February 26, 2019
Cw Labor and Public Employees Public Hearing 12:00 P.M.

CHAIRPERSON: Representative Robyn Porter

SENATORS: Kushner, Lesser, Miner

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

REP. PORTER (94TH): Labor and Public Employees Committee Public Hearing. Before we get started we're just gonna take care of a couple of housekeeping rules. I'm gonna turn it over to Representative Winkler.

REP. WINKLER (56TH): In the interest of safety, I would ask you to note the location of an access to the exits in this hearing room. The doors to 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, go straight and exit the building by the main entrance or follow the exit signs to one of the other exits.

Please quickly exit the building and follow any instructions from the capitol police. Do not delay and 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 and stay away from the exit doors until an all clear announcement is heard.
REP. PORTER (94TH): Thank you, Representative Winkler and at this time we will go ahead and get started. Just for the record, we will be taking the first hour for elected officials and -- we might not need an hour but if we do, we'll start the alternating after that point between the elected officials and the public.

And we will begin with Deputy Commissioner Daryle Dudzinski. Good afternoon, Deputy Commissioner.

DARYLE DUDZINSKI: Good afternoon. Thank you. So again, good afternoon Senator Kushner, Representative Porter, Senator Miner and Representative Polletta and members of the Labor and Public Committee.

I thank you very much for this opportunity to provide some testimony on four of the bills proposed. My name is Daryle Dudzinski and I am the Deputy Commissioner of the Department of Labor.

For Senate Bill 511, AN ACT CONCERNING THE UNEMPLOYMENT REDUCTION AMOUNT, this -- bringing to light that this bill would increase certain unemployment benefits to individuals that are working part-time while receiving part-time unemployment insurance. This would also correspond to the employer community. There would be an increased cost to employers including nonprofits and municipalities.

In general, the Department of Labor is implementing a new unemployment insurance program for both benefits and tax and that's called Reemploy Connecticut. It's branded and in the Reemploy Connecticut is under the consortium with three other states -- Mississippi, Maine and Rhode Island.
The effort of the consortium is to create technology used by all states in an effort to decrease cost to implement, reduce the timeline to do so and ongoing post implementation so that we have less IT infrastructure cost with the technology.

We've been involved with this consortium for the past couple of years. It is a proven solution with this consortium effort, this technology, the Department of Labor is unable to make modifications to its existing platform, its existing automation, to accommodate any current statute changes.

We welcome the opportunity to discuss further automated changes that are under statutes that would be implemented to obtaining phase post modernization effort or consortium effort, we would like that opportunity to create the trust fund solvency issues along with bettering the position for the state of Connecticut in the long term.

For the Senate Bill 658, this is a bill that requires the lengthening of time for employers to respond to 14 business days, not calendar days. The current laws are required because of the Department of Labor's responsibility to make first-payment time lapse on unemployment insurance claims.

It's mandatory, it's mandated by the United States Department of Labor that we pay when due and that is generally speaking within 21 days of the first claim to be filed.

This 14-day, business day, would not allow us to meet those federal requirements. In fact we would fail on every occasion.

Currently in today's atmosphere we have a seven-day window for the employers to respond to the initial
application and an additional ten days if there's an eligibility issue to receive unemployment insurance if the employer is contesting the claim.

On top of that, there's an additional two days if there is a rebuttal period which will allow the employer or the claimant to respond.

In our current law, there's -- we have the statute that requires the employer to provide a separation packet, what we used to call the pink slip. If this was in compliance with the employer providing this information, our agency's responsibility to review the separation or the eligibility criteria on the initial application would not be needed. So I'm just bringing that to your attention.

Secondly, there's the State Information Data Exchange System, SIDES. It's a national program, it's at no cost to employers and it allows the employer to receive immediate notice when someone files an unemployment insurance claim. And it also allows the employer or its third-party administrators, TPAs, to respond in a contest of that claim. Again, immediately at no cost, all electronic. And we have implemented that about two years ago.

In Senate Bill 696, the solvency of the unemployment trust fund, it's extremely important to our agency and our customers that we serve. We believe at the agency that a comprehensive trust fund plan is necessary which would include benefit reductions to some level and increase the employer contributions.

The trust fund solvency is extremely important, we've been talking about it for many years and the last changes we had were in 1999. Again, these
automated changes that we're talking about would not be able to be achieved until post modernization. All of our efforts are going towards a new system.

The last House Bill 6729 on unemployment benefits, this talks about four areas of benefit reductions. In the spirit of comprehensive trust fund solvency planning, again, the agency would like further discussions with benefit reduction and employer contributions.

These changes would not reach a trust fund solvency. And again, all automated changes are being deferred to post modernization where all of our efforts are.

Thank you.

REP. PORTER (94TH): Thank you, Deputy Commissioner. Any comments or questions from the Committee? Yes, Senator Miner.

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

So I'm trying to understand post modernization. Should I understand that to mean a kind of a unilateral decision on the part of the Department of Labor that they'll -- while they may support the concepts in some of these bills, they're currently in a position of wanting to oppose any changes because the Department of Labor is already on a mission -- already on a mission.

DARYLE DUDZINSKI: Yes, that's -- that is correct, we are on a mission. We've been working with the consortium states to implement their proven unemployment insurance programs. And we have done our due diligence in determining the best path and this certainly is the best path.
We have both federal and state funding received to support the initiative upwards towards $30 million dollars and we have about two years left in implementing this new system.

SENATOR MINER (30TH): And through you, Madam Chairman, so would the federal or state funding be jeopardized if we were to add something else into the mix?

DARYLE DUDZINSKI: The funding would be jeopardized but also the timeline. Anything that we do today that would be required, mandated to be implemented, before the implementation of the new system would require us to make modifications to the current existing extremely old and veri -- various programs that we have today -- along with working with the IT support and modifying what would be the new system so that it will capture those specific changes.

So it is definitely not recommended to make any changes at this time. Sort of a moratorium on legislative automated changes.

SENATOR MINER (30TH): And so through you, Madam Chairman, definitely not recommended is different than the legislature really has no authority. I'm trying to understand where those two things intersect. I mean if the legislature felt that they wanted to implement some changes in an effort to set us up, so to speak, for a better outcome, then am I to understand that the administration would oppose such changes at this time?

DARYLE DUDZINSKI: The administration Department of Labor would encourage a dialog of discussion so that if there was to be legislative passed in the support of trust fund solvency and other areas for
improvement, it would be with an implementation period post modernization.

So that way we get our new system in production for our customers -- both the employees and employers in the state of Connecticut and then we can make those modifications that were enacted into law.

SENATOR MINER (30TH): And through you, Madam Chairman, what is that date of post modernization?

DARYLE DUDZINSKI: The vendor supplied, IT supplied date at this point is May of 2021. And we're doing everything possible to scale that time period back but that is the date we're going with.

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

REP. PORTER (94TH): You're welcome, Senator Miner. Any further comments or questions from the committee? Seeing none, I'd like to thank you for your testimony.

DARYLE DUDZINSKI: Thank you, good day.

REP. PORTER (94TH): You're welcome. Next up we have Executive Director Steven Hernandez. Good afternoon, Mr. Hernandez.

STEVEN HERNANDEZ: Good afternoon. Senator Kushner, Representative Porter, ranking members and other distinguished members of the Labor Committee. My name is Steven Hernandez, I'm the Executive Director of the Commissions on Women, Children and Seniors and Equity and Opportunity, nonpartisan, bicameral commissions of this legislature.

We're here in support -- to testify in support of two of the bills before you today, House Bill 6921,
AN ACT CONCERNING DISCRIMINATION BASED ON A PERSON'S CRIMINAL HISTORY and House Bill 5271, AN ACT INCREASING SEXUAL HARASSMENT PREVENTION TRAINING.

On the first bill, criminal convictions come with consequences. Those consequences are generally described as a function of time; i.e. time in jail, time on probation. A time-honored part of our vernacular is if you can't do the time, don't do the crime or conversely, do the crime, do the time and you'll be redeemed.

Sadly, that's not what's happening. For so many of our reentering population, post-incarceration discrimination can convert a sentence of a time certain, to a de facto life sentence.

As we have learned through our reentry work, returning to a productive and successful life in society after incarceration is tough for many reasons, not to mention the stigma that accompanies ex-felons the rest of their lives.

Each conviction is also accompanied by financial sanctions -- or could be accompanied by financial sanctions court-imposed fees and employment and/or housing discriminatory prohibitions, just to name a few that can and will permanently entangle the formerly incarcerated long after they've served their time.

The elephant in the room, of course, was our blighted history of mass conviction and incarceration that contributed to racial disparities at every level of the criminal justice system.

As we work to remediate some of the past harm we have seen a turn in the numbers of people serving time in prison. In Connecticut there has been a 32
percent reduction in the prison population since 2008 when the system held nearly 20,000 inmates.

In January of this year, Connecticut's total prison population dropped to 13,228 which included 9,272 sentenced inmates and 3,401 pre-trial prisoners among other groups where the pre-trial population actually continues to increase each month.

Oh, sorry, I skipped this spot. Keep in mind that blacks in Connecticut are 9.4 times and Hispanics 3.9 times more likely to be incarcerated.

Connecticut is doing an excellent job ending mass incarceration but it also means that approximately 2,000 people with felony and misdemeanor convictions are leaving prison each month that will find themselves with barriers and discrimination on their horizon, thus making reentry much more challenging than it was to enter the criminal justice system in the first place.

This is why we support enhancing discrimination protections to the formerly incarcerated and removing unnecessary barriers that make it harder for individuals with criminal records to turn their lives around.

Connecticut, in our opinion, can do a better job of helping people returning from incarceration to access safe, stable and affordable housing as our Working Group to Study Housing Options for Persons Reentering the Community after Incarceration found in its recently released report entitled Hope for Success: Returning Home.

These recommendations underscore that smarter policies which protect against discrimination and provide housing solutions for the reentry population
are a smart investment for all of us, resulting in increased public safety, reduced recidivism and reduced healthcare spending.

A robust reentry support system with antidiscrimination protections as recommended by this bill are not merely about people's subsistence, equity and justice but rather it would reflect a society that values productivity, honors redemption and supports the success of everyone willing to work.

What this means is providing a meaningful second chance for those who, in some cases, were never given a meaningful first chance to succeed.

Finally, for House Bill 5271, I know that this bill, like the other, is a concept bill. We would support, as our predecessor agency, the Permanent Commission on the Status of Women has supported for many, many years more sexual harassment prevention training throughout our systems.

We would also recommend that training be extended not only to staff here in the legislature but to everyone who enters the halls of this legislature in a leadership role.

With that, I welcome your questions and I am honored to have testified here before you today.

REP. PORTER (94TH): Thank you, Mr. Hernandez. Yes, Representative Polletta.

REP. POLLETTA (68TH): Good afternoon, Mr. Hernandez, how are you?

STEVE HERNANDEZ: Nice to see you.
REP. POLLETTA (68TH): Wasn't this covered under the Civil Rights Act? I mean that you basically cannot discriminate against someone with a -- with a felony if you're hiring them?

STEVE HERNANDEZ: You know, discrimination comes in many forms. One of them is the open type of discrimination that the Civil Rights Act protects against and you know, I'm heartened to say that this -- this new Governor, especially, is thinking of expanding Civil Rights Protections not only through our Commission on Human Rights and Opportunities but also in other ways. Especially through the creation of a special unit at the Attorney General's office that will focus on the bigger civil rights violations.

So -- so I do believe that there is an energy here to ensure that there isn't discrimination, that outward discrimination that we -- that we find in other places. But some things -- the discrimination that we're describing here which is employment discrimination, housing discrimination, often happens quietly.

When -- when someone's record is up for public exposure or the possibility of asking about a previous conviction is on a form that someone needs to fill out and attest to, that type of discrimination can happen quietly and it can happen based on bias. It may -- it may not even be intentional.

So what we hope to do here is to extend -- extend antidiscrimination efforts that keep that type of question from being asked when it's not really -- when it's not relevant to a living situation, to a
job situation. Now there are situations where it is relevant and we have to keep that in mind as well.

REP. POLLETTA (68TH): Okay, thank you. Has there been widespread instances? Is there any data that shows that employers are not hiring individuals because of their criminal record or is this just, you know, a perception and an idea to make it better?

Because I -- I certainly have not heard from my constituents that, you know, individuals aren't getting hired because of a criminal record.

STEVEN HERNANDEZ: Well, you know, after many, many months and a couple of years, actually, of running the reentry -- the reentry program or at least a reentry conversation that we've been having at the Commission on Equity and Opportunity -- and also our most recent work in the housing discrimination and housing opportunity component of reentry, there was testimony after testimony, anecdotal testimony of people not only here at the legislature but also out in communities because we did hold community conversations where people had experienced exactly this type of discrimination.

And like I said, this discrimination can be silent because it's not the type of discrimination, it doesn't need to be the type of discrimination that is outward or that is, you know, a rejection of a housing application or a potential employment can happen behind the scenes.

So we found out firsthand from the people who had experienced it.

REP. POLLETTA (68TH): Okay and in your opinion, would you believe that an individual caring for the
elderly or disabled -- this question or, you know, box on an application should be then taken off that application? Like an individual, let's say, is caring for an elderly patient and has a criminal record of let's say misdemeanor stealing. Should then the employer not ask whether or not that they've ever had that type of record?

STEVE HERNANDEZ: That's a really good point and you know, I would -- you're -- you're noting one particular vulnerable population which is the elderly. I would add to that children, I would add to that other vulnerable populations and I would -- I would really measure that against whatever the offense was.

So for instance if it was a misdemeanor of a petty theft or a -- even of a theft that was not related to stealing from a particular elderly person or another vulnerable population. Say it was a financial crime. I would not automatically disbar that person from working in that position.

Now if it was a crime that was committed against a child, for instance, and it was of a particular type of either egregiousness or a nature that would -- that would lead us to think that that person should not be trusted around children, that's very, very different. And I think that all of our laws should take that sort of consideration into account.

REP. POLLETTA (68TH): Okay, so in other words, a sexual predator who, let's just say, was convicted of a -- you know, sexually abusing a minor -- then that should be not taken into consideration when they're caring for the elderly, is that what you're saying?
STEVE HERNANDEZ: Well, no. It's a different point. Sexual predation, which -- which is a condition, a psychodynamic condition -- is one that we have found in our research -- well, researchers have found in their research -- may not be remediable. So we have to think of what different types of sexual predation are and you're right. What's good for the child is good for the elderly. A vulnerable population is a vulnerable population and there have been instances of elders who have been abused in situations where they're being cared for.

So that's another situation. Now one of the things that we learned during all of our testimony on the -- on the sexual offense registry, for instance, is that there are different types of sexual offenses.

For instance, there might be an offense between two people who are close in age but still one of the -- one of the persons may be considered a child and not give meaningful consent. So there's that type of situation where it was consensual but consent cannot be meaningful -- meaningful given based on the law and of course situations where there are predators that will take advantage of any vulnerable population at any opportunity that they can.

And distinguishing between those two is critical because of the safety issues that you know.

REP. POLLETTA (68TH): I find it interesting you're up here because in my first session, I put a bill in that basically said, you know, if you're convicted of a crime of that nature you shouldn't be allowed to care for the elderly.
Because I have an elderly grandfather who gets assistance right now and at times my family and I are worried about who's taking care of him.

So unfortunately that bill went nowhere. But you're here, kind of proving a point that you know, if you're convicted of a crime then maybe we should think twice about who we employ in these situations.

STEVE HERNANDEZ: Depending on the crime and depending on the victim and I'd love to work with you more on that sort of thing.

REP. POLLETTA (68TH): Right, okay.

STEVE HERNANDEZ: So I'm here now.

REP. POLLETTA (68TH): Thank you.

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

REP. FISHBEIN (90TH): Thank you, Madam Chair and good afternoon sir, thank you for your testimony.

STEVE HERNANDEZ: Thank you, good to see you.

REP. FISHBEIN (90TH): Just wanted to take off on the same sort of scenario with the employment situation. DCF maintains a record of individuals who have been accused of impacting a child. Haven't been adjudicated to, you know, haven't been convicted of that but yet internally a person has been adjudicated through their own processes, being neglectful or abusive of a child.

STEVE HERNANDEZ: Yep.

REP. FISHBEIN (90TH): Under this concept, you know, that's not a criminal history.

STEVE HERNANDEZ: Yep.
REP. FISHBEIN (90TH): You would not have that used against someone in their employ?

STEVE HERNANDEZ: So I'll tell you, you know, the -- this bill is drafted as a concept bill so as you know, oftentimes these elements are all details that are critical to whether or not a bill should pass.

You know, when you think about a person who has been found through an administrative process to be abusing or neglectful of a child, then that should be taken into consideration as to whether or not that person works with children or works with any vulnerable population.

I think that that's -- you know, that is true if a person's been adjudicated through an administrative function or through our criminal function. So I wouldn't necessarily distinguish between the two but I think it is important to have that information available. I would not want a person who has been found abusing or neglectful of say for instance, their own children, because that's what the DCI process -- or someone who is in their care -- would then be hired, for instance by a daycare center where they have access to more kids.

REP. FISHBEIN (90TH): Yeah.

STEVE HERNANDEZ: So I would make that distinction.

REP. FISHBEIN (90TH): Okay, yeah. That's exactly what that process is there for. You were talking about some specific crimes that would -- that should be utilized in a screening process, you know, with the elderly when you were talking with Representative Polletta.
But presently, if I sat down to employ someone, I'm not allowed to ask them of their criminal history. Is that clear, is that true?

STEVE HERNANDEZ: That is true. I believe you can't ask -- and please correct me if I'm wrong -- but I believe you can't ask in the initial process whether there's a -- whether there's an initial history before you get -- before you are offered a position. I think that's -- I think that's the way it works.

REP. FISHBEIN (90TH): Yeah, in the application.

STEVE HERNANDEZ: In the application, that's right.

REP. FISHBEIN (90TH): So all of your applicants could have a criminal history that you know, would perhaps -- at least based upon the charges because we never really know what happened.

STEVE HERNANDEZ: Right.

REP. FISHBEIN (90TH): You know, the adjudicative process is what it is. But we wanna protect people that need to be protected. Initially you're not allowed to and then are you saying that during the interview process, you know, because presently you can ask if you've ever been convicted of a felony. I believe that, but you can't ask if you've ever been arrested is the distinction.

STEVE HERNANDEZ: Sure.

REP. FISHBEIN (90TH): So during the process, the interview process, if you know, are you allowed to ask, "Have you ever been arrested"?

STEVE HERNANDEZ: So one thing -- so one thing -- so I think there's a nuance there which is the arrest nuance. I don't know the answer to that question
and I don't -- I don't really wanna read through this right now but I will.

But I think the -- I think ultimately what you're -- what you're asking is at any point during the hiring process, do we have the ability to ensure that whomever we are hiring is going to be the right pick for us and the safe pick for us in the place of employment where we're hiring them.

As I understand it, the way our laws are written now and the way that we propose to expand this is the first foot in the door opportunity. It's discrimination from even getting that first interview and having that first conversation about qualifications.

I'm not recalling and listen, you know, we'll follow up on this but I'm not recalling anything that prohibits the employer ultimately, once a decision is made about the particular applicant -- from doing a background check or ensuring that that person hasn't committed a crime that would, you know for instance a crime against a vulnerable populant or a financial crime, say for instance if you're hiring somebody to work at a bank.

REP. FISHBEIN (90TH): So I'm just, you know, and you mentioned concept bill because this is very general language. You know, I read this, you know, discrimination in employment would be the entire process. But you -- if you had the magic wand, you would have all individuals be able to be interviewed.

STEVE HERNANDEZ: That's right.

REP. FISHBEIN (90TH): And then have the employer do their due diligence and then if through that process
they ask the appropriate questions and get the information about the person's criminal history, then that could be used to preclude that person from being employed?

STEVE HERNANDEZ: Well, I should think so. I mean if you're -- if you're hiring someone to serve as a daycare provider, for instance, in a daycare setting and the person has been found to be abusive, either adjudicated or through -- or in an administrative process -- to be abusive of children, I think that the employer's due diligence should be able to reveal that.

And not only that, I think that if the person has been convicted of financial crimes, say a series of white collar crimes where, you know, funds were embezzled or you know, crimes against the institution of the -- a financial institution -- I think a bank would want, and should know, whether they're employing a person who has that type of history.

REP. FISHBEIN (90TH): Right and I agree. I'm just trying to figure out where is the line? Because you know, like my wife was a phlebotomist for many years. She did -- she went to people's homes to draw their blood.

And you know, in that course of her employment, she would become in contact with children. Would you have someone who is gonna be, just by way of example, a road [Inaudible 00:28:42] would they be, you know, a DCF check and would you be able to use that against the person in their employment? Presently the law doesn't go to that.
STEVE HERNANDEZ: Well, I should say so, you know, I wear several -- I'm wearing a lot of hats these days and one of them is the former Commission on Children hat. So I should say that whenever there is a vulnerable populant and the history of the person is employed, if the history of one of abusing or neglecting vulnerable populants, then absolutely I think an employer should have that information at their disposal whether it be through accessing it confidentially through the Department of Children and Family records -- you know, within the law, of course -- or accessing it through some other means. Some other background check or other appropriate means.

You know, I think really what we're aiming for here is you're describing the exceptions which I think are critically important to continue to describe because we want to be able to list those in whatever it is that we draft.

But you know, what we're describing is the -- is the foot-in-the-door for those who have served their time and look, I used to run the committee that regulated the housing industry in DC. And I know that if someone saw that there had been a criminal conviction, it really didn't matter what that person had done.

A criminal is a criminal to the mind of the people who are reviewing these things and I don't want anybody like that living in my -- next door to me or living in the building. That was the type of thinking that we were seeing, even in our public housing.

So I think it's important to expand our thinking so that if a person has done the time for committing
the crime, then at the very least they can get their foot in the door and apply for a job or apply for housing and -- and that -- that is what we were hearing from people who have experienced it as a type of discrimination that we're seeing.

REP. FISHBEIN (90TH): Yeah, no I -- I got that. I just, you know, when I see discrimination, you know, not to go down a rabbit hole on a very sensitive topic, you know, I think of something -- some characteristic in an individual that they cannot help whether it be, you know, race, creed, gender, those kinds of things.

STEVE HERNANDEZ: Yes, sir.

REP. FISHBEIN (90TH): You know, my last name being Fishbein, people think that I'm Jewish. You know, I'm sometimes discriminated against. You know, that's something I can't -- I did almost change my name once but -- actually.

STEVE HERNANDEZ: Don't do that.

REP. FISHBEIN (90TH): I was sitting in a judge's office and -- I knew it. You know, but this crime thing, you know, from my perspective when I looked at this, you know, one is born innocent and then one is given a chance and when you blow that chance, you know, there are consequences.

So I look forward to working together on the language and thank you, sir, for your testimony. Thank you, Madam Chair.

STEVE HERNANDEZ: Thank you, sir. Just to that point about -- about consequences. You know, I think as a society of laws and a system of laws, there are consequences for infraction or for
criminal violation. And those consequences are determined by all of us. We all agree on what those consequences are, whether it be a period of time -- ten years, 15 years, 20 years for some crimes -- for some it's three years or five years.

If we believe in that system, if we truly believe in a system of retribution and paying for the crime that you committed, then we also have to believe in what happens next and what happens after.

And I think part of that is reengagement into productivity and success because you know, I think our values align very, very clearly when we -- when we are asked a question of what do we want the most of the citizens of the state of Connecticut? We want them to be productive and we want them to be successful because that inures to all of our benefit.

REP. PORTER (94TH): Thank you and thank you for your responses. I mean I'm just finding it really interesting to follow this conversation, you know, where we're going with it. And I do agree that we wanna make sure that people that need protection are being protected. But we also need to make sure that people that need to work can work. Because that also benefits us and cuts down on recidivation and crime, right?

And I'm a sole believer that if you have been sentenced and it wasn't a life sentence, then you shouldn't come home and have to serve a life sentence. Everyone should have a chance, an equitable chance, which they don't.

And talk about being born? We're not born on a level playing field and I think that the people in
this room understand that, that there are some huge disparity, tremendous marginalization, disenfranchisement that go on, particularly with people of color.

And I mean just yesterday I was listening to a young man and he was saying that he was working but he was homeless because he had felonies and he couldn't afford the rent and food and all those kind of things.

So he was couch surfing and, you know, sleeping on park benches in this cold. But he was going to work every single day, you know. And when he was asked, "Well, why can't you get a better paying job?" He was educated. He had a college degree, he was articulate. I mean he -- you wouldn't have known it.

And he said, "Because I have felonies." And when the background check comes back, that's the end of it. My application goes in the garbage so it's more than anecdotal. I know people that are living this out loud every single day.

So thank you for speaking to that, I appreciate it.

Senator Miner.

SENATOR MINER (30TH): Thank you, Madam Chairman. So I wanna try and get the sequence straight in my head with regard to employment.

So if this were -- if there were passage of legislation that added discrimination of one's criminal history as a -- let me rephrase that. Added discrimination against someone based on their criminal history for purposes of not continuing employment once hired.
So I'm not permitted currently to ask the question. Under circumstances you've acknowledged that there should be kind of an exit opportunity if someone finds out or someone inquires if I've hired Representative Fishbein, if he has had some series of charges. And I've hired him to be in an employment situation of a sensitive population, how would someone be not found either civilly or -- or I guess criminally -- responsible for discriminating against Representative Fishbein once this passes?

STEVE HERNANDEZ: Well, you know, I think the sequence does matter and you know, I can -- I can only give you my advice based on my experience in this work and also just as a reasonable person who is thinking of both the potential employee but also the employer. And also the employment. Where it is that this person is being engaged to -- what it is this person is being engaged to do.

And you know, the discrimination happens -- it's discrimination if it's -- you know, discrimination is a word that neither has a negative or a positive connotation. It's a distinguishing. It's a setting apart.

And the setting apart can happen at various places. One, it can happen in an uniformed way at the beginning of the process if someone just knows that there's a conviction out there looming, right?

But then it can also happen in an informed way later on in the process if you learn that that conviction was for abusing a vulnerable populant, a financial crime for certain types of employment that you're gonna be engaging that person in or some other crime that would -- that should -- keep that person from working in this particular line of work.
So that's the type of discrimination is critical because you don't want folks who have been adjudicated of child molestation to work with children. You don't want people who have been adjudicated on financial crimes necessarily to work in a bank.

So that type of discrimination at that part of the road is probably appropriate. But in the beginning of the process, when you're just opening your door and saying, "Apply for this job and get a fair chance", that's where we're trying to eliminate the discrimination.

SENIOR MINER (30TH): Thank you, I -- we have that protection in place now. We have that protection in place now. You are already in violation of the law if you ask that question on an application. You're not allowed to ask that question until you've made someone an offer of a job.

STEVEN HERNANDEZ: Yep, yep.

SENIOR MINER (30TH): What I'm trying to get at here is the real life situation where I think you're testifying that it's okay. It's okay for me to reevaluate my position on Representative Fishbein and nothing's gonna happen.

But the real life situation is Representative Fishbein is gonna find an attorney and they're gonna bring a civil action against me. And when they bring a civil action against me, the first letter I get is gonna be, "This is gonna cost you 30 grand for you to get an attorney. You can either pay my client the fair piece or we'll go to court."

That's the seriousness about what we're doing here. And I do respect the fact that we need to provide
some pathway otherwise recidivism is a real possibility.

But I can guarantee you you're not gonna suggest that we should put any safeguards in here for the consequences that might inure to a landlord. Try that one on. Two family house, I'm not allowed to ask the person whether they have a serious felony arrest for a crime with a gun.

So now I've got this individual that I've now rented an apartment to with a, you know, a young family upstairs. Now is that a guarantee that that individual is gonna commit another crime? Absolutely not. But you know as well as I know what's gonna happen.

If something happens, the first thing that's gonna happen is the landlord, the property owner, is gonna get served and they are gonna go for the ride of their life.

STEVEN HERNANDEZ: Well, that's a really good -- that specific point is actually a resonant point with me because one of the things that was recommended as part of the consideration of the housing discrimination was to actually grant immunity to landlords in that very situation.

So that landlords aren't held responsible for what they can't control and couldn't know. They may know that there was a -- that there was a gun violation but they can't know that the person's gonna -- whether or not the person's gonna recommit. So you can't hold that landlord responsible and that's one of the recommendations that came out of the housing report.
REP. MINER (30TH): So if we were to move forward with legislation, that's something that you support?

STEVEN HERNANDEZ: That -- yes sir, yeah. Liability protection for landlords who act in good faith, 100 percent.

REP. MINER (30TH): So no matter what the criminal offense might have been, but you -- you point to the bank -- I would suggest to you that someone that operates a multimillion dollar gas station might have the same concern over someone's prior convictions for theft. Should be indemnification if an employer later finds out and discharges someone from employment? That they would not be subject to a civil penalty in those cases as well?

STEVEN HERNANDEZ: Well, it depends. You know, ultimately the responsibility for the crime is the responsibility of the person who's committed it. And whether it's a financial crime or -- but you know, back to the point of whether or not a landlord should be allowed to discriminate in certain cases -- I mean this isn't a blanket protection.

You know, I think if you are a landlord and you have someone living upstairs who's a child and the person who is applying for a job -- applying for housing on the first floor, for instance, has been adjudicated as someone who has harmed children in the past -- has been adjudicated for harming children -- then that person should probably not be allowed to live in that -- in that residence and the landlord should be protected there as well.

REP. MINER (30TH): And so just trying to narrow the field here, so someone who's been adjudicated for, you know, three felonies for armed robbery, that
would be all right if they were -- I mean they should have protection under the law?

STEVEN HERNANDEZ: Well, I'll tell you. If they've been adjudicated and they've served the time -- and they've served the time -- I wouldn't automatically bar them. Not if they've served the time.

Now if, you know, if that level of recidivism will probably have compounded -- compounded sentences and the like, you know, I'm not an expert in that part of the criminal law but if they have served -- if a person has served the time and there aren't other circumstances that lead that landlord or that employer to believe that that person is a risk to life or a risk to the financial liability based on the type of crime that was committed of a particular institution, then I think that, you know, this principle of nondiscrimination should hold throughout.

Now again, the protections for landlords are critical on the one hand we found and then this was based on a study of housing opportunity. So there may be -- there may be parallels to be drawn from that learning but for landlords, the protection was found to be important because a landlord shouldn't -- shouldn't have to second guess whether or not a person's gonna recidivate and should be protected from it if the person were to recidivate.

REP. MINER (30TH): Thank you and I, you know, as a member of this committee that worked hard, I think, to provide people that opportunity for a first chance. And I reached out to many of my constituents who got it. There's a distinction in my estimation between providing someone that opportunity, open the door I think is your term.
STEVE HERNANDEZ: Yes, sir.

REP. MINER (30TH): And then making someone civilly liable if after hiring they've decided that it's too big a risk. It's too heavy a lift.

And I'm not saying that there aren't circumstances where there probably are employment opportunities that that bar would have to be pretty high, right? I mean, you know, we had the -- I see folks here from the organized trades. I mean we had a conversation about, you know, what would the harm be with hiring someone who's a union carpenter to work on I-84 bridge job. I mean it seems to me that I couldn't almost imagine any conviction that should bar you from that opportunity. Yet we found out that frankly even the licensing in those cases is a problem.

And so I hear -- I hear what people are saying and I hear what you're saying. I'm trying to point out that this is kind of our one opportunity, the real life situation is good people are gonna get hurt. That's the problem. And if we don't do it the right way, in our effort to help people who need help, we're gonna -- we're gonna subject that other population to a lot of risk and that's what I wanna try and see if there's a way to limit here as we take this next step.

So thank you. Thank you, Madam Chairman.

STEVE HERNANDEZ: Thank you, sir and I appreciate you saying that about good people because you know, there -- in this -- in the trajectory of this work, you meet a lot of good people. And a lot of good people that I've had the honor of meeting in this particular work are the good people who, you know,
made a mistake. Committed a crime and have paid for that crime. And they wanna come out on the other side and they wanna stay good people.

So that's what we're here to support.

REP. PORTER (94TH): You must be reading my mind. Good people. We have good people on both sides of this equation. Any further questions or comments? Representative Smith.

REP. SMITH (108TH): Thank you, Madam Chair, the interesting -- the dialog has been interesting today, I'm glad I made it up here for this public hearing.

I agree with Senator Miner that's a -- it's a balancing act. It really is. You know, we had the conversation, similar conversation, in housing. I'm not sure if you sat in on that meeting or public hearing that we had in housing where they were trying to completely erase the criminal record after seven years or ten years.

Listen, it's a -- it's a delicate situation. It's been discussed here today and you think about -- you think about the youngster who has a felony conviction or had a felony conviction. He's probably now, you know, in his 50's but at the time, you know, possession of a certain amount of narcotic was -- was a felony and still can be in certain situations.

But he's never committed another crime, was 18 at the time, 19 at the time and now has to deal with that felony for the rest of his or her life.

So I understand where you're coming from, I understand the need to make sure that those people
who have committed a crime and served their time and done what they had to do -- you know, they do need help getting back in whether it's housing or whether it's employment.

But on the other hand, I'm one of those who thinks that we cannot erase the past. The past is the past and you know, there are consequences of the past. I don't think they should -- I don't think the consequence should be for life as our Chairman has indicated.

I don't know how we can really legislate discrimination, honestly. You testified in your -- in your speaking today about silent discrimination. In my mind, if somebody wishes to discriminate against another person based on whatever reason -- race, religion, whether you're a male or female -- they're going to do it despite what we put on the paper.

And there are ways to get around it. And I know this is just concept language and you know, there's gonna -- there'll be a bill that will be drafted but I don't know how we deal with that situation. I don't know how it really works in the real world, so to speak, because it's so difficult.

You know, you can look somebody right in the eye and they'll smile in your face and everything looks great and then -- "Well, I'm not gonna hire him", based on whatever reason. Or hire her based on whatever reason.

So how would we -- how's it going to work in practice if you can just answer that.

STEVE HERNANDEZ: Well, I'll tell you. One of -- one of the -- okay, I'm referring to the silent
discrimination. And I think -- I think you're right, that silent discrimination is one of those issues that I mean the level of ingenuity, I think, that we are capable of to discriminate -- in order to discriminate silently, is historically proved.

So I share with you that concern of how is it that you legislate against something that could be silent, that could be masked. But, you know, part of this process, this public process of having this conversation about, you know, people coming back and wanting to work. People coming back and wanting to be productive. People coming back and wanting a chance to live somewhere safe and secure.

Part of that is an education for folks who might be watching. Folks around this table who may be voting and deciding and folks who may be listening about the possibility of redemption.

And you know, there is an evolution, I think, in our thinking. You know, many years ago those of us who are Italian would not have been white. Or considered enfranchised. Those of us who are Jewish would not have been enfranchised. So discrimination has our notions of what the franchise is and what discrimination is and what's acceptable and what isn't has developed over time because of conversations like these. And because of, you know, rep -- leaders like you bringing up the complexity of that -- of that equation.

So all I can say is that I appreciate the opportunity to continue to have these discussions and continue to teach about things that happen quietly so that we can -- we can explore not only our worse natures but our better natures as well.
REP. SMITH (108TH): That was well said and --

STEVEN HERNANDEZ: I know I didn't answer your question, I'm -- [crosstalk].

REP. SMITH (108TH): No. Well, listen, you're not the first. [Laughter] But you know, you've answered it in many different ways so I'll leave it at that.

Listen, it's -- it's hard. You know, and discrimination flows from one segment in populous to another. Like you said, at one time it was the Irish and the Italians and people of color and -- and it keeps moving.

So we, you know, for some reason society finds a new target to go after and you know, I do -- I would love to be able to help those folks who wish to get back into the workplace and find a job and get good housing. And one thing I suggested to the Housing Committee was, you know, give a tax incentive to the landlords to those -- if you do rent to somebody who has a criminal history, a criminal record, give a tax incentive. You'd be surprised how many people might step forward and say, "Yeah, I'll take that incentive, I'll take that chance." Because there's a lot of people out there who have committed a crime and they're looking to do well. And will do well given the opportunity.

And I think we could do something as well on the employment end. Give the employer an incentive to do something. And I think that'll step us in the right direction.

So thank you for your dialog today and Madam Chair, thank you for the opportunity.
REP. PORTER (94TH): You're very welcome, Representative Smith, any further comments or questions for Mr. Hernandez? All right, seeing none, thank you very much, Steve, for taking the time to testify today. Appreciate it.

So at this time, because I know you all know that this is a public safety issue we have going on in this room right now, we are going to be moving to room 2-D. So we're gonna recess and we're gonna take 15 minutes so that the Clerk and her assistant can get the room set up and we will see you there. And Neil O'Leary, you are up next. You're welcome.

MAYOR NEIL O'LEARY: Good afternoon and thank you, it's an honor to be here with all of you and my name's Neal O'Leary, I'm the Mayor of the city of Waterbury and the current president of the Connecticut Conference of Municipalities.

With us here today is Phil Delong who is also the CEO and we have a variety of people from the labor side. We have -- well, let's start out with Mayor Ellen Zoppo-Sassu from the Town of Bristol. And we have Nick Lukiowsky, President of the Waterbury Police Union. Florencio Cotto, President of New Haven PD union. Sarah Cupiro from AFSCME Council 4. Rick Hart from UPFFA. Chief John Oates, East Hartford Fire Department. Troy Anderson and Andy Matthews, Connecticut State Police.

We're here to put in some language regarding Senate Bill 164 which is AN ACT INCLUDING MENTAL OR EMOTIONAL IMPAIRMENTS WITHIN THE DEFINITION OF "PERSONAL INJURY" UNDER THE WORKERS' COMPENSATION STATUTES.
The bill would expand workmen's compensation coverage for fire fighters and police officers in certain situations that result in mental or emotional impairment.

CCM encourages efforts that will assist our first responders dealing with mental health issues. In the past, CCM has raised concerns over similar proposals that would expand coverage under the workman's compensation. Some of those concerns still remain with the bill as drafted.

In order to best address this issue, CCM has collaborated with a group of interested stakeholders comprised of municipal officials along with fire and police employee groups such as the folks that are here today.

We have had active discussions which are leading to the development of a collaborative legislative proposal to assist first responders suffering with mental health issues.

We are optimistic through this thoughtful and cooperative dialog that meaningful public policy will be created. We have obtained the services of an out-of-state consultant that has worked on this issue in several other states to facilitate the discussions as well as assist in drafting legislative language.

The conversations have taken place over the last seven months and have been extremely productive. These discussions have included a holistic approach towards providing our first responders with the necessary awareness, treatment and coverage for mental health illnesses.
Our conversations have included a review of prevention and treatment models currently employed along with the methods, cost and specific criteria for coverage. Specifically, this has included the exploration of whether the workmen's compensation insurance system or another method could be employed to assist our first responders.

We are hopeful to have a final project -- excuse me, product -- for legislative review in the up and coming weeks. CCM is encouraged by the manner and nature that each stakeholder group has conducted itself. Our considerations have been absent of political ideology and have focused on the greater good of our first responders along with the property taxpayers of the state of Connecticut.

We'll continue to pursue this endeavor until we have a workable solution for all parties involved. CCM with the support of our partners look forward to delivering a final compromised proposal as an amendment to Senate Bill 164 to the committee for your consideration.

On a personal note, I think at least some of you may know that I was a police officer for over 30 years and the last seven years as Chief. I have had issues with previous legislation that's been proposed, certainly recognizing the need to take care of our employees who suffer from what we call PTSD instead of the disorder, we call it PT -- and injury. Post-Traumatic Stress Injury.

After several years of going back and forth on this issue and help from many of you, you know, we finally -- Peter Corozis [phonetic], as you probably all know from the fire side -- and I sat together and put together this great group of individuals who
have met several times a month over the last seven months and we've really ironed out a lot of our concerns and there's been a lot of give and take on both sides.

It's our hope and wish that we can address this issue and take care of those who need to be taken care of through legislation that makes sense not only, of course, for our employees but also for the taxpayers here in the state of Connecticut.

And I'm really proud of this group, they really work really hard together and put together -- or put aside some differences and ideologies that I mentioned for the greater good.

So I'll be happy to answer any questions.

REP. PORTER (94TH): Thank you. Any questions or comments from the committee? All right, well I will ask you to do this since you guys came up to the round table, just go one-by-one and just give us your name, just an introduction of who you are, please. Thank you.

FLORENCIO COTTO: Florencio Cotto, New Haven Police Union.

NICHOLAS LUKIWSKY: Nicholas Lukiwsky, President of the Waterbury Police Union.

DEREK PUORRO: Derek Puorro, Middletown Police Union and AFSCME Council for Public Safety.

RICK HART: Rick Hart, Uniformed Professional Fire Fighters Association of Connecticut.

JOHN CASTILINE: John Castiline, President of Connecticut State Police Union.
ANDY MATTHEWS: Andy Matthews, Executive Director, Connecticut State Police Union.

TROY ANDERSON: Troy Anderson, Connecticut State Police Union.

JOHN OATS: John Oats, Fire Chief, East Hartford.

REP. PORTER (94TH): Yes, thank you so much, I'm gonna let Senator Kushner make some comments.

SENATOR KUSHNER (24TH): As we were talking about this bill and whether to have a public hearing on it, I think a lot of us became more aware of some of the issues that you all face in the front lines and just wanted to make note of my appreciation of the work that you do every day and toll it takes on everyone that serves our communities.

And I also want to thank you, Mayor, for bringing this group together and being in a position where I think you've made our work a lot easier today in seeing that we have some good opportunities to do something that will be applauded by all sides.

Thank you very much.

MAYOR NEIL O'LEARY: Thank you, Senator.

REP. PORTER (94TH): And I'll just go ahead and echo that. Thank you all so much for the commitment and the work that you've put into this and I do believe it's gonna make our job a lot easier when we go to craft this language.

So thank you and thank you for your leadership, Mayor.

MAYOR NEIL O'LEARY: Thank you. We're very much looking forward to working with you.
REP. PORTER (94TH): All right, thank you. And at this time, we're gonna start rotating -- or alternating -- between the official list and the public list. And next up we have Kenneth Selling. Good afternoon, Mr. Selling. I'm sorry, can you just turn your mic on, please? Is that -- there you go.

KENNETH SELLING: Ah, excuse me. Good afternoon, Madam Chairman, Senators and Representatives. I'm a worker at a shipping company and I'm here and grateful today to give you a background on proposed bill 6916. This is my first time ever testifying anywhere so I hope you will forgive me if I'm rough cut and not particularly well -- well-experienced at this.

Bill 6916 is about delays in the workers' compensation system. I was injured seriously in 2009. As a result of surgery, I experienced some serious side effects which occurred and which I'm still dealing with on a regular basis. It is likely I will be fully disabled at some point. It's been slow in coming but probably in the next year. Surgery will then happen at that point, perhaps.

During the course of the past ten years, I've had a lot of experience with the workers' comp system. So much so that I gradually began to study it including what's working and also what's not working in the system.

In addition, I also began to pay very close attention to the workers' comp cases of my fellow coworkers who are injured on a not infrequent basis. And as a result of my experiencing system, they have begun to seek my counsel out.
When I give them the little information I have, I take careful note of their cases and also I watch what's happening to them.

I'd like to address what I've been learning. I understand that this bill faltered in half sessions out of concern for costs to the state. But today I'd like to address that and give you a chance to hear what's actually happening as a workers' comp patient.

My experience -- intentional and unnecessary delays are one of the biggest problems facing injured workers. Why? In the past ten years, I've been to 30 workers' compensation hearings. That's not 13, that's 30 as in three-zero.

For each one of these, I've traveled about an hour-and-a-half round trip to Hartford and I sat for the traditional one-and-a-half hour delay before my hearing starts. Patently.

I've complied with everything that the workers' comp commissioner has asked me to provide and have raised a number of eyebrows on the part of various commissioners over this time by being very well-prepared with all of the documentation they request.

I've been told that my case is totally routine. The company agreed that the injury happened at work. I've been to their doctors, not mine, and I've followed their instructions to the letter and there have been no disputes as to whether I'm going to MDs who they approve of and also there's been no real disputes about the recommended treatment to the -- to me.

REP. PORTER (94TH): Mr. Selling? I hate to interrupt you but you have three minutes, the timer
went off about 30 seconds ago so I need you to summarize for me, okay?

KENNETH SELLING: Okay.

REP. PORTER (94TH): Thank you.

KENNETH SELLING: Thank you. I wanted to -- I will tell you that in every single time I've been, generally the Workers' Comp Commissioner orders something done but because there's a set of three different types of hearings, informal pre-formal and formal hearings, the Commissioner has absolutely no authority to compel the insurance company to do anything in the first two of those types of hearings.

The workers' comp commission orders the care -- nothing happens. Three months passed, I return to the commission, having waited for another hearing. The commissioner threatens a pre-formal hearing and sometimes we wait another two to three months and repeat this battle.

I want to tell you, Madam Chairman and Senators --

REP. PORTER (94TH): Quickly, lease.

KENNETH SELLING: Certainly. The commissioners don't want to annoy the other attorneys there by finding their clients unnecessarily for delay. And they don't wanna hold formal hearings because they take too long.

But the result of all this is very demoralizing. It ends up cost shifting expenses for many clients off of the backs of workers' compensation onto Medicare, HUSKY and the AccessHealthCT exchanges. It ends up causing many of my coworkers to give up and wash out of workers' comp system and just put the money --
put costs through on their insurance which is more than often Medicaid.

REP. PORTER (94TH): Okay, Mr. Selling. We're gonna have to ask you to conclude in like 30 seconds.

KENNETH SELLING: I will do so, Madam Chairman.

REP. PORTER (94TH): Thank you.

KENNETH SELLING: Thank you. I also invite any questions that anyone in this committee will have by saying that I'm aware that there are substantial savings and bonuses paid to claims reps at the large companies for specifically delaying cases.

And this results in injured workers staying injured, workers not fully recovering and washing out of the workers' comp system. Most notably you pay for workers' comp hearings.

REP. PORTER (94TH): Thank you. Thank you, Mr. Selling. Any comments or questions from the committee? Yes, Representative Smith.

REP. SMITH (108TH): Thank you, Madam Chair and sir, thank you for coming up here to testify. I understand it's your first time, you did quite well. Three minutes goes by quickly and you prepared so much, though.

I sense your frustration. I have frustration, too, I've been on this committee probably too long now, but it's been a while. And I've been hearing this argument over and over and arguing. That is they only give me 30 seconds when I speak. [Laughing]

KENNETH SELLING: You did well.

REP. SMITH (108TH): Thank you. But I think the committee should take -- and I know there's other
people that are gonna testify, I believe, on this bill. We've been hearing this over and over and over for the past several years about the delays.

We had a commissioner come through a judiciary committee the other day and I asked her what she saw as the problems with workers' comp and she was new to the commissioner's office so she really -- it was probably the wrong person to ask but I was trying to get into this problem that we've been hearing here. So I hope there are some other folks testifying from the workers' comp and we can delve into what's -- what's the problem, why are we continuing to have this problem and why are our workers, who should be back at work being delayed in their pursuit of that.

So I just want to thank you for testifying. We're aware of the issue, I agree with you that we haven't done much to resolve it and perhaps maybe this year we will. Thank you.

KENNETH SELLING: I have a couple of answers to some of the questions as to why it's happening. Just from my limited perspective but also from talking to people who actually work at one of the big workers' comp companies and who've washed out of there in disgust.

My indirect interviews with them are unofficial but they've been eye-opening. If you would like me to at any point, I'd be happy to briefly address it.

REP. SMITH (108TH): Madam Chair, I'll leave it up to you. I mean we've heard -- you're here to testify so if you could be brief on this, as you can see, there's a room filled with people.

KENNETH SELLING: Yes. Should I briefly address that, Madam Chairman?
REP. PORTER (94TH): Yes, please, briefly.

KENNETH SELLING: These large insurance companies and I'm told they're all largely the same in their practices, pay substantial incentive bonuses to claims reps to deny claims which are not necessarily denied but delayed.

Those incentives mean delay and this is the key answer to the question. Delay is a major profit center in large workers' comp insurance companies. By profit center I mean it is a substantial portion of the money that they make each year. That is being made on the back of this commission -- this committee -- and it's also being made on the back of workers. Not in some abstract way, it's causing many more hearings to occur.

For example, I've been to 30 hearings, most of which we've won. In fact, every single time I eventually win. I've never lost a hearing once in ten years. It's just that the delays keep continuing so it takes two or three hearings to get any service that the company doctors themselves have ordered.

It's my opinion that the workers' comp commissioners are as frustrated by these delays if not more so than the patients who they see. And I've even been told personally by a workers' comp commissioner before he retired, "If this delay comes any more, I want you to come down here with your attorney right away and speak to me in person and I will insist on expediting a formal hearing just on this case. Do you promise you will come and do that?" I promised.

I can assure you, though, the vast majority of workers don't have the time or the stomach for a ten-year battle like I have. And while I mean if
you notice tenacious, I can assure you that the vast majority of people I know in the company I work for experience such frustration that they give up. They either don't get treatment, which is actually quite common. Several people who've left the company injured as a result or they simply put it on the back of HUSKY or the AccessHealthCT exchanges.

Are there any other questions I could answer for you about my own experience?

REP. PORTER (94TH): Representative Winkler?

REP. WINKLER (56TH): Going way back to the beginning, way back. The very first medical report you filed for a medical review team.

KENNETH SELLING: Yes.

REP. WINKLER (56TH): Were you granted or denied?

KENNETH SELLING: We're talking about way back to an ark, right? I believe that the initial report that we filed with a workers' comp commission was not denied although we had to go to a pre-formal hearing to get it approved.

REP. WINKLER (56TH): Gotcha. I have been told that nobody gets approved initially, partially because the -- not enough doctors are hired to review all of the medical reports in a timely fashion which we had decided was 30 days the last time I checked.

KENNETH SELLING: Yes.

REP. WINKLER (56TH): But that's just something I've been told. Have you ever experienced being hung up between insurances? That is workers' comp says, "That's not a bill we should pay." The private
insurance company says, "That's a bill workers' comp should pay."

KENNETH SELLING: Representative Winkler, I usually sleep well at night. When I don't, that exact problem has been what has kept me tossing and turning at night. Yes. My insurance refuses to cover costs that they feel should be covered appropriately by workers' comp. I have done my level best not only to be honest with them but to give them every piece of paper so that they can form their opinion on that.

Representative Winkler, this is a battle that my insurance company gets gray hairs over.

REP. WINKLER (56TH): During those struggles between insurance companies, have you ever gotten a letter from a credit agency saying that your doctor is, you know, going after you for the bill?

KENNETH SELLING: No, but the reason is that I go in and talk to my doctor's billing specialists, make them -- make myself known to them to the extent that I'm on a first-name basis with them and have been told by one specialist at the orthopedist practice that initially treated me, "Don't you worry, we're never gonna hurt you, we know you're fighting."

And this was from somebody who doesn't generally ever speak to patients because she's in the back room fighting with insurance companies.

So no, I have not received that although I'm sure that I would have if I had not gone in and made those meetings with her happen.

REP. WINKLER (56TH): The problem is that this problem causes the state to pay more money because
union leaders such as I, once upon a time, always told our members, "Make sure the bill is -- you're always file an incident report immediately. But you wait to file the claim until the bill has been paid by your private insurer. Otherwise you'll get hung up, you'll get dunning messages, your credit rating will be harmed, etcetera, etcetera, etcetera."

If it was clarified who should have to pay the bill, then I think the state could save some money because I think more often the private insurance company would have to pay. Personal opinion.

Thank you. Thank you, Madam Chairman.

KENNETH SELLING: Representative Winkler, I not only agree with you but I'm not sure that we've fully come to terms with the staggering number which represents the amount of benefits that are being unreasonably cost shifted off of workers' comp.

In this small state, I understand that a UCONN Business School study that was done about three or four years ago concluded we're talking about tens of millions of dollars and over several years, hundreds of millions.

When I first heard that I thought that has to be an exaggeration with an exaggerated numbers. But I've done lots of extrapolation on my own case and I've begun to think that those numbers might be just a bit small. So in other words, we're talking about cost shifting onto the backs of state budgets that is staggeringly large.

I only fear that I haven't had the time to go and do that kind of study work myself because while this wasn't my chosen issue, I'd like to think of myself as an environmentalist. This is to calm my issue
out of necessity. And it's been very humbling. It's been one that has taken a tremendous toll on me personally and emotionally.

And I have to say that inside the workers' comp sketches, there's a long list of different conditions that are covered or not and Senators and Representatives, next to each of those is a list of whether it's compensable or not.

I went to the UCONN Law Library, pulled the book out on this particular -- on workers' comp and browsed most of it. It was a long process and I went through that list and I noticed under mental conditions, there's a list -- there's a condition called compensation neurosis. It is actually defined by the psychological community as neurosis developed through the stress of going through the workers' compensation process.

Next to that particular condition listed in the law is the words not compensable. You lose an arm, yes it is compensable. But you don't get compensated for the challenges and the emotional stress of going through the system.

But are there any other questions about my particular experience and issues with the commissioners, etcetera?

REP. PORTER (94TH): Well, seeing none, I just wanna thank you for coming in and having the intestinal fortitude to sit and share what you're going through. I can imagine it is -- it has been traumatic and painful emotionally, physically and other ways, I'm sure.

But thank you for coming in and giving us your testimony. You did great on your first go-around.
I hope this won't be the last time we see you. I'm sure you have much more that you could enlighten us with but I do wanna thank you for taking the time to be here today and for sharing your story and putting a voice and a face to this issue. Something tangible.

So thank you, Mr. Selling, you have a good afternoon.

KENNETH SELLING: Thank you very much, Madam Chairman, Senators and Representatives.


REP. LANOUE (45TH): Thank you, Madam Chair, ranking members, members of the committee. I'm Brian Lanoue, Representative from the 45th district. Some of the towns in eastern Connecticut.

I'm here to speak about bill 6916. I have a constituent with me, one of the finest among us in society. He was a fire fighter for 23 years, running into burning buildings while the rest of us are running out.

He was hurt on a job, injured. Went to his doctor originally. The doctor said he needed surgery and took 14 months of suffering and pain before he got his surgery and he is still tied up in the bureaucracy of being made whole.

He earned the right to be here a lot more than I have so I'm gonna turn over the microphone to Mr. Mark Wickerd, a great guy, to tell his story.
REP. PORTER (94TH): Good afternoon, Mr. Mark. If you could just give us the correct spelling of your last name for the record, please.

MARK WICKERD: It's W-I-C-K-E-R-D.

REP. PORTER (94TH): Thank you, you may proceed.

MARK WICKERD: Thank you for allowing me to talk. I've been a fire fighter most of my life. I started as a volunteer with the Old Mystic Fire Department when I was 15 years old.

I have been with the city of Groton Fire Department as a career fire fighter for the last 22-1/2 years. I've had several injuries while working and most of them I've had to hire an attorney to deal with the insurance company.

In June of 2016 while working with the City of Groton, my left leg got hung up under a five-inch supply line. I fell over the top, injuring -- injuring my left knee. It was a witnessed injury and I followed all the procedures that I was supposed to follow. Because my supervisor worded his story a little bit differently than the doctor -- I told the same story, they wrote it down differently -- workers' comp denied my claim.

Sorry.

REP. PORTER (94TH): That's all right, take your time, sir.

MATTHEW WICKERD: Because of the current laws and procedures, workers' -- workers' compensation delayed a simple ACL surgery for 15 months [paused] as I was forced to work on an injured knee or lose my job, I'd rather the knee be unrepaired.
This has changed my life forever. I was forced to have a total knee replacement or live in a brace for the rest of my life. The insurance company is now challenging the total knee replacement.

They continue their delays, have not paid me since December. The insurance companies use a system to delay in order to save themselves money at the expense of the injured.

Because the insurance company is allowed to delay the injury which I sustained couldn't be corrected. [Crying] With denying me surgery has become a lifetime of disability for me.

I'd like to know how much the insurance company saved -- saved my life, my normal life, what I'm asked to live with. This happens to a lot of people and it's tough. It needs to stop.

REP. PORTER (94TH): Thank -- thank you so much for your testimony and -- and I have to say that I am so sorry that that happened to you. It definitely could have been prevented from what you've just shared with us. And you're right, it happens to a lot of people and I believe that's why it's so important that this bill is before us. And your testimony is important.

Like I told the other -- Mr. Selling, you know, you guys come in and you share your story, there's power in that because you put a voice and face to what's on this paper. You make it tangible. You make it touchable. And you changed the mindsets of people that might not necessarily agree that this is an issue.

I mean and I don't know who could listen to what you just shared with us and not know beyond a shadow of
a doubt that not only is it an issue, it is a life-threatening issue because I know people that have actually lost their life behind things that you've just described. Not to lessen anything that you've been through because that is tremendously impairing.

And I do, I sympathize with you. I empathize with you and I just sincerely thank you from the bottom of my heart for having the courage to come in and share this story with us.

Any comments or questions from anyone on the committee? Yes, Senator Miner?

SENATOR MINER (30TH): Thank you, Madam Chairman, and I also want to thank you for coming today. We have heard these stories probably for five or six years at least in one variation or the other. And I must confess, I'm still not knowledgeable enough in all the facets of workers' comp so I do have a couple questions.

MATTHEW WICKERD: Sure.

SENATOR MINER (30TH): So I can only imagine that you had some health insurance.

MATTHEW WICKERD: I have -- I had great coverage.

SENATOR MINER (30TH): I mean initially and so my question for you, Madam Chairman, is if you -- if you chose to have your knee fixed, the ACL, was there something that led you to believe that the workers' comp claim you might have would be dismissed because you actually went to a different insurance company for that repair?

And I'm not faulting you for it, I just wanna understand.
MATTHEW WICKERD: Now here's the deal on that. Because this came up in a deposition where I was grilled for four-and-a-half hours. I'm just telling it, that's what they do. They put me through a four-and-a-half hour hell asking me questions and saying, "Why didn't you go through your insurance company?" "Why don't you do this?"

And I -- I told them, I didn't want to complicate because it's a workers' comp injury. I don't wanna complicate the insurances by going through my Blue Cross when it's a workers' comp injury.

And they said -- they pushed me [crosstalk].

SENATOR MINER (30TH): That's fair enough. I mean I think that's -- I think that is something that people might consider.

MATTHEW WICKERD: But please understand this. Now that I needed a total knee replacement, I decided I would go through -- because they're contesting it -- I decided I needed to get out of pain so I had it gone through my regular insurance.

You know they're using that now to contest whether or not I actually needed it or not. So they use both sides of the table depending on what they want to use it for, that's what they do. [Crosstalk] Whatever chair they're sitting in is how they see it.

SENATOR MINER (30TH): Thank you and that's what I wanted to try and get clear in my head. So it seems based on what you're saying there may have been an option. And if you would expose yourself to that option, there was reason to believe that you would have gotten a denial on the workers' comp side.
MATTHEW WICKERD: Yes, sir.

SENATOR MINER (30TH): And so living with a little bit of pain, or a lot of pain -- I think my wife had her ACL done -- was not an easy decision yet it was one you felt you had to make and then when you finally got to the point where it still hadn't been -- they had not concurred that it was a workers' comp compensable injury, at that point, with a knee replacement, which I don't know anybody that does that willy-nilly. Because I know many people that have had them.

Now that's being used as some type of specification that it's no longer workers' comp.

MATTHEW WICKERD: What you need to -- what you need to understand, too, is through the workers' comp system, okay, I decide to go through my -- through my Blue Cross/Blue Shield to have an ACL done.

Okay, the recovery time, especially for my job, if I was sitting at a desk it would be different. But because of my job, the recovery time is almost a year by the time you finish the rehab and recovery.

So within that years' time, I'm not on workers' comp. I'd lose my job. So the only other option I have other than losing my house, my job and everything, is to throw on a brace and I went back to work. And I worked on an injured knee for 15 months until they -- and like the last I said, what they do is even when you're ordered to do something, after they move, they still delay.

They were ordered in April to allow me to have the surgery. They didn't okay that surgery until August. [Crosstalk]
SENATOR MINER (30TH): Again, I thank you for telling your story, like Madam Chairman said. I mean we -- we have no other means of understanding some of these problems other than to have people come and testify and I do appreciate that you came out and I am sorry that this has not worked itself out for you even to this day.

MATTHEW WICKERD: They have another hearing [crosstalk].

SENATOR MINER (30TH): All right.

REP. PORTER (94TH): Senator Kushner.

SENATOR KUSHNER (24TH): I think what's so compelling about your story is that you served our community [coughing in background] you went back to work as a fire fighter with the public and that's very compelling.

And so I think it's really important that you testified here today because I know it had an impact on all of us who are sitting here. I think that it also reminds us that there's a lot of people out there that have had the same experience that may not have as -- as an obviously compelling story but just as importantly their life has been changed and so thank you for testifying.

REP. PORTER (94TH): Yes, Representative Pheanious?

REP. PHEANIOUS (53RD): I would only add my appreciation along with the others for the courage it took to come up here and share your story for you to know how much it means to us to have that information and to recognize that in larger systems -- I know in Medicare there was a similar situation
where people are routinely denied and will die out of worry. And then they are no longer a claim.

So this is not the only system in which that has an issue and maybe we should look at some liability on the -- on the part of those who inadvertently or intentionally delay a process.

So you certainly have touched my heart with your testimony and [crosstalk].

MATTHEW WICKERD: There's nothing you can do at this point. They can do this, they can get away with it. They can’t do anything.

REP. PHEANIOUS (53RD): Thank you, sir.

REP. PORTER (53RD): I like that, Representative Wilson-Pheanious, we will see. We will see. Thank you so much. All right, have a blessed day. [Crosstalk] Thank you.


Good afternoon. If you could just please turn the mic on. Thank you and just introduce yourself since we didn't announce your name, please.

ATTORNEY DANIEL SKURET: Good afternoon, Madam Chair and the distinguished members of the committee. My name's Attorney Dan Skuret, III. I practice law mainly doing workers' compensation law in the city of Ansonia in the lower Naugatuck Valley.

Here with me today is Susan DeRosa, she's a single mother of four children who has been adversely
affected by the unreasonable and undue delays of the workers' compensation insurance company and handling her workers' compensation plan.

I'd like to thank you for the opportunity to be able to address you today and provide testimony for the House Bill 6916 this morning.

I think it's very important that this bill goes forward. It supplies a very important layer of protection for injured workers that are going through the workers' compensation system. And it also is gonna act as a deterrent. It prevents the undue delays and unjustifiable delays in regard to medical treatment and in providing weekly benefit checks to the injured employees while they are out on workers' compensation.

And now I'm gonna turn the mic over to Ms. Susan DeRosa who will tell you her story about how she has been adversely affected by the workers' compensation insurance.

SUSAN DEROSA: Thank you, Madam Chairman and thank you to the distinguished members of the committee.

I am a single mother of four children. I have always worked hard my entire life. I've struggled but I've always managed to be able to support my children and myself.

Due to the negligent accident, I was injured at work. The injury was so severe that I was disabled for life and will never be able to work ever again.

As much as this has killed me, I have to rely on workers' compensation to pay me so that I can try to make ends meet. Unfortunately workers' comp is not doing what they're supposed to do.
For the past four-and-a-half years, it's been one problem after the next. Workers' comp has routinely been late in payments. I've gone as long as two months with no check. I will go a week or two without a payment on a regular basis.

When this is the only means of support, it's imperative to receive a check on time every week. This is not just a random thing that only happens once or twice. This type of thing happens all the time and I'm not with just one gesture but all of them.

I've called the -- I've called the policy every year. Every year payments stop coming around the holidays. So it could come, you know, it would stop September, then would start back up after a hearing. An emergency hearing.

Then it would stop again during Thanksgiving and would start back up again. It would stop for Christmas for several weeks. And it could be all the way up until three months.

They would claim that the checks had been sent but nothing has ever arrived. In order to get paid, I would have to get my attorney involved which, of course, costs me more money. It would take repeated calls from the attorney as his calls and messages were often ignored. It would take having to schedule an emergency meeting with the workers' comp commissioner, some of the meetings resulted in very minimal penalties while the others resulted in nothing.

Even with penalties being assessed, the behavior continues. Here are some problems that their payment policy has created for me.
My home was about to go into foreclosure and is currently still behind. My power has been shut off. My youngest child at the time was nine months old. I've had to go to diaper banks for diapers and I also had to go to food -- for food.

I've also had to wait for approval from specialists for medication. Also to be approved for MRI injections, CT scans and had to wait several months for audit approval.

I've also had older children, not just my nine-month-old. My internet was shut off which affected my children's ability to complete their homework assignments, research and any kind of schoolwork that they needed to do.

I've also had to apply for energy assistance but I can only receive help with home heating oil. And my car was repossessed. I'm seeing a strong mother and strong old mother, I've never had to ask to borrow from anybody. And I have to borrow money from friends and family.

But most of all, the delay in payment, the delay in their approvals have also caused me a lot of anxiety depression and it also has made me feel as a failure to my children, not being able to support them.

I'm asking that you please seriously look into this bill and help protect us injured workers. We did not ask to be here. We did not ask to be injured but we do ask to be protected by these large insurance companies that are refusing to give us approvals or even time of [Inaudible 00:43:06].

REP. PORTER (94TH): Thank you. Any comments or questions from the committee? Representative Smith?
REP. SMITH (108TH): Thank you, Madam Chair. And ma'am, thank you for testifying today and sharing your story. I'm gonna ask your counsel if you mind sharing some questions.

So how long have you been practicing workers' comp?

ATTORNEY DANIEL SKURET: I'm in the 24th year of practicing workers' comp.

REP. SMITH (108TH): If you could step closer to the mic.

ATTORNEY DANIEL SKURET: Oh yeah. I'm in my 24th year of practicing workers' compensation.

REP. SMITH (108TH): Is that a primary practice of - - of yours?

ATTORNEY DANIEL SKURET: Yes it is.

REP. SMITH (108TH): Okay. Is there a procedure like we have in civil court where if somebody does not comply with the rulings of the commissioner, they can be held in contempt and fined?

ATTORNEY DANIEL SKURET: In the workers' compensation system there is. But the penalties can only be as high as $1,000 dollars per penalty.

I've had cases in which I handled where they've had delays in payment for months and months and months and during those delays in payments, they also weren't approving prescription medication and the person didn't have any money to buy it because they didn't receive their weekly workers' compensation checks.

And getting the maximum penalty says absolutely nothing in deterring the insurance carrier from what they're doing. The only thing that will do that is

REP. SMITH (108TH): So is that currently allowable or is it prohibited by statute?

ATTORNEY DANIEL SKURET: It's prohibited by way of there's a case that came out in 2005 called the DeOliverio v Liberty Mutual Insurance Company. In that particular decision, they made it impossible for you to bring any third-party claim against the insurance carrier and it immunizes the insurance carrier or third-party provider from any liability at all for suits underneath the Connecticut Unfair Trade Practices Insurance Practices Act.

Prior to 2005, that was -- we didn't believe that was the case. And prior to 2005, when these things would happen I would do a long detailed letter going out to the insurance company, the supervisor, the manager, whoever I can send it to. And usually those detailed letters outlining the undue delays in a reasonable contest and indicating to them if it's not corrected immediately suit will be instituted underneath the Connecticut Unfair Insurance Practices Act. And the Unfair Trade Practices Act. Nine of out ten times, those got resolved.

And after 2005, the exact opposite happened. I don't know what happens with those letters but I think they wind up in the circular file. They don't take it seriously because they know they could only be penalized ordinarily only a couple hundred dollars by the commissioner for these violations.

And as you heard the testimony from Ms. DeRosa, these violations have seriously affected her more
than just the simple $100 dollar, $200 dollar, $500 dollar penalty. It doesn't act as any deterrent at all for the acts and behavior and they continue on and on and on.

REP. SMITH (108TH): So if the committee were to consider a per diem fine. Pick a number up to $500 dollars a day that gives the commissioner discretion to fine someone if they fail to comply with his or her rulings. How do you think that would play out?

ATTORNEY DANIEL SKURET: I don't think that it would play out the same way as approval and pushing forth this legislation 6916. I don't think that the penalties would be significant enough in order to deter them from doing what they do on a consistent basis.

REP. SMITH (108TH): And your reason for that is because they're -- I don't wanna put words in your mouth but you know, it's a large insurance company, if it's a $30,000 dollar fine or a $20,000 dollar fine or a $5,000 dollar fine, it'd just be the cost of doing business for them?

ATTORNEY DANIEL SKURET: That's what it appears to be underneath the current system with only up to a maximum of a thousand dollars per penalty, it's doing absolutely nothing.

REP. SMITH (108TH): And the current legislation would keep you relieved how so?

ATTORNEY DANIEL SKURET: It would give us the relief by way of being able to bring the third-party action into the superior court in order to get the right amount of damages for how the individual has been affected, such as Mrs. DeRosa who has her car repossessed. They can't give, in the workers'
compensation system, they can't give her her car back. They can't give her her credit back.

REP. SMITH (108TH): And if you were to -- if we were to pass this legislation and it became law, is there a provision in here that would allow -- or is there a provision in the Unfair Insurance Practices Act for a claim that would allow you to recover your legal fees?

ATTORNEY DANIEL SKURET: Yes there is.

REP. SMITH (108TH): All right, thank you. Thank you, Madam Chair.


REP. WILSON-PHEANIOUS (53RD): Yes, I just wondered if in your 24 years of experience, how egregious are the practices that you're complaining about with this fine lady?

ATTORNEY DANIEL SKURET: How egregious are they?

REP. WILSON-PHEANIOUS (53RD): Yeah, does this happen a lot?

ATTORNEY DANIEL SKURET: I can give you an example. This morning I went down over to the workers' compensation commission in Waterbury and the sole issue was delay in temporary total disability payments which were the weekly payments for the individual. And that particular individual was, as of today's date, hadn't received a check in over six weeks.

And the prior hearing we had which was only four weeks ago was for the same issue and prior to that it was another six weeks that the individual didn't
get payments. And this was a single mother with children couldn't make the payments for regular bills, couldn't buy food for the children and it just so happened it happens around Christmas time.

And it is very prevalent, especially after the DeOliveira decision, my worst case that I had was in 2006, one year after that decision where an individual with approximately three, three-and-a-half years had their benefits delayed. They didn't receive checks for months and months on a consistent basis.

And they were prescribed different types of medications which included Lyrica. And Lyrica specifically says that you can't just stop the medication, you're supposed to wean off that medication and this individual did not get the approval for that particular medication from the insurance company and because they weren't paying him his checks, he couldn't buy the medication on his own.

And he had severe anxiety of his own because he was afraid he was gonna have seizures and adverse effects from stopping this medication so quick.

REP. WILSON-PHEANIOUS (53RD): So if I'm correct, having the option of being able to see private would also give you access to punitive damages and consequential damages, would it not?

ATTORNEY DANIEL SKURET: That is correct and it acts as a major deterrent to the insurance company. As I said prior to 2005 I know that ten of these cases got resolved without having to institute a third party action because of the directive of having a third party sue for punitive damages.
REP. WILSON-PHEANIOUS (53RD): Yes, I understand that. And you probably had the citation for the DeOliveira case somewhere. I just -- I don't think that we need it, I can get that from you later, but.


REP. WILSON-PHEANIOUS (53RD): Okay, thank you.

REP. PORTER (94TH): Thank you. Any further comments or questions? All right, well I just wanna say thank you for coming in and testifying and sharing this story today. You've heard it said before and I believe I'll say it to everyone that has the courage to come before us and do what you've done. Because it takes a lot of courage to sit in front of a roomful of people that you don't know and actually share that kind of intimate, you know, details about what you're going through.

And I can so relate in so many ways. And we are listening. And it is very disheartening to me that this is happening to people and we do need to figure out what we're gonna do about it and it needs to be done now. So thank you.

SUSAN DEROSA: Thank you.

REP. PORTER (94TH): You're welcome.

ATTORNEY DANIEL SKURET: Thank you.


REP. JOHNSON (49TH): Good afternoon, Madam Chair. Thank you -- thank you so much. Good afternoon
I wanted to thank you so much for hearing House Bill 6916, AN ACT EXPANDING REMEDIES AND POTENTIAL LIABILITIES FOR UNREASONABLY CONTESTED OR DELAYED WORKERS COMPENSATION CLAIMS.

I just also wanted to say that after looking at the bills today, I also support Senate Bill 164, AN ACT INCLUDING CERTAIN MENTAL OR EMOTIONAL IMPAIRMENTS IF WITHIN THE DEFINITION OF PERSONAL INJURY UNDER THE WORKERS' COMPENSATION STATUTE and House Bill 5883, AN ACT REQUIRING WORKERS' COMPENSATION INSURANCE COVERAGE FOR DETOXIFICATION FOR CERTAIN INJURED EMPLOYEES.

And so let me just say my, a little bit of my history. I worked as an advocate for Medicare beneficiaries, I've been representing people in health insurance claims and personal injury claims, Medicare appeals, disability claims, Medicaid cases. All for about 20 years and a little bit longer than that in some other areas.

So when my constituent and former colleague and law partner of my husband's, Howard Schiller came to me with this issue, I decided to look it and I was really compelled to bring this to a committee and I just can't tell you how much I appreciate the fact that you are hearing this information because every year that goes by, more and more people are being injured and they're not being cared for and they're not getting the care that the doctor has ordered, even if it a workers' compensation doctor, even when it's determined that the injury occurred at work and even when it's in the standard of care that the
doctor orders safe on the overall condition of the person who was injured.

So this is something that's very, very compelling to me, having spent a long time -- excuse me -- a long time representing people in cases where the insurance industry has really tried to delay coverage in circumstances where people are obviously eligible for the coverage.

And when you go to workers' compensation, it's a grand bargain. The grand bargain was that well, if you get injured at work then in that circumstance, you're going to be covered automatically without having to have long delays like you would have in an automobile accident when you don't agree on a settlement. So it limits your ability to fully utilize the court system in most circumstances.

Taking away the right for people to be able to sue and the unfair insurance practices area when long -- when there's a pattern. Now this isn't just in one case. But it has to be when there's a pattern of delay in more than one case. You have to show that pattern. It can't be just one case.

You can't just file it when you have a workers' comp case, say "Oh, I'm gonna file a CUIPA case too. No, you have to show that in this circumstance this has happened over and over again.

And so just to be clear on what the CUIPA bill asks us to do in the circumstance it would only be in those kinds of situations that CUIPA would apply.

But it does provide the necessary leverage that every single other type of insurance claim has. If you get into a car accident and the insurance industry doesn't treat you right, then your lawyer
or you have the chance to use CUIPA or you can use Unfair Insurance Practices Act, you can use it -- use any type of insurance claim that has been unreasonably addressed by the insurance industry.

So that's essentially what we're trying to do. We're trying to give the same leverage to everyone equally. And CUIPA doesn't -- isn't something that you can just use indiscriminately. And I think there's been a misunderstanding in some circumstances that CUIPA could be used anytime.

So I -- that in combination with I've been studying this and looking into this for the last four or five years and I happen to go to a workshop about a year-and-a-half ago put on by -- in combination when I was a police with the Department of Public Health.

And I've included this in your packet. And this shows that there's a big increase in circumstances where people are on workers' compensation and also injured and in pain and then opiate addiction.

And so because of the length of time that people have to wait now to get the care that they need, what the insurance industry is doing is they are creating more addiction in our society when we don't need it. We need to try and stop this. And by having people in this circumstance, having their care delayed and having no recourse that means anything to the insurance industry is creating another pocket of addiction that would never have occurred.

We have people who are fire fighters, police officers, people who are working diligently and unfortunately have that injury and then they become victims to the workers' compensation system that we
have created because of the deep -- because of the lack of, you know, when we pass legislation, sometimes we don't think of everything.

And that's what happened when the workers' compensation law was passed. I don't think that they thought of everything and I think that that's -- you can read kinda between the lines in DeOliveira that they said, "Hey, the legislature can fix this." That we have the opportunity to fix this, we have the opportunity to save people's work lives, to stop them from becoming addicted and to save the families who are in these circumstances where people find they lose their pensions, they lose all kinds of things. The loss is phenomenal and you can take a look, too, at the averages in the materials that I gave to you.

Connecticut actually has a higher rate of injury than the United States. So we are -- because of the way that we're handling our workers' compensation cases, what's happening is the -- people are being more lax. Well, businesses and governments are being more lax in how they -- how they address the safety for the people that are working there.

So because of that, you can see in these -- in this data that was provided by the Connecticut Department of Public Health that we are -- we are actually expanding injuries in Connecticut.

So it's something that I'm really quite concerned about and I wanna thank you again for hearing this and I'd be glad to provide you with whatever information you need.

So thank you so much, Madam Chair and Committee members.
REP. PORTER (94TH): You're welcome, thank you. Yes, Representative Wilson-Pheanious.

REP. WILSON-PHEANIOUS (53RD): Yes, Representative Johnson. Thank you, Madam Chair. Just given your long history of advocacy, for Medicare advocacy and others, are you -- do you see this as a fairly common practice or is it a practice where insurance companies or people like Medicare simply delay claims for whatever reason to the detriment of the individual that cannot fight back? Perhaps to save money. Is that -- is this the phenomenon you've run into before?

REP. JOHNSON (49TH): Thank you so much for that question, that's exactly what I found after working in the Center for Medicare Advocacy and also the Legal Assistants for Medicare Patients project.

We found that people would be denied coverage at first and so then you've got to go to reconsideration. Then you're denied again and you go before an Administrative Law Judge. And at that point in time before a hearing is made, many times in the insurance companies that where the carriers -- they wanna show the government that they can save money. So they deny the claim. And that's how we came into existence back in 1979. That's about when I started working at Legal Services.

And we found that when we sued -- excuse me -- when we sued, for example when the government failed to provide coverage for physical therapy. We sued and said, "Hey, it's right here on the regulations, right here, they should provide it." So the service is provided by -- it's doctor-ordered, it's provided by a physical therapist and this is something that
you say you're gonna pay for and there was a case called Fox and we won the case.

I remember in our office we had -- the office was lined with -- with cases from all over the state showing that the insurance did not wanna pay and once we won the case, we had -- we had physical therapy covered after that and people took it seriously.

So there are all kinds of things that you need to do sometimes to show that these things should be covered, that there shouldn't be delays and that people should actually be able to get the care and treatment that was -- that we all envision that they're getting when we pass these laws when you look at that kind of circumstance.

REP. WILSON-PHEANIOUS (53RD): And how many times -- not a specific number, but was it a common occurrence that sometimes your clients would die waiting for a resolution of their claims and the companies just write it off.

REP. JOHNSON (49TH): Well, that's also an excellent point. But with Medicare cases, Medicare says, "Oh, well you can get a substitute party." And so they don't get out of it as easily, guys. In that circumstance, you get a substitute party, the claimant and the case goes -- is continued.

With Medicaid it's a little bit different. Medicaid program, people may have -- may have property or something of that nature and if the Medicare program wasn't -- wasn't made available in that case then people will lose their property in the estate, so -- to the state. But I think that's another way.
But nevertheless, they still got the care. Where there was Medicare/Medicaid, people would get the care and it just wouldn't be paid. And a lot of the times the cases that I had, they would go from -- because they didn't have the money -- there'd be another cost shift to the state of Connecticut to have the state pay for the Medicare denial until -- you know, sooner or later the case was granted. Putting in the money to go back to the state.

REP. WILSON-PHEANIOUS (53RD): But as we're hearing this, nobody's paying. What appears to be happening is the individual just suffers or their case just gets worse to the point that they're taking medications that result in addiction or they -- as this gentleman a few testifiers ago, their condition gets worse to the point it becomes a permanently debilitating condition because of the delays in the workmen's compensation.

REP. JOHNSON (49TH): That's absolutely right and they go through a long period of suffering and deterioration because they're not getting the care that they need.

We have -- I've seen and talked to people in these circumstances. What happens is they lose on their wages. Many have access to pensions that they're not going to be able to get because they're gonna get injured too soon to be able to consume the time they would need for their pensions.

And then, because of the circumstances, they finally become just to the point where they're permanently disabled and go on the social security program. And the in meantime while they're -- while they're trying to get coverage, they may go on the Medicaid program and then because of the Affordable Care Act,
they're able to get Medicaid coverage until they finally get coverage through the Social Security program and then the Medicare comes two years after that. The Medicare won't come until two years after you're deemed disabled by Social Security.

REP. WILSON-PHEANIOUS (53RD): Well, thank you for your wealth of knowledge on this topic.

REP. JOHNSON (49TH): Thank you. Thank you so much for your questions.


REP. SMITH (108TH): Thank you, Madam Chair and thank you, Rep Johnson for sharing your expertise in this area.

The, under the CUIPA law, you said there has to be a pattern so I'm assuming pattern has been defined over the years as to what constitutes a pattern?

REP. JOHNSON (49TH): Yes, so it has to be more than one to show a pattern of, you know, bad behavior by the insurance company.

REP. SMITH (108TH): And it sounds like from your testimony that the practice that's been going on with these workers' comp claims has really ended up costing the state more money in different ways for these workers having to go on various social programs that we provide which they otherwise would not have to go under. Or go onto, is that correct?

REP. JOHNSON (49TH): That's correct although as you may be aware, I sit on the Medical Assistance Policy Oversight Council and one of the things I've been working on there is to try and get the state to get the statistics for when these circumstances occur
when someone has to go from, you know, an employee benefit plan or when they're lower income and maybe not having a health insurance plan, then they'll go onto the Medicaid program under HUSKY D.

So there is a way for them to get into the plan but there's no tracking of whether or not it's coming into it. But you know that it happens because there's no place else for them to go -- as you probably heard earlier.

So it's a way for them to get Medicaid and people get -- I've handled cases where people were injured at work and couldn't get -- couldn't get the care they needed and then they -- I got them onto the disability program.

So those are more anecdotals and we don't have the data for that -- that change, that transition, but it's something that isn't really being looked at nationally. They go through the Milbank Foundation National Conferences on Healthcare and those cases, you know, I'm talking to them nationally now about what's going on with workers' compensation and trying to find a way to be able to collect the data and the circumstances.

REP. SMITH (108TH): Certainly having that data would be nice.

REP. JOHNSON (49TH): Yes.

REP. SMITH (108TH): Hopefully if you get it, I know you'll share it with us. Thank you for coming to testify. Thank you, Madam Chair.

REP. PORTER (94TH): Any further questions or comments? All right, well I've been channel -- this is my third year and I know every year you've come
to me with this bill so I just wanna say thank you for your persistence and just unrelenting pursuit and just pushing to get this legislation passed. It's admirable on my part.

So thank you and I hope that this will be the year that we get this done because as I said earlier, we need to do this now.

REP. JOHNSON (49TH): Thank you so much, Madam Chair, I really appreciate your help.

REP. PORTER (94TH): You're welcome. You have a good day, Susan.

All right, up next we have Angela Parks. Angela Parks. Senator Cassano, I don't see him. He was here.

Yes, you're next, Odette. Odette White Eagle. Good afternoon, Ms. Eagle.

ODETTE WHITE EAGLE: Good afternoon. It's White Eagle.


ODETTE WHITE EAGLE: Good afternoon, Ms. Porter, thank you.

Good afternoon, members of the Labor and Public Employee Committee. My name is Odette White Eagle and I'm a member of the call center for Health Equity and Justice.

I thank you for the opportunity to testify in support of H.B. 6921, AN ACT CONCERNING DISCRIMINATION BASED ON A PERSON'S CRIMINAL HISTORY.
It is vital that we stop continuing to punish those who have already fulfilled their debt to society. When people come home after being incarcerated, they now face a new set of struggles that are placed upon them by the judgement of others.

People have not -- people should not be sent to prison with the sole purpose of punishment. The main focus needs to be on rehabilitation and reintegration without barriers. If people released from prison are discriminated against, it hurts us all by weakening us as a society of the whole.

In addition, black and Hispanic people are disproportionately incarcerated at higher rates than whites in Connecticut. Black and Hispanic people face racial discrimination even without criminal records.

This makes it even harder for people from those communities to secure necessities such as housing and employment when they have a criminal background. Therefore, we need to prohibit discrimination based on people's criminal history.

Someone close to me has faced severe discrimination based on their criminal history which makes it not only hard for them but their families as well. It diminished their chances for employment, housing and many opportunities solely because they have a criminal record.

I have seen firsthand the damage that is done to their self-esteem and their motivation to succeed. We must stop branding people for life for the mistakes that they have made in the past. It is unfair and it is unjust.
In conclusion, I support House Bill 6921. If someone you love had a criminal past, would you look at them differently? If not, then neither should anybody else. Thank you for your time.

REP. PORTER (94TH): Thank you for your testimony and I do agree, we need to stop criminalizing people for their past because we don’t live in the past. We live in the present and in the future and I think that those folks should have a level playing field when they come home with the hopes of being able to reintegrate and be, you know, responsible citizens.

Any comments or questions from the committee? Seeing none, I'd just like to say thank you again.

ODETTE WHITE EAGLE: Thank you for your time.

REP. PORTER (94TH): You're welcome, you have a good day.

ODETTE WHITE EAGLE: You too.


SAL LUCIANO: Good afternoon, Representative Porter, members of the Labor and Public Employees Committee. My name is Sal Luciano, I'm the President of the Connecticut AFL-CIO. We support Senate Bill 164, post-traumatic stress help for first responders.

We oppose Senate Bill 511, Senate Bill 696 and House Bill 6729 that looks like they're insuring unemployment compensation funding on the backs of the workers.

We seek the balance recommendations put forward by the Employment Advisory Security Board. We strongly
support House Bill 6924, AN ACT PROHIBITING ON-CALL SHIFT SCHEDULING.

Driven exclusively by profits, seasoned employers pay more wages, offer few if any benefits and provide no predictability in work hours. Thousands of Connecticut workers, many earning just minimum wage or less if they are a temp worker, struggle to earn a stable income because of their unpredictable work schedule.

Irregular scheduling practices cause great difficulties for thousands of motivated hard-working employees. Without a set schedule or a guaranteed number of hours, workers have a very difficult time managing household budgets.

In addition, they're put in an impossible situation of arranging for reliable child care on short notice without knowing if they'll be allowed to work enough hours to pay for it.

These workers can't even commit to a second job or seek additional education or skills training to improve their earning potential because on-call scheduling will not permit it.

On-call scheduling is to stabilize impact on Connecticut families. When schedules are unpredictable, parents and caregivers struggle to secure high quality childcare, arrange doctors' appointments and plan participation in their children's school activities.

H.B. 6924 relieves workers from some of the burdens of on-call scheduling by requiring employers to provide at least 24 hours' notice prior to cancelling a shift. However, we urge the committee to add the following language to strengthen the
protections for low-wage workers. And I'm gonna be more than three minutes if I -- if I highlight them all. But I'll take any questions if anybody has any.

REP. PORTER (94TH): Representative Polletta.

REP. POLLETTA (68TH): Mr. Luciano, how are you?

SAL LUCIANO: I'm well, how are you?

REP. POLLETTA (68TH): Great to see you. Will there be any exceptions for like a weather event or a natural disaster? Through you, Madam Chair.

SAL LUCIANO: Yes, it's -- it's one of the bullet points there. We try to be fair both to the employees and the employer so if a business is shut down, then we understand shift cancellations. If there's a weather event, if there's a crisis that the Governor calls, if there are situations, acts of God that have the businesses closed, then they would not have to pay the employees.

REP. POLLETTA (68TH): Okay and also -- so to relate this air traffic controller and you know, stewardess on an airline, the flight gets delayed or cancelled in that matter, does the employer, i.e. the airline or the airport have to pay these individuals if they're called out due to the weather?

SAL LUCIANO: Actually, those employees are unionized and they have specific collective bargaining language that helps them. We're talking about people who are at minimum wage or below minimum wage that are pretty much -- that their lives are on hold at the whims and will of the employer.
Sometimes they'll go to work, the employer will say, "You know, we're not busy, why don't you go home?" They've already paid for childcare, it's those situations that this is attempting to address.

REP. POLLETTA (68TH): Okay so for a restauranteur, you know, and I have many in my district, as you know. An individual, you know, let's just say is working as a waiter or waitress and there's a party of 20 booked in a room.

And that party cancels. Now the owner doesn't necessarily need that number of wait staff that they might have needed to have that party happen. Is then that owner on the hook to pay all these individuals that were supposed to serve that party?

SAL LUCIANO: I believe they have to pay a portion of it. That's correct because the employee has already had -- they have paid out of pocket for whatever their situation is whether it's child care or to drive there, etcetera.

REP. POLLETTA (68TH): Okay and for seasonal part-time employer, somebody that has, you know, for instance an amusement park. And you know as well as I do that when it rains, these amusement parks and they're -- you might as well just call it a washout. What then would happen if this individual as an owner had, you know, up to 200 employees that were seasonal part-time, they're not needed, the rain basically washed out their evening. Then he or she would be again on the hook to pay these individuals?

SAL LUCIANO: Not if they shut down. If -- if there was such poor participation that there was no reason to stay open and they shut down, they would not be required to pay these individuals.
REP. POLLETTA (68TH): Okay, so if the business closes altogether, then they're exempt.

SAL LUCIANO: Yes.

REP. POLLETTA (68TH): Okay, that'll be stated in the language here?

SAL LUCIANO: Yes, if you look, it is one of the bullet points.

REP. POLLETTA (68TH): Okay, I haven't seen the language so that's why I'm asking. Thank -- thank you, sir.

REP. PORTER (94TH): Any further questions from the committee? Seeing none, thank you for your testimony, Mr. Luciano.

SAL LUCIANO: Thank you. Thank you, Representative.

REP. PORTER (94TH): Senator Len Fasano. Please excuse us for the disruption going on back here. You may wanna speak to --

SENATOR FASANO (34TH): It's perfectly understandable.

REP. PORTER (94TH): Yes. Well, considering who it is, yes. [Laughing] Welcome, Senator Fasano. Glad to have you with us.

SENATOR FASANO (34TH): Madam Chair, how are you today?

REP. PORTER (94TH): I'm doing well, and you?

SENATOR FASANO (34TH): Good, thank you.

REP. PORTER (94TH): Good. You have the floor.

SENATOR FASANO (34TH): Thank you very much, ranking member Miner, ranking member Polletta, Chairman
Porter, members of the committee, Representative Rutigliano and those who made the former sheet there. I wanna talk about a few things. I wanna talk about the various bills on unemployment in general.

There are a lot of bills on your agenda with respect to employment, rather talking about one particular, I would just like to make a general comment.

The unemployment rate in Connecticut is great, it's at four percent. The last time we were at four percent was in 2002. And that's great.

But if you look at the pattern, you stay at that number and then there's a sort of general wave curve that comes through and unemployment starts to go up over time. And it's just an unfortunate pattern, it's just the way life works and that's what happens.

And I think we need to look at the unemployment fund which is underfunded currently. And you always wanna make a movement from strength, not weakness. So if you look at the unemployment fund now, and we are not -- it is underfunded -- it is not solvent. We can make changes today that affect a small group of folks, if you would, while the employment market is strong at four percent unemployment and we can prepare ourselves for the future.

Now I would remark that Governor Malloy said when he left he left a memo to Governor Lamont and he said currently the trust fund's at $609 million dollars and however he feels you need about $1.7 billion dollars in order to handle the downturn economy.

You may recall back in 2008 when the unemployment went up to 6.6 percent and then in '09 it went up to
8.8. In '10 it went up to 9.3. In '11 it started to comeback down.

We, as well as other states, receive money from the federal government to help funnel unemployment funds so that we can make sure those folks who are not employed could receive their checks.

We were the last state to pay back the federal government at a penalty -- last year is when we finished paying them back.

I think we should look proactively and say, "What can we do now which are slow incremental steps such that we can build our fund back up should we run into some problem in the future, we're not here telling folks we don't have the money, we've gotta get it from the federal government."

So what things can we look at? And there's a bunch of things we can look at. One, wait one more week before filing. That's something that's done in different states. If you look at what is required annually four out of five quarters to determine if you're eligible, it's $600 dollars a year. If you make $600 a year in four out of the last five quarters, you're eligible for unemployment.

That number was put into play in 1968 and hasn't changed. The only state that's lower than us is Hawaii at $130 dollars. Other than that, the next one up is Delaware at $720 dollars and it goes all the way up to North Carolina being $5,000 dollars.

If you're at a present value -- probably not the right term -- but if you were to bring a $600 dollars to current value form, it's about $4,400 dollars. I'm not suggesting we do that.
But what I am suggesting is perhaps maybe you wanna bring that up over time on a sliding scale to maybe $700 dollars or $800 dollars and see what that yields as a value back to the fund. So that's something I think we could take a look at.

Other things, maybe we exhaust severance pay before you hit the unemployment fund. Maybe we make sure we have programs set up for those who wanna get retrained or retooled, if you would, in a different employment market. They may be in a job for a while that closed down and now we need to retrain them. There's something we can do there.

There's an OLR report that I'll give the clerk before I leave in 2012. And the significance of this report is this. In 2012, a whole bunch of states, as a reaction to 2008 made changes. And we could argue which ones are good or which ones are bad but it is a menu of changes that I think would help should we get a downturn in our economy, bring us to a different level.

So I think that I'll leave it to this body who is looking at all sorts of business issues at all sorts of different levels and all sorts of changes but I wouldn't leave this out of the mix because this is going to -- at some point, whether it's two years from now, five years from now, eight years from now -- it's gonna come to roost, it's just the way life is. We all see it in what we do.

So I would suggest that we could take a look at that and go from there.

The last specific that I wanna talk about, Madam Chair, is Senate Bill 511. And let me tell you how I wanna look at that bill.
If someone is on unemployment and they get a job but the job that they get, part-time or full-time, is less than the benefits that they receive on unemployment, they're off unemployment and then they've gotta live with that lesser wage.

To me that doesn't make sense. Why not say to that -- because the person gonna say I've got a family to raise. I've got mortgages or car payments, what have you. They're going to pick to stay on unemployment. I would, too. Your obligation is yourself and your family.

So why not say to them if they take that part-time job or that full-time job at a lesser rate, the state will pay the difference. So they're made whole. That gets them into the job market. Perhaps once they're in because maybe it's a new position and they're there for a couple years and then they get a review and an increase and eventually they come off the unemployment.

But we have to give them some incentive to take a new job so that they're not hurting their families or their wallets. And I think that makes sense rather than have them stay on unemployment.

So that's Senate Bill 511. I will give the clerk the OLR. I know you've got a long hearing to go so I will stop.

REP. PORTER (94TH): Thank you and thank you for your testimony. Any comments or questions for Senator Fasano? Yes, Representative Rutigliano.

REP. RUTIGLIANO (123RD): Thank you, Madam Chair. Good afternoon, Senator, how are you today?

SENATOR FASANO (34TH): Good afternoon.
REP. RUTIGLIANO (123RD): I won't speak to the unemployment fund. I've been part -- we've all been part of sort of an ongoing negotiation for years on how to repair the fund. Had we done some of the modest things that we sorta worked out, we would have added $110 million dollars a year over the past four years. We'd be at well over a billion dollars now but we'll put that aside.

And I wanted to speak to your unemployment -- to make up the difference. Because I find it a very interesting idea. So basically you could save money in the fund by sort of making up for the spread in unemployment. Is that what you referred to?

SENATOR FASANO (34TH): Yes.

REP. RUTIGLIANO (123RD): If they were -- but unemployment's only 60, usually about what, 65 percent of their wage. How would that mechanism work? Have you thought through that?

SENATOR FASANO (34TH): I, you know, I would say that you have to bring them to what they made at that last job. Not the 67 percent. That would be my idea, which would incentivize them to go find a job. But have I thought it thoroughly? No, I have not thought about that thoroughly.

REP. RUTIGLIANO (123RD): I only ask that because we had a bill in front of Finance, we're gonna have another public hearing on it this year which I thought was a great idea was --

SENATOR FASANO (34TH): Not better than this one, though.

REP. RUTIGLIANO (123RD): No, this is different. This is a different idea as opposed to it was
usually -- it was usually earned income tax credit that somebody received. This isn't related to unemployment. The earning of tax credit is sort of indexing it meaning -- I know that's a tough word because it's not exactly the right word -- where it encourages people to go to work but you don't completely eliminate their earning from tax credit. You sort of figure out a way to give it to them monthly so that they're always increasing. Meaning if their wage goes up, you don't completely take away their earned income tax credit, you just sorta reduce it a little bit so that they're always going up and up and up and up.

We've been contemplating that for years. I think that along with this unemployment scheme that we're talking about would really act as a great incentive and so I wanna tell you in theory that I was in support of it and also make you aware of the one that we're doing in Finance.

We've had a hard time with all over the past few years. At least we've had public hearings and were able to talk about it though.

SENATOR FASANO (34TH): Is anything -- and I'm gonna go look up that bill and probably support the bill as well -- but anything that we could take folks who are having a difficult time to make a decision -- do I live off the state because of my obligations or can I help myself out and improve my life and move on. We should encourage that behavior.

REP. RUTIGLIANO (123RD): I agree with you completely. And also to eliminate the click, you know, that point where I make this amount and all of a sudden my wages, my actual take-home pay goes down
because I'm losing stuff. How do we figure out to always make it go up which I would encourage.

So thank you for your time.

SENATOR FASANO (34TH): Thank you.

REP. PORTER (94TH): Senator Miner?

SENATOR MINER (30TH): Thank you, Madam Chairman, thank you Senator Fasano. So earlier we had -- and I think it was very early on in this hearing -- we've had an opportunity to hear from Deputy Commissioner Dudzinski and he stated that that agency was gonna be reluctant to consider any changes to unemployment because they're on this, seems to be a pathway to improve internet access and data collection. And that sorta thing. He didn't expect that that was gonna be done until May of 2021.

I guess given the memo that Governor Malloy had left for incoming Governor Ned Lamont, does it seem possible that the agency under the new administration was saying, "Look, we don't wanna consider any changes because we're on this plan of updating our computer system."

SENATOR FASANO (34TH): You know, it's a tough question to answer. I'm kind of remarked over the fact that we as a state would be stifled for two years in helping residents of our state should we hit a recession.

I am -- the first time I've ever testified from an iPad is today so my technical challenges exist. So I can't say how easy things would be but it seems to me that modest changes should be something that should not be a world change to a computer system.
Changing the time period of for a week before you file. I don't think that's a computer change, perhaps, because that's just entering when the date of service, the date of filing.

Going from 600 to 700 or 800, I can't imagine that's such a huge change given the system. So I -- you know, I can't speak for them but I think this committee can certainly bring some folks who are dealing with this and find out why it is taking so long.

As I understand, a bill that you passed as a committee is going to put a lot of burden on the Department of Labor potentially with paid family leave to monitor. You know, if anything is gonna throw a monkey wrench into that system. I mean they've got to be able to deal with that, too, under a very tight timeframe.

So I think that there needs to be a hard look at what they can do and can't do. In my view.

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

REP. PORTER (94TH): Any further comments or questions for the Senator? All right, seeing none, thank you for coming in and testifying today.

SENATOR FASANO (34TH): Madam Chair, thank you so much. And thank you members of the committee.

REP. PORTER (94TH): You're welcome. You have a good day. Thank you. Is Angela Parks in the room? Angela Parks? [Background voice] She's not, okay. I will cross her off and move onto David Roche, Connecticut Building Trade. Thank you. Good afternoon.
[Inaudible background conversation at 01:30:41]

DAVID ROCHE: So I'm just a loud guy, you know, especially when we're like 20 days from St. Patrick's day, everything goes up a little bit.

REP. PORTER (94TH): I didn't realize it was off but just for the sake of recording, thank you.

DAVID ROCHE: So I just think, you know, there's a bigger picture here to look at. I think, I think I would ask that you let the advisory board in place that was appointed by both sides of the aisle here to do their job. I'm committed -- you guys know me -- I'm committed to, I'm a fair guy, I'm gonna sit here and do what's best to keep this thing going. I mean you have -- you know in my business unemployment's critical.

I've got workers who don't wanna be out of work but if it snows -- if we get a snowstorm today we're out of work for two weeks. So and I would appreciate that consideration. I will try to answer any questions but again, new to the -- new to the committee, I'm right on the dot.

REP. PORTER (94TH): Thank you and thank you for your testimony. Representative Rutigliano.

REP. RUTIGLIANO (123RD): Thank you, Madam. Hey, Dave.

DAVID ROCHE: How you doing?

REP. RUTIGLIANO (123RD): All right. I wanted to just take a minute and thank you because I know you've been part of the negotiations over the past few years on the unemployment. I just wanted to be clear, though, that the week -- holding of the week
was taken out long ago. It really wasn't one of the proposals.

The top thing and if you could take this back to your committee members, the top thing to save money was the severance piece and the possible raising of the wage up from 600 bucks.

Other than that, I wanted to take a minute and say thanks for your cooperation over the past years, it has to be done. We can't go through what we went through in 2008, we all recognize that. The worst part of that whole thing was the borrowing of the money from the federal government to make the -- the fund whole.

What people don't realize is that the people that paid that back with the penalty were the employers that were left here in the state of Connecticut. All the ones that went out of business and all the ones that laid off everybody weren't here to repay that loan. Companies like mine and many like mine paid that penalty for five, six years. It was literally devastating. It held back employment growth and a lot of these companies, not unlike myself, we didn't do anything wrong, I didn't lay anybody off.

So I'm with you. It has to be fixed but I also wanted it to be clear that to recognize the burden that was put on employers when we went into that penalty phase of the payback. So thank you [crosstalk].

DAVID ROCHE: And those are things we've talked about, so you know, just to kind of go back to Senator Fasano, you know, talking about retrain, I can't help myself because my building trade is gonna
come out a little bit when you talk about retraining and retooling.

Really all you're talking about is really an apprenticeship program. Because that's what does it. And the problem we have today is you call them apprenticeship programs but we get -- it may be more manufacturing. They say Porter and Chester or something like that is an apprenticeship or that's where you learn. That really isn't because people have to pay for them.

Create jobs that pay people while they're learning. You're not gonna start out at 100 percent, you're gonna start out at percentages. And that's how you're gonna create a great marketplace, future workforce is to really invest in them kind of programs, though. You know, something to think of -- you know, we don't have an unemployment problem -- unemployment rate problem if we create jobs. I mean I know you guys were committed to that kind of thing but you know, there's a lot that we can still do and again, I just -- we're committed to this -- you know me and you know I'm gonna do my best on this.

REP. RUTIGLIANO (123RD): On that, you and I completely agree. I couldn't agree with you more. And I know the union does a great job training workers. So thanks. Thank you, Madam Chair.

DAVID ROCHE: Thanks.

REP. PORTER (94TH): You're welcome, Representative. Any further questions or comments? Senator Miner?

SENATOR MINER (30TH): Thank you, Madam Chairman. So when I think about this unemployment underfunding or not being on the right trajectory perhaps to meet
the next recession, I think that we've kind of been stuck in this spot and the legislature has before it many, many issues that could very well impact wages of the hardworking people of the state of Connecticut and their employers.

And so my interest is trying to take a look at some of the small -- smaller pieces, perhaps of the puzzle now if taking on the larger pieces which might be the effect on the employer.

As Representative Rutigliano mentioned, when we were insulted and had to pay back that penalty in addition to the rate went to the employer, I have no doubt in my mind that should the time come that we need to replenish that fund at a rate higher than what our current scheme anticipates, that burden is gonna fall to the employer again.

That's where it's going. It's the meantime -- in the meantime -- having a conversation about whether or not there should be some modest change on wages or whether or not severance could be exhausted before you actually get into the funds -- those are the areas that, you know, when I heard the Deputy Commissioner, I thought to myself those are like tweaks in the system.

Not unimpactful, by the way. I mean I get the human side but to put all your eggs in the cart of -- ah, we got this software thing going now, we don't wanna monkey with anything -- just didn't make any sense and it still doesn't five hours later.

So I do respect you, I do respect your interest, I respect your ability to listen and work through issues. It seems to me that everything else we're talking about, taking this completely off the table
might not be in the best interest of employees because in fact, employers don't hire people because they're paying the premium. That doesn't help anybody.

And if it -- if it pretty much guarantees the insolvency sooner rather than later, some modest changes probably wouldn't be hurtful. As hurtful as trying to make up a larger number later. That's, I guess, my point. So I'd ask you to think about that in the meantime but I do respect the work that you do and have done and look forward to working with you in the future.

DAVID ROCHE: Thanks and I do get that. I understand. I think -- I think the problem there is when you start taking things away now before at least this board has been able to come back with something, you're creating a wall. I hate to use that word but you're creating a wall.

I think we'd like to put the whole package together, right. If these come off now, what's the incentive down the road for anybody else to give and agree to anything. I think that's what happens when we start piecing this thing out. Just in my past in negotiating, I think that's what happens but I could be wrong. I've been wrong before, that's just my opinion on what happens when you start piecing things, you know, pulling them off piece by piece, so.

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

REP. PORTER (94TH): Thank you, Represent -- Senator. And thank you for your testimony today.

DAVID ROCHE: Okay.
REP. PORTER (94TH): All right, I do not see Senator Looney. We have Representative Chris Davis. Good afternoon.

REP. DAVIS (57TH): Good afternoon, Chairman Porter. Pleasure. Let's see, Senator Kushner is not with us at the time but ranking members Polletta and Miner. Other distinguished members of the labor committee, I believe this might be one of the first times I've testified before this committee in person so I appreciate the opportunity to do so and to do so on behalf of the House Republican Caucus.

I would like to thank the committee for this opportunity to support House Bill 6729, AN ACT CONCERNING UNEMPLOYMENT BENEFITS.

To no surprise, the pot of money we use to pay unemployment benefits is in trouble as you've heard from many other people testifying here today.

As recently as this past December the Governor-elect Lamont, at the time, received a warning about the solvency of the unemployment insurance trust fund. To address anticipated economic downturn, the funds should be at a balance of $1.7 billion dollars.

Unfortunately, there's only $609 million dollars in the fund. Despite this and even during this time of relatively low unemployment, Connecticut still pays out approximately $9 million dollars in unemployment benefits every single week.

As the Department of Labor has pointed out, quote "The current system of imbalanced (sic) unemployment insurance tax benefit payouts is not sustainable". End quote.
Fortunately our state has a history of overdrawing its UIC fund. As you guys know, in 2009 it had to borrow money from the federal government in order to keep it paying benefits. And that borrowing came to the cost of our states' businesses which had to pay $589 million dollars in increased federal unemployment tax after taxes and interest from 2011 to 2015 in order to repay the state's loan.

That's $589 million dollars that was not invested in creating new jobs here in the state of Connecticut but simply to pay off the loans that we had to get from the federal government.

After the loan was repaid, the Labor Commissioner at the time warned that it was urgent that Connecticut build a system that is sustainable for the future.

House Bill 6729 seeks to do that exactly in four parts. It increases the minimum earnings required to qualify for the benefits from $600 dollars per year. We're recommending somewhere between $2,000 dollars and $5,000 dollars a year which would be the equivalent of other states and it has not changed here in Connecticut since 1968.

It prohibits individuals from receiving benefits during any period during which they're receiving severance pay which was just recently discussed by Senator Miner.

It clarifies the definition of a day of unexcused absence where this is commonly misinterpreted or misunderstood, perhaps, by the Department of Labor resulting in unemployment benefits being paid to someone who left their job voluntarily or just stopped showing up for work.
And fourth, it freezes the maximum employment benefit rate to three years in order to allow the UIC fund to fully recover and become solvent.

Passage of these reforms would go a long way to ensuring that there will be sufficient funds to provide benefits to those who need it the most while at the same time, avoiding placing another heavy burden on our state's business community that creates the very jobs that we're trying to save.

When these reforms were proposed in the past, a fiscal analysis estimated the result in savings for the fund could be up to $70 million dollars in the first year, $93 million dollars in the second year and will result in even greater savings into the future years.

I urge the Labor Committee to pass House Bill 6729 to ensure that our Unemployment Insurance Trust Fund becomes and remains solvent and please allow the full General Assembly the opportunity to debate this issue and to pass the legislation to improve the efficiency to provide our state's services. Thank you.

REP. PORTER (94TH): Thank you. Any comments or questions? Representative Smith?

REP. SMITH (108TH): Thank you, Madam Chair. Representative Davis, you and I came in the same time together as legislators.

REP. DAVIS (57TH): Seems so long ago now.

REP. SMITH (108TH): It was long ago. And I'm shocked to hear this is the first time you've sat in to visit us. So you are missing all the fun. This
committee has more fun than any other committee that I've sat on. [Background comments and laughter]

But all seriousness, we appreciate your testimony. The unemployment bill we've worked on for years, we actually got it out of here the last four years and I think I would get it out of the house at one point. I was gonna remind Senator Fasano that it's never make it through the Senate but I didn't wanna pick on him.

So I encourage you to continue to pursue this on the finance level. Hopefully we can get it out and give you something to work with. But thanks for coming by to visit us and hopefully it won't be another eight years before we see you again.

REP. DAVIS (57TH): Thank you, Representative Smith and I know that this bill did receive bipartisan support and sponsorship in years past. There have been tweaks that have just been previously discussed by some of the other testimony here before you that I think can make it even more successful this year.

So I'm hopeful that this committee can get it through again and we can actually have a debate on it not only in the House but also in the Senate.

REP. PORTER (94TH): I've got a whisperer in my ear. Thank you. Any further questions? Yes, Representative Polletta.

REP. POLLETTA: Thank you, Madam Chair and thank you, Representative Davis for your fine work on this and also on the finance revenue bonding committee where I know there's so many issues going on.

While I'm relatively new to this committee, I think it's important to mention, you know, the amount of
money that we had to pay back to the federal government for the unemployment over the last several years and how -- right before you got here, Representative Rutigliano mentioned that companies that left, they didn't pay that fund back. The companies that are here did.

So they incurred that cost and that's another burden on Connecticut businesses. So hopefully we can continue this conversation and move this forward in a bipartisan manner so we can tackle this issue and not wait until the next recession or whatnot hits and we're gonna get stuck again.

So thank you for being here and thank you for bringing light to this matter. And that concludes my comments and I don't think anyone else has any comments.

REP. PORTER (94TH): You're welcome. Just a quick question. I know that the 2008 recession was a result -- as a result we did have an insolvency. Can you tell me if the fund has been insolvent since 2008?

REP. DAVIS (57TH): I believe because we took out loans from the federal government that the fund did receive enough money to make those payments. Like I said, about $9 million dollars a week, still, at this point. So the solvency of it was benefitted by those loans from the federal government which were in result paid for by the employers to make up the interest costs on those loans.

REP. PORTER (94TH): And that was as a result of the 2008 recession that we had to take those loans, is that correct?
REP. DAVIS (57TH): I believe -- that's my understanding. In 2009 those loans were made in part because of the large amount of unemployment following that recession, yes.

REP. PORTER (94TH): And I know that you said currently we are paying out $9 million dollars a week? Is that correct?

REP. DAVIS (57TH): Those are the numbers that I received from our fiscal analysis, yeah.

REP. PORTER (94TH): Okay because I just did a little quick math and at $9 million dollars a week, that's $468 million dollars a year. And you said we currently have $609 million dollars in the account, correct?

REP. DAVIS (57TH): Yeah, because businesses are continuing to pay into the fund. For anybody that they -- that they employ. And it's important to know, I'd like to see businesses pay more into the fund because that would mean that they're employing more people at the current rate.

So I'd like to see this fund grow by them employing more and more people here in the state of Connecticut rather than simply asking those that still do employ our people to pay even more when we can make some reasonable, I think, in my eyes, changes to the bill to make it even more insolvent going forward.

And the savings, like I said, $73 million dollars in the first year, $93 million dollars in the second year while still providing significant benefits to those who truly do need it.
REP. PORTER (94TH): Okay and I think -- I think the point that I'm making just for the record is that, you know, as a result of the 2008 recession, we did become insolvent. We took federal loans because of that insolvency and the recession and we haven't been insolvent since according to the calculations that we currently have where we're $600 million dollars and $468 million dollars is currently being spent.

There's still a cushion here so I just wanted to state that for the record because I understand what you're saying, I hear you. But I also understand that the people that need this benefit are the ones that will suffer under the way that this is currently written.

So we do need to figure out a way to make sure that everyone is being protected and everyone is being provided for as that provision is needed. Do you agree?

REP. DAVIS (57TH): Well, I think it's important to recognize that if we do hit a downturn, which historically we are potentially due for in the very near future, that if we don't take action now that we don't make these reforms now, we will find ourselves in even deeper trouble in the future potentially if we have something anywhere close to what we had in 2008 and 2009

So the only way that we can move the state forward in a positive direction is to start planning ahead and I think that's true for almost all of our areas in the state government and I'm sure you agree with that --

REP. PORTER (94TH): I do.
REP. DAVIS (57TH): -- Madam Chairman so I think it's prudent for us to do this. I know we've been discussing it. Your committee has passed this bill numerous times and I think it's important for us to begin that process again this year as well to try to move this bill forward.

REP. PORTER (94TH): All right. Well, I thank you for your testimony and I thank you for what you've put on this. Any further comments or questions?

SENATOR KUSHNER (24TH): Good afternoon. I understand that you were looking for me at the beginning of your testimony but I just wanted to let you know I, as you I know are well aware, I serve on many committees --

REP. DAVIS (57TH): Sure.

SENATOR KUSHNER (24TH): -- and so I've been out trying to deal with some of those other committees but if you would like to come and talk to me at any time about your testimony here today, I'll be sure to listen to it.

REP. DAVIS (57TH): Thank you very much, I appreciate that, Madam Chairwoman.

SENATOR KUSHNER (57TH): I believe next up is Robin Salvatore, is that correct? Is Robin Salvatore present? Thank you.

ROBIN SALVATORE: Good afternoon, Senator Kushner, ranking members, Polletta -- or Polletta, sorry. This is my first time doing this, so.

My name is Robin Salvatore, retired Master Patrol Officer with the Montville Police Department and a
member of AFSCME Council Four and former president of my union.

I am here to share my experience and voice support for Senate Bill 164, AN ACT INCLUDING CERTAIN MENTAL AND EMOTIONAL IMPAIRMENTS WITHIN THE DEFINITION OF "PERSONAL INJURY" UNDER THE WORKERS' COMPENSATION STATUTES.

On January 29th, 2017, I arrived as backup to a call at a motel where a customer refused to pay his bill and leave the premises. I urged this man to pay the bill to avoid being arrested for theft of services and offered to contact a shelter to find him a place to stay.

The male suddenly lunged at me, grabbing my Taser out of my security holster. I backed away and ordered him several times to put the Taser down but he charged for me at -- charged towards me shouting repeatedly, "I'm gonna kill you, you f-ing cop."

He ran after me and stunned my vest and then struck me in the head several times with the Taser and punched me. Blood was pouring down my face and believing he was going to kill me, I fired one round from my handgun and struck him in the abdomen. He later died in route to the hospital.

I had multiple injuries and required several staples to the wound on my head. I know my actions saved my life and prevented harm to the motel residents.

On March 19, 2018, Windham Estates Attorney Anne Mahoney cleared me of any wrongdoing and said I was justified in my use of deadly physical force.

I have experienced multiple terrible calls during my almost 29 years of service; from seeing a child who
had been killed by a shotgun by one of his siblings to a grandmother who lost her life in a horrific crash with a drunk driver.

And this is only a small fraction of what I witnessed during my career. I also volunteered several days at Ground Zero after 9/11. All of those memories were buried in my mind until the shooting. But my life changed that day.

I now live with the memories -- with the -- I was a -- sorry. All those memories were buried in my mind before shooting but my life changed that day. I now live with nightmares of the shooting and every other terrible thing I experienced during my career.

In law enforcement when you show emotion or ask for help with dealing with these types of incidents, you are shunned and thought of as a big baby, especially when you're a woman.

I was receiving the help I needed physically and mentally but my career was ended when I was told by my employer to retire or I would be terminated.

I'll also state on this part of H.B. 6916 on that note.

I loved being a police officer and helping people. I wanted to return to the force and resume my duties. If legislation such as Senate Bill 164 had been in place, I believe I would have received the support necessary to fully heal and return to my job.

Absent this legislation, seriously injured officers will continue to be casualties of an indifferent system. I am living proof of that.
Like my fellow officers in blue and brothers in the fire department, I understand the dangers of the job. But too many have been forced out, are quitting or worse -- committing suicide. We need your help in order to retain good people on the job.

I urge you to support Senate Bill 164.

SENATOR KUSHNER (24TH): Thank you for your testimony, I know it's hard for you to talk about it and it's hard for us to hear because I think we truly don't want anybody to suffer the way that you've suffered and we also recognize how much of a service you provide for our community and you know, we're indebted to you for that.

Are there -- Representative Polletta?

REP. POLLETTA (68TH): Through you, Madam Chair and thank you so much, Ms. Salvatore for being here. I realize that through the testimony before from the Connecticut municipalities and others, this has been an ongoing issue for a number of years. Long before I got here.

So hopefully this will be the year that we can, you know, get into the details of this bill and get some badly needed help for you folks. I know that doesn't -- I have a very good friend that's a police officer and he always tells me it's the element of the unknown. You're walking into a situation and you just don't know what you're going to encounter. It could be nothing or it could be life-altering, similar to your instance.

So thank you for sharing your testimony.

ROBIN SALVATORE: Thank you, sir.
SENATOR KUSHNER (24TH): Thank you, I do think that -- I'm new to this, I'm new to the legislature but I know that these issues have come up before. What I think is remarkable today is there seems to be some really important agreement between the various forces of police and fire the conference and CCM, the conference of mayors and I think that's gonna be really helpful in making sure we can get this done this year. So thank you for your testimony.

ROBIN SALVATORE: I hope so. Thank you.

DOCTOR LARRY DEUTSCH: Good afternoon and to the committee and all of those who are here, welcome and we hope we have a productive afternoon.

I am Doctor Larry Deutsch, a member of the Hartford City Council where we're sitting, just a little city. And I see that there's a lot of testimony and -- that has been given and some to be given and so I'd like to limit my -- my comments as I give credit to those who I think have testified or will.

And many of them happen to be wearing blue shirts and yellow buttons so again I'd like to save some time by omitting things that they will say more eloquently than I will.

There's been mentioned, you know, we heard in the testimony that these questions of -- on Bill 6921 -- I didn't mention, the bill is 6921, the discrimination based on a person's criminal history. Which as a resident of any city, whether it be Hartford, Bridgeport, New Haven, Waterboro -- any of our cities, we should know that discriminating against those who have been incarcerated decimates with the city in terms of its productive capacity, its family life and the ability to have people
return to their cities or countryside, wherever it is, and have a productive and even taxpaying life.

So the -- the measure called for would eliminate discrimination based on past history of incarceration or conviction. And I would -- I would say without reservation whether as a city council person or as a physician that this is a measure way past it's time and everyone seems to agree by speaking about second chance and speaking about the ability of someone to -- to return having served a sentence of whatever length.

And so I appreciate that many people here will testify to that. Some of them from personal experience. Some individuals have been incarcerated, I believe are here and will speak again far better than I could.

But I would like to emphasize also that as another measure we can and should take and speaking of persistence, which Robin Porter mentioned, I commented on this at a few other sessions. There are some who are unable to be with us because they're still incarcerated because they have a very lengthy sentence that may have been imposed when they were in their teens.

This is also a subject not only for state but federal law that the whole question of lengthy sentences for those convicted of crimes when they were young is a very important one and we have called -- some of us have called in a similar way for a sentence modification hearing for those who have served a lot of time and have a lot more to go unless they're given the opportunity to have a sentence modification hearing through various alternatives whether it be a Judge in commission or
the state's attorney if he or she chooses to allow that. Under the current law they can have that -- they can ban such a hearing.

There's another measure which has yet to be written as a bill to allow more access to a fair hearing through an impartial source.

So I'd like to conclude with that but again firmly endorsing House Bill 6921. You'll hear from Mr. Anderson Curtis from ACLU and some of my information and inspiration I got from Dr. Sarah Diamond a PhD in some behavioral sciences. There are people at Yale, all over the country who are calling for these progressive measures to enable people to return to productive work without discrimination in their healthcare, their employment and housing, so on and so forth.

I thank you and again, on behalf of myself and many of the people suffering in Hartford and other cities. Any questions?

SENATOR KUSHNER: Any questions? Okay, thank you. Sherri Rowan.

SHERRI MARTIN: Good afternoon -- good afternoon distinguished members. My name is Sherri Martin, I'm a police officer of 22 years and currently serving as the National Committee Chair for the Officer Wellness Committee for the Fraternal Order of Police.

I currently work as an officer in Enfield, Connecticut. I've also served 18 years, approximately, in law enforcement in South Carolina before moving to Connecticut.
I'm here to speak today on behalf of Senate Bill 164, AN ACT INCLUDING CERTAIN MENTAL OR EMOTIONAL IMPAIRMENTS WITHIN THE DEFINITION OF "PERSONAL INJURY" UNDER THE WORKERS' COMP STATUTES.

A 2017 study estimates that within the United States, there's likely at least a quarter of a million first responders that are currently suffering from full or partial PTSD.

We know that the rate of PTSD in the general population is approximately 7.8 percent. Some estimates are that first responder rates of PTSD are as high as 32 percent.

However, many cases with first responders go unreported or undiagnosed due to the attached stigma that first responders are presented with when they admit to having such symptoms. First responders are generally considered to be at a greater risk for full or partial post-traumatic stress disorder than most other occupations because of their duties with routinely entail confrontation with traumatic stressors.

These typically involve exposure to life threats either directly or as a witness. And a survey that the Fraternal Order of Police conducted last year, just over a thousand -- just under a thousand police -- excuse me. Just under 8,000 police officers across the country, among those respondents, over 78 percent reported experiencing critical stress on the job.

Sixty-nine percent reported a stressful experience as a police officer left them with unresolved emotional issues and 66 percent believe that these unresolved issues were the result of post-traumatic
stress. Of those respondents that experienced problems, over half reported each of the three symptom clusters that are common in a diagnosis of PTSD, that being unwanted recurring memories of traumatic events, withdrawing from others and hyper-vigilance.

Science tells us that brain decision functions are affected by PTSD. Selective attention, error detection inhibits worry control. In some studies officers with high levels of PTSD had a more difficult time making decisions as measured by cognitive brain functions. And this can be crucial in life or death decisions.

In addition, certain stress-related problems can lead to our manifestations that risk erosion of public trust and support for law enforcement thus pointing to public health implications in our community.

Results of the aforementioned survey of 8,000 officers also overwhelmingly indicate that police officers believe there's not adequate services offered to -- offered to them -- and believe, maybe hope, that increased awareness will lead to greater services.

To that end, three states have already passed laws making PTSD a condition eligible for workmen's comp, those being Florida, Colorado and Washington State. Several others are working toward this subjective, those being South Dakota, Idaho, Kansas, Utah, North Dakota and Ohio with new bills being drafted in other states each day.

Traumatic incidents are career enders for many of these first responders and I'll take a moment here
just to speak from personal experience. I've had several coworkers over the years be involved in a critical incident, whether that be an officer involved shooting or the death -- line of duty death of a coworker.

And seeing those officers leave the job within six months of their own volition. Of their own volition maybe. Maybe because they couldn't or didn't feel comfortable coming forward and saying that they needed help with these issues. Our communities can't afford to lose good police officers or other first responders because they need the help that they're not allowed to get now because PTSD isn't considered a workman's comp issue.

SENATOR KUSHNER (24TH): Thank you for your testimony. Any questions from the committee? Well, I think you were in the room when previous member told about this issue and I think you know that -- you've heard some of the comments from committee members that we -- it's very important that you testified here and it is gonna make a difference in how we -- how we deal with the information we have and the potential of passing the bill that would be certainly helpful.

SHERRI MARTIN: Thank you. I know it's been before you guys in the past and hopefully this is the year, like you said, that it becomes something more. Thank you.

SENATOR KUSHNER (24TH): Next up we have Nick Lukilosky. Is Nick here? Okay, we're gonna move onto Anderson Curtis from the ACLU. Hello.
ANDERSON CURTIS: Good afternoon, Senator Kushner and distinguished members of the Labor and Public Employees Committee.

My name is Anderson Curtis, I'm a Smart Justice Field Organizer with the ACLU of Connecticut. I'm here to testify in support of H.B. 6921, AN ACT CONCERNING DISCRIMINATION BASED ON A PERSON'S CRIMINAL HISTORY.

I strongly urge the committee to support this groundbreaking and critical bill in its full form. I and the people standing in solidarity with me here today fiercely support H.B. 6921. I believe this bill will empower previously marginalized communities, especially communities of color, to voice their experiences of discrimination because of their criminal records.

This bill extends hope and dignity to people living with a criminal record. The best policy decisions are those based on evidence about what will make Connecticut stronger. Today I am asking you to listen to the evidence and to listen to me, a justice-impacted person when I tell you that this bill is good for people, communities and the state of Connecticut as a whole.

The evidence shows that when people who are living with a criminal record are given a fair chance to earn a job, find housing, get insurance and reintegrate into society, we can and will succeed.

The problem is that most of us never get that fair chance to try for success. With this bill, Connecticut has a chance to be polled, bold and proactive.
H.B. 6921 is the opportunity for Connecticut to prevent discrimination against someone based on their criminal record in employment, housing, public education, insurance, credit transactions, government programs and services and economic development programs.

Passing this bill reduces collateral consequences for people living with criminal records is the right thing to do and the vast majority of Connecticut supporters fully support it. Seventy-four percent of voters support the legislation passing a law that prohibits formerly incarcerated for being incarcerated again due to their criminal record and things like housing, employment and insurance.

This support includes 55 percent of Republicans, 73 percent of Independents and 88 percent of Democrats. Connecticut residents know that redemption is possible and that a person's record of arrest and conviction alone does not tell you whether they will be a good neighbor or employee or insurance policy holder.

The racial disparities in Connecticut's criminal justice system are later affected when people returning from incarceration reenter the community. With black and Latino men disproportionately incarcerated, we are disproportionately rejected when we return to our communities and seek to build a life worth living.

H.B. 6921 in its full form would be a launching pad to establish equity and address the harms in incarceration on black and Latino communities. Tens of thousands of Connecticut residents are struggling with this discrimination every day. Because of the isolation, stigma and legal discrimination we face,
it sometimes feels like we're still serving time just in a community-based prison.

All people in Connecticut have paid the price of mass incarceration yet we can't afford the cost.

On behalf of the ACLU Connecticut, I strongly urge you to pass H.B. 6921, a critical bill to create a more just and equitable Connecticut. Thank you.

SENATOR KUSHNER (24TH): Thank you, Mr. Curtis. I know we heard some very -- we opened this hearing quite a few hours ago with, I think, some really compelling testimony from Steven Hernandez and I think there were a lot of questions at the time from members of the committee.

I know you were in the room during that time and so you've heard that there's a lot of interest in this bill and a lot of support from some of our committee members.

I will ask if there's any questions now. Representative Hall.

REP. HALL (7TH): Thank you, Curtis, for all the work that you've done in the books organizing what you have done on this very important issue.

Earlier at these public hearings, there were a conversation around classifications of crime, felonies, and whether or not exceptions can be made. Do you have any thought around that?

ANDERSON CURTIS: My thoughts around that are really not towards the classifications or exceptions. My thoughts are that 95 percent of the people who are incarcerated will be coming home one day. And I believe that this bill would create a pathway to have housing and employment for those people so it
would offer some stability that would in turn help public safety throughout the whole state.

To me, people employed and housed is the answer to all of this. Now I don't know how exactly you get there but I believe that this would be a launching pad for that and you know, maybe you people on the committee can use your expertise to work on that. And I'm here about what the impact of that bill would be for the people of my community.

REP. HALL (7TH): Thank you.

SENATOR KUSHNER (24TH): Thank you and I do think it's incumbent on us to look for the resources in our community then help fashion a bill that will meet some of the concerns that were raised but at the same time address the important issue that you raised about housing and employment.

And I often think about, when we talk about someone who has committed not necessarily even a crime but somebody who has gotten in trouble at work and lost their job and ultimately those folks have to go to work, they have to be able to support themselves.

And so I think you raised a really important issue for us as a society how to make sure that we're always mindful that people have to support themselves and they have to support their families.

So any other comments? Representative Porter.

REP. PORTER (94TH): Thank you, Madam Chair and good afternoon, Mr. Anderson.

ANDERSON CURTIS: Good afternoon.
REP. PORTER (94TH): I'm sorry I missed your testimony and I hate to do this but could you give me like a 30-second recap?

ANDERSON CURTIS: Thirty-second recap would be that you know, the racial disparities in the criminal justice system are reflected when people return home. We're disproportionately rejected. That H.B. 6921 in its full form would go a long way to creating access and opportunity for employment, housing and just offer some hope and dignity to not just the people returning home but to the people in their families.

And those families are in communities. And so that hope and dignity would expand throughout Connecticut and also I believe that people who are employed and housed would create a greater public safety for all in the state of Connecticut.

REP. PORTER (94TH): Well, thank you. Very well put and succinct and I 100 percent agree as a mom with a son who has been previously incarcerated. The family is impacted. So thank you for your testimony and thank you for drawing those conclusions and bringing them to our attention.

ANDERSON CURTIS: You're quite welcome. Thank you for your time.

REP. PORTER (94TH): Yes. I'm sorry, one question -- or comment, I'm not sure, from Representative Wilson-Pheanious.

REP. WILSON-PHEANIOUS (53RD): A little bit of both. One, I'd like to thank you for the work that you do on behalf of speaking of employing incarcerated because I, too, have known and been closely involved with someone. You're right, everything snowballs
when you get out of jail. Housing, your ability to get a job, your ability to do anything except go back to jail is impacted.

The one -- and -- and no one, not enough people are advocating to return people who've paid their debt to be able to get rid of those records and move forward.

The question that I have, though, is are you -- would you be in favor of an alteration to the bill somehow that would provide either immunity or some protection for people who extend the opportunity and get burned?

For example somebody who -- perhaps they're looking at somebody who's had a variety of theft incarcerations and they are extended an apartment and then there's a theft -- or the person recommits an offense. And then the neighbors might wanna sue that landlord because of suitability. You should have known this person has done this thing two or three times before. Therefore perhaps you, landlord, or somebody should be liable the loss that I suffered because something like that happened.

Are you in favor of that kind of a protection for people who might advertently be penalized for extending a second opportunity that doesn't work out?

ANDERSON CURTIS: That's a very good question. Honestly, I'm kinda one-track minded, unfortunately or fortunately, however you wanna look at it. And I'm really urging the committee to look at this bill in its full form because of the impact that it would have on the communities that have already suffered.
That have already endured hardship, you know, not about potential of what may happen.

I'm not saying that that's not important but my emphasis is on the communities that have already been impacted negatively and this bill will go a long way in creating a more equitable and just opportunity for those communities to move forward.

And I believe that quite frankly, people coming together is a real solution. And that people when they have conversations and talk about what it looks like raising their family, what it looks like supporting each other, whether they be black, white, brown -- whatever it may be -- because at the end of the day, we're all people.

And we're all residents of the state of Connecticut and I believe the real conversation is amongst us when we leave rooms like this and go out about our daily lives and just talk about the reality of really working together to create something that is unique that would be a state where reentry looks like not just me helping another person but someone who may not even have gone to prison or whatever but is just impacted because they realize that a second chance for one is a second chance for all.

REP. WILSON-PHEANIOUS (53RD): I do not disagree with anything that you said but it -- unless something becomes law -- I mean unless you can get it passed, it won't have an effect. And so I was looking at the practical potential opposition of people to this bill. You know, and wondering whether they're -- how objectionable it would be to temper it in that way.
ANDERSON CURTIS: Well, I think that we could work together on that and see what happens. And have this conversation. Because you know, the practical part -- I'm a very practical man. I have solutions that are practical tend to work or not. And so, you know, we have to all come together and continue to talk about it.


ANDERSON CURTIS: I think that -- I think there's room for agreement.

REP. WILSON-PHEANIOUS (53RD): Mm-hmm, okay thank you very much.

REP. PORTER (94TH): You're welcome and just for the record, we did discuss that earlier and that was something that was said that we would be in favor with. I'm not saying everyone on the committee but the advocate -- some do speak in favor of that because it's really not a landlord's responsibility to foresee whether someone is gonna recidivate or not and should not be held responsible if they do.

So that point was made and taken, duly noted earlier. Just so you know.

REP. WILSON-PHEANIOUS (53RD): The same thing could apply in giving someone a second chance in an industry, by the same -- I mean the same theory could apply. You should've known, you didn't -- you know, take advantage of the information you had which was the person's criminal record and therefore someone might try to charge that person trying to give a second opportunity with being negligent.

And so I'm trying to figure out how to balance that and still move forward with the idea which is an
excellent one. Which it needs to happen because that was the genesis of my question was like it does seem like perhaps if there is some avenue to take that fear away then the rest of it can work as it's intended.

REP. PORTER (94TH): Yes, I agree. Thank you.

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

REP. PORTER (94TH): And seeing no further comments or questions, thank you for your testimony. Glad I came in when I did.

ANDERSON CURTIS: All right, thank you.

REP. PORTER (94TH): All right, have a good afternoon.

ANDERSON CURTIS: All right, thank you.


All right, so up next we have Rebecca Simonson. Good afternoon, Rebecca.

REBECCA SIMONSON: Good afternoon, Representative Porter and members of the Labor Committee. My name is Becky Simonson and I'm a Lead Organizer with the Service Employees International Union District 1199 New England.

Today I'm submitting testimony in support of H.B. 6921. Our union represents 26,000 health care workers across the public and private sectors in Connecticut. The majority of our members -- working in state human services, nursing homes, group homes, hospitals and home care -- are women of color.
Connecticut, like every other state in this nation, disproportionately arrests and incarcerates black and brown people which disproportionately harms our members' families and communities.

The passage of H.B. 6921 would ease many of the obstacles that formerly incarcerated individuals face during reentry and would be a significant step towards addressing the long-term damages of mass incarceration in our members' communities.

Eleven-ninety-nine also represents all 600 front line healthcare workers in the Connecticut Department of Corrections. Our members working in Connecticut's prisons are doctors, nurses, psychiatrists, social workers and other healthcare professionals who, despite a severe staffing crisis, care for the medical and mental health needs of inmates.

Eleven-ninety-nine members in Corrections care for a population with acute medical and mental health illnesses that are often the direct result of systemic afflictions of homelessness, poverty and opioid addiction. Our members must uphold a constitutional mandate to treat and rehabilitate these individuals while they serve their sentences.

Eleven-ninety-nine members help inmates cope with histories of trauma, abuse and addiction and attempt to best give them the tools they need to re-enter our communities, find work and provide for their families.

Yet the constant pattern of recidivism prevents our members from helping most inmates from permanently transitioning back into our communities. The latest OPM report on recidivism in Connecticut found that
60 percent of the inmates who left prison in 2014 were re-arrested within three years of their release. And a recent study confirmed that black men are re-incarcerated more often and more quickly than all other groups.

Any progress our members are able to make in preparing inmates to re-enter society can be easily thwarted by the realities of discrimination.

Connecticut residents with a criminal record face over 600 systemic barriers to re-integration into society through limited access to housing, loans, employment and education -- driving these cycles of recidivism.

Ending discrimination for people with a criminal record would best allow 1199 members to truly assist incarcerated individuals in attaining the security and stability they need to stay out of the carceral system for good.

Connecticut has sought to become a second-chance society. Without expanding our antidiscrimination laws so residents with a criminal record can gain a foothold towards economic security, this vision is only possible for the lucky, wealthy few.

It is time for Connecticut to truly live up to this vision for the rest of us. It is time to pas H.B. 6921. Thank you.

REP. HALL (7TH): Thank you, Ms. Simonson. Are there any questions or comments? Senator Miner?

SENATOR MINER (30TH): Thank you, Mr. Chairman. So do we have a copy of that?

REBECCA SIMONSON: Yes.
SENATOR MINER (30TH): Thank you very much.


REP. HALL (7TH): Wilson-Pheanious, sorry.

REP. WILSON-PHEANIOUS (53RD): That's okay, it's a tough one. I'm wondering, how do the members of 1199 assist people in breaking that cycle of re-incarceration. Or I'm just missing that point.

REBECCA SIMONSON: So we have members that treat both medical issues and mental health issues. On the mental health side, they're treating inmates who have, you know, histories of trauma and abuse, addiction and they're helping best prepare them, really, for life on the outside.

But that can only go so far. If as soon as they return home, there's all of these barriers in place that would prevent them from getting a job or getting -- securing a loan or getting education -- our members can only do so much. If there are constant obstacles as soon as they do re-enter society and our members do observe recidivism for this very reason.

REP. WILSON-PHEANIOUS (53RD): So you're -- you're seeing a real frustration amongst your members because of all the hard work they do to get somebody back and then there are these artificial barriers -- or barriers, they're not artificial -- these barriers to creating a cycle and that's what you're -- okay.

REBECCA SIMONSON: That's exactly right.
REP. WILSON-PHEANIOUS (53RD): Okay, thank you very much, I appreciate -- appreciate the work they do. Thank you.

REP. HALL (7TH): Thank you, Ms. Simonson. Next we have David Denvir? Denvir? David Denvir? Next we have Toni Amato.

ATTORNEY BRIAN MONGELUZZO: Thank you, good afternoon, my name is Brian Mongelluzzo and I'm an attorney here in Connecticut and I've been licensed to practice since 1997 in both Georgia and then licensed in Connecticut in 2001.

For the last seven years I've been a board certified Workers' Compensation Specialist and we are here today in support of House Bill 6916. With me is Toni Amato. I'll give just a little bit of background for the committee. Thank you again for seeing us and for hearing us today.

Ms. Amato was originally injured in 2006 and has faced what is seeming about a lifetime of delay with respect to medical treatment and indemnity benefits, indemnity benefits being the money that she receives weekly while she's been out of work. She worked for the University of Connecticut Health Center as a Medical Assistant and in fact returned to that job after three years and has been out of work for quite some time as she has been trying to get medical treatment which eventually comes but it's a delay.

I will say that Attorney Skuret had spoken earlier and very eloquently so about this bill being a deterrent to the insurance companies.

Just to relay my own personal experience, I started in the defense industry, meaning I represented the insurance companies and the very first case I ever
tried, I appeared before the Judge and the two people before me were fined and admonished in open court. And that was a big enough deterrent for me at age 24 -- now at age 40, almost 47 -- to always remember that lesson.

The playing field here in Connecticut is not level and claimants, in the claimants' part don't have a level playing field. You don't have the leverage we need. I don't know if this committee knows anything about the ISO Claims Index but that's an index that the insurance company shares among insurance companies about every claim that is ever made by everybody in this room.

So whether you've made a glass claim on your auto policy, a workers' compensation claim, a slip-and-fall claim, an auto claim -- they know about it and they pull that information together not only to set rates but to -- uneven claim field.

And this bill will level the claim field for claims attorneys in the entire state and will make things that attorneys not to tell you what other people have told you today not obsolete but it'll make insurance companies think twice before they do it again. Thank you.

REP. HALL (7TH): Thank you. Can I just have your name again for the record so --

ATTORNEY BRIAN MONGELLUZZO: It's Brian Mongelluzzo. I'll spell that because it's not ordinary. It's M-O-N-G-E-L-L-U-Z-Z-O. I'm proud to say I learned that in kindergarten.

TONI AMATO: Hi, good afternoon, I just wanted to say thank you. I'm thankful and honored to be here today to testify in support of bill 6916. I'm a
Medical Assistant for UConn Medical Center for almost 20 years. And I was injured by a patient.

By the time -- I'm sorry -- a single mom of three girls, I think it's imperative that the committee look at the ways that workman's comp adjustors intentionally put patients through physically financially devastating, it offends my family.

I've had ten surgeries, major surgeries in a very short time. One eight weeks ago and one next Wednesday. It's a never-ending battle and it just seems that there's no checks and balances for the people who are in charge. They get to decide how long we are in pain for.

Me in the medical field, I'm knowledgeable about opioid abuse. I've worked in the emergency department, all the floors, correctional unit. And so I chose to do everything I could possibly not to use pain medication and to do everything I could to manage pain with alternative methods.

But in order to do that and to see doctors, the bills have to be paid. And they're not. And so then you can't see them and it's just a revolving battle that really, really needs to be looked at. It's affecting everyone who is a workman's comp patient.

There's no recovery, it seems, financially. Like no one's gonna go and fix my credit score and no one's gonna, you know, fix the eviction, no one's gonna fix any of those things except this bill will help make -- I believe, I know it's not up to just the adjustors but -- them liable. And it will give them a timeline that -- there's timelines for everything.
There should be a timeline, you know, when you call and you get a procedure approved, it shouldn't be four months or you know, six months or even two months to get in to do that because someone will answer your call or your lawyer's call. It takes dozens of calls. And I'm just asking to please, please look at this bill and there's so many of me out there and you've heard their testimony today and I appreciate the time to be here and talk to you. Thank you very much.

REP. HALL (7TH): Thank you, Miss Amato, are there any questions or comments? Senator Miner?

SENATOR MINER (30TH): Thank you, Mr. Chairman. So I just wanna make sure I got your employment status correct. Is it with UConn or with the state?

TONI AMATO: Well, UConn Medical Center which is a state hospital. State of Connecticut. I was employed by the state of Connecticut at UConn Medical Center as a Medical Assistant.

SENATOR MINER (30TH): So the state is self-insured for workers' comp. Which adds a level of dynamics to this because sometimes decisions were made based on whether there's an opportunity for a permanent partial payout, I think. Those are kind of budgetary decisions as opposed to healthcare decisions.

So do you know, is your workers' comp situation managed by an insurance company or is it managed through the state?

TONI AMATO: I know it's GAB Robins.

ATTORNEY BRIAN MONGELLUZZO: Senator Miner, if I may, GAB Robbins is a third-party administrator for
the state so typically what will happen in that type of situation is they will be the first line of defense and they will make the initial decisions. They have most of the autonomy when it comes to administering the claim. They have zero autonomy when it comes to paying out a settlement on the claim but essentially with state claims, they're almost twice as difficult because we have to go in this -- in the workers' compensation industry or arena, we have to go through an informal first and we can't get an Assistant Attorney General representative at the hearing until we get to a pre-formal.

So it's almost like we've gotta pay twice the time in a state case than we do with a private carrier. So in terms of this bill, I don't know how all the dynamics would work out but I certainly would think that if GAB Robins is making decision -- an autonomous decision on their own without the state's input -- the state would not be implicated in that but I don't have all the information on the budgetary issues and how the state runs their comp.

There's several different programs, I know, based upon the employer or the division with whom you're employed with by the state. Each one of them runs a little bit differently.

SENATOR MINER (30TH): Thank you. And so the reason that I asked those questions, through you, Mr. Chairman, was that I'm not -- I don't know what the impact of this legislation would have on the state. And therefore, some of the remedies that you might be seeking may not be found in this language. That's my concern.
I remember many, many moons ago when I served on the Insurance and Real Estate Committee, I inquired as to why the state was self-insured as opposed to insured through a third party for workers' comp and that was a conversation that no one was prepared for.

So it may be that there are some -- that we're gonna have to try and work out here in the meantime. But I -- I got your point that GAB Robins may have some risk through this process even if we do this bill and therefore the procedure may be more consistent even for state employees by its passage, is that correct?

ATTORNEY BRIAN MONGELLUZZO: Senator -- Senator Miner that is correct and certainly from our perspective, as Toni said, she's just one woman, one injured worker but there's hundreds of thousands of them out there and if we can fix one piece, one at a time, and give claimants and the claimants bar the ability and the power to help their people, nothing is more emasculating for me than to tell my client there is nothing else I can do.

SENATOR MINER (30TH): I get that.

ATTORNEY BRIAN MONGELLUZZO: We attended 16 hearings in a 36-month timeframe, most of them were the same exact issue. Six months to have a spinal cord stimulator put in. Another six months to have the hardware taken out. It was just like where does it end?

And when you talk to clients and you feel helpless that -- that's my helplessness as a professional. I can imagine it only touches her helplessness as an individual and as a human being.
SENATOR MINER (30TH): I hear you and I hear you both. I just wanna make sure that as we're moving forward on some resolution here we don't leave out some number of employees that we could've included by changing some of the words, that's all. Thank you. Thank you, Mr. Chairman.

ATTORNEY BRIAN MONGELLUZZO: Thank you.

TONI AMATO: Thank you.

REP. HALL (7TH): Thank you. Are there any other questions or comments from the committee? Thank you for your testimony today.

Next we have Kent Dungfelder.

KENT DUNGFELDER: Good afternoon. I've never done this before so I hope you bear with me.

I'm also a workman's comp injury person. And I just have a short letter to read you.

My name is Kent Dungfelder, I live at 106 Chambers Street in Manchester. I have been employed by the Town of Windsor Education maintaining the JFK Elementary School for the last 12 years.

I injured my left shoulder, tore my rotator cup and bicep picking up tables in the cafeteria. On October 31st, I had to be operated on. The insurance company accepted this claim. The operation took place on January 12th, 2017. Following surgery, I went through probably at least five months of physical therapy. While doing this, I found I was using my right shoulder more than I had in the past to make up for the weakness on my left side. I was returned to full work duty still using my right shoulder and arm making up for my left.
By October of 2017, it appeared that treatment was going to be needed for the right shoulder. My doctor told the insurance company in December of 2017 that the problem with my right shoulder was from overuse and thus related to the first injury.

Then I reinjured the right shoulder in January of 2018. The insurance company denied that the right shoulder was related to the outset. They issued a formal denial in February of 2018. From then on, my attorney had to go to at least two hearings before the commissioner. The insurance continued to delay approval for surgery on my right shoulder. They made me go through a deposition and finally sent me to their own doctor who agreed with my surgeon on all points.

By September of 2018, the last hearing was finally held and the insurance company finally realized that the right shoulder injury was legitimate. In the meantime, my doctor had been pushing for surgery since November of 2017. The right shoulder surgery took place on October 25th of 2018. There was an 11-month delay in getting that surgery and in those 11 months, the insurance company paid no benefits regarding the right shoulder.

My doctor was furious and told me after the surgery that in the time it took to finally get approval for surgery, the right bicep tendon had torn more than it had been and that he no longer could connect the two ends of the tendon. There will be permanent damage. So that's what I have.

REP. HALL (7TH): Thank you, Mr. Dungfelder. Are there any questions or comments from the committee? Thank you.
KENT DUNGFELDER: Okay, thank you very much for your time.

REP. HALL (7TH): Next we have Michelle Mechanic. Actually, I'm sorry. I'm sorry, I made a slight mistake. Mike Daly. I'm sorry, Mike Daly?

MICHAEL DALY: Good afternoon. My name is Michael Daly and I'm a resident of Simsbury, Connecticut and I'm here to testify in support of House Bill 6921, AN ACT CONCERNING DISCRIMINATION BASED ON A PERSON'S CRIMINAL HISTORY.

The -- I'm not gonna read all of my testimony simply because it's already in the record but there are a few things that I wanna highlight.

First of all, as part of the process of coming to terms with the conviction and everything, I was forced to accept responsibility and understand what I did.

Second of all, I was forced to -- I completed my term of incarceration, I completed my term of probation and I've gone on to get a Connecticut Residential Real Estate Salesperson's license.

I've worked as a controller in a financial company and how I am the office manager for a small not-for-profit in administrate -- not-for-profit in Hartford.

But my conviction and the effect on both myself and my family live on. So this bill tends to talk about a host of different things such as housing, employment and other things. So the focus of my presentation to you today is the effects that it's having on me. And on my family from a credit,
estate planning and financial management perspective.

Shortly after I pled, I was notified by two different financial institutions in the state of Connecticut that my IRAs, my SEPs, my self-employment pension programs, as well as my joint bank accounts and everything were all being shut down.

Now I understand that my situation is a little bit different. I held a position of public trust. I was a licensed attorney in the state of Connecticut and I was a bankruptcy trustee. And what happened was one day I made the fatal mistake of comingling a single check with trust -- with my own personal money rather than the appropriate bankruptcy estate.

And I understand that that violation both of my fiduciary obligation as well as my -- the violation of a public trust -- resulted in my conviction and my incarceration. And I accept responsibility for that.

What you need to know by way of additional background is at the time I was holding in excess of $7 million dollars on deposit and the comingled funds were $10,100 dollars. So it wasn't a scene where I was looking to pay bills or give loans or manage the money.

Additionally, I had over the $10,100 dollars on deposit in my account. So it wasn't -- I wasn't short of funds. But I did make that mistake and I accept responsibility. I understand how it happened, I understand why it happened and I -- and I understand that this will follow me for the rest of my life.
However, what happened was all of my bank accounts, all of my savings. And I was in my 50's, I had had a -- I'd had a fairly successful practice. My spouse was successful. And our accounts began to be shut down. Our IRAs and our retirement savings were cashed out and we were told to come and pick up checks which resulted in catastrophic tax consequences.

Subsequently, our personal checking account and our savings account were shut down which caused our mortgage payments to be late, our credit card and utility payments and also caused a lot of additional charges and fees along the way.

So we had tax consequences, we had financial consequences and everything at a time where this was, in essence, an overreaction. I mean there was no question that the funds there were mine. There was no service of any subpoenas on Connecticut banking institutions or anything else.

There was no forfeiture proceedings, there was nothing going on other than bad press and it affected my credit rating.

The other thing that happened was my spouse was unable to open accounts. My spouse's credit rating began to deteriorate because of my actions and we found that it was progressively more difficult to manage our affairs.

Ultimately, what we had to do was I was able to find one place to put retirement funds. We paid the tax penalties, we paid the early withdrawal that was precipitated as a result of what the banks did when I was incarcerated.
So when you take the pain and the -- of my actions. The effect on my family and you couple it with the catastrophic financial results, it's a miracle that our relationship survived intact. When I was released and I began working, we tried to reestablish our plan for retirement. We -- one of the first things that they did was they told us that I should be obviously the beneficiary on my spouse's retirement accounts and other things.

When we opened those accounts, well when we went and we changed the name of the beneficiary to me, I was actually told that I couldn't inherit from my spouse if we wanted to keep the money in these various institutions because they didn't want me as the beneficiary on those accounts.

So my point in my coming here and testifying today is I recognize I'm very blessed. I made a horrible mistake in the practice that you don't need to hear the -- what led to that. It happened, I understand it happened, I violated a public trust as well as a professional obligation and I've accepted those consequences.

But I have been incarcerated, I have completed my term of probation, I comingled the sum of $10,100 dollars. I made restitution at the time that I self-reported and subsequently was fined $15,000 dollars in addition to my incarceration and everything. Those fines were all paid as they were levied.

I came out of prison, I served 14 months of an 18-month sentence in the Federal Medical Center at Devens because I'm a diabetic and a cancer survivor, I was not eligible for the camp. And now as I try to move forward and gainfully employ and provide for
my family, not only am I still a victim of my actions but my family is being victimized. We are not able to have the same financial future that we otherwise would have had.

Due to my conviction, I'm actually being told by financial institutions that I can't inherit from my spouse.

So I would ask this committee as you think of this legislation, as you go through the bill -- and I appreciate the fact that my circumstances are a little bit different than many of the other people that will come forward but I think that those considerations are important. People come out of prison, they have an expectation that they paid their debt to society. Many of us have come to terms with that and are asking nothing more than to move forward.

These constant reminders as well as the damage to our family, our friends, our ability to provide is -- is an undue penalty or an unexpected penalty of the conviction.

So I'm asking you to think about when what -- what -- at what point do financial institutions in Connecticut have to accept the fact that we can be responsible citizens.

REP. HALL (7TH): Thank you, Mr. Daly, for sharing your story this afternoon. Are there any questions or comments from the committee? Representative Porter.

REP. PORTER (94TH): Thank you, Mr. Chair. I just wanted to thank you as well for your testimony and for bringing that to light. We actually do -- that is part of the bill because we have had people come
and tell us that not only is their credit destroyed but they aren't able to trust, estate, insurance, life insurance, something that's very basic.

That, you know, men and women wanna be able to provide for their spouses or their family. Or if something happens to them and they leave so this impact is wide and expansive and we've tried to be comprehensive in the covering of that but I just wanted to let you know that there were other people that had voiced that story or stories like yours as well where they were being impacted financially through their credit, through their lack of ability to get life insurance, trust and estate issues.

So thank you so much for bringing that because prior to your testimony it had not been mentioned. So thank you for sharing that.

MICHAEL DALY: Yeah. I've been turned down for life insurance. Not because of my health.

REP. PORTER (94TH): No, because of the conviction.

MICHAEL DALY: Because of my conviction and I'm told that -- so I appreciate your sensitivity to that issue and that's why I felt it was very important to be here and bring it forward and I want to applaud everybody and thank you personally and on behalf of everybody that I work with for your sensitivity on this issue.

REP. PORTER (94TH): You're very welcome. Thank you. Any further comments or questions? Seeing none, thank you again. You have a great afternoon.

MICHAEL DALY: Have a good day, thank you.

REP. PORTER (94TH): Yourself, thank you.
REP. HALL (7TH): So now we'll have Michelle Mechanic.

MICHELLE MECHANIC: Good day, Madam Chairperson and distinguished members of the committee. Good afternoon.

So I'm gonna apologize in advance for what I'm about to say. I write in support of proposed House Bill 6921 for the following reasons.

The first reason I'm going to discuss is racial disparity. Underrepresented minorities, particularly persons of color and low-income individuals suffer profoundly more arrests and conviction histories than white persons.

According to the present policy initiative, Connecticut has approximately 16,000 incarcerated persons in the system and 41,000 people on probation.

Inmates of color exceed white inmates in Connecticut by 70 percent, at least in 2010. Furthermore, according to a Stanford University study, each person with a criminal history loses access to public housing and an average of $5,750 dollars a year in public benefits as well as lack of access to employment.

And I think a perfect example of this is the testimony we just heard from an educated white man of privilege who managed to obtain three jobs. And I am very empathetic about other things that you've gone through. But the difference is profound.

I'm a former prosecutor, defense attorney and I'm a victim advocacy attorney and policy advisor and the things that I have seen are -- are shocking.
Accordingly, these people must have the opportunity to earn. This is an unacceptable building block in systemic racism and economic suppression and it really impedes minority persons to some thriving.

The second issue I want to address is constitutionality and this is something that was brought up previously by the panel. Denying employment based on criminal history does absolutely violate the Civil Rights Act of 1964 and arguably violates the Equal Protection Clause of the 14th Amendment particularly when it comes to state employment or employment by state contractors.

The problem here, though, is that the reason that we don't see these cases being dropped and the reason we don't see action with regard to the Civil Rights Act or the 14th Amendment, instead employment is denied based on an unrelated pretext. So there's no way to prove other than numbers that an employer simply chose to discriminate based on a history versus saying, "Well, we don't think you were the right fit."

For this reason, the only way to mitigate this discriminate is to deny perspective employers access to criminal history. This has been done in other states. Illinois seals criminal records for anyone who has less than seven felonies so that people are seen as people and that is a direct quote.

According to the University of Pennsylvania, a felony actually reduces employment by 50 percent. The other thing is the overall economic benefit of implementing this legislation. Increasing job access to people with criminal histories is beneficial to Connecticut's economy. Doing so will expand our tax base, especially if this legislature
-- well, if the legislature implements at least a $15 dollar minimum wage.

According to the CGLA in Chicago, almost all people want employment after incarceration. This is something that incarcerated persons are actively seeking. Consequently the fiscal impact of this bill benefits all of us here in Connecticut.

The second thing is deterrents and crime reduction. Employment reduces crime and it reduces recidivism. Data from the national longitudinal survey of youth and countless other studies show employment substantially reduces violent -- violent and property crime among young people.

The Internal Rescue Committee at Columbia University found employment reduced return to crime by a minimum of 20 percent.

The next thing I wanna talk about that most people don't know about is --

REP. HALL (7TH): Michelle, can you summarize?

MICHELLE MECHANIC: Yeah. Sure, the final thing is the impact on domestic violence victims. So in order to come forward as a victim of domestic violence, you basically risk homelessness because what happens is the major provider is then charged, incarcerated and unable to earn. So the crime victim themselves and their children find themselves impoverished.

REP. HALL (7TH): Thank you. Are there any questions or comments from the committee?

REP. WILSON-PHEANIOUS (53RD): Yes, you started off your -- your testimony apologizing and I don't understand why. I feel like the -- and maybe I just
don't understand why -- why you were saying that you wanted to start off, you know, sort of apologizing because it seems to me that Connecticut, given all that I've prosed to this testimony and all that I know about what happens to incarcerated people, it's almost as though you don't think that once you put them in jail they're just gonna go away and never come back again.

Because if you're in any way -- everything is taken from you. Your ability to earn, your ability to, you know, find -- pass on resources perhaps or be engaged in commerce. It's almost like you have struck out by virtue of having made one mistake.

And I am struggling with how we as a state who thinks of itself as progressive and thinks of itself as a place where people would wanna be could have as many laws that we have as keep the foot on someone's neck after they've made a mistake. There does not appear to be recovery or the possibility for recovery.

MICHELLE MECHANIC: I agree. I was actually apologizing to the gentleman here because I used his circumstances to juxtapose what it would be like with a person without -- a person without fortune or [crosstalk].

REP. WILSON-PHEANIOUS (53RD): I see what you're saying. Thank you very much and thank you for your sensitivity and your work.

MICHELLE MECHANIC: Thank you.

REP. HALL (7TH): Thank you. Representative Porter.

REP. PORTER (94TH): Just want to say thank you, Michelle, I appreciate you bringing all this stuff
to the forefront. I know we've had several conversations around this and how it impacts a wide variety of people in all different circumstances and you know, your experience as a prosecutor and defense attorney and you know, having boots on the ground around this issue, I really do take -- it carries a lot of weight, what you're saying.

So just thank you for your patience and for hanging in there and for testifying today.

MICHELLE MECHANIC: Thank you.

REP. PORTER (94TH): All right? Have a great day.

MICHELLE MECHANIC: Thank you.

REP. HALL (7TH): Arvia Walker?

ARVIA WALKER: Hello everyone. So I -- my name is Arvia Walker, I'm the Public Policy and Strategic Engagement Specialist, Planned Parenthood of Southern New England.

I have submitted my testimony to you all electronically so I'll just be very brief today. So I wanted to come and give my support for H.B. 6921 and H.B. 6924 so definitely supporting the work of the folks at ACLU and Smart Justice and the folks who are working on the on-call scheduling bill.

So the reason why both of these bills are important to Planned Parenthood and making sure that I become an advocate for these. Because everyone who comes in our health center come with their full stories, they're not coming with just -- with just their needs in our respective health care and we want to make sure that we're showing up as an organization to talk about what needs everyone have to protect their freedom so folks should not be coming home
after -- after paying their debt to society, however you wanna talk about it and still being discriminated against for housing, employment, insurance and different things like that. So these are human rights that folks should have access to.

As a partner in the movement, we were able to work with people in this room on the Ban the Box Bill a couple years ago so we stand by our friends and folks in the community who are fighting for people to have access to resources.

The on-call scheduling bill is so critical to folks being able to plan their families and take care of their families because people shouldn't have to pick up at the drop of a dime to come into work and not be able to plan their lives. So folks are having to schedule childcare last minute or having to cancel on things last minute and how is a person supposed to be able to actually plan their life accordingly.

So these are all reproductive freedom issues. Folks should have access to resources to be able to live their lives like they want. So we stand in strong support of both of these bills and we hope that this committee will pass it with a unanimous vote.

And if you have any questions, let me know.

REP. HALL (7TH): Thank you, Arvia. Any questions or comments? Senator Kushner.

SENATOR KUSHNER (24TH): Thank you for testifying today. We -- I did wanna bring to your attention there's gonna be another bill that we're gonna hear on on-call scheduling and I think there will be -- yeah, just because of the way it works out, there's two bills and they are being heard on two different days. So you will have another opportunity for
testifying on that issue and I'm sure there will be a number of people who will come forward but I wanna thank you for coming out today to talk about that.

ARIVA WALKER: Thank you.

REP. HALL (7TH): Any other questions or comments from committee? Thank you. Thank you. Sharon Hubbard. Sharon Hubbard.

SHARON HUBBARD: Good afternoon.

REP. HALL (7TH): Good afternoon.

SHARON HUBBARD: I'm here in support of bill 6916. My name is Sharon Hubbard, I live in Vernon. On February 14th, 2014 and again on September 8th, 2014, I was injured on the job. Both matters were accepted as compensable injuries by my employer's carrier, Zurich Insurance.

Treatment was received for my cervical spine and shoulder from the September incident and surgery was performed on my lumbar spine from the February 2014 event. With regard to the lumbar spine, I had been placed on restricted duty from February 2014 through June of 2014. This made me eligible for certain partial benefits based upon my weekly earnings. These benefits were sent regularly.

Symptoms regarding my shoulder and neck injuries from the September 2014 never ended. In June of 2015, I was placed on restricted duty due to these injuries. From that time forward, Zurich has been less than timely in providing the partial benefits which the law requires.

The first of these payments was delayed for six weeks. I was living on $100 dollars a week at that time. At one point I had to call my boss and tell
him that I could not come in because I had no gas in my vehicle and no money for gas.

Submission of bi-weekly pay stubs were provided on a by-weekly set basis. Benefits were continually delayed by two to four weeks to the extent that my utilities were cut off. I required assistance from the town for heating during the winter this year and last -- that was back then. And my credit rating is now in the 500s when it has been very good before all this happened.

You cannot imagine the frustration I experienced in dealing with these continual delays. There is a statute which requires payment of a benefit for taking time off of work for medical treatment.

My employer would deduct that time from my paycheck. We have been trying to get reimbursement for that since October of 2016 to no avail with no response from Zurich. There have been two hearings scheduled before the workers' compensation commission on this matter which I hope will bring forth some action.

In the meantime, the Commissioner has been reluctant to sanction this behavior and I have no recourse in the courts. This is a bill which at least would give people like me a way to get recompense for this kind of behavior.

REP. HALL (7TH): Thank you, Sharon, for your testimony. Have any questions or comments from the committee? Seeing none? Thank you so much for coming out.

SHARON HUBBARD: Thank you.

KEN KATZ: Thank you, Senator Hall. My name is Ken Katz. I am the Chairman of the Connecticut Trial Lawyers Association, Workers' Compensation Committee.

I practice law in West Hartford in a practice which is devoted almost entirely to representing people who get hurt on the job.

Our position on bill 6916 is quite clear, it's in the record and I'm not gonna waste your time by reading it. Just let me sum up what's happened here today on this bill.

You've heard testimony on the effect of delays. You've heard about foreclosures, you've heard about evictions, repossessions, bad medical results. Uniformly you've also heard about the emotional toll that these delays have taken on these people.

You know, when you represent folks like this and you see this day in and day out, you just get furious as to why there are delays. You ask for hearings, you gotta wait ten days for a hearing. Finally when you get your hearing they catch up to you. For a week or two or three, these people are without anything at all.

And it's bad enough that the weekly benefit they get is 75 percent of their take home. But if they're getting delays from even that, they can't keep up with their obligations. They're stuck, they get dunning letters, they get phone calls, they get eviction notices -- and just imagine the emotional toll that it takes on them.

The problem here is that there is absolutely no form of redress for this conduct. What this bill is proposing to do, 6916, is to grant at least a chance
for these people to secure redress from conduct which is pervasive, egregious, serious. It's gotta be addressed now and this is the bill that will do it.

I wish Senator Miner were here because I could've responded to his question with respect to state employees. Okay, the state is self-insured. However, they have a third party administrator. If you take a look at the contract between the state and the third party administrator, you will see that that TPA assumes all responsibility for any kind of claim or delay or what have you.

And what this bill would do would be to insulate the employer from any such claim. It goes straight to the insurance company, it goes straight to the TPA. The employer is not affected.

And we have also put language in which we hope would serve as a deterrent as Attorney Skuret had mentioned, as Attorney Mongelluzzo had mentioned -- soon as a deterrent for these companies to refrain from entering into this conduct. It's bad stuff.

So it does not go to the employer. It only goes to the TPA and the insurance carrier and please, somebody pass that one to Senator Miner because I know that the last time that we were here on this bill and it was a fiscal note that turned it down because they thought it would cost the state money. It will not cost the state or municipality one thin dime.

REP. HALL (7TH): Thank you for your testimony this afternoon, Mr. Katz. Senator Kushner?

SENATOR KUSHNER (24TH): This is my first time hearing this bill because I'm new to the legislature
but I have to say the testimony that we've heard all day from many people was very compelling. I didn't get a chance to tell you, Ms. Hubbard, that I feel like there's just no excuse for someone's life to be destroyed from an injury on the job that we are supposed to -- you know, you're supposed to be taken care of through this kind of thing. But it is disconcerting that this has gone on for a long, long time and I think your summation is very important in putting in perspective as somebody who -- a practitioner who sees this every day.

I know we had some questions up here about the amount that people are reimbursed, the amount of wage replacement. Did you say --

KEN KATZ: The wage replacement statute is based on one's average weekly wage for a year prior to the injury. One takes that -- that average weekly wage, calculates how they file their income tax return -- well, before the new tax law they would do it by filing that income tax return so that the more exemptions that you had and the status of being single, head of household, married filing jointly could all be taken into account.

When that was done, the figures that we're given, the workers' compensation commission creates a table of rates every single year. Every October 1st. The amount that workers' compensation rate is supposed to be is 75 percent of take-home, based upon the number of -- how they file their income tax returns and the number of exemptions they have.

SENATOR KUSHNER (24TH): Seventy-five percent of take-home.

KEN KATZ: Take-home, yeah.
REP. HALL (7TH): Any other questions or comments from the committee?

REP. WILSON-PHEANIOUS (53RD): The point that you made regarding this bill not costing the employer anything, is that point made at all in your testimony or are you just responding to -- I mean in your written testimony.

KEN KATZ: Yeah, it is, matter of fact. Attached to our written testimony is what has been proposed to be a change in the statute. And when you see it, you will see that what is taken into account is that the employer not be held responsible for what the insurance company or the TPA has done.

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

REP. HALL (7TH): Thank you.

KEN KATZ: Thank you.

REP. HALL (7TH): Tiheba Bain. Good, and you? Wanna turn your mic on, please?

TIHEBA BAIN: Good afternoon, Senator Kushner, Senator Hall, Representative Porter.

REP. PORTER (94TH): Take it back, you seem very rushed. [Laughter]

TIHEBA BAIN: I know, right? And distinguished members of the Labor and Public Employees Committee. My name is Tiheba Bain and I am the founder -- I am the founder of the mass -- Women Against Mass Incarceration and employed by the National Council of Incarcerated and Formerly Incarcerated Women and Girls.
I am here to testify in support of House Bill 6921, 
AN ACT CONCERNING DISCRIMINATION BASED ON A PERSON'S 
CRIMINAL HISTORY WHICH IMPEDES DISCRIMINATION 
TOWARDS PEOPLE SOLELY BASED ON THEIR CRIMINAL 
RECORD.

Trauma is very real. It is a very real collateral 
consequences for formerly incarcerated people living 
through the process of reintegration. Trying to 
reintegrate into a society that hinders, blocks and 
resentence with every closed door. That is 
traumatizing.

The term returning citizen, we use it loosely in 
reference to a formerly incarcerated person when in 
fact a formerly incarcerated person face over 600 
legal and policy barriers including but not limiting 
to insurance, housing, employment and education.

A non-returning citizen, which is a normal citizen, 
they do not face these barriers. These barriers 
make adjusting to normalcy of life very, very 
difficult mentally, emotionally, spiritually and 
economically.

Everyone wants a safe rising community, you know, 
that thrives on -- with economic security. However, 
these barriers make it challenging to live mentally 
and economically secure.

The penance paid does not end upon time released. 
It is merely redirected and perpetuated after 
release in the form of discrimination.

Did you know 74 percent of Connecticut voters 
support passing the antidiscrimination legislature 
for formerly incarcerated people? And according to 
anther public poll of registered voters in
Connecticut conducted by the ACLU Smart Justice, we could possibly have a bipartisan win with H.B. 6921.

Why? Because the polls suggest that 71 percent Republicans, 92 percent Democratic and 84 percent Independents all agree that people with criminal history can be productive members of society given the right opportunity.

I'm gonna give you a little bit of story about what happened to me and why I sit here. House Bill 6921 is especially important to me for the simple fact that out of my hurt and pain of being phased out for a position here in Connecticut in which I was recruited for, helped birth this bill.

I was approached by someone who was given my name for a position. After having multiple in-person and telephone interviews, I was phased out after revealing the crime I committed over 16 years ago was violent in nature.

At one point I was denied life insurance after checking the box and two years my -- and two years ago, my oldest son life insurance policy was discontinued after he was arrested and convicted. Certain landlords wanted to know why I didn't have a recent rental history and after I told them why, they then in turn wanted to know what my criminal record was and the details of my crime. And I believe that our basic human needs should not be contingent on criminal history.

To be political correct, formerly incarcerated people are not returning citizens. Our fundamental civil rights are not restored but are constantly held under scrutiny. In our pursuit of life, liberty and happiness, we fight to vote, we fight to
live and we fight to be forgiven for a wrong done in the land of opportunity and second chances.

To conclude, House Bill 6921, AN ACT CONCERNING DISCRIMINATION BASED ON A PERSON'S CRIMINAL HISTORY, will make provisions not only for the 40,000 people on probation and parole but also for those of us who have been home for a number of years who still struggle to re-acclimate to life and overcome these 600 barriers that restrict and confine indefinitely.

This bill will also address the racial disparities black and brown communities face along with the stigma of having a criminal record. And it will also help reduce the recidivism rate.

House Bill 6921 is the epitome of criminal justice reform in my opinion and Connecticut will be on the cutting edge as the first state to propose and pass this legislation.

So I implore you to pass H.B. 6921, AN ACT CONCERNING DISCRIMINATION BASED ON THE PERSON'S CRIMINAL HISTORY.

Thank you.

REP. HALL (7TH): Tiheba, thank you so much for coming out this afternoon and sharing that very important information and thank you for being such a strong advocate on behalf of this bill but just a formerly incarcerated person in general.

And I just ask are there any questions or comments from the committee? Representative Porter.

REP. PORTER (94TH): I just wanna say thank you. I mean you and I talk all the time, I don't have to belabor the issue but I do applaud you for your
courage and how far you've come and how well you are able to articulate what you've been through.

Your testimony is powerful and I thank you.

TIHEBA BAIN: I thank you, appreciate it.

REP. HALL (7TH): Thank you for coming out this afternoon.

TIHEBA BAIN: Thank you.

REP. HALL (7TH): Marjorie Swanke.

MARJORIE SWANKE: Good afternoon. Good afternoon Senator [Inaudible 03:19:16] and I'm sorry for my language, I'm -- maybe I have an accent, I'm from Puerto Rico. Thank you because you listen to my testimony.

My name is Marjorie Swanke, I served 30 months in York Correctional Institute.

I'm here to represent Social Economic Networkers, this is an international organization that improves the [Inaudible 03:19:43] for everybody that’s been in jail. This is built for citizens to help everybody who wants only to be here.

Because everybody's commission for people to stay in jail, nobody opened the doors for us. And I want to support this bill, 6921.

To stay in jail is a trauma for everybody. It's not only for me, it's for the family, for the children, for everybody. I want to divide my time with my friend here but I want to conclude with this. The [Inaudible 03:20:27] criminal is very hard to find a job, it's very hard to find a credit card. It is very hard to find insurance. It's very hard whether
you want to more education and everybody declines for you.

It's very -- here's one I remember thinking is very important for everybody. When I go to jail and I come back for right now and I say, "What is very hard to have insurance. Why is it so hard to finding a house?" Why, because you have a criminal record. It's very hard to find a job. If you don't have a job, how many people's gonna [Inaudible 03:21:12].

Because when I have opportunity to knowing that. That's what I want to say. Thank you very much for listening and I want to please, please support this bill, 6921.

JAMES KEIRNAN: Hi, my name's James Keirnan. I just found out about this yesterday and so I'm not prepared. And I just found out earlier today that I was gonna have an opportunity to speak. I'm not the greatest speaker so I'm gonna try my best here.

So I wanna say good afternoon to Senator Kushner, Representative Porter, Hall, Polletta, everybody.

So I'll do my best to try to get started here. So what I wanna say is -- yeah, I wanna preface this by saying that I make no excuses for my wrongs and I accept the punishment for my wrong and accept the need for punishment and understand the need for retribution for society and to be able to deter others.

And I know that criminal justice in general, the breadth and the depth of those issues is so vast and deep and complicated and just listening to some of the testimony today, even from first responders, you know, it's just tough on everybody, on both sides
and I like the fact that we're trying to work to bridge that gap because, I mean, prisons were built for the most violent, you know, un -- yeah, thank you. But there's so many people that get caught up in the system.

And Michelle, I don't know her last name but prior to this spoke, you know, she talked about domestic violence and so I just wanted to -- I grew up in a house full of domestic violence and what she said about the mother with children being left homeless, when my mother separated from my father, she had to go to work for the first time, you know, after being a stay-at-home mom in the 70's and early 80's. Somebody called DCF and she was stripped of her kids.

And when I look back on that now, it breaks my heart. And as a kid who was put into the system at 11 and separated from his sisters, yeah I was just told that my mother wasn't fit. And so I moved through life with a chip on my shoulder, angry, and used drugs and alcohol to try to medicate the pain.

That resulted in two people dying from a drunk driving accident. That's a whole 'nother burden but I've worked -- I can never -- a lot of people have an opportunity to right their wrong. I can't right that wrong but all I can do is try to make an impact on other people's lives and that's why I wanted to come here today and speak.

So I served 14 years, I went in at the age of 26, I got out when I was 40. And I know Michael Lawli[phonetic]talked about a lot of policies and this maybe veers off of House Bill 6921 but you know, trying to take the personality out of decision making by probation and parole officers.
I worked my fingers to the bone when I got out. Just started in rooming houses, sober houses. Took this train down to New York to work and back and forth and falling asleep on subways, missing my stop and coming back the other way and missing my stop again because I was working more 100-hour weeks than I care to remember. And I managed to even pay child support of about $1500 dollars a month for one child that wasn't court ordered, through working so hard.

And I still suffered -- after doing those 14 years as well as almost five years of probation -- with some substance issues. But I can tell you that I never drank and got behind the wheel of a vehicle again. But not once through that process did anybody ask me -- you're doing so much right, what are you doing wrong, what can we do to help?

And so I served another three years which I'm currently in a halfway house right now and still facing three years of special parole. And I worked hard to get the employment opportunities I have in New York. I mean I just started a small moving business, had contracts down there.

And so right now currently I'm in this halfway house and I'm gonna wrap this up. I know it's been a long day for you guys. I'm being denied employment because of background checks and the issue -- I've got verifiable employment, I've got verifiable housing, I've got people that want to help me with housing and those are just some of the obstacles that -- that I'm facing. I have employment in New York.

And I guess I just wanted to voice my story and I hope to be able to participate and maybe lend to -- more into this process. Thank you for your time.
REP. HALL (7TH): Thank you -- thank you James. And Marjorie for your testimony this afternoon. Any questions or comments? Senator Kushner.

SENATOR KUSHNER (24TH): I just wanna say, you know, I've heard from so many people today who have told intensely personal stories that are hard to tell. And I can only imagine how hard it is to talk about these events in your life that have been traumatic and yet I think you do it for other agencies and to help impress upon us how important it is that we understand what we're doing here when we take up these bills and enact laws. And so I appreciate you coming here talking about it.

JAMES KIERNAN: Thank you.

MARJORIE SWANKE: What I want is for anybody, not just for me but people getting out to get because not everybody is listening.

REP. HALL (7TH): Absolutely, thank you.

MARJORIE SWANKE: And there's no jobs for anybody. Everybody needs a second chance. Thank you very much.

REP. HALL (7TH): Absolutely. Thank you for your testimony this afternoon. Roland Robles? Yes. Yeah, hold on to them.

ROLAND ROBLES: My name is Roland Robles, I've been a resident of Hartford for some time now. I was born in Hartford, raised in New York, came to Hartford.

I'm in support of bill 164 and 6921. I've been in and out of prison and it's very difficult for me to obtain a job because the employers, they look at my background, my conviction from 2007. Haven't been
convicted since but for some reason I get denied employment because of that conviction from 2007.

I've been trying to look for a job and because of me coming in and out of prison, I have mental health issues. I'm on SSI. I get disability for that and it's -- I'm trying to get off. But nobody will give me an opportunity for employment.

There's been times where I have been given a job where I went in front of the employer, he shook hands, "You got the job, this is what you're gonna be doing", every -- the paperwork goes to HR and then two or three months later they fire me. Doing my background.

So that's what we're dealing with as a, you know, in society right now. Not with just white, black or brown, it's everybody dealing with that. It's discrimination across the board.

And that's just what I have to say regarding those issues.

REP. HALL (7TH): Thank you, Roland, for your testimony this afternoon. Are there any questions? Representative.

REP. WILSON-PHEANIOUS (53RD): Just one question. When you sought employment, were they aware of your background and --

ROLAND ROBLES: On the application I explained to them that I was a convicted felon and -- on the application I did disclose to them that I was a convicted felon. There were some applications where they didn't ask but there was some that they did ask and I did disclose it, we did talk about it and the person, you know, like we're talking right now, they
liked me. They had a feel for who I was as an individual, as a human being.

And but then what happened was, when it went to HR which was a corporation in another state, you know, "We're not gonna want this guy in our organization." Even though I was working there for a few months, you know. Fired and that was back to square one. I'm trying to figure out what I'm gonna do. How I'm gonna get money.

REP. WILSON-PHEANIOUS (53RD): Thank you for your efforts.

REP. HALL (7TH): Thank you. Are there any other questions or comments? Thank you for coming out this afternoon, appreciate it. Connie Perez? Michael McCarthy?

MICHAEL MCCARTHY: Good afternoon. My name is Michael McCarthy, I'm here to hope to get you to support bill number 6116. It has to do with adding first responder dive teams and search and rescue canine handlers who workmen's compensation blocked.

I am currently the Chief of Newtown Underwater Search and Rescue. I am a charter member of that, we started it in 1989 and I'm also a 45-year veteran of Newtown Hook and Ladder.

NUSAR, Newton Underwater Search and Rescue, is the only dedicated water rescue dive team in the state and in the Newtown area. We dive for seven different towns. We're automatically dispatched to eight different towns and our members live in seven different towns.

From the inception, we thought we had workman's compensation. Originally we were under Civil
Defense for the town. Civil Defense was abolished in Newtown, we've got under Emergency Management.

We had one incident in the late 90's where we had an injury doing some quick water rescue training. That was covered by workmen's comp. That gentlemen was also a member of one of the volunteer fire departments in Newtown so there was no issue.

In 2009, the law changed and the specific wording in the law was a statute states "Fire fighters and EMTs only".

We had an injury two years ago at a fundraising. Our member was injured, he was dropped on his head, he had a concussion, he lost work. He was an attorney -- or he is an attorney. Fortunately he had very, very good insurance. We were denied comp coverage because we were not fire fighters or EMTs.

Since then, right after that, we -- just being as a group for a month or so until we could get coverage that was comp like through one of our insurance carriers. That particular comp was costing about $6,000 dollars a year. I'm told by our financial people in Newtown that that's maybe double or two-thirds of what they should be paying.

So we're hoping that you people will push along -- this was tried two years ago. We're hoping that you'll push this along and get us and the SAR dog team handlers added to the capability of having workers' compensation.

REP. HALL (7TH): Thank you, Michael, for coming out this afternoon. Are there any questions? Senator Miner?
SENATOR MINER (30TH): Thank you, Mr. Chairman. So this organization is not currently legally affiliated with the municipality?

MICHAEL MCCARTHY: No, we are. We come under Emergency Management for the town of Newtown.

SENATOR MINER (30TH): And so what you'd be asking for is that because of that relationship, you be provided the same opportunity for coverage under the conversations going on with regard to police and fire fighters.

MICHAEL MCCARTHY: Yes.

SENATOR MINER (30TH): And post traumatic -- I'm not sure we --

MICHAEL MCCARTHY: No, no, no. This is -- this is if that would probably come along --

SENATOR MINER (30TH): Straight up workers' comp?

MICHAEL MCCARTHY: Yes, straight up workers' comp is what we're looking for at this point.

SENATOR MINER (30TH): And through you, in terms of the rescue dog organization, in those cases would they be associated with a municipality or are those in some cases volunteers that kind of serve at their own pleasure?

MICHAEL MCCARTHY: They are volunteers. There's two major SAR dog teams in the state. There again, they're independent. The way I was led to believe that this would work is they would have to be recognized by a municipality to be able to get put under comp. I do not know if that's exactly accurate.

SENATOR MINER (30TH): Okay.
MICHAEL MCCARTHY: But in 2009, the statute was rewritten and specifically says fire fighters and EMT. We're trying to get emergency service, dive teams -- we're the only independent one in the state. We did a survey through the state of Connecticut fire academies lift server with thousands and thousands of people from towns. We are the only ones in this boat, so to speak, as far as not having coverage.

Tolland County has a dive team, it's a conglomerate of all the different fire departments there. Region five from Thomaston, they have a dive team but they're all members of fire departments there so they're covered by that. We're kind of an odd duck in the operation.

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

REP. HALL (7TH): Thank you, are there any other questions or comments? Thank you for coming out this afternoon.

MICHAEL MCCARTHY: Thank you.

REP. HALL (7TH): Next we'll have Stacy Zimmerman.

STACY ZIMMERMAN: Good afternoon, Chair people, I'll be very quick because, you know, this has been a long hearing.

Actually I just wanted to come on and be on record about supporting S.B. 164, opposing all of the bills that would touch unemployment and they're also in favor of H.B. 6921 and H.B. 6924. We think all of these bills that we support would help, you know, generally benefit the quality of life of Connecticut residents and workers. We think that mental health
should be definitely considered in workers' comp, especially for first responders which we do represent some.

And that's my short testimony for today.

REP. HALL (7TH): Thank you. Any questions or comments? Thank you so much. Jonathan Gonzalez-Cruz? Cindy Prizio?

CINDY PRIZIO: Hi. Good afternoon, Senator Kushner, Representative Porter, hopefully you'll be coming back. And esteemed members of the committee.

My name is Cindy Prizio, I represent One Standard of Justice. Our organization is a civil rights organization helping to restore human dignity and constitutional rights to 5500 Connecticut citizens who are on the sexual offense registry. That's because we know best. No one belongs on a public registry.

I'm here today to give overwhelming support to Smart Justice and bill 6921. It is the experience of those with criminal histories that they are excluded from the very things which would enable them to reenter society, find decent housing, employment, access to health care, vote, educational opportunities and a tragic number of other barriers, as many as 600 which we've heard today from the National Inventory of Collateral Consequence of Conviction.

These barriers make it hard for these citizens to support themselves and their families, requiring more government assistance and lowered tax revenues. And oftentimes if they have family, it puts tremendous burden on their families. I've heard of elderly citizens who are about to retire who had to
put it off because they have a loved one who is coming out of prison.

I know this from the experience of a member of my family. This is not my family, it's -- I co-wrote this. He had to fight to be able to attend a community college. He was turned down for housing repeatedly which is why he lives with me. And lives in anxiety about trying to find another job when his current employer retires in the next year or two. Rightfully so because this guy, took him 475 applications to get a job.

I've got another member whose mom had to apply for him because he couldn't have access to a computer. Two hundred applications over a year and he finally got a position after two years word of mouth.

If you ask yourself if you are the same person you were when you did the worst thing in your life you can think of, you will answer no. Criminal offenders are not ongoing offenders by default. Despite the language used of them, they are human beings who committed an offense, or if you will, a mistake.

I'd be remiss if I didn't speak about people on the registry who have anti-reentry in every way. We're in Connecticut, we have --

REP. HALL (7TH): Cindy. Cindy, can you wrap it?

CINDY PRIZIO: I will. We're in the unique position -- you heard this, Representative Hall. We have our own data here in Connecticut. We have ten years of data by the Office of Policy and Management. The re-offense rate for these guys and women are three percent and under.
So in wrapping up, what I'd like to say is that people on the registry along with other special populations are often excluded from positive change and reforms. You can see that today in other committees where they're raising additional registries and additional bills that will be more punitive.

People must be looked at as individuals and not as sub-groups or special populations. The people that I am here to represent today, most of them will never reoffend again. And they don't even need intervention like incarceration for treatment or community supervision.

So we're spending an awful lot of money on a registry that's like an IBM-5500 from 1970-something as well as this overkill in terms of supervising and managing them. And part of that supervision in the community denies them employment opportunities and housing.

I've got guys that are so overeducated who aren't allowed to return to their careers. Guys that continue their education once they're in the community and cannot, for the life of them, get into a career. But all the jobs they want at a car wash, working for tips or washing dish washes -- dishes -- dishes in restaurants are available to them. They don't have a living wage.

REP. HALL (7TH): Thank you. Thank you so much.

CINDY PRIZIO: All right, so I just want to say in closing --

CINDY PRIZIO: -- Representative Hall, because you're on one of the other committees. There are a number of registries that are on the books this session and I'm gonna request that before anyone goes forward, and I know how you voted, that I encourage you to speak to my people and the families of my people so that you understand the harm that is being done to their little children.

So it's -- talk about collateral damage. And I feel that my biggest request here today is that to achieve equal justice, we must support all classes of offenders without restrictions by subgroup or offenses.

And my testimony gives you a lot of the data, it tells you where my assertions and my citations are from.

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

CINDY PRIZIO: They're all on our website.

REP. HALL (7TH): Thank you. Are there any questions? Senator Kushner?

CINDY PRIZIO: Thank you, Senator.

SENATOR KUSHNER (24TH): So I recently was -- I met with a couple of constituents in my town --

CINDY PRIZIO: My members.

SENATOR KUSHNER (24TH): -- on this very issue and it was real eye opening for me to hear from them and to hear some of the statistics that you've cited here today and it certainly gives me, you know, good reason to want to look into this more deeply and -- and hear from you and some others. I need to get -- the stories that they shared with me really brought
to my attention something I really hadn't given any thought to about their family life and how it was impacted.

And I think this issue of recidivism is like really important to understand, you know, and I think that's a piece of it that maybe didn't come through on your testimony but as -- as strongly as actually when I heard their own stories which was really -- you know, I think it's something we need to think about and talk more about, so.

CINDY PRIZIO: Well, unfortunately the recidivism of non-sexual offenses for sexual -- people convicted of sexual offenses is quite high. Probably Connecticut is one of the highest states in the country.

By a report, they hired a professional risk assessment clinician named -- a person named Robin Wilson out of Florida and he was up here December 8th for the Connecticut Sentencing Commission Imposium. And we had talked and he -- he produced a 65-page report. I'm happy to share that with you.

SENATOR KUSHNER (24TH): Okay.

CINDY PRIZIO: But this -- when I talk about collateral damage, it gets pretty bad when if I am married to a person on the registry, that my job could be in jeopardy.

Or if I lose my job that I may not get rehired. I -- this group of people, we seem to have thrown them away. And we're killing them slowly through hopelessness.

SENATOR KUSHNER (24TH): Thank you. Thank you for testifying.
CINDY PRIZIO: Thank you, Senator Kushner.

REP. HALL (7TH): Thank you all for coming out this afternoon. Marie Gallohol (phonetic). Kelli Parady?

KELLI PARADY: Is this thing working? There you go. Good evening, ladies and gentlemen. I apologize, this is a little awkward, I've never been in any of these before.

My name is Kelli Parady. I'm here in support of House Bill 6921. Not as an offender myself but as a family member of. Now I come with a little bit of a different story. I spent 12 years in the Marine Corps. While I was away, my sister was out and getting in trouble.

When I returned home and I was trying to go back and fix [Inaudible 03:45:40], I was staring at my sister on the other side of a prison table. And how was my dad gonna handle it. He has to worry about me and my depression. He has to worry about her and her depression for the very rights that I fought for.

So how does one fall so different from the other. In the last three years as I continued to work my way through the community and trying to help her, I’ll be hot dang if finding her a job has not been one of the worst things we've come across. Not to mention we haven't yet applied for life insurance. We haven't even gotten to any of that stuff that you hear -- you're heard in the room today.

So to me, I fought for that second chance. I have been given a second chance and I want my babies should be able to have that second chance as well as the offenders that were in the room today. Look at what they're doing. They're trying to get their
story out there, they're trying to be givers in a community. Not everyone needs to be defined by their moment in time.

I've served with many members that had gotten in trouble in the service. Maybe it wouldn't be trouble out in the real world. I, too, made mistakes and because of that my career kind of came to a quick halt. And I'm gonna be defined by that for the rest of my life in my decision to continue on with military service.

I don't want that for anyone. Now I think it was you, ma'am, that mentioned earlier a tier system or perhaps the counter argument to -- well, you know, a policy for, you know, the employers or a policy for the, you know, the landlord.

I actually would be in favor of that as well because they are giving that second chance. You know, there's colleges out there that actually go into prisons. It happened here in Connecticut. That teach the prisoners so they can be contributing members to society. Perhaps that's where we start. You start in the prison.

Like my sister when she was in this, she didn't have her high school diploma and now she's one test away from having her GED.

You know, these are positive programs in the community that is less to block them. It could be helpful so that the ladies and gentlemen you saw here today could continue to give back to the community. And I have noticed that there's a lot of programs out there but lack of faith from other people really kind of drove her down the deep end. It drove her back into recommitting her crimes and
then for her it was, you know, petty larceny, stealing from family members, based on drugs.

She's been sober for almost -- for just over two years now and just getting a job -- she works in a kitchen. And she was told certain places that she went to go get a job they didn't want her on the floor because of her record.

The things that were said about my family while I was away serving -- I was livid. How do I fight, you know, for someone's right. And then be a living detriment of that on the back side of, you know, back side.

My father was an amazing father. He did everything he could to try to raise us right. Sometimes things happen and why does a decision you make at 18 have to affect you when you're 35 years old? It's just not fair.

Now yes, there are other crimes that are out there that are a little bit more, obviously, detrimental, you know, murder, rape, things like that. So yeah, perhaps the tiers would be somewhat beneficial. You don't necessarily want someone who was arraigned for a high profile murder to necessarily be working, you know, in the student classroom.

But at the same time, there should be something for everyone whether it's working from behind a desk to help better society and maybe there are monitors but I really don't think that that necessarily has to be, you know, the end all/be all of someone's life, insurance, housing. Because then you do have the -- you do have them going back in the community and potentially committing more crimes. Who wants that?
We want to be a positive society. We wanna be, you know, uplifting, motivating for others. We're not gonna get that if we continue to reinvent the wheel in a negative manner.

So thank you for hearing me today, I appreciate it.

REP. HALL (7TH): Thank you for your testimony this afternoon. Are there any questions?

REP. WILSON-PHEANIOUS (53RD): Thank you for your service.

KELLI PARADY: Thank you for your support, ma'am.

REP. HALL (7TH): Thank you. Next we have Tom McCormack.

TOM MCCORMACK: Good afternoon. Tom McCormack, West Hartford. And I guess at one time this bill would have helped me out because I do have an arrest record. I'm just kinda lining them up here, I think seven arrests. And one with the sheriff's deputy hand about three or four inches away from a major felony.

I guess this might have affected me. And held me back from contributing my small measure to Connecticut's society.

But fortunately, I always just check when the question was there, no. But -- so be it.

I'm in general favor of the [Inaudible 03:50:53] history, especially the United States, that we are treating people more as individuals and not member of a class. I think we made great progress beyond the creed and the sex and the race questions to sexual orientation.
And I think and to say last session there was a bill about salary history. I think we should continue in that direction. But I do think regarding 6921, that there has to be assurances that this individual that is before an employer has actually been informed.

So I think that means we have to look at a total system here of -- to making sure that happens. I'm actually in favor of shorter harsher sentences for criminal activity. Much greater victim and social restitution. But then when those things are taken care of, overwhelming handholding programs are bringing these individuals back fully into society. Fully into society.

I'm generally a libertarian and think there is a great deal of individual responsibility in all things but I think we also have to acknowledge that not all individuals are equal in their demeanor, their attributes, their intelligence nor were we all brought up in equal circumstances.

And the people, when they go off the rails, they need to have their hand taken hold of and brought back in society and nurtured in extensive halfway houses, free education, false step programs, whatever. And I think there should be a major shift away from jail time to rehabilitation time. Especially in funding.

That's basically what I've really got to say. So I just hope they will look at this as a total picture and we'll try to check off some of those boxes that we don't treat people as a member of a class. Thank you.

REP. HALL (7TH): Thank you. Are there any -- actually I just have a brief question. You
indicated that you were in favor of shorter harsher sentences.

TOM MCCORMACK: Yes.

REP. HALL (7TH): What does that mean?

TOM MCCORMACK: Shorter harsher sentences would mean cold in the winter, hot in the summer, no meat and no dessert in the commissary. Harsh sentence. If we had to go back on breaking rocks for six months to a year, fine. I think the sentences need to be immediate. That's the first thing psychology teaches about changing behavior. The reaction has to be immediate. We've got to -- this justice system of ours is cracked up. There's no immediacy and that has to stop, that's part of it.

But harsh sentence. Jail should be a place where individuals do not want to go, period. They should see it as cruel and unusual punishment to the maximum allowed by the Supreme Court. Get in, do your time, pay your penalty then get out and get back to having a life, essentially.

REP. HALL (7TH): Okay. Thank you for coming up to testify. Next we have Andrew Clark.

ANDREW CLARK: Good evening. How are you? Not many people left but I'll -- I'll be brief.

REP. HALL (7TH): Thank you.

ANDREW CLARK: I direct the Institute for Municipal and Regional Policy over at Central Connecticut University and I've been working on Criminal Justice Reform since 2003 when actually I was working right back there as a Clerk of the Appropriations Committee and we had a billion dollar budget deficit and we were essentially, as a state and as a nation,
on the zenith of a 30-year journey of punishment. Perpetual punishment of individuals, taking a pound of flesh and not really realizing what the result of that would be.

We were dictating policy based on anecdotes, based on one-time occurrences and we had created a monster that was the justice system that was sucking resources from everything else, not just physical, capital and human resources as well.

It's so heartening to see the testimony here today, the things that are going on in the capitol in regards to the voices of reform because I think what you're seeing is essentially also a result of so many people getting touched by the justice system that you create so many voices.

One thing I wanna note is I'm here in support of 6921 and the concept of that. One thing that we do at the institute is we support the Connecticut Sentencing Commission which is looked at collateral consequences of conviction of which there are numerous and has put forth the various proposals over the years to try to address that.

One thing I'd say is a lot of this stuff, there are many webs and it's -- and it can be somewhat confusing and there's a lot of, as we learned in the previous 30 years of criminal justice legislation, untended consequences. So I would just urge the committee to make sure that as many voices as possible is heard before this final legislation is put forth.

And you know, I heard in this just recent testimony, this idea of what happens inside prison and you know, what are the results on the outside of prison.
And I just wanna also highlight, you know, at the legislature a lot of times you focus on legislation and that there's also a need, I think, to look back at what has been passed in recent history and see what's working there.

Also, administratively, take a look at what's happening. You know, in two weeks they're gonna be celebrating the True Unit coming to Cheshire Correctional Facility and that was based on Governor Malloy and Commissioner Semple, DOC Commissioner Semple, going over to Germany.

Because what we found in doing justice reform here in Connecticut was when we were looking across the country and looking at best practices was that really the US is terrible at getting good outcomes in the justice system and so when they went to Germany, they found a place where the outcomes are tremendously better. Where people don't recidivate nearly at the rate that they do in the US. Where people maintain their connections to their families, to societies and where they don't lose the right to vote and benefits. Nor are they ever taken out of this role of employment and housing and the like.

And that's because the sole name of incarceration in Germany is to enable prisoners to lead a life of social responsibility free of crime upon release. Whereas the US, we've looked at incarceration as part of a system of perpetual punishment. And I think we're now at the crux of the time where we really have to sit back and take a look. Is that -- is that getting us what we want?

And I think you're hearing the results of that in the employment arena and I think, you know, we need to step back and take a larger view in terms of how
do we view our justice system and what role should it play and what are the component parts of that and I think if we do a better job in our prison system of rehabilitating individuals, we wouldn't have so much of an issue on whether or not they are able to succeed on the way out.

But this legislation is important in order to put that on the -- on the docket in terms of what's discussed and I look forward to the larger conversations on this issue.

REP, HALL (7TH): Well, thank you, Andrew for coming out this afternoon. Are there any questions or comments? Thank you so much for coming out this afternoon.

And last on our list is Justin Farmer.

JUSTIN FARMER: It seems I'm just in time. My name is Justin Farmer, I'm an intern at Planned Parenthood. Part of the gen action program. And it's true we have great opportunity to work in such an intersectional organization.

So thank you, dear members of the Labor and Employees Committee for allowing me to have your ear. I'm here today to testify on behalf of House Bill 6921. You know, in terms of when we're talking about these issues, I think it's important to talk about how people's families are affected by these situations.

By the time I've sent out three members who happen to be incarcerated, I live in a community that is impoverished, that has a lack of opportunities that -- when we look at the early 90's and we look at policing and we look at laws that we have, we know that there's an impact in my community.
But to speak about this, this is definitely a form of discrimination. When we tell people that the ability to find housing, the ability to find employment, the ability to take advantage of programs that people here at the capitol have come together to improve and lift the commission of our state. As a state to individuals who are the most destitute situation in the communities we tell them, "You're not able to achieve or able to access these services because you've been touched by the system. Because you have done something wrong in the past and we're going to hold that against you."

I can't impress upon y'all enough that when we have individuals go into prison and learn skills, whether that's carpentry or whether that's plumbing or in the case of California, we have people literally trained to become fire fighters while they're incarcerated. And we tell them, "You have a trade and a skill." And then we have to come out and tell them, "You're not able to practice that because you have been part of the system."

That's not only just a disservice to our community or disservice to that person's labor or intelligence or ability but it's a disadvantage and disservice to what a community should be.

So unintended, I won't belabor the point but I think it's important for us to take this seriously about actual lives are affected. I've been lucky to have a conversation with one of my older brothers who was incarcerated. He just got out two years ago and he opened up his tattoo business in Jamaica and he's doing well. But it took a long time for him to get on his feet and we had to help him.
Not every family has the ability to do that to shore up our community. And I think it's a part of our greater responsibility. So thank you and I hope that y'all will affirm this resolution.

REP. HALL (7TH): Thank you, Councilman Farmer. Are there any questions or comments?

SENATOR KUSHNER (24TH): I've heard you testify before and it's been a long day, as you recognized and you are the final speaker so -- but I did want to say I appreciate everything you said and the fact that you brought a lot of humanity to it and you also made two puns.

You started with a pun so -- that was pretty impressive that you could talk about something so important and serious and really be a final note on very important pieces of legislation that have come before us today. So thank you.

JUSTIN FARMER: Thank you.

REP. HALL (7TH): Senator -- Representative Porter.

REP. PORTER (94TH): You are determined to make me a Senator in this bill. No thanks. Too much work, Julie, no offense but you guys -- oh my God, no, I can do without seven committees. But Justin, thank you so much. I'm sorry that I missed most of your testimony. I am glad you're the last person, though.

And I just walked in on something that I was gonna mention that had not been mentioned throughout this entire day that as I visit the prisons and you know, go and watch what they're building and what they're putting together and how they're working trades-wise. Knowing that the things that they're being
taught on the inside will never be able to assist
them financially when they come out, I think, is a
terrible disservice and I think it's actually
inhumane to do that with somebody. To actually give
them the skillset that they need to succeed and then
when you release them, say, "Oops, you can't do
that."

You know, so thank you for bringing that to the
forefront because that had not been mentioned today.
And thank you for taking the time, thank you for your
patients and thank you for always showing up
and knowing what to say. Thank you, Mr. Chair.

REP. HALL (7TH): Thank you. [Inaudible background
case] So -- so you can come to the
microphone and just give us your name.

RICHARD TURGUEN: Richard Turgeon.

REP. HALL (7TH): Can you get to the microphone,
please.

RICHARD TURGUEN: Yes. Richard Turgeon.

REP. HALL (7TH): Spell your last name.

RICHARD TURGEON: T-U-R-G-E-O-N.

REP. HALL (7TH): Proceed.

RICHARD TURGEON: I'm a convicted felon and I've
been having a real hard time getting a job and
presently in the Chrysalis Program and it's almost
impossible to get a job. They, you know, I'm a
burden on the state. The state spends a lot of
money on people that are on parole -- I'm on parole,
so you know, Chrysalis is providing housing for me
for five months and I'm required to go out and look
for jobs. Go on the computer and look for jobs.
I filled out over 100 applications. Like 97 percent of them don't reply. I'm, you know, I have to accept welfare, food stamps, Medicaid. All of that is being paid for by the state. It's a burden on the state, it's a burden to me because I'm embarrassed when I have to do this stuff.

And you need to do something about it because there's thousands of people out there that need jobs in my situation. Not just a couple. And I wanna work. I wanna be a vested member of society. So. I wanna pay my taxes, I wanna get an income tax check at the end of the year. I used to do that but -- so that's all.

REP. HALL (7TH): Thank you for coming out this afternoon, we appreciate the testimony and telling us your personal story. Are there any questions or comments? Thank you so much for coming out this afternoon.

RICHARD TURGEON: Thank you.

REP. HALL (7TH): Is there anyone in the room that hasn't testified -- testified, excuse me, that would like to? Seeing none. Seeing none, I'm going to adjourn the public hearing. Thank you.