Labor and Public Employees Committee

MEETING MINUTES

Thursday, March 14, 2019

1:30 PM in Room 1C of the LOB

The meeting was called to order at 1:42 by Chairman, Sen. Kushner J. S24.

The following committee members were present:

Senators: Kushner J. S24; Lesser M. S09; Miner C. S30; Osten C. S19

Representatives: Fishbein C. 090; Hall J. 007; Luxenberg G. 012; Polletta J. 068; Porter R. 094; Rutigliano D. 123; Smith R. 108; Vargas E. 006; Wilson Pheanious P. 053; Winkler M. 056

Absent were:

Senators:

Representatives:

The meeting was called to order by Chairman Kushner at 1:42 PM and stood at ease until 1:50 PM. She reconvened the meeting at 1:50 PM and called for a recess until 2:00 PM. The meeting reconvened at 2:00 PM. There were no remarks from the chairs.

A motion was made by Rep. Porter and seconded by Rep. Vargas to JFS to the floor S.B. No. 356 (COMM) AN ACT REQUIRING A STUDY CONCERNING APPRENTICESHIP TRAINING PROGRAMS. (LAB) Sen. Miner asked to create a consent calendar and place this as the first item. Sen. Kushner had the committee stand at ease briefly. Rep. Porter and Rep. Vargas withdrew their motions. A new motion was made by Sen. Miner and seconded by Rep. Fishbein to create a consent calendar to include the following bills: S.B. No. 356 (COMM) AN ACT REQUIRING A STUDY CONCERNING APPRENTICESHIP TRAINING PROGRAMS. (LAB)
A motion was made by Rep. Vargas and seconded by Rep. Luxenberg to JF to the floor

S.B. No. 2 (COMM) AN ACT INCREASING THE MINIMUM FAIR WAGE. (LAB)

Sen. Miner reminded the committee that business owners/managers attending the public hearing were concerned with the timetable and hardships that could arise, especially in the nursing home industry. He asked if there was any consideration given to amend the implementation period. Sen. Kushner said there would be ongoing dialogue. She was struck by the testimony from people who were hard-pressed to make ends meet and said a rise in the minimum wage would still not equate with a livable wage. Rep. Smith asked about “carve-outs” and what this would mean for teenage workers. Sen. Osten said this is still a work in progress and she also has concerns about aging workers. Rep. Polletta asked if the Consumer Price Index would determine future minimum wage increases. He was concerned this bill could tie hands for future legislation. Sen. Kushner assured him this could be controlled. Discussion followed on automation. Most of the legislators avoid the automatic check-out lines and prefer to interact with store clerks. The motion passed 9 - 5.

A motion was made by Rep. Porter and seconded by Rep. Luxenberg to JF to the floor

S.B. No. 64 (COMM) AN ACT CONCERNING CAPTIVE AUDIENCE MEETINGS. (LAB)

The term “political speech” was discussed. Rep. Porter said wage growth equals economic growth and consumers often choose ‘big box’ stores because of affordability although they may actually prefer ‘mom and pop’ stores. Rep. Fishbein asked if the Attorney General had been contacted for a ruling on the constitutionality of the bill. Sen. Kushner said he had not; the chairs relied on their attorneys in drafting the language. Rep. Fishbein said he would like to contact the AG. Sen. Kushner had no objection and suggested they jointly get an opinion. The motion passed 9 - 5.

A motion was made by Rep. Porter and seconded by Sen. Osten to JF to the floor

S.B. No. 164 (COMM) AN ACT INCLUDING CERTAIN MENTAL OR EMOTIONAL IMPAIRMENTS WITHIN THE DEFINITION OF "PERSONAL INJURY" UNDER THE WORKERS' COMPENSATION STATUTES. (LAB)

Rep. Polletta felt the language should be ‘fine-tuned’ as it moves forward, and but was prepared to vote in favor. Sen. Miner has concerns about ‘lingering damage’ but hopes more comprehensive language would be crafted to assure competencies/coverage for those most deserving. Rep. Smith asked about the time frame for diagnoses of PTSD. Sen. Osten said it could be years later, but the initial claim must be timely. There was discussion on CCM’s role in gauging the municipal impact and the length of the covered period. OLR confirmed it is 3 years. The motion passed 12 – 2.
A motion was made by Rep. Porter and seconded by Rep. Hall to JF to the floor S.B. No. 1004 (RAISED) AN ACT CONCERNING PUBLIC INSURANCE OPTIONS FOR SMALL BUSINESS EMPLOYEES. (LAB). Rep. Rutigliano asked if private insurers would be able to participate. Rep. Smith asked if the state would be competing with the private sector. Sen. Kushner said the state provides more complete and affordable options. The motion passed 11-3.

A motion was made by Rep. Porter and seconded by Rep. Wilson-Pheanious to JF to the floor H.B. No. 5004 (COMM) AN ACT INCREASING THE MINIMUM FAIR WAGE. (LAB) As a restaurateur, Rep. Rutigliano said the bill is hard on this industry and feels it is being singled out without rhyme or reason. Businesses should not be forced to raise wages. Discussion followed on the role of government in this area and if people can actually live on just minimum wage. The motion passed 9–5.

A motion was made by Rep. Porter and seconded by Rep. Vargas to JF to the floor H.B. No. 5053 (COMM) AN ACT ESTABLISHING A TASK FORCE TO INCREASE EMPLOYMENT OPPORTUNITIES FOR PERSONS RECOVERING FROM SUBSTANCE ABUSE. (LAB) There was no discussion. The motion passed 13–1.

A motion was made by Rep. Vargas and seconded by Rep. Wilson-Pheanious to JF to the floor H.B. No. 7044 (COMM) AN ACT CONCERNING SEXUAL HARASSMENT IN THE WORKPLACE. (LAB) Rep. Fishbein said the language may be interpreted as “one-sided” and cited a provision that may allow a claimant to have their attorney fees covered. LCO responded the claimant doesn’t get their attorney’s fees paid even if they win. There was discussion about the penalties, nature of claims and relationship status, i.e: employer vs. employee. The motion passed 9–5.

A motion was made by Rep. Vargas and seconded by Rep. Wilson-Pheanious to JF to the floor H.B. No. 7191 AN ACT INCREASING THE MINIMUM WAGE. (LAB) There was minimum discussion since bill was discussed previously. The motion passed 9–5.

A motion was made by Rep. Porter and seconded by Sen. Vargas to JF to the floor H.B. No. 7224 (RAISED) AN ACT CONCERNING PARAEDUCATOR PAY EQUITY. (LAB) Sen. Miner offered a friendly amendment changing “may” to “shall” in Line 9. Sen. Kushner asked the committee to stand at ease. When reconvened, the motion as amended passed unanimously 14–0.

A motion was made by Rep. Porter and seconded by Sen. Lesser to JF to the floor H.B. No. 7237 (RAISED) AN ACT CONCERNING A DISPARITY STUDY. (LAB) Rep. Smith asked if previous study results could be used. Rep. Porter responded that the study was outdated. The motion passed unanimously 14–0.

A motion was made by Rep. Vargas and seconded by Rep. Luxenberg to JF to the floor H.B. No. 7238 (RAISED) AN ACT CONCERNING ADMINISTRATIVE CHANGES TO THE MUNICIPAL EMPLOYEES HEALTH INSURANCE PROGRAM. (LAB) There was no discussion. The motion passed 10–4.

Chairman Sen. Kushner announced votes would be held open until 5:00 PM in room 3800. The next meeting will be Tuesday, March 19, 2019 at 9:00AM in Room 2E of the LOB.
A motion was duly made and seconded to adjourn the meeting.

The meeting was adjourned at [Click here and type time].