bargaining environment, we actually believe in that transparency, have regular meetings with our members, we let them know what we’re doing, we have newsletters that go out on all of this, so your characterization is somewhat offensive when you say that if we don’t believe in this bill, that we don’t believe in freedom. I’m am Army vet. I really believe in freedom, actually have believed in freedom since I joined the service three days after I turned 18 and I fight very hard for workers to get the rights that they – that they need and I would tell you that a bad employer is the best union organizer ever, so I just – you know, I would – I would have been fine with you coming up here and saying “hey listen, I believe you should post the Janus rules.” We actually sent every single union member a new card and let them know about the Janus rules. Perhaps you didn’t know that because you were not involved in a collective bargaining environment. Perhaps you did know that, I don’t know, but to presume that someone is not for freedom because they believe in worker’s rights and they believe in the right of those to participate in collective bargaining and actually get benefits as a result of that, like fair wages, pension and health care. Quite frankly, all of the rules that we talk about here were passed as a result of unions stepping up. My grandfather was a trade unionist. He organized those on rails that delivered mail. He believed in freedom. He was a World War I vet. He believed in freedom. He believed in the right of people to organize. I firmly believe in the right of people to organize, but to assume that I don’t like – if I don’t vote on this bill, that I’m not for freedom, personally I find that offensive. I really do and I’m really – I’m – quite frankly I’m shocked that someone like you who I’ve worked with on a lot of issues would say that someone like me,
that I don’t believe in freedom and I guess I really take offense to that, I really do. I’m disappointed.

REP. ANNE DAUPHINAIS (44TH): Well I apologize for that mischaracterization. I certainly meant no offense by that. I’m just looking for transparency for all of the union workers.

SENATOR Osten (19TH): And they have transparency. That’s why we have meeting after meeting after meeting. I’ve run these meetings. I’ve gone out to meet workers. I’ve sent them personal letters. I’ve called people and talked to them about their rights. I firmly believe in transparency and this – this is not about transparency. This is making an assumption that I don’t believe in freedom. This is making an assumption that I don’t believe in the First Amendment. This is making an assumption that because I differ in an opinion from somebody, that I am the one that’s wrong. I think you have a right to this bill, I do. I’m not for it. I won’t vote for it. Not ever because I disagree with you, not because I think you’re less of a person, not because I think that you don’t believe in freedom, because I know you do, but please don’t make that assumption of someone who believes in a union, believes in the right of workers to collectively bargain, believes in the right that unions fought for worker’s compensation, for payment for overtime, for all the things that – that we fought so very hard for and in some cases, in the beginning of the union movement, put our lives on the line for. I started a union. I started a union because we didn’t get paid overtime, because we were required to stay in a prison for more than eight hours after our shift and we didn’t get paid for it. Because I believe in the rights of people does not — I do not ever — I would never defame you and I believe in transparency, but
to think that I don’t just because of this I find offensive and I’m just — I’m shocked, I’m truly shocked because I respect you immensely and I would never think that that would come from you, that you would tell someone like me, who works side by side with you, who has fought for this country, that I don’t believe in freedom and the First Amendment. I just — I’m really disappointed.

REP. ANNE DAUPHINAIS (44TH):  Well I apologize for that offense. I’m sorry and I know you do believe in freedom.

SENATOR KUSHNER (24TH):  Thank you, Senator Osten. I would like to say that I really appreciate your comments. I share a lot of your views, all of your views on this particular item and I think — I just want to add to it that I appreciate so much the way you highlighted the education work that has been done over the last year or two years by unions all across the country to educate their members about their rights before and after Janus decision and you know, I had the experience when I was running for this office that really shocked me because I ran into a couple of people having lunch and I introduced myself and wanted to talk to them about why I was running for state senate and what shocked me was that they said to me “Well, where do you stand on collective bargaining.” No one had ever asked me that so directly. Nobody even knew how to frame it that way and when I said I was in favor of that, I asked them why they even knew about that, you know, like who are you and why did you ask that question and they said they were union members for the state and worked for the state and had been educated by their union about these issues, so, and I feel like there is a whole lot of awareness out there amongst the work force and that is because of the work that our unions have done to promote that
awareness and that education, so, next, anyone else? Representative Rutigliano.

REP. RUTIGLIANO (123RD): Yeah, I’d be happy to chime in real quick. Thank God, campaigns are over [laughter]. So, I – I understand your point. I understand what you’re testifying to. My wife is part of a municipal union. She is a paraprofessional, a teacher, never heard word one from her union about Janus, so there may be some that do it the right way, but there are probably some that don’t, so I think we could appreciate that not everybody does it the same way. That’s all I have to say. Thank you.

SENATOR KUSHNER (24TH): Thank you, Representative. Representative Fishbein.

REP. FISHBEIN (90TH): Thank you, Madam Chair. Good afternoon Representative.

REP. ANNE DAUPHINAIS (44TH): Good afternoon.

REP. FISHBEIN (90TH): Thank you for coming in and testifying. It’s clear to see from the bill in the title that this has to do with state, as well as municipal workers, is that.

REP. ANNE DAUPHINAIS (44TH): Yes.

REP. FISHBEIN (90TH): That’s pretty clear, so, I mean I know that, I don’t think anybody from the state has come to Wallingford to talk about Janus. We just had a contract on the floor yesterday. You recall that?

REP. ANNE DAUPHINAIS (44TH): Yes.

REP. FISHBEIN (90TH): And that language had illegal language in it up until February 19, two days ago. Is that?
REP. ANNE DAUPHINAIS (44TH): Correct.

REP. FISHBEIN (90TH): Yeah, and Janus was passed, oh God, I have a copy of, it was the springtime I think, so I mean I - I recognize apparently allegedly things are going on at the state, but as of two days ago, we still didn’t have proper language. I just want to read to you some language from a contractor municipality and it says upon receipt of individual written authorization from union members and agency fee payers, the Board agrees to deduct union dues and fees monthly from earned wages and remit the same to union office not later than the last day of each month. All employees within the bargaining unit shall become and remain members of the union or pay an agency fee. You would agree with me that that language presently is not in compliance with Janus.

REP. ANNE DAUPHINAIS (44TH): And that’s why I was here today.

REP. FISHBEIN (90TH): So is there a harm to having the state come up with standardized language that would be included in all these contracts. It appears that at least one of the Senators up here is in favor of educating the public, so I’m just trying - do you see any harm in having [overtalk]

REP. ANNE DAUPHINAIS (44TH): I don’t see any harm and I certainly meant no harm by the - I - I was quantifying it in the context of, you know, I believe we all have - are entitled to that information, so it wasn’t meant to be insulting in any way.

REP. FISHBEIN (90TH): And certainly when, you know, contracts are having illegal language, workers are not being protected as to their rights, so you would agree with me there.
REP. ANNE DAUPHINAIS (44TH): Correct, and I would think everybody would want the same.

REP. FISHBEIN (90TH): Yeah, okay. Thank you and thank you Madam Chairman.


REP. PHEANIOUS-WILSON (53RD): Yes, I guess I would just wonder if you are aware - if people are aware of municipals that have not corrected their language. It does seem appropriate that people be aware of Janus, but I thought again as Senator Osten did, that clearly most people in the United States are very well aware of that, including municipal employees, so there may be some lag in some cases of a change in the language because you know they only do the contracts so often, but I would be amazed that people are not aware of their right at this point because of Janus to opt out of agreements and I would think that if there is some instruction that needs to go out about people correcting their language to comport with the law, that would be reasonable.

REP. ANNE DAUPHINAIS (44TH): I think so too.

SENATOR KUSHNER (24TH): Thank you, representative. Are you familiar with the municipal contract that you were just speaking about?

REP. ANNE DAUPHINAIS (44TH): It was in general. There have been some issues and I think Representative Fishbein pointed out some, so it was in reference to some of those that have been brought to our attention.

SENATOR KUSHNER (24TH): And is that in Wallingford did you say?
REP. ANNE DAUPHINAIS (44TH): I know of that one as well, yeah.

SENATOR KUSHNER (24TH): And do you know if that contract had a severability clause that says it provides for, it’s very standard in union contracts that if there is a change in language there, where statute is changed, then that language is no longer controlling and you would have to negotiate new language to replace it. Do you know if it’s in that contract?

REP. ANNE DAUPHINAIS (44TH): I don’t.


REP. ANNE DAUPHINAIS (44TH): I’m not.

SENATOR KUSHNER (24TH): They’re pretty standard and I know they were in the contract that we voted on just yesterday, so. Thank you. Representative Fishbein.

REP. FISHBEIN (90TH): Thank you, Madam Chair. You know, I did research, it’s called a saving’s clause, I did research this issue and the problem with applying a saving’s clause to something like this is once the contract is signed by the parties, it’s assumed that every portion of that contract is legal and a saving’s clause has to do with an event that happens after the contract is ratified by the parties. So, I have argued this successfully, that a saving’s clause would not apply to the illegal language in the contract, so thank you, Madam Chair.

SENATOR KUSHNER (24TH): So, I – I think there’s probably a more appropriate form for us to debate that issue, Representative Fishbein, so I’ll reserve my thoughts on that until we have an opportunity to
talk about it further. Any other questions?

Representative Vargas.

REP. VARGAS (6TH): I just have a quick comment I’d like to make. I was involved in collective bargaining for many years with five school employee unions that had contracts with the Hartford Board of Education and we calculated, you know, because we knew that – that some of our members did not want to support, you know, the political positions of the union, so we had calculated what percentage of our dues went to politics and it was 15% or 20%, whatever it happened to be. We would then deduct that and the agency fee portion of our dues and those people would pay 85% or 80%, whatever it was without, just for the – for the collective bargaining portion and enforcement portion of the contract and not for any political or lobbying action that the union took and my experience was that even though we informed people of this and even though people were aware that they could save whatever percentage went to politics from the dues, most people opted to be members because they – they wanted a right to vote who the leadership of the union was. They wanted to vote to ratify the contracts. They wanted a – they wanted a voice and a say in matters. Normally it was maybe a handful of people, a couple of Jehovah Witnesses that felt that it was inappropriate for them to belong to a union, opted for the agency fee, and I think that now that Janus is coming up – because I – I believe that Janus was well publicized around the country. I believe that most union members were following this carefully and most unions sounded the alarm because they were trying to influence the position and they were trying to get their membership to weigh in on this issue against Janus, but Janus finally fell and it fell on the side of allowing
people to exempt themselves totally from union dues, and - which - would lead to a very lop-sided collective bargaining model if everybody opted out under the Janus position, if everybody opted out of the union, there would be no union, which I think might have been the goal in the first place of the people who pursued Janus, but now that it’s the law of the land, I think that those people were disappointed with the fact that union members didn’t leave in droves. They thought they were appealing to - they thought they were appealing perhaps to the selfish nature of individuals, that they could save a few bucks by - by not being a member of a union. That didn’t happen. So, there’s been a movement in this country for this kind of legislation to try to keep force-feeding the idea of leaving the union and saving yourself some bucks. I think it’s appealing to greed. It’s appealing to short-term greed because in the long term, I think that having collective bargaining benefits everyone in the workplace and I’m wondering who these people are that are pushing this, where their funding comes from. They don’t seem to be very transparent. Most of the organizations that are pushing for the so-called education of workers under Janus rights are very under-the-radar kind of organization since they don’t say who their funders are. They’re not transparent. Union members know where the union gets its money. It gets its money from the membership dues and unions are very transparent, they are under many regulations and are constantly under a microscope, but this whole impetus to try to force-feed the Janus decision to the individual worker and brow beat them into leaving the union, I don’t know where that’s coming from and I suspect it’s coming from people who would just like to destroy unions. That’s - you have any thoughts on that?
REP. ANNE DAUPHINAIS (44TH): Certainly that’s not my intention. I mean I – I have – I have many family members that are part of a union so it certainly – it’s just – it’s for transparency.

REP. VARGAS (6TH): Well, if that’s the case, why aren’t these organizations a little more – can you influence them perhaps into being a little more transparent themselves as to what their goals are?

REP. ANNE DAUPHINAIS (44TH): In conversation, sure.

REP. VARGAS (6TH): I would appreciate that. Thank you.

REP. ANNE DAUPHINAIS (44TH): Thank you.

SENATOR KUSHNER (24TH): Representative Polletta.

REP. POLLETTA (68TH): Well, thank you Madam Chair and thank you, Maam, for testifying. As a small business owner, I don’t know how many people up here are business owners, but, you know, we’re required to post OSA posters and I think if you come in our shop, our electrical shop, you’re gonna see four or five posters on the wall basically stating laws and regulations that were passed, so, you know, while I – I understand the debate here and I think we’ve all spoke about this being a very passionate committee and that individuals come here with constituent’s concerns and that’s why they’re bringing forth bills, etc. Hopefully there isn’t the motive for questioning someone sitting here, you know, isn’t for the wrong reasons, and I certainly am respectful of every person that sits up here and don’t make this a stump speech because I have been listening for now this is our second public hearing and I’ve heard very, very passionate testimony on both sides on very key issues, including family medical leave and today, the number of bills that are hear, that we may not all necessarily agree on, but we have to
give our legislatures, our fellow colleagues, and the public the respect of hearing this because you all deserve to be heard. So I certainly won’t characterize anybody’s motive for being here. With that being said, I hope we can continue the dialog today in a respectful manner and I know it’s gonna be a long night, so hopefully we can all learn to just get along. Thank you.

SENATOR KUSHNER (24TH): Any other comments or questions? Thank you very much.

UNKNOWN SPEAKER: Thank you.

SENATOR KUSHNER (24TH): Our next person on the list is Executive Director, Tanya Hughes, and Deputy ED, Cheryl Sharp, Commission on Human Rights and Opportunities.

EXECUTIVE DIRECTOR, TANYA HUGHES: Good afternoon, Senator Kushner, Representative Porter, Vice Chairs, Members of the Labor and Public Employees Committee. My name is Tanya Hughes. I’m the Executive Director of the Commission on Human Rights and Opportunities and with me is Deputy Director, Cheryl Sharp. The CHRO supports HB6931, which provides additional protection under the law for domestic workers who are as a group more frequently subjected to discrimination, exploitation and abuse than other workers. Historically, domestic workers were specifically excluded from the protection of Connecticut’s anti-discrimination laws; however, in 2015, the laws were amended to remove this exclusion so that those who employ domestic workers are considered employers to the same extent as those who employ three or more individuals for any other purpose. Currently, Connecticut defines employers as any person or employer with three or more employees. While the Connecticut Supreme Court has determined that very small employers, those with
fewer than three employees, are exempt from the coverage of our anti-discrimination laws in order to protect small entities from such oversight, domestic workers should be afforded the same protection as any other employees. The CHRO also supports, including domestic workers under the State’s Worker’s Compensation laws, sick leave laws and minimum wage laws. Domestic workers should not be excluded from protections and benefits available to other workers. These workers are frequently women, members of minority groups, and immigrants and are vulnerable to injury and being taken advantage of, especially when working in private homes. No employee should ever suffer discrimination in their employment and all employees should be equally protected. Thank you for the opportunity to provide our testimony. Attorney Sharp and I are happy to answer any questions that you may have for us.

SENATOR KUSHNER (24TH): Thank you very much for your testimony today. Are there questions? Representative Rutigliano.

REP. RUTIGLIANO (123RD): Good afternoon. How are you today? So I was on the committee in 2015 and I’m apologizing ahead of time because I truly don’t remember to the extent. I thought we took up the issue and I thought we had made some progress on the domestic – the issues that domestic workers were having. I was hoping that you could possibly refresh our memories on exactly what this committee has done over the past few years.

CHERYL SHARP: We definitely have made some progress and we were happy to work with the committee to make that progress happen and some of the gains in the ways that the legislature has supported domestic workers have been in the following ways, they used to be exempt, so along with a list of other
individuals such as if you were employing your family members, your child, those individuals would not file a discrimination complaint against you because they would be exempt. The domestic workers were included in that list and so in 2015, that exemption was lifted and they were included like other individuals under the definition of an employee, so in the State of Connecticut, if you have three or more employees in your employ, then - and you discriminate or are accused of discrimination, a discrimination complaint can be filed with Commission on Human Rights and Opportunities.

REP. RUTIGLIANO (123RD): So now they’re technically employees?

CHERYL SHARP: Correct.

REP. RUTIGLIANO (123RD): And the employer has to take out taxes and does that employer also pay unemployment insurance? What may be required to pay worker’s compensation insurance?

CHERYL SHARP: Okay, so we’re not experts on worker’s comp or unemployment. We just deal with issues of discrimination and as the bill touches other areas of entitlement, the Commission is just lending its support in that other workers in the State of Connecticut are protected and we believe that domestic workers should be protected in the same way.

REP. RUTIGLIANO (123RD): Right. I only ask that question because you’re supporting, including domestic workers, under the state’s worker compensation laws. I was just asking, nonconfrontation just if they were employees receiving a paycheck, what the employer would be required to pay all the applicable taxes and
insurance. I’m kind of asking aren’t they sort of in that system already I guess. I was curious to know if you knew the answer.

CHERYL SHARP: So, and the answer is that maybe, but I don’t want to say it with authority, so we’ll just reserve [laughter] and respectfully not answer that if that’s okay with you.

REP. RUTIGLIANO (123RD): No problem. So we currently have a sick leave law, but that would apply to employers, I think what is it 50 right now? The paid sick days? The ones that we passed years ago?

CHERYL SHARP: Yes.

REP. RUTIGLIANO (123RD): Right. So if we went down to one or zero, they would fall into that law also, correct.

CHERYL SHARP: One or zero.

REP. RUTIGLIANO (123RD): You know, if we lower the threshold I guess is my question.

CHERYL SHARP: Of what an employee is under [overtalk]

REP. RUTIGLIANO (123RD): How many are required to actually provide for paid sick leave?

CHERYL SHARP: Yes, that would fall under - fall under labor and potentially impact other statutes, which we don’t have jurisdiction over, so when we were crafting our testimony, we tried to be careful to indicate that we are supportive of domestic workers enjoying the same rights that other employees enjoy under the law currently and under our statute, and so it’s three or more employees in their employ is what the commission is lending its
support to because that’s the current state of the law.

REP. RUTIGLIANO (123RD): I totally share your concern. That’s why I remember that we had done some work on it. I think it was Representative Tercyak was Chair at the time.

CHERYL SHARP: Yes.

REP. RUTIGLIANO (123RD): And we had worked on the domestic worker bill. So, is – are they not subject to the minimum wage currently? Or if somebody doesn’t pay them minimum wage I guess, are they breaking the law? They are breaking the law? [crosstalk] [laughter]. Okay. So, do they have regress. I mean, do they have the ability to go in front of the Labor Department and seek relief if they’re not being paid the full wage?

CHERYL SHARP: So we are, for administrative purposes only, assigned or linked up with the Department of Labor. We just go with the discrimination aspect, which is if someone believes they are being sexually harassed or discriminated against in terms and conditions of employment or some other discriminatory conduct and that employer has three or more employees in the employ, then they can file a discrimination complaint with us.

REP. RUTIGLIANO (123RD): All right. I’m getting waves from the back row. I – I wasn’t trying to gotcha or anything like that. I was seriously

CHERYL SHARP: We don’t feel gotten [laughter].

REP. RUTIGLIANO (123RD): I was just asking for my own edification. I thought we had repaired some of these problems that these folks were having and I was shocked when I started reading the testimony, that I thought maybe we didn’t. So, I will reserve
the rest of my questions until a little bit later.
Thank you.

SENATOR KUSHNER (24TH): Great, I think those are important questions and hopefully we’ll have someone here who can answer them for you. Any other questions? Representative.

REP. PHEANIOUS-WILSON (53RD): Yes, I just wondered whether you knew why or could help - you know, help us understand why domestic workers have been left out of the legislation. Is it because it was primarily women and people of color or that were generally undervalued or do you have any sense of why domestic workers were left out of the legislation originally?

CHERYL SHARP: We have a general - you know - sense - we’d have to go back and look at the legislative history when the bill was first enacted and became law. Some of it is, you know, vestiges from our past history in the United States and so, we sought to rectify that by working with Representative Tercyak. And we did rectify some of the issues, but they are all not rectified, which is why we presume this bill was introduced because there are still issues that are outstanding that need to be addressed, some of them falling under our jurisdiction and some not, and - which is why we don’t want to speak to things that are in other people’s jurisdiction and then create any type of confusion because we want each state agency or affinity group to speak about what they have expertise in.

REP. PHEANIOUS-WILSON (53RD): But it does sound as though for people who employ less than three workers, that these rules do not apply from what I’ve been hearing in the discussion.
CHERYL SHARP: Yes, that’s true [crosstalk]

REP. PHEANIOUS-WILSON (53RD): So if you hire one domestic these unemployment – these other rules don’t count for them.

CHERYL SHARP: Right, and they don’t’ count [crosstalk], yes. So the legislature in passing the anti-discrimination laws, made a determination that if you have less than three employees in your employ, that the laws would not apply. There is only individual liability and very limited circumstances in the anti-discrimination laws and it was an effort to protect small employers, so in two thou -- before 2015, the domestic workers were not protected at all, and then the legislature looked at that as a really serious issue because of some of the atrocities that were happening to that particular group of individuals and enacted a law that made domestic workers like other employees in the State of Connecticut where it an employer had three or more employees in their employ, that the domestic worker would then be covered and so it was to put domestic workers on the same footing as related to discrimination laws as other employees and that was the intent and purpose of the law and the change at that time. Because again, not protecting them at all was just a vestige from an unfortunate time in our history.

REP. PHEANIOUS-WILSON (53RD): And so this is just closing another – closing that loop hole further essentially. Thank you.

CHERYL SHARP: Yes.

SENATOR KUSHNER (24TH): Than you, Representative Wilson-Pheanious. Any other questions or comments? Okay, thank you very much for your testimony today.

CHERYL SHARP: Thank you.
SENATOR KUSHNER (24TH): Next, we have Senator Gary Winfield.

UNKNOWN SPEAKER: Is he here?

SENATOR KUSHNER (24TH): Okay, I’m told that he will be here, so why don’t we move to the next Representative Juan Candelaria. I know I saw him. Is he here? Okay, I know he was here. Senator Len Fasano. I know that a lot of our Representatives and Senators are coming in and out because they have other committees and meetings that they’re attending. How about First Selectman Ed Mone? Mone. Okay, please come forward, from Thomaston.

FIRST SELECTMAN ED MONE: Thank you very much for this opportunity to speak before this committee. Let me start off by simply stating that I’m here on behalf of CCM and also obviously as a representative of my town as well. The testimony that you have been given before you was, I need to make note of one particular mistake that’s on it. It was not—well you can see I didn’t generate it, but at any rate, HB6926 was incorrectly labeled, so please know that while I’ll be speaking to those two matters, SB660 and HB6926, 6926 was incorrectly labeled. Okay. I could pull up the label, but I’m sure you have it before you, and unless you would like me to, I would not read the testimony, you have it before you, and I think some salient points were made there, so I’d like to address the lesser of the two initially and that’s 6926. As I understand it, what that asks is that the town provide every 120 days an accounting of the various different labor employees that we may or may not have hired or in fact all that are there so that the union can keep track of I guess what the employees are. Let me simply say that we have always had open communication with all our unions. I can speak for the town of Thomaston
certainly. We’ve always had open communication always with all our unions. Should we hire a new employee, while we do make them aware of union membership should they chose it, we also make the union abundantly aware of the new employees so that they can approach them. I just see it as an unnecessary mandate so to speak indicating that this is something we must do every four months. We are a small town and we have very limited staff and while it is something we can certainly accomplish if required to do so, I would ask that you consider that it’s not necessary for us to do so because again, that open communication that already takes place. The larger one would be, and again, at the end of all of this, feel free to ask me anything you would like, I’d welcome anything. The larger one is really SB660 as it relates to the permanent partial disability and pension offset. I’d like to start off with, well a couple of things. First of all, let me go back a little bit. I know a few years back, I’m not certain what committee or probably – I’m sure Labor was involved – there was some effort made at the state level to reduce the cost of worker’s compensation amongst Thomaston municipalities and businesses in general and we very much appreciated that effort. It was one of those, you know, operating costs that we must incur every year, and not to knock worker’s compensation, we get it 100%, someone gets injured, we want to support that they’re our employees as well, but we very much supported your efforts to reduce that burden. Our concern with this particular bill is just that, the burden that it might present. If allowed – well, let me back up just a little bit. Insurance – the concept of insurance in and of itself is just to make whole those who may be injured, whether it’s a worker’s comp type injury or whether, quite candidly, it’s an automobile accident or your house
burns down or whatever you may want to call it. That’s the concept of insurance, is to make whole. Our concern with this particular bill is that it would do more than make whole. It would in fact allow someone to retire and continue collecting disability benefits, so actually they would be doing better than they had previously. The bigger problem, the bigger problem from our perspective is what this does is this could allow for that claim to remain open indefinitely. I know we have had some situations in our town and something fairly recently within the last couple of years where one of our workers was injured over a period of time on his job and he was temporary partial. He chose to retire. We talked about it. We sat down with him. Our insurance company sat down with him. It came to a settlement agreement and they moved forward. He retired. He is now – honestly, I see him around and he’s a happy camper, but again, back to the point to allow for that disability to piggyback on top of the retirement without some sort of adjustment factor there so we’re not encouraging that kind of behavior. That’s our concern. Thank you for allowing me to speak. I’d be willing to answer any questions.

SENATOR KUSHNER (24TH): Senator Osten.

FIRST SELECTMAN ED MONE: Yes.

UNKNOWN SPEAKER: Did you bring popcorn for everybody [laughter].

UNKNOWN SPEAKER: No, I brought popcorn just for me, I’m sorry. I can’t help it. Mayor or First Selectman?

FIRST SELECTMAN ED MONE: First Selectman.

SENATOR OSTEN (19TH): I’m also a First Selectman in the town that I live in too [crosstalk] and I really
appreciate you coming forward. I do think that what you’re talking about on worker’s compensation, I want to make sure that we’re not impacting worker’s compensation bills negatively, but the bill that you’re talking about was passed by this committee a number of years ago and amended over the two years after that has resulted in a drop of worker’s compensation costs, not generally through {inaudible 1:14:05}, although they’ve seen some drops of 50% or more according to NCCI over the last number of years and that has allowed us to contain those worker’s compensation costs, still providing benefits to workers because ultimately what we want is workers to get back to work, that’s what Worker’s Compensation was designed for, so that we could take very well trained workers, get them better and get them back to work because that’s what we want. We want – most workers want to go back to work. Most workers want to work until they decide to retire and then when they retire, they – you know – they want to enjoy themselves, so it can make them healthy.

FIRST SELECTMAN ED MONE: Senator, we concur.

SENATOR OSTEN (19TH): So, and I don’t usually always agree with CCM, although I am a member of them, so I want to thank you very much for taking time out of what can be a very busy day and letting us know about this and I’m certain that we’ll be looking at the bill to make sure that we’re not overly impacting the benefit structure and still protecting workers because again, that’s the goal, protect workers and get workers back to work for you and your towns people so that you have your services completed in a timely fashion, so again, I appreciate you coming up today. That hospital fee structure bill was a huge, huge bill that I think has had tremendous impact on the State of Connecticut and I look forward to coming up on other
bills that I think will fit in to include the post-traumatic stress for police and firefighters, which will happen in a couple of weeks, and I would like to debate you the cost on that too.

FIRST SELECTMAN ED MONE: And Senator Osten, once I find out more detail as to what is being considered, I would certainly be happy to come up and address that as well, and I thank you for that invitation.

SENATOR OSTEN (19TH): Any time. Thank you very much, Madam Chair.

SENATOR KUSHNER (24TH): Other questions or comments? Okay, thank you very much.

FIRST SELECTMAN ED MONE: Thank you very much as well.

SENATOR KUSHNER (24TH): We are going to, at this point, move over to the – we’ve surpassed an hour, so we’re going to move over to the public sign-up list and first up is John Schultz, also testifying on 660.

JOHN SCHULTZ: Good afternoon. Thank you to the – the Chair and the committee as a whole. I’d like to – to take a moment and I appreciate you for your time. My name is John Schultz. I am the President of Waterbury Firefighters IAF Local 1339 and I’m here to read in-testimony on behalf of one of my retirees regarding State Bill 660. Good afternoon, honorable Chairwoman, Representative Porter, and Senator Kushner, members of the Labor and Public Employees Committee. My name is Lieutenant Ray Lodge, retired Waterbury firefighter. I’m here to testify in support of SB660, an act concerning permanent and partial disability and pension offsets. Almost 29 years ago, on May 10, 1990, my life changed. My crew and I were responding to an alarm. The brakes on the fire engine failed causing
a horrific accident. Two of my crew perished and I was permanently disabled. I suffered multiple injuries and required several surgeries, the most serious being the loss of my ankle, necessitating a fusion of my foot to my leg. I was out of work for almost two years while I relearned to walk, drive and live my life, and was unable to return to duty as an active on-line firefighter; however, I wanted to work and return to the fire department’s communication center where I remained until 2011 when I retired after 30 years of service. My story did not end when I returned to work. To this present day, I live with permanent pain and nerve damage. I must wear special orthotics, am unable to walk without a shoe on my foot and walk with a limp. As I age, I continue to suffer new problems as a result of the 1990 accident. Because my extensive leg and foot injuries and the stress they’ve put on my body, I have required additional surgeries. In 2007, while still employed by the City of Waterbury, I have a complete hip replacement. Most recently and post retirement, I required additional surgery on my knee. Worker’s Compensation recognized that this injury was directly related to the injuries that I received during the 1990 accident. I was eligible to receive an award for my additional disability, but to my shock, I learned that my 30-year pension was offset by this award, so in fact, I’ve not received any compensation for my pain, my permanent partial disability, and the toll the injuries continue to have on my body. It is not fair or justified that the pension I worked 30 years to receive is being offset by my Worker’s Compensation award. My pension had nothing to do with that accident. That accident has affected the way I live my life every day and continues to cause pain, requires surgeries, and affects my body, my life, and the life of my family. It’s my hope that
you will rectify this injustice. You need to make it right. I worked and I earned my pension. My Worker’s Compensation award is based on the injuries I received when the first engine lost its brakes and the resulting effect those injuries had and continue to have on my body. It should not affect my pension. Worker’s Compensation awards and pensions are two separate and distinct entities. Thank you, Raymond Lodge. As a side note, I would ask you to consider that Worker’s Comp insurance would seem to indicate that a PPD (permanent partial disability) claim and payment is an insurance payment for an injury suffered while a worker was performing their duties and as such, is not a wage. It’s a payment for a loss of function of that person’s body. Thank you. I’m happy to answer any questions.

SENATOR KUSHNER (24TH): Thank you for reading that testimony and please actually extend our thanks to your member who wrote that out and took the time to inform us about his situation.

JOHN SCHULTZ: I will, thank you.

SENATOR KUSHNER (24TH): Representative Rutigliano.

REP. RUTIGLIANO (123RD): Thank you. Good afternoon, sir. Thank you for your service. It’s an unbelievable story. What’s the justification? I honestly don’t know. What is the justification that they use to say that they take your Worker’s Compensation award away from your pension?

JOHN SCHULTZ: My understanding is it is the result of a court decision that had to do with the current wording of statute that states that it’s wages and in fact it’s not and that’s the crux of what the court decided on and as a result, it’s considered that you are not able to exceed that base wage.
REP. RUTIGLIANO (123RD): So you’re saying that the court considers Worker’s Compensation wages? I thought it was insurance.

JOHN SCHULTZ: Well, so did we, which is why we’re here.

REP. RUTIGLIANO (123RD): Okay. Well, thank you. It’s a simple question. I hope you get relief. It doesn’t sound reasonable to me, but I hope that you’re well and that you’re — you’re able to not suffer so much pain, sir, and thank you for your service, thank you.

JOHN SCHULTZ: Thank you.

SENATOR KUSHNER (24TH): Senator Miner.

SENATOR MINER (30TH): Thank you, Madam Chairman. So I want to just make sure that I understand how this works. So as an employee in the fire service, I fall off a ladder and I injure my hip. My care is taken care of under the town’s insurance or Worker’s Comp or both and then there’s a disability rating for that injury?

JOHN SCHULTZ: There may be if it’s severe enough, yes.

SENATOR MINER (30TH): And through you, Madam Chairman, so is that disability rating intended to provide income during the course of employment only.

JOHN SCHULTZ: The intent, I would say, is that it was designed to pay for the loss of function or impairment of that body part. It’s specifically by body part.

SENATOR MINER (30TH): And through you, Madam Chairman, so with regards to function, if there is no diminution in function, yet there is an award, is
it just for the term of employment or does that award go on in perpetuity?

JOHN SCHULTZ: The Department of Labor has provided a chart that provides for a recognition of certain body parts and their up to total loss. When you receive an award, your award is a percentage of loss of that function, so the chart reads in a total number of weeks, so if you have 160 weeks for a total loss and you have a 10% disability, you receive 16 weeks of compensation of the wage at the time of injury, one week at a time, until it is paid in full. If, in this case, as we discussed with this individual, with retirement, that week-by-week payment is applied against their pension payment so they suffer no total loss of their pension value, but they do not receive any partial permanent disability payment of and by itself. They should be two separate items as he said.

SENATOR MINER (30TH): So in this case, it’s the fact that a determination had been made post employment, that the hip replacement was related to the original injury and therefore, those payments of a permanent disability should have been on top of the pension, not the original payments for the injury sustained while he was on the job.

JOHN SCHULTZ: This is a single complication of a slightly more involved problem. For example, a worker who is so severely injured that they can never return to work is entitled to retirement benefits potentially or may have served so long so as to have a complete retirement available to them instead of a disability retirement, but they would never receive their PPD payments. Their pension would be offset by those PPD payments until such time as those payments have been exhausted and then the pension fund itself would fund that full value
of the pension payment. So, if they are receiving a $4000.00 a month pension, they would never see a change in that value; however, the city would be paying out of Worker’s Comp up to the point at which all of those payments have been honored or completed for the severity of whatever the injury may have been and then in fact the pension fund, if you will, would pay the balance. Workers who are injured are midstream in that payment process and elect to retire for whatever reason forego the balance of those payments through the offset.

SENATOR MINER (30TH): And through you, Madam Chairman, so if I understand you correctly, the argument is if this is a permanent disability.

JOHN SCHULTZ: Permanent partial.

SENATOR MINER (30TH): Permanent partial disability, which the system recognizes would be for a period of 16 pay periods?

JOHN SCHULTZ: In our example, yes.

SENATOR MINER (30TH): Do they ever go on in perpetuity?

JOHN SCHULTZ: It would then be under a different set of circumstances. It would no longer be a permanent partial disability. There are some instances where somebody loses an eye, so they haven’t, for example, lost vision in their eye, they’ve lost total use of that, different story.

SENATOR MINER (30TH): So through you, Madam Chairman, does – do you know – does the law treat those with a permanent disability differently than those with a permanent partial disability?

JOHN SCHULTZ: My understanding is yes, although it’s not addressed in this particular bill.
SENATOR MINER (30TH): Thank you. Thank you Madam Chairman.


REP. WINKLER (56TH): Excuse me. The existence of the Worker’s Compensation statute is, as I understand it, to prevent workers from suing the employer for on-the-job injuries. It is designed to short circuit that and instead provide a payment under the fund.

JOHN SCHULTZ: That’s my understanding, yes.

REP. WINKLER (56TH): Is it possible in the situation you’re describing that a worker could, if they were allowed to collect partial - partial disability - partial permanent disability payments in an I’ll call it best case scenario, could they actually exceed in a particular week the amount of money they were paid when they were on the job?

JOHN SCHULTZ: In fact they do so if they are still currently employed.

REP. WINKLER (56TH): Okay, so do you think the idea here might be that no matter what we ever do to a worker, they should never be able to collect more than they were when they were employed?

JOHN SCHULTZ: I would say no. I think the idea is that there is a finite decision on what the value of that particular loss is and it doesn’t go on in perpetuity, it has an end and its compensation for a loss that you’ll never recover from of a body part or its function. It’s like an insurance payment for a broken arm suffered in a car accident for example.

REP. WINKLER (56TH): Have you personally talked to an attorney about this?
JOHN SCHULTZ: Not at great lengths, but yes. I don’t proprop to be one by any means.

REP. WINKLER (56TH): Right. The interpretation by the courts that permitted this to happen, was it a reasonable construction as far as you can tell or was the judge reaching?

JOHN SCHULTZ: My understanding was that, and I’ve read it and I don’t think it was a reach on the judge’s part, I think it was not a completely crafted piece of legislation, but it goes to wages and just as you said, that we should never be able to – we should never have to pay an employee more than their base wage.

REP. WINKLER (56TH): So you believe that the legislation this body wrote in essence permitted the judge to reasonably make that determination.

JOHN SCHULTZ: I believe so, yes.

REP. WINKLER (56TH): Thank you, Madam Chairwoman.

SENATOR KUSHNER (24TH): Any other questions? Thank you so much for your testimony.

JOHN SCHULTZ: Thank you, and thank you for your time.

SENATOR KUSHNER (24TH): So now we’re gonna go back to the public officials list. It’s Senator Winfield. Representative Candelaria. Senator Len Fasano, I don’t think I’ve seen him either or First Selectman Mike Criss. Okay, going back to the public list. Next up is Sal Luciano, Connecticut AFL-CIO.

SAL LUCIANO: Good afternoon, Representative Porter, Senator Kushner, and members of the Labor and Public Employees Committee. May name is Sal Luciano and I’m proud to serve as President of the Connecticut
AFL-CIO, a federation of hundreds of local unions representing more than 220,000 members in the private sector, public sector and building trades. Our members live and work in every city and town in our state and reflect a diversity that makes Connecticut great. Thank you for the opportunity to testify today on a number of bills impacting working families. In fact, I have submitted testimony on ten bills, but I’m gonna talk about two. We oppose the proposed HB 5637. Unions raise wages and labor standards across the economy, improving the lives of all workers, union and nonunion. In the public sector, collective bargaining also helps create a fairer economy. Teachers can negotiate smaller class sizes as they are doing around the country, nurses may bargain safer nurse/patient staffing ratios and first responders are able to negotiate improved health and safety protocols. These things benefit society at large. Wealthy individuals and corporations profit greatly from an economy that only benefits the privileged and the powerful. They seek to ensure that they get richer while working people struggle to get ahead. For decades, they have tried to undermine worker’s rights and their ability to collectively bargain. Because unions are one of the only voices fighting wealth and equality and the funneling of money from the middle class and the working ports of the wealthy. So-called right to work laws further tilt the balance of power and favor of corporations because they allow workers who decide not to be a part of the union to fully benefit from union representation, including higher wages, benefits, training, safety and protection from unfair discipline without having to pay a single penny for it. HB 5637 is an unnecessary piece of legislation. With the Janus agreement, no public sector collective bargaining agreement can contain language that is contrary to the terms of
the ruling. HB 5637 would weaken public sector unions and their ability to represent their members. We urge the committee to reject this bill. As mentioned by Representative Vargas, it’s worth noting for the record that Connecticut’s public sector union membership has held steady since the Janus decision last June. Some hoped the decision would translate into a mass union exodus, especially as conservative co-funded organizations like the Yankee Institute actively pursue workers to drop their union membership. But almost eight months on, less than 1% of members have left their union. That’s because they understand their voices are stronger when they stick together and no court decision can ever take that away from them. We support proposed House Bill 6927, AN ACT CONCERNING WAGE THEFT AND DEBARMENT. For every honest and responsible employer, there are others who chose not to follow the law, seeking to line their own pockets at the expense of their employees. Irresponsible employers circumvent wage protections to cheat workers of their earned income, misclassify workers in order to pay them less, disregard health and safety standards, and fail to provide for benefits they report having paid. Proposed house bill 6927 would establish reciprocity language with other states, giving the Department of Labor another tool in efforts to combat wage theft. By adding contractors that have been barred from bidding public projects in other states, it would make it easier for the department to remove bad contractors from the state’s bidding pool and would provide an incentive for remaining contractors to operate within the confines of the law. We urge the committee to support this bill. Thank you for the opportunity to testify today. I’d be happy to answer any questions.
SENATOR KUSHNER (24TH): Thank you, Sal. Representative Vargas.

REP. VARGAS (6TH): Yes, I want to thank Mr. Luciano for his remarks and for his presentation here before the committee. In a previous life, before we had the Internet and digital communications so well developed and before computerization, one of my jobs was to keep up with the changes in laws in all 50 states, U.S. Territories, and federal and state local decisions that impacted labor relations and - and I remember almost every day having to pull out two or three books, whether it was Alabama, Florida, North Carolina, pull out the sheets, put in the new sheets into those books on labor laws by hand and there were always constant modifications at the federal level, at the state level of labor laws impacting labor relations and this is an ongoing thing and it was very difficult for people to be aware of all changes in the laws. Only people, perhaps professionals that deal with labor relations, personnel departments, human resources departments, labor law firms that deal with these issues, and, of course, union leadership, might be aware, but even then, probably would not be aware of how many changes there are and yet, this one decision, the Janus decision, which received so much publicity and which was followed by many, many people around the country, if there’s any change in the law that doesn’t need any further publicity, it’s this particular, Janus decision by the U.S. Supreme Court. I mean, this is something that you’d have to live in a cave and be a hermit not to have heard about the Janus decision and yet, all those other laws I was talking about that were constantly changing, I never saw a concerted effort to educate anybody about any of those changes in the law. Yet, there seems to be an effort driven by certain
interests in pushing this law to the point where they’re almost rubbing it in the face of working people and I’m all for informing people of their rights, I’m all for people being educated about their labor rights, but it’s almost like haranguing people and telling them, listen, you can save some money by dropping your union and I don’t think as a – as a State of Connecticut, a progressive state like ours, should even be a party to try to do a thing like that. I think – we’re not Wisconsin, so I appreciate your testimony and any thoughts you have on why this is being done.

SAL LUCIANO: I actually, as I said, I think it’s – that labor, organized labor, is one of the few voices that are fighting this obscene wealth and equality of the push to have money being taken from working people to go to the wealthy and that concentration continues to grow. Organized labor is failing, even [laughter] it’s one of the only voices trying to stop it, but it’s failing as well. Today there is more money in the hands of fewer people, even more so than in the days of the robber baron.

I don’t understand the concern about people knowing that they have the right to not be a union member. The only way we can collect dues is if they sign the card. So, obviously, you know, they – and those cards explain that they have the right to opt out, so again, I’m not questioning anybody’s motivation here, but I don’t – you know I don’t believe that is necessary.

REP. VARGAS (6TH): And if there should be an oversight by some municipality and they still have language that doesn’t reflect the change brought about by Janus, I understand most contracts that I remember, having been a negotiator in the past, have a clause that says that if any of the language in the contract is contrary to current law, that that
portion of the contract is inactive, is that correct?

SAL LUCIANO: That’s correct. The – the state Supreme Court must be followed. Nobody – you know, the day after they came out with their decision, if we didn’t have cards on file, they weren’t paying union dues, so you know the contracts could have gone from 17 to 20 and those contract books didn’t have that language, but as soon as the Supreme Court made their decision, it was the law of the land.

REP. VARGAS (6TH): Thank you very much, and thank you, Madam Chair.

SENATOR KUSHNER (24TH): Thank you. Other questions. Representative Fishbein.

REP. FISHBEIN (90TH): Thank you, Madam Chair. Good afternoon, sir. I just want to start with the wage theft and debarment aspect. You said that you supported that. Can you just tell me what that is.

SAL LUCIANO: So, right now the department that oversees contractors and there are plenty of contractors, they can’t keep track. You can change ID numbers overnight and so what this would do is it would call out the bad actors. There are building trades workers here that can give you specific examples of where that has happened and where that is happening as soon as today. So what this bill would allow people to do is that people who have been found to cheat, to be cheaters in other states, it would take them out of the running for projects in Connecticut. So if somebody was fined in Massachusetts for misclassifying workers, for stealing their money, wage theft is a huge problem in this country and it happens everywhere, it just happens most often in construction, this would
identify who they are and keep those bad actors out of Connecticut.

REP. FISHBEIN (90TH): So do you have any specific – you’re the one testifying at this point – I just – and I know sometimes home improvement contractors, to get out of liability with the homeowner or something like that, they’ll go and open up another business.

SAL LUCIANO: Correct, that’s correct.

REP. FISHBEIN (90TH): Is that the kind of stuff we’re talking about, so that they get out of their obligation to pay their subs.

SAL LUCIANO: It’s not only home ownership, it’s building highways and roads [overtalk]

REP. FISHBEIN (90TH): But it’s a general contractor.

SAL LUCIANO: Yes.

REP. FISHBEIN (90TH): Has a contract with their subs. It’s the subs that are getting cheated here, is that fair to say under this concept?

SAL LUCIANO: The subs and the workers who work for the subs.

REP. FISHBEIN (90TH): Okay, the subs and the sub-sub-subs. So now there’s a contract to pay somebody who’s done let’s say drywall work and contractors with ABC, LLC, am I to understand that some of these employers will go and create another LLC and then say well I’m not that anymore and therefore, because I’m not there anymore, if you sue me, you can’t collect? Is that the kind of situation?

SAL LUCIANO: Yeah, that’s exactly right. The construction is a huge industry with a large amount of turnovers among the contractors. Subcontractors
form new tax ID numbers daily, so this is just a way to help figure out who the bad actors are since we don’t really get help from the State Department of Labor. They don’t have the manpower to do so.

REP. FISHBEIN (90TH): So how do we, you know, cause you’re in the field, how – because I would think it would start with DCP.

SAL LUCIANO: Yes.

REP. FISHBEIN (90TH): Because the Department of Consumer Protection has to do with the registering of home improvement contractors. You’re required to register to do those works and then sometimes they would shift. How, if you had the magic wand, would Department of Consumer Protection prevent that individual let’s say from shifting businesses.

SAL LUCIANO: They could still probably try to find ways to get around it, but this would allow reciprocal agreements so that if Massachusetts already knows that there’s a contractor that’s been cheating their employees, Connecticut could find out about it and I just want to say, we’re not just talking home owners, we’re talking about bridge repair, highway construction, major construction projects.

REP. FISHBEIN (90TH): Yeah, I’m just trying to take it down to something that we can, you know. So conceptually in Massachusetts, Bob and John Smith create this business and they are engaging in this bad activity, let’s just say, okay? They’re found to be in violation of the labor laws. Now, Betty and Jean, who are married to Bob and Joe, come to Connecticut and they create a business, how are we to monitor that kind of stuff to prevent that new business from doing business in Connecticut? Because that’s the intent, correct?
SAL LUCIANO: Yeah, right now as he develops an umbrella organization, we’re supporting the building trades who can speak I think a lot better to your points than I can and I think they would be more appropriate to ask. They will be testifying soon, shortly behind me.

REP. FISHBEIN (90TH): Sure, so then moving to the 5637, which you opposed, assuming that there is illegal language in the municipal contract and that as of last week, a municipality is ratifying that illegal language, would you find it to be appropriate or inappropriate.

SAL LUCIANO: Well, as soon as the Supreme Court made the decision that they made, there has to be an affirmative sign in in order for dues to be taken, which is why the unions, as was mentioned, which is why the unions went out to talk to their members to get them to sign those cards because that’s the only way you can take the union dues out of that person’s paycheck. There has to be a card that backs that up. So if the person wasn’t told and they didn’t sign a card, they could not have union dues being taken out.

REP. FISHBEIN (90TH): But – but let’s just say because there is no statute that says this is the language and this shall be in every contract, cause that’s what’s contemplated by this, and a town passes a contract that says every employee must be part of the union and they can’t get out [overtalk], which we would agree is illegal.

SAL LUCIANO: Right.

REP. FISHBEIN (90TH): What would you have happen if the state did not do something to say: A) Here’s standardized language or just don’t even speak to
it, which, I mean, which would you rather have happen?

SAL LUCIANO: Well, I would think that after June 2018, June 28 I believe was when the decision came out, that after that, they wouldn’t have that language.

REP. FISHBEIN (90TH): Okay, well I can tell you that it’s going on.

SAL LUCIANO: Well, and this is what I said – between – there are contracts that started like from 17-20.

REP. FISHBEIN (90TH): No, I’m saying since last July.

SAL LUCIANO: They should have the new language – they should have the new language.

REP. FISHBEIN (90TH): They should, but what I’ve been told when I asked about that is because the state is not giving us any direction, we’re going to rely upon the old language. So, here we are, the state, you would have us do nothing because you oppose the bill.

SAL LUCIANO: There’s no reason that there can’t be an MOU. The law has to be followed. It’s as simple as that. [overtalk] It doesn’t matter what the contract language said. The Supreme Court has spoken.

REP. FISHBEIN (90TH): Yes. You would agree with me that a worker should rely upon the language in the contract.

SAL LUCIANO: Yes, but I’m also saying that in order for union dues to be taken out after June 28, 2018, they would have had to sign a card saying that they affirmatively chose to be a union member and they
understand that they don’t have to be. They affirmatively chose to be union member and they’re willingly paying dues.

REP. FISHBEIN (90TH): Okay, so I’m just trying to understand the harm. I – you know, I understand the whole people want to get people out of the unions, but I’m trying to understand the harm with very soft language, you know, something that says, you know, it is your option whether or not to remain a member of the union and if you choose not to be, notify whomever. Is there a harm to that?

SAL LUCIANO: There are bill boards as I drive talking about union democracy and I see those billboards and I go like this, you know, until I realize that those are the FreedomWorks co-founders, brothers attempt to try to get people to decertify their union.

REP. FISHBEIN (90TH): Okay, but I have nothing to do [over talk]. My question had to do with just having standardized language, very – you know, that doesn’t tip the scale either way, just, you know, instead of language that is clearly not in conformance with the current status of the law and many of these contracts are many pages and a saving’s clause, which I’m gonna tell you a saving’s clause doesn’t apply, is never near this language. In fact, one of the contracts that I reviewed, the illegal language is on Page 2 and the saving’s clause is on Page 36 and in this protective, this group, this bargaining unit, it’s about 200 people, none of them are lawyers, nobody is explaining to them that on Page 36 is this provision that applies to Page 2 and that’s my concern here, so – and I still sort have gotten any answer, and I’m willing to work with you on some sort of language. I mean if you’ve got something nice and soft, you know, that’s very
neutral, is there an objection to that, cause you testified

against the bill and all the bill says is that the general statutes be amended to require that state and municipal collective bargain agreements report employee notices include a clear and conspicuous statement of any employees right to opt out of membership of the union. Now the word opt out perhaps is a little strong.

SAL LUCIANO: Right.

REP. FISHBEIN (90TH): I got it. I got it. But this is just working language.

SAL LUCIANO: Well, [laughter] if the language changes, then maybe I’ll have a different opinion. [over talk] I mean, there are other bills that also talk about talking to new members to explain to them what their rights are, you know, and it’s extremely important for them to get and also to tell them where their rights come from.

REP. FISHBEIN (90TH): Understood. So, thank you, thank you, sir, and thank you, Madam Chairman.

SENATOR KUSHNER (24TH): Just to follow up on that for a moment. I think if you look at Bill 6930, AN ACT CONCERNING UNION ACCESS TO AND NOTIFICATION OF NEW PUBLIC EMPLOYEE ORIENTATION, is that what you were referring to as opportunity to inform people?

REP. FISHBEIN (90TH): Exactly.

SENATOR KUSHNER (24TH): Thank you. Senator Miner.

SENATOR MINER (30TH): Thank you, Madam Chairman. So, I guess I want to try and come at this from the same direction that my namesake has come at it from. Having been a Craig and Craig.
SAL LUCIANO: I thought you meant other miners [laughter].

SENATOR MINER (30TH): Having been a former First Selectman, who I think had a very good relationship with the employees of the town of Litchfield, both union and nonunion, I don’t think they would ever have suggested that anybody try to pull a fast one anywhere and so I think, you know, especially with small community bargaining groups, when I read language, and I think there were four bills, 6926, 6930, 6935, and 6936, I think to myself, you know, more often than not you catch somebody on their way in and they sit down and have a cup of coffee and you kind of get a consensus of what they’d like to see happen or don’t happen. When it comes to orientation, you know there’s language in one of these bills here, I think it’s 6930, says at least ten days prior to notice of such orientation, I’m trying to imagine how in a town of Goshen for instance, that would work. You might have three people in the public works department and somebody gets hired. The First Selectman is all excited. They’re gonna start on Monday. They got hired on Friday and there’s an obligation that they’ve gotta notify the representative bargaining group 10 days before an orientation occurs, even though I think we would all agree that there is an orientation that has to occur before you can actually even get behind the wheel of the truck and so, is there some – is there some way to get at some of this to kind of reduce the concern that organized labor has and at the same time, maybe move public employers in a way where they kind of get it and they get the concern that bargaining groups have at this point in time, so that you could reach some consensus documents and not have to have a meeting on top of a meeting, a notice – you know, a 10-day notice requirement. All
of those things. I mean, I’ve got employers say to me, you know you guys tell us all the time we gotta hang something on the wall that tells us what we have to do. I don’t understand why that would be a bad idea and I – you know, frankly, I got it. Sometimes it’s a lot easier dealing with a group of individuals through one individual that it is dealing with a group of individuals through all the individuals, so I got it, and so I – I’m trying to get a sense here, is there some compromise that we can figure out.

SAL LUCIANO: Maybe the concern is that it may be somebody from like a union organization or professional staff person must come out. We believe the union isn’t there when somebody from – a staff rep comes out into the work force, we believe that the union is theirs 40 – you know every hour of every day and so the orientation can be done by the people, like the President of the local, one of the DPW in Goshen can sit down and say look, this is the contract we negotiated, right, because the staff rep is negotiating the contract that the local union is requesting. It’s their contract. It’s not – it’s not – it doesn’t belong to the people in some other office, so maybe that’s the concern, cause the orientation can be done by the union that’s right there is Goshen.

SENATOR MINER (30TH): And through you, Madam Chairman. So in the case of the town of Goshen, again, I’m just imaging what happens, so the guy that’s in charge of the union of two is out plowing snow with the other guy or gal and then the new person is coming on. Are you imaging that as long as that union leader knew the orientation was going to go on and knew the conversation, they don’t have to be there? They could just chose to be there?
SAL LUCIANO: If it’s a union of two, then I think there’s always a union meeting going on [laughter].

SENATOR MINER (30TH): So a union of five. Sal, my point here is that in organizations where there are a lot of people, I get that representation by organized labor serves in some cases management’s will and sometimes labor’s will and so it’s a necessary part of that relationship. When we start to write things down and make – put them in statute, they create a cause of action if we don’t do it exactly the way the statute said to do it. You know, I look at the one that says about deductions and I don’t – you know, I’m not a lawyer, I’m not a labor lawyer, but, you know, I gotta, as an employer, I’ve gotta notify the bargaining group of what those deductions are gonna be. Does that mean that if somebody gets a garnishment of wages, is that included in that language, or is it just the deductions with regards to the labor organization. [over talk] I guess that’s my concern, so we’re not gonna get this resolved tonight, but you know, I’ve heard you for a number of years now. You’ve heard me. I think if there is a consensus that we can reach that isn’t going to pit otherwise good employers against otherwise good employees, that’s the best thing that we should be trying to accomplish and so I would hope that as any of these move forward, if they move forward, you know, maybe we could have a follow-up conversation.

SAL LUCIANO: I would appreciate that [over talk] and I would just like to say that we already have places where we have orientation in the contracts and – and I think you find that they’ll – that they work. I mean, one of the reasons why people have grievances is there’s a belief that maybe the contract was violated and to try to fix it quickly without lawyers, without litigation, without taking
years for it, and so it works and so I guess in this discussion, maybe we could find out from places where new member orientation is in the contract, how well it’s working, cause I believe it is working.

SENATOR MINER (30TH): Thank you. I look forward to that further conversation. Thank you, Madam Chairman.

SENATOR KUSHNER (24TH): Just a follow-up on that. So I know in some of my experience working and representing workers, usually, even in a small place, there is some form of an orientation that isn’t usually — it’s usually separate from actually informing a person about this is how you carry out your tasks that you’ve been hired to do. Like I think that was sort of your reference, Senator Miner, and usually there is a separate meeting where someone is informed about all the benefits that they are going to be eligible to receive like insurance and whether they want to buy life insurance additionally. Is that the kind of orientation that typically gets scheduled?

SAL LUCIANO: Yes.

SENATOR KUSHNER (24TH): Thank you. Any other questions? Representative Rutigliano.

REP. RUTIGLIANO (123RD): Thank you, Madam Chairman. I just have a quick question. You may need help answering it, but I don’t know if I’m gonna be here long enough to get to the building trade’s post. We passed a bill, I believe it was out of General Law last year on debarment, which I was fully in support of and I was wondering how this bill was material different than the one that we possibly passed last year and if anybody could help me with that with your indulgence, Madam Chair, I was hoping maybe we can get that answer?
SAL LUCIANO: I’m gonna ask Kim Glassman if that’s okay.

REP. RUTIGLIANO (123RD): That would be great.

SENATOR KUSHNER (24TH): That would be fine.

REP. RUTIGLIANO (123RD): I warned her [laughter].

KIM GLASSMAN: And I didn’t go too far, right?

REP. RUTIGLIANO (123RD): That was good. Was it general law?

KIMBERLY GLASSMAN: It was general law. Thank you, Representative Rutigliano and thank you for the question. I am on the list to testify, so.

SENATOR KUSHNER (24TH): Could you state your name?

KIMBERLY GLASSMAN: Oh, I’m so sorry. Kimberly Glassman with the Foundation for Fair Contracting. I am on the list to testify, so I could, you know, maybe get into a little bit more in depth over – you know later if you want to just move this along, but this – the legislation that you have in front of you is different than the legislation that we had talked about last year. The legislation we had talked about last year, that did come out of the General Law Committee and thank you for your support on that. What that did is it gave the Department of Labor the ability to bring a debarment proceeding a little bit more easily because there hadn’t been a hearing on debarment since the mid-90s in the state of Connecticut. We haven’t actually debarred a contractor in Connecticut in five years. So, we want to make sure. Look, this isn’t about trying to be bullish. I represent contractors too and in the construction industry, there is a symbiotic relationship between our signatory contractors and our – and our – and the union members. If one is
doing well, the other one is doing well. If one is doing poorly, the other one is doing poorly. So there is – there is a strong relationship. This isn’t about trying to be anti-contractor, right? But there are companies out there. If I say a name to an investigator at the Department of Labor in the Wage and Hour Division and they’re gonna say, oh yes, I know that company quite well and what have they done this time, right? And so, really what we’re trying to do is move the dial and this is a much more scaled back proposal that we’re looking at and so what this legislation would do is actually simply have allowed the Department of Labor to reflect other state’s debarment lists and debarment, to Representative Fishbein’s question, is – debarment is not on contractors who perform private work, so this doesn’t – this wouldn’t affect home builders or residential or commercial contractors, right? This is only for those companies that are bidding public work, if your bidding a state job, a municipally funded job, and if you’re debarred, if a state like Massachusetts, New York, Rhode Island, New Jersey, has found that you have violated labor code, underpayment of wages, fraudulent payroll records, maybe you have a fraudulent 401K plan set up, if they believe that you have committed these wage violations so egregiously and so willfully over time, that you need to be debarred, and debarment isn’t necessarily forever. It could just be “we’re just gonna debar you for a year”, maybe two years, maybe up to three years, but if they make that decision, we want to give Connecticut the ability to reflect that debarment as well here.

REP. RUTIGLIANO (123RD): So, I thought last year’s legislation was perfectly reasonable. I supported it whole-heartedly. So you’re saying this year, as opposed to the Department of Labor, if I’m hearing
you correctly, instead of the Department of Labor initiating an action, they would be able to just review the list of other states.

KIMBERLY GLASSMAN: Yes.

REP. RUTIGLIANO (123RD): And does that company still have an appeal process. Are there still checks and balances on that just in case they make a mistake?

KIMBERLY GLASSMAN: I mean – so the list currently – we – we don’t want – we don’t want to handcuff our – our enforcement agency. We think they do a fantastic job, but – so we don’t want to send them on a wild goose chase, right? These debarment lists that other states have are public. They’re online. You can easily go and download them, right? And they’re updated so it’ll tell you this contractor was debarred in February 2017. That debarment will end October 2020, right? So all of that information is there for the Department of Labor to gather, so they shouldn’t. [over talk]

REP. RUTIGLIANO (123RD): So, but what you are – if I’m hearing you correctly, what you’re saying is if Massachusetts found it necessary to debar them, if we read that list and we accept that list and we automatically debar them, which is probably the correct action, by the way, is there still, in case they made a mistake, any – is there still an action a company could take to sort of correct that or would they have to correct it through their home state first?

KIMBERLY GLASSMAN: That’s not what we were looking at with this initial proposal, but we’re happy – I mean we don’t have a committee bill raised yet. This is just a concept bill right now. [over talk]
and as we draft that committee bill, then I think we would be - we would be open to exploring that.

REP. RUTIGLIANO (123RD): So I know you’re in a different venue this year, you’re on the Labor Committee instead of the General Law Committee and we ask a ton of questions on that last year and I have assured the committee members that I thought this was a perfectly reasonable proposal and it really would protect Connecticut workers and all that other stuff, so I am supportive [over talk] and I thank you for clarifying the difference between the bill [over talk].

SENATOR KUSHNER (24TH): I would like to say, Representative Rutigliano, I think you took a little advantage of me being new because [laughter] she just testified out of order and [over talk] - cause you have to leave [laughter] [over talk] and I apologize to all of you who are on the list and waiting and I’m not gonna take it out on you, Ms. Glassman, but [over talk] you did kind of sneak in there, so I would like to move the list if there are no further [over talk].

SAL LUCIANO: It’s actually my fault. She saved by bacon.

SENATOR KUSHNER (24TH): [laughter] If there are no further questions for Sal Luciano. Yes, I see Representative [crosstalk] She is gonna be back in touch by later. Thank you. [crosstalk] Thank you, and so we’re gonna go back to the public officials list and next up is Representative Candelaria. Thank you for waiting.

REP. CANDELARIA (95TH): Thank you, thank you, as all of us are running from one meeting to the other. Good afternoon Chairwoman Porter, Senator Kushner, distinguished ranking members, and members of the
committee. I’m here to testify in favor of 6931 and not concerning domestic workers. The bill will alter the current status of domestic workers in the state of Connecticut supply the necessary benefits. This bill will require domestic workers to be paid the minimum wage, expands Workman’s Compensation coverage to domestic workers who work more than 15 hours per week. The bill will also require to provide paid sick leave to these employees and also be afforded under the CHRO statute, some protection that they currently do not have. To give a brief background, domestic workers perform a significant amount of work for citizen’s former employment. These employers are among the most vulnerable. These workers are often subject to below minimum wage and they’re also exploited by their employers. Currently, the State of Connecticut specifically excludes individuals employed domestics from discrimination and sexual harassment. Laws do not explain the definition of employee by the Commissioner of Human Rights and Opportunity. Due to the current law, there is no sick time arrangement for domestic worker. Sick time is prescribed by businesses employing 50 or more workers. Although some of these workers hold stable scheduled hours and days whereas an alternative professional employee will be able to accumulate any sick time. Domestic workers who provide a very key role in the Connecticut’s economy are excluded, in particular in basic protection giving to other employees. I would like to thank the Committee for the opportunity to testify and also I would like to just expand very briefly what we’re trying to accomplish because when you look at the language of the bill, many of the things that we are looking for have no physical impact except, of course, for the Worker’s Compensation and that’s something that we can have a different conversation on, but domestic
workers currently are excluded in the wage law, so many of them are paid less than minimum wage and work over 40 hours per week. That’s slavery in this time and age. What this bill basically does is include them in the definition of minimum wage so that they can earn that minimum wage. It also allows for the employers to provide them with a job description. Many of this individuals are hired to perform one duty and they do multiple duties and I think that’s just an essential. Imagine us going to an employer and saying “okay, I’m here to work” and you’re expecting to do one duty and you’re doing multiple. The other part is they have no protection under CHRO because they may just hire one employee. CHRO covers under three employees, so that’s another issue. Some of them are forced to work seven days a week and what we’re trying to do is that if you’re gonna work seven days a week, it is the option of the employee and of course, there needs to be compensation for that as well. So, that’s some other protections that we’re looking for. Privacy: Many of them live in these homes, they have no privacy. Many of the employers just go into their rooms unannounced, go through their personal belongings. We need to provide some type of protection for these employees that they current don’t have. And also, many of them, because they get upset - the employer may get upset because there was an expectation without a job description to do I don’t know, fix the roof, get up there and fix the roof. If there is that expectation and you didn’t do it, you’d get fired without notice and I think this individual should be provided notice, especially those that reside in the household. They need to find a new place to be housed. So, one last thing that I would like to cover in here is also protecting them against retaliation. Many of them are retaliated against when they open up and I know
that we as individuals, the last thing we want to do is feel uncomfortable with an employer and therefore not happy, we can, you know, voice our concern and have protections that we would not be retaliated, so again, that’s the end of basically a brief of what we are trying to accomplish with the bill, so thank you for the opportunity to allow me to come and testify. If you have any questions, I’ll be more than happy to answer them.

SENATOR KUSHNER (24TH): Thank you, Representative Candelaria. I also want to thank you for your advocacy on the part of these workers who are often overlooked and I think that the issues that you’ve raised here are critical and important and we need to be mindful of protecting all the workers in our state, so I appreciate you bringing it forward in this way. You also – I believe there was a question earlier from one of our representatives about whether or not these workers are covered by minimum wage laws and I think you’ve clarified that they are not covered by minimum wage laws, so I know that question came up earlier and I don’t know that it was answered, so are there other questions from this committee. Representative Porter.

REP. PORTER (94TH): I don’t have any questions, just really a comment. I know how long that we’ve been trying to get this passed. I do, as Senator Kushner said, appreciate your efforts and, you know, just your staunch support and your persistence in pushing this bill every year and I – and I do hope that this is the year that we get it done, but thank you for your commitment to domestic workers because they are like any other worker and they should have a real tangible sense of dignity in the work that they do and they should be treated accordingly, so thank you, Representative Candelaria.
REP. CANDELARIA (95TH): Thank you, Representative Porter.

REP. PORTER (94TH): You’re welcome.

SENATOR KUSHNER (24TH): [Applause] thank you. So going back to the list here, the public list, we have Rick Hart.

RICK HART: Good evening, Madam Chairs Porter and Kushner, Representative Polletta, members of the Labor Committee. My name is Rick Hart. I represent 4,000 career firefighters in the State of Connecticut and I’m here to testify on two bills, Senate Bill 549 and Senate Bill 660. First, 549 has to do with firefighter work weeks. Currently in statute there is a provision that allows municipalities to ordinance or referendum to set a firefighter’s work week at 56 hours. This came about in 1965 when firefighters were working on an average of 68-72 hours per week, so they wanted to cut down on the work week for firefighters. The problem with the statute is that it was never updated to reflect the changes in mirror, which wages, hours and working conditions are a matter of collective bargaining, so we’re looking to just repeal this portion of the statute so we’re speaking in support of this bill. Getting to Senate Bill 660, PERMANENT PARTIAL DISABILITIES AND PENSION OFFSETS, you do have my testimony on both bills. One clarification, people are conflating wages and PPD payments together. The OLR in 2000, the report on permanent partial disabilities and define PPD benefits as a benefit for loss of a body part or reduction of function in a body part. So this clearly defines the PPD as a benefit as opposed to a wage. A perfect example – I’ll give you two examples: (1) If I hurt my shoulder, I have surgery, I return to work. I get a rating on that
shoulder injury, I receive a permanent partial disability payment based upon Worker’s Comp schedule that’s found in the statute. I go back to work. I receive – in the same pay period I receive that PPD payment, along with 100% of my wages. Now if that shoulder injury is so severe that I have to retire, the municipalities have seen it fit to save a little pension fund by taking the PPD money and applying it towards my disability pension, thus, reducing my pension by the benefit of the PPD, so that’s where the dichotomy is and that’s what we’re looking to change. We’re looking to prevent municipalities from applying the PPD to the disability pension and unfortunately, the First Selectman, whether it’s through ignorance and not knowing what a PPD is, but by calling it extra compensation, it’s not extra compensation. It’s worker’s compensation, which is basically an insurance policy to make an employee whole from being injured while in performance of their duties, so we’re looking to just have this stopped so that employees get their full worker’s comp benefit, along with their disability pension, and really, if a person is disabled to the point where they have to retire, I wish Senator Miner was here, because it is a finite under this definition. It’s a finite payment of the insurance policy. Like President Schultz said, if you get an injury to the brain, it’s 520 weeks based upon 100%, but if it’s a 10% loss of the function due to an injury, it’s 52 weeks of your salary. That’s all we’re – that’s where the finite, there is an end game to it. It’s not in perpetuity as he was questioning, so if anybody has any questions.

SENATOR KUSHNER (24TH): Just – I do think that was helpful to clarify the difference between – and I think the example you gave was helpful in saying that if somebody goes back to work while they’re
still entitled to a benefit, that benefit continues and they receive 100% of their wage, so as I understand it, you’re questioning why would you then reduce the pension.

RICK HART: [Over talk] Right. If the pension is going to be – it could be 50% to as much as 70% of your salary whereas if you’re back to work, you’re getting 100% of your salary.

SENATOR KUSHNER (24TH): That was a very helpful example I believe. So Representative Fishbein.

REP. FISHBEGIN (90TH): Thank you, Madam Chair. Good afternoon, Mr. Hart.

RICK HART: [over talk] Good afternoon.

REP. FISHBEGIN (90TH): Just trying to figure out here, and it’s a distressing situation to me just so that you know. Who – the PPD is established by the Charts and the Worker’s Compensation Commission so there’s no control over that? Am I to understand that?

RICK HART: What happens is they assign ratings for – there’s a whole schedule of all the body parts that they can think of pretty much. What happens is you have to go to three doctors for Independent Medical Evaluation. The assign a disability rating and that is applied to whatever body part it is. I used the brain because it’s an easy number to remember. So they apply that number to the 520 weeks of 100% disability. So if it’s a 1% disability, it’s 5.2 weeks.

REP. FISHBEGIN (90TH): My point is, there’s no control other than that process, that the worker has over determining what that amount of the PPD is, that dollar amount. [over talk] It’s based upon.
RICK HART: [Over talk] It’s based upon your salary and it’s based upon the doctor’s ratings.

REP. FISHBEIN (90TH): Yeah, the math is the math is the math.

RICK HART: Correct.

REP. FISHBEIN (90TH): Is basically [over talk] the answer. So, and the fact that that is going to negatively impact upon the worker’s pension, what sort of notice is given to the worker prior to closing the case essentially, right, because the case gets closed, they go back to work, and then they find out that it’s applied against their pension, correct? [over talk] Or they don’t find out actually until they retire.

RICK HART: Well, if they have to retire on a disability, they find out when they get that first pension check and it’s reduced by the PPD amount [over talk] that’s when they find out.

REP. FISHBEIN (90TH): They’ve already gone back to work.

RICK HART: No, they’re not back – this is on a disability. If you go back to work, you get – you’re notified here’s what your rating is, Worker’s Comp assigns the dollar figure, and you get a check for what the PPD – and you go back to work and you collect your weekly pay, whatever that is.

REP. FISHBEIN (90TH): Yeah, and I was reviewing the testimony, you were – you were here before the gentleman from Waterbury who – he had gone back to work at a different – he worked for the department, but at a different job, more than likely he was getting paid less, but the fact that the PPD impacted his pension they way I glean it from the
written testimony, he didn’t find that out until he retired.

RICK HART: Correct.

REP. FISHBEIN (90TH): Okay, so there’s no procedure in place at the time of the closing of the file or the issuance of the PPD check, hey, you know, just want to let you know this is going to impact upon your pension.

RICK HART: Correct, because it’s not uniform across the state. Where I work in Waterbury, they do it. I don’t know off hand of other municipalities that don’t do it. I don’t believe Hartford does it [over talk]

REP. FISHBEIN (90TH): So I heard that this was being done because there was a court decision, so you’re saying that some towns are following the law and other towns are not following the law?

RICK HART: I can’t speak for that because I don’t know about the court case, so I can’t [over talk]

REP. FISHBEIN (90TH): Yeah, I don’t either. The first I heard of it was today, but that was the representation.

RICK HART: And we know courts do make mistakes and they were conflating the wages – excuse me – the wages in permanent partial disability. They were lumping them as the same, so I think that’s what they based their decision on.

REP. FISHBEIN (90TH): Okay, and you had said there was an OLR’s report about [over talk].


REP. FISHBEIN (90TH): And does that reference the court case.
RICK HART: No. It just – it’s based – it’s very short. It just basically defines what a PPD is.

REP. FISHBEIN (90TH): Okay, so it doesn’t address the fact that perhaps one municipality is doing this one way, another one is doing it another way?

RICK HART: Right.

REP. FISHBEIN (90TH): Okay, thank you, thank you for your testimony. Thank you, Madam Chair.

SENATOR KUSHNER (24TH): Representative Wilson-Pheanious.

REP. WILSON-PHEANIOUS (53RD): Yes, I’m just suffering a little confusion here. You’re saying that when you – when somebody gets a partial disability payment, it’s costed out for the percentage of the check if you will that they’re going to get and it’s finite if – if it’s – I think the example you used was – I can’t remember, but 10% of the [over talk] right, for X number of – so I’m trying to understand how it extends into retirement. If the person – like the example that was just given, the gentleman went back to work. I’m trying to understand why he – why that disability didn’t – why he’s still getting disability or how that happened that it went past his retirement and was then [over talk]

RICK HART: What happened with Lieutenant Lodge was – I’m not sure if you’re familiar with the accident, but he basically was pinned up against a tree between a tree and fire truck and he suffered catastrophic injuries to his leg. The doctor – the city owns that injury, so as time goes on, injuries – if something happens [over talk], they identify that as the root cause was that accident, so they still owe that 1990 injury until he passes.
REP. WILSON-PHEANIOUS (53RD): I see.

RICK HART: So as issues arise as a - and the doctor - worker’s comp and there are worker’s comp hearings as to determine. It’s not - his physician does not say well yeah, that’s okay right here, that’s because of the accident. Worker’s Comp - the Worker’s Comp commissioners are the ones that decide whether or not and make that determination whether that injury is a result of that accident or it’s something totally different. So that’s where - and I understand your - it is confusing [over talk]. The best way to think is being injured with a shoulder - a shoulder injury, going back to work, you get 100% of your PPD and 100% of your salary. It’s not until you retire that you - that your pension is reduced by that PPD payment and just so you know, in self-insured municipalities and even with CIRMA insured, they pay the pension so they’re saving money, which basically means the employee is paying for their own injury.

REP. WILSON-PHEANIOUS (53RD): Right.

RICK HART: Which is not what the spirit of Worker’s Compensation is designed.

REP. WILSON-PHEANIOUS (53RD): Okay. Okay, thank you. That does clarify for me and the separation that PPD is not a wage.

RICK HART: Yes.

REP. WILSON-PHEANIOUS (53RD): It’s a payment for the loss of function. All right, thank you very much.

SENATOR KUSHNER (24TH): Representative Fishbein.

REP. FISHBEIN (90TH): Thank you, Madam Chair. Mr. Hart, I did go on the system and I looked for
2000R118 just to get a little educated and it’s not in the electronic system. I don’t know if you could – if you have an extra copy of it or.

RICK HART: Yeah, I think I might have downloaded it. I can get it to you.

REP. WILSON-PHEANIOUS (53RD): Yes please. Thank you. Thank you, Madam Chair.

SENATOR KUSHNER (24TH): Any other comments or questions? Thank you.

RICK HART: Thank you.

SENATOR KUSHNER (24TH): Thank you, Mr. Hart. I don’t see anyone here from the public officials list, am I correct, so I think we’ll move – unless I’m missing somebody, let’s move back and continue with the public list and next up is Rick – I’m sorry – Jeff Leake from CEA. Is Jeff here? Okay, there you are.

JEFF LEAKE: Good afternoon, Senator Kushner, Representative Porter and distinguished members of the Labor Committee. My name is Jeff Leake. I serve as President of the Connecticut Education Association with 10s of thousands of active and retired teachers. CEA’s legislative priorities are informed by active and retired teachers who serve on the many member-driven committees and commissions of our organization and I’m here this afternoon to testify in support of House Bill 6926, 6930, 6935, and 6936. Also, I want to indicate my – our opposition to House Bill 5637. Over the last few decades, the labor-management relationship has become increasingly unbalanced. It’s no wonder that across the country, wages for working families have not kept pace with inflation and employees share of health insurance costs has increased. Meanwhile, job and income security have declined, leaving more
working families living paycheck to paycheck, one economic or healthcare setback away from bankruptcy. The bills we are supporting today would help restore the balance between teachers, other workers and management to better ensure a fair economy. This need for balance has long been the rationale for ensuring workers through their unions can freely advocate for better working conditions. The unions here today have come together to help restore this balance, for their workers, for our teachers, for the betterment of their employers, for a fairer economy. The bills we support are important because they ensure that the relationship between unions and their members is collaborative, communicative, and inclusive. They push back against policies that serve to undermine this relationship and ultimately harm the work place and they fight back against individuals with unimaginable wealth, who actively spend it to expand their wealth at the expense of the 99% of citizens who are just trying to get by. Over the past few months, union members, teachers included, have been targeted by misinformation from National Organizations seeking to undermine them. They have received messages from their employers that violate labor law by seeking to unfairly medal in union business. They have been strong-armed by employers to reject their union in contradiction to their own interests. In short, worker’s rights have been violated. The bills we support today help to ensure that teachers are treated fairly and other workers and provide accurate and helpful information about their employment, their career and their profession. They help to protect and hopefully restore the balance between workers and employers that help build a middle-class and foster prosperity across this nation. These bills help to end the lowering of the bar, the race to the bottom, for the working conditions and wages of Connecticut workers.
I thank you for the time that you have given me and I’m certainly available for questions.

REP. PORTER (94TH): Thank you for your testimony. In just listening to what you just stated, just one question came to mind. Would you happen to have any examples of the messages received from employers that have been – have been truthful.

JEFF LEAKE: Not with me, but [over talk]

REP. PORTER (94TH): Just off the top of your head, just an example of what employees are having to deal with.

JEFF LEAKE: We’ve had some interesting conversations by law firms and therefore, the employers, reaching out to some of our locals across the state. I can’t remember specifically what they are. I would be glad to try to get that to you as we move forward.

REP. PORTER (94TH): That would be great. Thank you so much.

JEFF LEAKE: Thank you.

REP. PORTER (94TH): Any comments or questions? Yes, Representative Rutigliano.

REP. RUTIGLIANO (123RD): Thank you, Madam Chair. Good afternoon sir. I - listen - I’m not trying to be argumentative, but your employer is usually a municipality, right? You represent teachers?

JEFF LEAKE: Yes.

REP. RUTIGLIANO (123RD): Right, so have any teacher’s wages been reduced in Connecticut?

JEFF LEAKE: No.
REP. RUTIGLIANO (123RD): I’m not really aware of teacher’s salaries going down.

JEFF LEAKE: Well, then you’re probably not aware of the recent settlement – excuse me – the recent arbitration award in Waterbury where essentially our Waterbury teachers next year will be working for less money than they are this year because they’re gonna pay more for insurance and they have other expenses and they got absolute zero in their awards.

REP. RUTIGLIANO (123RD): Listen, I try to be sympathetic to public sector unions, I mean – you know – I’m truly sympathetic to the private sector union, but I don’t know where the teacher’s and everybody’s wages are going down. I hear a lot of rhetoric about the 99% and all this other stuff, but I don’t see this big attack on our municipal workers that you’re saying is out there. Maybe it is and I’m just not noticing, but I was just curious to know if anybody’s wages actually went down.

JEFF LEAKE: Well – so – do teachers out there right now earn absolutely less money than they did a year or so ago? No, but is there take-home pay less than it was? Yes, absolutely. In many of our contracts over the past ten years, different levels of experience in our associations have lived with zero increases and therefore, less take-home pay at the end of the day.

REP. RUTIGLIANO (123RD): Okay, so a zero increase equals less take-home.

JEFF LEAKE: Because they’re paying more for insurance, the insurance cost went up, etc.

REP. RUTIGLIANO (123RD): All right, thank you sir.

JEFF LEAKE: Thank you.
REP. PORTER (94TH): Representative Fishbein.

REP. FISHBEIN (90TH): Thank you, Madam Chair. So I just wanted to follow up on that. The Waterbury contract, if I recall correctly, doesn’t that have steps?

JEFF LEAKE: The Waterbury – the Waterbury teacher’s contract has steps, but no one got anything in the – in the award that was just put out a month ago or so.

REP. FISHBEIN (90TH): Okay, but a step, if it’s year one and I get paid $50,000.00, the steps are automatically built into the contract so year two, and I thought that that contract has about 13 steps or something like that, year two they’re automatically going to get more in their wages as a result of that step, is that fair to say?

JEFF LEAKE: It would seem logical to say that; however, this is another discussion that we can have at some other time, in some cases and in Waterbury’s case specifically, no one was moved on step and no money was applied to any step.

REP. FISHBEIN (90TH): So how, and this is – I’m just getting educated, so were the steps eliminated from the contract because.

JEFF LEAKE: No, but [over talk]

REP. FISHBEIN (90TH): Steps carry over from year to year.

JEFF LEAKE: Right. So let’s say in your example a person was in their third or fourth year, they’re making $50,000.00 this year currently and in the next contract, they’ll stay on step and they’ll make $50,000.00.
REP. FISHBEIN (90TH): Okay, and that was collectively bargained.

JEFF LEAKE: Unfortunately it was - it was through the arbitration process.

REP. FISHBEIN (90TH): Oh, okay. So - and - so before that, was that the result of the collective bargaining process and then it was contested or was the - did the arbitration result in something less than what was gotten in the collective bargaining process? Do you recall.

JEFF LEAKE: I - so I’m not sure how to answer your question. The two parties did not come to an agreement and under the teacher negotiations law, that meant that they went through mediation and then arbitration. In arbitration, a - the middle arbitrator decided that zero was the right number for Waterbury, even though no other local in the State of Connecticut has received such an award in any year in the last one or two at least.

REP. FISHBEIN (90TH): Okay, no, understanding the process - the two parties are at odds, they’re not in agreement. Do you recall - that’s a bargaining unit that you’re active involved with.

JEFF LEAKE: Yes.

REP. FISHBEIN (90TH): What the teacher’s union last passed in the -

JEFF LEAKE: I believe it was like 2, 2-1/2, it was less than 3% for next year.

REP. FISHBEIN (90TH): Okay, plus the steps.

JEFF LEAKE: No [laughter] [over talk], no, that included steps. Honestly, it’s hard for me to sit here and explain this to you in terms of it makes no logical sense to me that still in this state we say
in so many places teachers received 3% increase. Well, part of that increase was taken up by the fact that people move from step to step so the people who are at the top for example might have gotten nothing or they might have gotten a half or something like that.

REP. FISHBEIN (90TH): Yeah, well even in this building, I mean yesterday we were talking about a contract [over talk] the gross wage increase was 3.5%, but there were steps in there and I think the average was about 6.5, so, yeah I got it. So I’m just getting educated. So thank you.

JEFF LEAKE: And I just want to make sure it’s clear. No teacher in Waterbury next year will be making a dollar more than they made this year and as a matter of fact, will be most likely taking home less in their paycheck.

REP. FISHBEIN (90TH): Okay. Thank you.

JEFF LEAKE: Thank you. [Over talk]

REP. PORTER (94TH): Any further questions or comments. Yes, Representative Winkler.

REP. WINKLER (56TH): Just one question. What percentage of the members in Waterbury would you guess have been there say 13 years or more and therefore aren’t on step anymore?

JEFF LEAKE: You know, I’m sorry. I’m not – I’m not clear about that, but what I will say to you is that Waterbury has a pretty high turnover. They bring folks in. They’re there in Waterbury for a couple of years and when they get a chance to move out to other locals around Waterbury where the salary schedules are a lot different, that’s where they go, so my – our President in Waterbury, Kevin Egan, we’ve talked about this a couple of times. He’s
been in Waterbury for 20 years. He just got to the top of a 13 or 14 step schedule. Just last year.

REP. WINKLER (56TH): Because they froze steps along the way?

JEFF LEAKE: Yes.

REP. WINKLER (56TH): Would you think that this arbitrator word will help or hurt turnover in Waterbury?

JEFF LEAKE: [Laughter] It’s gonna hurt. It’s gonna hurt. Or it’s gonna increase the turnover in Waterbury I’m sure.

REP. WINKLER (56TH): Thank you, Madam Chairwoman.

REP. PORTER (94TH): You’re welcome. Seeing no more comments or questions [over talk], thank you for your testimony.

JEFF LEAKE: Appreciate it. Absolutely.

REP. PORTER (94TH): You’re welcome. I don’t’ see Senator Fasano or First Selectman Mone or First Selectman Criss. Mone spoke already so we’ll cross him off. So we will remain on the public list and up next is Paul Fortier, 1199, and please correct me if I got your last name wrong, Paul. [Laughter] Fortier.

PAUL FORTIER: Fortier.

REP. PORTER (94TH): Fortier.

PAUL FORTIER: My family anglicized it a long time ago [laughter], it is Fortier, yes.

REP. PORTER (94TH): Welcome.

PAUL FORTIER: Thank you. Good evening Senator Kushner, Representative Porter, and members of the Labor and Public Employee Committee. My name is
Paul Fortier and I’m Vice President of the Service Employees International Union, 1199. Our union represents 26,000 individuals in Connecticut and more than 6,600 who work for the State of Connecticut. Today I’m here to testify in support of House Bills 6926, 6930, 6935, and 6936. These four bills ensure that union members in public employment have the tools they need to exercise their statutory rights to organize, to join unions, and to engage in collective action under existing Connecticut law. Thank you.

REP. PORTER (94TH): Wow! [Laughter] That was quick. Precise and to the point. Any comments, questions for Mr. Fortier. Seeing none, I would just like to say thank you [over talk] for testifying today and for your patience. Senator Kushner.

SENATOR KUSHNER (24TH): You can’t leave that quick. We can’t let him do that [laughter].

PAUL FORTIER: I’m trying to go skiing in Vermont tonight.

SENATOR KUSHNER (24TH): Oh, is that why [laughter]. Well I didn’t mean to torture you than, so

PAUL FORTIER: I’m only teasing.

SENATOR KUSHNER (24TH): I actually was just gonna thank you for being here and sticking around you know for several hours like you have. Sometimes we don’t have questions for witnesses because - or the people that are coming to testify because the questions have been asked exhaustively by others, but I do know you have a long history of organizing and representing workers and I just wondered if there was anything you wanted to add about the importance of that work that you have done.
PAUL FORTIER: The work I’ve done or the – what I’m talking about?

SENATOR KUSHNER (24TH): I think the two relate, wouldn’t you? [Laughter]

PAUL FORTIER: Well, one of the – yes – one of the bills specifically – we’ve had some situations with it over the last year and that is getting notice for new employee orientation. There’s been a lot of turnover in HR in a lot of our agencies and you have new HR people, they haven’t gone through the process and they’ve – a few of them have set up new employee orientation and not notified the union. So then all of a sudden we get phone calls from individuals saying, you know, there was an orientation. It says in the contract that the union was supposed to be there and you weren’t there, how come? And it’s because that new HR person wasn’t following rules and regulations that are currently in place and so, having this bill will doubly follow up what our contract already says and make sure that people – that management gets notices – gives notice to the union when it’s time for new employee orientation so we can, you know, in-service them on what their rights are.

SENATOR KUSHNER (24TH): That’s very helpful to know that that has happened and that this bill would reinforce and codify their responsibility.

PAUL FORTIER: Correct. [Laughter]

REP. PORTER (94TH): Question, just based on what you just said.

PAUL FORTIER: Yes.

REP. PORTER (94TH): Can you just give me an estimate of how often that happens, the – what you just described.
PAUL FORTIER: Well, it depends on the agency. Some agencies are very small where we have ten members and then we have demons where we have a few thousand members and so some of the smaller agencies hardly have any turnover and if they have a new HR person or the HR person is not around and they got a new employee, they just aren’t use to having a new employee and so they don’t realize that they need - they do their orientation, which teaches them about the job and they fill out the paperwork, but they don’t - they forget to notify the union that they actually can come in, bring the union card in, sign people up, sign people up for PAC and so on and so forth, so that has happened on a number of occasions and most recently it happened in DPH, which is a fairly good-sized agency.

REP. PORTER (94TH): That is true, it is a pretty large agency.

PAUL FORTIER: Yep.

REP. PORTER (94TH): And how important is it that - how important is it that it’s union representation that delivers this information to the new employee versus the employer trying to step in and fill those shoes?

PAUL FORTIER: Well, because they won’t - they won’t have the - for instance, just the union card. Management doesn’t have the union card and they are not - they’re not responsible for giving the member the union card and/or the PAC card where they can pay into Political Action Committee and so, if the union isn’t notified, then that’s not gonna happen, the person will be nonunion because they will not be - they will not have been offered the opportunity to meet with the union.

REP. PORTER (94TH): Right.
PAUL FORTIER: With our new orientation committees, 90% of them we have members, along with staff doing it, so there’s – there’s that connection there between the staff that’s been there for a while and the new staff that’s coming in.

REP. PORTER (94TH): So would it be correct to assume that there’s a familiarity between the people with the union being able to deliver contract details [over talk]

PAUL FORTIER: Yeah, we actually – we give them a contract. Management doesn’t necessarily give them a contract. We give the new employees a contract, we given them a PAC card, they can sign up if they want. They sign up for membership in the union and we generally have some other – you know – employees that work with these individuals there also to answer any questions that are germane to that particular agency.

REP. PORTER (94TH): Okay, well thank you for that. I think that’s very important, that the information is delivered by those who have actually had some experience with negotiating and bargaining and understand what’s in the contract and what’s available to the employees and what the benefit of being a union member is, so. Yes. Senator Kushner.

SENATOR KUSHNER (24TH): I’m really not trying to delay you’re departure [laughter], but I – actually one of the things you just mentioned was that in the orientation, the union has an opportunity to also talk to its members or its potential members about the importance of political action.

PAUL FORTIER: Correct.

SENATOR KUSHNER (24TH): Which I don’t think anyone has mentioned up until this time and I think, is it possible do you think that some of this activity
trying to discourage unionization, trying to – to put up obstacles, to – between the union and its new potential members, could it be because the forces that are promoting this are – don’t want to see political action taken by union members?

PAUL FORTIER: Yes, for sure. Money – money is power.

SENATOR KUSHNER (24TH): Thank you.

PAUL FORTIER: All right.

SENATOR KUSHNER (24TH): Now go ski [laughter]. Oops, there’s a question [laughter]. Representative.

REP. WILSON-PHEANIOUS (53RD): Yes, I wonder if you can tell me since Janus, what percentage of the people that you’ve talked to have opted out versus who’s opted in.

PAUL FORTIER: In our union?

REP. WILSON-PHEANIOUS (53RD): Yes.

PAUL FORTIER: We have – again, we have between 6400 and 6600 members right now and about 20 people opted out. [Over talk] Most of them were people that were members that were already not really – they were paying – they were paying dues, right, but they weren’t union members. For instance, we have per diem psychiatrists that work every two months in DMHAS and it’s – you know they – their life is elsewhere. Their jobs are elsewhere and they haven’t signed up, so a few of them are – most of them are not long-term members.

REP. WILSON-PHEANIOUS (53RD): So it sounds like the vast majority of people are choosing to remain in the union, active with paying [over talk].
PAUL FORTIER: Yes.

REP. WILSON-PHEANIOUS (53RD): Have there been many that have opted out of the PAC process or out of the part of – that allows them to [over talk].

PAUL FORTIER: No, no. No, we’ve actually been working with the members to educate them better about PAC, so that’s actually been growing exponentially.

REP. WILSON-PHEANIOUS (53RD): Okay, thank you. Glad to hear it.

SENATOR KUSHNER (24TH): Great, thank you so much for your testimony tonight [over talk] and have fun.

PAUL FORTIER: Nice seeing you Julie.

SENATOR KUSHNER (24TH): Next up we have Stuart and Stuart, I know your name is long, Saveloukal?
[Laughter] It’s a hard name.

STUART SAVELOUKAL: I pronounce it Jones [laughter] the S is silent.

SENATOR KUSHNER (24TH): So tell us, how do you pronounce your last name.

STUART SAVELOUKAL: I pronounce it Saveloukal.

SENATOR KUSHNER (24TH): Saveloukal.

STUART SAVELOUKAL: But I am very open to the possibility I’m wrong about that [laughter]. Good evening, Chairman Kushner, Chairman Porter and members of the Labor Committee. For the record, my name is Stuart Saveloukal and I am the Chief of Staff for AFT Connecticut, a diverse state federation of more than 30,000 public and private sector employees, which includes state workers, health care workers, public school teachers, paraeducators, and higher education faculty and
staff. I’m here in support of House Bills 6936, 6935, 6926, and 6930. These bills will protect the rights of public sector workers so that they may continue to belong to labor unions. Also, for the record, AFT Connecticut opposes House Bill 5637. My comments sort of center around, unsurprisingly, the recent Supreme Court decision in Janus versus AFSCME, which has effectively created a right-to-work environment for every public sector worker in the country and that should concern all of us because the right-to-work experiment has been going on for some time now in other states and the results are not good. For example, the Equal Opportunity Commission receives 36% more discrimination charges from right-to-work states than non right-to-work states. Also, 12 of the 15 states with the worst pay gaps between men and women are right-to-work states. Worker pay drops 3.1% on average in states after right-to-work laws are passed and this is particularly troubling, considering we live in an era of unprecedented income and equality, and according to the United Health Foundation, in 2016, eight of the top ten healthiest states were freed of right-to-work laws or free from right-to-work laws while nine of the ten unhealthiest states were right-to-work. For the record, Connecticut ranked #3. We so often talk about the things where Connecticut falls short, but it’s good to know that our population is healthy, thanks to, in no small part, to our nurses and other health care professionals at the UConn Health Center. Finally, the Bureau of Labor Statistics reports that the rate of fatalities in the workplace is 54% higher in states with right-to-work laws. By passing these pieces of legislation, the Connecticut General Assembly would be taking a proactive step in limiting our exposure to the negative consequences of right-to-work status for
such a significant portion of our work force. We believe that the record on unions shows that strong unions make work places safer, increases the standard of living of workers and their communities, reduces job turnover, improves the quality of the work force, and improves worker’s sense of well-being. Legislation to help us perform our representational role makes clear that the relationship of a union and its members is something for them to decide will help us, and this will help us continue to build on that record. I appreciate your consideration of my comments and ask that you give this legislation your favorable recommendation. Thank you for your service to the State of Connecticut and thank you all for your time.

SENATOR KUSHNER (24TH): Thank you. Those are some very important and helpful statistics, so I know you have supplied us the written testimony and I’m going to review that and I’m sure that those are things that I will use in the future. [Over talk]

STUART SAVELOUKAL: Excellent.

SENATOR KUSHNER (24TH): Understand and explain the situation more clearly. Any questions for this witness? Okay.

STUART SAVELOUKAL: I get to go bowling in Southington. It’s not exactly skiing in Vermont, but.

SENATOR KUSHNER (24TH): Everybody’s having fun tonight.

STUART SAVELOUKAL: That’s right.

SENATOR KUSHNER (24TH): That’s great. Thank you very much. [Laughter] Next up I think is Jody Barr still here? I know he was – I know he had a hearing I believe or meeting that he had to attend and he
had mentioned that we might not get to him in time. Next up is Don Scoopo from Insulators Local 33. Keith is – I didn’t skip Keith. We were informed that he wasn’t able to stay.

DON SCOOPO: Good evening Senator Kushner, Representative Porter and members of the Committee. For the record, my name is Don Scoopo. I represent the Heat and Frost Insulators Local 33. I’m here to testify in support of House Bill 6927. Although I represent a Labor Union, this is not a union versus nonunion issue. It’s about all worker’s rights in Connecticut and preventing unscrupulous companies who repeatedly circumvent the law from taking taxpayer dollars in the process. We’ve frequently talked to workers in our industry who tell us of the many ways in which some of these companies cheat them out of wages and benefits in violation of State Statutes. Some of them require to give back some of their wages to their employer in cash, others are working more hours than their employer is reporting on the certified payroll. Another tactic that is used is misclassification of workers so they can pay them at a lower rate. Some companies also claim to be contributing to 401K and health insurance plans when they are not. As you can see, there are many ways that dishonest contractors are able to evade the laws and cheat their employees. The question is, why would we continue to allow companies who are doing this to be rewarded by securing contracts on public projects funded by the tax payers? Without this legislation, we’re inviting all the bad actors from the surrounding states to move into Connecticut and to continue to use the same practices that got them disbarred in other states. It is difficult to identify these companies because of the many different tactics that they use. With state resources already stretched thin, it makes sense to
utilize the work that other states have already done in identifying and disbarring them. In similar argument, this legislation is anti-business. It is not. It only seeks to hold accountable companies who are not playing by the rules. It also does not put them out of business, as they would still be able to bid on private work and after a period of time, they would then be able to get out and book work again, so we give them an incentive to clean up their act. We hope to have your support in protecting Connecticut workers. Thank you.

SENATOR KUSHNER (24TH): Thank you. Representative Porter.

REP. PORTER (94TH): Thank you, and thank you for your testimony. Just out of curiosity, you know, what happens, I know if they’re debarred, that it’s for a certain amount of time, right? A set period, and then they’re allowed to come back.

DON SCOOP: That is my understanding.

REP. PORTER (94TH): And do business. Do you know what happens if there are multiple occasions where a person is just debarred, what happens?

DON SCOOP: I am not aware of that. My understanding is that - I mean - it takes more than I think one violation to get them disbarred in the first place, so these are repeat offenders. I do not know what happens if they’re disbarred more than [crosstalk].

REP. PORTER (94TH): Well I think - I think we have somebody coming up behind you that may be able to give me that answer, so, thank you for your testimony again and thank you, Madam Chair.

SENATOR KUSHNER (24TH): Thank you. Representative Fishbein.
REP. FISHBEIN (90TH): Thank you, Madam Chair. Thank you, sir, for your testimony. Just at the end you were talking about that if they’re debarred in another state, they would be precluded from doing public work, but they could do private work. So you would have those bad actors still be able to do private work? I just – from my perspective, if they’re a bad actor and they’re doing bad things to workers, why prey upon the private sector.

DON SCOOP: Personally, I think they shouldn’t be doing business anywhere if they’re stealing wages from their employees, but I mean – I think this legislation only speaks to public work.

REP. FISHBEIN (90TH): Yeah, as in its current concept [over talk]

DON SCOOP: Correct.

REP. FISHBEIN (90TH): But it would be okay with you if they could not do even private work, correct?

DON SCOOP: To be fair, I haven’t really considered that. [Over talk] at this point.

REP. FISHBEIN (90TH): Okay. I had heard, you know, in your testimony you said they could do private work and then go back to public work and from my perspective, I don’t really think that’s right, so, I just, you know, so. Thank you, Madam Chair.

SENATOR KUSHNER (24TH): Representative Polletta.

REP. POLLETTA (68TH): Yeah, I have to say through you, Madam Chair, that, you know, with hearing the testimony on this bill, I’m very inclined to support it. I think that, you know, being in the trade business and seeing, you know, how individuals do work, I witnessed a lot of the bad actors, especially in the bidding process, and correct me if
I’m wrong, you know, individuals that don’t necessarily pay all the fees and dues and everything that’s owed, they’re able to sometimes outbid another company, right, because they’re either behind on payments or they haven’t made those payments and then in essence, they would be awarded the bid and then not necessarily be the best fit to do the job. I think we dealt with this in the town of Watertown where we had an individual bid a project and he really couldn’t handle the project, but we also found out that there was some issues with his record in the past, but I don’t think that there was ever anything done to prohibit him and discourage him from going on and doing this to another municipality. So, you know, I – I think this is a good idea. Thank you.

SENATOR KUSHNER (24TH): Great. Any other questions. Okay. Well thank you very much for your [over talk] testimony. Next up, we have Steve Anderson from CEA. Oh, I’m sorry, and it said CSEA and I know the difference [laughter], so I’m a little embarrassed. Thank you, Steve.

STEVE ANDERSON: Good afternoon, Senator Kushner, Representative Porter, members of the Labor and Public Employees Committee. My name is Steven Anderson. I am the President of CSEA and CIU, Local 2001, a labor union which represents some 25,000 workers and retirees in Connecticut. This includes about 10,000 workers employed in state and municipal government, several thousand who are employed as bus drivers and child care providers, as well as 11,000 retired public sector workers. While there are several items on your agenda that we’ve provided written testimony on today, I want to touch on three bills that are of particular importance to us as a union. Those are House Bills 6926, 6930, and 6936. Let me start by saying Connecticut has reaped
significant benefits from having strong labor unions. We know that when working people are united in a union, they have the power to raise wages, secure critical benefits like health care coverage and pensions, improve their working conditions, make life better for their families, and build stronger communities. We also know that bargaining collectively has resulted in significant savings to the tax payers of Connecticut. You don’t have to look far to see those savings, billions upon billions of dollars in recent years from our state work force. A significant amount of those savings came from win-win ideas proposed by the workers through their unions in the process of collective bargaining. Indeed, the essence of what labor unions do, giving workers a stronger voice so that they can get a fair share of the economic growth they help create, is and has always been important to making the economy work for all of us. Union members continue to earn higher wages and have better benefits than their nonunion counterparts because they fight for decent wages, health care, and secure retirements that are enforced by legally binding contracts. In short, unions are the key to achieving what we all want for our citizens, a better life. These bills bring our state labor laws up to date following last year’s Supreme Court decision that overturned long-held precedence that many labor policies, statutes and contracts were based upon. Collectively, these bills will help to keep unions strong in our state by providing assurances that employee data will be provided to unions on a timely and accurate basis by ensuring that unions have access to new employees for the purpose of conducting union orientations and by clarifying the process for payroll deductions. Generations of workers have fought for the rights that we have today to join together in a union and
now we need our legislature to step up for future generations of workers to ensure they have the same rights and that their unions will have the tools they need to represent their members. Thank you for the opportunity to testify today. Any questions.

SENATOR KUSHNER (24TH): Thank you very much, Steven. Questions from this committee? You’re the beneficiary of coming after a lot of questions have been asked, but thank you very much for staying and for testifying.

STEVE ANDERSON: You’re welcome. Thank you.

SENATOR KUSHNER (24TH): Next on our list is Dr. Natalicia Tracy. Hello Natalicia.

DR NATALICIA TRACY: Hi.

SENATOR KUSHNER (24TH): It’s good to see you.

DR NATALICIA TRACY: Good to see you too. Good afternoon. Hi, good afternoon Representative Porter and Senator Kushner. I want to thank you again for the opportunity to speak before you. I’m here to support Bill HB 6931, AN ACT CONCERNING DOMESTIC WORKERS. My name is Natalicia Tracy and I was a domestic worker for 15 years, taking care of children, the elderly, cleaning homes, and though it shouldn’t be relevant, but I’m gonna say that I’m a citizen because I heard some of that being asked and mentioned today here. A worker is a worker here in this country independent of their immigration status, they shouldn’t be treated like garbage.

So I want to put that up there right away. So I’m a citizen for 23 years of this country. I vote. I pay my taxes and a lot of the workers who have been mistreated, who do not have papers, they pay their taxes through use of 1099. They even pay more taxes
than people who are documented because they’re paying their share of their taxes and they’re also paying the required share of their taxes where they cannot collect benefits, so I want to put that out there right away. So I also earned my Ph.D. working three jobs and I had to learn English after I got to this country, so I don’t want to push it when I hear people putting immigrants down and workers who are doing three jobs and being discriminated and being — and suffering from wage theft, so that makes me a little uneasy, so I apologize for putting that out there. I’m using my time and I want to make it quick because I have more important things [laughter] to say as well. I’m here because I see workers every day, documented and undocumented, who are victims of wage theft, sexual harassment, discrimination, mistreatment, and labor trafficking. I see many who are working for agencies making less than $5.00 an hour, making about $195.00 a week. They don’t get — they don’t get paid their overtime and sometimes they get less than minimum wage because the minimum wage laws are not clear. They don’t have [inaudible 3:02:24] laws that protect them against sexual harassment and discrimination if they work less than three. As you know, most domestic workers, they work alone. I’m grateful for Representative Juan Candelaria for proposing the HB 6931. We strongly support this proposal and we’re thankful for Representative Porter for raising this bill. Women continue to be the engine that moves the care industry forward. So many important functions of our family, community and whole state. They allow the work to take place, yet we continue to want us to be invisible by denying us that would make the workers real. Their job requires variable skill a lot of responsibility in the care that makes other’s work possible. So, I’m here to ask you to
please vote favorably with this bill. I don’t want to take farther my time. Thank you.

SENATOR KUSHNER (24TH): Thank you for your testimony and for the passion that you expressed it with. I appreciate that and I appreciate the comments you made at the outset to remind us all about the taxes that are paid, whether you’re documented or undocumented, so I do appreciate that, and are their questions from the committee? Representative Porter.

REP. PORTER (94TH): Thank you, Chairwoman, and thank you for your passionate testimony. I think it was well deserved and I appreciate you having the courage to do that. As the Senator stated, you delivered some very important information in that brief period of time. I just want to know if you could just tell us a little bit more about some of the women, the domestic workers, who you work with and why this bill is so important, why you have labored year after year, coming up to this building and sitting for hours in public hearings, impressing upon us the importance of doing this. Why – what are some of those stories? What drives you to do this? Why are you so persistent in seeing that this gets done?

DR NATALICIA TRACY: I’m persistent because domestic workers were excluded from federal labor laws in 1930s. There was exclusion from the National Labor Relations that can [inaudible 3:04:50] wasn’t because of economics, it was because of racist policies and those laws are still excluded today and if I’m to end that, this country know better, and the only way we can do that is by changing the laws and those exclusions, they impact our economy, impact family. Wage theft happened, marginalization, exploitation, trafficking, labor
trafficking. It impacts family. It’s a shame that thousands of women have to leave under exploitation because of lack of protection. Other workers have those rights. Why are we still continuing to keep women invisible and marginalized and especially because they’re women, because we are women and women of color, and we need to level the playing field. That’s why I continue to come here and continue to ask for your support to create equal labor laws for domestic workers.

REP. PORTER (94TH): Thank you and I really do appreciate you being persistent and fighting for these women and that is why I support you in your efforts. Thank you, Madam Chair.

SENATOR KUSHNER (24TH): Other questions or comments? Representative Wilson-Pheanious.

REP. WILSON-PHEANIOUS (53RD): Yes, just to comment. First of all, to thank you for bringing up the point of why these women – or women and men were excluded from these laws back in the 1930s and so forth. It is a vestige of slavery. It is very much a vestige of treating women and people of color very differently and we should not be continuing it in our current environment, so I also want to thank you for the work that you’ve done over those 15 years and in getting that graduate degree. You have contributed immensely to the society and the work that you were doing and I don’t think it often gets recognized enough, so I appreciate not just your passion, but your work and your knowledge of the reasons why you’re doing that work and for elucidating that for this committee. [Over talk] Thank you.

DR NATALICIA TRACY: Thank you.
SENATOR KUSHNER (24TH): Other comments or questions? I do – I don’t see anyone else on the committee, but I do want to say that I think that one of the things that is most important about your being here and your testifying and bringing this to our attention is that we often don’t see what’s going on behind – in private homes between employer and employees and I think that it is sometimes shocking to know that there are still people that are being so abused and taken advantage of and – and there’s very frequently nobody around to witness it, no one there to advocate, no one there to support, and so the very least we can do as a state is make sure that we put laws on the books that protect people to the greatest ability we can and recognize the value of their work, so, and I feel very strongly in support of the bill as it’s been presented and I hope that this year we’ll be able to get it done. Thank you.

DR NATALICIA TRACY: Thank you. Thank you.

SENATOR KUSHNER (24TH): Next we have Karime Pimental.

KARIME PIMENTAL: Thank you.

SENATOR KUSHNER (24TH): Did I pronounce your name right, Karime?

KARIME PIMENTAL: Uh huh, Karime. [laughter]

SENATOR KUSHNER (24TH): Thank you.

KARIME PIMENTAL: (SPEAKING IN SPANISH).

REP. VARGAS (6TH) INTERPRETING: I’d like to speak about domestic sexual harassment. She wants to tell us about an individual who was working for a family.

KARIME PIMENTAL: (SPEAKING IN SPANISH).
REP. VARGAS (6TH) INTERPRETING: He would use inappropriate language, but since it was only words, she’s tried to ignore it.

KARIME PIMENTAL: (SPEAKING IN SPANISH).

REP. VARGAS (6TH) INTERPRETING: Eventually he started stroking her hair, her face, and you know, getting more physical and she became intimidated.

KARIME PIMENTAL: (SPEAKING IN SPANISH).

REP. VARGAS (6TH) INTERPRETING: Eventually she talked to the wife of the husband – you know, the husband’s wife and asked her to intervene and speak to her husband about his inappropriate behavior.

KARIME PIMENTAL: (SPEAKING IN SPANISH).

REP. VARGAS (6TH) INTERPRETING: The wife said she was surprised because he was not that kind of person, but he was probably doing it in a playful way, but she would have a conversation with him.

KARIME PIMENTAL: (SPEAKING IN SPANISH).

REP. VARGAS (6TH) INTERPRETING: One day when she was alone at the house with him, he came into the room she was cleaning and locked the door.

KARIME PIMENTAL: (SPEAKING IN SPANISH).

REP. VARGAS (6TH) INTERPRETING: She wanted to leave the room and he was trying to keep her from leaving, but finally – eventually she was able to leave the room.

KARIME PIMENTAL: (SPEAKING IN SPANISH).

REP. VARGAS (6TH) INTERPRETING: The wife arrived during this time and saw what was going on, but she didn’t want this to be recorded, so she – she said that she either kept – would keep this quiet in the
family or she would report her as trying to steal from the family.

KARIME PIMENTAL: (SPEAKING IN SPANISH).

REP. VARGAS (6TH) INTERPRETING: I believe that before someone is sent to a job at a certain home or residence, they should be given information as to what to expect there.

KARIME PIMENTAL: (SPEAKING IN SPANISH).

REP. VARGAS (6TH) INTERPRETING: For example, sometimes small employee is sent to a home where a person has physical limitations and if the person is overweight, the worker can get hurt trying to lift them.

KARIME PIMENTAL: (SPEAKING IN SPANISH).

REP. VARGAS (6TH) INTERPRETING: And because these domestic workers have no health insurance, they wind up paying the cost for whatever medical needs they have.

KARIME PIMENTAL: (SPEAKING IN SPANISH).

REP. VARGAS (6TH) INTERPRETING: Sometimes the agency sent the worker to a house where there are mental health issues and workers are forced to deal with this without any training.

KARIME PIMENTAL: (SPEAKING IN SPANISH).

REP. VARGAS (6TH) INTERPRETING: And many times the worker is forced to improvise with solutions that may not be either in the best interest of the person or of the worker.

KARIME PIMENTAL: (SPEAKING IN SPANISH).

REP. VARGAS (6TH) INTERPRETING: And although the domestic workers may have - many times have to take
people to their doctor’s appointments or run errands for the family, to the grocery stores and other things, if the trip is less than five miles, it’s not covered.

KARIME PIMENTAL: (SPEAKING IN SPANISH).

REP. VARGAS (6TH) INTERPRETING: Thank you for your patience.


REP. FISHBEIN (90TH): Thank you, Madam Chair, and thank you, Representative Vargas, for your translation because otherwise I would not understand what I’m looking at, but I’m just trying to figure out if the woman before us on the list, it says Karime Pimental, but Representative Vargas, you were talking to us in the third person. Is this testimony her testimony or is she testifying on behalf of someone else? I was unable to glean that.

REP. VARGAS (6TH): She’s speaking on behalf of people that she knows.

REP. FISHBEIN (90TH): Okay, the beginning part, I heard some very disturbing things, some inappropriate sexual contact. Is that – well, it would be inappropriate for me to ask whether or not she was – I just want to say that that is unfortunate. I am sorry that that happened and I was moved by that information. Whether or not this particular individual was the recipient of that, I don’t need to know. So, we’ll leave that protected. So.

REP. VARGAS (6TH): (SPEAKING IN SPANISH).

REP. FISHBEIN (90TH): I don’t need to know.
KARIME PIMENTAL: Okay.

REP. FISHBEIN (90TH): I think that that [over talk] should not be public, so, I thank you, Madam Chair.

REP. VARGAS (6TH): (SPEAKING IN SPANISH).

SENATOR KUSHNER (24TH): I - oh - Representative Porter.

REP. PORTER (94TH): I was just curious and I don’t know if she knows because she is speaking on behalf of someone else, but the incident where she spoke of the wife coming home and finding the incident like actually going on and gave her an ultimatum to be quiet or she would report her as a thief, what was the outcome of that?

REP. VARGAS (6TH): (SPEAKING IN SPANISH).

KARIME PIMENTAL: (SPEAKING IN SPANISH).

REP. VARGAS (6TH) INTERPRETING: Yeah, the - they have a support group where they meet and everybody shares, you know, their - their experiences and in that support group, this young lady explained what had happened to her and what she finally wound up doing was she wound up quitting because it was obvious that the wife was not gonna support her and had threatened her, so she left and she was not paid for her last two weeks.

REP. PORTER (94TH): Thank you, and I will agree with what Representative Fishbein said, I’m very sorry that these things - these types of things, bad behavior, inappropriate behavior, is going on, but I am glad that there is a support group and an outlet, you know, an opportunity to process these things. I would also like to say that my door is always open and I too would be open to listening to these stories and seeing what we can do on this side of
the situation to even go past this bill and correct some of this because I find it to be very offensive and heinous, like I yeah, that this kind of stuff is still happening, but we know it is, so if we can get the reports from the people who are being impacted themselves, I think that goes even further, so if you could just relay that to the women that are actually experiencing this stuff, that Representative Porter is here, door open policy and willing to sit with them and listen to see what we can do lawfully to bring some justice to these situations because it sounds like, and I’m afraid how far this sexual abuse goes, you know. I’m wondering if, you know, women have actually been raped, right? And not reported it, and unfortunately I think I know the answer to that, but I would love to be able to sit down and have a discussion with these women in private, so thank you for your testimony and thank you for being a voice for those who cannot be here to represent themselves. It’s very important work you’re doing and I just want to applaud you for that. Thank you. Thank you, Madam Chair. [Over talk]

REP. VARGAS (6TH): (SPEAKING IN SPANISH).

KARIME PIMENTAL: (SPEAKING IN SPANISH).

REP. VARGAS (6TH) INTERPRETING: She’d like your information.

REP. PORTER (94TH): Okay.

SENATOR KUSHNER (24TH): I think that it’s important to also know that we’re living in a time where people are coming forward and having the courage to speak up and that really gives us an opportunity to try and move our society and all of us in the community to a better place, so what you’re doing is very, very important. Gracias [Spanish speaking].
Next, we have John Nimmons, Sheet Metal Local 40. John here? Okay. Lara DaCosta.

LARA DACOSTA: Good evening, honorable members of the Labor Committee. I’m here today to speak in support of the HB, the House Bill 6931, AN ACT CONCERNING DOMESTIC WORKERS RIGHTS. I’m here today not to advocate, but also as a resident who has worked as a domestic worker for nearly ten years of her life. I’ve been a nanny, a housekeeper, a house cleaner, and a mother’s helper. I had a few great employers who respected me as not only a worker, but also as a part of the family, but I also had an employer who did not have the same respect and appreciation for my work or for me as a human being. Working as a nanny, I had no paid vacation. If the employer traveled, the majority of the time they did not even bother paying me for the time they were away and concerned about my financial responsibilities, even struggling to pay my bills because I didn’t have the – the money. Another struggle was as a live-in nanny, I worked over 12 hours a day sometimes and even 20 hours a day and I never got paid for the extra time worked. The exclusive they had was that it was a live-in nanny. I never got paid more than $350.00 for that job. A workload of 72 hours or higher. I was – I used to cook for the family, do the laundry, do the – whole – the laundry for the whole family, took care of the family, and the family dog as well. I always got paid late. The mother was always – was the one that paid me and she never had time to pay me on time. She always found an excuse until the next week to pay me and sometimes I had to work until 2, 2:00 p.m. on a Sunday that was supposed to be my day off. I had to go – to be back on the next day by 5:00 p.m. and sometimes they’d lock me out of the house. They never considered to give me a house key. I did
not have time to eat lunch and I had to bring my own food, do my own laundry in the household, not be able to do my own laundry in the household, leaving the house for six days a week. When I went for a vacation — for Easter with the family for a family trip, I could not have Easter off. I’m a religious person, so I like to have my holidays. They threatened to fire me if I even asked about my day off on Easter Day, and I had to share by bedroom with two little kids, a one-year-old and a five-year-old. Because the youngest didn’t sleep at all, I didn’t sleep through the night and I did not — and I had no rest for the whole trip, and when we got back from the trip, they simply let me go without giving me any notice. They paid me my regular pay for the week and they just dismissed me. I used to rent a bedroom and that was my luck that I didn’t end up on the street. I had a roommate and I rented the room and they let me go at 9:00 p.m. on a Wednesday night and it was February — in April that time, and I had to wait outside for a cab for about an hour to go back home. I was trying to save money, but they let me go because they simply said I — because I didn’t have a car and they had an au pair coming the next week, so they wanted the house to be free and without me in the house for that and I’m here — and this is one of the few experiences that I had in this time that I worked as a domestic worker and I’m here not for myself, but for other women that still suffer until today and we hear stories everyday of injustice and how there are hard-working women, they are mothers, they help to support the household, they contribute to the economy in the country, and they still suffer, so that’s why I’m here today and I’d like to ask for please to consider supporting the bill. Thank you so much for your time.
SENATOR KUSHNER (24TH): Well, thank you so much and I - I think that, you know, sometimes we hear people one after the next testifying on a bill and sometimes, you know, I think that folks say well, we already heard that story, but every story is important and what you said here tonight, you know, I know this bill isn’t going to solve all these problems, but for us to not take some action to get some, you know - to make some advance in how domestic workers are treated, I think it would be irresponsible for us and, you know, hopefully that we’ll find other ways to really try and prevent these kinds of activities because what you described in your own experience is totally unjustified and it’s hard for me to comprehend that there are people out there that can be so cold-hearted and cruel and take advantage of others so deliberately, so I really appreciate you sharing your personal experience with us. Are there members of the -

REP. WILSON-PHEANIOUS (53RD): Yes, just to comment as to why we need such laws because even when people come forth to testify or when people come forth to visit with a kind person like Robin whose offering to help them, if we don’t have a legal structure that provides rights for people, it’s just so much talk - well-meaning talk, but just so much talk nonetheless. You have to have a legal structure that says that people must do these things because otherwise they won’t often times or too many, so that’s my comment.

SENATOR KUSHNER (24TH): Okay, thank you so much for coming here tonight [over talk] and sharing with us your experience.

LARA DACOSTA: Thank you for your time. Thank you.
SENATOR KUSHNER (24TH): Next, we have Cheryl Gidave. Did I get your name correct? Gidave?

CHERYL GIDAVE: It’s fine.

SENATOR KUSHNER (24TH): Close?

CHERYL GIDAVE: It’s all different ways. It’s fine [laughter] It’s very close. Thank you for having me. My name is Cheryl Gidave and I thank you all tonight for giving us the opportunity to listen. I wouldn’t have done nothing different than leaving my house at 5:00 this morning to get here. My name is Cheryl Gidave and my testimony tonight is to support the House Bill 6931. My name is Cheryl Gidave. I have been a nanny for over 22 years. I live and work in Greenwich, Connecticut. I am speaking today in support of House Bill 6931, AN ACT CONCERNING DOMESTIC WORKERS. Thank you to the committee members for providing this public hearing where I have the opportunity to tell my story. Twelve years ago, on April 10, 2006 – Jesus, I hate [inaudible 3:29:19] I have to do this.

SENATOR KUSHNER (24TH): Compose yourself. It’s okay. We’re gonna wait and we’re here to listen to you and everybody knows that sometimes it’s very hard to share your experience.

CHERYL GIDAVE: I have been working for 11 months for a family with two young children. One child was 15 months, the other was three months old. At the time, I had three children of my own. My husband had passed away seven years before. When the mother came home from work that day, she asked me to stay until 8:00 o’clock when her husband would be home because she could not take care of two small children by herself. I agreed to stay until 8:00 p.m. that evening. On my way home, I called to tell my children I would be home soon. I told my oldest
son to go to the corner store to buy dog food, which I usually would buy at Pet Pantry in Greenwich.

I got home, but Pet Pantry closed at 8:00. I got home from work and went about taking care of things in my house. I heard a knock at the door. It was a policeman who asked me if I had a son named Edron [phonetic]. I told him that I did. The policeman asked me to sit down. He showed me a picture of my son lying on the ground and asked me if that was my son. I told him it was my son. He told me my son was deceased, that he had been murdered. I called my employer to tell them that I wouldn’t be at work. The wife was very kind. She said she understood that it will be a difficult time, that I should take the time I need, as I needed before coming back to work to care for her children. Four days later, on April 14, we buried my son. She attended my son’s funeral. Three days later she called and said they wouldn’t need me anymore. Jesus, I need you Lord.

I left — I was left with two grieving children of my own, my own grief, a mortgage to pay, and no job. It was a very tough period in my life. I looked for work — excuse me — but could not find another job for months. It takes time to get a child care job, especially when it’s coming down to summer and everybody goes on vacation. I could not pay my mortgage in May, June, July, August of that year. The bank foreclosed in mid-October. We lost everything. I was out of work and homeless with two children. I stayed back to help someone with their child and not do what I was supposed to do by getting the dog food. I eventually got help from Greenwich Social Services, found another job, and was able to move into public housing in Greenwich.

By the grace of God, my family and I were able to move on; however, I’m not the only domestic worker
that had no right at a very difficult time in my life. We have been left out of coverage over the very basic labor laws that have protected workers in this country for decades. It is time for a change. Passage of bill 6931 will begin that process of change. I paid my taxes from the day I entered into this country until today and I want you all to know this year I filed $25,065 dollars in taxes, plus a W-2 for $36,800 and the $25,000 dollars that I filed, it’s money that was paid to me and no one wants to pay the taxes. They’re ready to fire you and take someone else than pay the taxes. I am here to support every domestic worker, no matter what it is.

I have had 23 domestic workers stay in my apartment in Greenwich during snow storms because their employers refused to let them stay in their home. I volunteer at the local soup kitchen. I gathered things for people who are homeless. I work with the homeless shelter. I got empathy. I take people in my home that have no job, that lost their job. I do the best that I could because this country has offered me a lot, but there are employers out there what they wouldn’t do to us as domestic workers because they think we have no rights, but where do we go? I ask myself, where do we go? Where do we go? And I’m here to ask you to please do something about this bill. That another person wouldn’t have to stand in my shoe or sit in my chair. I thank you for your time. I want you to know that my two children that are alive have gone through college and they’re very productive citizens in society today. Thanks for your time.

SENIOR KUSHNER (24TH): Thank you and let me just say you did the right thing to come here. This is exactly where you need to be and what you need to say and we need to hear and we’re – I’m very sorry
for your loss. It’s unimaginable to me and so, I think, you know, I have nothing but compassion for you and what you’ve experienced and I hope that we are able to address some of the needs that have been presented to us and we have a great opportunity to do that in this legislation, so thank you for sharing that. Comments or questions?

Representative Porter.

REP. PORTER (94TH): I came in on the tail end of that. First of all, my deepest condolences to you and the loss of your son. Like Senator Kushner said, I can’t imagine. I’m a mom of two and I just think that is the worst thing that a parent could ever have to experience, so my heart goes out to you, but I do thank you for having the courage to come here and to share your story. It did not fall on deaf ears and I am a woman of faith also. I heard you thanking Jesus. I thank him too.

CHERYL GIDAVE: I can’t go on without him.

REP. PORTER (94TH): I know, and I just want to say it hasn’t fallen on deaf ears. We’ve heard you. I think we’ve more than heard you. We feel you, we feel your pain, and I think it’s just a blessing that you’re able to be such a great model and to sit before us as a domestic worker, one of the people that we’re fighting for in this bill, and to be able to do for others what you do for them, even in your time of need and destitution, speaks volumes and I have to say as a woman of color myself, I can so relate to what you’re talking about. I haven’t always been in the position I am today and I promise you I believe that things have gotten better, but your latter shall be your greatest, so keep the faith and keep doing what you’re doing because you will be rewarded.

CHERYL GIDAVE: Thank you.
REP. PORTER (94TH): You’re welcome. God bless you.

CHERYL GIDAVE: Thank you.

REP. PORTER (94TH): Thank you, Madam Chair.

SENATOR KUSHNER (24TH): Thank you.

CHERYL GIDAVE: Thank you.

SENATOR KUSHNER (24TH): Next we have Father Cooney.

FATHER COONEY: Members of the Labor and Public Employees Committee, my name is Father John Cooney and I’m a representative of the Naugatuck Valley Project and of the Connecticut Domestic Worker’s Justice Campaign, which is a coalition of several groups, both religious and secular, that are working very diligently to bring to legislation House Bill 6931. I’m here today to appeal to you to correct the situation, which cries out for fairness. Some valuable workers in Connecticut operate under a different set of rules from all other workers. They do not enjoy most of the protections of labor law that others do. These women and men who care for, protect, and companion the frail, the elderly, and those who cannot function on their own without help. These people could be our grandparents, aunts, uncles or neighbors. No doubt, many of you have a story of someone in your family or someone you know who at one time needed help to get by. One day you or I may need this care ourselves. House Bill 6931 would correct this situation and permit domestic workers to enjoy the same protections under law and the same respect that all other workers enjoy. A tenet that we as a nation have long held dear is that all men and women are created equal, but these workers who provide so many essential services have not been treated equally. I urge you to change this. You have the power to do so. We are not speaking here of a small handful of workers and as
our state continues to wage, we will need more and more persons trained to provide these vital services. It is estimated that by the year 2026, domestic workers will be the largest workforce in 21 states. If we truly care about our elderly and needy citizens, should we not care equally for those who keep them safe? All the work that they do contributes to the general welfare of society and ought to be honored and respected. These hard-working women and men deserve our thanks for the necessary services that they provide. One concrete way we have of expressing our gratitude is to pass this domestic worker’s bill of rights, House Bill No. 6931, in its entirety. It’s time to bring it to birth. Thank you for your time and attention.

SENATOR KUSHNER (24TH): Thank you, Father Cooney. Any questions or comments? One question here, Senator Miner for a comment? I’ll get to her.

SENATOR MINER (30TH): You’ll get to her? All right. Good evening, Father. So, clearly whatever we have done thus far, it hasn’t been sufficient to stop the stories and I’m trying to imagine how passing a bill of rights with no teeth will fix the situation. It doesn’t seem yet to be fixed. I suppose another solution would be to not permit individuals to work as sole proprietors for individuals as domestic workers. That seems to me to also have its challenges because I think you and I probably all know – we both know people who have benefited from these individuals and not treated them as we have heard tonight that they’ve been treated by others, so there’s the dilemma in my mind. How do we – how do we fix this and not decimate the kind of business relationships that currently exist? I don’t know whether most of these folks who go to work for an agency hired them as an employee or not.
FATHER COONEY: Some do and some don’t.

SENATOR MINER (30TH): And so, through you, Madam Chairman, as an employee, they have certain protections that 1099 workers don’t? Is that your understanding?

FATHER COONEY: I believe so, yes.

SENATOR MINER (30TH): And so – and so the solution – is this the solution? Is passing this the – in your mind, is this gonna fix it.

FATHER COONEY: I think it’s a step-by-step process. We keep moving forward and meeting the needs as we see them and doing the best we can at the moment to remedy situations that are appalling to us and that cry out for need, but I don’t know if it’s a final answer, but I think it’s a very important step to take.

SENATOR MINER (30TH): And so, in the past when we’ve had conversations about this group and the issues that they face, one of the things that we’ve heard in the past I think is that CHRO does not have the personnel to investigate claims, so it sounds to me like it’s – it’s partially a budget situation as well where we would perhaps increase a line item and then provide direction. It always seems strange to me that CHRO felt that their hands were tied, that they could not investigate, either because they didn’t have the individuals or didn’t have the clear pathway legally, so maybe it is a multi-prong approach. I’m just not sure whether this language does it.

FATHER COONEY: It would seem to me that if there were a few cases that were publically handled and people were treated justly, then the likelihood of many more cases developing would decline.
SENATOR MINER (30TH): Thank you, that’s a good point.

SENATOR KUSHNER (24TH): Representative Porter.

REP. PORTER (94TH): That was a great point and I think that this bill is a – the language of this bill is a work in progress, so as we go and as we hear testimony, I believe that we can actually build on what it is we’re trying to do and you said something very accurate in my book, this is the first step in the right direction. I think the sin would be to do nothing, especially after year after year, we’ve heard these stories come before us, women courageously, you know, willing to share things that no one really wants to share and I’m sure there are many women who still are suffering in silence because they go through the things they go through in order to make a living and to provide for their families and what they do in essence is they become the sacrificial lamb for their family and I think in 2019, in a developed country like the United States of America, it’s actually a big blemish on us, that we allow this to happen. I think the decimation has already occurred, so I – I didn’t – I didn’t really follow that – that and then the mention of CHRO, you know, that comes up often times when we’re talking about these kind of instances and what they’re able to do and not do, but the fact of the matter is that we have chosen to cut their budget and their funding and in essence, we have tied their hands, so I think another piece to this, in order to implement and make it effective, is to make sure that we fund the agency in order so that they can hire the people they need to get the work done that needs to be done in order to protect these people and many other people like them, so thank you for your advocacy and for coming before us and in petition on the part of these folks
because it’s important and I think the more that’s said, the more that we hear, I’m hoping that it resonates and this is something that, you know, we - we - we think about day in and day out. I’ve heard so much prior to this hearing, but you know, every year it’s painful for me to sit here and listen to this. It’s painful. I mean like - that’s just who I am, you know. We talk about - I’ve been told we can’t legislate love, but we can legislate justice and these people deserve justice because what is being done to them is criminal and the fact that no one is being prosecuted, that no one is being brought, you know, in front of a court, I mean I find that to be heinous, but I understand how it happens because people are operating out of fear and a necessity to provide for their family, so thank you again and again and I’m really hopeful that this is the year that we will get this bill done and in a fashion that we may have not gotten it done before, so, thank you, Madam Chair, and thank you.

SENATOR KUSHNER (24TH): Thank you, sir. Okay.

FATHER COONEY: Thank you very much.

SENATOR KUSHNER (24TH): Thank you. Next, we have Richard Natale.

RICHARD NATALE: Good evening, Madam Chairman and members of the committee. Thank you for allowing me to speak tonight. I am, my name is Richard Natale. I also represent the Naugatuck Valley Project and I am here in support of House Bill 6931 as well. When my great grandmother immigrated here over 140 years ago, she took a job as a domestic worker in Massachusetts. I wouldn’t have expected at that time - age and time that there would have been rules of the road governing employment. It was the height of the industrial revolution. There were many injustices that needed to be addressed at the time
and while in some cases great progress has been made for workers in the State of Connecticut over the course of those 140 years, in some cases, not so much or not at all. The industrial revolution has come and gone. We are in the post-information digital age, year 2019, and we’re still debating as a society what any reasonable person would believe are basic workplace rights for a large class of workers in our country and our state, domestic workers. These are people who interact with many of us and our families every day in our own homes, homes that should be welcoming, but as you heard, are not so much, right? So my sincere question in this is rhetorical, right, to the committee is why - why have - why has this gone on for so long? Why - is it because we don’t understand the struggles that people face? It is a lack of empathy or a lack of political influence that others might have or is it simply a question of how to - the mechanics of how to make domestic workers’ rights work right from an enforcement perspective. Whatever the road blocks, I’m asking - what I’m asking the committee to do is overlook them, right, at this point and move forward with work place rules that any reasonable person should expect, right? Coverage under minimum wage laws, production against work place discrimination. I’m not gonna read this list, you’ve heard it. You’ve heard what goes on and I know it’s not gonna be easy, right, there are statutes, there are several statutes that will have to be addressed as you move from a bill of rights to an acting, enforceable law, but - but at this point, let’s move the - let’s move the ball forward to the next spot. This committee has the opportunity to do good, right? You have the capacity to help workers simply asking for a level playing field, so workers on whom the least among us rely, children, the elderly, some of you on this committee perhaps event, right?
Every day, right? So - so I would ask the committee to take the moral high ground, such that 140 years from now, right, we’re not - people are not discussing the same topic on behalf of their ancestors, right, which is please make our homes safe and good places, not only to live, but good and safe places to work. Thank you.

SENATOR KUSHNER (24TH): Thank you. I think you made a very important point there in asking us to pass a law, even if there may be difficulties in enforcing that law, and I think that’s an important point to make because if we don’t pass the law, we’ll never be able to figure out how to enforce it.

RICHARD NATALE: Right.

SENATOR KUSHNER (24TH): And I think, you know, I understand there will be challenges to doing so, but if we pass the law and people come forward and have rights under the law, we’re gonna figure out how to enforce it and I think that’s a very important point that hadn’t yet been made quite as clearly as you just did. You know, I also recognize that some of those stories we’ve heard tonight, this law is not going to change their conditions or those particular issues that have been brought to our attention, but by bringing those to our attention, it also really underscores the importance of basic work rights like minimum wage and protections against discrimination, so.

RICHARD NATALE: I think it goes beyond work rights to human rights. This is a human problem.

SENATOR KUSHNER (24TH): Absolutely.

RICHARD NATALE: Not just a work problem.

SENATOR KUSHNER (24TH): Thank you so much for your testimony. Any comments?
REP. WILSON–PHEANIOUS (53RD): Sorry. Just a comment. I said it hap – you asked why it happens. It happens because we allow it to happen. It happens because we allow society not to value people of value and until we make that statement and until we begin to put laws forth that state it is wrong, there are some people, as we well know, that have no bottom [laughter] they don’t have – until someone says something is wrong, they will just go down forever and while that certainly is not everyone who hires a domestic worker, I’m sure there are many people who treat people, you know, as they should be treated, there are also many who don’t and those are the stories that we’re hearing, so until we stop, until we do not allow it to happen, it will continue to happen and it will be 140 years from now when someone will be saying the same unkind – I mean unfortunate things, so it really is up to – to us [crosstalk].

SENATOR KUSHER (24TH): Thank you very much. Next we have Brett Wells.

BRETT WELLS: Good evening, Senator Kushner, Representative Porter, and the sitting committee members. For the record, my name is Brett Wells. I’m the business agent for Iron Workers Local 15. First of all, I want to thank you for your service to the State of Connecticut and thank you for the opportunity for a testimony this evening. I’m here on behalf of House Bill 6927, AN ACT CONCERNING WAGE THEFT AND DEBARMENT. Iron Workers Local 15 is a nonprofit organization in labor union created by iron workers in the Connecticut area market to be represented under collectively bargained wages and work place conditions. Iron workers not only create a workforce on public works construction projects covered under Connecticut general statutes Section 3153 in the Davis Bacon Act. We also monitor such
projects covered under those same statutes and the Davis Bacon Act. We accomplish this by reviewing public documents prepared and/or submitted by the owner and contractors. We focus on proper payment prevailing wages, proper classification of workers, properly administered state apprenticeship standards, and proper worker’s compensation coverage for employees. Iron Workers Local 15 is submitting this testimony with tremendous support of House Bill 6927, AN ACT CONCERNING WAGE THEFT AND DISBARMENT. As a nonprofit labor organization, we have unfortunately encountered numerous companies violate our state wage statutes in varying degrees of willfulness, from small reporting errors to submission of fraudulent certified payroll records. Some companies make a concerted effort to break the law. The question is always whether the violation was merely an overweight or if it was something more nefarious. It’s not uncommon in the underground construction market to come across companies consistently finding creative ways to circumvent or negate our wage protection laws. For example, we have assisted workers who, after paying – cashing their paycheck, were forced to give a portion of that check back to their employer. In our industry, it’s called a kickback and it’s a clear federal wage violation. I’ve also personally seen less brazen, but equally unethical practices like submitting a payroll record that the state indicates a worker’s hour are 30 hours a week when they actually work 50 or in some cases, I’ve discovered they don’t show up on payrolls at all. We’ve seen employers misclassify construction workers on payrolls in order to pay them less. An example of that would be I, Brett Wells, is classified as a carpenter on a payroll, earning $40.00 an hour, wages and benefits, when actually I’m performing the work of an iron worker, which equals $71.00, wages and benefits. A
more common practice might be an employer indicating on payroll record that they’re putting the fringe benefits into a defined benefit plan like a 401K, annuity, and health insurance fund, but in reality they’re not. The worker was getting the base wages, but no fringes. That’s possibly but more probably in a risk of violation as well. The problem is that it is very difficult to identify these companies. As you know, the construction is a large industry with subcontractors forming new tax identification numbers, we have companies coming in from out of state to perform public work, we have companies go out of business and change ownership. Iron Workers Local 15, much like our Department of Labor, simply doesn’t have the staff and resources to be everywhere and cover all construction projects and to talk to every iron worker to make sure wages are being paid properly, so a lot of these violations go undetected or unpunished. One of the problems that we see is that when a contractor negates wage laws, worker’s compensation laws, is that it ends up being in the lap of the state. We see a lot of different ways where the state picks up the other end. When a guy gets hurt, there’s no comp coverage. He goes to the ER. The state pays for it. So, we would like you guys to support this bill because its protecting the workers, but also leveling the playing field for our contractors that stimulate the economy and do the right thing and perpetuate the economy. So you have my testimony in front of you. I’ll paraphrase it a little bit in the essence of time this evening, but I thank you for the opportunity to speak before you and I’ll be happy to answer any questions you have.

SENATOR KUSHNER (24TH): Appreciate it, and I – you know – I think I’m fully aware of the amount of wage theft and the amount of times employers avoid, in
your industry particularly, avoid payment of fringe benefits. My daughter had the job in a law firm of pursuing those contractors and she had some interesting stories about how they got away with it. Are there any questions from the committee? We have heard several people testify on behalf of this bill and in support of this bill and we appreciate you waiting around [laughter] your turn to testify tonight because all of this is important to get into the records, so thank you very much.

BRETT WELLS: Thank you for your time.

SENATOR KUSHNER (24TH): Next up, we have Dan Giungi from the Connecticut Conference of Municipalities. I don’t think I got your name right either.

DAN GIUNGI: I actually think that was the best someone’s done on the first try, so thank you [laughter].

SENATOR KUSHNER (24TH): Thanks.

DAN GIUNGI: Good evening committee, Chairs, ranking member, members of the committee. My name is Dan Giungi. I’m a Senior Legislative Associate with the Connecticut Conference of Municipalities. Thank you for providing me with the opportunity this evening to prevent testimony before you. I’m here today to speak on seven bills. I’ve submitted written comments, so I will keep my oral remarks brief. Excuse me. CCM opposes 5637 and 6935. We believe that it is entirely up to the employee to make the choice as to whether or not they join a union. These proposals would inhibit municipal employers from exercising their fundamental right and responsibility to communicate with employees. Accordingly, we believe that the issues outlined in these bills should be subjects of collective bargaining. CCM also opposes 6930, 6926 and 6936.
The proposed changes outlined in these bills represent a fundamental shift in functions and operations that have traditionally been the responsibility of management. They would infringe on the autonomy of municipal employers to efficiently manage their operations and employees. Additionally, these proposals would place municipal employers in precarious and potentially compromising situations, so again, we believe that the changes that are proposed in these bills should be subjects of collective bargaining. Additionally, CCM opposes 549. Our members are concerned that the elimination of a cap that would institute a 56-hour average work week for firefighters is a public safety issue and it would jeopardize the safety of firefighters, as well as the people they protect. Lastly, CCM opposes 660 as a significant unfunded mandate on Connecticut towns and cities. Provisions concerning pension offsets are collectively bargained in good faith between municipal employers and employees and the changes proposed in 660 would invalidate these agreements and undermine the collective bargaining process. We are also concerned that this would establish a precedent that would enable future legislative actions to invalidate provisions of collective bargaining agreements if any stakeholder isn’t happy with the agreed upon result. Thank you.

SENATOR KUSHNER (24TH): Any questions from committee members? Representative Fishbein.

REP. FISHBEIN (90TH): Thank you, Madam Chair. Good evening, sir. Specifically with regard to 5637, my understanding is that your organization is against that and is there a particular portion of the draft language or the concept the organization is against or is just against the concept in general?
DAN GIUNGI: I think it has to do with – excuse me – the fact that any type of legislative mandate that would put municipalities as employers in a position where they would be required to post or make statements that can be seen as a [inaudible 04:04:30] to make employees take a particular course of action or make a decision puts municipality in a position that it shouldn’t be in as an employer and it’s unfair to the employee to put them in that situation and so I think it has more to do with what the bill would require of municipalities as employers with respect to compelling them to post a particular statement.

REP. FISHBEIN (90TH): Okay, so – cause I – I noticed the word right is in there and we recognized that there is a right to opt out, so you had mentioned coercive language. I just didn’t glean that from what’s before us.

DAN GIUNGI: I don’t think it’s coercive language as much as it is requiring municipalities to post or make statements that could be – you know – misinterpreted by employees.

REP. FISHBEIN (90TH): Well that’s the – that’s the whole reason for the state to come up with uniform language so there is no confusion, so why isn’t that of benefit. You’re testifying against this concept or the state doing this. I’m trying to figure out why – you know – if the state comes up with very neutral language, why that’s a problem to CCM.

DAN GIUNGI: Because again, our members have expressed concerns with being put in a position where they’re not posting and being required to make statements that could be misinterpreted by employees and I just want to add with respect to, you know, the employee’s right to opt out of the union membership, it’s my understanding that this has
largely been communicated by most, if not all, of our members and I just want to make clear that when this type of communication occurs, it’s done with municipality acting as a completely neutral party with respect to that communication and the communication largely serves to ensure that the operations with respect to human resources, payroll, those type of things within the municipality acting as an employer are within the confines of compliance with respect to the mandate they’ve been given by the Supreme Court. It’s not done to again present any type of ideological position to employees and our members are just concerned that regardless of, you know, the statement that they’m being required to post or make, they would be put in a position where they’re now posting and saying things that could be misinterpreted by employees and they are uncomfortable being in that position and they don’t want to put the employees in that position, regardless of whether or not the statement is concerning the employee’s right to opt out or opt into the union.

REP. FISHBEIN (90TH): So, when you say your members, you represent municipalities.

DAN GIUNGI: Yes, 168 municipalities.

REP. FISHBEIN (90TH): Yes, and Wallingford is one of those?

DAN GIUNGI: Yes.

REP. FISHBEIN (90TH): And specifically, has Wallingford told you about their practice with regard to notifying employees along these lines?

DAN GIUNGI: I think that each municipality is autonomous with respect to how they communicate that information to their [over talk].
REP. FISHBEIN (90TH): Okay, I thought you said that, to your knowledge, most of your members do in part communicate something as to what the current law is, and I’m just specifically picking one town.

DAN GIUNGI: So, are you asking about the – the actual mechanism through which that information is distributed?

REP. FISHBEIN (90TH): Yes.

DAN GIUNGI: Okay, [over talk].

REP. FISHBEIN (90TH): The only mechanism usually is the contract.

DAN GIUNGI: Well, for example, in Cromwell, they – they present the – a letter that I’m happy to provide members on this committee with, concerning the Janus Decision and it’s in very plain language, very neutral language. That’s something that’s given to all new hires. It’s something that was distributed to all employees. When a new hire comes on board into a position that’s covered by a bargaining unit, it’s part of the informational packet that they’re given, so it’s my understanding that most of the time, that’s, for new employees, how that distribution would take place.

REP. FISHBEIN (90TH): Okay, and that happened post Janus or that was going on all the time, because I’m gonna tell you that these rights started 20, 30 years ago with the boot a la Hudson. Hudson was 1985. With the Hudson case, one could opt out of the union that that’s – we had agency fees. So is it your understanding that since 1985 or thereabouts, there has been a practice of all of these towns or the majority of your members to communicate these things.
DAN GIUNGI: It’s my understanding that when there’s a change that takes place with respect to how the municipality has to operate in terms of complying with mandates that are placed on them, you know, in this case, the Janus Decision, that employers do communicate – that municipal employers do communicate that to their employees, yes.

REP. FISHBEIN (90TH): And what’s the basis of that knowledge?

DAN GIUNGI: The communication [over talk]

REP. FISHBEIN (90TH): You’re representing the majority of your members communicate this and I’m just trying to ascertain do you poll your members, do you given them guidance, this is what all of our members should communicate. How does CCM – how do you sit here before us and make the representation that the majority of your members do communicate this?

DAN GIUNGI: We have a policy committee that focuses on labor issues. It’s a bipartisan committee. Any CCM member is allowed to join that committee and when issues like this come up, we distribute the language to them. They give us feedback with respect to their thoughts on the proposal and then before we take any official position and incorporate it into our legislative program, it’s brought – excuse me – it’s brought before our legislative committee, which is made up of our entire membership, and even if certain members aren’t in attendance, that particular piece of information is distributed to them each individually.

REP. FISHBEIN (90TH): So how do you know they don’t just ignore it? You made a representation here that the majority or most of your members do communicate this to – at least on a municipal basis – to their
employees. So, I understand the process that you may have of giving the – let’s say the First Selectman or the Mayor of a particular town certain information that CCM has deemed to be appropriate. How do you know that that’s being employed in those towns?

DAN GIUNGI: Well, I think that’s where we rely on the subject matter expertise of the members that sit on that policy committee. They routinely engage and interact with one another and so I would imagine that the statements they provide us with respects to how municipalities function takes into account best practices that are common amongst our membership.

REP. FISHBEIN (90TH): Okay, so just based upon your answer, you’re just relying upon good faith that that’s occurring, is that fair to say? There’s no polling of your members, you know, are you doing this? That kind of stuff.

DAN GIUNGI: For particular issues, we might issue a poll, but.

REP. FISHBEIN (90TH): We’re specifically talking about compliance with the law regarding worker’s rights.

DAN GIUNGI: Again, we rely on the subject matter expertise of our members to tell us, you know, what the best practices are and what is likely occurring amongst the majority of our members. I appreciate the point that you’re trying to make, but I think there comes a point where we do have to take the information that our members are giving us and trust it to a certain extent.

REP. FISHBEIN (90TH): Well, I’m just trying to find out once again how you make the representation that most of your members are communicating this and I don’t want to keep on going around in a circle and
I’ll go on to the portion of this bill that has to deal with the state. I understand that you’re membership – you don’t represent any fraction of the state.

DAN GIUNGI: No.

REP. FISHBEIN (90TH): And, but you’re still against this bill, even if it was just to have to do with the state.

DAN GIUNGI: If it was compelling the state as a separate and distinct entity to make particular statements and the municipalities were not subject to that mandate, I’d obviously have to get the approval of our members, but I don’t see why they would have an issue with that.

REP. FISHBEIN (90TH): Okay. I don’t know if you’re aware, but I had a case about ten years go against the State Police Union about worker’s rights and the Labor Board actually issued an order saying that their rights were to be posted with regard to being able to opt out of the union on every bulletin board of every barracks in the state. So, and that’s just on the state level, and you’re representing to me that there’s compliance in 168 towns or most of your member towns, that’s your representation here tonight.

DAN GIUNGI: If the question is is there compliance with respect to our members distributing information that fundamentally impacts how, you know, certain functions are responsible for maintaining might be changed by new mandates that they’re now required to meet, then yes, it’s my understanding that [over talk].

REP. FISHBEIN (90TH): As to their ability, the fact that some municipal contracts are not in compliance with the law, but here’s what the real law is. Is
that – is that the procedure? Because I specifically – I’m on the Town Council in Wallingford. I know what’s been going on and Wallingford’s been a member of CCM for about five years now and I know that the information is not being communicated and I’ll go back and I’ll ask what has been communicated by CCM about these things and I’ll be interested to hear about that, but I thank you for your testimony here tonight and thank you, Madam Chair.

SENATOR KUSHNER (24TH): Any other comments or questions?

REP. WINKLER (56TH): Yes, towards the end of your testimony, I thought I heard you say that pension offsets were collectively bargained.

DAN GIUNGI: Yes, that’s what I’ve been told by.

REP. WINKLER (56TH): Okay. What – what – how to put this – okay, so worker’s comp is a state statute. If you were going to – well number one, who does the City of – there are municipalities out there that collectively bargain their retirement benefits with their workers. Is that accurate?

DAN GIUNGI: Yeah. Yes.

REP. WINKLER (56TH): Okay, do you think it’s all of them?

DAN GIUNGI: I would imagine that where there are bargaining units that engage in collective bargaining with our municipalities for those types of benefits, yes, I – the exact number I can’t give you off the top of my head.

REP. WINKLER (56TH): All right. So, the testimony we heard today where people had workers compensation
benefits that offset their pensions, was that collectively bargained or is that a state statute?

DAN GIUNGI: Well, I think the rule is that municipalities as employers have to carry Worker’s Compensation insurance. The offsets that were referred to, if they have to do – they have to do more with the fact that this proposed piece of legislation deals with collateral benefits like pensions and how they interact with Worker’s Compensation benefits. The First Selectman, Ed Mone, made the point that the purpose of Worker’s Compensation insurance is to ensure that the employee is made whole, not create a scenario where the employee is enriched and what this proposal would do by invalidating those offsets is enable employees who are collecting Worker’s Compensation benefits to receive the full Worker’s Compensation benefit PPD payment, which is 75% of their salary post tax, that was not taxable. They would then be eligible to receive the full pension benefit. In addition to that, they would be able to go before the Worker’s Compensation Commission and potentially be awarded additional discretionary benefits. In addition to those discretionary benefits, as long as that claim remains open and that employee is receiving PPD payments, they are then eligible to continue receiving employer-paid health care and so that creates a situation which the insurance is being used to enrich the employee above an amount that they would not have gotten otherwise had they been working and getting their salary in absence of those benefits.

REP. WINKLER (56TH): Okay. So say through an accident I’m maimed, I lose an eye, and it’s the position of the Connecticut Conference and Municipalities that at no point, should I have to retire as a result of my disability, at no point
should I ever make more than what I was intended to get, even if I had not been damaged on the job.

DAN GIUNGI: No, that’s – that’s not our position. The idea of insurance as a mechanism to ensure that the employee is made whole and not enriched I think is fundamentally, you know, core principal to insurance. That’s not our position, but that’s the purpose of the Worker’s Compensation insurance that we provide our employees and one thing I do want to mention about the offset, you know, when these payments continue, they’re paid on a weekly basis and it’s my understanding that that only occurs when the claim is still open. If that claim were to be closed out, the employee would receive a lump sum payment and then the offset would be clawed back and they would receive the full pension benefit. You say offset would be clawed back. Could you explain that.

DAN GIUNGI: It would no longer be effective.

REP. WINKLER (56TH): Okay, so if the worker takes a – has a weekly or monthly benefit, then that would be deducted from their pension, but if they had a lump sum, then that they could keep.

DAN GIUNGI: Could I use an example?

REP. WINKLER (56TH): Sure.

DAN GIUNGI: Okay. Same with the example of injuring or losing an eye. If an employee were to retire on a disability pension as a result of their eye being damaged, then the normal pension benefit that they would receive would be offset by the amount of the disability pension. If they were to voluntarily retire and receive their normal pension benefit, the normal – excuse me, the disability payment that they receive would be offset by the amount of the normal pension benefit. If the claim
were to be closed out, they would be awarded a lump sum payment that they would keep and the offset that occurs when the claim remains open and those weekly payments are being made would no longer be in effect.

REP. WINKLER (56TH): Can you see that from a worker’s point of view, not only are they only getting the pension that they earned, but they also have significant lifetime damage for which nobody seems to think they deserve anything other than their ordinary pension.

DAN GIUNGI: And I understand and appreciate that point, but again, I think it comes back to the fact that the Worker’s Compensation benefit that they would receive as a result of incurring that injury is meant to make them whole and not enrich them.

REP. WINKLER (56TH): Thank you, Madam Chairwoman.

SENATOR KUSHNER (24TH): I do think it’s a little ironic that we’re discussing this in terms of someone losing their eye on the job and you’re talking about making them whole, because I don’t know how you do that when somebody loses an eye on the job and I think that’s Representative Winkler’s point, though, you know, it seems to have been lost on you, but it wasn’t lost on me, Representative Winkler [laughter]. So, thank you very much. Any other questions. Yeah, but [laughter]. Thank you.

DAN GIUNGI: Thank you.

SENATOR KUSHNER (24TH): Next up we have Alan McInerney. I’m sorry, I massacred your name, from the Electrical Workers [laughter] I’m sorry [laughter]. I should know how to say that one, it’s not that complicated. [laughter]. Could you repeat it for me.
DAN MCIKERNEY: It’s actually Daniel [laughter].

SENATOR KUSHNER (24TH): Oh, what did I say?

DAN MCIKERNEY: Any my last name is – it’s like Bert and Ernie except McInerney.

SENATOR KUSHNER (24TH): So, you’re Daniel?

DAN MCIKERNEY: Yes.

SENATOR KUSHNER (24TH): Oh, it says Alan right here, but probably got with a typo on our part, I apologize, so Daniel McInerney. I’ve heard it before, but thank you for clarifying.

DAN MCIKERNEY: Thank you. Chairman Kushner – or Chairwoman Kushner, sorry, Chairwoman Porter, members of the Labor and Public Employees Committee, my name is Daniel McInerney and I’m here representing the Connecticut Chapter of the National Electrical Contractors Association and the International Brotherhood of Electrical Workers. We are in support of two bills today. First bill is HB 6927 on WAGE THEFT AND DEBARMENT. I think you’ve heard quite enough on that already. The only thing I will say about that is that our opinion is it’s common sense to utilize other states who have contractors that have debarred and it only makes sense that if they’re debarred in another state, they should be debarred in Connecticut and I’ll be happy to answer any questions you might have on that after my testimony. The other is House Bill 6630, AN ACT REQUIRING INDIVIDUALS WHO INSTALL SOLAR ENERGY SYSTEMS TO COMPLETE AN ELECTRICAL APPRENTICESHIP. NECA represents more than 100 electrical contractors and the IBEW represents thousands of electrical workers in Connecticut and we feel this legislation would be a step in the right direction to creating a path to a career in the solar industry. At the present, the Department
of Consumer Protection, in 2009, created the PV license, which is PV1 is a limited solar electric contractor and PV2 is a limited solar electrical journeyman. It also has a state-sponsored or state-registered apprenticeship program with the Department of Labor for solar installation. This industry – or this was created – this was to create a path – a career path in the solar industry. But to date – to date there are a total of 13 PV1 licenses, which is the contractor license in Connecticut. Four of those are out of state and there are only ten PV2 journey persons and four of those are also out of state. I don’t think this is what the DCP had in mind when they set up this program. There are less than ten registered apprentices with the Department of Labor, so the industry really needs a little better oversight because what you basically have now are companies that are out there and they have electric – or they have their either PV license holders or their electric – E2s, E1s, which is a regular electrical license, doing electrical hookups supposedly, but basically what happens is you have either laborers or roofers that are mounting the solar panels on rooftops and so forth and generally what winds up happening is they’re doing a lot of the connections and the grounding, even though that’s not what they’re supposed to be doing, but there is really no oversight for that, so you have them up on the roof, nobody’s really going up to check what they’re doing and then basically you have the electrician that – that ties it into the electrical system in the house. You probably – I thought there’d be more people here today testifying on this, but you’re gonna hear some testimony or you’ll get some written testimony that says that this is a multi-trade job and it really isn’t. It’s really no different than if you’re taking a light fixture and installing it.
That’s an electrician’s job. Solar panel is an electrician’s job. It’s nobody else’s job. Part of your apprenticeship program is learning how to mount them on rooftops or mount them where ever they’re gonna be mounted and do the wiring accordingly. So, we would encourage the committee to support 6630 as we do and thank you for the opportunity.

SENATOR KUSHNER (24TH): Thank you so much. When I first read this bill, I was pretty – Representative Porter’s reminding me that I was pretty excited to see it. You know, as a home owner, I certainly have experienced the – unfortunately, I had the experience for someone who was not qualified to do an installation on an extensive piece of equipment in my house, did it wrong, and I had to have it all done over and had to pay for a new piece of equipment, which was about $6,000.00, so, you know, it resonated with me that, you know, home owners and consumers are protected when people who come to work on their house have been through an apprenticeship program and I do happen to know that the IBEW – I’m familiar with the apprenticeship program in New York State, which is Local 3 has an amazing program and I’m sure you have similar program here in Connecticut, so, you know, I was very appreciative to see this piece of legislation come through our committee, so thank you for your testimony. I saw Representative Fishbein had a question.

REP. FISHBEIN (90TH): Thank you, Madam Chair. Good evening, sir.

DAN MCINERNEY: Good evening.

REP. FISHBEIN (90TH): The debarment issue, which is something new to me, some people say that, well, if a Connecticut contractor is putting – is representing that there’s health insurance and worker’s comp and all this stuff and it doesn’t – it
isn’t there, that that’s an issue for the attorney general. What do I say to those people?

DAN MCINERNEY: I’m sorry, I’m not really following that.

REP. FISHBEIN (90TH): That if somebody is breaking the law [over talk] with regard to representing that there’s health insurance, that there’s, you know, retirement benefits, those kinds of things, that that’s the remedy that the workers should get. That’s what somebody had said to me instead of doing this debarment. How would I respond to those individuals.

DAN MCINERNEY: Well, it’s – as you’ve heard before in previous testimony, it’s pretty hard to catch a lot of these contractors because unless you’re getting the employees to come forward, which a lot of times they’re very afraid to because they’re afraid to lose their job, so it’s very hard to find that. Usually the only way you’re gonna find that is through the Department of Labor doing an investigation from their Wage and Hour Division is usually the only way that you’re gonna get any action that way and then from there, it could go to the Attorney General, but.

REP. FISHBEIN (90TH): So, then how do I – and I totally agree with you – I mean because you want to stop the bad activity before the worker is taken advantage of, so, [over talk] I got it. But how do I prevent a Massachusetts debarred company from let’s say creating a different company and doing business in Connecticut? How am I to prevent that?

DAN MCINERNEY: Well, I think part of the provision, even though it’s a concept bill, part of the provision would state that if a contractor is debarred in another state, you’re gonna have the
names of the individuals that are responsible for that and they cannot own another company. If they do, they are still debarred.

REP. FISHBEIN (90TH): Okay, is that how it works in other - because you know in Connecticut usually the entity is the entity and the individual is the individual and the individual can have ten different businesses [over talk], so in say Massachusetts, do they bar the individual, like the officers, from having a different construction business? Is that how it works.

DAN MCINERNEY: Yeah, there is language in our current debarment bill [over talk] that states that. I - I’m not quite sure. When [over talk] Kimberly comes up, I think she’ll probably have the percentage number for that, but.

REP. FISHBEIN (90TH): Because all of it makes sense, but, you know, I run into this with home improvement contractors [over talk] frequently.

DAN MCINERNEY: Right, but the thing we - not to confuse here - is debarring contractors, our own contractors that do that in Connecticut is one thing. We’re just looking to have out-of-state contractors that are on debarred lists from other states automatically be debarred in Connecticut.

REP. FISHBEIN (90TH): Yeah, and what I’m saying is, you know, you get somebody who lives in Massachusetts, they open up ten different businesses, and the list that you’re looking at, because, you know, Connecticut, through Department of Labor I guess, would search the other states, you know, and maybe Kim will be able to answer the question, whether it comes up as the person’s name or one of their businesses.
DAN MCINERNEY: Well, it should have both and - and I’m sure there would be language similar to what we have in Connecticut, that they can’t own a percentage of another business and still be able to compete for work in Connecticut.

REP. FISHBEIN (90TH): Okay. And the solar situation, I guess a portion of the problem - well my first thought was why isn’t this before general law quite frankly because I think it’s more of a general law issue, but.

DAN MCINERNEY: It was.

REP. FISHBEIN (90TH): Oh, and it got here? [laughter]

DAN MCINERNEY: Yes.

REP. FISHBEIN (90TH): Oh, well, okay. We’re the responsible ones. I didn’t say that [laughter]. Because part of the problem is that the Home Improvement Contractors Act says, you know, all of this stuff or anything else that’s nebulous, so the nebulous is where the solar falls in, so the home improvement contractor says, well I can do it because it’s not restricted, so, why - so I guess conceptually you would have a law that says that thou shalt not do solar work unless they are a PV1 or PV2.

DAN MCINERNEY: Or an electrical license that covers it.

REP. FISHBEIN (90TH): And what electrical [over talk]

DAN MCINERNEY: There’s about 12 different licenses, but it would be an E1 or an E2 and a PV1, P2 – PV2. So, an electr - and E1 is an unlimited electrical contractor and an E2 is an unlimited electrical
journeyman in the employment of an electrical contractor.

REP. FISHBEEIN (90TH): Okay, thank you. Thank you for the education and thank you, Madam Chair.

SENATOR KUSHNER (24TH): Representative Wilson-Pheanious.

REP. WILSON-PHEANIOUS (53RD): Yes, I’m just wondering if – if you know if the debarment process has an appeal process in other states. In other words, when someone is being disbarred, is there an appeal before that becomes final in other states? Is that [over talk]

DAN MCINERNEY: I’m sure there is. There’s one in Connecticut, so.

REP. WILSON-PHEANIOUS (53RD): Right, okay.

DAN MCINERNEY: It would only make sense that you’d have – you’d be able to appeal it.

REP. WILSON-PHEANIOUS (53RD): Right, but I’m – was trying to determine whether or not it would be fair to bar somebody from another state unless I knew they had exhausted their appeal process there. That’s all. That was the question. If they didn’t have an appeal process.

DAN MCINERNEY: I – yeah, I understand your question, but I’m – I – I would be surprised if they do not have one because, you know, you’re – you’re affecting someone’s livelihood with that [laughter].

REP. WILSON-PHEANIOUS (53RD): Okay. Thank you very much.

SENATOR KUSHNER (24TH): Okay, thank you very much for your testimony.

DAN MCINERNEY: Thank you.
SENATOR KUSHNER (24TH): Next, we have Representative Mary Mushinsky.

REP. MUSHINSKY (85TH): Madam Chairman and members of the Labor Committee, I don’t come in here very often, but I’m here to support – oppose House Bill 6630, THE SOLAR ENERGY SYSTEMS APPRENTICESHIP. Connecticut is facing a much higher deadline – much tighter deadline to improve energy efficiency now that we have the new IPCC Scientific Report that says that we have only 12 years to reduce CO2 emissions to avoid unstoppable climate change, which will affect our children, grandchildren, and successive generations, so the effort we’re going to need to make in a very short time is enormous and if we fail, the repercussions for Connecticut and our families will be severe and I’ve listed a number of repercussions in the testimony, but in response to this 12-year deadline, it is very wise for us to concentrate on creating jobs and apprenticeships in the green energy fields and even before the IPCC report came out, the Program Review and Investigations Committee identified green technology careers as – especially well-suited for Connecticut because it’s a high energy state and we have the technical schools to generate these workers.

The committee recommended that state agencies work together to create and publicize a green jobs career ladder, laying out the wrongs, starting from low-skilled insulation and weatherization jobs to middle-skilled apprenticeships and installers and then after much experience in additional training, energy management positions, and there’s a bill that I’m working on in the higher education committee that does this energy – green energy ladder and flushes it out, but electricians have complained to me in the District that although they are highly skilled and highly trained in solar instillation,
they lose jobs to untrained solar installers who will accept lower wages and this makes them very depressed and upset that they’ve been trained, are very good at what they do, but they are being out-competed, so I’m here to ask the Labor Committee to encourage the life-time accumulation of professional knowledge on the green energy career ladder by specifying the rule of state-certified apprentices in solar energy and I should have – when I wrote the bill, I should have said electrician and carpentry, so the committee probably should repair my bill’s narrow wording because they’re actually both involved. There may be some low-skilled site preparation jobs or jobs that move the units from one place to another that could be suitable for a low-entry - low-level, entry-level worker, but unskilled workers should not displace apprentices or professional electricians or carpenters in the technical field of solar energy installers. It is simply a waste of their talents and the public loses the security of a professionally trained solar worker. So, thank you for hearing the bill and help you – happy to work with you to rewrite it if – as needed.

REP. PORTER (94TH): Thank you, Representative Mushinsky. I just want – what – what was the suggestion for the title that you made? The [over talk] revision?

REP. MUSHINSKY (85TH): Well, it probably should be state certified apprenticeship and we probably should cover both electricians and carpenters because they, as I understand it, they both have a role to play in the solar installation.

REP. PORTER (94TH): So you said electrician and [over talk] carpenters.
REP. MISHINSKY (85TH): They both go through a long apprenticeship [over talk] before they’re allowed to work on these devices.

REP. PORTER (94TH): Okay, thank you, and thank you for bringing this to the Committee’s attention. Representative Fishbein.

REP. FISHBEIN (90TH): Thank you, Madam Chair. Good evening representative. Just focusing on the carpenter aspect because a carpenter is not required to go through an apprenticeship. I could put up a shingle tomorrow saying I was a carpenter. Under the Home Improvement Contractors Act, I’m allowed to do that. There is no requirement to be an apprentice. I know that our laws presently allow for incidental work, you know, if the main work is electrical, we do allow, and I actually litigated a case to the appellate court on this issue, them to do work that ordinarily carpenters do, but it’s necessary to complete their electrical work. So I’m just trying to figure out because I don’t think – well first of all I don’t know how much extensive carpentry is necessary for this. I don’t think there’s a lot, but I don’t know why that person who is licensed to do the solar work would have to A) Hire a carpenter or couldn’t just do the work themselves.

REP. MISHINSKY (85TH): Okay, well I’m not an installer myself and I don’t know the answer, but I will try to find it. They both have a role to play in some installations and the reason I’m trying to go with professional certified apprentices is that in making this green energy career ladder, we should be using the skilled people for the skilled work. You know, there are entry-level jobs and that’s fine, but as people learn more and – for example some of the solar jobs you need to know trigonometry and you learn that during your apprenticeship. If
you never learned trigonometry, maybe you’re always gonna be a weatherization person or an installation installer, but on the career ladder, you should be able to rise up as you get more training and get more responsibility and that’s what I’m really trying to do is fit the jobs to the types of workers we need to move over to clean energy State of Connecticut.

REP. FISHBEIN (90TH): I respect that and I’m just trying – I don’t see why that solar installer, unless I hear something totally different, needs a carpenter.

REP. MISHINSKY (85TH): Okay, well I was corrected after I wrote the bill that I had forgotten to mention that, so let me check back with the folks who criticized the drafting and see how I should reword it and then I can pass that along to your screening committee.

REP. FISHBEIN (90TH): Fantastic. Thank you. Thank you, Madan Chair.

REP. MISHINSKY (85TH): Thank you.

REP. PORTER (94TH): Thank you. Any further comments or questions for Representative Mishinsky? There being none, thank you very much.

REP. MISHINSKY (85TH): Thanks for your patience.

REP. PORTER (94TH): You’re welcome representative. Have a good evening. Next up, we have Kim Glassman, Building Trades.

KIM GLASSMAN: Good evening, Chairwoman Kushner, Chairwoman Porter, ranking Member Miner, and distinguished members of the Labor Committee. For the record, my name is Kimberly Glassman, visiting you again, Director of the Foundation for Fair
Contracting. I am here this evening - I also want to thank you for your time this evening. I very much appreciate the opportunity to testify in support of two bills, one is House Bill 6927, AN ACT CONCERNING WAGE THEFT AND DEBARMENT. I know there have been a number of questions around this proposal, I’m happy to answer, but before I get into that, I also want to indicate that my organization supports House Bill 6630, which would apply an apprenticeship requirement on the installation of solar panels. We just heard from Dan McInerney with IBEW and yes, my organization, we agree. We think that this - that this scope of work is limited to the electrical industry and my organization, we, of course, promote apprenticeships. We think that they are a great job ladder, career ladder in Connecticut and we fully support this initiative. On wage theft and debarment, there have been a couple of questions. I just want to answer some that I’ve heard so far and then, you know, when the buzzer goes off, I’m happy to answer any additional questions, but Representative Porter, you had asked what happens if a contractor who has been debarred, they come back, they commit the same violations, they get debarred again, the states that I have looked at, and I’ve given you a sample set with my testimony that you have in front of you, but the states that I’ve looked at, including Connecticut, they - they - they have the ability to indefinitely debar a contractor if they believe that the violations were so willful and so egregious that they really think that they are not responsible - contractor responsible bidder, they can indefinitely debar them. So, but - we also have debarment where it can be a year, it could be two years, it could be three years, and the agency will use their judgement to determine how egregious the violation or
violations are that would trigger that necessity, so I hope that answers that.

REP. PORTER (94TH): Yes, thank you.

KIM GLASSMAN: And then I heard another question about our Attorney General. I think that is a great idea. We - we would love to see our Attorney General as an enforcement arm on wage theft issues in Connecticut, but what separates Connecticut from a state like Massachusetts, say where the Attorney General does do a lot of wage theft enforcement, is that our - in Massachusetts the Attorney General has authority to enforce criminal law where in Connecticut it’s just - we - our Attorney General has cognizance over - over - I’m losing my words [laughter] civil, thank you, [laughter] - civil violations. I hope that answers a couple - I’ll be happy to answer any other questions any folks have.

REP. PORTER (94TH): Yes, Representative Hall followed by Representative Fishbein.

REP. HALL (7TH): Just quickly with regard to wage theft and debarment, does that apply to both public and private contractors?

KIM GLASSMAN: No. This is - you - if you’re debarred, you’re debarred from bidding public. I don’t believe there’s a mechanism to prevent somebody from enforcing the ability for somebody to bid, you know, if you’re a private owner, you can go into business with whomever you want, so I don’t think there’s anything that the state can do to preclude that. What the state does have the ability to do is to preclude unscrupulous companies from bidding publicly funded projects.

REP. HALL (7TH): Thank you, thank you for that. And so when the out-of-state contractor who has been debarred, Connecticut currently does what exactly
with regard to that particular contractor? Is there anything that’s done. Are they prohibited in any way. Is there - on the application RFP, do they have to indicate that in this state or that state they’ve been debarred. Is that part of the process?

KIM GLASSMAN: Yeah, so in the Department of Administrative Services under the - under our state’s prequalification, you would have to list if you’ve been - in that application you would have to list if you’ve been debarred from bidding in another state, but again, that’s limited - again, that’s limited to a large-scale contract issued by the state. Not every - every municipality has its own procurement process. Yukon has its own procurement process, DOT has its own procurement process, DAS its own procurement process, and so to make - to ensure that the state and our municipal governments are getting the best bang for their buck in investing their public dollars with a good, responsible entity I think is to reflect if another - if another state, particularly a neighboring state, has debarred them.

REP. HALL (7TH): So this particular piece of legislation would apply to both state municipal quasi governmental.

KIM GLASSMAN: In a perfect world, yes. Right now the way that the - the way that the law is written is our Commissioner of Labor has to provide the debarment list to other public agencies. How they provide that, as far as I know, and I don’t have anybody from the GOL here so I’m speaking probably a little out of turn because I don’t know all their internal procedures, but they do post on line on the Connecticut Department of Labor website the list of debarred contractors. So that is their way of making that public for other agencies to go and
check and see who are these - who are the debarred contractors.

REP. HALL (7TH): And what we’re - what - what’s being sought in this piece - piece of legislation is to essentially, say if you’ve been debarred in one state, you’re considered debarred here in Connecticut.

KIM GLASSMAN: Yes, and the way I think that we can achieve that is - the state - I gave you kind of a snap shot, but I looked at a bunch of states just to see how - what their lists look like. Some have no debarred contractors at the moment. Some do have some debarred contractors, but not on wage theft issues. I try to give a snap shot on wage theft and all of these lists are on their Department of Labor’s website, so it’s public, it’s easily identifiable, it’s easy to download, so we don’t want to make anything - we don’t want to take resources from our state agency, we don’t want to be unduly burdensome to our state agency, but we want to move the dial here because we have not had a debarment proceeding in Connecticut in so long. We have not debarred a new contractor in Connecticut in so long and of course, I want to believe that that’s because everybody who’s doing business with public authorities in the state is on the up-and-up, but sadly, in my job, I know that that’s simply not the case, and so what we want to do is we want to just - we - I think we really want to have our state reflect other states’ debarment and I think that there is a way to do that for the agency without being burdensome to them.

REP. HALL (7TH): Thank you for that.

KIM GLASSMAN: Thank you.
REP. PORTER (94TH): Thank you. Representative Fishbein.

REP. FISHBEIN (90TH): Thank you, Madam Chair. Good evening, Kim.

KIM GLASSMAN: Good evening.

REP. FISHBEIN (90TH): So the mechanism to enforce the private situation, we have a home improvement contractor’s license that’s required for one to do work on residential dwelling, you know, not a multi-family. Certainly through DCP, that license could be revoked. That would be an enforcement mechanism. Similarly, we have the New Home Construction Contractors Act, which requires a different license and that would be the similar thing, so I would think that that would be, you know, because I want to protect workers, that would be a way that we could protect the private side of this.

KIM GLASSMAN: Yes. So my organization, we don’t monitor much private construction. It’s seldom that we do, but if we do, it is simply because there is a potential licensing violation there and that we would bring that to the attention of DCP to your point.

REP. FISHBEIN (90TH): Okay, and I know DCP used to, about ten years ago, you were able to go on their website and see the history of somebody’s license. For some reason, somebody took that stuff down, but I always found that to be helpful, but I’m concerned about our state being able to check another state’s records to find out that it is a debarred entity and do you have your testimony, the attachment, with you?

KIM GLASSMAN: Yes I do.
REP. FISHBEIN (90TH): So, if you look at the New York debarment list and I didn’t want to drive you crazy, so just go to page 10.

KIM GLASSMAN: Okay. Let me find it. Just give me – just bear with me here.

REP. FISHBEIN (90TH): Yep.

KIM GLASSMAN: Okay.

REP. FISHBEIN (90TH): Okay. So now I’m working for the Department of Labor. Somebody’s put in a contract. I want to see is this a debarred entity, okay. So at the very top of page 10, we have RICAS contracting, LLC. But there’s no information about any officer, so how is the member of the Department of Labor to ascertain that, you know, RICAS LLC, which now is a contract, but isn’t RICAS LLC, that they’re the same people. How do we, without the laboring Department of Labor.

KIM GLASSMAN: You’re talking about the owner.

REP. FISHBEIN (90TH): Yeah, I’m talking about protecting the workers from this owner.

KIM GLASSMAN: Right.

REP. FISHBEIN (90TH): Creating another business.

KIM GLASSMAN: Right.

REP. FISHBEIN (90TH): Operating under a different entity and, you know, that’s the bad actor, that’s what we’re looking to prevent.

KIM GLASSMAN: Right.

REP. FISHBEIN (90TH): So how [over talk].

KIM GLASSMAN: How do you – how do you – how do you capture all of the potential [over talk] companies
REP. FISHBEIN (90TH): If this is [over talk]

KIM GLASS: That the owner, right.

REP. FISHBEIN (90TH): Yeah, because in another state they did have an owner, at least one owner, not all of them, but certainly with New York they don’t and that’s an adjoining state. I would think that, you know, Danbury, stuff like that, they’re gonna have, you know.

KIM GLASSMAN: Frankly, I think that that would – that would take a – that would be a burden on the agency to – to identify all of the potential tax ID numbers attached to an owner who owns a company that has been debarred. I think a lot of that onus though falls on advocates like myself. I think it falls on contractors, right, who may be grieved as a potential low bid. They go in with their best number, they think I deserve to be awarded this contact and if they come in – another contractor comes in and underbids them 10 or 20%, they can go and find out, hey, you know, it is correct, do I think there could be something nefarious here, do I want to look into whether or not this company somehow connected to any of the companies listed here.

REP. FISHBEIN (90TH): But how is – how is that gonna – so the city – because we would apply this to municipalities, right? Not only – if any public contract.

KIM GLASSMAN: It’s a public contract.

REP. FISHBEIN (90TH): Yeah, so the City of Danbury has now put out to bid, I don’t know, road work and they get six different contracts and, you know, lowest bidder, somebody’s mad because they didn’t get the lowest bid or whatever, they can’t even figure out whether or not the owner of that company
is a nefarious character based upon this – so I’m – I have sympathy.

KIM GLASSMAN: There’s no [over talk].

REP. FISHBEIN (90TH): I just – I don’t think it’s workable.

KIM GLASSMAN: Well, there’s no silver bullet, right? What we’re trying to do – if there was a silver bullet, I wouldn’t – I would be out of a job. What I think we’re trying to do is move the dial here, right? What we want to do is create an environment in Connecticut that says we want an industry that is – that has integrity. We want an industry – we want to promote companies who are following our labor codes and treating their employees the correct way and by the way, paying the right payroll taxes and paying on Workman’s Comp, right? So, I think that what we need to do is just create an opportunity for our state agency to build upon the list as you – cause you have the DOL’s list in front of you, and what we want I think is to have – is to give the agency the ability to build upon that list, to have more transparency for all of our contracting authorities throughout the state, whether it’s the City of Danbury or, you know, one of the CSUs. We want them to have that ability to see who’s bidding this work and is it a company that they want to do business with. So, that’s what I – that’s why I – that’s my hope here.

REP. FISHBEIN (90TH): Yeah, and I’m looking to advance it too, but I would think that what would be necessary so as to protect from the problem that I think I’ve identified, there has to be some sort of identification language for the municipality because if the worker who was wronged came into my office, I’m more than likely, and it’s a Danbury contract, I’m going to allege that Danbury knew or should have
known that my guy was gonna get harmed by this nefarious person, so if we put this into place, I think there has to be something, you know, there’s gotta be, you know, good faith efforts to look into, but I’m just concerned about that aspect, you know, just the indemnification of a municipality publically – I mean state is a little bit different with sovereign immunity, but, okay. Thank you.

Thank you, Madam Chair.


REP. WILSON-PHEANIOUS (53RD): I just had a question, sort of along the lines of Mr. Fishbein’s, whether or not there is anywhere a way to publicize people who have been publically debarred so that workers won’t sign on with that person perhaps or at least will be forewarned. I’m not really thinking, maybe it’s getting late. I’m not really thinking of a scarred up letter [laughter] that they need to wear around their neck, but I’m trying to figure out how is there any mechanism to be able to let people know, because I don’t want to hire somebody who has been cheating people in other states. I don’t want to work for somebody who’s been cheating people in other states and I’m trying to figure out is there any easy mechanism to be able to identify that? I guess I’m hearing no. [laughter]

KIM GLASSMAN: Like I said – I – I fully agree with you and fully sympathize, right? I mean, of course, we wish – we wish we could get this information out to every public-awarding authority in every corner of the state.

REP. WILSON-PHEANIOUS (53RD): Or the private – I’m worried about the private sector as well.
KIM GLASSMAN: Sure.

REP. WILSON-PHEANIOUS (53RD): You know.

KIM GLASSMAN: But right now this information is available – for Connecticut – is available right on the Connecticut Department of Labor website, so the Connecticut Department of Labor can make this information available on their website as well. We need to start with the transparency of this. That’s really important [over talk] because I – I mean I’m not gonna name them here, but there are companies that my affiliates and I, we’ve looked through these lists, that either have or have recently performed work in this state that are on these lists, and that’s scary, right?

REP. WILSON-PHEANIOUS (53RD): Yeah, it is. I do understand the purpose of the bill and appreciate it. I have one other question in that you mentioned a while ago that there have been no disbarments in the last five years. You’re a little skeptical about the fact that everybody’s on the up-and-up doesn’t seem reasonable and I’m wondering, are there impediments or what – why would we – and what does our rate, none within the last five years, look like compared to our surrounding states.

KIM GLASSMAN: Sure, so I want to be clear, the – you have the list of the – from 2009 for – of Connecticut’s debarment list. In the past five years, there’s been essentially no change to that list. What the Department of Labor has done, though, is if you owe a worker back wages, you can elect to – you can sign a paper – and I’m – and I know that this has been done in the Wage and Hour Division, I’m not sure if it’s still being done to date, but you can sign a document voluntarily debarring yourself from bidding on public works projects until those moneys are paid in full and
what it is is it’s to incentivize making the workers whole financially, so that does happen, but what we’re seeing is that there’s – the – the state is not going through the debarment proceedings and yeah, there are some reasons for that. Representative Rutigliano had asked me about legislation from last year that sought to address that and I – the agency, just like every other state agency, has seen a reduction in their budgets, they’ve seen a reduction in their – in their – in their labor force, and they, you know, are strapped for resources and these debarment proceedings are very timely, they take a lot of resources. Their legal department has to do a lot of gathering, fact finding, they get threatened with – they can get threatened with a lawsuit against the state by that company, so they have taken the perspective of we’re not necessarily here to police the bidding pool, our job is to make sure that workers are paid correctly and that our labor laws are upheld, period, and I think that that’s noble and I applaud our Department of Labor for taking that role, but we’re still seeing some of these same bad actors consistently violate our laws and what we want to do is give our – our enforcement authorities a little bit more rope to enforce.

REP. WILSON-PHEANIOUS (53RD): Well, in effect, if we’re not going to do it, then at least we ought to take advantage of those states who are doing it and notify ourselves of their progress in this area, so I understand[crosstalk] to this. Thank you.

REP. PORTER (94TH): Representative Winkler.

REP. WINKLER (56TH): I am sorry, but I have to ask, the Department of Labor has a debarment list. DOT sometimes tells people get lost for two years, we’re not gonna give you any work. DAS has a list of
contractors who have messed up. How many lists are there like this out there?

KIM GLASSMAN: That— that’s a— you know, right now I know that there’s, you know, other advocates out there, my organization and the affiliates that my organization represents. We’re focused on wage theft specific issues, but I know that there are advocates out there who are talking about, you know, well, if we’re gonna talk about wage theft, we should talk about, you know, other types of fraud, right, that would fall under, you know, a reason why DAS would say we’re not gonna work with this company, so, you know, we—I’ve seen that also in other states as well. It’s state-to-state specific, but those would—those would be the debarment lists.

REP. WINKLER (56TH): I used to represent the workers at DAS, well, all over actually, and there’s a culture there of really not liking this list. Even when there was that famous I-84 project with the drainage ditches to nowhere filled up with debris and not connected to any pipes. I don’t believe DAS ever debarred them. DOT said, oh no, you can’t come back to us for two years, then they put them right back on the preferred list and within two years after that, they had a huge contract. So, you have any suggestions on how we can change the culture around here so people are a little more critical of these outfits that rip us off?

KIM GLASSMAN: I—look—I—I want to protect good contractors, right? And so I am open to working with this committee on a committee bill that gets—that moves the dial on debarment while also protecting our good, responsible companies here in state and I think, you know, there’s been discussion over enforcement of this, you know, just like you’re
saying. If, you know, how do we, you know, even if a company is – is an egregious, willful violator of our labor code, even if they have been debarred before and are back at it, how do we really disincentivize that? You know, if I knew the answer, I wouldn’t have to have this wonderful job that I’m very grateful for, but I think that when you hit them in their wallet, right, that’s the best incentive and if they’re not able to bid on public works, and you hope that that sends a clear message that hey, I should make sure, I don’t want that to happen again, I should make sure that my payrolls are – are up to date, I should make sure that I’m paying my worker the – the posted wage rate that I’m paying them – that I’m paying into their fringe – their fringe – their health insurance fund and the 401-K fund appropriately if they have – they provide those. We want them to be on the up-and-up. We want businesses to thrive here. That’s the whole idea. So, I think – I think something like this is the incentive for it.

REP. WINKLER (56TH): Thank you, Madam Chairwoman.


PAUL COSTELLO: Good evening.

REP. PORTER (94TH): Good evening sir. How are you?

PAUL COSTELLO: Very well, thank you. How are you?

REP. PORTER (94TH): I’m doing well. The floor is yours.

PAUL COSTELLO: Thank you.
REP. PORTER (94TH): You’re welcome.

PAUL COSTELLO: Representative Porter, Senator Kushner, members of the Labor and Public Employees Committee, my name is Paul Costello and I’m the Director of Apprenticeship and Training for the International Brotherhood of Electrical Workers, National Electric Contractors Association. I’m here to support House Bill 6630, AN ACT REQUIRING INDIVIDUALS WHO INSTALL SOLAR SYSTEMS TO COMPLETE AN ELECTRICAL APPRENTICESHIP and hopefully I might be able to answer some of the questions that were asked earlier. This is not a new concept, but already a law requiring floatable tank installations to be completed by properly trained, unlimited electrical licensed electricians and contractors, limited license solar contractors, licensed or any persons in state registered apprentices to their respective licenses, “the PV, the limited license, and the E license for the unlimited electrical license.” A portion of solar work is exempt from licensing law, but still required on the State of Connecticut building code for all solar floatable tank systems to be installed by qualified personnel per the National Electrical Code.

I have been involved with this requirement since inception. I was invited by the Connecticut Department of Labor Apprenticeship and Training Division in 2009 to sit in an advisory group to help develop the curriculum and on-the-job training requirements for the PV Electrical Apprenticeship Program. The program started later that summer with the first three apprentices being registered in late August of that year. In 2009, there were 15 PV1 limited electrical solar contractors issued based on their experience in the industry. They were grandfathered. The apprenticeship program was developed to train apprentices to obtain the PV2
Solar Electric Journeyperson License. I provided some documentation according to the Solar Energy Industry Association December 2008, Solar Spotlight on Connecticut. There is 514 megawatt of solar installed generating about 1.4% of our state’s electricity. They state that there are 2100 jobs in the solar industry, ranking us 30th in the nation. They predict job growth to be 631 megawatt over the next five years. In order to achieve this growth, we must have a qualified workforce. I believe the numbers will show that the PV2 Electrical Apprenticeship has been underutilized by the solar industry and work beyond the scope of the exemption is being completed by unlicensed and unregistered apprentices. The following statistics have been compiled from data obtained over the past ten years from the Connecticut Department of Labor, Department of Consumer Protection, State of Connecticut E-licensing website, and minutes of the Electrical Examining Board: The PV2 Photoelectric Apprenticeship is a two-year apprenticeship requiring a minimum of 4,000 hours of on-the-job training with an additional 360 hours of related instructions. I refer to a Table on there, and I won’t go through all the numbers, but tracking the history for the past ten years, we started with three apprentices originally, so those three apprentices, a minimum of two years, obtained the 4,000 hours of on-the-job training. Realistically, we’re probably looking three years to achieve the 4,000 hours, so we’re averaging about five apprentices, six apprentices over that ten year period at any one time. Currently, as stated earlier, there are eight current apprentices in the program, two of those are newly registered this year, in 2018. There have been approximately 33 registered apprentices over the past ten years since the apprenticeship program started. Ten of the
apprentices completed the program and obtained their respective license, the PV2, with 15 either not completing or having an expired application for their license exam. As of December 2018, there were eight registered apprentices in the program. Of the ten apprentices that went on to obtain their license, only four are currently still licensed in the State of Connecticut. The other six dropped their license. There are currently 23 PV solar licenses, including nine of those, which were the original PV1s when it was formed in 2009. 35% of those license holders are out of state. Opponents of the bill will sight solar system installation requires work from multiple trades. That’s not disputed in some instances. The law is specific though that the work must be completed under the licensing requirements. This work includes work that is currently being completed by non-licensed electrical and solar workers and unregistered apprentices. Solar installations are no different than any other electrical installation. They require electricians and apprentices to properly handle, store and install the equipment per the electrical code.

REP. PORTER (94TH): I’m sorry, Mr. Costello, can I just get you to wrap up please.

PAUL COSTELLO: Sure.

REP. PORTER (94TH): Thank you.

PAUL COSTELLO: Okay. So, in conclusion, the opponents also want to confuse the intent of the bill and lead you to think that it’s specifically requiring the E-licensing training. That is not the intent. The intent is to require electrical apprenticeship, which includes not only the unlimited electrical E-license training, but in addition to the solar PV licensing. Solar PV
systems installed today are much larger and more intricate and hazardous than those installed in 2009 and we cannot just lose focus. These PV systems are not just installed on dwelling units. These are utility scale systems, systems up to right now we have a system about 50 megawatt that was installed in East Lyme a couple of years, another 20 megawatts down in Bridgeport. These are feeding the utility. These are just not our 10,000 watts of kilowatt systems on residential homes. So, in conclusion, we would urge you to support Bill 6630, AN ACT REQUIRING INDIVIDUALS WHO INSTALL SOLAR ENERGY SYSTEMS TO COMPLETE ELECTRICAL APPRENTICESHIP. In addition, if Bill 5828, AN ACT ESTABLISHING THE GREEN JOBS LADDER WITH THE COMMITTEE ON HIGHER EDUCATION AND EMPLOYMENT ADVANCES, we would like that supported also. The passage of these bills will provide skilled workers a path to a successful career with an opportunity for advancement and renewal with energy.

REP. PORTER (94TH): Thank you.

PAUL COSTELLO: Appreciate it, sure.

REP. PORTER (94TH): You’re welcome.

PAUL COSTELLO: Thank you.

REP. PORTER (94TH): Any comments, questions. Representative Fishbein.

REP. FISHBEIN (90TH): Thank you, Madam Chair. Good evening sir. The multiple trades issue I would think would happen on larger projects. Is that fair to say?

PAUL CONSTELLO: I could give examples of the 50 megawatt system that was installed in East Lyme. That was done by an electrical contractor using licensed E2 and E1 journey people and electrical
apprentices. More so on some of the residential is where some of the multi-trade is coming in and what we’re seeing is the work is being completed by the unlicensed portion, so right now the exemption allows what we call the racking, the mounting of the system, the rails. It includes the fastening of the panels. It does not include the wiring of the panels. So typically what’s being done on a lot of these installations and the reason I know it is because we have people that are coming to us that worked in that industry and looking to continue onto an apprenticeship because they weren’t getting properly trained. They were the ones that would install the rail system, but at the same time, they were actually wiring the panels. The license electrician is responsible to make the inner connection between the PV system and the electrical service on the dwelling unit or whatever the building may be.

REP. FISHBEIN (90TH): Would you be comfortable, I guess a smaller project, you know, if I wanted to put up one solar voltaic [phonetic] however you say it — [crosstalk].

PAUL COSTELLO: PV.

REP. FISHBEIN (90TH): Voltaic PV panel on my — on my roof, would I be required to hire someone who’s licensed or could I do that on my own property. What would you?

PAUL COSTELLO: No, it would require a license, again, because there’s gonna be inspections, depending on if there’s credits that are being applied, there might be multiple levels of inspections, but at a minimum, does require an electrical permit. You would have to check with your municipality whether or not they would pull that under a homeowner’s permit, but in most cases,
it would require either a licensed PV contractor, PV1 or an E1, which supersedes the PV1, the unlimited contractor’s license.

REP. FISHBEIN (90TH): Have there been any safety issues, you know, fire let’s say.

PAUL COSTELLO: I don’t have the documentation, but there have been a number of cases across the country. There was one in New Jersey and I apologize, I don’t have documentation in front of me, but it was on a retail store. There was a large fire on the root. [over talk] as a result.

REP. FISHBEIN (90TH): Okay. So a retail store – so certainly we could craft something that says if you’re doing commercial work, you know, you’re required to, okay.

PAUL COSTELLO: Yeah, the thing is, it’s already on the books. It comes under the electrical category of work, so it is very defined on the handling of the material. As a contractor, I would also have the responsibility of that installation. So, if I have unqualified people that are handling and storing that material, if the membrane on the back of the PV panel is compromised, that could have a problem and in effect, a potential fire hazard, so that’s part of the training, so really to achieve it, it’s the apprenticeship program. So the reason they’re using a lot of the other trades is just because of all our wages, so a lot of that smaller work is how the apprentices learn and sort of progressing through it.

REP. FISHBEIN (90TH): Sure, and I guess if we take this whole area and we say we’re gonna have to pay more for it – I mean, solar is already expensive.

PAUL COSTELLO: Correct.
REP. FISHBEIN (90TH): And the payback on a project is about 20 years before you see dollar one is my understanding as part of the benefit.

PAUL COSTELLO: I don’t believe so. I think the number – excuse me – the numbers have come down substantially. The cost of the panels, the panels that we are installing today, the same footprint is getting twice the output of panels back in 2009, so they’re much more efficient, the cost of the panels have come down substantially, so the installation cost, the payback, is much quicker than it used to be.

REP. FISHBEIN (90TH): Well, we’re gonna upset that apple cart by raising the labor cost, so your back [over talk]

PAUL COSTELLO: It really shouldn’t fluctuate that much.

REP. FISHBEIN (90TH): I thought you said it would cost more.

PAUL COSTELLO: We’re not saying it’s [over talk] costing more, the opponents are. [Over talk]

REP. FISHBEIN (90TH): Okay.

PAUL COSTELLO: If we’re hiring apprentices to do the same work that some of the unlicensed trades that are installing it, they’re making the same wages, if not less, so as a contractor, we have a qualified workforce that we’re training that is working at a lower wage progression, so it should offset it.

REP. FISHBEIN (90TH): Yeah, but this is requiring that they complete their apprenticeship.

PAUL COSTELLO: That’s what the law says now.
REP. FISHBEIN (90TH): I - I understand [over talk]. It’s not while they’re an apprentice, it is after they’ve completed their apprenticeship.

PAUL COSTELLO: No, I think that’s a misconception. As they’re - it should be - the intent of the apprentice is to learn the trade.

REP. FISHBEIN (90TH): I got that and I totally - I’m in support of that. Just looking at require individuals who install solar - solar energy systems to complete an electrician apprenticeship before installing solar energy systems, so it would be a condition precedent to them doing any of this work that they complete their apprenticeship. That’s what it says. That’s not your intent, though, is that what I’m hearing?

PAUL COSTELLO: It’s not my intent and I could speak with Representative Mishinsky, who I think might have a little misunderstanding on some of the verbage and we’d be more than glad to work with her.

REP. FISHBEIN (90TH): Sure, okay. Thank you. I’m glad we had that [over talk].

PAUL COSTELLO: And I appreciate you bringing that point out.

REP. FISHBEIN (90TH): Thank you. No problem. Thank you, Madam Chair.

REP. PORTER (94TH): You’re welcome. Any further comments or questions? Seeing none, thank you very much for your testimony [over talk] and for your patience tonight.

SENATOR KUSHNER (24TH): So next up we have Carol Platt Liebau. Did I say your name right? Liebau.

CAROL PLATT LIEBAU: Good evening. Good evening. My name is Carol Platt Liebau and I’m the President
of Yankee Institute. We’re here to support House Bill 5637 and oppose House Bill 6926, 6935, and 6936. All concern the relationship between our state workers, government unions and the state itself. Our government workers have every right to belong to a union and they should be able to access information that lets them chose union representation easily and in a way that minimizes the chance that they will experience any fear, harassment or intimidation if that’s what they want. Conversely, if state workers decline union representation, the same conditions should apply. Simple fairness requires us to treat all our state workers equally, whether or not we personally approve of the choices they make when it comes to union representation. House Bill 5637 upholds this principle. It simply requires clear and conspicuous statements regarding state and local worker’s rights to choose or decline state union membership. But the other three bills favor government union leadership above state workers, the people’s elected and appointed representatives, and even the law itself. House Bill 6926 requires government to give state workers private information to unions, including home addresses and phone numbers. It places no limits on use of that information or any exemptions for those who don’t want their information turned over or who have resigned from the union. The potential for privacy violations, harassment or abuse is obvious. House Bill 6935 prevents government from communicating with its own employees about their worker rights without review or input from government union leaders. The proposal is entirely one-sided. No reciprocal rights are bestowed on government employers and plainly privileges union leaders over Connecticut’s elected and appointed representatives. Finally, by forcing state workers to direct requests to resign
from the union to the union itself, HB 6936 exposes state workers to potential bullying and harassment should they decline union representation. We know this bullying and harassment is already occurring. We must work together to create safety and dignity for government workers in asserting their civil rights. It’s reasonable for government unions to look on the Janus versus AFSCME decision with disfavor. It is not reasonable for them to demand a monopoly on the Janus election process, on information about who is elected not to join the union, and on how or when that election can be made and under what circumstances it will be honored. Yet that is precisely what this bill proposes. Connecticut state workers deserve to be treated with care and with fairness. They must never be oppressed, regardless of whether or not they chose to join a government union. That’s why we oppose House Bill 6926, 6935, and 6936, and support House Bill 5637. Thank you so much.

SENATOR KUSHNER (25TH): Any questions from the committee? Representative Winkler.

REP. WINKLER (56TH): Yes, I used to represent the employees. This — well — let me ask. What does free, neutral, and safe ground look like to you? Where is free, neutral, and safe ground?

CAROL PLATT LIEBAU: I mean — in what context.

REP. WINKLER (56TH): In your Yankee Institute for Public Policy testimony on House Bill 5637, it says free, neutral and safe ground.

CAROL PLATT LIEBAU: Sure, and I would invite our policy director, Scott Shepard, who drafted the testimony and whose name is on it to go ahead and ruminate that point.

REP. WINKLER (56TH): Thank you.
SCOTT SHEPARD: Thank you, representative. Free, neutral and safe ground from an employee’s point of view would be, in this circumstance, what it wouldn’t be is a union hall or a room that only contains union members or where their activities are going to be sort of public and charted in the same way that we no longer vote publically with everybody watching us cast our vote. If these – this is a – this is a federally declared and protected civil right, the right of a government worker not to be a part of the union. Now, in order for that civil right to be safely and properly exercised, it has to be exercised in a way and in a place where it’s free in form, affirmative consent has been provided, and there’s no – there’s no lack of anonymity so that there can be repercussions for bullying, the same way that we protect all other civil rights.


SCOTT SHEPARD: Yes.

REP. WINKLER (56TH): And I want to withdraw from my union.

SCOTT SHEPARD: Sure.

REP. WINKLER (56TH): Where to I find free, neutral, and safe ground?

SCOTT SHEPARD: Well, you know what, the workplace – the State of Connecticut doesn’t lose anything if an employee exercises the right not to become a member of the union, so that is an objective place for the exercise of this right. The only places that would unobjective are places like having to go down to the union hall, having to do it in front of union representatives, having to make a public declaration that would subject this public employee to inappropriate influence or harassment. The public
employer doesn’t care what the employee does. The union does. So, a neutral ground would be one where the interested party can’t have inappropriate sweat.

REP. WINKLER (56TH): Okay, that sounds like the workplace. So, I’m at the workplace and I decide that I don’t want to be a member of the union anymore, so I fill out a card or statement or whatever and I hand it to the union because they’re the ones I’m quitting from, so I hand it to the union steward. Is that free, neutral, safe or does it have to be something else?

SCOTT SHEPARD: Well, I think that one could hand it to the union steward or one could hand it to the payroll department. The payroll department is certainly neutral and safe and is under obligations not to provide personal information. HR can’t provide personal information that would put an employee in any risk at all. That’s private information, so an HR department would be appropriate, the payroll department would be appropriate. Only being able to hand it to the only interested party, the union, the shop steward, that I think would be inappropriate and unnecessary, unless we’re presuming that the – that the state, the employer, the HR department will somehow not communicate this information to the union.

REP. WINKLER (56TH): You do realize that the names and salaries and everything about state employees are public information?

SCOTT SHEPARD: I do realize that.

REP. WINKLER (56TH): Okay. About the union access to information, does the Yankee Institute think that like labor and management are like two sides of a coin and are equals?
SCOTT SHEPARD: Could you expand on that a little further?

REP. WINKLER (56TH): I don’t think so.

SCOTT SHEPARD: Well, then I [over talk] don’t know how to answer it.

REP. WINKLER (56TH): Do – does the Yankee Institute think that labor and management at the worksite are equals.

SCOTT SHEPARD: I – I don’t know.

CAROL PLATT LIEBAU: Well, I – I – Representative Winkler, I guess what I’m trying to – what we’re puzzling over here is what sort of response you’re trying to elicit because judging from [over talk].

REP. WINKLER (56TH): It’s easy. [Over talk]. If they’re equals, they should have similar access to information about – you know – I – you can call them my members, you can call them my employees, but they should have equal access to information if they’re equals. If you think they’re disqual, then you can claim that they shouldn’t have equal access to information.

CAROL PLATT LIEBAU: Well, if – if an employee does not want to have the un – if an employee wishes to have his or her information not handed over to the union, should he or she be forced under state law to have that information handed over in violation of his or her wishes? Because that’s what this legislation would allow for.

REP. WINKLER (56TH): Should the employer?

CAROL PLATT LIEBAU: No. Should the employee?

REP. WINKLER (56TH): Should the employer be re – can the employer require an employee to give them my
home address? Can the employer require that I give them my home address?

CAROL PLATT LIEBAU: Well, if that employer, if you are working for that employer, indeed it can, but under this legislation, this – you would be requiring an employee, even one who has resigned from the union, to have his or her information handed over to a third party, the union, even against his or her expressed wishes.

REP. WINKLER (56TH): See, this is where I think we differ is that I think of labor and management as equals and should be treated equally and have equal access and you think no. You think that labor is inferior to management, management has rights and labors should not have access to information about its members.

CAROL PLATT LIEBAU: No, that’s not what I’m saying at all and in fact, judging from, you know, much of the way labor has successfully negotiated with state government, I think few people in the state would consider it inferior to government at all, but what I am saying is that it is certainly a third party and that as a third party, it certainly does not deserve the same entitlement to, for example, the information of an employee who has chosen to exercise his or her civic right to resign from the union, against that resigned employee’s wishes. If I have decided to exercise my civil right to resign from the union, then I don’t see why my employer, the state, should be compelled under color of state law to turn over my home address and my phone number to a third party against my expressed wishes, that I have chosen to exercise my civil right to resign from. [Over talk]. Any under what right would the union have to my home address and my phone number
when I have said I don’t want to belong, I don’t wish to be a member.

REP. WINKLER (56TH): I don’t see labor as a third party. I see labor as an intrinsic part of a whole, but leaving that aside, this bullying that you’re talking about, so I was President of the NR bargain unit for eight years and, you know, we were accountants, planners, analysts, tax collectors, I mean [laughter] we weren’t union thugs. We wore ties and jackets and we were pretty boring people who just kind of went to work and did our jobs.

CAROL PLATT LIEBAU: Representative, I don’t think you’re boring. I think you’re charming [over talk]

REP. PORTER (94TH): I’m just going to interject for one moment, I’m sorry, Representative, just let me interject for one moment. When we’re having this discussion, it’s going back and forth. I just need for each party that’s speaking to be allowed to finish, complete what they’re saying, that way – cause it’s hard to follow you guys right now and I’m really trying to pay attention to this discussion [over talk] so if you would please. Thank you.

CAROL PLATT LIEBAU: Of course.

REP. WINKLER (56TH): So these examples of bullying that you already know about, are we talking specific cases or are you just certain that it’s happening?

CAROL PLATT LIEBAU: Well, thank you for that question. We’d love to share some specific incidents.

ELIZABETH KINES: Thank you. So my name is Elizabeth Hines. I’m the Executive Vice President of Yankee Institute and every day I talk to workers across the state of Connecticut. I just kind of educate them on the Janus rights. Most of the calls
end with people deciding to stay in their union, which we support. I want to be very clear, we are not anti-union. We are pro-worker. We are pro-civil rights and the Janus right is a civil right. I have four stories I’d quickly like to share. These are four women, these are four public servants in our state, and this will address specifically your – your question. I was harassed into joining at my orientation session. I did not at all wish to joint, but I was not left alone until I did. This was not a situation in which I could walk away, as it was at the beginning of the orientation session and to leave would mean to forfeit the session, as well as my employment. I did not and do not appreciate the tactics and wish to unenroll immediately. Although the union does a fine job of negotiating salary increases and benefits, the people who actually hold certain elected union positions at the place where I work are clearly biased against anyone they don’t like, who are not their friends, and who are not white. This is a very strong statement, but it is one I stand behind wholeheartedly. The current union president at my workplace has used racist slurs against me, supported and defended others who have used racist slurs against me. I filed a grievance and was assigned to a union representative. My representative did not show up for my hearing. I had to spend nearly $6,000.00 of my own money to put pressure on my assigned union rep to work on my behalf and attend my hearing. I had not signed a union card that the union was pushing on people last spring. I am one of only three employees in the union who didn’t sign the new cards, yet I continue to have dues deducted from my pay. I guess I am responsible to notify payroll that I am no longer a member. I though the union would have to provide an updated list to payroll. This is difficult because
I prefer to keep this decision to not being a dues paying member private. We three are described in the union newsletters as selfish leaches who reap benefits without paying into the union and yet the dues continue to be deducted from my paychecks. I’m afraid to let more people know by making inquiries about this. I’d like to add that this woman’s name was printed in two union newsletters. My first story is a difficult one and I just - I want to say that I’ve taken some graphic elements out, but I just want to issue a trigger warning, as I am going to share a story of sexual assault. One day after a department meeting in my conference room, my boss asked me to stay behind to talk with him. I had been sitting at the end of the table so my boss moved to a seat beside me and then rolled his chair very close to me. While he was talking to me, he started rubbing my leg. I rolled my chair back away from him. He then moved closer to me and slipped his hand under my skirt. When I complained to workplace officials, I was told nothing would happen because my boss was a senior official in the union. The weeks after this incident were incredibly stressful and upsetting. I ended up quitting my job because I had no other way to escape. Thank you.

REP. WINKLER (56TH): So those were four cases?

ELIZABETH KINES: Those were four cases sir.

REP. WINKLER (56TH): Could we have the agencies, please.

ELIZABETH KINES: At this time, I can tell you - I’ve told these people that I would keep their stories confidential so I’d like to not disclose any information, but I’d be happy later to talk to you guys one on one once I get the permission from these four women. These women are scared, sir. They’re afraid and I want to honor - I believe victims - I
believe them - I believe women when they say they’ve been hurt and assaulted and I want to respect their privacy, so if you would just respect that honor, I’m happy to follow up with each of them and if I have their consent, I’m happy to share those details that could identify them.

REP. WINKLER (56TH): Okay. How many state employees are there?

ELIZABETH KINES: That we’ve talked to or total?

REP. WINKLER (56TH): Total.

ELIZABETH KINES: How is that relevant?

REP. WINKLER (56TH): I’m just wondering, you know, whether this is a widespread thing or a rare thing.

ELIZABETH KINES: We don’t know. We only know the people who have reached out to us and, I mean, I hope it’s not widespread. Surely it’s not. We – we hope it’s not. I know you would agree that even one case is too many. We also know that things happen and – and it’s all of our job to try and prevent them from happening.

UNKNOWN SPEAKER: I would say that for – for each of these women, I would have a hard time saying that because they were – and I will save I’ve had several hundred people contact me with stories. This is just – these are four that spoke to these bills, but I would have a hard time telling a woman that because you were the only person to come forward with the story, it doesn’t matter. I would – I would have to say that I would have a hard time – each – and what we’re saying is that if these women want to say in their unions, they should, but if they want to leave because the union has not taken care of them, they should exercise their right that
our Supreme Court of the United States has given them. That’s all we’re asking.

REP. WINKLER (56TH): I’m confused. What is standing in the way of them exercising their rights?

ELIZABETH KINES: Well, my third story said to your point. She asked her union, could she leave. They did not communicate that to the state. The state payroll department is still deducting her dues. She is still counted as a member. Her wishes have not been granted. She has asked twice. [Over talk] So that’s why we would like to have the employer also notified in that process just so there’s a check and balance system.

CAROL PLATT LIEBAU: And more directly also, one can understand why in these situations they would be nervous about having their telephone numbers and home addresses being handed over to the union should they chose to resign and — and why there might be concerns about further abuse or harassment.

REP. WINKLER (56TH): Well, we certainly have laws to shield people from sexual harassment [over talk].

ELIZABETH KINES: But it happens [over talk] and when this woman.

SENATOR KUSHNER (24TH): Excuse me, you need to let him finish his comment [over talk].

REP. WINKLER (56TH): So that if they have been sexually harassed, obviously they should file a police report and obviously, they should take advantage of the laws that we have passed that would allow them to shield all their information from many, many places, so I — I hope that you’re telling these people that they have recourse or it just seems — why I’m struggling here is because I was in the labor movement for a long time and none of what
you’re saying makes any sense to me. How can you spend $6,000.00 making a union steward do something? I don’t even know how that’s feasible or possible. The details just don’t add up for me. I’m not being defensive. I’m just mystified at the details of the stories and all I can say is that I’m mystified. I can’t [over talk] - perhaps you know. How can you spend $6,000.00 making a union steward do what they should.

ELIZABETH KINES: According to this woman, she hired an attorney to reach out to the - I guess was the union attorney, so she hired a private attorney to send letters and contact them, so - I mean, that’s her story.

REP. WINKLER (56TH): And that cost her $6,000.00?

ELIZABETH KINES: Just under $6,000.00.

REP. WINKLER (56TH): There’s something wrong with this, but I can’t put - I - obviously without details, I can’t put my finger on it. I’ll just let it ride for now, but these stories make - at least two of the stories, make no sense at all. I just can’t understand it.

ELIZABETH KINES: Well, we hope she’ll come forward and then you’ll be able to cross examine her in greater detail.

REP. WINKLER (56TH): I don’t want to cross examine her. I want to just have a little detail about was the $6,000.00 something because she went to court or something. To say she spent $6,000.00 having her lawyer talk to a union lawyer just doesn’t - anyway. Obviously, I’m not gonna get satisfied and I’ll just - thank you, Madam Chairwoman.

SENATOR KUSHNER (24TH): Thank you, Representative Winkler. Representative Wilson-Pheanious.
REP. WILSON-PHEANIOUS (53RD): I don’t know if this is a question or a comment, but I’ve been working now for way over 50 years and I’ve worked in many different environments, union and nonunion environments. It is never in my experience been the union that has bullied anyone and from my perspective [laughter], if we did not have unions and if unions did not have the strength that they have with their members, there would be no weekends, [laughter] there would be no sick time, there would be no – no – no limits on the hours that are put in days and I just – in 50 years of working and mostly in management, I have rarely seen what you’re talking about. I’ve seen the opposite side. I’ve seen people that didn’t have the benefit of a union, didn’t have the benefit of a steward to get in the middle between management and – management and workers. I’ve seen that kind of abuse, but I’ve – I’m – I’m just – I – I don’t want to say I’m skeptical. I certainly believe that you – you know – you waited here all day long to provide this testimony. I can’t help but believe that you believe it. I just don’t because after, you know, 50 or more years’ experience of working in this environment and not seeing that. Also, I wonder, you know, you look at what’s happening all across the country. The money that is – I wonder how much of the money that is supporting this – your involvement in this effort is coming – where it’s coming from, because it’s clearly a move toward – to try to – as far as I can see, undo the work that unions have done over the last 100 years and I’m just sort of wondering where is the impetus for this coming from because it hardly seems like it’s the sol – sorely abused workers that I’m hearing about.

CAROL PLATT LIEBAU: Well, let me try and address both points. First of all, there are many people,
obviously, in our state who share your views on unions and the services they provide and people who do share your views on that have the right to remain in the union and they should have that right and we believe that for those for whom the unions work well, they have the right to that representation and they should vigorously exercise that right. For those who don’t have — who do not share that view and for the people to whom we have spoken, and we do not believe these people are liars, we don’t believe they’re crazy, we don’t believe that they are any — these women are any of the epithets that are sometimes hurled at women who are the victims of sexual abuse or mistreatment in the work place. We believe these woman. I would say that now under the law as it stands, they have the right to resign from their union and we defend that right just as we defend the rights of those who believe the union is working well for them and have the right to stay there and everyone’s experience is different and we believe that we each have the right to act based on our experiences and in the way that we believe best serves our interests and that’s what we are here to assert on behalf of everyone. Now, as for some plot or as we receive money from voluntary donors throughout the state of Connecticut. That is where our money comes from [crosstalk] We get some foundation and — and things like that, but there is a great — there is a great idea that somehow there is — that, you know, the coat brothers are funding our work. We do not have a check that we cash from the coat brothers period. If they sent one, I would cash it because they have a right to support our work if they agree with what we’re doing, but let me tell you, given the fact that I’ve been cursed at in this building by union leaders, that I’ve gotten emails telling me that people know where my children go to school and the fact that the work I do doesn’t
really win me a lot of friends throughout this state and I am definitely not in the cool kids club, I do the work I do and my staff does the work they do because they believe in the principles. People across the state who support us and the overwhelming majority are people who live in the state and all the money that is given to us are voluntary donations by willing givers. They do it because they agree with the principles we articulate. I do – I do not take orders from anyone and the day that ever happens will be the day we are done at Yankee Institute and you may take that to the bank.

ELIZABETH KINES: Thank you for asking that question. I’ve [crosstalk] heard that several times today. I appreciate that.

CAROL PLATT LIEBAU: And we are delighted to be able to clear up that misconception.

REP. WILSON-PHEANIOUS (53RD): Well, I don’t know that you have. [Laughter] I certainly have heard what you said, but I also have a lifetime of experience and I – it just doesn’t jive with.

UNKNOWN SPEAKER: I understand and unfortunately, these women’s experiences have been different.

REP. WILSON-PHEANIOUS (53RD): Right, but it seems like we’re getting Me Too and Right To Work confused somehow and I’m not clear on – I’m just not clear on that. I mean I understand – I’m very sorry that that’s happened to those – to those women. I’m sure it has happened to them and I’m very sorry, but there are also laws in the state that are set forth to protect people and I do hope they take advantage of them. The part that I get confused about is that somehow you seem to be suggesting that in a union environment where that it is more likely that that sort of thing occurs or that people are unprotected
by their unions or that the stories you’re telling are widespread and a reason why we should restrict, you know, union activity. What seems to me to be reasonable activities to put forth in these bills. Certainly we can disagree about that and I guess we do.

CAROL PLATT LIEBAU: All we are saying in our testimony and – and we would respectfully request and we’re grateful for the respectful dialogue, is that you read the objections that we have noted and all we’re doing is actually supporting the idea that there is a simple, clear statement of what worker’s rights are, the same way that there is a clear and conspicuous statement about worker’s rights in general and that, for example, that – that state – the government not be required to give state worker’s information to unions without any limits on the use of the information or exemptions for those who do not want that information turned over or for some reason and we believe that that is just something that even as an American, I mean, in what situations against your will should your home number, your home address be handed over to an entity for example that you’ve resigned from and don’t want to have [crosstalk]

REP. WILSON-PHEANIOUS (53RD): he looks into FOI all the time I believe. I think all of our addresses, telephone numbers and information is available to the public [crosstalk] and I don’t want it necessarily to happen either.

CAROL PLATT LIEBAU: You know, I think if – if you had trouble with a union and you’ve decided you want to resign and you do resign, for what reason should the law compel the government to hand your personal home information over to people with whom you very well may have had friction [over talk]
REP. WILSON–PHEANIOUS (53RD): The union already has that information I would assume.

CAROL PLATT LIEBAU: The union?

REP. WILSON–PHEANIOUS (53RD): If you’re resigning from a union, they would already have that information.

CAROL PLATT LIEBAU: Theoretically, if you’re afraid or have been the victim of some sort of unfortunate activity, you could move [over talk] and then the union after you’ve resigned

UNKNOWN SPEAKER: Can come after you

CAROL PLATT LIEBAU: Anyway. Thank you.

UNKNOWN SPEAKER: Thank you.

SENATOR KUSHNER (24TH): Representative Fishbein.

REP. FISHBEIN (90TH): Well, thank you, Madam Chair. You know, I just want to say that incidents of sexual harassment are real and I’m certainly sympathetic, you know, people are human and just because somebody is in leadership in a union doesn’t make that situation infallible or unbelievable, so I – you know, we – we listen to testimony here tonight, very compelling testimony of a domestic care worker and, you know, a sexual situation. You know, out of respect for that situation, you know, we didn’t – I didn’t probe too much. I found it to be believable, but when what I heard was because the alleged perpetrator was someone in leadership in a union, somehow the dynamic changes, I have to recognize the bias. I’m sympathetic to both situations because I said, sexual harassment is real. You know, currently under FOI, certain addresses are protected. For instance, police officers. An address of a police officer is not
supposed to be disclosed to the public or in this case, perhaps to a third party. The address of a judge, a prosecutor. Those addresses are sealed. The employer has it, but under law, they’re not supposed to give that out. It’s one of the reasons why municipalities don’t put a lot of their land records on line because they’re arguably breaking the law by not calling out those addresses, so that aspect of this is a little troublesome. You know, the harassment and intimidation, I don’t know if you wanted to say anything more. I guess we went far enough down that road. I didn’t know if you had any other experiences that you wanted to share [over talk] along those lines.

ELIZABETH KINES: Yeah. I just – I want to be clear and kind of revisit some things that were said. I’m on the phone almost every day with workers and these calls are people who have questions. They – a lot of people have not heard about the Janus Decision. They think it’s a woman named Janus. They don’t realize it’s a guy named Mark Janus. They don’t know what to do. They don’t know what the process is, so I just kind of walk them through that and I think the majority of people that – because I follow up with them and we just stay in touch – the majority of people do stay in their union and I support that – I mean – and I know I’ve been recorded, I know union people have called me, I’ve had two death threats. I mean, this, you know, it’s unfortunate, but I believe in these workers. I was a public servant in another state. I know what this is like. My father is a retired police officer. I believe that these people should be treated well.

Do I think unions are bad? No. Do I think this is widespread? No, I don’t, but the problem is that you have a few bad eggs and if someone wants to leave, all they’re saying is this is – this is a
civil right that was handed down by our Supreme Court. Let’s not complicate the matter. Just let folks resign, we’re done. We’re not – we’re not trying to disband unions. We think that they have provided a service to your point. A lot of the things that you stated that we enjoy today came from unions. I – I believe these women, you know, and several of them I’ve had follow-up calls. These aren’t – these are not kooks. These – this is – I mean I’ve experienced things like this and it feels horrible when someone doubts you because it doesn’t go – it was their story, but I would say that the majority of folks just – they just want to know – they just want to know what is the Janus Decision and am I gonna have my name on a bulletin board. I actually have a printout where there is a bulletin board where like people talk about this and they put people’s names up. This woman, she sent us this newsletter. Her name was printed in the newsletter twice. We just want to make sure that this – this isn’t an issue. If someone wants to exercise their Janus rights, they can and if they don’t and they want to stay in the union, they should not be intimidated about that either. We want to respect that right and if they want to support the union, they should be able to do that, so I just want to say that most of my calls are not like this. They’re not horrible. They’re just questions and most people say, as this woman said, although the union does a fine job of negotiating salary and benefits, they recognize the benefit that these unions have brought to their life, but every now and then, there is a grievance issue that’s not resolved, so I just – that’s – I just want to be clear that, you know, I’m here representing these women, but I’m also, you know, I want these unions to be better. I want them to serve their members. You know, I want them to do the best job they can to
make sure that our public servants – these public servants choose a way of life. Literally – they – these – our teachers don’t get social security. If they lose their pension then they have nothing. We have to keep our promises. That’s what I’m here today to do as a former public servant, and so I believe the Janus Decision, if people want to exercise that right for religious reasons or whatever, they should be able to, so that’s.

REP. FISHBEIN (90TH): So just dealing with the harassment, I know a state police officer called me who opted out of the union and someone blanketed his entire neighborhood with fliers, you know, your neighbor is a bad guy because he doesn’t want to be involved with the union. I mean, so I can tell ya, you know, there’s some harassment and intimidation. But you know, do you think as an entity that JANUS limits the rules the state can establish about how government workers sign up or withdraw from unions?

SCOTT SHEPARD: Yes, so what JANUS establishes fairly clearly is that there is a federally protected civil right in government workers not only to withdraw from their unions but that they don’t have to be a member of the -- they are not a member of the union and they don’t have to pay anything to public unions unless they’ve affirmatively informedly consented to be a part of that union in a free way. Now some of these sta -- these proposals that we’re objecting to would do things like keep the process entirely in union hands and give the public employer no information whatever, no way to question the process except with the question was something signed -- was an authorization signed. No oversight to make sure that that authorization was
freely and with full information granted, right, that becomes a black box. Well, that -- it strikes me as reasonably likely that a test of that proposition, a test of that statute if it were to go through, would be found in direct violation of JANUS because authorizations given before JANUS could not have been given with full information and consent because they couldn’t include the JANUS rights. Right, and those done afterward, if there’s no oversight to indicate that there was a free informed and affirmative consent, then those authorizations would also not be -- would not meet constitutional muster. And then the black box that that Bill proposes as well, absolutely there’s no reason to exclude an employer or to allow one to go payroll anonymously and complain or to withdraw information from the union, or you know, black out this information. The state -- once the Federal Government has established a civil right, the state -- state elected officials can’t try to step in the way of the safe and affirmative use of that right, which is to say in this case, the JANUS opt out right. You can’t get in the way. The state officials just don’t have that authority. And so Bills that for no obvious or constrained reason put all the control of the process in the hands of the interested party, the union, and keep the state out of an oversight -- the state employer out of an oversight right rule, those strike me as very likely to be understood as killing the Amendment Right, killing the exercise of the civil right, and so to be found problematic under JANUS at the second circuit or at another, um, uh, appearance before the Supreme Court where the JANUS right would be clarified and probably expanded.
REP. FISHBEIN (90TH): And that, you know, many hours ago we started this, we were talking about that some contracts in order to be enforceable, you’re required to be able to have the ability to hire counsel of your own choosing or at least consult with them before you enter into that. So I would assume, you know, and I gave the example of a prenuptial agreement. I would assume that that’s sort of what you’re saying is because the card is there and there’s no, um, neutral, giving some sort of direction that you’re concerned that our courts may find disfavor with that process.

SCOTT SHEPARD: I think that’s right. I don’t know if it requires as much formal lawyer consent as a prenup, but I think that it at least has to be in neutral ground and there has to be some demonstration that we’re not hiding from -- that we’re not putting the whole process into a black box that’s, that’s aside from public scrutiny.

REP. FISHBEIN (90TH): Okay, thank you. Thank you, Madam Chair.

SENATOR KUSHNER (24TH): So, I have a couple questions. You’ve talked about a black box that’s hidden from public scrutiny, I assume you’re talking about the union when you say that?

SCOT SHEPARD: I’m talking about -- one of the proposals suggests that if, if an employee elects to leave the union, that process can only be done through the shop steward and the public employer can’t have any information about that except to question whether there was an authorization signed. Do I have that correct?
SENATOR KUSHNER (24TH): I believe that the proposed Bill is that the relationship between the employee, who is a member of the union, and the union is a membership relationship and that any decision to withdraw from the union would be made to the union, which is the organization they’re a member to. So, I think that would probably be the case for any other organization that someone is a member of, we would all agree that if you’re going to withdraw from an organization, you would with -- you would send a letter or you would fill out a card notifying that organization you’re going to withdraw. So, you know, it does -- I think you are putting the union into a black box that is being treated differently than other organizations that one might want to withdraw from.

SCOTT SHEPARD: I think I would disagree with that because in this circumstance, most of the time, if one wants to withdraw from an organization, what they do is they stop going and they stop paying dues. This Bill is talking about narrowing a window, creating a small window -- or a union established window of when an employee can leave the union, and we’re not -- we’re talking about not just dropping out of a chest club, we’re talking about exercising a constitutional right to leave a union -- a membership organization that conducts political speech, right? And therefore, implicates the First Amendment and we have right at hand a, a public employer, right, the state or municipality who is the protector and guarantor of constitutional civil rights. So there’s no -- it’s not reasonable to compare it to -- forgive me, but in my opinion, understanding the law, it’s not reasonable to compare this to a bowling league. We have a state
actor who has an obligation to protect the, the, the enactment, the choice to, to elect his civil right, right there, and um, keeping that public employer out of the process strikes me as, um, a hard to justify, avoidance of a neutral auditor.

SENATOR KUSHNER (24TH): I certainly would never compare a union organization to a chess club because I think that trivializes the relationship and the role that unions have had in our country for, you know, many, many decades, and um, so I would not -- I was not intending to trivialize that relationship at all. I do think that Representative Winkler spoke, you know, at the beginning of this conversation about the fact that you referred or -- I’m sorry, I’ve forgotten your name, Carol, -- you referred to the union as a third party and I think that that really, to me, indicates a very little knowledge of how unions operate or what unions are because I don’t consider it a third-party as well. I consider it a membership organization that’s driven by the members from beginning to end, and so I think we have a very fundamental disagreement. I don’t think I’m going to convince you to think otherwise, you know you’re not going to convince me to think otherwise, [background laughing] you know, I think that some of the testimony that you gave here tonight was disturbing, particularly -- I’m sorry, I didn’t get your name, [background talking Elizabeth, like the Queen] [background laughing] Okay. And what’s your last name Elizabeth? Kind? I think that the testimony you gave about sexual harassment, I do think that you should be encouraging that person to exercise her rights and report this and if necessary bring criminal charges. I think that’s really disturbing when you suggested that you
believe women. You know, I think that was an interesting choice of words, because that phrase came about fairly recently in the Christine Blasey Ford testimony. I assure you I believe women, I believed her, and I believe you when you say that this has happened to someone. And I think that no one takes lightly of that. And no one up here, I assure you. And you heard that from several of us. And several of us who have had longstanding relationships in union leadership positions.

When you do testify about union leadership as being separate from the membership or having a benefit, or benefiting in a way that the membership -- you -- that is where the third party discussion, you know, makes me extremely uncomfortable because it would suggest that union leadership are interested parties separate and apart from the membership, and I think that shows a lack of understanding of how unions operate. So, personally I found that offensive because, you know, being one of those union leaders, for, you know, 42 years of my life, you know, I certainly never felt like I was apart and distinct from the members. And so, you know, I don’t think that you showed necessarily an appreciation for what that relationship truly is. So, I don’t think there’s a lot of room to change our mind, and so I feel like if there are no other questions, we’re done for tonight. Thank you.

CAROL PLATT LIEBEN: Well, thank you. We appreciate that. And we’re sorry that there isn’t more room for mutual understanding. I would just say that for some of these workers how have been mistreated and who are seeking to resign from their union, I would just respectively submit that to them, their union
feels very much like a third party. But I thank you for the respectful hearing.

SENATOR KUSHNER (24TH): If you would like to continue this conversation, I know that a number of us would be glad to do so. I don’t think any of us would threaten you or bully you or harass you, but I have to say that, you know, even for people that have sometimes testified that they -- I had that experience where a woman that I was involved with organizing, she -- she actually made a video where she talked about how scary the union was and how the union came to her home and bullied her and harassed her and scared her, and you know, it was -- you know, I knew that at the time, that was absolutely not true because I knew the person who had gone to the house, and I knew that person was incapable of doing that. Years later I met this woman, she was now a union steward and I asked -- she didn’t know I recognized her even. And she said, you know, I used to be afraid of the union, but I realized how wrong I was and when I needed the union’s help, the union was there to protect me. And that’s why I got involved in the union. So, you know, sometimes people misinterpret as well and they hopefully in the case of these folks that you’ve talked to will get -- will have a good experience, find someone in the union that would be helpful to them. Because I’m sure those people exist in every union and would find that maybe they could have a different relationship. So, I thank you for your testimony tonight. Thank you.

Oh hold on a second, I see that Senator Miner is back.
SENATOR MINER (30TH): I have a late entry. So Madam Chairman, through you, is it -- would it be your position that after the JANUS decision, there was developed a constitutional right that permits someone who was either a current employee or might be hired after that decision, a constitutional right to view the union as a third party if they so choose?

SCOTT SHEPARD: I think that’s -- I think that’s nicely put. I think that, that what becomes clear is that there are certain responsibilities that follow from taking the advantages of being an exclusive representative, but that as a public -- the employee at a public place, you don’t have to -- you get those advantages of being part of a public place, but you don’t have to pay the dues and participate in the aggressive First Amendment activities that, that unions participate in. If you make that withdraw, then you are indeed electing to be -- to treat the union as an arms-length third party. I think that’s nicely put. Thank you.

SENATOR MINER (30TH): Thank you. Thank you, Madam Chairman.

SENATOR KUSHNER (24TH): Thank you all very much. Next up we have -- we’re going to go a little out of order here because I -- and I apologize, we’ve kept some young people waiting and the other night when we had infants and babies in the room we went out of order, so I apologize we didn’t take care of this sooner. But I would like to go first to Nellie Jura with her children, Christina and Sebastian Altimirano. Thank you for so -- being so good and so patient. You were so quiet over there, I didn’t even realize that we had young people in the room,
and I appreciate it. I’m sorry, if you could just move a little to the left or to the right, I can’t see you because that -- because that’s in the way. Okay. Yes, go this way a little further so we can see you. Either way. Squeeze next to each other, that’s good.

SEBASTIAN ALTIMIRANO: Good evening, I’m here to support the H.B. No. 6931. My name is Sebastian Altimirano, I am a citizen of Connecticut. I am 13 years old and I’m an eighth grader. I live in Bridgeport, I’m here to support my mother because she’s a hard worker who takes care of families, kids and the elderly daily. When our mom goes to work, I always think that whatever she is doing for those families, she does it the same that she does with me. I want her to be safe at work and have the protection she needs in case anything bad happens at work. My mother explained to me that there’s no law that protects domestic workers. I understand now why this law is very important and I always wish that one day my mother would come home and tell me she has a week off for vacation and that she is going to get paid for that week, so we can have a good time and she can be resting and relaxing because she deserves it. My mother, my mother is a cancer survivor, if she needs a sick day, she should get it and get paid as well because she has been fighting cancer for 21 years. My mother is a very strong woman, and she inspires me every day. Her devotion to her work makes her an amazing woman and mother. When I went with her to work one day, I was realized that her compassion, love and respect makes her job very special. So that’s why I want this law to be passed because these workers put love to work and they need protection just like other workers.
Thank you very much for supporting and voting on the Act concerning domestic workers.

SENATOR KUSHNER (24TH): Thank you very much. That was so beautifully put. Go ahead.

CHRISTINE ALTIMIRANO: Good evening, I’m also here to support the H.B. No. 6931, AN ACT CONCERNING DOMESTIC WORKERS. My name is Christine Altimirano, today happens to be my birthday, I am 17 years old, and I am Junior at Notre Dame Catholic High School in Fairfield, Connecticut. My mother is Nellie Jura, a strong, inspiring, and loving person. I consider her to be my support in everything and a woman to look up to. She has been through very rough times, as most of us have, but always stood her ground and found the good in everything. I am here to express my thoughts on the need for the proposed Bill to be passed.

If someone works for someone else, no matter what type of job it is, that person should feel good and safe while working. They should feel protected and equal to the rest. More specifically, domestic women workers are just like any worker. My mother has always tried her best in her job and showed my brother and I what sacrifice really means. She has always been respectful and understanding. But there comes a time when enough is enough. Workers like my mother wake up early to go their jobs. They sacrifice their time to benefit someone else. They obey their bosses and collectively, they make a difference in the world by demonstrating that hard work and dedication is not easy, but it is not impossible. These hard working women put the possible in impossible. There have been so many cases of violence, discrimination, and unfair
treatment against these people that are just like everyone else. In my eyes, I also see the passing of this law as a prevention and it stops the violation of rights that these women have experienced but did not deserve. In cases of cruel treatment have happened in the past, we all must have the courage to recognize that and to put an end to it so we can prevent unfairness in the future. Thank you for listening to me and for considering voting for the ACT CONCERNING DOMESTIC WORKERS, H.B. No. 6931. On my birthday, it would be a great gift for me to give the gift of labor protection to my mom who has given me my life, and works so hard to protect and provide for me. Thank you.

SENATOR KUSHNER (24TH): Before you leave the chair, let me just say, happy birthday. I think on behalf of the whole committee, that it is an incredible thing that you are doing tonight on your birthday in celebrating your birthday in the way that you are and I’m sure your mother is very proud of you, both of you. [clapping]

NELLIE JURA: Good evening, honorable members of the Labor Community Public Employers Community, I am here today to speak in support of H.B. No. 6931, AN ACT CONCERNING DOMESTIC WORKERS’ RIGHTS. My name is Nellie Jura, a Connecticut resident. I am originally from Ecuador where I was a social worker who worked with families in crisis. I have lived in this country for 21 years, and my first job was a living housekeeping position with a family. Five months after, I started working for this couple. I learned that I had cancer. It was very hard for me because [crying] my job didn’t provide any benefits. It was a long time ago.
SENATOR KUSHNER (24TH): It was, but it’s still very heart felt. Take your time, you have all of our attention.

NELLIE JURA: It was very hard for me because my job didn’t provide any benefits such as health insurance or paid sick time. I was hired through an agency that kept my first week of pay and I didn’t have a contract or any job security. I was very lucky to work for such a wonderful family who provided me with a private doctor and cared for me, treated me with respect and dignity and paid me fairly. After that job, my next one involved taking care of American children where I ended up staying overnight with them and feeling like I was part of the family. Then I worked for many years for a couple, they were 80 years old in which I was a caregiver, a social worker, a therapist, a nurse, a hair stylist, a homemaker, a driver, a tailor, a psychologist, everything, and of course, all was done with love and care. During the whole time working for 19 years providing love and care to many families and caring for my own family as well, including my two children, I also found myself having many surgeries, totally [inaudible - 06:19:43] in order to fight my cancer. Even though I was blessed with good employers, and I took great care of them, and I gave everything with my heart, I have to say that I never had any benefits or job security. I know there are good employers out there. I am grateful for them, but we should not have to rely on luck. We need laws that protect us as workers, just like other employees have. Workers in general have protection and their labor laws. And so we should we.

I am a loving person, but also a fighter. I believe in social justice and equal opportunity for everyone
willing to work hard and make a contribution. By not having labor laws for domestic workers, you are leaving those workers unprotected and vulnerable to marginalization and exploitation.

Long ago, I also promised myself that I would not just fight for my own health and well-being, but also I would fight for the rights of other women who come to me in the community and ask for help. We are very grateful to our state Representative Juan Candelaria for proposing H.B. No. 6931, and we strongly support his proposal. I urge you to please vote in favor of H.B. No. 6931, AN ACT CONCERNING DOMESTIC WORKER’S RIGHTS. Thank you very much.

SENATOR KUSHNER (24TH): Thank you so much for your testimony. I think that I particularly appreciated -- while I know it was hard for you, it was important for you to also talk about the good employers that you had and to recognize that while there are good employers, we shouldn’t -- you shouldn’t have to rely on that, and I think that was testimony that we hadn’t heard in quite the same way you gave it tonight, so I appreciate that. Also, I just have to ask you, you must be incredibly proud of your children?

NELLIE JURA: Yes. [laughing] I’m blessed to have them.

SENATOR KUSHNER (24TH): You raised them well. They spoke so beautifully and you should be very excited and happy that they were able to be here with you tonight. Are there questions from the committee?

REP. WILSON-PHEANIOUS (53RD): Not a question, just a comment along the lines of what you just said. You must not only be very proud, but just elated
because you are raising children in your own image, people who will be fighters for other people, people who know how to stand up and speak their minds clearly and articulately, and that’s a gift that you’ve given them and that you’ve given all of us tonight, especially on the young lady’s birthday. So, thank you very much.

NELLIE JURA: Thank you.

SENATOR KUSHNER (24TH): Hold on, Senator Miner.

SENATOR MINER (30TH): Thank you, Madam Chairman. So, one of the things that we’ve struggled with is this employee-employer aspect. And so, would I be right that you have always been self-employed?

NELLIE JURA: If I have to be a self-employee, obviously I will -- I was all the time a self-employee, that I was all the time with --

SENATOR KUSHNER (24TH): You didn’t work for an agency?

NELLIE JURA: That first job, I was hired by the agency. I thought it was normal they were going to keep the one week that I work, so I took it as normal, but then I found out that this like stealing my money. And I was lucky that my parents send me to school and I went to the university and that thing makes me kind of keep going on and fighting even though I had to learn English the moment where the doctor told me you have this problem, and I told him I wanted to learn English because that’s how I’m going to learn the medical terminology for my surgeries, my things, but still you know, I have my -- I believe in God and he is the one who kept me going on and very cautioned about that, it’s not
only me, there is a lot of women that they are fighting, cancer too, working in the houses. Many problems, that -- I’m kind of doing my social work extra for my house to my other friends and families.

SENATOR MINER (30TH): Thank you. So I’m just -- what I’m trying to do, because we’ve been at this a while, I’m trying to figure out how we can provide individuals the freedom to be self-employed if they choose, but still provide the protections that you and others have spoken about. In my view, whether you are a citizen of this country or not a citizen of this country, whether you are a sole proprietor or you work for someone else, I think you are entitled to human -- certain human rights that we enjoy, and so that’s the part that I’m trying to figure out how we can maybe once and for all fix this; because clearly we haven’t fixed it yet. But I’m not sure, establishing a Bill of Rights fixes it.

NELLIE JURA: It will.

SENATOR MINER (30TH): You think it will?

NELLIE JURA: Yes. Because there is many people, they are even citizens, they are afraid to talk about that -- what problems that is creating other jobs. They are abusing, they are working 7 days, even if -- even if they are citizens, they still are learning English and I know some of them, and I say, no, you have to have just -- ask them. But because they need the money, sometimes they are very good -- they make good money. They say, well, you know, I’m going to do it because I have to do it. Even if they are a citizen. Now.
SENATOR MINER (30TH): But my point is that, if we don’t provide the tools so that someone can go to an agency and make a claim, this will have done nothing. And so it has to be more than just this, I guess that’s my point. And I don’t know exactly what it is yet. That’s why I asked you about whether it was an employee -- because if you were an employee of an agency, you would have specific rights already. And so, I appre -- I’m not asking you to be an employee, I do appreciate the fact that you and your children have stayed and you’ve testified, you’ve provided more insight to us, thank you.

SENATOR KUSHNER (24TH): Can I just ask a question, because I know you used the term self-employed. But isn’t it usually customary that for someone who is providing domestic services, domestic work, most frequently, they’re doing that on a one-on-one relationship and not really seeing themselves as self-employed but just seeking employment the only way they can.

NELLIE JURA: Yeah, this is the way, how we fo -- we are the domestic workers finding jobs because somebody is needed to clean a house, you don’t need to sign a contract and they go, somebody else is traveling, they need to have a week with the kids. Sometimes they leave the kids with us. And we are taking care of their own kids, we bring the kids to my house. It’s they -- you know, we -- sometimes, you know, like, okay, they are American families, they have money, they have kids, they want to travel, they want to have a vacation, but yeah, we do the job because, you know -- we love -- we -- it’s a job. And that’s why we need some regulations that, okay, if you are going to hire, please, you
know, give me certain hours so at least I can have a secure week pay so I can have -- I can pay my bills.

SENATOR KUSHNER (24TH): So one of the pieces of this Bill that’s been proposed, this law that’s been proposed would require employers to pay domestic workers a minimum wage. So I know several years ago there was a Bill of Rights that I think you’re referring to, Senator Miner, that was passed where we tried to like make people aware of rights of domestic workers, but it wasn’t a legal requirement for employment. And I think my understanding may be -- this is my question to you, this is how you understand it, that this wouldn’t be just a Bill of Rights, but this would be an actual requirement that anyone who employs a domestic worker would have to pay minimum wage.

NELLIE JURA: Yes, yeah, at least minimum wage, yes.

SENATOR KUSHNER (24TH): Any other questions or? Yes. Representative Porter.

REP. PORTER (94TH): I just wanted to wish Christine a happy happy birthday. Feliz Cumpleanos. Yes, very proud. I mean, I know mom is proud, but I’m proud as well. I think we all are proud of what your kids were able to exhibit here tonight and it really does speak to -- like the Representative said, your -- and extension of you and who you are and as a mom, I know that makes you proud, and I just wanted to say, job well done. And for all the sacrifices you made, the manifestation will come to the kids. So, congratulations on that, you know. In the midst of the struggle, you were still able to be a mother to the children that you birthed, while at the same time, being a mother to other children and I think that is something to be highly
commended. So thank you. Thank you for what you’ve brought to this country and thank you for what you do for the citizens of this country. I believe that all workers should be protected and that all workers should have the vice that we are asking for domestic workers and I’m hoping and praying that this is the year we get it done for you all so that we can move on. So thank you. And you guys have a great night and get home safe.

NELLIE JURA: Thank you.

REP. PORTER (94TH): You’re welcome.

SENATOR KUSHNER (24TH): Thank you. Thank you so much. Next up we have Jonathan Gonzalez who is also going out of order because he’s a student who has to go to school in the morning. Hi Jonathan, how are you? Good to see you. I actually know this guy, so.

JONATHAN GONZALEZ-CRUZ: Thank you, good evening, Madam Chairs and the rest of the Public -- Labor and Public Employees Committee. My name is Jonathan Gonzales-Cruz and I’m a graduate student at the University of Connecticut studying quantitative economics and I am also the policy coordinator at Connecticut Student For A Dream. I stand here before you today to -- in support of H.B. No. 6931, AN ACT CONCERNING DOMESTIC WORKER’S, on behalf of Connecticut Students For a Dream and more importantly, my mother who had at a point in her life was also a domestic worker and faced the issues of job insecurity, of not being able to receive benefits and all the issues that come with it.

We at Connecticut Students for a Dream strongly call on the members of the Labor and Public Employees to
pass H.B. No. 6931. The Connecticut legislator must passed legislation that would expand various labor laws to protect domestic workers. According to the National Domestic Worker’s Alliance, there are an estimated 40,000 domestic workers in Connecticut that primarily work as housekeepers, nannies, and caregivers in private homes. This work force is predominantly immigrant women seeking to provide for their families as the primary earners in their households. As domestic workers work in isolation, behind closed doors, and in a shadow of economy, this creates an unsafe environment that could cause health and safety concerns. Issues such as sexual harassment, lack of safety wage theft are often the rule than the exception. Currently domestic workers are excluded from protective labor laws that would prohibit such discrimination and abuse. For example, Connecticut does not require domestic workers to have a minimum wage, paid sick days/time off or protections under the Commission of Human Rights and Opportunities.

Connecticut Student for Dreams membership is composed mostly of undocumented youth, a large proportion of whose parents, usually the mothers, work as domestic workers. Therefore it is a priority for our organization to ensure that all families who work as domestic workers can work in safety and dignity to provide for their families. By passing H.B. No 6931, the state of Connecticut will create a more safe work environment for the tens of thousands domestic workers in our state including my mother. C4D, our membership and our diverse coalition of organization view this as an essential step in ensuring that all workers in our home state feel safe at the work place. We strongly
stand in support of H.B. No. 6931 and urge the committee to vote favorably and insure that this legislation becomes a reality. Thank you.

REP. PORTER (94TH): Thank you, Jonathan. Any comments or questions from the committee? No I think we’re winding down [laughing] But thank you so much for your patience today and for hanging in there and for hanging with the family as well. You have a good night. Thank you. Next up we have Pilar Diaz and Johanna Amador. No? Pilar Diaz or Johanna Amador. Buenos Noches. And what’s your name please? You have the floor.

JOHANNA AMADOR: Buenos Noches. Good evening. My name is Johanna Amador. Good evening notable members of the Labor and Public Employees Committee. I am Columbian, originally from [inaudible - 06:34:31], when seeing the note there of country. I have 36 years old, from the University of [inaudible - 06:34:45] Columbia. My own means, I work it and is beginning single mother. I come to this country to achieve better opportunities for myself and my children’s independence, working towards a house, are living in this country of many opportunities but without any of them, I managed to have my two children and my sight under a lot of pressure and a lot of struggle to be together. I have been having different types of jobs like nanny, house cleaner, baby sitter, caregiver for the elderly and my work has been with dedication and for a sacrifice. The expenses I have had with these different families have been addition [inaudible -06:36:03] and they sold and her having a partner being my side but always like being alone doing taking over shelter others becoming without knowing anyone. But it’s the jobs I have -- I have not the support because there
is no rights that protects any domestic worker woman in this country.

For the reasons I am here waiting to be heard and support and also to help those who are not able to stand out front. [inaudible - 06:37:01] that is [inaudible - 06:37:06] to those to show it what you need to do. I seek -- I seek to tell people that they can have opportunities this to give more opportunities to woman who have the capacity to keep more for the knowledge and wisdom and who cannot learn to have the ability to excel and make difference at their own families. The ladies who stay to the homes after going to work of each woman like any person in the -- in this country. There is no [inaudible - 06:38:01] where I can think I hope to have benefits in some kind of work and [inaudible - 06:38:10] opportunity to the conclusion with the dream that working woman and mother family longs for in this country. At this time, that I have been doing different jobs, I have not had contract or other benefits like for me or my children. There is a lot of exploitation, discrimination and mistreatment for some families that will work without knowing or relief and [inaudible - 06:38:55]

There is [inaudible - 06:39:01] they make a difference in our lives and that of others. I’m sorry.

REP. PORTER (94TH): That’s okay.

JOHANNA AMADOR: My English is not perfect.

REP. PORTER (94TH): You have nothing to be sorry for. I think you did very well. And I thank you for hanging in there tonight and for giving your testimony. And, I mean, I did understand what you
were saying and I appreciate the work that you’ve done in this country for this country, for the families and the people of this country, and I don’t take it lightly. And as I’ve said to other folks that have come and testified on this Bill, your testimony is not falling on deaf ears, we do hear you and we are going to be taking all of this seriously into serious consideration as we move forward. And I will say it again, I hope this is the year we get this done, and that you won’t have to come back here again next year or any other year to testify on this Bill. So, thank you. Any comments or questions from the Committee? Seeing none.

JOHANNA AMADOR: Thank you for your patience.

REP. PORTER (94TH): De Nada [Speaking Spanish] noches. All right, next up we have John Butts. John Butts. All right. You hung in there. [laughing] Good evening.

JOHN BUTTS: Good evening. Senator Kushner, Representative Porter and members of the Committee on Labor and Public Employees. My name is John Butts, I’m the Executive Director of the Associated General Contractors of Connecticut. We are Division of the Connecticut Construction Industries Association. I am here to testify in support of H.B. 6927, AN ACT CONCERNING WAGE THEFT AND DEBARMENT. CCIA is an organization of associations that represent various sectors of the construction industries including commercial building contractors, transportation contractors, environmental and utility contractors, material producers, suppliers, equipment dealers and related professional firms. CCIA supports the concept of
this Bill for the simple reason that all hardworking, productive construction trades people deserve to be paid according to stage wage rules, workplace rules and regulations. Also, in order to maintain the integrity of the competitive bidding process, it is essential that all contractors participate on an equal playing feel. CCIA looks forward to working with the committee as this concept Bill is drafted into a more detailed and complete legislative proposal. As the Bill is developed, we will advocate for the inclusion of language clearly defining the term wage theft and also provisions to protect against the unintended consequence of honest and reputable contractors from being inadvertently excluded from public contracting including an adequate hearing process to protect the due process rights of contractors and consideration of mitigating factors or medial measures that a person or firm may have taken to address mistakes, unintentional violations, or wrongdoing or unauthorized actions by rogue employees or subcontractors. Thank you very much for the opportunity to testify this evening, and I would be happy to answer any questions.

SENATOR KUSHNER (24TH): Thank you for being with us this late. I know there are still a few people on the list here that haven’t spoken yet, but I know it’s hard. I’ve been in your spot where I was sometimes the last one to testify, and it was much later than this, so I understand how long it takes. Do we have questions for -- any questions? Okay, thank you so much. Next on the list is Patricia Zavaletta. Zavaletta, did I say that right? Good evening Patricia.
PATRICIA ZAVALETTA: Good evening. My name is Patricia Zavaletta. My sister is going to read my testimony, thank you.

FLORECIENDA MONTENEGRO: Good evening members. My name is Floreciendna Montenegro and I am going to read my sister’s testimony. My name is Patricia Zavaletta, I arrived here in America like most immigrants with a strong desire to succeed. However, it was difficult for me to get a job, and when I got one, I didn’t know my rights. Of course, I worked because I had a lot of financial needs. I worked many houses and stores, but a difficult time came when because of the hard work I was doing, I had problems with my health. I damaged my shoulder doing hard repetitive work and I became sporadically employed and without much money, getting occasional jobs with ridiculous low pay that I had to accept by necessity. Then I got a job with a family and in the course of work, I fell down the stairs and fell hard. The accident injured me, breaking my meniscus on the knee. I had to have an operation and for a time, I could not work. Since I did not have any other way to exist without working, I had to keep on working while using a cane to move. Without any help from the person for whom I work. I never reported the work place injury for fear of losing my job. And today, I have had to cover the costs of rehabilitation on my own. I just know that there are many similar cases to mine and I wouldn’t want anybody to go through the bad times I have lived. I am here to ask you to support Bill H.B. No. 6931 because so many workers like me continue to work hard and they have little or no protection. Thank you.
SENATOR KUSHNER (24TH): Thank you. And you know, I can understand how difficult that must have been for you to continue working when you were in pain. So I understand though that you didn’t have a lot of options and, so we appreciate your testimony here tonight? Is there -- are there any questions? You know, I think that one thing that you -- that it’s made me think about and um, is that we have an opportunity to try to fix some pieces of the issues that are faced by domestic workers. But we know that some things are much bigger than that and you know, these are bigger problems that our society faces about how do we address the needs of all of all our citizens, of all of our residents. And particularly, around health care, that is a big issue and I think that it’s why I so much favor a health care system that is accessible to everyone, even though that’s not covered in this particular law, I think it is something that every time we’ve heard testimony tonight about the struggles of not having health insurance or having work place injury like you’ve spoken about, how much better life would be if we had a medical system that provided affordable and comprehensive health care to everyone. And so it’s been on my mind all night, and um I appreciate that we have a long way to go to be a better community and better society. Thank you for reminding us. Next we have Heloisa Almas. Did I say your name right? Heloisa? Heloisa? Good evening. Thank you for being with us tonight.

HELOISA ALMAS: Good evening. I’m from Brazil. Today I’m here in support of H.B. No. 6931, AN ACT CONCERNING DOMESTIC WORKERS. Before I came in to the United States, I was a civil and family lawyer in Brazil for over 10 years. Here in Connecticut I
clean house and I’m a babysitter and a dog sitter. That is very common for most of the immigrant women that come here. It doesn’t matter what kind of degree we have. We all have to start over. There is nothing wrong with starting over, but it is very hard to be mistreated, especially when you are -- when you are used to defending other people’s right to fair treatment in your country. But here, you end up finding out that the laws fall short in protecting some very basic rights of ordinary people.

In one of my jobs, I had this employer that every week would hold back part of my pay saying, oh, I’ll pay you next time. That went on for a long time, she never cut out with what she owed me. Then I heard from other workers that’s common. Workers are used to that. Of course, if a worker complains, they are let go. And the employer just gets another one. In addition, we don’t have any benefits or contracts, or any job protection. After we have traveled far to show up for work or when we are counting on our pay to cover our bills, too often they cancel with us the last minute. We are then left without work or pay for that week. So I’m here today to ask you to pass the Act concerning domestic workers H.B. No 6931 because it will give us a foundation to start fighting for our basic human dignity and our rights as hardworking people. Thank you very much for your time.

SENATOR KUSHNER (24TH): Thank you so much. And I, you know I have immigrant family who have immigrated to the United States in recent years and had a very similar experience where they had a technical degree, a professional degree and then came to this country and performed -- started over, started with
something new, and so I appreciate the fact that you pointed that out to us. And I think that your story has also been a story for immigrants in our country for, you know, forever. And, um, but I think that we can do better, and that’s our opportunity and that’s why we’re considering this law now because we do have an opportunity to not get stuck in the past and really provide better for people today and looking toward the future. So I appreciate your testimony and reminding us of all of that. Are there other folks from the committee who would like to comment or question? Okay, thank you so much.

Next we have Josh Pawelek. I probably didn’t get your name right either. It’s a challenge.

JOSH PAWELEK: Close. That’s more of a polish pronunciation. It would be Pawelek and we say pawlick, like a dog licks it paw, that’s how people remember it. Yeah. So members of the Labor and Public Employees Committee and Chairs Porter and Kushner, thank you for the opportunity to testify in support of H.B. No. 6931, AN ACT CONCERNING DOMESTIC WORKERS. My name is Josh Pawelek, I’m the -- Reverend Josh Pawelek, I’m the Minister of the Unitarian-Universalist Society East in Manchester Connecticut. I am a resident of Glastonbury. I also forgot to put in my written testimony that until recently, I’ve been a member of the PCA Work Force Counsel. Let me start at the top. For me, this is about principals, this is about justice. Our -- The first Unitarian Universalist principle is the inherent worth and dignity of every person. And I support H.B. No. 6931 because domestic workers deserve to be treated legally with the same dignity all other workers are afforded.
Our second Unitarian Universalist principle is justice, equity, and compassion in human relations and I support H.B. No. 6931 because the reality that domestic workers do not have the same basic rights as all other workers is, quite frankly, an injustice which we as a society really should not be tolerating in any way. H.B. No. 6931 strengthens the rights of domestic workers. And I’m used to using the term PCA, or personal care attendant. These are people who are hired to work in the home, they provide care for children, care for people with disabilities, people living with chronic debilitating illnesses, people living with Alzheimer’s and dementia, people who are dying, they provide childcare, medical care, cleaning and other kinds of homemaking. They provide rides. They shop for food and other household necessities, they run errands; they are the people who do the work that makes all other work possible. I really believe that. They are the people who do the work that makes all other work possible. And yet, they are one of the most vulnerable and exploited classes of workers in the United States. This is because we as a society have refused to regard their work as real work. They were originally excluded from federal labor laws, including the Fair Labor Standards Act, The National Labor Relations Act, The Family Medical Leave Act, and the Occupational Safety and Health Act. This was beginning to change at the federal level under the Obama administration. I have no idea what’s happening now, but either way, it’s something at the state level that we need to take seriously because PCAs are real workers and they deserve the same rights as other workers.
So we’re talking about having the right to earn at least the minimum wage, the right to receive 24 hours off for every 7-day work week, the right to work overtime wages for hours worked beyond the regular work week, the right to receive a clear job description, the right to receive written notice prior to termination or receive adequate compensation in lieu of a termination notice, the right to engage in private communication without interference by an employer, the right to not have their personal belongings seized or searched by an employer, the right to not have their private living area entered by an employer without their permission, the right to be able to file complaints with the Labor Commissioner for violations of their rights, and the right not to be penalized or dismissed from a position simply for advocating for their rights.

At first I didn’t want to list out these things, but I, I think it’s important to list them out because we’re not talking about anything that’s extraordinary. We’re certainly not talking about special rights, we’re talking about the rights that the vast majority of American workers enjoy, it is long past time that we made them available to these workers whose work makes all other work possible. Thank you.

SENATOR KUSHNER (24TH): Thank you, I am glad that you listed all of those things out because they are not contained in the proposed Bill the way it reads currently, and it would be helpful. I’m assuming it’s in your written testimony, the list that you just read through. I think it would be helpful if we had that as we consider drafting a Bill. And so, I’m curious too if you have legal counsel that works
with you to -- or with the organization to help draft law that we could -- you know to help draft so that we could make sure that we get it right.

JOSH PAWELEK: Do we have legal -- I don’t know. Yes. [background laughing] Bob can help.

SENATOR KUSHNER (24TH): Cool. I actually knew that. [laughing] But I’m glad -- I think that would be helpful to us, so I would encourage -- and I’m glad you put it into your testimony because it’s helpful to understand the breadths of the issues that these workers face.

JOSH PAWELEK: Right. I think this is either the third or fourth time I’ve testified on a domestic worker Bill, so it’s been around for a while. I may be bringing in stuff from earlier iterations but it’s all important.

SENATOR KUSHNER (24TH): This is my first time as State Senator, although I’ve been familiar with the work of the Domestic Workers Organization for a long time, and you know, have high regard for the work of the organization, and the progress that has been made. And it feels like a good opportunity to make more progress on these issues.

JOSH PAWELEK: Yeah, I hope so.

SENATOR KUSHNER (24TH): Representative Winkler.

REP. WINKLER (56TH): I just wanted to say thank you. I represent Vernon, the next town over. I’ve been to your church on numerous occasions for a variety of causes and I want to thank you for the support that you give them.

JOSH PAWELEK: Yeah. You’re welcome.
SENATOR KUSHNER (24TH): Okay, thank you. Next we have Jean Knapp. Thank you, Jean. I know it’s such a long night when we have so many important Bills on the agenda. Somebody’s always got to be at the end, so I appreciate you hanging in there. [laughing] Oh, welcome.

JEAN KNAPP: Thank you. This is my first time to be here, so it’s been interesting to listen. Good evening, and I’m Jean Knapp. I live in South Windsor. I am here to express my support for H.B. No. 6931, AN ACT CONCERNING DOMESTIC WORKERS. In particular, I’m thinking of the personal care attendants, the PCAs who are essential to enable elders to stay in their homes as they age. If enacted, H.B. No. 6931 would give PCAs the same rights that the vast majority of workers in the U.S. enjoy. We’ve heard a lot here tonight about the families and I am one of those families who have been well supported. I’d like to briefly share my experiences as a private individual with you.

In June 2004, my 80-year-old mother began living with me and my husband after the sudden death of my father who had been caring for her. When my mother first moved in, it was a bit of a risk to leave her alone while we both worked all day. We would help her in the morning and leave her lunch and put hot water for tea in a thermos as she could not use the stove or the microwave. Later it became clear that mom could not be safely left at home alone any longer. We applied for assistance through the Connecticut Home Care Program for Elders, the CHCPE, to arrange for a PCA to come into our home. Over time, mom needed extensive help. She became dependent upon oxygen, needed help bathing, dressing, transporting, wound care, food
preparation, laundry, etc. The PCAs very skillfully provided each of these services and many more. We had six part-time PCAs that rotated throughout the week. We were grateful to have these skilled and caring women in our lives. We could not have maintained mom’s care or our own work lives without them. I learned, however, through this experience, that PCAs face some fairly harsh realities in their work lives.

I first noticed this when mom had medical emergencies and was hospitalized without notice which happened multiple times. During the hospital stays, the patient’s PCA cannot be paid and the PCAs experienced an unplanned negative impact to their paycheck suddenly and without notice. When mom passed away in June 2011, all of our PCAs were suddenly without her work days on their schedules. Some of our former PCAs had other cases or got new clients, some did not. I later learned that one of our PCAs has not found another case. She was unable to pay her rent, had been evicted from her apartment and she and her two children had become homeless for several months. We were shocked. How could this happen to such a skilled worker.

The sudden loss of pay in these two scenarios are just two of the challenges the typical PCA faces. There are many more. I feel strongly that passing H.B. No. 6931 will go a long way towards improving PCA jobs and making worker’s lives less tenuous. Please support H.B. No. 6931. Thank you.

SENATOR KUSHNER (24TH): Thank you, Jean. And it’s so good to hear from a family member such as your testimony. It does remind me of my grandmother who had around the clock care up to the age 92 with
Parkinson’s and I think our whole family felt as appreciative as what you just described, so it’s very important testimony. Thank you. Other questions or comments? Thank you.

Next we have Patricia Rosa.

PATRICIA ROSA: Good evening. Labor and Public Employee Committee, I am here in support of H.B. No. 6931, AN ACT CONCERNING DOMESTIC WORKERS. And I’m just going to wanted to share a little bit of my experience when I used to work like a homemaker and companion.

My name is Patricia Rosa and I am a resident of Hartford. Before moving to Hartford, I used to live in New Britain. For five years, I took assignments through the agency, Homemakers and Companions. And sometimes other places and companies. Some of the jobs they send me on were okay. I worked for many different people. For some it was only a month, but for others I was only for a few days or a few hours. Often I got bad reactions. They would open the door and say, what, they are doing this again, and send me somewhere new. I was often unprepared for what I would find. The agency told me to go to a house for one or two hours, but they didn’t explain anything about the people or the special case they needed. I wasn’t trained to do anything in particular and I felt crazy when I was with very sick people, and I didn’t know what to do in case there was an emergency.

One lady I used to be with for six hours a day for a while, she always made me very afraid. No one had explained -- explained her condition to me or what to expect, but I found out she had an extremely -- and extremely bad case of diabetes, and I feared she
might die. They don’t want to train you at agencies because they don’t want to pay you more, which would be required then. They pay me the minimum wage and nothing for benefits. I sometimes work 60 hours and I told them that they needed to pay me overtime, but they told me no way, we don’t pay overtime, you just take the hours.

I know about other agencies, my daughter worked for three or four different agencies. They don’t give you many hours because they do not want to pay you any benefits, sick days, vacation days or holidays. Once I had to take care of someone with schizophrenia. One day she accused me of stealing her grandson’s jacket and she used to call me names. She had another worker who came in to help and she used to threaten violence against her and told me she was going to kill her. I was afraid of her. She used to put all her kitchen knives in a secret place where only she knew where they are. She also said sometimes -- well one time she set a fire and you had to keep a close eye on her. I told the agency you need to send a different person, someone more trained. Because I complained about the working conditions, the agency decreased my hours. I went from working around 30 hours to just 10 or 5 hours per week. I believe this was regulation for my complaint about working conditions. Domestic workers need protection against regulations for taking up about working conditions. Eventually I had to leave the agency because with so few hours, I no longer made enough money to live on. Please support the Bill No. 6931. Thank you.

SENATOR KUSHNER (24TH): Thank you for your testimony. I have a couple of questions. So, the
testimony you gave gives me pause to think about what recourse you might have had because I don’t know when your employment was with this agency, was it fairly recently?

PATRICIA ROSA: No, that was some years ago.

SENATOR KUSHNER (24TH): Because since, fairly recently, I guess in the last eight years, we passed a paid sick day bill, which I think would have provided sick days that your agency would have been required to do that, and some of the other concerns that you raised over time, they should have always been required to pay overtime. So, I appreciate your testimony and I realize that workers, even when they’re entitled under the law to certain rights and benefits, sometimes find it difficult to pursue a complaint and I’m sure that was true in your case. So, thank you for your testimony.

PATRICIA ROSA: Can I say something about what you said? My daughter is working -- is doing that job now, she works with elderly and the agencies don’t want to pay sick days or any benefits, and no -- when they pass the 40 hours, they are supposed to pay overtime, they don’t want to pay overtime.

SENATOR KUSHNER (24TH): So I think if you could -- we should get in touch with you and hear the details, you know, after the hearing here, if you’ll leave your information with us and how to contact you, because I believe that she is entitled to that under the law now, and we’ll follow up on that.

PATRICIA ROSA: Okay, thank you.

REP. PORTER (94TH): I just wanted to have you just restate on the record, what is the name of the agency for your daughter?

PATRICIA ROSA: Oh, I think that’s, uh, the agency is in plain view, but I don’t have the name right now.

REP. PORTER (94TH): Okay, you can get that to me. And you also had this experience working an agency, is that correct?

PATRICIA ROSA: Yes.

REP. PORTER (94TH): And which agency was that?

PATRICIA ROSA: Kenny Homemakers and Companions.

REP. PORTER (94TH): Which one?

PATRICIA ROSA: Kenny Homemakers and Companions.

REP. PORTER (94TH): Okay, thank you. And thank you for your testimony.

PATRICIA ROSA: Thank you.

REP. PORTER (94TH): You’re welcome.

SENATOR KUSHNER (24TH): Danielle, if you’ll make sure that we have a way to contact her about her daughter’s situation. Thank you. Now we have Ray Shea. Is Ray Shea still here? He left, yea, I thought -- I know he was sitting there for a long time tonight. [laughing] Next we have Cameron Champlan. Hi Cameron. Ray was there a long time.

CAMERON CHAMPLAN: Ray gave up, he has to be somewhere early in the morning.

SENATOR KUSHNER (24TH): Oh, me too, but. [laughing] He’s a little bit older than me though. He has a
few years on me, though so I give him a lot of credit for hanging around.

CAMERON CHAMPLAN: Ray has a couple on me, not many, but a couple. Chairwoman Kushner, Chairwoman Porter, ranking member Polletta, and members of this committee. My name is Cameron Champlan, I represent Plumbers and Pipefitters Local 777. Local 777 is in strong support of H.B. No. 6927. Any contractor that is performing work in a neighboring state and is violating their labor laws, will certainly do the same in Connecticut. When a contractor engages in fraudulent practices while performing public projects, they harm our economy in more than one way. Workers are cheated out of fair wages and benefits when a contractor misclassifies them in order to pay them less for performing tasks at a lower rate. This in turns causes our state to be cheated out of what should have been paid in taxes. When a company misclassifies workers into a less dangerous category, they not only save on wages but also save on the insurance premiums which should be paid for the higher risk tasks. When all of these savings are included in a big package, they have a distinct advantages over contractors that bid with the proper wages and benefits included. Law-abiding contractors get cheated out of a fair bidding process and their employees are cheated out an employment opportunity. When deliberating on whether or not to vote to move this Bill forward, please remember that the fair contractors, their employees, the insurance companies, and the state of Connecticut are all at risk of being cheated without proposal. Thank you for the opportunity to testify today and if there is any more information, I have
my contact information here. I will be glad to answer any questions.

SENATOR KUSHNER (24TH): Members of the committee, any -- well thank you very much. I always thought it was quite lucky that you were from Local 777, that’s a pretty good number you got there. [laughing] Thank you for -- well you have a few years on me. I only had 42 in the UAW. I do appreciate you hanging in there, because I think that there’s been a lot of support of comments from members of the committee tonight and it’s good to have people testify on this issue because I think we’re all in agreement that we don’t want to see bad actors come into the state and take advantage of our public taxpayer dollars.

CAMERON CHAMPLAN: Yes. Thank you all for being here. And I do have to say after hearing testimony today on No. 6931, you gotta pass something for these people that they’re getting -- the way they are treated is unbelievable. Anyway, thank you very much.

SENATOR KUSHNER (24TH): Thank you. Is it John Shulansky. He left. Oh, so we are with the last person on the list. I understand that Pilar Diaz is here and that Lara Da Costa is going to read her statement.

LARA DA COSTA: She is sick, so --

SENATOR KUSHNER (24TH): Oh, I see, so you’re going to read her statement. Thank you.

LARA DA COSTA: So good evening honorable members of the Labor and Public Employees Committee. I am here today in support of Bill -- H.B. No. 6931, AN ACT
CONCERNING DOMESTIC WORKER’S RIGHTS. My name is Pilar Diaz and I have resided in Connecticut for 17 years. I am a single mother with two children. After arriving in the U.S., I started working as a housekeeper, and then the family began to ask me to perform many duties such as running errands, shopping, driving my employers aging mothers to doctor’s appointments, assisting with her daily routine including her shower, preparing meals, doing laundry, dressing, dressing wounds, doing manicure, hairdressing, and reminding her to take her medicine, and etc.

In the first job, I worked for the family for 11 years and only left because she was transferred to a nursing home facility.

In my last job, I worked for a couple of -- a couple for two and half years. In this job, I left because the lady was very sick and needed hospice care, but also because she was also very mean. She said terrible things to me and even hit me twice. In addition, they initially paid me weekly, then changed to bi-weekly and then they decided to once a month also. They made me sign a 1099, as an independent contractor and I had to pay all my income and security taxes alone. The first time I was at the hospital with the wife, she kicked me very hard in my stomach while she was in bed, and the second time again, at the hospital, she grabbed me and pulled my hair, while I helped her.

In the past, I always tried to be understanding because of her situation. But on that day, I quit because her son was there and do -- and didn’t say anything. I was crying and felt terrible because I needed the job to provide for my family and because
I loved her. And was serious about crying -- caring for her well-being. As she got sicker, her family visited her less and less and I got more emotionally involved because I was responsible for her well-being. Even though she yelled at me and called me stupid and idiot and other names, as racist terms, she also used to tell me that I was like her daughter. She used to get very angry at me when she -- when I didn’t visit her on my day off and she was very demanding most of the time. But I cared for her with all my heart.

My experience is similar to many other woman who are good care workers and do not have any job protections. We need labor protections like other workers. We go out every day, we leave children behind and we’re exposed to diseases, and there are physical, emotional and mental demands that we -- but we don’t have any protections or benefits. Why can -- why can’t we have the same labor protections as other workers. We are people working with people, not working with machines. Please, vote in support of H.B. No. 6931, AN ACT CONCERNING DOMESTIC WORKERS BILL OF RIGHTS.

SENATOR KUSHNER (24TH): Thank you for reading her testimony. Please let her know that we’re sorry that she couldn’t be here tonight, probably if she had been the last speaker, she would have been even sicker than she might have been. But I do want to say that her story is not unfamiliar to me. I do know that many people, when they are ill, and when they are elderly can become quite abusive, and that’s part of the disease often, that some of our loved ones have to deal with and cope with and, you know, I’ve seen that in my own family. It’s often a part of dementia and it’s horrible to endure for
family members, but also particularly for caregivers. And I know many caregivers who in those situations are the ones that come through for the person always, and so let her know we appreciate the way she was understanding that she had and her words of understanding of what was going on with that person and still feeling love toward that person. So, I do get it, and thank you for the testimony.

LARA DA COSTA: Thank you, I appreciate it. And she -- as she was writing her testimony, she was crying because I see those ladies and I work with them. And I see, like myself, I have been doing this for so long. So now I have like a numb face to it sometimes. But when we hear them talking to us and telling us, and we have private meetings because they -- I want them to feel that they are comfortable talking to us and they can say look, this happened to me. And I want them to know that they’re not alone. So we cry together because we know how hard it is, and I really appreciate you taking the time and listening to every one of our testimonies. And we’re -- we know that you have a heart that you are listening to us and you are taking chart of all that’s happening all -- all that you listened to, and I trust that, and I’m hoping that this year, like Representative Porter said, we -- I’m hoping this is the last year, and I know you -- I know you have good intentions and you will do your best to.

SENATOR KUSHNER (24TH): I think it’s our obligation to do our best, it really is. And you know, I know there’s been some issues raised about, you know, the employment relationship whether you’re a 1099 employee or an agency employee, that there are different relationship as, you know, under our laws,
but I think it’s our job to figure out how we address these issues in a way that’s meaningful, and in a way that makes it illegal for some of these things to occur.

LARA DA COSTA: And I appreciate. Thank you so much for your time. Thank you for -- and good night. Thank you.

SENATOR KUSHNER (24TH): Thank you all. And I think that is the last person on the list. Is there anyone else who would like to testify tonight? Would like to provide testimony? Seeing none, then this public hearing is adjourned. Thank you.