The meeting was called to order at 9:08 AM 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; Vargas E. 006; Wilson Pheanious P. 053; Winkler M. 056

Absent were:

Senators: Smith R. 108

Rep. Hall read Committee Meeting procedures. Sen. Kushner announced a caucus would be held immediately following the announcement until 10:00 AM. Sen. Kushner reconvened the meeting at 10:03 AM and announced that caucuses still were underway. The committee would reconvene once those caucuses concluded.

Sen. Kushner called the committee into session at 11:36 AM. There were no remarks from the chairs. Sen. Kushner stated there were bills marked for the Consent Agenda. After some discussion about how to proceed, Rep. Polletta made a motion, seconded by Rep. Fishbein to form a Consent Agenda. The motion passed unanimously on a voice vote 13 – 0, with 1 absent member.

Sen. Kushner read the bills marked for the Consent Agenda:
S.B. 358 (COMM) AN ACT EXTENDING WHISTLEBLOWER PROTECTIONS TO EMPLOYEES OF BUSINESSES RECEIVING FINANCIAL ASSISTANCE FROM THE STATE (LAB) JF to the Floor.

H.B. 5271 (COMM) AN ACT INCREASING SEXUAL HARASSMENT PREVENTION TRAINING (LAB) JF to the Floor

H.B. 5883 (COMM) AN ACT REQUIRING WORKERS’ COMPENSATION INSURANCE COVERAGE JF to the Floor

H.B. 6111 (COMM) AN ACT AUTHORIZING EMPLOYERS TO ENROLL EMPLOYEES IN DIRECT PAYCHECK DEPOSIT PROGRAMS. (LAB) JF to the Floor

H.B. 6346 (COMM) AN ACT CONCERNING THE REVIEW OF MUNICIPAL ARBITRATION AWARDS (PD, LAB) JF to the Floor

H.B. 6630 (COMM) AN ACT REQUIRING INDIVIDUALS WHO INSTALL SOLAR ENERGY SYSTEMS TO COMPLETE AN ELECTRICIAN APPRENTICESHIP. (ET, LAB) JFS to the Floor

H.B. 6916 (COMM) AN ACT EXPANDING REMEDIES AND POTENTIAL LIABILITY FOR UNREASONABLY CONTESTED OR DELAYED WORKERS’ COMPENSATION CLAIMS. (LAB) JF to the Floor

H.B. 6923 (COMM) AN ACT CONCERNING PER DIEM EQUITY FOR STATE BOARD OF MEDIATION AND ARBITRATION ARBITRATORS. (LAB) JF to the Floor

H.B. 6927 (COMM) AN ACT ESTABLISHING A TASK FORCE TO STUDY DEBARMENT AND LIMITATIONS ON THE AWARDING OF STATE CONTRACTS. (LAB) JF to the Floor

The committee was informed that substitute language exists for H.B. 6111 and a strike-all amendment was drafted for H.B. 6630. Rep. Winkler offered a motion to remove H.B. 6630 from the Consent Agenda, seconded by Rep. Fishbein. The committee was reminded if any member objects to a consent item, that item is removed automatically, and therefore, a vote to remove is unnecessary. Sen. Kushner said approval of the Consent Agenda would come at the close of the meeting.

A motion was made by Rep. Vargas, seconded by Rep. Wilson Pheanious to JF S.B. 549 (COMM) AN ACT CONCERNING FIREFIGHTER WORK WEEKS. (PD, LAB). Rep. Rutigliano asked if the provisions superseded municipal town charters. Sen. Kushner had the committee stand at ease. She then said the language could change municipal ordinances, not town charters. There was discussion about whether a different work week could be part of bargaining negotiations, and the respective roles of state and municipal authorities. On a roll call, the motion was approved 10 – 3, with 1 absent member.

A motion was made by Rep. Porter to JFS S.B. 660 (COMM) AN ACT CONCERNING PERMANENT PARTIAL DISABILITY AND PENSION OFFSETS and was seconded by Rep. Winkler. (LAB). Rep. Rutigliano recalled the testimony of a retired Waterbury
firefighter with workers’ compensation claims. Rep. Fishbein asked if payments were offset by pension earnings. He cited Permanent Partial Disability (PPD) regulations. Sen. Kushner reminded members of heard testimony about disallowance of offsets. There being consensus that the bill could be added to the Consent Agenda, Rep. Fishbein moved and Rep. Rutigliano seconded a motion to add S.B. 660 to the Consent Agenda.

A motion was made by Rep. Porter to JFS S.B. 764 (COMM) AN ACT PROHIBITING “ON-CALL” SHIFT SCHEDULING and was seconded by Rep. Hall. (LAB) Rep. Polletta stated that this measure was anti-business and directly impacts small business in his district with adverse consequences. Weather and seasons determine whether outdoor grilles and patios can be used and impact staffing levels. Bereavement events impact staffing levels as well. A larger company has more flexibility in absorbing minimum wage increases, paid family medical leave, and on-call restrictions. He also cited the impact on resorts and amusement parks which are seasonal in nature. He urged the committee to amend the language to make the bill more “business-friendly.”

Rep. Rutigliano asked about Line 18 exempting hospitals, colleges, nursing homes, and more. Sen. Kushner reminded Rep. Rutigliano that those facilities do not serve the public, and are exempt. On a roll call, the motion was approved 9 – 4, with 1 absent member.

A motion to approve was made by Rep. Wilson Pheanious to JF S.B. 765 (COMM) AN ACT ENSURING FAIR AND EQUAL PAY FOR EQUAL WORK (LAB) and seconded by Rep. Vargas. On a roll call, the motion was approved 11 – 1, with 1 absent member.

A motion was made by Rep. Porter to JF S.B. 881 AN ACT ESTABLISHING A PAID FAMILY AND MEDICAL LEAVE PROGRAM (LAB) and was seconded by Rep. Vargas. Rep. Rutigliano said he was disappointed more options were not explored. The state has considerable costs and the costs will be higher with this bill. Sen. Kushner stated there was much discussion over the details of a PFML bill. Rep. Polletta echoed Rep. Rutigliano and said he serves on the Insurance Committee where a public option was voted, and his belief it will lead to single payer. Connecticut is the insurance capitol of the world and there are forces that want the state to get into the insurance business. He concluded that whereby the intentions are good, the program will cost lots of money. On a roll call, the motion was approved 9 – 4, with 1 absent member.

A motion was made by Sen. Lesser to JFS S.B. 990 (RAISED) AN ACT CONCERNING CALL CENTERS AND NOTICE OF CLOSURE (LAB) and was seconded by Rep. Hall. Rep. Polletta asked if the bill was directed towards only those companies that have accepted state subsidies or included all call center businesses. Rep. Rutigliano asked why call centers in particular were recommended. Sen. Kushner responded there is a heightened awareness resulting from the AT&T relocation. Rep. Rutigliano offered that collective bargaining provisions would determine notices given to employees. Sen. Kushner said she is quite certain other states would follow Connecticut’s lead and the state should involve itself on behalf of those who are unrepresented. Rep. Rutigliano said he was prepared to offer an amendment he hoped
would be regarded as a Friendly Amendment to restrict the bill's coverage to call centers that received state funds in the form of loans or grants. Sen. Kushner stated she did not think the language was a Friendly Amendment. The bill should apply equally to all call centers and their employees. Rep. Rutigliano reiterated he would like to call the amendment and vote for the bill. Rep. Fishbein concurred. Rep. Fishbein said the state should step back and allow the process to work. On a roll call, the motion was approved 9 – 4, with 1 absent member.

A motion was made by Rep. Porter, seconded by Rep. Vargas to JFS H.B. 6508 (COMM) AN ACT CONCERNING INVESTMENT IN THE CONSTRUCTION JOB WORKFORCE FOR LOW-INCOME RESIDENTS (LAB). Rep. Polletta said he has supported efforts in the past to assist low-wage workers and the minority community through workforce development programs. Rep. Fishbein inquired about the difference between JFS language and JF language. LCO said Line 64 was highlighted to insure workforce development entities received due acknowledgment. On a roll call, the motion was approved 13 – 0, with 1 absent member.

H.B. 6630 was inadvertently passed over. H.B.6613 was next discussed.

A motion was made by Rep. Vargas to JF H.B. 6913 (COMM) AN ACT CONCERNING CONVENANTS NOT TO COMPETE (LAB) and was seconded by Rep. Wilson Pheanious. Sen. Miner expressed concerns about stretching payments. Rep. Fishbein inquired whether it is possible to litigate after termination of an agreement. Sen. Kushner shared that non-compete agreements are now used by the fast food industry, which is an abuse of the practice and needs to be reigned-in. Rep. Fishbein offered that the practice could be reigned-in through litigation. He asked if statutes would create a penalty. OLR stated there would be no penalty from the state, to which Rep. Fishbein responded litigation would be a preferred option. He recommended the bill be referred to the Judiciary Committee. Sen. Kushner said the bill is appropriately within the Labor Committee’s jurisdiction and members want to proceed with taking action. Rep. Rutigliano concurred with Rep. Fishbein. After some discussion about whether the bill could be sent JF or JFS, Sen. Miner shared his support for sending the bill to Judiciary. LCO cautioned that the motion on the floor is to approve. If that motion fails, then other options could be considered. On a roll call, the motion to approve carried 9 – 4, with 1 absent member.

A motion was made by Rep. Fishbein to JFS H.B. 6630 (COMM) AN ACT REQUIRING INDIVIDUALS WHO INSTALL SOLAR ENERGY SYSTEMS TO COMPLETE AN ELECTRICIAN APPRENTICESHIP. (ET, LAB) and was seconded by Rep. Vargas. Substitute language as a strike-all amendment was read into the record by Rep. Porter. Members were given time to read the amendment. A motion to approve was made by Rep. Vargas, seconded by Rep. Fishbein. The strike-all amendment was unanimously approved on a voice vote. On a roll call, the vote to approve the amended language was passed unanimously 13 – 0, with 1 absent member.
A motion to approve was made by Rep. Porter to JF  H.B. 6921 (COMM) AN ACT CONCERNING DISCRIMINATION BASED SOLELY ON A PERSON'S CRIMINAL HISTORY (LAB) and was seconded by Rep. Hall. Rep. Fishbein inquired about the impact upon a day care facility and operator. Rep. Porter offered as part of a hiring vetting process, potential employers cannot discriminate solely on the basis of a criminal history but other factors would be given weight. Rep. Fishbein gave mention to Section 2, paragraph 1, Line 95 for discussion purposes in the context of a clean criminal record. Rep. Fishbein asked if a potential employer could be sued for not hiring an applicant. Rep. Porter answered to the affirmative as it is now. There was discussion about overnight camps, soccer camps, and other seasonal recreational programs. Sen. Kushner spoke about bonafide occupational needs weighing against the objectives of this legislation. Rep. Rutigliano stated he has supported “ban the box” legislation and “second chance” but believes this bill as written is a little too broad and therefore, he cannot support it. On a roll call, the motion was approved 9 – 4, with 1 absent member.

A motion to approve was made by Rep. Vargas to JF  H.B 6924 (COMM) AN ACT LIMITING “ON-CALL” SHIFT SCHEDULING. (LAB) and was seconded by Rep. Porter. Rep. Polletta expressed alarm at paltry job creation figures for January and February. To him, job creation is priority# 1. Rep. Rutigliano offered that in the event of certain bad acts by larger employers, lawsuits may result. On a roll call, the motion was approved 9 – 4, with 1 absent member.

A motion to approve was made by Rep. Porter to JF  H.B. 6933 (COMM) AN ACT REQUIRING DISCLOSURE OF THE SALARY RANGE OF A VACANT EMPLOYMENT POSITION. (LAB) and was seconded by Rep. Hall. Rep. Fishbein asked if the bill calls for a study. Sen. Kushner said yes. On a roll call, the motion was approved 11 – 2, with 1 absent member.

A motion to approve was made by Rep. Porter to JF  H.B. 6935 (COMM) AN ACT CONCERNING THE RIGHT OF A PUBLIC EMPLOYEE TO JOIN OR SUPPORT A UNION. (LAB) and seconded by Rep. Vargas. On a roll call, the motion was approved 9 – 4, with 1 absent member.

A motion to approve was made by Rep. Vargas to JFS  H.B. 7292 (RAISED) AN ACT CONCERNING SOCIAL WORKER TITLE PROTECTION (LAB) and was seconded by Rep. Wilson Pheanious. Discussion was held about licensing requirements and how the social work field is presently regulated by the State of Connecticut. Rep. Fishbein asked who from the state is looking for and enforcing violations. Rep. Wilson Pheanious stated the intent of the bill adds clarity to answer questions as to who can use the title in a professional setting. She suggested perhaps an enforcement provision may be added subsequently. Rep. Winkler asked if the bill was assigned LCO 6427. Sen. Kushner said yes. Further discussion was held about the bill’s applicability to private versus public social workers, educational degree requirements, peer review, oversight boards, “grandfathering” of those in the field without credentials, and an understanding of how the State of Connecticut could use the services of social workers for five years without the individuals having credentials. Rep. Fishbein felt the bill was not supportable. Sen. Miner offered an opinion that the committee had good dialogue about the underpinnings
behind the bill. Sen. Kushner called the bill a “work-in-progress.” Rep. Winkler expressed a view that nothing in his reading of the bill explicitly “grandfathers” long-term social workers. On a roll call, a motion was approved 10 – 3, with 1 absent member.

The Clerk read the bills on the Consent Agenda for approval:

S.B. 359 (JF to the Floor), S.B. 660 (JF to the Floor), H.B. 5271(JF to the Floor), H.B. 5883 [(JF to the Floor (LCO 6475)], H.B. 6111(JFS to the Floor), H.B. 6346 (JF to the Floor), H.B. 6916 (JF to the Floor), H.B. 6923 (JF to the Floor), H.B. 6927 (JF to the Floor).

On a roll call, the motion was approved 13 – 0, with 1 absent member.

The chairs thanked committee members, staff, and all who had input throughout the committee process for their assistance. No additional meetings are planned.

A motion was duly made and seconded to adjourn the meeting.

The meeting was adjourned at 3:30 PM.

________________________________________________________________________

Danielle Palladino                                       Bryan Anderson
Committee Clerk                                       Asst. Committee Clerk