

JUDICIARY COMMITTEE
PUBLIC HEARING

March 6, 2020
10:00 a.m.

CHAIRPERSON: Representative Steve
Stafstrom, Senator Gary
Winfield

SENATORS: Bizzarro, Bradley,
Champagne, Haskell,
Kasser, Kissel, Lesser,
Sampson

REPRESENTATIVES: Blumenthal, Carpino,
Cummings, Currey, Dillon,
Dubitsky, Fox, Godfrey,
Harding, Hill, Horn,
Labriola, Luxenberg,
McGorty, Miller, O'Neil,
Palm, Porter, Rebimbas,
Riley, Young

SENATOR WINFIELD (10TH): Good morning. I'd like to call this public hearing to order. I'm going to start by throwing it over to Representative Blumenthal for an announcement.

REP. BLUMENTHAL (147TH): Good morning everyone. I'm going to read you the safety announcement. In the interest of safety, I'd ask you to note the location of and access to the exits in this hearing room. Two doors to which you entered the room are the emergency exits and are marked with exit signs.

In an emergency, the two doors behind the legislators can also be used. In the event of an emergency, please walk quickly to the nearest exit. After exiting the room, go to your right and proceed down the main stairs or follow the exit signs to one of the fire stairs. 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 it is safe to do so.

In the event of a lockdown announcement, please remain in the hearing room, stay away from the exit doors, and seek concealment behind desks and chairs until an all clear announcement is heard.

SENATOR WINFIELD (10TH): Thank you, Representative. I just want to take a moment to remind people that we have a policy and -- this is a just a general announcement, that we have a policy that if you are wearing shirts that indicate you're supporting some campaign, please sit off to the sides and not right in front of the camera. And we do not tolerate outbursts in the committee room.

Having said that, we will begin the hearing today with the Attorney General of the State, William Tong. Welcome back, Attorney General.

ATTORNEY GENERAL TONG: Good morning, Mr. Chairman. If I may, I'd like to invite Nicole Lake, Counsel to the Attorney General and Director of Legislative Affairs to join me.

SENATOR WINFIELD (10TH): Absolutely.

ATTORNEY GENERAL TONG: It's great to see you, Chairman Winfield and I'm sure Chairman Stafstrom is on way, and Ranking Member Rebimbas, Ranking Member Kissel, but I'm particularly pleased that my State Representative and my State Senator are both here, and my good friend from Norwich.

I'm Attorney General William Tong. And we're here this morning to testify in strong support of S.B.

211, AN ACT CONCERNING THE DUTIES OF THE OFFICE OF THE ATTORNEY GENERAL. This is our Civil Rights Bill seeking to clarify in the general statutes the extent of the Attorney General's affirmative civil rights authority to remedy violations of our state's hate crime laws and also patterns and practices of civil rights violations that affect our rights, privilege, and immunities as set forth in our state and federal constitutions.

I don't think I have to tell you that there's still a great deal of work to do around discrimination, around hate crimes, and protecting the civil rights of people across the state and across this country. You do that every day here in the Judiciary Committee.

I was reminded the other night when you may have seen that the Governor and I went to Shu Restaurant in West Hartford. We had dinner in front of the cameras because we wanted to assure everybody that it was safe to go to your neighborhood Chinese restaurant. And to make the point, you know, in a good and positive way that no, viruses do not discriminate, and that coronavirus is not only specific to the Chinese community and Chinese restaurants, and it showed us again, though that was not the most severe maybe instance of discrimination that anyone will face, although those restaurants and the businesses represented, their -- their business is off considerably 20, 30 percent since the advent of the coronavirus crisis. But it was a reminder of how much work we still have to do to combat ignorance and discrimination and hate.

And this is -- this bill represents a larger, very serious effort to remedy and vindicate civil rights

in the way that -- that our sister states, 22 of them, already do. States like Massachusetts and New York and Washington state, and I will just say the work in those states touches on a variety of civil rights, including religious rights, disability rights, of course racial and gender discrimination, workers' rights.

And so, by clarifying that the Attorney General has that affirmative authority in our statutes and builds upon the authority that we already have, we can leverage the state's largest law firm and insure civil rights and justice for everyone in our state. And with that, I'm happy to take questions.

SENATOR WINFIELD (10TH): Thank you Mr. Attorney General. Are there questions or comments from members of the Committee? Senator Kasser.

SENATOR KASSER (36TH): Good morning, Attorney General.

ATTORNEY GENERAL TONG: Good morning.

SENATOR KASSER (36TH): Thank you so much for being here. I applaud this effort to expand the scope of your authority to combat hate crimes. And I just wondering if you could give an example or maybe even a few examples of the types of hate crimes in the categories you referenced race, gender, et cetera that -- that you would be able to -- to prosecute to the full extent of the law with expanded scope of authority.

ATTORNEY GENERAL TONG: Yeah. Unfortunately, in the beginning of 2017, this Committee, when I was a member of it, was compelled to strengthen and expand our state's hate crimes laws because of a number of instances of hate crimes here in Connecticut

including swastikas being spray painted on synagogues in the Danbury area, shots were fired on a mosque in Meriden, threats -- bomb threats were called into synagogues in Woodbridge and West Hartford, and recently, the Islamic Center in New London received fake poison in the mail, and from time to time, we see Ku Klux Klan-related activity, to the extent that we're able to focus on perpetrators and to the extent that there are actions that -- where we can find somebody to hold accountable for those violations, this gives us the affirmative authority to do that.

SENATOR KASSER (36TH): Thank you, Mr. Chair.

SENATOR WINFIELD (10TH): Senator Kissel.

SENATOR KISSEL (7TH): Good morning. Thank you, Mr. Chair. Good morning, Attorney General. This is off --

ATTORNEY GENERAL TONG: Good morning, Senator Kissel.

SENATOR KISSEL (7TH): -- off your bill, I'm well aware of how passionate you feel about this proposal. But I wanted to give you a compliment. I not only read in *Capital Reports* but heard on *National Public Radio*, yourself and Governor Lamont after you went to that restaurant over there in West Hartford, encouraging folks, don't be afraid to go to restaurants, whether they're Chinese or Italian or whatever, patronize stores and retail establishments. And I thought that was a tremendously great effort.

I wanted to let you know, though, I was chuckling in my car 'cause directly after that, they said the New England Seafood Exposition in Boston was postponed

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for fear of the coronavirus. And I go, okay, there's two different angles on this issue. But I was very proud of yourself and Governor Lamont for taking that stand and I just wanted to let you know that.

ATTORNEY GENERAL TONG: Thank you, Senator Kissel. I think we're overdue for Rinaldi's in Enfield.

SENATOR KISSEL (7TH): You got it. [Laughter]

SENATOR WINFIELD (10TH): Thank you Senator Kissel. Representative Blumenthal.

REP. BLUMENTHAL (147TH): Thank you Mr. Chair and thanks Mr. Attorney General for being here today. I just wanted to ask you, you know, I -- I know there were some concerns last year about this bill. And I was just wondering if you could describe, you know, what efforts you've made to communicate with and talk to various constituencies that may have had concerns about this bill. And I just wanted to give you the opportunity.

ATTORNEY GENERAL TONG: Yeah, thank you for that question. We worked with a number of members of this Committee, so before this Committee passed the bill out of Committee, there were substantial changes on a bipartisan basis. And then, when it passed the House -- before it passed the House on a bipartisan basis, we were worked with a number of members including, I believe at that time, Representative O'Dea was part of those discussions as was the Ranking Member Representative Rebimbas. So for example, there were concerns about the size of the civil penalties in the original bill. Those were reduced from \$10,000 dollars to \$2500 dollars and that those penalties can only be assessed by

showing of clear and convincing evidence. And it also -- there was some concern about the sharing of information by the Office of the Attorney General with the State's Attorneys and there are restrictions and limitations on the circumstances on which that is done and effectively bars the sharing of that information from civil authorities to criminal authorities.

Also, a lot of work was done with the CHRO. This builds on their authority. And we're -- we were very clear not to interfere with their authority and -- and so it bars -- this bill bars us from bringing in action if the same facts are already pending before the CHRO.

REP. BLUMENTHAL (147TH): Thank you, Mr. Attorney General and thank you, Mr. Chair.

ATTORNEY GENERAL TONG: Thank you.

SENATOR WINFIELD (10TH): Thank you. Are there other comments or questions from members of the Committee? Mr. Attorney General.

ATTORNEY GENERAL TONG: If I may, Mr. Chairman, just quickly on H.B. 5178, AN ACT CONCERNING ADOPTION AND IMPLEMENTATION OF THE CONNECTICUT PARENTAGE ACT. I believe quite simply that this bill, this act is compelled by law. And I appreciate the work of the proponents and we support it strongly.

SENATOR WINFIELD (10TH): Thank you, Mr. Attorney General. Any comments or questions on that? If not, first let me thank you for the efforts your office has made on S.B. 211 as someone would be standing up defending the bill, and it's greatly appreciated. And then, I would just like to align myself with comments of Senator Kissel on the points

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you made about the visit to the restaurant. I think it's very important, particularly given the way some people are perceiving what is happening right now. And thank you for joining us and you got off pretty fast today. [Laughter]

ATTORNEY GENERAL TONG: I'm out. See ya.
[Laughter]

SENATOR WINFIELD (10TH): Representative McCarthy-Vahey. Good morning.

REP. MCCARTHY-VAHEY (133RD): Good morning, Mr. Chair, Ranking Member Kissel, Vice-Chairs -- Vice Chair Senator Kasser, and members of the Judiciary Committee. I'm Cristin McCarthy-Vahey, State Representative from Fairfield, and I am here today to testify and to share my time on behalf of H.B. 5178, AN ACT CONCERNING ADOPTION AND IMPLEMENTATION OF THE CONNECTICUT PARENTAGE ACT.

I'd like to share my time today with Yale Law Professor and Connecticut native, Douglas NeJaime, Doug. And I'm here in support of this bill because I've had friends who have been unable to marry and same-sex couples who have children, and I really believe very strongly that we need to move forward on this. And Doug is going to get into the details. I want to thank Doug, Representative Currey, and the others who have done so much work on this. So with that, Doug NeJaime.

PROFESSOR NEJAIME: Thank you, Representative McCarthy-Vahey for inviting me to speak. Thank you to Chairs Winfield and Stafstrom, Vice-Chairs Kasser and Blumenthal, member Kissel -- Ranking Members Kissel and Rebimbas, and members of the Judiciary

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Committee for allowing me to testify today in support of Raised Bill No. 5178.

My name is Doug NeJaime. I grew up in Torrington, where much of my family still lives, and I now reside Guilford. I'm the Anne Urowsky Professor of Law at Yale Law School, where I teach in the areas of family law and constitutional law. And I hold a secondary faculty appointment at the Yale Child Study Center where I work on law and child development.

My primary research involves parentage, the legal status of the parent-child relationship. Parentage gives rise to rights, such as custody and decision-making as well as responsibilities, such as financial support. And parentage, we know, is critical to children's welfare.

Yet, many children in Connecticut are deprived of the security that parentage provides. This is because the law fails to treat their parents as legal parents. Connecticut statutes regulating the martial presumption of parentage as well as statutes regulating assisted reproduction include only husband and wife. Virtually all federal and state courts, including the US Supreme Court have found statutes like ours, unconstitutional.

Connecticut also refuses to treat both women in an unmarried same-sex couples as legal parents. This includes when one is the birth mother and the other is the genetic mother. This, too, courts have found unconstitutional. Connecticut's law fail to reflect the diversity of families in our state and they leave many children vulnerable. Unlike every other New England state, Connecticut offers no protection to the child of an unmarried non-biological parent.

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The Connecticut Parentage Act solves these problems. It brings order to an area where there is uncertainty. It updates laws that are outdated. And it meets our commitments to equality.

I've been the principal drafter of the bill, working alongside the Legislative Commissioner's Office. The bill provides clear and accessible paths to parentage without respect to gender, sexual orientation, or marital status. It includes a gender neutral presumption of parentage. It allows different-sex couples and same-sex couples to sign acknowledgements of parentage, and it regulates surrogacy, a practice that has long been permitted, but not adequately addressed.

We've been working in consultation with a number of agencies with the courts and a broad coalition of non-profits and other legal organizations to support the Connecticut Parentage Act. Thank you.

SENATOR WINFIELD (10TH): Thank you. Comments or questions from members of the Committee? Senator Kasser.

SENATOR KASSER (36TH): Thank you, Professor NeJaime. Could you first describe how many other states have -- have adopted the Uniform Parentage Act and the gender neutral presumptions that you refer to.

PROFESSOR NEJAIME: Yes. So the Uniform Parentage Act, on which this is based, was promulgated in 2017 in the wake of the US Supreme Court's recognition of not only same-sex marriage in 2015, but -- but gender neutral parentage in 2017. The Uniform Parentage Act, as drafted, has been adopted by Maine, Vermont, Washington, and California, likely

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to be adopted by Rhode Island, as well, and introduced in a number of other states currently. Other states have already -- what the Uniform Law Commissioner's do is -- is not simply try and have states adopt new laws, but to actually reflect what best practices are happening around the country. And so, many states had already moved to gender neutral parentage laws and those states provided a model for the Uniform Parentage Act. And so most states in the country now have updated their laws so that they treat same-sex couples with the quality that we think they deserve.

SENATOR KASSER (36TH): Thank you. And could you describe what is the reality today for same-sex couples when they have a child, they're in the hospital and it's time to fill out the birth certificate, what are their choices?

PROFESSOR NEJAIME: Yes. So right now, when a same-sex couple is having a child, it's important to keep in mind that same-sex couples form families differently than most different-sex couples. And so, same-sex couples use assisted reproduction to have a child. Ordinarily, only one of those people in the same-sex couple is a biological parent of the child. So right now, when they have a child in the hospital, our laws are unclear as to what the status of the non-biological parent is when -- even when the couple is married. And so, what many couples are doing today is even, if they can get on the birth certificate, which does not establish parentage, it's merely evidence of parentage, they are doing an adoption.

For those who have the resources to afford to do it, for those who know they have to adopt their own

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child they're doing an adoption to establish their legal parentage. Adoptions also take time, so that means in the hospital, if the birth mother is incapacitated for some reason, the other mother might not be able to make decisions for that child.

It also means that unmarried couples -- when a unmarried couple has a child, the non-biological mother, the non-birth mother is at the moment of the child's birth, a legal stranger to that child. She has no rights or responsibilities, and no authority to make decisions over the child. And if -- if let's say, God forbid the birth mother dies years down the road and they've been raising the child together, the non-biological mother has -- is a legal stranger with no standing to go into court and seek custody of her child.

The Connecticut Parentage Act would solve this problem, by allowing same-sex couples to sign acknowledgements of parentage. Right now, in Connecticut, when an unmarried woman gives birth to a child in the hospital, the hospital staff presents her with an acknowledgement of paternity form that she and the man who said he's the biological father can sign to establish parentage. We have these forms per federal law, and other states are required to give them full faith and credit. They also have the force of a Judgment of Parentage after 60 days. And from the moment they're signed, they established parentage. And under the Parentage Act the acknowledgement of parentage would be able to be signed by same-sex couples who are married and same-sex couples who are unmarried in order to establish parentage from the moment of the child's birth and solve the problems that they face right now.

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SENATOR KASSER (36TH): Yes. Please, Representative.

REP. MCCARTHY-VAHEY (133RD): I -- Doug has all the technical and is -- has done incredible work and really the coalition that has done this is amazing. But I just came from Vermont, my brother and his wife just had their first baby and the baby had to go to the NICU and she was still in the operating room having had a C-section. Why should the two of them, as a married heterosexual couple, have such a difference of -- of rights. And I know that's a different state, but what we're talking about here in Connecticut is, not just when it comes time to sign the birth certificate, but as Doug described, in those moments and this is really, it's a question of equal rights.

SENATOR KASSER (36TH): Thank you. Thank you, Mr. Chair for allowing me to just continue. So essentially in the -- the current form that we have, the acknowledgement of paternity, just openly discriminates against same-sex couples where there are two women and there is no paternity. There is maternity and parentage but -- so the remedy is simply changing the form so that it's gender neutral, it's an acknowledgement of parentage rather than paternity. And then, that would establish equal rights from the moment of birth. Is that correct?

PROFESSOR NEJAIME: Yes. So the acknowledgement of paternity can be changed doing acknowledgement of parentage. We have met on multiple occasions with the Department of Public Health and the Vital Records Office, including the Registrar of Vital Records, who is willing to change the form and has

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been given form examples from other states right across our border, for instance in Massachusetts, they have an acknowledgment of parentage form that is gender neutral that allows different-sex couples to continue to use it, but also allows same-sex couples to use it. And the virtue is not only for the couples who are establishing their parentage, but also for the state, because we have an interest in having people establish their parentage early. That means they not only have rights to the child but responsibilities for the child. Children have an important interest in having their parentage established earlier. And children do better when they have a secure parental relationship that -- that's legally recognized. And there will be less litigation because people don't need to now go to court to establish parentage when everyone agrees that these two people are the parents of this child and we just need a way for them to easily establish that.

SENATOR KASSER (36TH): Thank you, Professor. So -- so benefits on -- on multiple levels. Benefits to the child because then they would automatically have two legal parents who would not only have rights to the child, but have responsibilities -- lifelong responsibilities to care for that child, to support that child, alimony in the case of -- of a divorce or dissolution marriage. So, it is in the child's best interest, I believe, to have parentage established at birth, and also to not have to undergo the erroneous and invasive process of an adoption proceeding, which is currently what people have to do to solidify their parentage rights. So I'm fully in favor of this. I think every parent should have equal rights and responsibilities and we

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should have gender natural laws. So thank you, so much for this -- introducing us. Thank you, Mr. Chair.

ATTORNEY GENERAL TONG: Thank you, Senator Kasser.

SENATOR WINFIELD (10TH): Thank you. Comments, questions from other members of the Committee? Representative Blumenthal.

REP. BLUMENTHAL (147TH): Thank you, Mr. Chair. And thank you, Professor and Representative for being here today, and thank you for all your work on this really important bill. And thank you, also, Representative Currey for all his work on this bill. You know, I agree that our current law is antiquated and it's time to update it. And I just had a couple questions about some of the particulars of this bill. And I wanted to allow you to expand on -- on some of the subjects that you mentioned previously. So could you talk a little bit about what rights a parent is currently denied parentage under our laws, would be deprived of, and what situations that could arise?

PROFESSOR NEJAIME: Yeah. So, thank you Representative Blumenthal for the question. Right now, what comes with parentage, are important legal rights, as well responsibilities. So, the ability to make decisions about a child's healthcare, the ability to make decisions about a child's education, the ability to sign forms on behalf of the child, the ability -- or to be treated as a parent by schools and doctors and state agencies, which a lot of people just take for granted. And there's a group of parents in the state who have to rely on the kindness of strangers to actually treat them as parents, and not have the certainty that they will

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be treated as legal parents. And so, as Senator Kasser mentioned, it's not only rights, it's also responsibilities.

So, some of the leading cases from other jurisdictions that have adopted laws like the Connecticut Parentage Act this has arisen because someone's actually saying well I don't have financial responsibility for this child. And what that would mean right now in Connecticut, is a child who we know has two parents, who both should be financially responsible for the child, is left with only one parent. And so, people are having children and parenting their children and they should the rights and responsibilities. So, it's both the obligations as well as the -- the rights.

REP. BLUMENTHAL (147TH): Thank you, Professor. And with the Chair's indulgence, I have a couple more questions. You talked a bit about what this bill would change, could you talk a little bit about what it does not do?

PROFESSOR NEJAIME: Yes. So, the -- the state of the law with respect to how most people in Connecticut are establishing parentage is not changing with this bill. We've worked very hard with relevant state agencies, including DCF, DSS, DPH, the Attorney General's office and we're very grateful for the Attorney General's support, as well as with the Judicial Branch and the Probate Court, whom, we're also very grateful for their work with us, and relevant stakeholders, like the Connecticut Bar Association and non-profits that work on this to make sure the law is actually working with the Connecticut statutes that currently exist that do

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not have the deficiencies that the Connecticut Parentage Act is trying address.

So, for married different-sex couples, for instance, nothing is changing. We currently have a presumption of parentage that talks about a husband and wife, and by making that gender neutral, we are simply including same-sex couples within that presumption.

For unmarried couples who are both biological parents, nothing is changing there either. So, the -- a -- a large percentage of births in the state are to unmarried women. When an unmarried woman gives birth she and the biological father have the opportunity to sign an acknowledgement of paternity in the hospital to establish parentage. These acknowledgments are the most common way for non-martial children's parentage to be established across the country. That will not change. They continue to be able to establish parentage in this way.

We have some assisted reproduction statutes in Connecticut that provide that, when a couple uses assisted reproduction to have a child, that the child is the child of both of them. But those statutes talk only of husband and wife. By making them gender neutral and marital status neutral, we are not changing how different-sex couples who use assisted reproduction, get their parentage recognized. We are simply including same-sex couples and unmarried couples who do not have their parentage recognized in that way.

REP. BLUMENTHAL (147TH): Thank you. And -- and it's my understanding that, although, this would ease, I guess, the eligibility of certain parents

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for obtaining custody in some sort of custody dispute, my understand that it doesn't change the -- the substance of the -- of the principles that determine who gets what custody. Is that fair to say? And would you explain that a little bit?

PROFESSOR NEJAIME: Yeah. So, that's a very important point. So, parentage is the -- the actual initial determination of who is a parent of a child. That is what this bill is concerned with. Once we know who the parents of a child are, questions about custody and visitation or support, they all turn on parental status, those kinds of questions are completely unchanged by this bill. Instead, all we're asking is, who is the parent of the child; and once we determine who is the parent, then you have a right to custody, you have an obligation of support. But how we determine custody and support is not being altered by anything in this bill.

REP. BLUMENTHAL (147TH): Thank you. And one last question, so the -- this current situation exists where sometimes a -- someone will acknowledge paternity, usually a father, and it turns out that person is not a biological parent to a child, could you talk about how -- what the current -- how that situation is dealt with currently, and how this bill would deal with that situation?

PROFESSOR NEJAIME: Yeah. So, this is a sort of complicated area of law and I know you're also hearing another bill on the topic. So, right now, when a man signs an acknowledgement of paternity in Connecticut, that establishes his status as a legal parent of the child. Under Federal law, we are required to have these acknowledgements of paternity to receive certain Federal funding, and we are

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required to only allow the acknowledgement to be undone or challenged based on a showing of fraud, duress, or material mistake of fact. That is a very high bar. We are not doing anything in our bill to change that standard.

We do have a standard that if a showing of fraud, material mistake of fact, or duress is made, that a Court would still do a best interest of the child analysis to determine whether the acknowledgement should be overturned. That's because, if a man has been parenting a child for eight years and the child sees that man as her father, just because the father no longer wants to support the child, doesn't mean it's in the interest of the child to allow that to happen.

But the high standard of fraud, duress, or material mistake of fact, means that there are some men who -- who are not biological fathers of the child, who have established their parentage through an acknowledgment, in which they are declaring they are the biological father.

Courts in this state and other states have not deemed it to be fraud if the man and woman sign that form knowing that he's not the biological father. That has not been a basis on which you can escape the parentage judgment that comes about with the acknowledgement. And we are not changing that under current law, and so that would still be the case.

REP. BLUMENTHAL (147TH): Thank you very much for both your testimony. And thank you, Mr. Chair.

SENATOR WINFIELD (10TH): Thank you, Representative. Representative Currey.

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REP. CURREY (11TH): Thank you, Mr. Chair. First off, thank you, Representative McCarthy-Vahey for being here today and offering your commentary and -- and thoughtful remarks, and also for being one of our co-lead sponsors on this along with Representative Klarides, Allie-Brennan, Rojas, and Stafstrom, so thank you for that. Doug, thank you for all the work that you have done. I know you have been a task force of one over these last eighteen months, a number of the folks here in this room, including many of your students over from Yale Law who are here today, who have been part of this process, so really appreciate all of the hard work that's gone into getting us to where we are today.

I know you touched on a number of the sub-sections of this bill and I would like you to expand on that if you need to, but more importantly, if you could just discuss some of the things that came up, the concerns that were raised during this process and how those were addressed, and potentially some of the changes that we are already going to see and potentially some substitute language that we'll see later on in the committee process.

PROFESSOR NEJAIME: Great. So, thank you. And three minutes goes by very quickly. So, I -- I wasn't able to thank Representative Currey for all his support and also my students for all the work that they've done, but I'm -- I'm glad to have them here.

So -- so, let me say, there are two main provisions in this bill that I think have attracted the most attention as we've gone through the process. And that's because they're new to Connecticut. So, even though they exist in every other New England state,

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and even though they exist in a majority of states across the country, they would be new to our statutes. And that's the protection of unmarried non-biological parents.

And so, we have a provision that termed a non-martial presumption of parentage that provides that when a person has held out the child as their child -- their own child jointly with the other parent, for the first two years of the child's life, they are presumed to be the parent of that child. And this exists in other states. It actually existed as part of the Uniform Parentage Act since 1973 and other states have been able to apply it. It would be new, and so people are making sure that we implement it in a way that makes sense.

The other way in which we provide protection to unmarried non-biological parents is through a provision on de facto parentage. This also exists in other New England states and in a majority of states around the country. It has a very high standard for establishing parentage. You have to meet seven requirements, including a particular time period, residing with the child, forming a parent-child relationship with the child with the consent of the other legal parent. It has to be in the best interest for the child to continue that relationship, and only the person seeking to be adjudicated a de facto parent, can establish their parentage in this way. There's also a heightened standard of clear and convincing evidence.

I understand that, when you change -- when you -- when you offer protection to people who currently go unprotected, that means there -- there needs to be a -- a reform of the law, and that we have to think

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about what that means in a state that hasn't done this. And so, we've been very deliberate through this process to work with relevant stakeholders to make sure that this is being implemented in a way that makes the most sense for everyone. And so, if you were to compare the non-martial presumption to the presumption as it exists in the Uniform Act or to the presumption in other states, ours is more limited and provides more protection to people who are not -- who are the -- the existing legal parents. So, for instance, California's presumption requires that the person held out the person as their child, while the child was under 18. Our presumption, after working with various stakeholders, provides that the person has to have held out the child as their child for the first two years of the child's life and from birth. That's a very small number of people that wouldn't be captured by other parentage provisions that would qualify there.

We also included domestic violence protection in the non-martial presumption provision so that a person can challenge another person's parentage based on threat of harm, cohesion, or domestic violence, or sexual abuse. And this was important in our working with CCADV and other folks who work on domestic violence in the state to make sure we were limiting the kinds of cases in which you could imagine abuse being at issue. And so, we feel that those are state of the art protections that will be a model for other states.

In terms of the de facto parent provision, there we have the strongest domestic violence protections anywhere in the country. And so, we worked closely with legal services as well as with CCADV to put

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into the bill, language that allows victims of domestic violence to use evidence of domestic violence as a basis on which to defeat a claim of another person of de facto parentage.

We also put in a time limit for how long a person has to be parenting the child in order to qualify as a de facto parent, and the Uniform Act in other states have no -- no such time limit. The clear and convincing evidence standards does not exist in many other states, including states that have adopted the Uniform Parentage Act. So, what's happened over time is, the places where we think it's critical to actually make sure we're protecting parents who are non-martial, non-biological parents, people have come to the table and worked with us to make sure that the language protects those people who are currently unprotected under state law, and also limits the circumstances in which we don't want these provisions to be used.

And no one can point to any evidence in other states that shows that doctrines like this are being misused or not serving their intended purposes. And we've gone above and beyond to make sure we are avoiding any of those circumstances.

If I can just say on the question of protecting unmarried, non-biological parents, I know there's a way in which, when we focus on the constitutional interests at stake, we tend to think about marriage because the same-sex marriage issue was such a high profile constitutional issue in this state and the country, but many legislators and many state courts around the country are acknowledging that, in order to truly treat same-sex couples as equal, you have to provide a pathway to parentage for

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non-biological, unmarried parents. Same-sex couples, as I started with, do not form families in the way different-sex couples do. They necessarily include a non-biological parent.

When the US Supreme Court in the late 1960s said, it was unconstitutional to deny parental recognition and legal rights to parents and children outside of marriage, that set an important standard for the country. That is why, states like Connecticut, recognized unmarried parents who are biological parents. Before that, marriage limited parentage. If you weren't married, your parent -- your child was a legal stranger to you.

The US Supreme Court repudiated that. And we now have a robust set of laws that recognize unmarried, biological parents as legal parents. In order to actually treat the children of same-sex couples with the equality that they deserve, we have to have a way to recognize unmarried, non-biological parents as legal parents.

The New York Court of Appeal in a landmark decision four years ago said, the premise of parentage law in New York was heterosexual and that was biological, they said. And that can't be the only way we do parentage now that we treat same-sex couples with equality. So it's critically important to same-sex couples, as well as to their children, that same-sex couples who are not married are able to establish their parentage, and that required pathways to parentage for unmarried, non-biological parents. And that's something that is key to this bill, but we've recognized people have thoughts about how best to implement it, and it's the part of the bill that has changed the most over the course of our 18

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months of working on this in order to address the various concerns that have come.

You also asked me what's changing. Do you want me to say something about that? Okay. So there are a few things that are changing after the bill was filed, and that's again, been working with the various stakeholders. So, there's two provisions at the very end of the bill, Sections 142 and 143 that are just being deleted. These are provisions from the Uniform Interstate Family Support Act which Connecticut has adopted. In working with Support Enforcement Services, we determined that even though the Uniform Law Commission said that any change to gender neutrality there, would be merely a technical amendment, because Federal law says that the language of the Uniform Act should be adopted verbatim. It's not important to purposes of this bill to play with that. And so, we just removed those statutes. We've also been working closely with DCF and with the Assistant Attorney -- Attorney General representing DCF.

And so, we've included provisions that will have a technical amendment added in order for DCF to deal with the non-martial presumption of parentage. It's incredibly important in the DCF proceedings, but we wanted to make sure it worked for DCF and the attorneys to represent them in those proceedings.

And then, finally in working with Legal Services, Lucy Potter, who's the child support expert there, we worked closely with her on the bill. But one thing that we noticed in the statutes to be amended is that the statute 46B-169 on birth mothers disclosing names of genetic fathers to DSS in order for them to pursue child support, does not include

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the domestic violence protections that were adopted by the State in 1996. That statute dates to 1971, not part of our bill, it's not a problem created by our bill, but it seems like an oversight that should be addressed. And so, the domestic violence protection in 46B-168A will be included in 46B-169.

SENATOR WINFIELD (10TH): Further questions?

REP. CURREY (11TH): Yeah. Just one additional question, if I might. And so, I -- I think you've answered a bunch of the other questions that I actually had, so with regards to any sort of fiscal or operational implementation concerns, what concerns have come up? And how do you see us working through those?

PROFESSOR NEJAIME: Yeah. So -- so, it's important to note that in other states that have adopted the Uniform Parentage Act, there have not been fiscal notes associated with those pieces of legislation, except for in Washington state where the fiscal note was very small and not did send the bill to Appropriations.

The -- the fiscal impact here would be the change of the acknowledgement of parentage form. And so, right now it is acknowledgement of paternity and only provides for fathers. Like other states have done, the list is growing, Maryland just did this recently as well, we would change the form. The Department of Public Health has said to me they are willing to change the form, but obviously there's some one-time cost to changing that form.

On implementation, we're working closely with the Judicial Branch and with the Probate Court to make sure that we're moving forward with this in a way

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that makes sense, not only for families in Connecticut, but also for judges and court personnel who are tasked with administering this. And so, we've committed to continue to work very closely with the Probate Court Administrator and with the Judicial Branch to make sure that this is implemented in a way that makes sense. But I don't anticipate that having a -- a -- any fiscal impact, even though some systems would be made compliant with the gender neutral provision.

It's almost important to keep in mind that, part of what -- what this bill's main aim is to do, is to allow people to establish parentage easily and without going to court. And so, there will be less litigation and -- and also more parents being established, which is better for purposes of financial support that's available to parents to support their children, as well as in working with DSS and the Attorney General's Office, parents who are obligated to support their children and for whom the state can bring support actions against.

REP. CURREY (11TH): Thank you very much. I have no further questions, Mr. Chair.

PROFESSOR NEJAIME: And if anybody has any technical concerns or thereafter, feel free to reach out. We're happy to take the roadshow wherever we need to get all of those questions answered. Thank you.

REP. STAFSTROM (129TH): Senator Kissel.

SENATOR KISSEL (7TH): Thank you very much, Mr. Chairman. Just a statement. It's great to see you again, Professor. I want to thank you and Representative Currey for meeting with me privately earlier this week for about a half hour to go over

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this proposal in great detail. I just want to compliment both of you and all the advocates. This is an example of collaboration at it's very best. If only everybody that had bill proposals worked so hard on them before coming before us, it would make our lives so much easier. You brought everybody together, ironing out the details, recognizing that if there's cost implications, that sometimes that can trip a really good bill up.

To my mind, with available resources or de minimis, and when you balance it out with other things that are going on within the Judicial Branch and other areas, it's actually a net gain for individuals and -- and -- and people's quality of life. But again, if your students are here, they should be very proud, because you're just a -- a shining example of how this should be, how legislation should be put together. This is not going to be a sausage. This is going to be something that people are going to want to see how they are put together and be very proud of it.

So, I think that, you know, addressing constitutional issues, quality of life, ironing out issues -- you know, we were at the forefront for so many years. The fact that we are lagging now, both nationally and within New England, sort of surprises me. But, hey, land of steady habits, we had victories, and then we sat on our laurels for a few years, it's time that we circle back and -- and took care of all the loose ends. And I'm very happy to be supportive of this as it moves through the system. And again, I wanted to compliment all of you that are supportive of this legislation. Thank you.

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PROFESSOR NEJAIME: Thank you, Senator Kissel. That's really meaningful. And thank you for taking the time to with us. We appreciate it.

REP. STAFSTROM (129TH): Further questions Representative Rebimbas.

REP. REBIMBAS (70TH): Thank you, Mr. Chairman, and still good morning. I certainly want to echo what Senator Kissel just said. I think, the fact that yourself, Representative Currey and obviously, we've got the other good Representative here now, have taken the time to do a lot of work and to meet with many of us, it's certainly appreciated, no question about it. I know we had a good dialogue. And, you know, certain questions that I had that I know that we're going to be following up on, though, so I don't want to just, you know, continue to talk about stuff that we've already talked about, because I'm confident that we're going to look at all that.

As you move forward, because it still does seem like as -- through your testimony and responses to questions, that there's still going to be some modifications and some changes to obviously address the issues that have come up.

I just ask that you revisit all the other departments as well, whatever language it is, that just circulate, because I know, even a tweak here and a tweak there for one person may have another impact on -- on another department in that regard.

I know during our conversation, we didn't have this discussion specifically, but I'll look forward to having continued decision regarding this. We didn't specifically talk about the criminal court but there are certain -- certainly some duties,

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responsibilities and notifications, that not only law enforcement, but then in the criminal court at some hearing sometimes and it could be in juvenile court, of course, will then be brought into proceedings and how that works with de facto parents would be something else of interest of mine, exactly.

And it was interesting how you brought up the domestic violence aspect of things. So, I know that's going to lead me to, you know, to some more clarifications exactly how those exceptions are really going to apply. And -- and work in this regard specifically for the biological parents. But I think this is long overdue. It's a necessity. How we get there certainly, I think, you know, you guys have done a lot of great work, and hopefully we all can just get there because it's needed. I think there's no question about that.

So, again I just want to commend you for all the work that went into this, and look forward to the continued dialogue and just making sure that that collaboration with all the different departments certainly continue.

PROFESSOR NEJAIME: Thank you, Representative Rebimbas. I will just -- I'll assure that we'll continue to work closely, not only with you but with the various folks that we've been working with and -- and we'll -- there -- it -- you're completely correct that changes to a provision affect multiple entities. And so, we'll continue to make sure we work with everyone, so that what one agency might need changed, works for another agency. And we've been working with Judge Brasudo [phonetic] and Judge Albas [phonetic] and we'll make sure that the

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question of how this might affect criminal courts is -- is raised as part of that, as well.

REP. STAFSTROM (129TH): Thank you. Professor, if there's no further questions I just want to align myself with the remarks of the Ranking Member and thank you and thank you, Representative Currey and the other advocates for their work on this.

Certainly, this is one of those examples of a bill that has not been just this session in the making, but prior. I know you and I met on this well over a year ago and -- and talked about whether this was a bill that we should do last session or not. And obviously, given the -- given -- given the breath of it and number of agencies and -- and stakeholders involved, we decided, obviously, to punt on it and make sure we worked out some of the -- some of the kinks before -- before trying to let it fly in prime time. And I think -- I think, certainly, you have -- you have heeded that and -- and exceeded expectations in terms of doing your homework and your due diligence on this. So, I want to -- I want to like, I said, align myself with the Ranking Members on that. And thank you for the work that went into this. With that, thank you very much.

PROFESSOR NEJAIME: Thank you.

SENATOR KASSER: Thank you.

REP. STAFSTROM (129TH): Quentin Phipps. Representative Phipps. Senator Kushner. Okay.

SENATOR KUSHNER (24TH): Good morning. I'm here this morning to testify on Raised Bill No. 318. A number I'll always remember; it was my childhood phone number believe it or not 318. Boy, this is a serious Committee. [Laughter] I am here to testify

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on AN ACT PROTECTING EMPLOYEE FREEDOM OF SPEECH AND CONSCIENCE. I know this bill has been before the legislature in past years, but I encourage you to draft this bill and to give us an opportunity to vote this bill into law this year, in this session.

It's very important that I'm going to be addressing the pieces of this bill that really speak to workers' rights and workers having the opportunity to exercise their right of freedom of speech. And there will be attorneys here today and there will be other practitioners. There'll be workers that you'll hear from that will tell you their experience with this. But I wanted to share a little bit of my past and my history with a captive audience meeting.

For many years I was the Director of the United Auto Workers here in the state of Connecticut and I had the experience of organizing workers into unions. And one of the most difficult obstacles workers face when they're deciding whether or not to form a union, they often face intense coercion and intimidation by their employer. And this can, in fact, be demonstrated in many ways, whether it's people are losing their jobs, getting fired from their jobs in the process of organizing, or simply feeling very intimidated by their employer. One of the ways in which this is exhibited is what's called a captive audience meeting. And that is when an employee calls workers together either in a group, in a small group, or one-on-one, and spends time instructing them on their views on unionization -- usually against unionization. And in that process, it can be very intimidating, it can be very scary for a worker to face that on the job. This has been going on for decades and decades, and so it's nothing new.

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But what this bill would allow a worker to do is that they would not have to say -- stay in the room and listen to that speech. They wouldn't be able to go home. They would be able to go back to work. And it's a really important right that we're protecting here.

There been court cases that have determined that freedom of speech also involves the freedom not to listen to speech, to have that choice to get up and walk back to your desk and go back to work. And I -- I think that, you know, in the past there have been other iterations of this bill that were challenged for limiting the right of an employer to have speech. This bill does not do that. The employer can call the meeting. They can have the one-on-one. But if an employee feels that their rights are being infringed on, they actually get up, and can go back to work.

So we're very hopeful that you will pass this bill this session or bring it out to us so that we can pass it in the legislature. And if you have any questions, I'd be happy to be answer them.

REP. STAFSTROM (129TH): Thank you, Senator. Questions from the Committee? Yes, Senator Kasser.

SENATOR KASSER (36TH): Thank you, Senator Kushner for your testimony. I'm just curious how this would work practically? For instance, if an employer held a meeting and the nature of the meeting, as it was described to the employees is, something about coronavirus or I don't know, some -- some health issue or some procedure or something -- some sort of update and -- and workers were brought into this meeting and then, embedded within that meeting, was other language or messaging that pertained to

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unionization, at what point is the -- is the employee allowed to get up and leave? If they suspect this is coming or if it's not on the agenda, how, you know, if it's embedded in something else, that is, in your view legitimate, how do they discern, and at what point, can they exercise their right to leave?

SENATOR KUSHNER (24TH): Thank you, that's a really good question. And first of all, most of the meetings are just upfront, very -- most of the times this happens, it's very clear cut, employee is called into a -- a meeting that is the purpose of it is acknowledgement from the beginning that this is to talk about the union. And so, that is most typical instance and -- and I will get to your question. But I think if you understand sort of the way that this normally works, it'll help you to understand why this is so important.

I was organizing a large employer in the state of Connecticut. They conduct a captive audience meeting every day for three weeks prior to the union election. They were very intense. They were in all fashions. There were meetings with 600 people in the room. There were meetings with 20 people in the room. They were one-on-one meetings. In all of those cases, people knew when they were walking in that this was a captive audience meeting, that they were going to a meeting to hear from the employer about the union. In most cases, they were not given an opportunity to ask questions or to speak, but just to listen. And that is the most typical. In some cases, those meetings were incredibly intimidating, because workers were lined up outside of the meeting room.

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In -- in one particular, very shocking case, with this employer, they were divided by race and only Asian workers were taken from the workplace -- from the work -- the -- the floor to go into meetings, and it was very obvious they were lined up on the side of the room as they were marched into the room where they were going to have the captive audience meeting. It was very scary for workers. Very -- very intimidating. That's the norm. That is typically what happens.

This bill, you would have to go to the meeting under those circumstances and you would have to stay until you felt that the meeting was coercive or there was coercive speech. And then, you would have the right to return to work without fear of retaliation. You couldn't be fired for doing that. You couldn't be disciplined for doing that. That's the typical.

In the situation that you raised, where a person might not realize what the meeting was about, certainly most workers would be very happy to attend a meeting today by their employer on coronavirus. And -- and -- and there are many opportunities where workers go to meetings with their employer to learn better work processes, to learn about charitable efforts that are underway, to learn sometimes about a piece of legislation that would be before us that they might want to support because it could protect their jobs.

Those are all meetings that would not be impacted by this bill. However, if, as you suggested, there was embedded in that meeting, began to go into the area of messaging around either political, religious, union matters and it became coercive, that's when

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the employee would have the right to get up and go back to work.

SENATOR KASSER (36TH): Thank you for that explanation. So, what I heard you say is that these meetings can sometimes be one-on-one, that they can sometimes include groups as big as, you know, hundreds of people, at what point -- or how does one determine that the nature of the meeting is coercive. And if it's a one-on-one meeting, how is there evidence, because only the -- only the one employee has -- has made that determination for themselves, that this is now coercive? How can that been proven later, for instance, if they do decide to leave the meeting and there are repercussions, they are fired, how can they prove that it was coercive, if there's -- there's no witness?

And then, in the alternative and the situation where there are, you know, dozens or hundreds of people there, how -- does it have to be a collective determination of coercion, or can still one individual determine for him or herself that this is now coercive and leave, even if the others say, well, I -- I don't think it was coercive at all?

SENATOR KUSHNER (24TH): Yes. This bill would protect a person's right and individual's right to make that determination. So, it would not have to be a collective decision. It would not have to be everyone getting up and walking out. It would be the right of an individual to determine for themselves that this is coercive. I am uncomfortable with this and I choose to leave.

In a one-on-one meeting, if there were to be repercussions, then it would be up to the legal process to figure out whether or not, you know, who

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was a more credible witness. And that happens all the time in -- in law, you have cases where you have to determine who is the more credible witness. And so, that would be the way in which it would be figured out, by either an administrative law judge or in any hearing proceeding -- in any legal proceeding.

SENATOR KASSER (36TH): Thank you, Senator Kushner. Thank you, Mr. Chairs.

SENATOR WINFIELD (10TH): Thank you. Comments -- comments, questions from members of the Committee? Representative Rebimbas.

REP. REBIMBAS (70TH): Thank you, Mr. Chairman. And good morning, Senator. You made a comment that piqued my interest. You were saying that there was a particular employer that divided the employees by race. What was that purpose?

SENATOR KUSHNER(24TH): This is a large employer, and I should say, for the record, I want to be clear, we have a really good relationship with that employer today, and a lot of the practices that were underway at the time there's new management, there are new people who -- the -- the whole attitude has changed. We were successful in organizing that workplace. And we're now real partners with that employer in terms of what they need to advance their business here in the state.

And so -- so, I want to just start out with that because this is an employer I have a great deal of respect for. But at the time, right before the union election, it was very -- there was a lot of animus against the union. The employer fought very hard to keep the union from being successful in

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winning an election. And so, the purpose of dividing the workforce like that, I think it was multifold.

For one thing, the workers, themselves, felt very fearful. They felt like they were being targeted in some way as Asian workers to have to go stand in the room where other people were working, but on the side of the room and be marched out of that room for a -- a meeting. So, it set a tone of, you know, fearfulness and intimidation. I got called that day from a married couple, from a husband who saw his wife standing on the side of the room and was really disturbed that she was being marched out to a captive audience meeting.

I think the purpose of the employer -- that the stated purpose was that they could then, hold that meeting in the language of the -- in -- in Chinese. What was interesting, is that not all the workers were Chinese. They were Asian, but they weren't all Chinese. So, we did not feel that was a legitimate reason to separate the workers in that way. I think that the real purpose was to intimidate a -- a -- a -- a large section of the workforce. There were approximately 550 Asian workers out of a workforce, at that time, of about 2400 and so, it was a large group of people. And I think it was a very strategic move by the employer to say, if we can really scare this group of people that will be a big chunk of the voting block that we could potentially defeat the union. It didn't work. And we did up winning. But it was an incredibly disturbing day for everyone involved.

REP. REBIMBAS (70TH): And -- and I can appreciate your response and that's exactly what I wanted to

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hone in on, because of course, the blanket statement that you -- there's an employer out there that's bringing people in -- in groups based on race and leaving that out there, leaves for many -- many negative thoughts.

SENATOR KUSHNER(24TH): Absolutely, I appreciate you asking because frankly I have a really deep respect for that employer today, and it's something we built over many -- many years of working together. And I -- I'm always hesitant to tell that story or to even talk about that campaign, because I don't want to reflect poorly on that employer. Bad choices were made at that time, terrible choices, but they have totally changed their way today. And I think that's an important point, a lot of times, in a union context and a union organizing campaign, employers make bad choices. And their fears are sometimes unwarranted about what will be the future if the workforce does unionize. And in many cases, those bad choices lead to really adverse circumstances for the workers on the job. And -- and -- and then, when the union is successful, in this case we were extremely good at partnering and figuring out problems together, solving problems through collective bargaining, and then becoming true partners for advancing the interest of that employer and of that business. And so, you know, you don't hear the whole story. And I really appreciate you asking that question.

REP. REBIMBAS (70TH): And I appreciate your -- your response -- your honest response to it, because I think there are a lot of employers who do go above and beyond and try to stride to be able to communicate with their employees because, again, you know, we don't want employers to discriminate

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against employees based on their fluency in the English language. And -- and I think I appreciate employers that attempt to maybe communicate in the language that -- their primary language, especially on the important issues no matter what those issues may be, and specifically, I would even -- hope even workforce safety in that regard. So, I just wanted to make sure that there wasn't a negative connotation of --

SENATOR KUSHNER(24TH): Absolutely.

REP. REBIMBAS (70TH): -- there as to why employers might be doing something --

SENATOR KUSHNER(24TH): And you know, even in that context, the union was communicating, I agree with you completely about employers and unions and in the workplace, people should have the ability to hear important information in the language that they are most comfortable with. And so, I -- I -- but as I said, that was somewhat undermined by the fact that they were addressing the workers in Chinese. And -- and in fact, there were workers in the room who didn't speak Chinese.

And so, it was -- in this particular case, I don't think it was -- it was for those reasons that they just wanted to be affective; there was more to it. And I -- and I do -- and I do feel like it's really important to, you know, as you probably know, I'm Chair of the Labor Committee, so I hear stories from workers in these kinds of public hearings all the time all day long.

Yesterday we had one on arbitration measures that are forced on workers, and the stories you hear about the impact or the power relationship at work,

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the fact that an employer has all the power and they're controlled -- control your destiny. If you get fired, you know, you can't feed your kids, you can't send your kid to college. All of the things that go through a worker's head when they're being called into a meeting like that, it's -- it's very serious, and I'm not sure anybody who hasn't experienced it, can really grasp how little control you have -- how little control you think you have when -- are you safe in the workplace when you're in a position without power in that workplace dynamic.

And this bill, and what I really urge you to consider about this bill, it just levels the playing field a little for workers. It is not restrictive on the employer in terms of restricting their right to freedom of speech, but it is allowing a worker to exercise their work -- in the workplace, their right to freedom of speech to not have to hear speech that they find coercive.

REP. REBIMBAS (70TH): And I want to thank you for that. And just two follow-up questions. Do you believe that there are employers and companies out there operating appropriately where unions may not be necessary?

SENATOR KUSHNER(24TH): I'm sorry, could you clarify that?

REP. REBIMBAS (70TH): Certainly, do you believe that there exists employers and/or companies, however, you want to say it, where unions wouldn't be necessary?

SENATOR KUSHNER(24TH): Well, that's a really interesting question, one that I have thought about a lot over the last 40 years. You know, I

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personally believe that unions are really advantageous to the workplace and that has been my experience where we have been, you know, able to really give workers an ability to participate on equal footing with the employer and that can be very helpful. I think there are some great employers out there. And in most cases, those employers most often don't face unionization drives. However, even some of the best employers, who have been open to allowing their workers to have a union, really I -- I applaud those the most, because, regardless of how good you are as an employer, and we all try and be good employers, there is always going to be two sides to every story. And the -- the fact is that a union allows those workers to have a way to have equal footing in the workplace to present their view on a given issue.

And so, even the best employers, we know -- I remember, there was an employer whose factory burnt down and they had a union there and they didn't have bi-collective bargaining, they didn't have to pay the workers while they were re-building that factory, but they did. This is an exemplary employer.

And they, were one of the best employers, but they still understood the value of having a workforce that was unionized so that they could represent themselves and have their own voice and have equal footing in the workplace. So, you know, my personal belief is that, every workplace would benefit from having a union, because every workplace will be stronger when the workers have an ability to come together and have a seat at the table.

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REP. REBIMBAS (70TH): And thank you for your response. And just one last question, if I may through the -- the good Chairman. Have you -- would you acknowledge the situation or have you seen and maybe -- maybe acknowledge the situation, maybe you haven't personally seen it but heard it from other individuals who are a part of unions, union members, who equally feel at times, coercion or intimidated by union positions, if they don't necessarily agree with them?

SENATOR KUSHNER(24TH): I haven't really experienced where people felt coercion or, you know, by union positions. What I have experienced is that we often have workers who have a problem with another worker in their workplace and might feel bullied, might feel fearful of another employee and have used the apparatus of the union to try and resolve those issues.

You know, I -- I think people are -- human beings, there are -- there are bad actors in every setting in our society, but I do believe they're the minority of people. By the way, I'm very optimistic about folks. I think people do the right thing most of the time. But there are folks that do things that are unacceptable that are bad, that are criminal. And in those cases, whether they are in a union position or they are in a management position or a corporate position, you know, I fully believe they should be removed and -- and dealt with under the law.

REP. REBIMBAS (70TH): Senator, I want thank you, obviously, I know how busy you are as well with all of your other committees and responsibilities. So

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thank you for taking the time to come before us regarding this issue. Thank you, Mr. Chairman.

SENATOR KUSHNER(24TH): Thank you for asking. Thank you for allowing me.

SENATOR WINFIELD (10TH): Thank you, Representative. Comments, questions from other members of the committee? Seeing none, thank you for joining us this --

SENATOR KUSHNER(24TH): Thank you.

SENATOR WINFIELD (10TH): -- morning. Since we have passed an hour, we will now begin alternating between the public list and the elected officials, agency head list. We'll begin with Tom Meikleshon [phonetic]. Good morning. Make sure you press your microphone -- your microphone.

ATTORNEY MEIKLEJOHN: Is it on?

SENATOR WINFIELD (10TH): I -- I don't know that it is. I don't see the red button -- the red light. There --

ATTORNEY MEIKLEJOHN: That help? Okay. So Senator Winfield, Representative Stafstrom, did I -- how did I do with that? Okay. Well [laughter] my name is Tom Meiklejohn, so Senator Winfield got -- got my name wrong, too, and I'm -- I'm used to that -- I'm used to that, too. All right.

Members of the Committee, I worked for 12 years as an attorney with the National Labor Relations Board, and for the -- for the past 30 years as attorney in private practice, representing employees and unions. Much of my career has been spent dealing with and representing rank and file employees; people who are

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dependent on their jobs to make ends meet, people living from paycheck to paycheck.

I'm testifying in front -- in support of S.B. 318, which I believe is aptly named, AN ACT CONCERNING EMPLOYEE FREEDOM OF SPEECH AND CONSCIENCE, because I am convinced that this bill gives protections to workers, that most workers want and deserve. I have attached to my testimony a memorandum that my partner, Dan Livingston, who most of you probably know a lot better than me, wrote last year regarding the -- I think spurious and distracting claim that this bill is preempted.

I think most of the members of the Committee probably know that there is a national effort to bring the rights of working people in this area into the 21st century. In the age of *Citizens United*, we all know that Michael Bloomberg or Charles Koch can spend as much money as they want advocating for the causes or political candidates that they support. Their messages come to our televisions, to our computers, and even into our homes. They can try to overwhelm us with their propaganda, but the one thing that they cannot do, is force us to listen to their message, if we don't want to.

Ordinary citizens don't have the same resources to communicate their opinions as these billionaires, but they do have the right to say, no, I don't want to listen. I'm not saying it might not be better if we chose to listen to the other side more often, but it is a fundamental right, that we all have, to decide who we want to listen to. We can change the channel. We can skip the commercials. We can delete the emails. We don't have to click on the electronic advertisements. We can refuse to let

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campaigners into our homes, if we want. We can decline to answer the phone, if we don't recognize the name on the caller ID. We have the right to form our own opinions, to express those opinions. But we also have the right to decide who to listen to, except at work. Does that mean I'm running out of time already?

SENATOR WINFIELD (10TH): You -- you should summarize. Yes.

ATTORNEY MEIKLEJOHN: [Laughter]. All right. Well, that was quick. Okay. I will just summarize by saying, it is state law that gives employers the right to make their employees and force their employees and require their employees to listen to the opinions that they're seeking to promulgate. So that state law can change that. The *Doctrine of Employment at Will* says you can fire somebody for no reason at all, a good reason or a bad reason. And one of those reasons is because the employee refuses to listen to the employer's political, religious, whatever propaganda they're seeking to convey.

SENATOR WINFIELD (10TH): Thank you.

ATTORNEY MEIKLEJOHN: Thank you.

SENATOR WINFIELD (10TH): And -- and if I had seen the face, I would have known the name. It just was written different.

ATTORNEY MEIKLEJOHN: [Laughter]. It's all right.

SENATOR WINFIELD (10TH): Comments --

ATTORNEY MEIKLEJOHN: I'm not offended.

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SENATOR WINFIELD (10TH): -- questions from members of the Committee? If not -- oh, Representative Porter.

REP. PORTER (94TH): Thank you Mr. Chair. I'm just curious from what you just described, if you could just speak to what -- what this captive audience does for worker morale in the workplace.

ATTORNEY MEIKLEJOHN: Well, I mean in my experience, when employees are required to listen to something that they find offensive or that they disagree with, both in the labor context or on occasion, happens in other context as well in my experience, it is -- it is very frustrating, and I would -- yes, demoralizing for employees to be told you have to listen to what I have to say, but you don't have a right to speak. Now, the -- the statute that we're talking about 31-51(q) gives employees the right -- the First Amendment right, as it's written now, already gives employees the right to speak publicly and express their point of view.

But, you know, employees typically spend a third of their time, at least during the work -- the work week and now more than [laughter] that on the -- the time on the weekends, too, in the workplace setting. And the employer has the right to expect them to put in a fair day's work for their fair day's pay. But that doesn't give them the right to say, you have to listen to my political and religious views and I have the right to shut your -- to tell you to close your mouth. And that's, right now current state law, employers have that right, and that makes employees feel disempowered and demoralized.

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REP. PORTER (94TH): Would say it also makes it for a hostile work environment? And if so, how is this bill going to change that?

ATTORNEY MEIKLEJOHN: Well, we already have -- if -- if it crosses the line, to the point where people are being harassed for their -- for their point of view we -- we at least can argue that there are protections under the current law. But this proposal would make it clear that an employer's right to limit its employees' speech and what they can say and what they can't say, is balanced by the employees' right to say, I -- I don't have to spend my work time listening to your perspective. I have the right to -- to -- I -- I would rather [laughter] spend the time working. So I think, in that way, it would [laughter] -- it would make the enterprise more productive and -- and it would also -- it would be very good for the -- for the employees' feeling of their -- their -- their sense of dignity, their feeling of worth.

REP. PORTER (94TH): So would it be safe to say that the workers support this bill?

ATTORNEY MEIKLEJOHN: I believe so. Obviously, in -- in my -- you know, I haven't spoken [laughter] to every worker, but in my experience, employees are actually shocked when they first learn that an employer has the right to insist that they listen to them -- to their speeches about anti-union speeches or political speeches.

I recall many -- [laughter] many years ago when the universalist -- the -- the Moonies, whatever that church was called, took over the University of Bridgeport, and that's all now well in the past, but I had some dealings with that university at that

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time. And employees were shocked to discover that if their -- if their employer was taken over by a church, then the church, which was operating a secular entity, they weren't running the university as a religious institution, nevertheless because they were owned by a foreign church, they could be required to listen to the church's propaganda.

Now, obviously if you're working for a religious institution that's -- that's one thing, but if you're running a secular institution, it is only state law that gives the employer the right to say you have to listen to my views. I'm not sure that was responsive to your question.

REP. PORTER (94TH): In a round-about way, but I do appreciate --

ATTORNEY MEIKLEJOHN: All right.

REP. PORTER (94TH): -- that.

ATTORNEY MEIKLEJOHN: That happens when lawyers start talking.

REP. PORTER (94TH): I appreciate that. And I do thank you for your time and testimony today.

ATTORNEY MEIKLEJOHN: Thank you very much.

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

SENATOR WINFIELD (10TH): Thank you. Comments, questions from other members of the Committee? Seeing none, thank you very much for joining us today, Mr. -- Attorney Meiklejohn. Representative Phipps.

REP. PHIPPS (100TH): So Chairs and Committee, thank you for allowing this time. I think it's most important for those that are closest to the issue

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are also the closest to the solution, so I'm going to yield my time to my good friend.

FRANK SOULTHS: I'm going to be translating. My name is Frank Soulths. I'm with 32BJ SEIU.

ESPERANZA RAMOS (INTERPRETER SOULTHS): Thank you members of the Judiciary Committee for hearing my testimony today in support of S.B. 318 and S.B. 211, both of which would help immigrant workers like me.

My name is Esperanza Ramos. I have been 22 years in this country. For the last five years, I've worked at the McDonalds at the Fairfield Southbound Service Plaza on I-95, which is owned by Roger Facey.

So my -- the -- the -- the job pays badly. My -- my husband also doesn't make a lot of money. And we have daughters, ages 19 and 21, and they help us with bills from their jobs. I know that one day my 12-year-old son will also help us, too.

Last year, I saw the opportunity to help my family myself, when my co-workers and I got together with 32BJ to fight for better pay, for benefits, for treatment -- better treatment for all the workers on the service plaza.

We work in state property -- on state-owned land, but we don't earn state -- the standard wage, like most workers do who work for state-owned properties. So I don't have -- they -- they never told me that we have paid sick days.

FRANK SOULTHS: I'll -- I'll rush through this bit.

ESPERANZA RAMOS (INTERPRETER SOULTHS): And we have to stay -- we have to stay at home if we are -- we -- we don't get the chance to stay at home if we're sick, but we often have to come to work sick.

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The majority of us can't afford to lose a single day of work without pay. It's an abuse that's dangerous not just for us, but also for the clients who come to the service plaza. The managers didn't like it when we started organizing to better -- for a better life.

One day, a manager told me, I'm going to clean this store so that we never have any more problems. And all of understood what she meant by that.

All right. I have suffered cuts in my hours. The managers look at me and talk to me differently since they saw me with -- organizing with the union. Another of our -- my co-workers, Antonio, had so many hours cut, that he had to go and find a different job. We have all suffered intimidation of one form or another.

I am here today in support of S.B. 318 to ask you to please help us, so that the bosses no longer speak to us in this terrible fashion.

SENATOR WINFIELD (10TH): Thank you very much for your testimony. Are there questions or comments from members of the Committee? Questions or comments? If not, I want to thank you very much for coming to testify in front of us and share your story with us. Thank you.

ESPERANZA RAMOS: Okay. Gracias. Thank you.

SENATOR WINFIELD (10TH): Thank you. Have a great day. Next, we will hear from Shirley Pripstein. Good morning.

ATTORNEY PRIPSTEIN: Good morning, Representative Stafstrom, Senator Winfield, Senator Kissel, Senator Kasser, members of the [laughter] Committee. My

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name is Shirley Pripstein. I'm a retired family law attorney. I practiced for 38 years. I'm a past president of the Family Law Section of the Bar Association. And I'm testifying today on behalf of the Family Law Section of the Bar Association. You all -- you have my written testimony. You should also have written testimony from Attorney Eric Higgans and from Attorney Mark Randall. They were part of the Sub-Committee of the Family Law Section which considered the Uniform Parentage Act.

We are generally in support of the Uniform Parentage Act. However, we do have some issues with the sections that Professor NeJaime said were problematical, namely Section 36 and 38, pertaining to presumed parentage and de facto parentage.

It is our recommendation that presumed parentage for cohabitants of the genetic parent be deleted from the bill. And we have suggested several amendments to the de facto parentage section, which would make it slightly more difficult for a person to have standing to be judicated as a de facto parent. I don't want to take up a lot of your time. I'm sorry that Attorney Higgans isn't here today. He is an expert on assisted reproductive technology which is the second half of the bill from Section 51 on and is a great step forward.

SENATOR WINFIELD (10TH): Thank you. Questions, comments from members of the Committee? I -- I just have one question. So the -- the part that would make it slightly more difficult, I -- and I appreciate you not wanting to eat up a lot of our time, we do have a lot of people we'd like to get, but if you could just talk a little bit about that,

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I think it's important for us to understand that part, if possible?

ATTORNEY PRIPSTEIN: Okay. So -- so let's say, Representative Strastrom [phonetic] and I -- Stafstrom, sorry, and I are -- are -- are married and we have a child and we get divorced. After we get divorced, I begin a relationship with Senator Kasser. How long do we live together before she can claim de facto parentage status of Representative -- that child that belongs -- that Representative Stafstrom and I are the genetic parents of? I think that is the question before you. Lesbians get children lots of different ways; mostly, it's because they were in a heterosexual relationship and had children and then separated from the heterosexual person, and -- and came out as a lesbian.

I -- I -- there -- there are numerous instances of that. And I -- I can talk about my -- my -- my friends, conveniently named Pat and Jane, who began living together when Jane's son was 4 years old. How long until Pat becomes a -- gets -- what does Pat have to do to have standing to become a legal parent of Jane's son? And I think that's the question before you. Our Section -- no what we do as divorce attorneys, we're in court all the time dealing with people whose relationships have ended who are fighting about the children. And to enlarge the pool of people who can fight about children, we -- we want to be cautious about that, and I think that's the best way I can -- I can say that.

I know that the -- I -- I would like to compliment Professor NeJaime. He and I have meet privately on a number of occasions. He has also met with a

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different member of our Sub-Committee. He made many changes to the bill that were recommended by our Sub-Committee. We weren't able to reach agreement on the presumed parentage and de facto parentage. At the time we met with him we were opposed to de facto parentage, but we changed our position on that, I think partially based on -- on a Dr. Seuss, *Horton Hatches the Egg*. I don't know if you're familiar with it. But I think there -- I think there is a place for -- and we think that there is a place for de facto parentage, but it should be difficult.

One of the -- one of the amendments we're recommending is that if the parties are -- if the alleged de facto parent has not been living in the household with the child for a period of time, when the case comes to court for adjudication, that there -- that that person has supported the child during the period of absence from the household. We think that will prevent frivolous claims.

SENATOR WINFIELD (10TH): Right. I understand. It's -- I don't know -- because I was trying to take of some business, has your section suggested a time or as you said, it should be more difficult. Have you suggested a time?

ATTORNEY PRIPSTEIN: We suggested four years of cohabitation.

SENATOR WINFIELD (10TH): Okay.

ATTORNEY PRIPSTEIN: I mean it's currently in the draft that we saw in the -- in the draft of the bill, de facto parentage it says one year, we're suggesting four years.

SENATOR WINFIELD (10TH): Okay. Senator Kasser.

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SENATOR KASSER (36TH): Thank you for your testimony. So in the very unlikely scenario that you painted as a hypothetical, Senator Stafstrom [laughter] fathers a child with you [laughter] and then somehow you are -- are a couple. [Laughter] I don't want to --

ATTORNEY PRIPSTEIN: Not that unlikely.

SENATOR KASSER (36TH): -- belabor that. I really don't want to be belabor that --

ATTORNEY PRIPSTEIN: I think --

SENATOR KASSER (36TH): -- but --

ATTORNEY PRIPSTEIN: -- it's only unlikely --

SENATOR KASSER (36TH): -- isn't it --

ATTORNEY PRIPSTEIN: -- because I'm 72. [Laughter]

SENATOR KASSER (36TH): In that -- in that scenario with a -- when a man and woman have a child together -- a biological child together at birth, the parent -- wouldn't the parentage of the father be established at birth? So two or four years later, if that -- if that relationship dissolves and the biological mother then begins a relationship with another woman, that would have no impact on the biological father's --

ATTORNEY PRIPSTEIN: It wouldn't have impact on --

SENATOR KASSER (36TH): -- parentage; correct?

ATTORNEY PRIPSTEIN: -- the biological father's parentage. But I believe that, under the Uniform Parentage Act, the cohabitant of the biological mother would, at some point acquire -- be able to claim de facto parentage. And Professor NeJaime can

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correct me if I'm wrong on that. I don't know if he's still here. He said he would stay for my testimony.

SENATOR KASSER (36TH): Well, I -- I understood something entirely different from the Professor's testimony, that -- that de facto parentage for a unmarried, non-biological parent could only be established if they had acted as a parent, lived as a -- as a parent for the first two years from birth through the first two years of the child's life.

ATTORNEY PRIPSTEIN: Right. That's presumed parentage. That's Section 36. That's what we're saying should probably come out.

SENATOR KASSER (36TH): I understand. Okay. So that -- so -- so your objection really has nothing to do with the hypothetical that you -- that you described. It's just that you think that -- that presumed parentage should require a four-year --

ATTORNEY PRIPSTEIN: Well, no.

SENATOR KASSER (36TH): -- term rather than a two-year --

ATTORNEY PRIPSTEIN: We think --

SENATOR KASSER (36TH): -- term from birth.

ATTORNEY PRIPSTEIN: We think de facto parentage should -- we think de facto parentage should require a four-year term. We think presumed parentage for cohabitants should come out and they should proceed under de facto parentage. In other words, Connecticut doesn't have common law marriage. If -- again, if -- if Representative Stafstrom and I lived together, held ourselves out to be married, had a child, we would not become legally married by the

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fact that we were holding ourselves out to be married. We would not acquire property rights in each other's estate. The question is, if I had a child, does he then acquire parental rights to my child by living in the same household, even though he doesn't acquire rights -- other rights in terms of marriage? That's the question. And the family law section says, there should be a pathway, it should be under de facto parentage not presumed parentage. Don't forget, you don't go on the birth certificate unless you sign an acknowledgement of paternity.

If we open acknowledgements of paternity and call them acknowledgements of parentage, what is to prevent someone from signing an acknowledgement of parentage same sex or opposite sex. Most of the -- most of [laughter] -- there are more heterosexual cohabitants than same-sex cohabitants.

So, you're -- you're really with presumed parentage, creating kind of a legal limbo here, and are going to increase court cases because you're still going to need an adjudication or an acknowledgement of parentage to become -- to get a name on a birth certificate. You can't put the name of the birth certificate unless there's an acknowledgement of parentage, unless you're married. So, you -- you're really creating sort of a legal limbo.

You -- you put in the -- the original bill, the draft that our section was working with didn't have the term legal parent in it. You've added a -- a -- I think a Subsection in Section 36 to say, that in a juvenile court case, the presumed parent is -- is not a legal parent, but you didn't put a definition of legal parent in, in the definition section.

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So, it -- it -- it makes more sense to just take away that presumed parent for cohabitants and let a cohabitant who wants to be a legal parent either acknowledge parentage or bring an action under the de facto parentage. I made you think. That was my --

SENATOR KASSER (36TH): Okay. Thank you for your --

ATTORNEY PRIPSTEIN: Thank you.

SENATOR KASSER (36TH): -- clarification. Thank you. Thank you, Mr. Chair.

SENATOR WINFIELD (10TH): Thank you. Comments, questions from other members of the Committee? Representative Currey.

REP. CURREY (11TH): Thank you, Mr. Chair. Just real quick, when you're using the term cohabitant, I mean we're -- at the end of the day we're talking about these peoples' partners; correct?

ATTORNEY PRIPSTEIN: Yes.

REP. CURREY (11TH): Okay. Cohabitant just makes it sound very cold for anybody who is listening to this conversation and that this --

ATTORNEY PRIPSTEIN: I'm sorry. [Laughter]

REP. CURREY (11TH): -- is a very sterile relationship, but these are people who actually committed to one another and committed to now taking on a lifelong responsibility for these potential children. So, I appreciate your testimony and I know you're going to continue working with our advocates to --

ATTORNEY PRIPSTEIN: Yes.

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REP. CURREY (11TH): -- hammer out some of this language. I just want to be very clear about the relationship that we're talking about today.

ATTORNEY PRIPSTEIN: Well, I will say my friends and Pat and Jane have been together for, I think it's going on 35 years, and they're now -- and their -- their son has now married and has children, so they're the Grandma Pat and Grandma Jane. But no legal connection of -- of Pat to her grandchildren. So, and that is the issue. I mean do you -- if -- if -- if they had been a heterosexual couple and they had been married, still Pat which could be a -- a man's name, could -- would be a -- a -- a step-father and still wouldn't have a legal parentage relationship. So are we -- are we saying now the step-fathers can also become legal parents? There's a lot to consider here, so.

REP. CURREY (11TH): Thank you, Mr. Chair.

SENATOR WINFIELD (10TH): Thank you. Questions, comments from members of the Committee? Seeing none, thank you very much for joining us. Representative Rotella.

REP. ROTELLA (43RD): Hi.

SENATOR WINFIELD (10TH): Good morning.

REP. ROTELLA (43RD): Thank you. Good morning. Thank you distinguished leadership and distinguished members of this Committee. Today, I'm here in support of H.B. 5178 and I would like to at this point concede my time over to Stephanie Ocasio-Gonzalez and Denise Gonzalez who are here to testify in favor of this and they have their children with them. So thank you. Go ahead.

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STEPHANIE OCASIO-GONZALEZ: Thank you for having us. So my name is Stephanie Ocasio-Gonzalez, and I'm here testifying in support of the Raised Bill No. 5178, the ACT CONCERNING ADOPTION AND IMPLEMENTATION OF THE CONNECTICUT PARENTAGE ACT. We're current residents of Bridgeport, and I'm testifying on behalf of myself and my family, Denise, Dessanie, and Jayvin.

This year, Denise and I will be together for 10 years in a relationship, and six years married. She does security for Stanford Train Station, and I'm currently going to school for medical assisting. Our 13-year-old, Jayvin is from a previous relationship and then I gave birth to Dessanie in January of 2019.

The process of having a baby was long, [laughter] it was difficult, painful [laughter], and financially it was hard, as well. We have an amazing baby girl now, and she has so much character over there.

[Laughter] When I finally became pregnant with Dessanie, we were overjoyed, but we were concerned that Denise would not be her legal parent because she was not genetically related to her. I specifically asked my OB/GYN if her name would be able to be put on Dessanie's birth certificate, and if not, I would go anywhere that -- that was possible. She asked, yes, why not? She was kind of confused at the question. That's a good question, why not? [Laughter]. She is her parent. On Dessanie's birth certificate, it says parent one and parent two.

We were feeling relieved with her birth certificate, until we learned that without a formal legal declaration of parentage, which a birth certificate

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is not, some states would not recognize Denise as the lawful parent of our daughter, no matter what her birth certificate said. Even after everything we went through together to create this life, the fertility treatments and the financial burden, she wouldn't be recognized as our child's mother. But with this Act, the Connecticut Parentage Act, Denise would be recognized as Dessanie's parent in Connecticut and all 50 states.

As I said before, we have a son as well, and she's just as much a mother to him as me. Yet, she has no legal connection to our son. We have to rely on the kindness of others to treat -- treat us both as Jayvin's parents, but we shouldn't have to leave our relationships with our children to chance.

There are times where I lay awake at night wondering what will happen to my family, if God forbid, something happened to me. Denise could lose both her wife and her children. I have tried to [crying] engineer a will to make sure she gets custody of both of our children in the event of my death, but I worry that it will be insufficient.

I even had my mother pledge that, if anything were to happen to me and our children went into her custody, she would give to their rightful parent. Sorry. But our children shouldn't be handed around when they have a stable, loving parent. Same-sex couples shouldn't have to worry about death before we create a life.

The Connecticut Parentage Act will protect Jayvin and other children in this position. Under this bill, Denise would be the de facto parent of Jayvin by virtue of the fact that she is functionally, in every way, his mother. She wakes him for school and

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she helps him with his homework, and loves him with her whole heart. With my support, Denise would be able to petition the courts to establish herself as a de facto parent. And our legal status would track our family's reality. Jayvin will have the security of two loving mothers, and I would know that if anything happened to me, he would still be with his mother.

Denise and I aren't the only same-sex couple in Connecticut struggling to secure their relationships with their children. Many mothers in same-sex couples that I know personally, are legal strangers to their children. I urge you to pass this bill and make Connecticut a state where all families are treated equally, regardless of marital status, gender, or sexual orientation, because our children's futures depend on it. Thank you.

SENATOR WINFIELD (10TH): Thank you. Questions? Comments from members of the Committee? Representative Currey.

REP. CURREY (11TH): Thank you, Mr. Chair. Just a quick thank you for -- for being here today and taking time to introduce us to your family. We can have legal scholars and -- and other advocates come before us all day long and talk about this, but really putting a face to it, really helps, I think, get the point across what we're trying to do. [Laughter]. So I won't belabor at that point anymore further. That [laughter] little one wants to go to home. Now, she's heard. Thank you, Mr. Chair.

SENATOR WINFIELD (10TH): Senator Kasser.

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SENATOR KASSER (36TH): Thank you so much Stephanie and Denise, and your family is beautiful.

STEPHANIE OCASIO-GONZALEZ: Thank you.

SENATOR KASSER (36TH): [Crying] Sorry for my emotion, but I think your testimony has really highlighted that this is about real people. This is about loving parents. And regardless of gender, regardless of family construct, what a child deserves most in this world is loving parents. So, the fact that you don't have the legal rights to her and to Jayvin that represent what you do every day, the commitment, the love, the care, the financial support, everything you do in your life is centered around taking care of these children and raising them into good human beings. You should be -- you should have the security of knowing that -- that that can't be taken away from you. So, I just I applaud you for your courage in -- in creating your beautiful family, even without that security, and coming forward and having the courage to testify and to show us why this is such an urgent matter for you, but also for your children, so they can go through life feeling secure and loved and protected by the law. So, thank you so much for coming today.

STEPHANIE OCASIO-GONZALEZ: Thank you.

SENATOR WINFIELD (10TH): Thank you, Senator. Comments, questions from other members? If not, I want to thank you for coming today. I'm a step-father and I know that having the two children who have been in my life for the last six years has been amazing. And I thought, until I had children of my own, was going to be the pinnacle, and then having those children was amazing, as well. But I would do anything for those two children. And so, it is good

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to see you here. Your testimony was amazing, by the way. It's good to see you here fighting for those children, for you and your spouse. Thank you.

STEPHANIE OCASIO-GONZALEZ: Thank you.

SENATOR WINFIELD (10TH): Next, we will hear from Michele Evermore. I can still get one more good morning in.

MICHELE EVERMORE: Good morning. That's a tough act to follow. Thank you to the Co-Chairs of the Committee and the Committee itself for allowing me to testify today. My name is Michele Evermore. I'm a Senior Researcher and Policy Analyst for the National Employment Law Project.

And I'm here to express NELP's strong support for S.B. 318. We have a workplace democracy crisis in the United States. And this legislation would begin to help address it. When nearly 50% of Americans say that they would want to join a union, but only 10% of workers are in one, something is broken. When worker productivity continues to skyrocket as real wages fall and disparities widen, something is broken. As we -- we begin to see retirement security as a quaint notion from simpler times, something is broken.

More than half of Americans say they don't have enough of a voice on the job. According to Dr. Kate Bronfenbrenner at Cornell's Institute for Labor Relations, captive audience meetings play a huge role in this trend. Unions win organizing drives in 73% of the campaigns where workers are not forced to attend the captive audience meeting, but only 47% of the time, if employers engage in this tactic. Nine

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out of ten union avoidance campaigns include this tactic.

Professor Gordon Lafer at the University of Oregon has written extensively about how the standards we hold for union elections are far from the standards that we hold for democratic standards in the United States, and has also observed that the standards we allow for union elections violate the -- the standards that we would hold for any other nation as minimal standards for democracy. Imagine if another nation held elections, in which only one party had access to voters eight hours a day and during those eight hours, could economically coerce voters to attend rallies, even controlled all the media that voters could consume for most of the day. Imagine one party could force all voters to watch a documentary in support of their candidate, while the other party could not. No election inspector would consider that to be democratic. Yet, that's what we have come to accept as fair for workers.

Union workers earn 22% more than their non-union counterparts. They are 25% more likely to have health insurance, employer-sponsored health insurance. They are five times more likely to have access to a secure retirement. The decline in union density also puts a downward pressure on the wages of workers who are not in a union. Connecticut's economy would benefit by taking the high road on this -- on this issue and promoting workplace democracy.

Finally, most importantly, workplace democracy fosters civic engagement, and the lack thereof, discourages it. It makes sense, democratic participation is not a part-time process. It's an

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ongoing skill that can be developed over time. Connecticut's commitment to an open public hearing process is admirable. All of you lawmakers really deserve a great deal of credit for sitting attentively through these marathon sessions, lasting until wee hours of the morning to make sure that the members of the public can participate in the democratic process. I ask you to consider research from the University of Illinois and countless other studies, I'm happy to provide the Committee, which show a clear connection between workplace democracy and civic participation. And with that -- I heard the bell has gone off. I'm happy to answer any questions.

SENATOR WINFIELD (10TH): Thank you. Uh -- questions, comments from members of the Committee? If not, thank you very much for joining us today. Representative Winkler.

REP. WINKLER (56TH): I'm Representative Mike Winkler from the 56th District, and the town of Vernon. Chairs Senator Winfield and Representative Stafstrom, Ranking Members, members of the Committee, I'm giving my time today to two staff persons from the Hebrew Center Nursing Home who will explain from their personal experience the need for legislation like S.B. 318. Thank you.

SHERRIL YATES: Is it morning or afternoon? I don't know. [Laughter] Good morning, Senator Winfield, Representative Stafstrom, and members of the Judiciary Committee. My name is Sherril Yates and I'm a Certified Nurse's Assistant at the Hebrew Home in West Hartford. I'm here today to support S.B. 318 and talk about my experience trying to organize a union at my workplace and the lengths that bosses

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will go -- will go to when they don't want us to come together.

Last year, my co-workers and I decided we wanted to form a union. Since we had previously been in a different union, we didn't expect the owners to go to the lengths they did to stop us. I'm talking about hiring union busters consultants to be in the building and follow us around. We were mandated to go to these captive audience meetings, where the consultants would try to intimidate us, yelling at us, and telling us to shut up when we spoke up in support of the union. And if we didn't go to the -- these meetings, we were told that we would be fired or disciplined. I'm a Jamaican woman; my co-workers are women of color. How do you think it felt to be a black woman being followed by a white man for my [crying] entire shift every day? When I complained to Penny, the administrator, she told me that I was harassing the staff.

I was followed [crying] around by these consultants and harassed. I felt intimidated. I would be in the dining room and they stood right outside the glass wall, staring at [crying] me as I took care of my residents. I made two mistakes with a resident because I was so nervous about being watched and I was uncomfortable. I [crying] ended up -- I ended up getting suspended for a whole week. If I tried to have one -- if I have -- if I tried to have one, I would be suspended, I would -- I'd get suspended for a whole week.

They targeted me because I wasn't afraid to stand up for myself and the union. I texted my co-workers that I was -- they texted my co-workers that I was -- they texted my co-workers and said I was a

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sell-out and the Jamaican community ought to be ashamed of me. They faked legal documents to make it seem that I was being paid by the union. They printed flyers with my house address [crying] and home phone numbers to have people come to my house to harass me.

They also used the West Hartford police to intimidate us. The police was parked outside the building in the morning when I got there, and they were there when we left. In one situation, the police was parked right next to my car and didn't do anything when I was attacked by a co-worker. He even had the nerve to tell me I was the one harassing -- the girl that harassed -- that -- that was harassing me. No one should have go -- gone through this. And no one should feel the way I felt during the organizing drive. I used to love going to work. Now, I feel emotion -- emotional dread when I go to work I the morning, even though we have the union. Management is still creating a work environment that is stressful and I feel like a target.

S.B. 318 allows employees the right, when the subject of the meeting is about the employers' position on politics, religion, or labor organizing, to stop listening, walk away, return to work, and not participate without the fear of facing discipline or termination. Employers should be held accountable for the intimidation and fear that they try to create when they engage in union busting. Please pass S.B. 318. Thank you for your time.

SENATOR WINFIELD (10TH): Thank you. Are you -- are you going to say something as well? You -- you -- I'm just asking.

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JOHANNA ALABI: Yes.

SENATOR WINFIELD (10TH): Are you?

JOHANNA ALABI: Yes.

SENATOR WINFIELD (10TH): You can go ahead. If you -- if possible, if you could make it quicker, that would be great. And then I'll -- then we'll -- may have some questions for you.

JOHANNA ALABI: Okay. Thank you. Good afternoon, Senator Winfield. I'm just going to go straight to my testimony.

Last year, my co-worker and I decided that we wanted to form a union so that we could have a voice in our workplace. In response to this, Hebrew Home brought strangers from an out-of-state consulting agency harassing and intimidating me and my co-worker. They bombarded us with verbal threats and text messages containing -- contain -- containing -- sorry, which was this -- this -- sorry, which are too disgusting for me to read. They forced us to attend anti-union meetings when we could have been caring for our residents, and posted private, personal information of staff openly discussed in anti-union. In these -- in these forces -- in these they forced -- sorry. I'm so nervous. In these forced meetings, they show us anti-union videos, telling us not to vote for the -- not to join the union, threatened us if we did, we would be terminated.

They are bluntly, racist intact -- tactful -- tactics used by the consultants, who were all white men. They told us the Jamaican community was ashamed of us. They told us that we could not speak our native language, and pushed for us to sign

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agreement that we could not speak our native language.

One morning I was in the dining room, the Nurse's Director of -- pulled me aside and told me she know that I was trying to get my co-worker to organize the union and threatened to terminate me. I did not stop my efforts. Hebrew Home pronounced a division amongst staff by protecting and rewarding anti-union behavior.

One -- one day one of my co-worker, who was anti-union physically assault another co-worker who was trying to get others to sign the petition for a union. Instead of being punished for kicking their co-worker, Hebrew Home promote -- Hebrew Home give this staff a promotion. We even heard that the staff agree -- we even heard that staff that agree for non-union receive money rewarded.

In October of 2019, we voted 109 to 35 for the union. Even in our victory, we're still being attacked. Management tell us we do not have a union; thereof -- therefore, we do not have presentation. I'm still being reluctant against my roles in organizing -- retaliated, sorry, I've been still retaliated against my role in organizing co-worker. I have had my hours slashed and don't get any overtime hours that I used to get.

S.B. 380 gives employers the right -- employers the right, when the subject of meeting in -- about -- sorry, about employers' position in politics, religion, and/or labor law, to stop listening, walk away, return to work, not participate without of forcing discipline or termination. Employers should be held accountable for termination -- for intimidation and fear that they're trying to create

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when they engage in our union busting. Please pass S.B. 318 to protect workers' rights in Connecticut. Thank you so much.

SENATOR WINFIELD (10TH): Thank you. Questions or comments from members of the Committee? If not, I -- I want to thank you for joining us. If you were able to put up with that and make it through and continue your efforts, you should have had no reason to worry about testifying here today. I commend you for your efforts. Thank you.

JOHANNA ALABI: Thank you.

SENATOR WINFIELD (10TH): Next, we will hear from Sal Luciano, followed by Melissa Riley.

SAL LUCIANO: Good afternoon, Senator Winfield, Representative Stafstrom, and members of the Judiciary Committee. My name is Sal Luciano. I'm the President of the Connecticut AFL-CIO. I'm here in support of S.B. 318.

Imagine you're a housekeeper in a large hotel chain. You are a female legal permanent resident with limited proficiency in English. You and your colleagues, anxious for better wages and a more reasonable workload, have begun the process of forming a union. In response, your employer hires and dispatches teams of anti-union consultants into the hallways of the hotel. Without warning, four men come into the room you are cleaning, close the door, and begin asking you questions about your desire to form a union. They raise their voices. They block the door. And when you tell them why you want to join a union, they threaten your job and your immigration status. You feel cornered and

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afraid. You have no protections, no voice, and no choice but to endure the intimidation.

This is what happened to several housekeepers in Stamford. Their experiences are not that different from workers across the state, in many industries, who have been subjected to captive audience meetings and employer pressure tactics. They just want the harassment to stop. They just want to do their jobs and have a fair shot at making ends meet. S.B. 318 will afford them that right.

Arguably cherished most among all rights afforded to American citizens is the freedom of speech. In theory, the concept is simple, the First Amendment to the U.S. Constitution grants us the liberty to speak our minds without fear of being coerced or persecuted. But in reality, workers' freedom of speech, for some employers, is regarded as a disposable annoyance and disregarded in the workplace.

The United States Supreme Court has recognized that it is a form of coercion to make people listen and that no one has the right to press even good ideas on an unwilling recipient. Those are violations of the First Amendment.

Captive audience meetings usually take place in response to union organizing drives. When faced with the possibility that workers may wish to form a union, three-quarters of employers hire attorneys and consultants operating in the multi-billion union avoidance industry to orchestrate and implement anti-union campaigns. These so-called persuaders help employers keep their businesses union-free by either defeating union organizing campaigns or

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assisting with decertification efforts to unseat an existing union.

A captive audience meeting is a mandatory closed-door meeting held during work hours by the employer. It is designed to discourage workers from joining their union by instilling fear. Employers can even fire workers who do not attend or get up and leave.

Connecticut employers have frequently utilized captive audience meetings. Some examples, Foxwoods Casino cleaners, Becton Dickinson & Company manufacturing workers, Severance Foods workers, Stamford Hilton Hotel service workers, Stamford Sheraton Hotel workers, and you just heard Hebrew Senior Care workers of West Hartford, and non-professional employees at Danbury Hospital, and the fast food workers currently trying to form a union at rest stops along I-95.

While most of the focus of the bill has been about protecting workers' freedom of speech around union organizing, employees also need protection from employers' forced religious or political speech.

SENATOR WINFIELD (10TH): Sal, can you summarize?

SAL LUCIANO: S.B. 318 does not infringe on employer's First Amendment rights. Rather, it affirms the employer's right to call an employee meeting at any time on any subject. It does not prevent employers or anyone else from discussing religion, politics, or other topics. It only prohibits employers from firing or disciplining employees who leave the meeting because they do not wish to listen to the employer's opinions about religious or political matters.

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S.B. 318 protects the workers' fundamental right of freedom of speech. Please support S.B. 318. Thank you.

SENATOR WINFIELD (10TH): Thank you. Comments, questions from members of the Committee? First day with a microphone. Thank you for testifying and for your continued support of workers.

SAL LUCIANO: Thank you.

SENATOR WINFIELD (10TH): We are going to make a slight adjustment. There -- there are no comments or questions? We're going to make a slight adjustment. We had Melissa Riley. We're going to switch, Senator Anwar in. Senator Anwar will be followed by Ed Hawthorne, and then Melissa Riley, which is really Judge Streid-Kefalas will be next after that.

SENATOR ANWAR (3RD): Good afternoon, Senator --

SENATOR WINFIELD (10TH): Good afternoon.

SENATOR ANWAR (3RD): -- Winfield and -- and honorable members of the Judiciary Committee. I'm here in support of H.B. 5178, AN ACT CONCERNING ADOPTION AND IMPLEMENTATION OF CONNECTICUT PARENTAGE ACT. And I want to yield my time to Rachel Prehodka-Spindel and Emily Pagano. And I will be busy taking care of Dylan while they speak.

[Laughter]

EMILY PAGANO: First, we'd like to thank Chairs Winfield and Stafstrom and members of the Joint Committee on Judiciary for the opportunity to testify in support of Raised Bill 5178, a Connecticut Parentage Act.

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RACHEL PREHODKA-SPINDEL: My name is Rachel Prehodka-Spindel.

EMILY PAGANO: And I'm Emily Pagano, and we're Dylan's parents.

RACHEL PREHODKA-SPINDEL: Today, we'd like to share with you a little about our family, who's legal status would be directly impacted by the passage of this bill. Emily and I have been together for almost 10 years now, and in the fall of 2017, we decided we were both ready to take the first steps in making that vision a reality and began exploring options to build our family. By the following January, we had established care with the UConn Center for Advanced Reproductive Services and developed a plan for how we'd hope to conceive. We were lucky to have insurance coverage that offered us so much choice in our conception plan and the ability to be incredibly intentional in how we became parents together. In February, I had a successful egg retrieval and the next month we transferred one embryo to Emily.

EMILY PAGANO: Soon after, we found out I was pregnant. Throughout the entire process of conception and -- and pregnancy, Rachel and I attended every appointment, tour, class, and consultations together. Together, we shared the joy of each pregnancy milestone from hearing our child's first heartbeat to the feeling Dylan's acrobatics in utero [laughter], our family threw us a beautiful celebration, surrounding us with love as we entered motherhood. And we very anxiously awaited Dylan's arrival. On the evening of December 31st, 2018, I went into labor and 16 hours later, Dylan entered the world and our family.

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RACHEL PREHODKA-SPINDEL: Throughout everything, we were beyond lucky to be surrounded by a supportive family, doctors, midwives, nurses, and community. However, the issue of my legal parental status was always lying under the surface. While Emily was still pregnant with Dylan, I called the CT Vital Records Office to find out how I could establish the legal parentage of my daughter. I was rudely informed that because I was not a man, obviously, and not a -- and therefore could not be a father, there was no way to establish my parental rights. Similarly, while Emily and I were in the hospital celebrating our new family, the Birth Registrar came to our room, strongly asserting that I was not a parent according to CT, and would not be recorded as such. It was clear that this was not the first time she delivered this news and her approach indicated she was prepared for us to challenge her.

We already knew at this point that there would be no way for me acknowledge legally -- to be acknowledged legally as a parent. And while we were sympathetic to how challenging it must be to deliver this news to families at what is typically a joyous time, we were not prepared for the hostile reinforcement that I was not a parent. But this message, regardless of its delivery, is true.

As the law stands now, I am not Dylan's mother. And this reality is a fear I live with every day. Should something happen to Emily or Dylan, I have no right to make any parental decisions. Should something happen between Emily and I, which we'd like to think (crying) would never happen, but realistically, things change, and people change, I have no rights to custody or care decisions for Dylan.

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Should I want to fly with Dylan to visit my family, I need a letter from Emily giving me permission to travel with my own daughter. And the list goes on.

EMILY PAGANO: For these reasons, we voice our strong support of H.B. 5178, the Connecticut Parentage Act. For us, it still provides legal legitimacy to our family, a right afforded to any heterosexual couple in the same situation. And just as importantly, this bill brings Connecticut law up-to-date and so that today's families, in all their forms, are recognized and welcome in Connecticut.

Finally, we'd like to express our appreciation for all the folks who work so hard to make this bill a reality and to you all for allowing us to share our testimony today. Thank you.

SENATOR WINFIELD (10TH): Thank you. Comments, questions from members of the Committee? Senator Kasser.

SENATOR KASSER (36TH): Thank you, Mr. Chair and thank you so much for coming here and sharing your story. And I think Senator Anwar should be Uncle Saud from [laughter] now on. Best babysitter ever. [Laughter] So it -- it sounded like when you -- when you recalled what happened in the hospital, with the Birth Registrar telling you that -- telling you, Rachel, that you were not a parent, that was a really uncomfortable, possibly even hostile situation. And I -- I just wanted to -- you to elaborate. Like what -- along the way -- I mean, Dylan is now how old?

EMILY PAGANO: Fif- --

RACHEL PREHODKA-SPINDEL: Fifteen months.

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SENATOR KASSER (36TH): Fifteen months? It's so wonderful that you have supportive parents and family and community. But in terms of interaction with government employees and agencies what has the tone of that been, and how could that change, possibly even overnight with passage of a bill like this?

RACHEL PREHODKA-SPINDEL: Sure. So yeah, the two experiences kind of that we noted here, and then even additionally, when Emily went to pick up the birth certificate where we knew that the law was that I -- I -- there was no way for me, through these avenues, to be acknowledged as a parent. The tone was always that -- was pretty hostile and rude, which, given that we knew, it felt unnecessary. And definitely, like even the interaction with the Birth -- Birth Registrar had -- had more compassion or like, there -- there's nothing I can do rather than an aggressive assertion that I was not a parent. The impact -- the impact was very different.

And the passage of this law would obviously change the laws that would allow those folks to not be in that position. I like to assume good intent and that it's just that they've had this conversation, and they have to enforce the policies that are given to them. And so, being able to acknowledge parental status would change those [laughter] interactions in a huge way.

SENATOR KASSER (36TH): Thank you. And in the absence of this legislation, what would you have to do or what would you consider doing to establish legal rights? Would you have to undergo an adoption

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process? Have you looked into that? How -- how onerous is that?

RACHEL PREHODKA-SPINDEL: Yeah. So, we looked into the adoption process. Besides -- it -- it's very cumbersome in terms of time and house visits and then also financially. I think we were looking at several different -- I think we were quoted \$2500 to \$5000 dollars to have that process -- to go through that process with a lawyer.

EMILY PAGANO: Just to recognize her as a parent that already is in place, which I think, on an emotional level, it's also just such a challenging place to be.

SENATOR KASSER (36TH): Yeah. I mean, it seems so apparent to me that -- that two loving parents should have their parentage established at birth and there shouldn't have to be administrative bureaucratic, you know, hoops to jump through to prove what you -- what is already apparent. It -- you are -- you legally married?

RACHEL PREHODKA-SPINDEL: We are not married.

SENATOR KASSER (36TH): You are not legally married. And it -- does it -- does the adoption process -- is it harder if you're not legally married? What is the -- how does that affect your situation?

RACHEL PREHODKA-SPINDEL: I believe that we had -- we haven't got that -- I don't want to say anything incorrect. I know that if we were married, I would have been able to be named on the birth certificate.

SENATOR KASSER (36TH): Uh-huh.

RACHEL PREHODKE-SPINDEL: But that many same sex-couples in Connecticut still pursue adoption beyond

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that, because just having your name on the birth certificate does not guarantee parental rights. So that's something that's been very important for couples who are married. Being not married, I couldn't be named on the certificate. I don't know how the adoption process would or would not look different. I believe the home visit piece is different, but I'm not 100 percent sure on that. So that a married couple, the adopting parent doesn't have to -- they don't have to have the observation part of that.

EMILY PAGANO: But I -- I will say that we're -- we're friends with many same-sex couples who are -- who are married and otherwise in similar circumstances and -- and -- and similar to us. We were advised along the way from the [laughter] -- from our medical team to friends to local lawyers that, even if we were married, that we were still encouraged to -- to pursue same-sex second parent adoption. So, I think the -- the importance of protecting the parental right is -- is there regardless.

SENATOR KASSER (36TH): I think Dylan has a statement to make. [Laughter]

EMILY PAGANO: Say something. Say thank you. Say thank you.

SENATOR KASSER (36TH): Exactly. [Laughter] Exactly. We all agree. Well, thank you so much for coming today. And I just -- the reason I asked that question about marriage is only because sometimes rights are established in our Supreme Court that then -- are not necessarily established forever. So, we -- establishing parentage, I think is a right -- a right and responsibility that should be

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established forever from birth. And -- and shouldn't relate to any other legal status, such as marriage. So anyway, thank you for coming. Thank you, Senator Anwar for bringing them --

SENATOR ANWAR (3RD): Thank you.

SENATOR KASSER (36TH): -- and for your excellent service today. [Laughter]

SENATOR WINFIELD (10TH): Thank you. Representative Currey.

REP. CURREY (11TH): Thank you, Mr. Chair. I just wanted to thank you both for being here today and for Dylan. [Laughter] I know, I'm done -- I'm all [inaudible 2:18:16] [Laughter] And I do know, Representative Rojas is very upset that he was not able to be here today. And I know, actually the conversation you had with him is -- is what started a lot of this work here and what brings us to the table today. So really appreciate you helping to bring that to the forefront and all the work that you're doing behind the scenes on this. Thank you.

SENATOR WINFIELD (10TH): Thank you, Representative. Representative, that's two babies that have shut you down. [Laughter]

REP. CURREY (11TH): That's why I don't have children. [Laughter]

SENATOR WINFIELD (10TH): Thank you for joining us this afternoon. Appreciate your testimony. Next, we will hear from Melissa Riley/Judge Streit-Kefalas, to be followed by Shellye Davis.

JUDGE STREIT-KEFALAS: Good afternoon, Senator Winfield, Senator Kissel, and members of the Judiciary Committee. I am Judge Beverly Streit-

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Kefalas, Probate Court Administrator. Thank you for the opportunity to testify today regarding House Bill 5178, AN ACT CONCERNING ADOPTION AND IMPLEMENTATION OF THE CONNECTICUT PARENTAGE ACT. I would be remiss if I also didn't thank Professor Doug NeJaime for his diligent efforts in cultivating and coordinating this draft bill.

The Office of the Probate Court administrator fully supports the intent and concepts of this -- of this legislation. We recognize that it is long past time to modernize the laws establishing legal parentage and providing equal protection and equal access to all children and all parents in securing their parent-child relationship. These changes offer legal protections that recognize constitutional rights, embrace the diversity of families, and serve the best interest of the children.

Probate Courts adjudicated over 7,000 guardianship cases and more than a thousand adoptions in fiscal year 2019. As a Probate Judge, myself, I have presided over a number of adoptions of circumstances as you've heard from the Ocasio-Gonzalez, and the Pagano family. They are costly. They are stressful, and in time -- in certain cases, inconsistent with the Constitution. We see the real vulnerability of children without the protection of legal parentage. We know, and we understand, the uncertainties and injustices faced by parents who should have legal recognition of their parent-child relationships.

This is, however, a complex act. The act should serve its critical purpose of ensuring legal parentage and protecting against the vulnerability

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of children while also ensuring its consistency with related and connected probate laws.

We value the extensive efforts undertaken thus far on the statutory language to ensure Connecticut codifies Constitutional protection for all parents including LBG/T/QIA plus parents and their children. But further in-depth review of the complexities is merited before passage in its present form.

We are committed to continuing to work on specific language of the Connecticut Parentage Act to ensure that its integration is consistent and clear to ensure these necessary protections. Thank you for the opportunity and I would take any questions.

SENATOR WINFIELD (10TH): Thank you, Judge. Comments, questions from members of the Committee? Okay. Representative Currey.

REP. CURREY (11TH): Thank you, Mr. Chair. I just wanted to thank you Judge for being here today and for your willingness and commitment to continue working with Doug and with those of us to ensure that this complies with all necessary pieces of the Probate system. So, thank you.

JUDGE STREIT-KEFALAS: Thank you for that opportunity.

SENATOR WINFIELD (10TH): Thank you, Representative. Comments, questions from other members of the Committee? If not, thank you for --

JUDGE STREIT-KEFALAS: May I make one brief --

SENATOR WINFIELD (10TH): Yes, you may.

JUDGE STREIT-KEFALAS: -- comment about S.B. 317? We take no position on that specific bill. However,

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I do want to note there are technical drafting revisions that my office would be willing to work with drafters to recognize. Thank you.

SENATOR WINFIELD (10TH): Thank you, Judge. Any comments, questions? If not, thank you very much for joining us this --

JUDGE STREIT-KEFALAS: Thank you.

SENATOR WINFIELD (10TH): -- afternoon. Shellye Davis? Good afternoon.

SHELLYE DAVIS: Good afternoon, Senator Winfield, Representative Stafstrom, and members of the Committee. My name is Shellye Davis and I am the President of the Eastern Connecticut Area Labor Federation, a regional federation of unions representing thousands of workers across eastern Connecticut. I am also proud to serve as the President of the Greater Hartford Labor Coalition, and the co-President of the Hartford Federation of Paraeducators, AFT Connecticut Local 2221.

Thank you for the opportunity to testify this afternoon in support of S.B. 318, AN ACT PROTECTING EMPLOYEE FREEDOM OF SPEECH AND CONSCIENCE.

When we talk about captive audience meetings, we are talking about a mandatory meeting held by the employer in a small group or one-to-one where management discusses their views on things like politics or union organizing.

This legislation would simply allow a worker to leave a captive audience meeting and return to work if the meeting was about the employer's views on religion or political matters, which would include union organizing. Right now, an employer can fire

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any worker who leaves a captive audience meeting to go back to their job.

Under current law, it is perfectly legal for an employer to attempt to persuade their workers to convert their religion or force them to listen to propaganda about a political candidate. I think most people would find that offensive or insulting, and they would want to be able to just do their job. The same is true with union organizing.

When workers attempt to join together in union, most employers will engage in a number of anti-union tactics in an effort to scare them away from organizing. They do this primarily through these captive audience meetings. They often include threats and lies about labor unions.

My organization strongly believes that workers should be free from being forced to listen to speech, specifically about religion or political matters. This is wholly unrelated to their job. To be clear, the employer would not be limited in what they can talk about under this proposal because they would still be able to hold meetings about these topics. Workers would just no longer be forced to listen.

Please support S.B. 318. And I thank you for your time. If there are any questions, I don't mind taking those.

SENATOR WINFIELD (10TH): Thank you. And you did really good on the time. Comments, questions from members of the Committee? If not, thank you again.

SHELLYE DAVIS: Thank you.

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SENATOR WINFIELD (10TH): And thank you for your continued support of workers. We'll next hear from Representative Felipe. Eric Gjede. Welcome back. Good afternoon.

ERIC GJEDE: Good afternoon. My name is Eric Gjede, here on behalf of the Connecticut Business and Industry Association, and opposed to S.B. 318.

S.B. 318 attempts to regulate an employer's ability to discuss political matters with employees in the workplace, allowing workers to simply walk out of any meeting where there are discussions of things they deem political. As I have pointed out in the past, political is so broadly-defined in this legislation, that includes not just legislation or regulations, but civic and community events as well. The practical impact of this bill is that employers will never be able to hold a meeting and have honest conversations with employees without the risk of people walking out, especially when something as simple -- it could be something as simple as whether to sponsor a local scouting troop, etcetera. All of these things could meet the definition of political under the bill.

There have been a lot of versions of this bill in the past. In fact, just last year, there were two versions in two different legislative committees. One of which, I think, we all agree was preempted by federal law. But I would submit to you that all of these bills are the same in substance, and even the verbiage of the bills, are nearly identical. So, if one is preempted by law, it's logical to conclude the others are, as well.

And simply put, this has been the law of the land since 1959, that state and local governments are

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preempted from regulating activities, like speech between employers and employees that are otherwise regulated under the National Labor Relations Act. Versions of this bill have either been unenforced as to prevent legal challenges or struck down all over the country.

In 2005, a Municipal Ordinance in Wisconsin, similar to S.B. 318, was struck down by the 7th Circuit. In 2008 a California law, similar to S.B. 318, was likewise struck down. And then, just last month, the National Labor Relations Board sued the State of Oregon in federal court seeking to invalidate a state statute that protected employees refusing to attend employer sponsored meetings.

No matter the state, the way it's drafted, this legislation that attempts to regulate employer and employee speech in the matter of -- in the manner of S.B. 318 has been found to be preempted by federal law. And honestly, I think that's a good thing. You know, aside from the legal arguments, I ask you to think about the message S.B. 318 sends to employers out there, considering whether Connecticut is the right place for them to start a business. Business owners work alongside their employees every single day. If they're going to take the risk of investing in businesses and growing them here, they need to have the ability to communicate with the people they hire.

With all due respect, the business community has asked to take on a number of new burdens last legislative session. Many businesses are already at the tipping point. S.B. 318 is the third rail for many of the -- in the business community. While we are confident we would prevail in court, the

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message -- the message sent by the passage of this bill will cause irreparable damage to the state's reputation as a place to do business at a time when our economy is just starting to improve. And with that, I am happy to take any questions.

SENATOR WINFIELD (10TH): Comments, questions from members of the Committee? Representative Blumenthal.

REP. BLUMENTHAL (147TH): Thank you, Mr. Chair and thank you, Mr. Gjede for your testimony. I was -- I just wanted to ask, I know that you're focused on the discussion of unionization piece of this bill as part of the political aspect of conversation. But would you object, even if this bill only covered say -- you know, say religious discussions or purely partisan political discussions that employees were forced to attend with their employers?

ERIC GJEDE: I'm certainly not the religious aspect of it. That's for, I imagine, other groups to -- to be concerned about. You know, I do think employers should be able to have honest conversations about a number of issues. The unionization piece, I think that is, I mean specifically preempted by federal law under the National Labor Relations Act. So that piece is -- is -- is certainly going to be struck down, if that's what you focus on.

The rest, you know, I -- I'm happy to have discussions with you, you know, about other versions of this bill. But we do think, at the end of the day, that conversations between employers and employees are covered under federal law and that that law prevails.

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REP. BLUMENTHAL (147TH): Thank you for your testimony.

ERIC GJEDE: Yep.

SENATOR WINFIELD (10TH): Thank you, Representative. Comments, questions from others? Mr. Gjede, you suggested that other laws have been struck down. Can you tell me, because I don't know off the top of my head, where they all struck down for the same reason or their interpretations of the -- the laws that are in place but applied differently as a reason for striking those down.

ERIC GJEDE: The substance of them were all the same, you know. It would allow employees to opt of attending meetings that the employer sponsored for the purposes of discussions of political matters. That's -- that's the -- the -- the root of all of the -- all of the cases.

SENATOR WINFIELD (10TH): Right. I get that root. But it doesn't mean that just because that's the root, that they were all extremely similar in the way that your testimony seems to suggest, that just because that's at the root, that's why it was struck down. Usually these things have a lot of verbiage to it, laying out how you get back to that root.

ERIC GJEDE: And -- and -- and that's a fair comment. I would say that we -- we have two Attorney Generals who have agreed that one version of the bill last year was preempted by federal law. And I think that the version that you have before you here today, S.B. 318, is exactly the same as the bill that was deemed preempted last year.

However, if you actually look at the language of S.B. 318, the one before us today, it's literally

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the one -- the version that S.B. 64 from last year that was deemed preempted, it's just that bill cut apart, put into different places within an existing statute. I mean, the lines are virtually unchanged. And so I would submit to you that it is essentially the same bill here and I do think that the preemption argument that applied to the other version of the bill, absolutely applies to the version that you have before us today.

SENATOR WINFIELD (10TH): I -- I appreciate your testimony. And I assume, because I've known you a long time, that your testimony was submitted to us, and we have a copy of it, so I can look it over.

ERIC GJEDE: Yes, sir.

SENATOR WINFIELD (10TH): Yeah.

ERIC GJEDE: Absolutely.

SENATOR WINFIELD (10TH): Thank you. Comments, questions from other members of the Committee? If not, thank you for joining us this afternoon. Next Kathy Brennan, to be followed by Polly Crozier. Good afternoon.

DEPUTY COMMISSIONER BRENNAN: Hi there. Good afternoon. So good afternoon, Senator Winfield and distinguished members of the Judiciary Committee. My name is Kathy Brennan and I'm a Deputy Commissioner at the State of Connecticut Department of Social Services. I'm pleased to be here today to offer remarks on S.B. 317, AN ACT CONCERNING THE OPENING OR SETTING ASIDE OF A PATERNITY JUDGMENT.

This proposal clarifies how a court or family support magistrate evaluates a motion to open and set aside a judgment or acknowledgement of

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paternity. The proposed amendments codify the analysis already established by a number of Superior Court decisions, and ensures that the best interest of the child is taken into consideration prior to granting such a motion.

Chapter 18-15y of the General Statutes includes provisions for establishing the paternity of a child born out of wedlock. There are three sections of the statutes that govern the authority of the Superior Court, family support magistrate, and Probate Court when reviewing a motion to overturn an acknowledgement of paternity.

Sections 46b-160 to 171 of the Connecticut General Statutes, set forth the procedures to be used by the Superior Court or family support magistrate when the mother of a child seeks a judgment of paternity from the court.

Section 46b-172 authorizes the use of a written acknowledgement of paternity that may be used by the mother and putative father to establish the child's paternity, and provides that, when -- when executed, the acknowledgement has the same force and effect as a judgement of the Superior Court.

Section 46b-172a sets forth procedures to be used by the Probate Court when the putative father, or upon his death, any party deemed by the Probate Court to have a sufficient interest in the father's paternity, wishes to obtain a judgment of paternity in their favor.

Unfortunately, once paternity is established by one of these methods, these statutes provide little guidance on how a court or family support magistrate should handle a challenge to the previous

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acknowledgement or the judgment of paternity. Where a written acknowledgement is the basis of paternity, subsection (a) (2) of section 46b-172 allows for a 60-day rescission period, and provides that, after this period, the acknowledgement of paternity may only be challenged on the basis of fraud, duress, or material mistake of fact, which may include evidence that the man who executed the acknowledgement is not the father, with the burden of proof upon the challenger.

Although the statute does not prescribe an analysis that also takes into consideration the best interest of the child, courts and family support magistrates reviewing challenges to acknowledgements of paternity brought outside the rescission period have never -- nevertheless taken those interests into consideration, and have developed a number of factors to be weighed when assessing the child's interest.

Where a judgment establishing paternity was entered by a court or a magistrate, sections 46b-160 to 171 and 172a do not address how a court or magistrate should review the motion to open the judgment and set it aside, although they do contemplate that -- that a judgment may be set aside. In the absence of clarity on this point, courts have ruled that the provisions of General Statutes 52-212a and Practice Book 17-4 concerning the opening of civil judgments apply, meaning that a paternity judgment may be opened within four months of the entrance of a judgment, and only upon the showing of fraud, duress, or material mistake of fact after this four-month period.

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This legislative proposal codifies the rules already followed by many Connecticut courts and family support magistrates when a judgment or acknowledgement of paternity is challenged outside the window for doing so. It establishes a two-part test. They must determine whether the acknowledgement was due to fraud or duress, and it must next determine that setting aside the previous judgment would be in the best interest of the child. This includes looking at genetic factors, the relationship of the -- the -- the adjudicated father and their family, and the potential negative consequences.

Finally, this proposal does codify a judicial rule established by the Appellate Court in *Cardona*. We strongly urge the passage of this bill. I noted that the Probate Judge indicated some technical adjustments, which we're happy to work with them on. And I am here and I've got some staff with me who are here to answer any questions that you may have. Sorry for going over. [Laughter]

SENATOR WINFIELD (10TH): Thank you very much. Comments, questions from members of the Committee? If not, thank you very much for joining us this afternoon.

DEPUTY COMMISSIONER BRENNAN: Thank you very much.

SENATOR WINFIELD (10TH): Polly Crozier. Good afternoon.

ATTORNEY CROZIER: Good afternoon.

SENATOR WINFIELD (10TH): Turn -- turn your microphone on.

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ATTORNEY CROZIER: There we go. Thank you so much for the opportunity to testify in support of Raised Bill 5178, the Connecticut Parentage Act. And thank you, particularly to Representative Currey and all of the co-sponsors on this important legislation. My name is Patience Crozier and I'm an attorney at GLBTQ Legal Advocates & Defenders, where I focus my work on youth and family issues. Before GLAD, I was a family lawyer, who specifically worked on cases protecting children's relationships with their parents. And I'm also a non-biological parent of a child -- I have children through assisted reproduction and I have adopted my own children. I'm a member of the Uniform Parentage Act National Enactment Committee and I work on parentage reform throughout New England, currently in Massachusetts, New Hampshire, and Rhode Island. To me, there is nothing more foundational for a child than her relationship with her parent.

In my practice working with LGBTQ families, I have seen firsthand the tragedy of outdated laws and holes in protections. I have seen a child literally kidnapped out-of-state and separated from a loving non-biological parent. I have accompanied a non-marital and non-biological parent on a race to court, to keep her child from the foster care system after a legal parent had a medical emergency.

As you have heard today directly from impacted Connecticut residents, the status quo in Connecticut leaves children and families vulnerable. This is particularly true to children of LGBTQ parents who are often formed through assisted reproduction and who are often parents through intent and conduct and not genetics.

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As you have heard, Connecticut is the only state in New England without any protections through statute or case law for non-marital, non-biological parents. Our assisted reproductive technology statutes protect only marital children. There's no non-marital presumption of parentage. There's no de facto parentage. These protections exist in every other New England state.

Connecticut, unfortunately, is now an outlier, and children are suffering the consequences. There's no reason to continue to leave children vulnerable and their parents without access to the courts to protect their most precious relationships. This is particularly so in a state like Connecticut, which has the second highest percentage of births through assisted reproduction in the country and a very robust and diverse LGBTQ population.

I think this bill is critical to ensure security of children, to improve access to justice, and to -- to provide clarity of standards to the courts.

You've heard a lot of testimony, so I'll be brief. I just want to truly thank what I agree has been a very collaborative process. So many -- so much really careful input from so many stakeholders to what is really, I think, a bill that is extremely well crafted. And I particularly thank Professor Doug NeJaime for all of his hard work.

And I think -- I've seen so much deep engagement in Connecticut in this bill and I think it's clear why, because really, children are at the core. That people really want to make sure that all children in Connecticut have this incredibly core -- core relationship and this protection regardless of the circumstances of their birth.

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So, I just want to say GLAD enthusiastically supports this bill and hopes the Committee will report it out favorably. And I'm available at any point in time for any questions or support in this collaborative effort to protecting all children in Connecticut. So, thank you.

SENATOR WINFIELD (10TH): Thank you. Comments, questions from members of the Committee? Senator Kasser.

SENATOR KASSER (36TH): Thank you so much, Patience, for your testimony. I -- I -- I really appreciate how, at the end, you frame this really as a question of children's rights. And I wonder, if you could elaborate on the experience that you mentioned where there was a medical emergency and had to rush to the court to protect the child's rights.

ATTORNEY CROZIER: Yes, absolutely. This is a case I actually had in private practice where ,this was about -- it was a 10-year-old child who had been co-parented by two lesbians throughout his life, knew both of them as parents. They were separated. They were continuing to co-parent but separated. They had never done an adoption. So, the -- so my client had no legal relationship to her son. There was -- I won't go into what -- it was a very serious medical emergency involving the police. And so, the child protection authorities were literally going to be called. And we had to run to the courthouse and file a guardianship so that she could maintain a relationship with her child, because she had no other legal access to the courts. So, it was really a terrible day for the family.

Luckily, we were able to secure legal guardianship. Eventually, we did file de facto parent complaint in

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Massachusetts as well. This was a Massachusetts case. But really, if there had been a VAP at birth, they could have signed one form and been established, it would have been a game changer. And luckily, now in Massachusetts, families have that protection. But really it was -- it was a dire situation they shouldn't have had to face.

SENATOR KASSER (36TH): Thank you. Thank you, Mr. Chair.

SENATOR WINFIELD (10TH): Thank you. Comments, questions from other members? Representative Currey.

REP. CURREY (11TH): Thank you, Mr. Chair. And I'm glad I'm not the only one that children wanted to shut down. [Laughing] [cross talk] I just want to thank you Polly for all the work that you have done around this issue, not only here in -- in Connecticut but around New England and elsewhere. I know, we definitely couldn't have gotten to the point without that assistance. And I know you'll be part of many conversations that will take place from here on out to ensure the passage in both chambers to be signed by the Governor later this year. Thank you.

ATTORNEY CROZIER: Thank you.

SENATOR WINFIELD (10TH): Thank you, Representative. Comments, questions from other members of the Committee? Seeing none, thank you very much for joining us this afternoon.

ATTORNEY CROZIER: Thank you.

SENATOR WINFIELD (10TH): Next on the list is Senator Looney, who I do not see. And then I have

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Rich. That's all I have, is Rich. Oh, no? Okay. John Brady. Oh, well -- well, Senator Looney just walked in. Good timing. [Laughter] Good afternoon, Senator. You're on.

SENATOR LOONEY (11Th): Oh, thank you. One stop shopping. That's great. [Laughter]. Thank you, Mr. Chairman. Good afternoon, Senator Winfield, Representative Stafstrom, Senator Kissel, Representative Rebinbas, and other members of the Judiciary Committee. I'm Martin Looney, State Senator of the 11th District, representing New Haven, Hampton, and North Haven. I always love to testify before this Committee as it is one in which I've served for very -- for many, many years and always consider it in terms of subject matter, the most interesting and stimulating of all, because of the variety of issues and the variety of principles and policies that this Committee grapples with in such a superb way every year. There are two bills on the agenda today that I would like to offer testimony on.

The first is S.B. 318, AN ACT PROTECTING EMPLOYEE FREEDOM OF SPEECH AND CONSCIENCE. And this bill would prevent employers from firing or otherwise disciplining the employees who would prefer not to be compelled to listen to employer speeches about religion or political matters, including labor organizing.

The First Amendment to the U.S. Constitution guarantees the rights to freedom of speech and assembly. And these rights include the right not to assemble and the right not to listen to coercive speeches. And that's what is addressed by this bill.

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The legislation would protect an employee from economic sanction if that employee chooses not to listen to an employer's political or religious views in a setting where that would be otherwise compelled. Political views are defined to include views about the decision to join a political, social, or community group or activity, including the exercise of the rights to join or not to join a labor union. For example, the legislation would protect an employee who declines to participate in a meeting called by an employer to express anti-union views. It's important to note that the bill would not prohibit the employer from seeking to convene that meeting. But it would guarantee the right of the employee not to participate and not to be coerced to participate.

Physical restraint, of course, is actionable under current state law, yet a threat to fire an employee if he or she does not attend a coercive meeting is not actionable. There's no good reason for this distinction. Coercion is coercion, whether it is physical or economic, and it is wrong.

In our modern world, in which there is so many options for communication, there is no need to allow employers to be able to -- to herd employees, like sheep or cattle, into a room where they would be coerced to listen to the message of propaganda of one kind or another. There is so many options, as I said. Written materials can be handed to the employee on his or her way into or out of work. Materials can be posted in the workplace. Materials can be placed on the workstation. The employee can be contacted by phone or text or email or the other -- all the other host of ways in which people

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can communicate these days. There is no excuse for having a coerced -- a meeting of coerced attendance.

So, it should be the policy of our state, as expressed in legislation, to prevent employer coercion as to political matters, and we need to include speech about joining a union as well because unionization is a political topic. It concerns a distinct approach to governing the economy. It's based on the view that there is a conflict of interest between employers and workers in the society. That workers are better protected by acting collectively than individually. These are political views. Therefore, we should not discriminate against labor by leaving the statute silent on this point. We need to stand up against the coercion of employees into listening to speeches about matters other than about how to do their jobs, such as whether the employee should join a particular church, union, or political party, and our best constitutional tradition underscores this principle.

Also, there should be an exemption for certain types of entities. And I'm pleased that this bill includes those exemptions. So, for instance, an organization devoted to religion should be able to require its employees to adhere to the same faith that the organization espouses and to observe its tenets and practices.

An organization formed for the sole or dominant purpose of political action should be able to require its employees to adhere to and work in support of the organization's political tenets and program. And an educational institution should be able to require student instructors to attend

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lectures on political or religious matters, which are part of regular coursework for which all students are responsible. These exemptions would appear reasonable.

Also, that I think the assertions that this type of legislation would be preempted by the National Labor Relations Act is mistaken. I think the opinion of Attorney General Tong clarifies that. States may place conditions on entities that receive state money in order to support or encourage compliance with state policy. Section 8(c) of the NLRA provides that it is not an unfair labor practice for an employer to express a view about unionization, which could include giving a speech in opposition to unionization. But 8(c) does not, however, grant employers the right to require that employees be gathered against their will to listen to such views. Nothing in the proposed legislation limits what employers can say or where an employer can say it. Rather, the legislation would make it unlawful for an employer to force an employee, through the threat of physical or economic restraint, to listen to employer views on the subject of unionization or any other political issue.

The state is not preempted from providing protection to employees who choose not to be compelled to attend meetings where they may be subjected to an employer's propaganda on political topics. And protection from such abuse is certainly essential where there is a substantive financial relationship between the state and the employer.

Clearly, where the employee believes that the communication concerns and issues, such as health, safety, or economic interests, there would be

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nothing in the bill to impede meetings of any other form of communication.

I know that some in the past have said that this would impede the communication in the workplace on other important work-related issues. That is certainly a red herring argument and is not the case.

The other bill I'd like to testify briefly on is S.B. 211, AN ACT CONCERNING THE DUTIES OF THE OFFICE OF THE ATTORNEY GENERAL. And would clarify the authority of the Attorney General to investigate allegations that an individual's civil rights are being violated, and to initiate legal proceedings and response to those allegations. At this -- at this time in our nation when there has been such a highly disturbing increase in -- in hate crimes and crimes based on bigotry and bias, there is an increase need to protect civil rights and to expand the methods of protecting these visits.

This bill is consistent with the increased focus of the Connecticut Attorney General's Office on civil rights issue and will offer protection for members of a variety of disenfranchised communities. Twenty-two states already allow the State Attorney General to take similar actions to protect these communities, and Connecticut should become the 23rd state to do so.

Current Connecticut statute sections 53a-181j, k, and l, make intimidation based on bigotry or bias on the basis of actual or perceived race, religion, ethnicity, disability, sex, sexual orientation, or gender identity, or expression a crime. And section 52-571c allows victims of these crimes to bring civil action for damages. However, many of the

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victims of these crimes lack the resources and ability to move such cases forward. And this bill would allow the Attorney General to bring these cases in the state's name and seek damages and other relief, either declaratory or injunctive, in response to conduct that violates another person's civil rights. Any monetary damages awarded in such cases would be distributed by the court to the victims. And this legislation would also offer a measure of justice to many for whom that's been denied for far too long. And thank you for raising and hearing this important bill. Thank you very much, Mr. Chair and members of the Committee.

SENATOR WINFIELD (10TH): Thank you, Senator Looney. Comments, questions from other members of the Committee? Seeing none, thank you very much for joining us today, Senator.

SENATOR LOONEY (11TH): Well, thank you. It's always a pleasure to be here and to congratulate you on the work that this Committee does every year, which many years -- and -- and almost every year, some of the most important legislation that we deal with on matters of principle, matters of conscience, are matters that come out of this Committee. Thank you very much.

SENATOR WINFIELD (10TH): Thank you. John Brady.

JOHN BRADY: Good afternoon to --

SENATOR WINFIELD (10TH): Good afternoon.

JOHN BRADY: -- the Chairs and to the distinguished members of the Committee. My name is John Brady. I'm a Registered Nurse and I'm the Vice President of AFT Connecticut. I come here in support of S.B. 318. I've submitted written testimony; I won't read

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that to you. I'd like to tell you why I'm in support of this bill.

When we go to nursing school, the most important thing that we're taught is that we must be an advocate for our patients and their families. When I started as a nurse at Backus Hospital in the emergency room, I started as a tech in -- in 1994 and became a nurse in 1999. And when, I started there, we could do that. We could speak to our Manager. We could speak to the President, who actually walked the hospital at least one a week. And if we had concerns or we had concerns of -- of the care of a patient, that maybe we -- we thought a particular doctor wasn't doing the best job on, we had -- we had the feeling that we could do that. That did not stay that way.

Over time the administration changes and a more corporate structure comes in. And so that in 2011, the nurses gathered together and we decided to speak with one voice and form a union, so that we'd have some protection against retaliation, if we did what we were taught in nursing school to advocate for our patients. Backus hired Jackson-Lewis Law Firm. They have on their website, one of their specialties is union avoidance. They came in and actually instructed and taught the Managers on how to do things, include hold captive audience meetings.

I, myself, was a victim of three one-on-one captive audience meetings in that eight months or so of organizing. The worst of them was the last one. It was a time when two managers asked me to -- told me to step into a small room. It was about a 10 foot -- 10 x 10 foot room. It was a supply closet with supplies for -- with IV supplies and

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respiratory supplies. They stood with their back to the door, which was closed, and my back was against the other wall. They proceeded to go up one side of me and down the other about how I was harming the patients and how I was harming my colleagues. It -- it was an attempt to get me, because I was one of the leaders, to stop the union activity.

It's -- it's ironic to me that, now, in this same building, we're debating Workmen's Compensation for EMS workers, -- and [laughter] for -- for psychological damage. I had to have debriefings after these one-on-one meetings because it was so traumatic. I couldn't go into that supply closet for quite some time afterwards. The -- the debriefings I needed were similar to the debriefings that we had as emergency room staff in an untimely death, like if we had a patient who was an infant that passed away and -- and it disturbs the whole staff. So, you have to debrief on it. It was the same thing for these meetings.

The goal is to shut down the ability for workers to have a voice. If nurses can't have a voice, nurses cannot do their work. That's my story. I hope you'll pass this bill. To me, it's a no-brainer. And I could take any questions.

REP. STAFSTROM (129TH): Thank you, sir. Questions to the Committee? Seeing none, I want to thank you for being with us, and particularly thank you for sharing a personal story and deviate from the written testimony which we -- we got in front of us so, appreciate it.

JOHN BRADY: Thank you.

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REP. STAFSTROM (129TH): Next up will be Representative Nolan. Representative Vargas.

REP. VARGAS (6TH): Thank you, Chairman Stafstrom and Senator Blumenthal, and all the members of the Judiciary Committee. I'm here with Azucena Santiago, who's a former McDonalds worker at the I-95 service plaza in Milford. And she has some remarks she'd like to make. She'll make them in Spanish, and I'll give you a summary in English.

AZUCENA SANTIAGO (INTERPRETER VARGAS): Good afternoon, my name is Azucena Santiago. I appreciate that the Committee is allowing me to give testimony today. I'm here to speak on behalf of S.B. 318 and S.B. 211. I arrived in this country about 12 years ago and I live in New Haven, Connecticut. I have two daughters, a 3 and 4-year-old.

I work at the McDonalds service plaza on I-95. My co-workers and I have started to struggle for some benefits and to organize a union. We have many reasons why we need to unionize. Despite the fact that we're working on Connecticut owned land, we're not really earning a living wage. None of us were able to get a raise until the minimum wage started going up by state mandate. And despite the fact that we were entitled to sick days, our bosses never informed us of that right. And we are forced to go in even when we're sick, otherwise we lose pay for the day. And despite the fact that right now we're facing the Coronavirus epidemic and other issues, we have to go into work.

And when we began to organize, there was incredible resistance. We have been called into private meetings where they have told us that to join a

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union is a very bad thing. And the McDonalds has been telling us that we will get the same benefits and salaries without the need of a union. And we have found that that's absolutely not true. They told us that the union was only interested in taking our dues money.

And they've been promising -- making promises that they have never kept. They promised us a salary increase and it never happened. They have been doing quite the contrary.

I'm one of the people that has been affected. They have been cutting my hours and by giving me less time and less hours, if my work is incomplete, then they take retaliatory action and I've been suspended. They told us that once the new year started we get -- we would have many more opportunities and what has happened is the contrary. There's been more retaliation. They have really discriminated against me ever since they knew that I was active with 32 -- with local 32BJ. Yeah, that's why I'm asking for support to pass these laws. The managers constantly humiliate us, tell us that if we don't want to work there, there's the door, and there's many other people who would like to take these jobs.

REP. STAFSTROM (129TH): Thank you. Questions from the Committee? Seeing none, thank you for being with us. And thank you for sharing your story with us.

REP. VARGAS (6TH): Thank you.

REP. STAFSTROM (129TH): Keri Hoehne.

KERI HOEHNE: Good afternoon, Representative Stafstrom and the members of the Judiciary

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Committee. Thanks for the opportunity to speak with you today. This has been a moving day. It's been really great to listen to people's stories on all of these bills. My name is Keri Hoehne. I am a resident of Torrington and I'm a Union Representative with the United Food and Commercial Workers Union Local 371.

Our union proudly represents about 8,000 workers in supermarkets, food manufacturing, healthcare, and Foxwoods Casino, among our 38 contracts. Prior to working as a union representative, I spent over a decade working as a union organizer. And I would like to share with you some real-life Connecticut examples of what kinds of workplace meetings workers are subjected to when they try to form a union.

In a healthcare facility nearby here, when the nurses were looking to organize in one of their facilities, the supervisor took each employee into their office, told them that they knew that had signed a union card, that they must revoke it, and that if the facility gain a union for the nurses, the nurses would lose their full-time status. When that didn't work, the employer gave a \$1.25 raise to each nurse, and told them that they would lose it if the union came in.

In two food manufacturers in the state, employees were forced into meetings and told that the plant would closed because they could not compete with the cheaper prices of the South. And they were told that they would lose their work visas if they joined the union and possibly face deportation.

In a supermarket, the employer gathered all of the employees into group meetings and threatened employees with job loss and cutting of hours,

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withholding of benefits, deportation, and reduced benefits.

And a juice processor in our state, gathered all of the employees into a room when they tried to organize and gave them a \$10 dollar an hour wage increase, which seems remarkable, but is even more remarkable when you think that they were making \$10.10 an hour, when the increase was offered.

Now, increasingly workers want to form unions. However, their bosses routinely fight their efforts and they share their anti-union message through closed-door meetings at work. Well, in some of the cases I just said to you, there were charges. There were -- they had broken the law under NLRB and we were able to file charges for those. However, holding the actual meeting is not a violation of the law, and the damage to these union campaigns if done far before any sort of case is heard at the NLRB.

Whether it be about politics or religion or the right to organize, if someone is signing your paycheck, there's a power differential there. All this bill seeks to accomplish is to level that playing field and equalize that differential just a little by allowing the employee to leave the meeting and return to their job that they're paid to do and not be disciplined. I encourage you to support S.B. 318 and thank you for your time.

REP. STAFSTROM (129TH): Thank you. Questions from the Committee? Seeing none, thank you so much. Representative Felipe.

REP. FELIPE (130TH): Good afternoon, Representative Stafstrom, Representative Rebimbas, Senator Kissel, and esteemed members of the Committee. I'm here in

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support of H.B. 5178. But I understand that maybe my story might not be the most impactful for my District and I have a constituent here who would like to share hers. So, I would like to now yield the rest of my time to her to tell her story.

ASHLEY TAYLOR: My name is Ashley Taylor and I am testifying in support of Raised Bill No. 5178, AN ACT CONCERNING ADOPTION AND IMPLEMENTATION OF THE CONNECTICUT PARENTAGE ACT. I am a resident of Bridgeport and a Police Officer in the city. I am testifying on behalf of myself and my partner, Adriana, who is also a Bridgeport Police Officer.

Adriana and I have been together for two years. She's my partner in every sense of the world. We have just begun to build our family together. It's an exciting time, but the process of conceiving a child has emotionally and physically been painful for both of us.

At first, we decided that we would carry the child through in-vitro fertilization but that we would use Adriana's eggs. We went through months of fertility injections and medications. Of the 14 eggs that were retrieved from Adriana, only two were successfully fertilized and only one came back normal after pre-genetic screening. Then, the implantation of that one egg was unsuccessful.

We were doing IVF so that we could both contribute to the process, me as the birth mother and Adriana as the genetic mother. We were shocked to learn that if we had been successful with this process, the state of Connecticut would not issue us a birth certificate listing both of us as parents.

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After the disappointment of the IVF process, we restarted our journey through intrauterine insemination. That means that Adriana has no genetic connection to our child. I'm currently seven and a half weeks pregnant, but I received terrible news last week that our pregnancy is ended in miscarriage. (Crying) The doctors told me there was nothing that either of us could do, but to emotionally prepare ourselves and take it one day at a time. We were told to call the clinic if my body started to reject -- this emotional journey continues for us, but we're not going to give up.

Since we live in the state -- since we live in a state that we think of as supportive of LGBT people, we just assumed that both of us would be recognized as parents under Connecticut law. Throughout the fertility process, we have been treated by doctors and nurses as a couple who are both parents. We jointly signed contracts and forms at the clinic committing to responsibility over any children we have. But a friend, who's here supporting me, recently informed us that under the law, Adriana will have no legal connection to our child regardless of what forms we filled out. In order for her to be legally recognized as our child's mother, we would have to go to court to obtain an adoption.

When I called the Bridgeport Probate Court, I was told to wait until our baby is born to start the process of adoption. It will cost roughly \$3,000 dollars in lawyer's fees.

Even if we are successful, there would be a period of time when Adriana is not a legal parent of our child. What if I'm not around? What if I die?

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Whether or not Adriana is allowed to be there for our child in a critical moments shouldn't be left to chance.

As a same-sex couple, it is already harder for us than a heterosexual couple to have children. It is unbelievably stressful and exhausting to go through the fertility process. We have -- we both missed work, took medications that made us feel sick, and we forked over thousands of dollars. And now we face another challenge losing our child after seeing our baby on the ultrasound with a heartbeat. All of this and no guarantee that any of it would work out. Imagine now being faced with additional uncertainty of your partner not having legal rights to the child unless you go to court and pay more money.

Some of course, would argue that couples like me and Adriana should just get married. But heterosexual couples don't have to marry to both be treated as parents, nor do they have to adopt their own children in order to become legal parents. We shouldn't be forced to marry or go through adoption and prove we are a family.

The Connecticut Parentage Act would protect our family and guarantee that our child has a security of two legal parents from the moment he or she is born. We wouldn't worry that Adriana wouldn't be able to visit her own child in the hospital or make any medical decisions for our child. Adriana and I urge you to adopt this bill and show that all families, regardless of who or how we love, are equal under one law. We ask that Connecticut's laws recognize our family and deserving of respect, as any other family in the state.

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REP. STAFSTROM (129TH): Thank you. Thank you very much for sharing the story and for your service at Bridgeport. Questions? Seeing none -- Representative Currey?

REP. CURREY (11TH): No question. Just a quick comment saying thank you. Very sorry for your loss but appreciate you being here to add another very important voice to what we're trying to do here today. So, thank you. And thank you, Senator.

KIM PIPER: Good afternoon members of the Judiciary Committee. My name is Kim Piper and I'm a Lead Organizer at 1199 New England. I'm glad to be here to give my testimony in support of bill 318. This bill protects employees and their right to exercise their freedom of speech and join a union. It prohibits employers from coercing employees to attend or participate in meetings for the purpose of forcing the employees -- for this -- employers' position on politics, religion, or labor organizing activities. I'm here today to tell you about the extent that owners will go to stop workers from forming their union.

I'll start by saying that one of the only vehicles for working people to have a better life is by coming together to form a union and have a voice on their join. Unfortunately, during this process, workers are forced to be a part of captive audience or group meetings and also, one-on-one meetings. These meetings are intended to intimidate workers and deter them from forming their union.

Recently, I led a really tough organizing drive at Hebrew Center Nursing Home in West Hartford. During the campaign, my phone number was stolen and spoofed to disseminate disparaging messages to the entire

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bargaining unit. So let me just repeat what I said, my phone number was stolen by a hired consulting company, Jackson-Lewis again, that holds these captive audience meetings, and used to send text messages, supposedly coming from me to all the workers in the facility.

The messages sent home addresses of leaders, demanding that their co-workers violate their home and their families. They photoshopped pictures of workers name on LM-2 forms, falsely showing that they're being paid by the union. On top of that, the messages called some of the workers vulgar ethnic slurs. Additionally, I supposedly sent messages, threatening to key workers' cars. Because of these explicit threats, I was brought into the police station for questioning, whereas -- where I was viewed as the perpetrator of these horrific acts.

Let's be clear, the purpose of the messages was to cause chaos, panic, and fear. They were used to exacerbate the racial and ethnic division within the facility, to ultimately divide the workers on ethnic lines. Simultaneously, the owners had utilized the West Hartford Police as their round clock protectors because they understood what the effects these messages could cause. And let me just point out, that this is was all brought to you by the taxpayers' dollars of Connecticut. District 1199 estimates that the consultants charge upwards of \$500,000 dollars of Medicaid and Medicare money to stop the workers from forming their union.

Marvin Ostreicher and National Health Care Association used the societal stigma and trope of angry black women, that people of color will resort

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to violence when confronted with these microaggressions. The workers expressed their dismay and angst of how their employer, who claims to be their family, could resort to such pervasive and dangerous stereotypes to stop the union drive. These campaign tactics, such as spoofing, captive audience meetings are not only divisive, but dangerous and racist.

REP. STAFSTROM (129TH): Thank you.

KIM PIPER: I'm not finished. I'm sorry. They could have --

REP. STAFSTROM (129TH): Please -- please wrap up --

KIM PIPER: -- felt --

REP. STAFSTROM (129TH): Please wrap up.

KIM PIPER: I -- I'm sorry?

REP. STAFSTROM (129TH): Please just wrap up. The bell has --

KIM PIPER: I -- I am. They could have felt powerless, but they actually won their union. So, I just wanted to urge you to support bill 318. Thank you --

REP. STAFSTROM (129TH): Questions from the Committee?

KIM PIPER: -- very much.

REP. STAFSTROM (129TH): Seeing none, Representative Rebimbas.

REP. REBIMBAS (70TH): Thank you, Mr. Chairman. I have to ask some questions because there's a lot in your testimony.

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KIM PIPER: Absolutely.

REP. REBIMBAS (70TH): And there was a lot of very disturbing accusations that was being made, if they're true? Utilization of the police department, the use of Medicaid, Medicare funds, and then allegations against Jackson-Lewis. Have you brought any of this to anyone's attention, the legal authorities, Department of Labor, FBI?

KIM PIPER: So, we brought this to the National Labor Relations Board, we have. They're aware of this. I had to give a witness statement at the police station, because I was asked to come in, because the phone number was actually belonged to me, but I was not obviously sending these messages because I'm leading the organizing drive. But the -- the authorities are well aware of these items. Yes, they are.

REP. REBIMBAS (70TH): So you have been called in was questioning your actions. Did you bring a claim against others for the allegations that you're making?

KIM PIPER: So there -- there is not a way to prove exactly that the consulting firm actually spoofed my phone number. And that's the problem here. And this is why I'm here to actually support this bill and urge you guys to support this bill and we have brought this to attention of the Attorney General. We have, certainly.

REP. REBIMBAS (70TH): And could you just again, tell me exactly what you said was being used, regarding the Medicaid, Medicare funds?

KIM PIPER: So nursing home operators and facilities are being funded and reimbursed by Medicaid and

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Medicare funds. So this money is being utilized to stop union drives, every single union drive that we've -- we've encountered. It's not out of their pocket. They're able to actually make their profit from Medicaid and Medicare reimbursement that they have every single year.

REP. REBIMBAS (70TH): I think I've asked enough questions. Thank you.

KIM PIPER: Sure. You're welcome.

REP. REBIMBAS (70TH): Thank you, Mr. Chairman.

REP. STAFSTROM (129TH): Further questions from the Committee? Seeing none, thank you very much.

KIM PIPER: Thank you.

REP. STAFSTROM (129TH): Sana Shah.

SANA SHAH: Dear Senator Winfield, Representative Stafstrom, and esteemed members of the Judiciary Committee. My name is Sana Shah. I am the Chief of Staff at Connecticut Voices for Children, a research-based child advocacy organization working to ensure that Connecticut is a thriving and equitable state where all children have an opportunity to achieve their full potential.

Connecticut Voices urges the Judiciary Committee to pass H.B. 5178, AN ACT CONCERNING ADOPTION AND IMPLEMENTATION OF THE CONNECTICUT PARENTAGE ACT. Current Connecticut law leaves thousands of families vulnerable due to the lack of access to legal parentage for all children. Connecticut is the only New England state without protections or paths to parentage for non-biological parents to establish their legal parent-child relationship.

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As part of the Connecticut Parentage Act Coalition, Connecticut Voices supports creating critical stability for all children, including those with unmarried, same-sex, or non-biological parents. At present, these parents are treated as legal strangers to their children.

Moreover, Connecticut law is not LGBTQ+ inclusive; same-sex couples aren't granted the marital presumption of parentage. The Connecticut Parentage Act ensures that children born through surrogacy, assisted reproduction, and to LGBTQ+ couples have the security of a legal parent-child relationship.

Approximately, 37% of Connecticut Children were born to unmarried parents in 2016. The Connecticut Parentage Act will improve state parentage law by applying equal recognition to same-sex parents and other parents not related to their children by blood. Parentage encompasses significant rights such as custody, decision making, financial support, health insurance, and providing care. Safe and secure parent-child bonds are necessary for children to flourish. If parents were to divorce, the Connecticut Parentage Act would mitigate disruption in a child's life by ensuring that both parents can remain legal parents. Thank you for your time and consideration.

REP. STAFSTROM (129TH): Thank you. Questions from the Committee? Seeing none, I appreciate you being with us. Jim Lohr.

JIM LOHR: Thank you, Representative Stafstrom, members of the Committee. My name is Jim Lohr. I work for the Carpenters Labor Management Program, which is a coalition of union contractors and

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approximately 30,000 carpenters throughout the six states of New England and New York State.

I'm here today to testify for -- on behalf of Matt Capece, an attorney with the United Brotherhood of Carpenters who couldn't be here today in support of S.B. 211, AN ACT CONCERNING THE DUTIES OF THE OFFICE OF THE ATTORNEY GENERAL, strengthening civil rights enforcement.

There's a growing crime wave in the United States involving scofflaw construction employers failing to pay wages, state and federal employment taxes, unemployment insurance, and Workers' Compensation premiums. And Connecticut is not immune.

I serve as a representative of the General President of the United Brotherhood Carpenters and Joiners of America. My duties focus on the nationwide battle against the rampant fraud in our industry that victimizes workers, law-abiding employers who cannot compete against the scofflaws, insurance companies, and taxpayers. Many of the workers abused by illegal practices are immigrants. I began this work in 1989 in Connecticut, where I am still a resident.

A just-released national study of fraud in our industry found that between 1.3 to 2.2 million construction workers were paid off the books or mischaracterized as independent contracts in 2017. That's an outstanding 12 to 20 percent of the construction workforce. Illegal practices resulted in a \$8.4 billion dollar loss to federal and state taxpayers in 2017. Workers' Compensation carriers lost \$2 billion dollars, and construction workers had some \$700 million dollars in overtime and other premium pay ripped off. Moreover, unscrupulous construction employers offloaded as much as \$3.5

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billion dollars of federal employment taxes that they were obligated to pay onto the backs of their workers and their families.

The economists that authored the report said in developing the cost estimates outlined above, the authors have used the conservative assumptions whenever possible. This includes, but is not limited to, considering only the most conservative numbers of workers directly affected, 1.3 million, in the ranges presented above.

The violations have been -- we've been seeing are not isolated to small job sites. We've seen them occur on military bases, schools, universities, large retail stores, office buildings, condominium towers, and even on an Internal Revenue Service office building. Many of these job sites are managed by some of the largest general contractors in the industry, including contractors that operate regularly in Connecticut.

How does this bill connect -- this connect to the bill at hand? The Connecticut Department of Labor does good work collecting unpaid wages and enforcing Workers' Comp coverage requirements. But it cannot do it alone. More vigorous law enforcement is needed in Connecticut to protect workers, law-abiding employers, and taxpayers.

Attorneys General have the ability to put additional resources into law enforcement. They do not need to take every case that comes their way, but they could parent with state agencies and use their expertise and complex litigation to pursue significant cases that will have broad impact. That is especially important in the construction industry, because contractors insulate themselves from liability using

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layers of subcontractors, labor brokers, and shell companies.

I will let you read the rest of the testimony. I attached a copy of a case, P & B Partitions that is the kind of thing that we're interested in pursuing. So --

REP. STAFSTROM (129TH): So Jim, let -- let me just ask you, your last comment about, yeah, certainly under this bill, it's not envisioned that the Attorney General's office will be able to go after every wage violation or --

JIM LOHR: Right.

REP. STAFSTROM (129TH): -- civil right --

JIM LOHR: Right.

REP. STAFSTROM (129TH): -- case in light --

JIM LOHR: We certainly understand that. Exactly.

REP. STAFSTROM (129TH): What -- what do you see as significant cases that would rise to the level of the Attorney General being involved under this legislation?

JIM LOHR: You know, we attached a copy of one of the cases, P & B Partitions. It's a press release from the U.S. Department of Labor on a case that they pursued. So, it's a multistate -- it was a contractor that operated in multi-states, New Jersey, Connecticut, Massachusetts as well, went after -- you know, exploited undocumented workers and it would involve more than 50 workers in this particular case. So, my sense is it's those kind of bigger cases, that may be multi-state, involved working with enforcement agencies from different

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states that are more complicated, more complex and involve, you know, significantly more job sites.

REP. STAFSTROM (129TH): Thank you. Further questions from the Committee? Representative Rebimbas.

REP. REBIMBAS (70TH): Thank you, Mr. Chairman. In your testimony you cited a report. Did you --

JIM LOHR: Yep.

REP. REBIMBAS (70TH): -- attach that to your testimony?

JIM LOHR: I will send it. It just came out this week, to be honest with you. What I'd happy to do is send you a link to it, because it's about 80 pages long. You know, the summary, you can go through. That's probably the easiest part. But I'm -- I'm going to send it to you. And I'm just going to send it to members of the Labor Committee as well, too.

REP. REBIMBAS (70TH): That would be great if you don't mind. And were those statistics for the state of Connecticut or national?

JIM LOHR: No, that's national. That --

REP. REBIMBAS (70TH): Thank you.

JIM LOHR: That's national. We actually did a study. Connecticut was the first state where we did a statewide study back in the mid-90s. It was actually Bill Alpert who's a labor economist with the University of Connecticut, a Bridgeport resident by the way, who did this study for us. And at that time, they estimated, in Connecticut, it was roughly about \$500 million dollars if you combined the

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federal income tax, state income tax, Workers' Comp, unemployment, social security. That was for all industries though. That wasn't construction specific. Whereas, this one is a national study, but it's construction specific.

REP. REBIMBAS (70TH): Thank you.

REP. STAFSTROM (129TH): It's always good when we get multiple Bridgeport references in --

JIM LOHR: I'm all for it.

REP. STAFSTROM (129TH): -- Judiciary hearings.

JIM LOHR: You know me.

REP. STAFSTROM (129TH): Thank you, Jim.

JIM LOHR: No problem. Thank you.

REP. STAFSTROM (129TH): Dave Weidlich.

DAVE WEIDLICH: Good afternoon, Representative Stafstrom and Ranking Members and members of the Committee. My name is Dave Weidlich, Jr. I'm President of CWA Local 1298 here in Connecticut. I'm a resident of Wethersfield. I'm here to testify in favor of S.B. 318.

I would like to tell you that CWA District 1 represents 140,000 workers in New York, New Jersey, and New England, and my local has over 2,000 members here in Connecticut.

Union organizing campaigns are no easy endeavor. Workers are often scared to unionize, due to the fact that employers regularly hire expensive union-busting legal firms that specialize in worker intimidation. A frequent experience we encounter in union organizing campaigns are closed-doors, captive

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audience meetings. They're held on work times, on company property where management intimidates workers, sometimes for hours on end. In these meetings, management delivers misinformation, makes false claims, issues threats, and attempts to instill fear of these workers to organize.

Sadly, this is a common experience for workers trying to join the union. Without a union, management holds all of the power in employee-employer relationship. Failure to comply with employer directive means discipline, discharge, loss of income, and job security.

The best way to deter employers from forcing their views onto employees is to pass legislation to protect workers' rights to organize. I encourage you to support this bill to help the working people of Connecticut. Thank you.

REP. STAFSTROM (129TH): Thank you. Questions from the Committee? Seeing none, thank you very much.

DAVE WEIDLICH: Thank you very much everybody.

REP. STAFSTROM (129TH): Kate Leblanc?

KATE LEBLANC: Good afternoon, everyone and thank you. My name is Kate Weldon LeBlanc and I have the privilege of being the Executive Director of Resolve New England. Resolve New England is a non-profit organization that provides support, education, and advocacy for all families in New England that are struggling to grow their families. And I say that I feel privileged to have that job, because part of my job is to work with couples and families like some that you've seen today, and it truly is a privilege. I -- I always say I don't think trying hard to become parents doesn't guarantee you'll be --

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you'll be a good one, but it's a good start. These are people really trying to bring much wanted children into the world. And so, Resolve New England strongly supports H.B. 5178, the Connecticut Parentage Act.

One in six couples will experience infertility. My husband and I were one of those couples. But fortunately, there are also many ways to become parents and to build your family, and these include assisted reproduction, including in-vitro fertilization or IVF. Many states, however, have not kept pace with that diversity of ways to become families, and Connecticut is no exception, as you've heard today. Your beautiful state actually has the second highest rate of births from assisted reproduction of the whole country. But the law has not kept pace with protecting those families and securing that legal relationship between the intended parents and their children at birth. This is unconstitutional and leaves children vulnerable, again, as you've heard today.

Connecticut also dearly needs clear standards to protect the children and all involved in the surrogacy process, including the intended parents, the carriers, and the resulting children.

So, I'm very grateful to this Committee for your attention today and to the sponsors and all of my fellow advocates and coalition members that you've heard from today. A lot of work has gone into trying to make this the best bill possible. We're fortunate that we have the Uniformed Parentage Act and the experience of other states to look to for guidance. We need comprehensive reform that recognizes, respects, and protects all the families

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of Connecticut. And thank you for your time today. I'll take questions.

REP. STAFSTROM (129TH): Thank you. Questions from the Committee?

KATE LEBLANC: Thank you.

REP. STRAFSTROM (129TH): Seeing none, thank you.

KATE LEBLANC: Okay.

REP. STRAFSTROM (129TH): Kirby Boyce.

KIRBY BOYCE: Good afternoon to the Judiciary Committee. My name is Kirby Boyce. I live in Hartford and I work for Pratt and Whitney Aircrafts, soon to be Raytheon Technologies. I'm here to testify today in favor of S.B. 318 on, AN ACT PROTECTING EMPLOYEE FREEDOM OF SPEECH AND CONSCIENCE.

The International Association of Machinists and Aerospace Workers represents workers at Pratt and Whitney Aircraft, Electric Boat, Collins Aerospace, Stanley Black and Decker, and many more companies in Connecticut. The IAM is currently working on numerous organizing campaigns in Connecticut and recently filed for a union election at one of those companies on March 3rd. Under the Obama administration, if you filed for an election with the National Relations -- National Labor Relations Board, they would run an election in about 15 days down from 45. Under the Bush administration, that was the 45-day period that they had at that point. This gave the company and the union busters less time to coerce the workers to vote no in a union election.

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The reason this bill is so important now is under the Trump administration, the time for election has now moved from -- back to 45 days at the minimum on April 15th. This change will allow union busting law firms to coerce workers from 45 days again to achieve the no-vote and control over the workforce that they want.

One of the techniques that management uses to harass and intimidate workers is to undertake the vigorous campaign of closed-door captive audience meetings during work hours. These meetings are billed as mandatory and informational sessions, but in reality, were full scripted by the union busting consulting firm. Management delivered misinformation, made false claims, issued threats in an attempt to instill fear. They said they would lose their jobs, they would -- the pay would be cut, and then some census move out of state. They said the union would desert us and they would never be there to back -- to back us in any situation. Some stop -- most don't -- some stop, most don't fear the company is watching. The deck is stacked against the workers.

I was the President of Local Lodge 1746 representing 1600 workers at Pratt and Whitney in East Hartford, Connecticut. One of my jobs was to support our District in organizing campaigns. During one campaign that I worked on in Canaan, Connecticut the company's captive audience meetings were so ugly that the non-union supporters tried to hit the lead organizer in the parking lot were handing out union literature. These meetings are divisive in nature and it puts the union supporters against the non-union supporters and could lead to violence in the workplace in this case.

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Employees who are open about supporting the union are usually taken out of these meetings, never to return. This leaves the people who are undecided and anti-union workers and union busters in these meetings.

It is -- it is a diabolical display of power designated and to exhibit management's ability to get rid of pro-union workers. On many occasions, people have left these meetings shaken, sometimes crying, and forgetting what they call unions to help them in the first place. They also leave worrying that management will retaliate if refused to attend future meetings. Thank you. That concludes my testimony.

REP. STAFSTROM (129TH): Thank you very much. Questions from the Committee? Seeing none, thanks so much for being with us.

KIRBY BOYCE: No problem.

REP. STAFSTROM (129TH): Samantha Ostreicher.

SAMANTHA OSTREICHER: Good afternoon, Representative Stafstrom. Did I get that right? You got -- you got mine right, Ostreicher. And distinguished members of the Judiciary Committee. My name is Samantha Ostreicher. I'm a law student intern at the Center for Children's Advocacy, and I'm here today on behalf of the Center to support Bill No. 5178, the Connecticut Parentage Act.

I've worked at the center for Children's Advocacy since this past summer, and while the types of cases I've seen may vary, one thing remains constant throughout the majority of them. If these children had more support in their lives, they probably wouldn't be with us. The saying goes, it takes a

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village, and I've seen just -- firsthand just how much that can be true. The current gaps in Connecticut law fail to protect children's relationships with certain unmarried, non-biological, or same-sex parents. Instead, the law treats those parents as legal strangers to their children, regardless of the depth or the -- of the parent-child bond or how long they have been caring for the child. These gaps pose a potential threat, as we've heard, to the security of a child's support system. The Connecticut Parentage Act would protect the interest of a child to have a secure, legal parent-child relationship by closing these gaps.

A legal parent-child relationship extends beyond being a supportive, loving parent. The establishment of a legal relationship is necessary for the parent to have standing to make important decisions about where their child goes to school, what medical care they receive, and what organizations they are involved in. Often, a legal relationship is required for a child to be covered on the parent's health plan, which can impact the quality of care the child is receiving when they are unable to be placed on the preferred plan.

The Connecticut Parentage Act would allow the parents to act in the best interests of a child they are otherwise caring for in every other way beyond a legal relationship standing.

The Center for Children's Advocacy urges the Committee to support bill 5178 because we understand the impact that having a supportive adult who can advocate -- advocate on behalf of the child is often the difference between a thriving child and a struggling child. The Connecticut Parentage Act

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would be a level of protection for children who have adults in their lives that want to provide that care and prevent these children from ever having to come into contact with the center.

Ultimately, the Connecticut Parentage Act would ensure protection and equality for all children and their families. And on behalf of Connecticut children, we urge the Committee to pass Bill No. 5178. Thank you for your consideration.

REP. STAFSTROM (129TH): Thank you. Questions from the Committee? Seeing none, thanks for being with us. Jess Petronela. You know, I just need you to turn your microphone on in front of you. Thank you.

JESSICA PETRONELA: Thank you. I'm not going to say anything that hasn't probably already been said today. So, I'll try to be brief. My name is Jessica Petronela and I work for United Food and Commercial Workers Local 371 in Westport, Connecticut. Our union local proudly represents about 8,000 workers in Connecticut and Western Mass. Our international union represents 1.3 million workers in the United States and Canada.

I'm here to speak in support of S.B. 318, AN ACT PROTECTING EMPLOYEE FREEDOM OF SPEECH AND CONSCIENCE. This bill protects workers' constitutional rights of freedom and -- of speech and conscience by establishing a state labor standard that allows employees to refuse to attend captive audience meetings and refuse to listen to speech communicating the employer's opinion concerning religious or political matters, including whether or not they should join a union.

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Each time a new group of workers seeks to form a union at their job in Connecticut and reaches out to me during their organizing campaign, they are undoubtedly subject to captive audience meetings. A captive audience meeting is exactly what it sounds like. It is a closed-door mandatory meeting conducted by an employer or their representatives during work hours.

In the case of union organizing campaigns, these meetings are used to discourage and dissuade workers from taking collective action. An Economic Policy Institute study showed that on average, workers are subject to ten captive audience meetings in the course of a typical organizing campaign.

For example, a pork skin plant in Hampton, Connecticut, the CEO held a mandatory meeting with half of the workforce where he told workers they did not need the union, they will not gain anything from organizing, that they would lose overtime pay if they organized, and that he would give workers raises if they voted no. Workers who supported the union were denied access to the meeting.

At a food manufacturing plant in Orange, Connecticut, the employer tried to coerce employees by telling them in captive audience meetings that they would get a more relaxed dress code, full-time work for second shifts, added breaks, free lunches, and a relaxed disciplinary procedure if they voted against the union.

This bill does not infringe on employers' First Amendment rights. Rather it affirms the employers' First Amendment right to call an employee meeting at any time on any subject. It does not prevent

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employers or anyone else from discussing religion or politics or other topics.

S.B. 318 only prohibits the firing, otherwise disciplining, of employees who leave the meeting because they do not wish to listen to the employer's opinions about religion or politics.

The state of Connecticut has a long history of protecting the rights of its workers. I'm asking you to take this step that allows workers to make a decision whether to join a union free of coercion from their boss. Thank you for allowing me to speak today.

REP. STAFSTROM (129TH): Thank you. Questions from the Committee? Seeing none, thanks for being with us. Glen Maloney.

GLEN MALONEY: Good afternoon. My name is Glen Maloney. I am the Chief Union Steward for AFT Connecticut Local 5121 located at Manchester Memorial Hospital and Rockwell General Hospital. I reside in Coventry, Connecticut. Thank you for allowing me the opportunity to speak here today. I am in -- I in -- am in support of S.B. 318.

It has been nearly a year since I last spoke in front of you regarding this bill. Like last year, I continue to believe that employers have the right to free speech. However, the tactic of requiring employees, during their workday to attend a mandatory department meeting under false pretenses, blocking their exit path, and forcing them to listen to anti-union political or religious rhetoric or otherwise be disciplined, has got to stop.

Like last year, I continue to believe that employees have rights as well. The employee should be granted

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the right to choose whether or not to attend these types of meetings without fear of retaliation from their employer.

The captive audience meeting I am referring to occurred at Rockwell General Hospital during our organizing efforts there. At the conclusion of that meeting, my co-workers felt scared, intimidated, threatened, and bullied. Besides that particular meeting, other employees in other departments were threatened by their managers during private talks with loss of hours or transfers to Manchester Hospital if the union got in. The employees were left helpless and regretted having expressed their federal right to join a union.

As if that wasn't enough, there was a rule that, during the preceding 24 hours of union election, there was to be no soliciting from either the employer or the union during that timeframe. But once again, someone in management decided to fax anti-union flyers after hours to the same employees who were threatened days earlier with transfers. Those flyers were, of course, noticed by the employees the following morning when they entered their department, well within the 24-hour limitation.

We did not file an Unfair Labor Practice, because fortunately, despite the relentless, unfair tactics mentioned previously, the employees ratified their first Collective Bargaining Agreement.

In closing, I believe S.B. 318 has been discussed and amended enough to benefit both the employer and employee. Please support S.B. 318 as written here today, and let's move forward to other challenges that lie ahead. Thank you.

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SENATOR WINFIELD (10TH): Thank you. Comments, questions from members of the Committee? Seeing none, thank you very much for joining us this afternoon.

GLEN MALONEY: Thank you.

SENATOR WINFIELD (10TH): Susan Warzecha. I hope I didn't butcher that. Good afternoon.

SUSAN WARZECHA: We say Warzecha now. Thank you. Thank you for having me this afternoon. I'm here in support of S.B. 318. Again, my name is Susan Warzecha. I'm a resident of Oakdale, Connecticut, and I'm currently a union representative for UFCW Local 371.

Prior to my hiring on with the union, I was a beverage server at Foxwoods for 25 years. In 2008, we wanted to get a union in and we started a multi-year campaign and -- for -- for multiple reasons. During the campaign, the company hired anti-union consultants and they held captive audience meetings with us. In each meeting, different people were told different things, depending on what shift you worked. You could be told one thing, depending on what job classification you had, you would be told something else. In the meetings of the less senior workers, they told us that a union would we -- you'd lose your rights to the older workers. To the bartenders, they told them that there were more servers, so the servers would outnumber them. They also told us we had to trust our boss, that management was on our team, and working with the director was the only way we could make gains at work. We were told that we would risk losing our health insurance and that the union would just take our money, force us to pay dues. And that the -- we

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were not even protected under federal law to have a union.

The employer was successful in fighting us in the first election. A year later, when nothing had improved at work, we successfully voted to join Local 371 and we are currently in our second contract. I am the union representative of those workers now. Initially we had so many union supporters that I was surprised to hear that we lost the first election, but the captive audience meetings worked. They were successful. They divided and concurred us. Fear was one of the big reasons why people chose not to vote in the union.

I appreciate you letting me speak today. I would hope that you would consider passing this bill. Thank you very much.

SENATOR WINFIELD (10TH): Thank you. Comments, questions from members of the Committee? Thank you very much for spending some time with us today. Mary Consoli. Good afternoon.

MARY CONSOLI: Good afternoon, Senator Winfield, Representative Stafstrom, and other members of the Judiciary Committee. Thank you for the opportunity to speak to you this afternoon. My name is Mary Consoli. I live in Danbury, and I'm asking you to support S.B. 318, AN ACT PROTECTING EMPLOYEE FREEDOM OF SPEECH AND CONSCIENCE.

I am a retired nurse with 50 years of experience. Prior to my retirement in 2017, I was President of the Danbury Nurses' Union Unit 47, AFT Local 5047 for 17 years. During my tenure, I helped organizing drives of Licensed Technical Employees and Non-Professional Employees. Many of the non-

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professionals were certified nursing assistants and unit coordinators who worked in the -- in -- in the nursing division, who I knew personally. And I also supported the service and maintenance workers who did not give direct patient care.

I spoke directly with the employees after they attended these captive audience meetings, much have explained earlier, I won't go into them. They were called in the guise of staff meetings. Many were afraid of their jobs, felt threatened, and intimidated. The certified nursing assistants were pulled off the patient care areas without notice, leaving the floor short staffed. The patient bells went unanswered. The nurses tried to do the best they could, and it delayed some of their care, meaning giving medications and other care. They -- meetings, some of them were these one-to-one meetings as indicated. Also, they were told voting to form a union would not be in their best interests.

Current benefits provided by Danbury Hospital may not continue and other very negative comments about supporting the union. In some of the meetings, employees working in housekeeping whose primary language was not English stated they felt their employment was threatened as well as their legal right to work.

I know firsthand Danbury Hospital only hires workers who are citizens or can legally work in the United States. This should not happen. Danbury Hospital Western Connecticut Health Network received 14 NLLB violations for their anti-union campaign against the non-professionals.

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The U.S. Supreme Court recognizes its form of coercion and violation of the First Amendment to force people to listen to views other than their own. This bill would give the employees the right, when the subject of a meeting is about the employers' position on politics or religion to stop listening, and be able to return to work without the -- the fear of discipline or termination. All employees who want to become a member of the labor union should be able to do so with fairness, dignity, and respect. They should do this without intimidation. They should have the right to choose a union. I ask you again to support S.B. 318 and protect the constitutional freedoms in the workplace. Thank you. I'm happy to answer any questions.

SENATOR WINFIELD (10TH): Thank you and very good time. Members, questions, comments? If not, thank you for testifying before us today.

MARY CONSOLI: You're welcome.

SENATOR WINFIELD (10TH): Next, we'll hear from Jorge Cabrera. Good afternoon.

JORGE CABRERA: Good afternoon. Good afternoon, Senator Winfield, Representative Stafstrom, and members of the Judiciary Committee. My name is Jorge Cabrera and I live in Hamden. I work as a Business Rep and Director of Organizing for UFCW Local 919. We represent over 7,000 workers at Stop N' Shop in Connecticut and over 1.3 million workers in the United States and Canada.

I'm here today to testify in favor of S.B. 318, AN ACT PROTECTING EMPLOYEE FREEDOM OF SPEECH AND CONSCIENCE, sometimes referred to as the captive

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audience bill. I'm not here to discuss any particular legal opinion regarding captive audience. My aim is to share with you my experience as an organizer for over 20 years, helping workers organize for better pay, benefits, and job protections, and how captive audience meetings have, in my experience, served the interest of employers who seek to stop workers from coming together to join a union.

There are many examples I can share with you and stories I can tell you of how employers have used captive audience meetings to great effect. In the interest of time, please allow me to share one. About four years ago, I was involved in an organizing campaign at a warehouse in Connecticut. The workers were treated very badly. Many were ex-offenders who were trying their hardest to stay on a straight path. Work hours at this warehouse were often unpredictable, raises were rare, benefits mediocre, and favoritism and verbal abuse were rampant. The workers contacted me, asking how to join our union. We began meeting the workers at their homes, at coffee shops, in parking lots, explaining the NLRB process and empowering them to come together to demand better treatment at work.

After some weeks, our -- our campaign began to gain momentum, and the vast majority of the workers expressed a desire to join our union. Under NLRB rules, we filed for an election where the workers would freely choose whether or not they wanted our union to represent them for the purposes of collective bargaining. And that's when the employer began to have almost daily captive audience meetings. They started by calling workers into a

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closed-door conference room in groups of three or five, sometimes grouping them by race or age.

In these meetings they would sow seeds of doubt, pit workers against other groups of workers, sometimes along racial or age lines, and asking probing and intimidating questions like, I wonder how the other guys are going to vote? Probably no, if they are smart or probably, yes, who knows. Hopefully they make the smart decision. You're a smart guy; right? You know what to do; right? As the company began to turn several workers, they began including the company workers or the new no-votes they had turned into new rounds of captive audience meetings with workers they suspected were yes-votes, and encouraged the no-votes to talk to the perceived yes-votes. After several weeks of this, the President of the company held a very large meeting with all of the workers less than a week before our election where lunch was provided and the virtues of operating union free were extolled for all to hear. The company leadership also insinuated that if workers voted no, there was a good chance that their hard work would be rewarded and raises would occur once all of this is over and they make the right choice.

All of these captive audience meetings had the intended effect, and just a few days before our election, a petition was circulated, and 100% of the workers asked that the petition for election be withdrawn.

In sum, it's been my experience that captive audience meetings benefit the employer and unfairly give an advantage to the company to stop a union election. I urge adoption of S.B. 318. Thank you.

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SENATOR WINFIELD (10TH): Thank you. Comments, questions from members of the Committee? Representative Rebimbas.

REP. REBIMBAS (70TH): Thank you, Mr. Chairman and good afternoon.

JORGE CABERA: Good afternoon.

REP. REBIMBAS (70TH): And I know you were here all morning, so thank you for waiting, being able to testify. Just the same question I asked one of the prior representatives from a union that came before us. In -- in your opinion, do you believe that all employers should have unions?

JORGE CABERA: I -- I believe that workers benefit greatly from unions. I've been a union organizer for 20 years and like Senator Kushner said it best, even in places where you have a really good employer, the power dynamics being what they are, it really helps workers quite a bit.

REP. REBIMBAS (70TH): So, would that be a yes that all employees -- places of employment should be unionized?

JORGE CABERA: I think so, yes.

REP. REBIMBAS (70TH): Thank you for your testimony. Thank you, Mr. Chairman.

SENATOR WINFIELD (10TH): Thank you. Comments, questions from other members of the Committee? If not, thank you very much for joining us again.

JORGE CABERA: Thank you.

SENATOR WINFIELD (10TH): Next, we will hear from Robin McCallen? [phonetic] Okay. Okay. Chris Hutchison? [phonetic] Okay. Carlos Moreno, I know

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he's here. Just make sure your mics back on. It -- it got turned off.

CARLOS MORENO: Got it. Thank you. Good afternoon, Senator Winfield and members of the Judiciary Committee. My name is Carlos Moreno. I'm the Deputy State Director for Connecticut Working Families Organization, we're a progressive political organization that builds powerful working people. I'm here to testify on behalf of two bills S.B. 211 and S.B. 318.

On 318, I would say Citizens' United Employers have increasingly engaged their workers in the political process. Numerous reports have been made about employers having tried to force their views onto employees. Usually, these attempts come in the form of mandatory meetings or internal messages delivered to employees with indirect threats about layoffs, benefit cuts, and other business closure if candidates were to win an election.

In 2016 the CBIA, which made over \$550,000 dollars in expenditures to support predominately Republican candidates, urged business owners to talk to their employees [clearing throat], excuse me, about the upcoming election. They said, we're not suggesting that employers tell their employees how to vote, but that they informed them about what kinds of policy decisions can help their companies thrive and keep jobs in Connecticut and which ones would have the opposite effect.

Obviously, this practice puts unfair pressure on employees from someone in a position of power over them to potentially vote against their own self interests. The law has failed to provide any type of protection from discrimination based on political

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affiliation or refusal to engage in political activities in the workplace. Without a union, management holds all the power in the employee-employer relationship.

For these reasons, we think that S.B. 318 is a good bill and it should be passed.

And on 211, it goes without saying that attacks on the rights and safety of immigrants and minorities, women, and LGBTQ communities have seen new heights since 2016. But efforts to curtail and block civil rights, quite frankly, are part of the fabric of our social strength, social history, and its founding.

We've seen hate crimes in the rise everywhere, and Connecticut matches the -- the national trends. According to state police in '17, there are 111 bias crime incidents across Connecticut, up slightly from '16. About 60% of the crimes were motivated by bias against a particular race, ethnicity, or ancestry, while about 20% were motivated by religious bias. Most the racially biased crimes are anti-black while most of the religiously biased crimes were anti-Jewish. Intimidation and vandalism were the most common forms of these crimes. Hate groups are also proliferating across the country. The Southern Poverty Law Center states that in Connecticut there are six active hate groups. So, as we move towards -- as we move towards another presidential election, in which the racist sentiment will be stoked and courted to further divide Americans. It is essential that we take every step to ensure that the rights of all citizens, non-white, non-documented are fully protected and enforced.

We support fully extending the role in power of the Office of the Attorney General to protect our

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communities and our civil rights. And we thank the Judiciary Committee for -- Committee for your leadership on these issues.

SENATOR WINFIELD (10TH): Thank you. Comments, questions from members of the Committee? If not, thank you again for joining us.

CARLOS MORENO: Thank you very much.

SENATOR WINFIELD (10TH): Good to see you. Next on our list is Josh Blecher-Cohen and Cara Newlon. Good afternoon.

JOSH BLECHER-COHEN: Good afternoon, Mr. Chairman and members of the Committee. My name is Josh Blecher-Cohen. My colleague Cara Newlon and I are both New Haven residents and students at Yale Law School. Today, we're speaking on behalf of over 30 law students at Yale who have drafted and advocated for House Bill 5178, the Connecticut Parentage Act, over the past year and a half. We urge you to support H.B. 5178. Many of us are personally impacted by the bill's provision. Many others * personal experiences across the state that * support. Enacting the Connecticut Parentage Act will help realize the promise of full equality for LGBTQ people in our state. As a queer man, the Act's provisions hit especially close to home.

When I first came out in high school, people told me that they were sorry that I couldn't have children. Their underlying assumption was wrong, disproved by families across Connecticut who are same-sex couples raising children. The current law treats many queer parents as legal strangers to the children that they raising. The CPA recognizes the full diversity of Connecticut families and ensures that same-sex

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couples receive the same protections already available to different sex couples.

For myself and others who anticipate careers fighting for LGBTQ communities, working on this bill has been an incredible opportunity to make sure that all families, including our own and our clients, are treated equally under the law.

CARA NEWLON: Enacting the Connecticut Parentage Act would also further gender equality in our state. Many of us are women, as my parents like to remind me, rapidly approaching the years where we will think about becoming pregnant. [Laughing] Many of us struggle with painful chronic conditions, like endometriosis that will likely impact our ability to have children. Some of us, including me, will likely turn to artificial reproductive technologies to start our families, when and if we chose to do so.

And we know, as we've heard, the process of becoming parents through IVF can be expensive, exhausting, and emotional. And we hope that we won't face legal challenges in being recognized as parents and that the law will not limit our ability to choose how and when we become parents.

As a law student working in the Veterans Legal Services Clinic, I've also seen firsthand how the CPA will improve the lives of many Connecticut residents. In our clinical work, as a team, we've collectively represented members -- residents who are members of nontraditional families, including non-biological children, LGBTQ families, immigrants, and veterans. And from speaking with our clients, we know many of them have faced barriers in

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establishing parentage and this bill would benefit them greatly.

We urge you to pass this bill. We know Connecticut to be a leader in marriage equality in affirming the rights of its LGBTQ residents. And this will act -- will continue our state's legacy as a leader on LGBT justice and gender equality. Thank you so much for your time and working on this bill I think has been one of the greatest joys of law school. So, we hope you'll pass it.

SENATOR WINFIELD (10TH): Could you just state your name for the record?

CARA NEWLON: Oh, Cara Newlon.

SENATOR WINFIELD (10TH): Thank you. Are there comments or questions from members of the Committee? Representative Currey.

REP. CURREY (11TH): My apologies that I missed your testimony. We all have a bunch of bills going on right now in a bunch of different committees. But just want to thank you and your classmates for all the work that you've done. Representative Stafstrom and I had the pleasure of coming down to Yale over the last year so -- and speaking to a number of you and really having you all part of this process has definitely made a difference and gotten this to where it is today. So, I hope you all will be proud as soon as this does pass through both chambers and is signed by the Governor later this year. So, thank you, Mr. Chair.

CARA NEWLON: Thank you. [Laughter]

SENATOR WINFIELD (10TH): Other comments or questions from members of the Committee?

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JOSH BLECHER-COHEN: Take care.

SENATOR WINFIELD (10TH): Thank you. Uh -- next, we'll hear from Lisa Rosenthal. Good afternoon.

DR. LEONDIRES (LISA ROSENTHAL): Good afternoon. I'm honored to be here. My name is Lisa Rosenthal. I'm a Patient Advocate at Reproductive Medicine Associates of Connecticut and I am speaking on behalf of and reading Dr. Leondires' written testimony.

Dear Chairs Stafstrom and Winfield, Vice-Chairs Bergstein and Blumenthal, Ranking Members Kissel and Rebimbas, and members of the Joint Committee on Judiciary. My name is Mark -- Dr. Mark Leondires, and I'm the Founder and Medical Director of Reproductive Medicine Associates of Connecticut. I'm testifying in support of Raised Bill No. 5178.

I am Board-Certified in both OB/GYN and Reproductive Endocrinology and Infertility. I serve as Chair of the LGBTQ Special Interest Group of the American Society for Reproductive Medicine, and I regularly speak as an expert at conferences on reproductive medicine and LGBTQ family formation. I am also a father of two sons. My husband Greg and I became parents through assisted reproduction.

For me, becoming a parent was transformative. For many years it was difficult to be secure in my sexuality while also pursuing my professional goals. I am a veteran who served in the military during the era of Don't Ask, Don't Tell, a policy that quite literally prohibited from being myself. In the community in which Greg and I live, our children are different simply by virtue of being raised by a same-sex couple. Because of this, I need to be

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secure in my sexual orientation and out for my kids. Indeed, being a gay parent involves coming out again and again.

Unfortunately, we often find that our parent-child bonds are not treated with the respect they deserve. On a rare day off from my practice, I took my sons for a walk on the beach. A passerby remarked that I was giving my wife the day off. When I responded that we were a two-dad family, the stranger asked, which one is yours? Both I responded. No, which one is really yours, the stranger persisted. Both, I responded again. The passerby was, of course, suggesting that if one of my boys was my genetic child, then that child was my child. Conversely, if one of the boys was not my genetic child, then that child was not my child and was instead my husband's child. From our perspective and from the perspective of our -- of our boys, Greg and I are both their parents.

Connecticut parentage law, unfortunately, continues to reflect the stranger's view, that those who are parenting children to whom they are not genetically connected are not real parents. Of course, same-sex couples necessarily include a non-genetic parent. It's time for our law to reflect the reality of the diverse families across our state.

Connecticut has been a leader on LGBTQ equality in other respects. It was one of the first states in the country to open marriage to same-sex couple. The legislature has repeatedly treated LGBTQ+ people and their families they form with dignity. Yet parent is -- parentage law has remained unchanged, leaving many families vulnerable.

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I see these families in my practice. My patients rely on the availability of assisted reproductive technology or such as intrauterine insemination and IVF to become parents. In fact, Connecticut has the second highest rate of birth. So, I want to skip. This is in -- you do have this in written form and I do just want to skip through one other part of this. I know this -- these problems firsthand. Our first child was born in Pennsylvania, and our second child was born in -- in Idaho. In both cases, Greg and I had to complete a second parent adoption so that both of us could be treated as legal parents of our children. In other words, only one of us was a legal parent at the time our children were born.

With our second child, the wait was excruciating. Even though we had our son at home with us, it took six months to get the birth certificate listing both Greg and me as parents. That legal limbo was demeaning. It also posed practical problems. We wanted to take our son to meet his grandmother in Florida, but of course did not feel we could travel without the birth certificate. This moment of joy in any family, became unnecessarily stressful and complicated.

And I just want to mention that two of the women -- two of the families that you heard from today are patients of Dr. Leondires' and further epitomize the problems that are faced.

SENATOR WINFIELD (10TH): Okay.

LISA ROSENTHAL: So, this is in written testimony that you have and of course I'm open to any questions that you might have.

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SENATOR WINFIELD (10TH): Thank you. Questions, comments from members of the Committee? If not, thank you very much for coming to share the testimony --

LISA ROSENTHAL: Thank you.

SENATOR WINFIELD (10TH): -- with us. Next, we'll hear from John Murphy.

BEVERLY BRAKEMAN: I know I don't look like John Murphy. But I am --

SENATOR WINFIELD (10TH): Beverly --

BEVERLY BRAKEMAN: -- Beverly --

SENATOR WINFIELD (10TH): -- you don't look like John Murphy to me. [Laughter]

BEVERLY BRAKEMAN: But I am Beverly Brakeman here representing the UAW and is it okay if I testify?

SENATOR WINFIELD (10TH): Go ahead, proceed.

BEVERLY BRAKEMAN: Okay. So, my name is Beverly Brakeman. I'm the Regional Director for UAW Region 9A. Good afternoon, Senator Winfield and members of the Committee. A little bit about UAW Region 9A, we represent about 35,000 workers in the New England states, New York City, and Puerto Rico, and they're very diverse. And I'm here on their behalf to testify in support of S.B. 318, AN ACT PROTECTING EMPLOYEE FREEDOM OF SPEECH AND CONSCIENCE.

One of the bravest things a worker can do is decide to join a union. Many times, such a decision is fraught with fear as employers across the state and country typically react to such a decision with hostility. You have my written testimony, so I'm just going to like talk from the heart a little bit.

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I think everybody can probably, at one time or another, remember a time where they wanted -- they felt really, really strongly about doing something, whether it was talk about something that nobody else wanted to talk about, or do something that nobody else thought was a good idea, or in this case, form a union at your workplace when nobody really wants you to do that, and it's really scary to do that. I think we can all relate to that experience. And that's what it's like to be a worker wanting to form a union. It's terrifying.

And there are lots of ways that -- lots of things that employers do all of the time to -- to threaten and retaliate, and often times in ways that look very reasonable, like sending out an email that says, well if you join a union, blah, blah, blah, you know? And you have to fight every step of the way as a union organizer to -- to defray that and to -- to -- to speak the truth. And you have to get -- you have to help workers realize that -- have the strength to go up against that. And the fears are founded, you know, people get fired all of the time for trying to form a union.

And captive audiences is just one of those mechanisms, where you get forced into a room where they have very logical information about, you know, the way -- the -- the things that will happen if you join a union and none of them are really true. But they're just enough to -- to scare people. And if you've never had that experience, it might be hard to relate to. But I know that everyone in this room has had the experience of doing something that really, really scared them. And the fact that we have a declining union membership in our country,

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should speak to the power of these kinds of tactics, which are only embolden by the Trump administration.

For example, at UAW, we organized graduate student workers. Most recently we've been -- the post-doctoral researchers at UConn. UConn did not use those tactics. But when employers don't use that tactic, workers will overwhelming vote to form a union, because they're not scared, and they know that their employer is going to allow them to at least have the opportunity to vote fairly to have a union. And that's only about leveling the playing field for all of us so that we can have that choice, especially at a time when we're working under an administration that is doing everything it can to weaken the rights of workers.

And this state has always been in the forefront of broadening and expanding the rights of workers. And I urge this Committee to support this bill. And I thank you very much for the opportunity to testify in support of this, this year. Thank you.

SENATOR WINFIELD (10TH): Thank you. Comments, questions from members of the Committee? If not, thank you very much for joining us today.

BEVERLY BRAKEMAN: Thank you.

SENATOR WINFIELD (10TH): I'm going to call Ed Hawthorne who we skipped a long time ago. Good afternoon.

ATTORNEY HAWTHORNE: Good afternoon. Thank you for your patience. You all know how parking is around here, and I was actually looking for parking as you called me name, as I got panicked phone calls from people here saying, where are you. So, good afternoon Senator Winfield, esteemed members of the

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Committee. My name is Ed Hawthorne. I reside in Wolcott. I'm the President of the Western Connecticut Area Labor Federation, AFL-CIO. I'm here before you today to testify in support of S.B. 318.

So, I'm an English major, so of course in my testimony I do have a quote from Mark -- attributable to Mark Twain. It says, "Never discuss politics or religion in polite company." Now, I know I'm in polite company but that is exactly what we are going to do here today.

But unfortunately, employers in our state often feel the need to exert their authority and force their political and religious views upon their subordinate employees. When every employee enters the workplace, they have certain expectations with regarding how they'll be treated. We can all agree that an employee has an expectation that their employer will not discriminate against, harass, or unjustifiably coerce them during a workday.

The bill before you will further enforce these basic rights by preventing an employee from being forced to attend a meeting concerning religion or politics where they are not permitted to leave, disagree with, or object in any form to the speaker for fear of being considered insubordinate.

Often when I look at a bill like this, I try to put the shoe on the other foot, and I ask myself, would I want to be subjected to the conduct in question? Does the fact that an employee is on the clock outweigh that employee's constitutional right to object to political or religious matters being forced upon them by an authority figure?

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To put this in context for a member of this Committee, I know it's election season, so imagine announcing a public forum to everyone and forcing people to attend, preventing them from leaving, and then punishing those who speak out against your views. It is very safe to say that not one member of this Committee would ever hold such a forum. However, if you vote against the implementation of this bill, you are essentially allowing employers to do that very thing.

No employee should be forcibly silenced and subjected to coercive conduct regarding politics or religion, simply because the source of their information is issuing their paycheck.

Now, S.B. 318, defines political matters as a union labored organization and that is included in it. So, I won't go through my whole testimony, but I do want to address the captive audience meetings, in that their intention is always clear and it's always to spread misinformation, instill fear, and punish workers.

On average, workers who join together to bargain wages and hours, and working conditions, earn better wages, utilize fewer -- fewer safety nets -- social safety nets, and have great productivity and less employer turnover than non-union workers. By supporting this bill, you will send a clear message that we must allow workers to make their decision regarding whether they wish to join to bargain for a better life.

I ask you all to stand up for freedom of speech and vote in favor of this bill. I thank you once again for your patience. And I'm happy to answer any questions that any of you may have.

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SENATOR WINFIELD (10TH): Thank you. Comments, questions from members of the Committee? Representative Rebimbas.

REP. REBIMBAS (70TH): Thank you Mr. Chairman and thank you for your testimony. Just a quick question to you and certainly, if you don't know the answer, you don't have to respond. But do you know the legal opinions regarding whether or not this proposal is preempted?

ATTORNEY HAWTHORNE: I do. I am actually an attorney. I am able to practice law in Connecticut, as well as, the state of New York. And when, I did pass the bar, I scored in the top 10% in the multistate bar examination. I would defer in this case, though to Attorney General Tong, who is an expert on the subject and has already issued an opinion on that. This bill is drastically different from the other one that we believe would be preempted and Attorney Tong did address that in his opinion for the last bill that is almost identical I believe to this one.

So, the National Labor Relations Board has issued decisions regarding captive audience meetings. However, the state does have broad police powers. I mean, you can see it every day when we look at child labor laws that differ from state to state, minimum wage and things like that. This is actually tied to a broader speech and it's not so narrow. And it's also -- one other thing is its content neutral. So, we're not saying that you can't -- actually if this bill was passed, you're saying you can't have a captive audience meeting in favor of unions or in favor of, you know, Democrats or Republicans. It is

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content neutral. So, I don't think that would be an issue.

As far as the preemption, I would ask this Committee to let the Attorney General do his job. We provided a much deserved and much needed raise to the Attorney General's office last year. Let them do their job. And if Attorney General Tong is listening, if you become in any way overwhelmed by this bill, I would be happy to volunteer my time, off the clock, on my own time to do whatever work is necessary to get this bill through and whatever legal challenge that may come. Furthermore, there is almost --

REP. REBIMBAS (70TH): Mr. Chairman --

ATTORNEY HAWTHORNE: -- identical --

REP. REBIMBAS (70TH): Go ahead.

SENATOR WINFIELD (10TH): Hold -- hold one.

REP. REBIMBAS (70TH): The question is now non-responsive. The response is non-responsive to the question that was posed. So, if I can go back to the --

SENATOR WINFIELD (10TH): You can --

REP. REBIMBAS (70TH): -- original question.

SENATOR WINFIELD (10TH): -- ask your question, yes.

REP. REBIMBAS (70TH): Thank you. And -- and I appreciate all of the additional information you're

ATTORNEY HAWTHORNE: Okay.

REP. REBIMBAS (70TH): -- giving. I don't see the relevance of whether or not a particular department

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within the state of Connecticut raises has anything to do with one's ability to form an opinion.

I did go back to whether or not, obviously your thoughts and if you knew the legal standing of the conflicting opinions. And I believe, in your response, there was a reference that it's similar but then it was different. So, I'll leave it at that.

But I'll certainly just simply state, for the record that your earlier comment that anyone who votes against this, allows employers to do everything that you've alleged that is occurring. I strongly disagree with that. So, thank you again for your testimony. Thank you, Mr. Chairman.

ATTORNEY HAWTHORNE: If I may have the opportunity to respond, Mr. Chair? Briefly.

SENATOR WINFIELD (10TH): Briefly.

ATTORNEY HAWTHORNE: Oregon actually has a bill that mirrors this for -- they enacted in 2010. For the past 10 years it's been considered good law. There was a lawsuit regarding that, which they found that they lacked -- the person bringing the lawsuit lacked standing. And that is currently being challenged in federal court as of right now. But it has still been good law for the past decade.

REP. REBIMBAS (70TH): And thank you -- thank you, Mr. Chairman --

SENATOR WINFIELD (10TH): Representative --

REP. REBIMBAS (70TH): -- for the ability to respond to that. I don't have Oregon's law to compare to this one. But again, the reference that I made or the statement was that anyone who votes against this

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is not because we are supporting any of the actions that are being alleged by employers. Thank you, Mr. Chairman.

SENATOR WINFIELD (10TH): Thank you. Others? If not, thank you very much for joining us and testifying today.

ATTORNEY HAWTHORNE: Thank you all once again.

SENATOR WINFIELD (10TH): Next we will hear from Kathy Panniati. Kathy Panniati. Okay. Karen Caffrey.

KAREN CAFFREY: Good afternoon. My name is Karen Caffrey. I'm speaking in regards -- good afternoon Co-Chairman or Chairman Winfield, Senator Kissel, and distinguished members of the Committee. I'm testifying today in regard to Raised Bill 5178, the Connecticut Parentage Act. And I'm testifying to support some amendments. I did have an opportunity to speak with one of the proponents of the bill, Senator Nashme [phonetic], I hope I'm pronouncing his name correctly. And we did exchange information and he indicated we -- we will discuss these proposed amendments. And I -- I think he's generally in favor of them.

But my amendments have to do with the fact that this act in part, excuse me, creates a dual birth certificate system for individuals whose parentage is going to be determined by this law. And as one of -- as an adoptee who was born and adopted in Connecticut, I happen to be an individual who has experienced firsthand, the dual birth certificate here that exists in this state and every other state.

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The way the act is written right now, there are a couple of circumstances where it is not clear that the individual whose parentage is created by this -- legally created by this act, will have access to their original biological identity in two circumstances.

One is that the court proceeding may be closed to the public under section 13 and if that's the case, the only parties can have access to that court file and the child may not be a party to the proceeding even when they become an adult.

Secondly, the act contemplates the -- the creation of an amended birth certificate for some individuals covered by the statute. And there's -- the -- the statute is silent as to whether or not the individual, even when they become adult, an adult would have access to that birth certificate.

The reason this situation arises is because, historically, a birth certificate and a parent certificate, so to speak, necessarily overlapped. Child were only created in only joined families because they were created between a man and a woman [laughter], usually married, not always. And so, the mother and father listed on the birth certificate were both the people who gave birth to the child, so to speak, and were the parents of the child.

The single exception under Connecticut law were for persons like myself, who were adopted. And the dual birth certificate system, which was created in the 1930s, was designed to -- was the first time that the event of birth was legally separated from the event of parentage. So, that adoptees like myself have an original birth certificate that reflects our

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biological parent and an adopted -- an amended birth certificate reflects our legal parentage.

And some of you may be familiar with this. I was here in regards to another bill that's pending in the legislature, because tremendous amount of problems have developed in the ensuing years regarding who has access to that information, in particular does the adult person, who is effected by the creation of this amended birth certificate, have access to this when they become a legal adult?

I'm hoping we can learn from past experience and ensure that individuals who are and by -- by the way who are very appropriately being helped by this act, this is a wonderful piece of legislation. A great group of people have gotten together to address situations that have arisen now because of gay marriage, because of allowing people of the same sex to parent, because of artificial reproduction technology. This is all wonderful. But I am here to say that biological identity is important. And I want to be sure that we do not inadvertently erase a person's biological identity by how we handle the information that is created in creating legal parentage for these persons. So, thank you. I don't know if you have any questions, but that's my -- that's my two cents today.

SENATOR WINFIELD (10TH): Thank you. Representative Currey.

REP. CURREY (11TH): Thank you, Mr. Chair. Just a quick point of clarification. As much as I wish Doug were a Senator here in the legislature --

KAREN CAFFREY: Did I say that?

REP. CURREY (11TH): Yes, you did.

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KAREN CAFFREY: My apologies. [cross talk]

REP. CURREY (11TH): Wishful thinking. So, yes, but we look forward to continuing to work with you to ensure that [Crosstalk].

KAREN CAFFREY: Yes, I'm sure he will. Yes, thank you. And thank you for your work on this.

SENATOR WINFIELD (10TH): Thank you, Representative. Other questions, comments? If not, thank you very much for joining us today.

KAREN CAFFREY: My pleasure. Thank you.

SENATOR WINFIELD (10TH): Next we'll hear from Miguel Castro. Good afternoon, councilman.

COUNCILMAN CASTRO: Good afternoon, Senator. First, I wanted to commend the leadership of the Judiciary Committee on the number of -- of proposed legislation that can advance a number of possibilities to further strengthen our community in the state of Connecticut.

My name is Miguel Castro. I'm an elected member of the Meriden City Council and I am a Community Organizer and a Community Activist. Chairman Winfield, Chairman Stafstrom, and Ranking Members and members of the Judiciary Committee, I appreciate the opportunity to come before your Committee and speak on behalf of S.B. 318.

As American, we have the right to free speech. This protection should apply to the workplace. The U.S. Constitution entitles people to express their views whenever and wherever they want. Freedom of speech protection should extend in any workplace. As we know, few exceptions, private employers aren't

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required to let free speech reign through their workplace.

The National Labor Relations Act in 1935 was protected -- was to protect the rights of employers or employees rather and employers to encourage collective bargaining and to curtail certain private sectors labor and management practices which can harm, according to this -- the National Labor Relations Act of 1935, the general welfare of workers, business, and the US economy. The right to discuss working conditions, which is considered protected conservative activity is a positive outcome. Workers should share information about pay, benefits, safety, and other work-related issues and they can do it in any way possible to further their possibilities in their working environment.

S.B. 318 protect workers' freedom of speech with no fear of retaliation, harassment, and discrimination. And I support the bill. Thank you.

SENATOR WINFIELD (10TH): Thank you, Councilman. Comments, questions from members of the Committee? If not, thank you for joining us and you're better at reading off a phone than I am. Have a great day.

MIGUEL CASTRO: Thank you.

SENATOR WINFIELD (10TH): Alok Bhatt. Good afternoon.

ALOK BHATT: Good afternoon, Senator Winfield, members of the Judiciary Committee. My name is Alok Bhatt. I'm the Community Defense Coordinator for the Connecticut Immigrant Rights Alliance, or CIRA. CIRA would like to testify today in support of H.B. 5178, regarding parentage, and S.B. 211, regarding

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the rights and powers of the Attorney General's Office.

CIRA represents 5178 in addition to what our colleagues and advocacy have expressed regarding the equity and rights of all Connecticut residents to be able to establish the full rights and benefits of being a parent and keeping their family's whole. CIRA sees this also an opportunity for the state to allow families who are at risk or who have been separated to also remain whole. The minor children of incarcerated or detained or deported parents are often put into the foster care or state systems, which imposes its own set of trauma upon -- upon children. And a lot of these circumstances can be voided if folks would be able to establish parentage of -- of non -- if non-biological parents would be able to establish parentage of children and especially with the consent of a biological parent.

So, in the interest of keeping all our families together in Connecticut and also making sure that all of our residents have equal and equitable rights to becoming a parent, we support H.B. 5178.

Regarding S.B. 211, our alliance through our individual member organizations and as a collective have worked extensively with Attorney General Tong's Office and, in particular, his civil rights division. And we feel like they have been extremely excellent allies in making sure that residents of our state are -- are protected against civil rights violations, even if they come from our own federal government. And we feel like, in addition to having an Attorney General's Office that could become -- that can truly represent it's purpose of being the peoples' attorney, we feel like giving them the

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power to investigate and -- and bring -- sue for individual actions would also -- well help them further their purpose and enable them to become even better advocates and allies for the people of the state of Connecticut. And that's all we have on these bills. Thank you.

SENATOR WINFIELD (10TH): Thank you. Comments, questions from members of the Committee? If not, thank you for joining us again and your continued efforts. That would bring me to the end of the list I have before me. Is there anyone present who has not testified who would like to, you may come forward. When you come forward please state your name for the record and you will have three minutes. Good afternoon. You have to turn the microphone on first.

DOCTOR JACOB: Good afternoon and thank you for your endurance. My name is Dr. Mary Casey Jacob. I'm a Killingworth resident. I'm a Medical Psychologist, Professor Emeritus of Psychiatry and Obstetrics and Gynecology at UConn Health. And I worked at the UConn Center for Advanced Reproductive Services as their clinical psychologist for 27 years until my recent retirement. I specialized in caring for patients with infertility, whether it may be medical or social, and especially patients who sought conception with donor eggs, sperm, and embryos.

As you have heard repeatedly today, many people in our state rely on the availability of assisted reproductive technology. We attribute about 1600 births in Connecticut to LGBTQ families here. To build their families, these patients, as I mentioned, need the help of carriers and donors. These are really hard decisions for these people to

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make. And as they've talked to you about the process and the fact that conception is not a done deal when you go through it, people are really quite stressed. And one of the things that worries them, including heterosexual families that seek this kind of assistance, is the legal status of the children when there are donors involved or when marriage is not in place and there's a non-biological parent.

So, I am here today to urge the Committee to support Raised Bill No. 5178. This -- the CPA provides a much-needed update to Connecticut law by clarifying who is the parent, providing paths for individuals who have children through assisted reproduction, to establish legal parentage regardless of sexual orientation, gender, or marital status. It's critical for the kids and it's critical for their loving parents and their extended families to be clear where the rights and the responsibilities rest for these children. The CPA would ensure the families created through assisted reproduction have a clear and sensible route to establishing legally -- establishing legally recognized parent-child relationship. I'm also very pleased that the CPA regulates surrogacy in ways to protect the interest of all parties involved including not just the children and the parents but the women who carry the baby. They need protection as well.

I've had the privilege of counseling thousands of these families. At our center we required everybody who wanted to conceive with a carrier or a donor to see me or somebody like me as part of the informed consent process.

This parentage act would update Connecticut's laws to better recognize and protect the full range of

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kids and parents in our state. Connecticut has always been a leader in this regard, and as -- as we've noted, we've sort of fallen off the radar screen. It would be great to get back in step with other leaders in this area. Thank you for your consideration of this bill. I'm happy to answer any questions.

SENATOR WINFIELD (10TH): Thank you. Comments, questions from members of the Committee? If not, thank you very much for spending some time with us and for testifying. Is there anyone else present who has not had the opportunity to testify but would like to? Anyone else present? If not, I will call this public hearing to a close. Thank you for joining us.