

CHAIRPERSON: Senator Julie Kushner

SENATORS: Osten, Miner, Lesser

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

REP. PORTER (94TH): -- announcement, please remain
in the Hearing Room and stay away from the exit
doors until an "All Clear" announcement is heard.

SENATOR KUSHNER (24TH): Thank you. Do you wish to
make any comments Chairman Porter?

REP. PORTER (94TH): No, let's get started!

SENATOR KUSHNER (24TH): Okay, great. Our first
witness is Commissioner Rollin Cooke. Thank you for
being with us this morning from the Department of
Corrections.

COMM. COOKE: Thank you, Good Morning.

SENATOR KUSHNER (24TH): Could you state your name
for the record and also introduce the people who are
with you at the table.

COMMISSIONER COOKE: Absolutely. Thank you so much
for having us this morning. Very important people
sitting here with me, Office Jeramie Dewaine lost
his life about a year ago and with me is his family
and I am going to be deferring my time to the family
members to speak. I may make some comments right at
the end and parting comments. But to my right here
is his daughter Kara, I think she is going to be
doing a lot of the speaking today. To my left is

Michael, his son and then to Michael's left is his wife Becky and then to her left is a close family friend that I think if remember from the funeral, you are like a son to him as well and that is Matthew Martinez. So, I'll turn the time over to Kara and we'll go from there.

KARA DEWAINÉ: Chairpersons Porter and Kushner and Members of the Labor Committee, my name is Kara Dewaine and I am here to speak in support of SB 231, AN ACT CONCERNING WORKERS' COMPENSATION BENEFITS FOR CERTAIN MENTAL OR EMOTIONAL IMPAIRMENTS SUFFERED BY EMERGENCY MEDICAL SERVICES PERSONNEL, DEPARTMENT OF CORRECTION EMPLOYEES AND DISPATCHERS.

One year ago on this exact day, February 25, 2019, we, the Dewaine family lost our Husband, Father, Grandfather and our best friend to suicide. My father Jeramie Dewaine was a correctional officer for the State of Connecticut for 13 years, at Corrigan Ragowski Correctional Institution in Montville, Connecticut. He was one of the greatest men this world had the chance to encounter. He attended his job with great pride and dignity, tirelessly attempting in any way possible to make his facility, and his community a better place.

Realistically, his career entailed being locked behind prison walls for anywhere from 8-16 hours at a time, in one of the most negative, ruthless environments a human can be placed in, under tense high stress circumstances. He faced unfathomable hardships during his time in his position, both physical and mental. My father was one of the most kind-hearted, spiritual, and lively people. He would absolutely give anything to anyone who needed it more than himself. He put his heart and soul

into any task that he did. He worked tirelessly to provide for his family, which included having to internalize any emotional trauma that he would bring home with him after a shift at the prison.

Essentially he was forced to live a double life in order to protect his family from the horror that he fought firsthand at work. This included but was not limiting to, watching other human beings both inmates and colleagues take their own lives, sustaining harassment and physical assault on him and fellow officers, whom were responsible for these inmates. We as a family watched his spirit and his soul deteriorate right before our very eyes, while working his job as a corrections officer and unfortunately he lost his fight.

On February 25, 2019 my father left his shift at Corrigan Ragowski, went home to leave his cellphone, took his firearm, drove to a secluded location and took his life by gunshot. What was going through his mind this last day, these last few hours, we will never know. But I can guarantee you that my father did not want to leave his family. We were what he lived for and we were his pride and joy. The challenges that he faced had taken such a heavy toll on who he was, and it was hard for him to find the good in anyone or anything anymore. It is immensely important to our family that another wife, daughter, son nor grandchild does not have to bury their loved one because of PTSI.

Our family is asking you to support the expansion of SB 231 so that my father's name and legacy may live on, and that his brothers and sisters in Corrections do not have to suffer in silence any longer. Thank you.

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SENATOR KUSHNER (24TH): Thank you, would other members of the family like to speak? Commissioner.

COMMISSIONER COOKE: Thank you, Madam Chair. So I know our time is limited and they have asked me to take this opportunity, the thing I will tell you, I don't know how often you've seen a Commissioner wearing a uniform but I want you to know is I have been doing this job for 31 years and I began as a correctional officer and throughout my career I've had a frontline view of the challenges that go on inside of a correctional facility, the dangers that are there every single day and I am wearing this in representation of all of them and representing them here today. I just want you to know how difficult I find the job. Throughout my career I've been assaulted three different times, all three times was either I was responding to an assault, inmate-on-inmate assault or an assault on staff member, how difficult it was for my family to deal with every single day. I certainly wouldn't have made without 'em I just hope that you take all these things into consideration again. I've provided you my written testimony but just please, just please know the efforts that go into their jobs every single day, how difficult they are and the wear and tear that it is on them and their families. Thank you.

SENATOR KUSHNER (24TH): Thank you and Commissioner let me just say that your attendance here today is really significant. I think the, I'm so happy you wore the uniform to be clear that you were representing all of the frontline workers in the Department of Corrections it's critical to have your support and that you have their back and so we really to appreciate you being here. And to the

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Dewaine Family, I just want to say that I know having had a loss in my family, in my father many years ago, anniversaries are tough and so being here today on the anniversary of his passing, I know it's got to be very hard for you but on behalf of the Committee let me just say, you know, we have a saying in the Jewish Religion, "May his memory be a blessing" and I'm sure looking at all of you today, I am sure that his memory will live forever with you and will always be a blessing to you. So thank you so much for your testimony today and I will take questions from the Committee. Senator Osten.

SENATOR OSTEN (19TH): Thank you very much and Kara I think you are a very brave woman, I really do. I think that what you have done today, for your mom, has been giving here the grace of remembering her husband and your dad is really important and I think that what you put in your testimony was spot-on. Spot-on to let people know how important it is to understand the stressors that happen to corrections. You know that I worked in corrections for 21 years, I worked at seven of the facilities and I think there is no such thing as a frontline worker in the Department of Corrections, that all workers in the Department of Corrections face the stressors of the job just because of the kind of situation that happens. All workers respond to incidents no matter their job classification.

It's been my mission since I've been up here in the General Assembly to get a recognition in for posttraumatic stress and mental health issues that happen as a result of anybody's job classification. And so this year and last year we got it done for police officers and firefighters and dispatchers and

I remember the Jenks' family saying what about corrections. We lost one of our friends just the other day and I said well they'll be there, they'll be the next job classification that we work through to get this done and its important. I've had many friends of mine that have committed suicide during my time in both in corrections and as a retired person from corrections and many retired correctional staff commit suicide after corrections and so, you know, it's a tough, hard job that we need to make sure that we're providing the correct resources for people to successfully retire. And I, you know, think about each and every one of my friends that committed suicide as a result of the stressors of the job and I miss them today. And I know I will miss them forever and I think about your dad too. We didn't have the honor of working together but I did work at Corrigan and Ragowski and five other places too. But I want you to know it is not just a job for me to get this done, it's a mission for me to make sure that we finally recognize that an injury to the brain is as much an injury as a physical injury. I prefer us to go back to the 1993 timeframes and make sure that we are recognizing all people and recognizing posttraumatic stress as a true injury. Also an army Vet and I think that is true across the board that's something that we need to do. I just think that you have professed the strength of your father by being able to sit here as composed as you are in recognizing that you're here to fight for other people so that they don't have to go through the pain that you and your family have had to go through. So, know that it is a passion for us to get this done and it's a mission and it will happen this year that we get

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correctional employees covered by the posttraumatic stress legislation that we passed last year. I just want to thank you from the bottom of my heart for being this strong woman that you are and I know it's because of the man who raised you. Thank you.

SENATOR KUSHNER (24TH): I do want to, before I call on other members of the Committee I do want to note it was pointed out to me that in drafting this Bill there was an inadvertent leaving out folks that we covered last year which was the police and parole officers, that was inadvertent and it will be added back in so no one should think that we're trying to exclude anyone in this Bill, it's absolutely intended that we expand the benefits covered under workers' compensation. So now I'll call on other Members of the Committee, questions? Senator Miner.

SENATOR MINER (30TH): Thank you. I'd like to join my colleagues in expressing my appreciation for you being here. You know, for most of us, we don't live the lives of those who come to testify and in some cases we don't even have family members or close friends that serve the State or a municipality in the way that your family member has. This summer I too lost a very close friend that was 40 years in public service in the police service and so he wasn't a family member but at times he was almost a family member. So I do appreciate you being here and I understand the pain associated with having to actually even talk about it.

Commissioner I would very much like an opportunity to go through some questions at some point in the future in deference to everyone that is here today merely to understand the mechanics of the corrections system as it pertains to those that are

inside versus those that may be outside and if you permit me that opportunity at some point in the near future I would rather just hold the questions until then.

COMMISSIONER COOKE: Great, we welcome that.

SENATOR MINER (30TH): Thank you.

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

REP. PORTER (94TH): Thank you, Madam Chair and I'm just gonna echo what's already been said. Just want to say first off my deepest condolences to you and your family. I salute you for having the intestinal fortitude and the courage to be here on today, the anniversary of your father, your husband his suicide. But what a way to honor him. What a way to make way for his legacy, the legacy that you spoke of in your testimony. So that is the first thing I to start with my heart goes out to you.

And I just also want to talk about the thing you referenced in your testimony about the double life and how hard I know that has to be, you know, putting on a brave face coming home acting like everything is good when you're carrying so much trauma and dealing with the stigma, it is my hope that this Bill will in some small part or big part play a role in removing the stigma that is attached to the need for mental health, right. For officers, police and correctional it's a hard job, it's not a job I take lightly. I don't think a lot of people are even built to do the work, so those that are doing the work and are making the extreme sacrifice that should absolutely, absolutely have access to mental health. So I support this, I know that the

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Members of the this Committee supports this and I'm not speaking for all but there are a few that have directly told me that they chime in on this and understand the need, the dire need to get this done so that we don't have to have other families like yours experiencing what you went through. So, thank you and God Bless You.

Commissioner, I'm not surprised to see you here and I'm not surprised to see you in that uniform. And we've talked about this and can continue to talk about it but I just wanted to salute you as well for being the leader that you are and come in and support a pretty hefty situation with a lot of heavy lifting to be done and I just want to commend you with the way that you are leading in this department and this agency in all efforts across the board, not just this. So thank you for being here as well. Thank you, Madam Chair.

SENATOR KUSHNER (24TH): Thank you. Thank you for being with us today. I think that's it for now. Next on the list I have Tony Salvatore, CEO of Cromwell. Please state your name for the record.

TONY SALVATORE: Good Morning, Madam Chair and Members of the Labor and Public Employees Committee, my name's Anthony Salvatore I am the CEO for the Town of Cromwell. I've been such for the last four and a half years. Prior to that I spent 41 years in the Cromwell Police Department, 23-1/2 as Chief of Police and prior to that I was in the United States Navy and I served 3-1/2 years in the Navy which one year in beautiful South Vietnam in the Mekong Delta as part of the United States Navy's only helicopter attack squadron, so I certainly understand what is trying to be accomplished here today.

Today I represent CCM which represents all 169 municipalities in the State of Connecticut. At this time CCM is opposed to SB 231. Mainly our opposition is that it is contrary to Public Act 19-17 where a bipartisan agreement was reached between all parties last year.

You should have before you my testimony mainly what I would like to say is that while I certainly understand the concept behind posttraumatic stress injury in this case we feel that more needs to be done based on what was approved last year. And we would implore the legislature to utilize its exhaustive but necessary process in order to properly address the appropriate instances experienced by EMS, DOC and emergency dispatchers. And this approach is absent when developing Senate Bill 231. There is other components that are missing also but I will not repeat what was written in the testimony that has been provided before you.

Also if I might just add that we are also opposed to HB 5270 AN ACT CONCERNING THE RIGHT OF A PUBLIC EMPLOYEE TO JOIN OR SUPPORT A UNION. We are not opposed to employees joining a union, this basically addresses the *Janus* situation and we feel that it could be addressed through collective bargaining rather than what's being mandated upon us in this piece of legislation far exceeds what the requirements of *Janus* are and urge you not to support this. I'd be happy to answer any questions you might have.

SENATOR KUSHNER (24TH): Any questions or comments from the Committee? Okay, thank you very much. I don't see any. Next up we have Senator Formica. Is

Senator Formica here? Okay we will hold his spot.
Next I have Judge Beverly Streit-Kefalas.

JUDGE STREIT-KEFALAS: Good Morning. I am Judge Beverly Streit-Kefalas Probate Court Administrator. Senator Kushner, Committee Members thank you for the opportunity to testify this morning. The Office of the Probate Court Administrator opposes House Bill 5274 AN ACT STRENGTHENING THE PROBATE COURT SYSTEM for three essential reasons.

First, the Bill will impair and elected official's ability to hire and supervisor his or her own direct staff. Second the fiscal implications will be significant and lastly given the unique structure of the Probate Court System the Bill leaves numerous critical issues unanswered.

We are strongly committed to the Probate Court staff and highly value their dedication and compassion that they bring to the job every day. The current Probate Court System recognizes that probate judges are elected officials who are accountable to the voters for the performance of their court. Judges, like legislators have traditionally had sole authority to select and supervise their immediate staff. House Bill 5274 would disrupt this employment relationship in ways that are not entirely clear.

Under the current law hiring decision continue to be made at the local level by the elected judge of each court. The current arrangement permits each judge to select and supervise the employees. Again like legislators whose employees serve at will, probate judges are directly accountable to the voters. In

this context the ability to hire their immediate staff is critically important.

Since the 2011 restructuring of the Probate Court compensation and benefits are determined under a uniform statewide plan following internal equity and external compensation studies. The General Assembly recognized the need for uniformity in compensation and benefits and established the Probate Court Budget Committee under Connecticut General Statute 45a-85 to establish the compensation plan, staffing levels within expenditures and available funds. It includes uniform payrates. It includes numerous additional employee benefits modeled on those afforded Judicial Branch employees including protection under Family Medical Leave which is not otherwise required by law. The current structure fits the unique circumstances of the Probate Court.

House Bill 5274 would also have significant fiscal impact. Fiscal notes from past Bills that are similar in language have estimated that the cost for human resources and labor relations alone could exceed half a million dollars. This does not include any fiscal impact or changes to such issues as the Probate Court judges and employees retirement system which is a sperate pension fund from the State Employees Retirement System.

We recognize that due to limited past General Fund appropriations and historic State budget crises, planned COLAs and merit adjustments could not be funded as we had planned. However with the last legislative session and the appropriations of \$7.2 million dollars for the current fiscal year and the hoped for \$!2.5 million dollars that was approved for the upcoming fiscal year Phase 2 of the 2015

Compensation Study was implement in June of 2019, merit adjustments were made in July of 2019 and a COLA of three percent was implemented this past January. With the Probate Court Budget Committee approval it is planned that if the budget appropriation as proposed by the Governor is not adjusted adversely it includes provisions for merit adjustments and COLAs in the upcoming biennium.

Finally the Bill as presented leaves numerous critical issues unanswered. I do raise in my written testimony specific outline of some of those questions but it is certainly not a comprehensive list of the unanswered issues. It is our position that the current structure fits the unique circumstances of the Probate Court and elected officials. It ensures that all employees are compensated in accordance with a cohesive, uniform and equitable criteria which did not exist with the prior systems of 117 courts while also maintaining appropriate local control over employee selection and supervision. House Bill 5274 would upset the reasonable balance that this structure embodies and would have a significant fiscal impact. We respectfully request the Committee reject this proposal. Thank you, Senator and Representative.

SENATOR KUSHNER (24TH): Thank you. Is there any questions or comments? Representative Smith.

REP. SMITH (108TH): Thank you, Madam Chair and thank you, Judge for coming this morning. This Bill is here before us for the past several years and for a number of reasons hasn't been able to get through. I notice in some of the testimony that in 2017, 85 percent of the clerks were against the concept of

unionizing. Do you know what the position is at this point?

JUDGE STREIT-KEFALAS: I am unaware. I know that the Connecticut Probate Assembly of Probate Judges and the private organization Connecticut Probate Judges Association had not had an opportunity to convene a meeting to poll its membership because of the notice I think was just issued for today's hearing this past Friday. So I believe that the Clerks' Association, I think there are members present here today, would be best able to speak on their position.

REP. SMITH (108TH): All right, so I'll reserve some of my questions for them as they come to testify. You know, the position of the Probate Judges is unique. Our Superior Court judges are not elevated. They are actually appointed by the Governor, but the Probate Judges as you mentioned are in fact elected and you run every four years?

JUDGE STREIT-KEFALAS: Four years, yes sir.

REP. SMITH (108TH): Right, so as an elected official I know you testified that it would impact your court to not be able to control or not be able to run the court the way you as an elected official would like the court to be run. Could you describe that in more detail what impact if you did have a unionized employee, what impact that would have for our probate judges?

JUDGE STREIT-KEFALAS: It is unclear except to the extent that hiring and supervision of the staff of each individual court would be not necessarily overseen by that elected official. Right now each judge interview, hires and retains his or her own staff,

sets the work hours within the parameters of the public hours for the court and offers some flexibility in terms of that schedule. We're a unique system in that not all of our staff are 40 hour, fulltime employees and that flexibility is something that is handled directly through each individual probate judge. The hours of each court also vary unlike superior court where there are set hours and pardon me, I don't know their exact hours but hypothetically each court is set specifically from 9:00 a.m. to 5:00 p.m. Each individual probate court sets its own unique hours within the statutory framework of 8:00 a.m. and 5:00 p.m. That flexibility may have to change dependent on whatever may arise out of collective bargaining.

REP. SMITH (108TH): If you were to have under the current system an employee who was, let's just say he or she was incompetent, just unable to do the work or disruptive to the process of the probate system, would you be able to terminate that employee under today's system?

JUDGE STREIT-KEFALAS: I believe the individual judge would have the right to review that situation and make an appropriate decision.

REP. SMITH (108TH): And if you put a unionized employee in that same system who was disruptive, who was incompetent, who was unable to perform the job what would be the process of termination at that point if you know?

JUDGE STREIT-KEFALAS: I think that is an unknown issue because there is no collective bargaining in place but it would be clear in my view that it would be outside the parameters of the individual judge.

REP. SMITH (108TH): And are you speaking here today on your own behalf or are you speaking on behalf of the Probate Court.

JUDGE STREIT-KEFALAS: I am speaking this morning as the Probate Court Administrator.

REP. SMITH (108TH): And did the Probate Court, the Association of Probate Court Judges take a vote on how they wish for this Bill to be processed.

JUDGE STREIT-KEFALAS: They have not yet convened a meeting. There was a short notice from the Bill being raised to the Public Hearing and I don't believe they have had that opportunity yet. I am sure they will be in communication though.

REP. SMITH (108TH): And have you had the chance before today to speak to any of your members on how they may feel about this Bill?

JUDGE STREIT-KEFALAS: I am reluctant to speak based on individual conversations with individual judges. The Association is a consensus membership organization and I would leave it for the Assembly and the Judge's Association to speak as to their position. I can tell you that historically the Office of the Probate Court Administrator has opposed similar Bills because of the fact that Probate judges are elected officials and should have the independence and the ability to manage and hire their own individual staff and the fiscal impact is significant.

There are also a number of ramifications that are undetermined such as the differences with the Connecticut State Employees' Pension as opposed to the Probate Judges and Employee Retirement fund

which is a unique fund. There are a lot of questions in that regard that are unanswered by this Bill.

REP. SMITH (108TH): Well I thank you for your testimony this morning and I know it's short notice that your Association has had to come up here to testify, appreciate you in fact being here this morning and I would hope that, you know, this is the first, I guess the second step. The first was the concept now we have a Bill up here but there will be other steps along the way and hopefully between now and the time we vote on this in Committee we will have some type of response from your Association on your position. Thank you.

SENATOR KUSHNER (24TH): Representative Winkler.

REP. WINKLER (56TH): Yes, thank you for your testimony. At the bottom of page one of your testimony and the top of page two and several times verbally since then, you've expressed concern about the effect of collective bargaining on hiring decisions. Could you describe that effect please?

JUDGE STREIT-KEFALAS: Right now the current system allows for individual judges, as elected officials, to hire their own staff. The Office of the Probate Court Administrator has no input or oversight in who they hire. I think many courts are actually employ individuals from their respective communities and it is that ability to maintain direct constituent support and communication with the public that is an integral part of the way each individual judge operates the employment.

REP. WINKLER (56TH): So if the workers had collective bargaining then the decision on who hires the employees would change?

JUDGE STREIT-KEFALAS: Potentially, it's unclear from the way the current Bill was drafted. But there is a question as to whether 60 individual courts would have, retain that ability or whether there would be one unit that would administer the process by which staff is hired.

REP. WINKLER (56TH): So it's your belief that hiring is covered by collective bargaining?

JUDGE STREIT-KEFALAS: It is unclear from the way the Bill is drafted what ability the individual judges would retain in terms of their right to hire and supervise.

REP. WINKLER (56TH): From your testimony I didn't get the fact that it was unclear, I got the fact that you thought the Bill definitely interfered with hiring practices and I just wanted to know. So now it may or it may not?

JUDGE STREIT-KEFALAS: The way the Bill is drafted is contradictory in that it preserves the language that the individual employees would serve "at will" as hired by the judge but simultaneously be considered or deemed State employees for purposes of Chapter 68. It is unclear what the ramification of that would be.

REP. WINKLER (56TH): Okay, traditionally hiring decisions are pretty much management's prerogative. Traditionally the unions get involved after the person is hired. Are you familiar with that?

JUDGE STREIT-KEFALAS: Thank you, Representative I am aware of that. The unique aspect of the Probate Court is that we have 60 individual courts and so it is not the terms of the working conditions necessarily that I am discussing in terms of that issue but rather whether there is a process by which the individual judges would have that ability.

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

SENATOR KUSHNER (24TH): Any other comments or questions from the Committee? Thank you, Judge. Next up we have Senator Dan Champagne.

SENATOR CHAMPAGNE (35TH): Thank you so much for allowing me to speak before this Committee. I want to thank those in charge. I want to speak today about posttraumatic stress injury and the fact that last year we left out the MTs and there were other units that we wanted to look at. I did submit a letter to this Committee asking to add them, also asking to add the dispatchers and the corrections employees.

These are situations, you know, my main concern last year when we tried to enter this in the Senate was the fact that we have three individuals who show up at a scene, two would be covered and one would not and that just didn't make sense to me. I am happy that we're back this year. I'm hoping that we pass it. I do hope that we don't change the language because if this gets out of control and becomes so expensive we're gonna end up in the same situation we were last time. So again I am here to show support for this Bill and I am hoping that this can be moved forward. Thank you.

SENATOR KUSHNER (24TH): Thank you, Senator. I do recall you speaking when we considered this in the Chamber last year and, you know, I thank you for your commitment to the workers in making sure that we are addressing their needs and, you know, one of the things that happened last year we were not prepared for some of the classifications that came to our attention at the last minute. I think we're trying to address that now and you were very important to making sure that these voices were heard as well as others on this Committee and so, we do feel very positive about our ability. We don't want to leave anybody out again this year that is part of that team you discussed and I think that really speaks to the reason that the dispatchers weren't included. So, thank you for being here. Senator Osten.

SENATOR OSTEN (19TH): Thank you very much, Madam Chair and thank you, Senator for coming and speaking. I thought that your testimony last year was, on the floor, was powerful. I just want to go through a couple of things with you. You said that you're hoping that we don't change the language and I want to let you know that I am hoping that we do change the language each year to get it a little bit stronger. And I've done the calculations on how expensive this form of workers' compensation would be and I would point out to you that I passed a piece of legislation on this Committee that dropped workers' compensation costs down by 50 percent across every job class in this State and private and public sector and that was the hospital fee structure Bill that we passed one year and then strengthened it the next year. And NCCI who is an organization that sets the workers' compensation

rates for the State of Connecticut has each year, as a result of that hospital fee structure, dropped our costs down 50 percent. Now there is still more work to be done but as far as workers' compensation goes, there has been no other Committee that has worked so hard to both drop the costs down on workers' compensation and protect workers. Cause the ultimate goal is for us to get workers back on the job and keeping them fully complaint because we put, even if you look at the dollars, companies put a lot of dollars into workers and they want those workers to come back because they are the best ambassador. Any company's best ambassador is the workers that work for them. But I want to tell you, you know, another thing is according to the numbers and I went across this country to get the price points on workers' compensation for mental health on a broader basis, fully a half of one percent are the numbers of workers' compensation cases that come before workers' compensation. This is true of Florida out to California, through any of the western states. This is not something that is just our State and only the total cost of the workers' compensation on a broader level is two percent. Two percent of the total workers' compensation costs, so while we have worked very hard to drop it down by 50 percent, with the hospital fee structure, which helped workers, helped employers, and provided the resource for people, we can certainly afford two percent costs on workers' compensation.

You know, there are still people that are left out of this legislation. I remind people when Sandy Hook happened teachers were traumatically impacted. Still today they are not covered by this. It's a wrong that needs to be corrected but you are right,

absolutely right, that we need to take our time doing it and so I am hoping to convince people like yourself who knows the impact of posttraumatic stress talk so powerfully on it, I was moved by what you had to say and that you recognize that posttraumatic stress is an injury just like any other injury and all job classes should be protected across the board so that we can make sure that there isn't any pocket of people that are left without real treatment and I also point out that as a Vietnam Era Veteran, many of the people that I worked side-by-side with and I was never in combat, I am not a combat Veteran, I watched people suffer from posttraumatic stress. The military has figured it out. We have started to figure it out here in Connecticut but there's still some work left to be done to really let people know across the board that this is not expensive to take care of, this is something that we should take care of. So I'll share with you the data that I have that shows that this is not expensive and I may sound a bit sensitive but I've been lambasted by many people who thought we would not be able to afford this kind of protection. We proved last year that we could afford it and we proved last year that it was necessary, we will prove it again this year and I look forward to working with anybody in this building to prove to them that posttraumatic stress, an injury to the brain, is something that we should be taking care of and I am hoping we also carry this to the private sector and also in all of our policies revolving around mental health so that we can take care of children with trauma from, not through workers' compensation obviously but we need to, as a society recognize mental health is as

important as physical health. Thank you very much, Madam Chair.

SENATOR CHAMPAGNE (35TH): Thank you. You went in a lot of different directions but one of the things I will say comparing Connecticut to other states, we have to keep in mind that Connecticut is more expensive to do a lot of this and when I mean expanding, it is expanding the definitions of how the law works and taking it slowly is a great way to do it and making sure with ramifications but make sure we study what the costs are here in Connecticut as well as, you know, making sure we don't outprice ourselves. That's important.

SENATOR KUSHNER (24TH): Other comments or questions? Seeing none, thanks. Thank you, Senator. I don't see Senator Looney so we will move to Wildaliz Bermudez who I just saw come in the room, City Councilwoman from the City of Hartford. Hello.

WILDALIZ BERMUDEZ: Good Afternoon, thank you so much. My name is Wildaliz Bermúdez and I serve as a Councilwoman for the City of Hartford and I am here to stand in support of SB 227 AN ACT CONCERNING A FAIR WORK WEEK SCHEDULE.

This bill would stabilize the lives of countless Connecticut workers by ensuring that their employers treat their work, their time, and their families with the respect that all people deserve.

And today I speak not just as a Hartford City Councilwoman but as a lifelong worker. I know what it means to have an employer that does not respect your time or your humanity, and I know the toll that it takes on one's family life and one's physical and

mental health. I have also successfully managed many individuals in my professional career, and I know that a consistent and fair schedule is not too much to ask of an employer. We cannot continue to prioritize corporate profit margins and managerial convenience over the health and well-being of the working people of Connecticut.

We as a State must take a step back and realize what is at stake in this discussion. When we imagine the world that we are trying to build for our constituents, none of us imagine creating an entire class of people working multiple part-time jobs in lieu of one full-time job and this happens a lot in cities like Hartford, New Haven, Bridgeport, etc. and throughout our entire State of Connecticut. We don't want to force people into desperation or anxiety about not being able to rest and spend time with their family in-between consecutive closing and opening shifts. Our vision for the future of Connecticut must be one of happy, healthy and fulfilled families and SB 227 is an opportunity to enact this vision for millions of Connecticut residents.

We as elected officials share the responsibility to create a livable standards that our residents can expect in their lives. Connecticut workers are expected to rise to meet the challenges of building and running our society, the least that we can guarantee for them is the security of a good faith schedule given to them in advance. The least we can do for ourselves as a State is to build an economy that creates good, stable jobs, rather than exploitative part-time positions. An economy of limited, part-time work only increases our State's

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burden to provide and expand basic services and benefits for more and more people. When we allow employers to shirk their responsibilities to the people building their operation, the employees are only the first to suffer. In the long run, without a Fair Work Week policy for Connecticut, all of us lose.

Therefore I am calling on you as Committee Members to join me in fighting for our families, for our public health, for our economy, and most of all for the idea that all people deserve dignity and security in their place of work. Thank you.

REP. PORTER (94TH): Thank you, Councilwoman. Any questions from the Committee? Yes, Representative Fishbein.

REP. FISHBEIN (90TH): Thank you, Madam Chair. Good Morning, thank you for your testimony. I am just looking at the businesses that would be effected by this legislation and you mentioned workers being impacted not being able to take breaks and things like that. Do you have particular knowledge with regard to why these various let's say restaurant occupations are in this Bill?

WILDALIZ BERMUDEZ: Can you repeat that question again, why?

REP. FISHBEIN (90TH): Certain restaurant occupations are in this Bill?

WILDALIZ BERMUDEZ: Yes, so just to put things in perspective and as someone who worked, used to work directly in the restaurant industry when I was completing my masters' degree I was a waitress and that is how I paid for school. And so one of the

things that we have to consider in the restaurant industry is that the way that things stand right now if you are a waitress, or a server or a bartender, etc. if you are that kind of employee, you could be called into work at any minute, and without having something like a fair work schedule ahead of time, it really places you in a position of disadvantage. So taking into consideration my experience, seeing that, you know, you could be called in at any moment, and especially within the lens of being a student, it is really difficult to then be able to make it on time for your classes or even attend certain classes and to really balance out your entire schedule ahead of time which is, and that is from a student lens. That is not even looking at it from the lens of a family member.

So imagine in the scenario you are not a student and you are the sole breadwinner, you are a mother of one or two children and you have small kids and you have to make sure that you have childcare so that you can go off to work.

REP. FISHBEIN (90TH): So the question had to do with why certain restaurants are in this language and whether or not you knew why. I totally got it with waitresses and bartenders and that kind of stuff. But can you explain to me why this would extend to a frankfurter stand which is expressly in the language? Why would, what's the situation cause there is no waitress, no bartender at a frankfurter stand or operators of food vending machines, why that would fall within this language cause there is no waitresses or bartenders there? That's what I'm asking about, why are those restaurant occupations as defined in this language? If you know.

WILDALIZ BERMUDEZ: So, yeah. So what I can speak of is to the fact that as legislation is being drafted you want to be inclusive so as to preempt in future scenarios because things change in the workplace and thing can change respective to certain restaurants and compared to other restaurants and so that inclusive nature is, for lack of better words, kind of like fool proofing so as to make sure that everybody has a true, in terms of the employees have a true and equitable say for their scheduling, for scheduling practices. That is one lens to look at it but because I am not, since I am not the original drafter of it, I am here in support of as someone who was directly impacted as someone who served as a waitress and also saw it carried out through other restaurant practices. I am in full support of this.

REP. FISHBEIN (90TH): So you're here testifying as somebody in the restaurant, the traditional restaurant venue, waitresses, bartenders because a certainly this language could say everyone, factory workers are not address by this language, right and perhaps they suffer the same thing but I think the two carveouts here are mercantile workers and restaurant workers.

WILDALIZ BERMUDEZ: Like I said, I think it is important sometimes as we draft legislation that we really foolproof and we are as inclusive as possible because we wouldn't want a scenario where certain groups of people are excluded and it needs to be encompassed in a more equitable way for everyone. So that's just food for thought not just as someone who served as a waitress while I was obtaining my masters' degree but also as someone who is an elected official in our State Capital, the City of

Hartford and we see many of our constituents who work in this industry who would be in support of this Bill SB 227.

REP. FISHBEIN (90TH): The industry of restaurant workers or mercantile, you're not saying that there is a problem in the City of Hartford with how they treat their workers? They aren't addressed in here either.

WILDALIZ BERMUDEZ: So I am referring to the folks who do this kind of work, day-in, day-out to provide for their families who have been systematically excluded and oppressed by not having an equitable say in terms of how their schedule is going to lineup.

REP. FISHBEIN (90TH): Okay and do you have any knowledge as to the mercantile aspect of this? There is a whole section on the mercantile trade, the retail selling of groceries, or commodities, so on and so forth.

WILDALIZ BERMUDEZ: So in reference to that particular section I think that you will hear from a lot of different perspectives who are in support of SB 227 and I know with certainty that you will be able to ask someone else in reference to that particular section that you're referring to right now.

REP. FISHBEIN (90TH): Okay, because I worked in that industry for many years as an employee so I look forward to somebody, so. Okay. Thank you. Thank you, Madam Chair.

SENATOR KUSHNER (24TH): Yes, just let me ask you a question to follow up on Representative Fishbein and

you may or may not, I recognize that you didn't draft the Bill and you may not be familiar with this but I have been made aware that there are restaurants that during warm season might have a hotdog stand outside their restaurant and use their employees from inside their restaurant, in other seasons might be not employed outside in the cold but might be serving hot dogs from a hotdog stand, have you seen that in the City of Hartford where you live?

WILDALIZ BERMUDEZ: Yes, so we do have a lot of food trucks in the City of Hartford. We have folks who employ a lot of Hartford residents through the food truck industry. We can look at, you know, whether it is at our new Dillon Stadium and the contracts that we have allowed for Dillon Stadium to allow folks from the community to have their food trucks available and serve the population at these games or we can also turn to our parks, the best example being Bushnell Park that has an entire slew of food trucks that park along the park throughout weekdays and also weekends and so there is, that is a presence that we have in our city and we want to make sure that as I said before, all workers are protected in terms of their rights to scheduling.

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

REP. PORTER (94TH): I was just gonna say the same thing that you just stated. Thank you, Madam Chair.

SENATOR KUSHNER (24TH): Okay, are there any other comments or questions from the Committee? Thank you very much for your testimony. Next we have Senator Looney.

SENATOR LOONEY (11TH): Good Morning Senator Kushner, Representative Porter, Members of the Labor and Public Employees Committee. I am Martin Loony the State Senator for the 11th District representing New Haven, Hamden and North Haven.

I would like to express my support today for several Bills on your agenda. First, Senate Bill 232, AN ACT ESTABLISHING COLLECTIVE BARGAINING RIGHTS FOR CERTAIN AGRICULTURAL WORKERS, House Bill 5276, AN ACT CONCERNING DOMESTIC WORKERS, Senate Bill 227, AN ACT CONCERNING A FAIR WORK WEEK SCHEDULE, House Bill 5270 AN ACT CONCERNING THE RIGHT OF A PUBLIC EMPLOYEE TO JOIN OR SUPPORT A UNION, and Senate Bill 231 AN ACT CONCERNING WORKERS' COMPENSATION BENEFITS FOR CERTAIN MENTAL OR EMOTIONAL IMPAIRMENTS SUFFERED BY EMERGENCY MEDICAL SERVICES PERSONNEL, DEPARTMENT OF CORRECTION EMPLOYEES AND DISPATCHERS.

Senate Bill 232 and House Bill 5276 would provide long overdue protections for agricultural and domestic workers. We have been working for some years to increase protections for domestic workers and I believe that we should also address the lack of protections available to agricultural workers. Just last year New York state passed the Farm Workers Fair Labor Practices Act which granted certain labor protections for agricultural workers who have been denied basic protections that are provided for most other workers. Both farm and domestic workers also should have access to certain protections that derive from unique aspects of this sort of employment that is housing standards because housing is often at the job site. Agricultural and domestic workers in the United States are generally denied certain basic worker protections under

federal law that are guaranteed in most employment situations such as overtime pay and the right to collectively bargain.

The history of this exclusion is long and painful. The true origins of it actually go back to slavery and Jim Crow. *The New York Times 1619 Project* documenting the 400 year history since the beginning of slavery in this country notes that "it was largely at the behest of Southern Democrats that farm and domestic workers – more than half the nation's black work force at the time – were excluded from New Deal policies, including the Social Security and Wagner Acts of 1935." The Wagner Act ensured the right of workers to collective bargaining and the Fair Labor Standards Act of 1938, that set a minimum wage and established the eight-hour workday. The same voting bloc ensured states controlled crucial programs like Aid to Dependent Children and the 1944 Servicemen's Readjustment Act, better known as the G.I. Bill, allowing state leaders to effectively exclude black people in parts of the country that maintained segregation. It appears unlikely that the current federal government will step in and right this wrong and it's time for states to step in and guarantee humane working conditions for both agricultural and domestic workers.

And I am pleased to see Senate Bill 231 on the agenda. This legislation would expand on Public Act 19-17 and intends to ameliorate further some of the unfortunate changes made to the workers' compensation law in 1993. Specifically, this Bill would expand workers' compensation coverage to emergency medical services personnel department and

corrections employees and dispatchers. Police officers and firefighters as first responders were included in Public Act 19-17. Those suffering from a mental or emotional impairment as a direct result of witnessing the death or maiming of another human being whose death or maiming was caused by an act of a person. But again, this is a mental or emotional health impairment without an accompanying physical injury and our general workers' compensation statute since 1993 has required a physical injury in order for any mental or emotional injury to be compensable. In recent years medical science has made it increasingly clear that a mental health impairment can be as disabling as a physical impairment. I would also support an expansion of this legislation that would not limit this coverage to specific classes of workers.

Since 1993 advances in neuroscience have demonstrated that the injuries caused by the trauma of witnessing a violent death or maiming are indeed real and when such injuries occur in connection with employment they should be compensable at least to the extent that the General Assembly provided coverage to first responders in Public Act 19-173 . The coverage in that Act limits benefits to 52 weeks after the diagnosis date and it also prohibits any of these benefits from being awarded beyond four years after the qualifying event that formed the basis for the PTSD and it also prohibits an officer or firefighter who is receiving PTSD benefits from receiving workers' compensation permanent partial disability benefits. So it is a limited benefit but at least it is something that recognizes the reality of that form of injury. The act further limits an officer's or firefighter's PTSD benefits by

prohibiting them from exceeding the officer's or firefighter's average weekly wage when combined with his or her other benefits, including those received from contributory and noncontributory retirement systems, Social Security, and long-term or short-term disability plans.

While this bill is certainly a welcome expansion of last year's important bill, it would not assist employees such as teachers and other employees who witness school shootings such as at Sandy Hook or co-workers at the Lottery Corporation or Hartford Distributors. None of these employees would have a compensable injury without a physical component. It is beyond time for a change to reflect current scientific understanding of the causes of mental impairment. There are a couple of technical concerns with this Bill, I believe LCO is aware of that need to be made.

I am also looking work with the committee on House Bill 5270 which would ameliorate some of the damage done by the *Janus decision* of the United States Supreme Court. While states are somewhat limited in how they can address this matter, I believe this Bill offer a creative solution. In addition, Senate Bill 227 which is the one the Committee has raised, and House Bill 5275 would greatly improve the quality of life for shift workers who currently have little control over their own schedules and that is certainly a hardship for many workers because many industries, employers do require employees to be on call where the employee may be required to come in to work with as little notice as the morning of and in that instance the employee may find out at the last minute that he or she is not required to report

to work and that may cause a significant hardship after making arrangements for childcare and other short notice adjustments that have to be made, they may have already turned down other opportunities for employment that day because we know many low income workers work at multiple jobs to piece together a living and they have paid for childcare of even started a commute to work but will no longer receive any compensation for that time. So for instance a working mother who budgets with the anticipation of a 30 hour workweek and may find herself only working ten hours in a given week and assuming that she is making the \$11 dollar minimum wage her earnings would drop from \$330 dollars a week to \$110 dollars the next and this sort of unpredictable and unstable income makes it an awful struggle for families to meet basic needs. So policymakers in many states including our neighbors in New York City have enacted new work hour protections that include advance notice of work schedules, compensation for on call shifts and the right to have input into their work schedules, I believe that we should follow in this direction also in terms of humane working policies. Thank you, Madam Chairs for raising these important Bills.

SENATOR KUSHNER (24TH): Thank you very much for your testimony and I see Representative Fishbein has a question.

REP. FISHBEIN (90TH): Thank you, Madam Chair. Good Morning, sir. Just focusing on the 227 with the shift workers, it is my understanding that, I mean this is a somewhat lengthy Bill but a portion of it restricts an operator of a restaurant from calling

in a worker off of their shift. Is that generally accurate?

SENATOR LOONEY (11TH): I believe, so I don't have the language of the Bill in front of me but I guess generally accurate.

REP. FISHBEIN (90TH): I know there is some provision when you add them up, it sort of adds up to that. So one of my concerns is, you know, in my district there is a few places that are, you know, restaurants that hold events unfortunately when someone passes. Somebody passes on a Thursday, they are gonna have a service on a Saturday and they want to have some sort of celebration dinner and many times the restaurateur, they don't know the person is gonna pass, they don't know the event is gonna, you know, somebody is gonna call. What protections are in the Bill of that restaurateur to be able to call in additional workers?

SENATOR LOONEY (11TH): I would invite the Committee to think whether anything might be done to make that accommodation but I think overall establishing the general principle that the workers have to have at least some notice and flexibility is important even in those circumstances where you might have the unforeseen funeral situation.

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

SENATOR KUSHNER (24TH): Other comments or questions from the Committee? I don't see any so thank you very much for coming and sharing your testimony with us today.

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SENATOR LOONEY (11TH): Thank you, Senator and Thank you, Representative Porter and members for all of the good work that this Committee undertakes annually. Thank you so much.

SENATOR KUSHNER (24TH): I always appreciate hearing from you, you always have some words of wisdom from a historical perspective, so we appreciate your participation. Next up I have James Burke of the Town of New London.

JAMES BURKE: Senator Kushner, Representative Porter, Members of the Labor Committee, thank you very much. My name is James Burke, and I am a City Counselor in New London, Connecticut and I have come here today to testify in support of SB 227 AN ACT CONCERNING A FAIR WORK WEEK SCHEDULE.

I know in my community there are several families who are impacted by unfair scheduling practices. I personally have experienced unfair scheduling practices. You know, as a 19, 20-year-old living outside my parents' house for the first time, situations where I'm waiting around seeing if the restaurant jobs are gonna call me into work or not was an inconvenience. Situations where I would get into work on a Wednesday at a hotel and they would tell me, occupants for the weekend is really not that great, we don't need you on Saturday. Well that was a headache, you know, but I got through. Today, as a parent who is trying to raise three kids, put a roof over their heads, get them to the doctor, make sure they're fed it would be debilitating and I am lucky enough today to work at a workplace with fair scheduling practices, we're actually a department manager for a business with 45 employees, it's a food cooperative grocery store.

We currently post our start schedules two weeks out and, you know, I would also like to speak how I think, you know, complying with this Bill would be a benefit for businesses.

You know, employees are one of a business's greatest assets and creating an environment for them where they're not, you know, wondering what their paycheck is gonna look like is gonna make them more invested in that business and, you know, deliver returns to the business owner in due time. So I just again, thank you for listening to me today. I really think this is a great Bill that's gonna, you know, help out a lot of impacted families in Connecticut and I think that many businesses will actually see that it will be beneficial to them as well. Thank you.

SENATOR KUSHNER (24TH): Thank you very much for your testimony. Are there any questions for this witness? Representative Smith.

REP. SMITH (108TH): Thank you, Madam Chair. Good Morning, sir. Did you say you're a councilman as well?

JAMES BURKE: I am a City Counselor in New London, Connecticut.

REP. SMITH (108TH): So we don't often get Councilmen and women up here to testify on our Bills unless it directly affects their city. I am just wondering is there association that you are part of that, a group that you are testifying in support of this Bill today?

JAMES BURKE: No, I am just a City Counselor in New London and I've talked to several constituents in my

community whose lives would be positively impacted should this Bill be passed.

REP. SMITH (108TH): Do you believe the employer should have any flexibility in terms of changing work schedules?

JAMES BURKE: I believe that as written, the employer does have a decent amount of flexibility. I'll give an example. You know, closings and openings are not ideal but they happen where I work at a business that is open from 8:00 a.m. to 8:00 p.m. currently. Sometimes it happens, you know, they get the registers counted and they are clocked out by 8:30 p.m. and I ask the keyholder to be here at 7:30 a.m., that would be ten and a half hours. Under the language of as written for the first half hour of that, my employee would get time and a half. Do I think it is worth compensating them time and a half for 30 minutes to acknowledge that these short, you know, back and forths without adequate time to reset and spend time with your family, yes I do think that is adequate and that is one example of how it does provide some flexibility to the employee, ah, employer?

REP. SMITH (108TH): Are you the owner of that business?

JAMES BURKE: No, it is a cooperative, well I am one of thousands of owners of that business, it is a cooperatively owned grocery store and yes I am a member of the co-op.

REP. SMITH (108TH): So as a member of the co-op you get to make business decisions in terms of how much is paid or how much is not paid to an employee?

JAMES BURKE: I am a department manager, where I manage the largest department in the store of over 45 employees and I do get to make decisions around, I do scheduling for about a dozen employees and I set hourly wages as well.

REP. SMITH (108TH): Okay I mean it's obviously it's important for folks to know when they are going to work and when they are expected to go to work but it also equally important in my mind for employers to have some flexibility. I don't believe this Bill actually does that enough. It actually punishes the employers for any change or minor change in the work schedule without 14 days' notice which is in the real world in my experience not practical. So I appreciate you testifying today. We will continue to listen to the testimony. Thank you, Madam Chair.

SENATOR KUSHNER (24TH): Representative Fishbein.

REP. FISHBEIN (90TH): Thank you, Madam Chair. I hate to be redundant but what town, was it New London?

JAMES BURKE: New London, Connecticut.

REP. FISHBEIN (90TH): And does the Town of New London operate concession stands at its parks?

JAMES BURKE: I believe, yeah at Ocean Beach we do, yeah.

REP. FISHBEIN (90TH): Okay and it is your understanding of this language that the Town of New London would be constrained by what is required in this law also.

JAMES BURKE: I believe that a concession stand is actually, New London owns the beach and its operated

by a contractor so I don't see it impacting the City directly in anyway.

REP. FISHBEIN (90TH): And how does that, the contractor more than likely pays the City of New London for the opportunity to vend its product is that how it works?

JAMES BURKE: Correct and though I am not certain, I assume that there would be more than 25 employees, therefore they would have to meet the standards of this Bill should it be passed.

REP. FISHBEIN (90TH): So I guess what an entrepreneur, a risktaker that decides to open a business like that may do is they would leave everybody on, they are gonna pay everybody for eight hours, there is no on-call, there is no off-call. That's the way to deal with this, correct?

JAMES BURKE: As someone who sets scheduling at a business with 45 employees, that grosses \$45 million dollars a year, I am constantly looking at levels of staffing in relations to sales over the past few years to determine the amount of staff I need and quite frankly, you know, I think that anyone who is a good entrepreneur should be able to look at their sales over the past two years, determine adequate staffing they need and otherwise, you know, I wouldn't call anyone who can't do that a successful entrepreneur.

REP. FISHBEIN (90TH): So, a concession stand at a park would be positively or negatively impacted by let's say a torrential rainstorm on a particular day that they had projected based upon the weather was going to be sunny day. They'd need less employees, correct? They wouldn't find that out within two

weeks so in order to deal with that issue, they could say we're just gonna pay everybody for the time and essentially the City of New London would be impacted through that contract cause the employer would have to be constrained by this language.

JAMES BURKE: Certainly and definitely in that situation would there be some sort of a loss that establishment would, you know, face, yes. Now however those employees by still earning some of the money from that shift there is a rainstorm, they don't need to show up maybe they are gonna take their family out to dinner at one of our local restaurants in downtown New London instead. Yes, you know, it's coming at both ends but I believe that giving the employees the financial ability to predict their wages will have a positive impact in our community as a whole.

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

SENATOR KUSHNER (24TH): Any other comments or questions from the Committee? Thank you very much for your testimony and I would like to call up next, Representative Ann Hughes.

REP. HUGHES (135TH): Thank you, Madam Chairs and distinguished members of the Labor Committee. I am Ann Hughes, Representative Ann Hughes of the 135th District. I am testifying on support of HB 5270 AN ACT CONCERNING THE RIGHT OF A PUBLIC EMPLOYEE TO JOIN OR SUPPORT A UNION and I would like to yield the remainder of my time to Dan Livingston.

DAN LIVINGSTON: Thank you, Representative Hughes, thank you Senator Kushner, Representative Porter, members of the Labor Committee. First I just want

to note that I am honored to be sitting here with my brothers and sisters, leaders of the Public Employee Union Leadership. Many of the Public Employee Unions throughout the State are seated behind me in the front row, Shawn Lennon from the firefighters, Sal Luciano from the Connecticut AFL-CIO, Jan Hochadel from AFT Connecticut, Rob Brill from SEIU 1199 Northeast, Jodie Barr from AFSCME, Carl Chisem from CEUI, Rick Motetta from SEIU, Debbie Wright from UAW, Jeff Leake from CEA, Dave Glidden from CSEA, Rochelle Palen from 32BJ and there may be some others that I've missed in which case I apologize.

I am just going to say a few things about House Bill 5270 and then I'm happy to answer any questions as a Union Attorney for more than 40 years, perhaps serve as a resource to the Committee for any questions that they may find helpful.

So, let me begin with this, the for more than four decades the State of Connecticut has recognized the important public interest in an efficient and effective system of collective bargaining in the public sector, democracy frontline workers having a genuine voice in the workplace, rule out spatter public services, reduces issues of workplace discrimination on the basis of race, national origin, sexual orientation and gender, empowers frontline workers to raise important public issues within their workplaces and offices without fear of retaliation or retribution. Even such a strongly antiunion opinion is *Janus v AFSCME* which overturned decades of precedent that law fair share fees and public workplaces did not question the legitimacy of a state's judgement that strong and effective public service unions serve the important public interest.

The Bill being heard today is in service of that important public interest, it does not seek to weaken or avoid the Janus holding for better or for worse, Janus is the law of the land. What this Bill does is recognize in the post-Janus world the state's interest is harder to achieve.

The Bill before you would make good sense no matter how Janus did come out but they are particularly important in light of that decision. I won't go line-by-line, short version of what this Bill does is first it recognizes the essential intuitional role that unions play in a healthy workplace, make sure that members have the right to meet with union representatives at the worksite, make sure that union members can hold worksite meetings, make sure that union representatives and members have the right to meet newly hired employees and be part of orientation, make sure unions receive notification of contact information for newly hired members and others and gives unions access to the public employer email system to better communicate about union affairs.

The second set of things that it does it clarifies the rules concerning collecting dues in the post-Janus era, it recognizes and respects that a union card and dues authorization is a voluntary contract between grown-ups, members and the union specifics that the union be the custodian of the record, clarifies how dues are collected and assigns any disputes about that where they belong with the State Board of Labor Relations.

Finally it promotes a safe workplace by making an unfair labor practice for an employer to interfere with people making the decision whether or not to

join a union or to encourage people to drop their union membership. That's a decision for the union members to make.

Passing this Bill will hardly make Connecticut unique. As of today bills with the same purpose and many of the same provisions have passed and been signed into law in California, Delaware, Hawaii, Maine, Maryland, Massachusetts, New Jersey, New York, Nevada, Oregon, Rhode Island and Washington. We hope that Connecticut will join its sister states in acting to protect public policy in favor of collective bargaining. I hope I can serve as a resource to the Committee if you have any questions that you may have about the Bill but with that I'll yield to the Committee. Thank you.

SENATOR KUSHNER (24TH): Thank you very much for your testimony. Any there questions or comments from the Committee? Representative Porter.

REP. PORTER (94TH): Can you just briefly speak to the importance of, you know, what we're really looking to do in this Bill as far as making sure that workers have a right to join or support a union and what the impact of that is on the entire State of Connecticut when that is not the case?

DAN LIVINGSTON: So the public policy in favor of collective bargaining comes from the fact that first of all it is frontline workers who understand public services and the services they provide better than anyone. Public service workers are the strongest supporter of the services that the people of the community need. Without a union their voices often can be silent, silence in the workplace in terms of what the best choices are about how to provide those

services silence that they speak up against discrimination on the basis of race, creed, color, national origin, silence if they bring forward complaints about mismanagement or corruption which is rare but corruption being rare in Connecticut but it happens. All those voices, critical voices to the people of this State and the service they depend upon are best served by a strong system of democracy at work where workers have a voice, and so that system is threatened when by frankly, the decision that the United States Supreme Court made in Janus, that decision is the law of the land, we can't do anything about that but we can make sure this State stands up for its policy and gets the benefit the people need out of collective bargaining. One of the ways to do that is to make sure that despite Janus that workers get the information they need about the union that they have a right to belong to, make sure that the union can operate effectively in the workplace, make sure that workers can act without fear of retaliation from those employers who don't understand the public policy in favor of unions and frankly the services they provide.

REP. PORTER (94TH): Thank you for that response and can you just speak to why we can't or shouldn't rely on employers to relate this message to workers?

DAN LIVINGSTON: Yeah, I want to start with this. We have some employers who understand the value of the unions, I don't want to paint all manager with a given brush, but frankly we have some employers who don't. So that's one thing we have employers who get in the way of workers' having a voice, we have employers who are threatened by people having the strength to standup but the other thing is the

employers role and the unions role are different. The union is the voice of the workers, the unions position on the contract is the voice of the workers, that is not the employers job. The employers job about a collective bargaining agreement is to be the voice of management. And so workers should hear about their contract from fellow employees from their union and not from management. That's where they should learn what their contract provides and what their rights are.

REP. PORTER (94TH): And I would make the assumption that the employer wouldn't really know the content of a contract, how the bargaining went because they. How does that work? Speak to that.

DAN LIVINGSTON: Well certainly many, many hiring officials are not at the bargaining table and their job is really not to bargain contracts, their job is not to enforce contracts, their job is to do whatever their particular managerial job is. The unions job is to be the voice of the members and in particular the voice around what the contract means and making sure its enforced.

REP. PORTER (94TH): Thank you for that clarity and my last question, through you, Madam Chair is you referenced the Janus Decision can you just speak to the impact that it's had on union membership, has there been a decrease in union membership since that ruling? Through you, Madam Chair.

DAN LIVINGSTON: You know, I think that the Janus Decision and really the people behind that decision, the billionaire Koch brothers foundations, etc. actually caused response that maybe they didn't expect. We didn't lose anywhere near the number of

members that I think the Koch brothers anticipated although a lot of folks woke-up, understood what was at stake that the balance in our society was threatened by the effort to silence the voice of organized workers and so I think actually we have not lost many workers. What we have found is that the ability to be certain that we are reaching new members and that new members are hearing about the contract is particularly made important by Janus. There is no, there is no balance to the free-rider status of a person who doesn't understand the union can come in and get all the benefits of the union without ever paying a penny. It's very important that we be able to reach out to those folks to make sure they understand what they are getting and make really a fair and free choice about what they are going to be a part of the union that really is their voice and that has helped create the benefits that make their lives better.

REP. PORTER (94TH): Thank you so much for your responses and I do appreciate you being here today to kind of bring some clarity around the issues and some of the rhetoric that's out there around what we're trying to accomplish in this Bill and I know that I've heard that, you know, collective bargaining is actually been a divide, creating a gap between, you know, private industry and union members and so far as pay and benefits but what I will say to that is that I would hope that we're leaning toward unions are fighting for workers in the way of equitable, livable, sustainable wages, benefits and all of that that comes with collective bargaining. So I really do appreciate you taking the time to be here today to fight on behalf of the

working people in the State of Connecticut. Thank you, Madam Chair.

SENATOR KUSHNER (24TH): I just want to follow up on Representative Porter's comments just now and questions and ask you about, you know, it would seem to me that this issue really goes to transparency, this Bill really goes to transparency in allowing workers every opportunity to hear from their representatives or their potential representatives about the very specific and important conditions under which they would work and you've addressed that here and I think that is very important. I also think though that it goes to, you mentioned that there were forces that were looking to reduce union membership in the public sector and how that hasn't panned out as well as they anticipated and that has been my experience as well as what I know to happen. But I also believe that their interest was not just, wasn't pure, let me put it that way, that it was intentional to reduce the potential strength of an organization not just financially but through having broad membership, and you know, I'm pleased that that hasn't, that result that they were not successful here in the State of Connecticut and certainly in many states around the country. I do want to also ask you though to comment on sort of the ways in which public sector unions particularly here in Connecticut have worked with our government to make sure, in a very collaborative way, to protect the State and move the State forward when sometimes that requires sacrifice on the part of our union members. I wonder if you could address that as well?

DAN LIVINGSTON: Sure, so I mean, without going too far back in history, I think I would start by saying this way. Public service workers begin by working with the people that they serve and recognizing the mutual interest in defending services that they provide so that the community has the benefit of those services whether in good times or in bad. And so each of the times we worked with administrations beginning with the Weicker Administration in 1992, 1991 and 1992 through all the governors since, it's really been a coalition of the workers and the public that they serve and then reaching out or working with sometimes hostile, sometimes friendly administrations to make sure we can continue providing the services that people need. Sometimes that meant making changes in wages, benefits and working conditions that were a real sacrifice by workers. That was certainly true in the early 90s with Governor Weicker. It was certainly true, we offered substantial sacrifices with Governor Roland shortly before Governor Roland's troubles that I won't speak about, but he was not willing to work with us. But then Governor Rell, Governor Malloy with each of those administrations workers consciously make significant sacrifices, workers by the way many of whom were not at risk of lay-off, but made sacrifices on behalf of the public they serve and we have always stepped up, the people I'm proud to represent, have always stepped up because frankly they're public service workers, that means something. That's what they do.

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

REP. FISHBEIN (90TH): Thank you, Madam Chair. Good afternoon, Dan, nice to see you again. I wasn't gonna say anything, I wasn't gonna ask any questions until you used a term that I quite frankly find to be offensive, and that is free-rider. I don't know if you were aware but there is currently litigation over whether or not that is a derogatory term in the context of waver. I know I think it is on page 58 of Janus Decision, the term free-rider is discussed and what the plaintiff in that case asserted was that they were a forced-rider not a free-rider. I find it difficult that when somebody exercises their Constitution right which the Supreme Court did recognize, and actually the Supreme Court has recognized for many years prior to Janus. We had Abood, Chicago teachers, they all you could opt out but you had to pay an agency fee. In fact back in the 1950s the Second Circuit actually put an obligation on municipalities on public sector contracts to have a level of disclosure. So, you know, I have some trouble dealing with that and I just want to ask you about the grievance process.

When a public sector employee who has exercised their Constitutional right to opt out of the union files a grievance who represents them in that process?

DAN LIVINGSTON: So that is quite a long introduction into the question. So let me just say something about the introduction. You know, I don't think there is anything strong defender of the First Amendment Rights of working families than the United States labor movement including the Connecticut labor movement that I am proud to represent and, you know, the five person Supreme Court majority that

you discuss is standing up at the behest frankly of Koch brothers funded litigation for First Amendment Rights for workers is the same Supreme Court that says there is no First Amendment right for a worker to point out the corruption of his boss if that can in anyway be determined to be part of that worker's job. So that worker loses his job and we're concerned about \$40 dollars, allegedly concerned about the First Amendment rights connected to some small portion of \$40 dollars a month in union dues. So I have a lot, I'm not questioning you motives, sir, but I have a lot of difficulty accepting the motives of the billionaire foundations that claim to be standing up for First Amendment rights.

But as to your specific question, based upon the duty of fair representation a union in the State of Connecticut has the same obligation to defend an employee who refuses to pay a penny to protect his or her job security or all of the benefits that may have been negotiated as they do for someone who is the best and most active union member. Same precise obligation.

REP. FISHBEIN (90TH): Well no, maybe after my long introduction, that wasn't really my question. My question, in the workspace, there is something that happens with a public sector union, well public sector employee who has opted out of the union and there is going to be a grievance proceeding for whatever reason whether it is an alleged bad act by the employee or alleged bad act by the employer there is going to be some sort of dispute. Some sort of adjudicative process, who represents the worker in that process?

DAN LIVINGSTON: So typically a worker has a right to initiate a grievance on his or her own. Once the grievance has been filed the union has a right to be present and has an obligation to represent that worker regardless of that workers union status.

REP. FISHBEIN (90TH): So the worker who has exercise their Constitutional right to opt out, to be a nonmember, are they afforded their right to get their own separate counsel or is union counsel the only counsel that they can have in that proceeding?

DAN LIVINGSTON: First of all the good news is that most of these proceedings at the level you're talking about happen with union stewards and union staff not union counsel. Part of the advantage of collective bargaining frankly is that it often provides a reasonably efficient and less costly method of resolving disputes than if we had involved lawyers in every single one of these things. And so typically it is the union steward speaks on behalf of the employee with the employee, there are circumstances where unions may permit employees to have their own separate counsel but ultimately the contract belongs to the members as a whole. The members collectively, they vote for the contract, they vote for their union leaders and so ultimately the carrying out the administration of the collective bargaining agreement is the responsibility of the union as a whole and its leadership, stewards, etc. not any individual employee.

REP. FISHBEIN (90TH): And for that nonmember individual to get their own counsel to represent them, they need the permission of the union? Isn't that true?

DAN LIVINGSTON: That is correct. And that is the corollary of the fact that they don't need their own counsel. They've got a steward and ultimately if there is going to be a need for a lawyer they've got the union lawyer even though they are not paying for it which is one of the problems with the whole Janus Decision and why people use the term free-rider because they get all the benefits and don't pay a penny.

REP. FISHBEIN (90TH): Well no, that is not. No that is not exactly what the decision said. But it does leave an opening, so, you know, I know most of the people in the room have not read the decision. I have a few times. But the point is that if the person opts out of being a member of the union because, let's say lack of trust, which is their right. Now they are being forced to be represented by representatives of a body that they don't trust. And the only way they can get permission to get their own independent counsel is permission by the body that they don't trust. I'm not saying whether I trust or don't trust but if it is about workers forced riders is not appropriate.

DAN LIVINGSTON: Again we could agree about the term but I think you and I could talk a long time and never come to an agreement about the term. But the administration of the contract on behalf of all of the members through the system of collective bargaining is something that even the five person majority in Janus talked about an important public interest, they accepted the fact that states like Connecticut and many, many others could recognize the importance of collective bargaining so that there is some balance in the workplace because the

voice of any individual worker against the voice of a governor or a mayor or whatever it is, is very difficult for that voice to prevail but the voices of the workers together it's a little bit stronger. The labor movement stands stronger together. So you and I might disagree about that fundamental precept and perhaps you wouldn't vote for a system of collective bargaining but it is the public policy of the State and that's what we are proud to be part of.

REP. FISHBEIN (90TH): No and you will never find anything that I have said, I agree, I totally agree that there is a value on both sides to collective bargaining. I have never said that I am anti-collective bargaining, you will not find anything to that measure. You know the other aspect from my perspective is on wages.

You know, you get two employees working for an employer and one is an exemplary employee the other is at least subjectively not, the exemplary employee is tied as far as wages to the other one, which is a negative in my mind.

DAN LIVINGSTON: You want me to respond to that?

REP. FISHBEIN (90TH): Sure.

DAN LIVINGSTON: So, you know, here's what you gotta balance, you can balance the idea that an employer always knows and always has good faith and always knows who the best worker is and the second best and the third best and everybody will be paid based upon the employers perfect knowledge or you can look at the history in this country where the workers who are often paid the least when they don't have a system like collective bargaining to protect them

are people of color, are women, for a long time were people of not the majority sexual orientation, or people from other national origins, or people who had the courage to maybe not say yes to their employer when their employer was committing improper acts, so those are the people who were kept at the bottom of the scale and so you have to balance this, this notion of the perfection of the merit system that some individual human being only has good faith and knows all these things about merit against what I think is a much more historically accurate view that this excess of discretion in human beings often leads to discrimination, uncertainty and improper conduct. And I strongly favor the balance of collective bargaining tends to stand for. By the way there are some collective bargaining agreements that do have merit as one of the things that is considered both sometimes in wages, sometimes in promotions all kinds of things, so it's not correct collective bargaining and merit are at exactly opposite ends of the spectrum but this notion of absolute so-called merit decision is not something that we support because it so often really isn't about merit, so often it perpetuates some of the worst things about our country that our history is trying to overcome.

REP. FISHBEIN (90TH): And I don't disagree. My statement was not one to be anti-collective bargaining I am looking as the worker. I mean I've been a union member and I work very hard, and you know sometimes that is another reason why people chose to use their Constitutional right to opt out of the union is they don't like being tied, they don't like that process. That's all. I'm not saying whether or not they are right or wrong.

DAN LIVINGSTON: That hasn't been my experience and, you know, I appreciate you saying that you're not against collective bargaining but I will say that the groups that when you invoke Janus and the alleged theory behind Janus, the groups that you are associated with they are opposed to collective bargaining, they are opposed to any system by which workers have a voice and anyway that people in the public sector or the private sector can balance themselves against the incredible accumulation of power that many of us face every day. So that may not be you, I will trust your good faith but it certainly is a lot of the people who you are invoking.

REP. FISHBEIN (90TH): The what?

DAN LIVINGSTON: The people that you are invoking when you talk about the Janus Decision and what it stood for.

REP. FISHBEIN (90TH): No, well I try not to invoke, I try and do my own reading. You and I have had at least one case against each other involving these issues and, you know, I represented people that have exercised their Constitutional rights, so you know, but that's it. Thank you, Madam Chair.

SENATOR KUSHNER (24TH): Thank you, Representative. Thank you. Are there other comments or questions. I see Representative Wilson Pheanious, Pheanious Wilson, sorry. I know, it's "WP", I'll try and remember that.

REP. WILSON PHEANIOUS (53RD): No problem. Yes, unlike Mr. Fishbein, I don't have a problem with the term free-rider because when you are getting benefits that are hard fought by numbers of people

and you are paying nothing for them, when those dues support that activity, you're getting something for free and you are riding for free, so I don't have the same philosophical problem. The question that you raised however, was and I wonder under what circumstances would the union refuse an individual's right to their own lawyer in a circumstance where somebody was not a member of the union and felt that they needed legal representation?

DAN LIVINGSTON: So typically the grievance process an informal process, the idea of people sort of randomly bringing in attorneys and then legalizing "attornizing" if there were just a word, the process is inimitable to the way the process works, so I would be surprised if most unions would allow someone whether they were union members or not union members to bring in a separate lawyer in the first, second, third, you know, step of the grievance procedure. I have seen it happen in a few circumstances where getting into the arbitration process a worker says they are really not comfortable being represented by the union and they really want their own lawyer, I have seen unions say okay. Frankly it is not usually in that worker's interest [Laughs] they are usually much better off going through the formal structure but I've seen unions say okay in those circumstance a number of times.

REP. WILSON PHEANIOUS (53RD): I'm also wondering about the collection of dues, why is it important the authorization for dues deduction be, come from the union card rather than the employer. Isn't the employer in a better position to maintain that data?

DAN LIVINGSTON: Well one of the important parts of this Bill is recognizing that worker's as grown human beings reach contracts like anybody else reaches a contract that the union card and the dues authorization is a contract between the union and the member. This Bill gets the employer out of the middle of that, the employer doesn't belong in the middle of that. Getting the employer in the middle of that is an opportunity for two kinds of mischief. One is the employer interfering in trying to push people for or against the union particularly against. The second is litigation against the employer about whatever the employer did in that process. So this Bill say, we'll stay out of it, we recognize that the union is contracting, that's what it technically is when members sign a card, members can always of course drop out of the union but the nature of that contract is between the member and the union. It's not between the member and the employer.

REP. WILSON PHEANIOUS (53RD): Okay. I know that you touched on this before, but I am wondering about the activity level of people trying to talk union members out of being in the union in Connecticut. Can you describe some of that activity from outside groups that are actively trying to move people out of unions?

DAN LIVINGSTON: Sure. There are groups euphemistically one is the Freedom Foundation, there is a Right to Work Committee, there are many others names of which I won't remember. They have taken billboards in this State, in other states they have actually gone door-to-door. They have a campaign which is cynically called Give Yourself A Raise

which is designed to encourage people to drop their union dues. Of course in the long run that would result in lower wages and benefits but, so they have been very active around the country both before the Janus Decision and particularly after the Janus Decision and they have appeared in Connecticut.

REP. WILSON PHEANIOUS (53RD): But I did hear you say it hasn't done much damage here in Connecticut?

DAN LIVINGSTON: I'm sorry, I couldn't hear you.

REP. WILSON PHEANIOUS (53RD): That it hasn't done much damage here in Connecticut as of yet or is that true?

DAN LIVINGSTON: That is true, as I said I think in our State, you know, sometimes when people recognize that they are under attack they wake-up and fight back and I think we have had a lot of members who said, wait a minute, why are they doing this to this union that I love and I'm gonna make sure I defend my fellow workers and the institution we all depend on.

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

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

REP. WINKLER (56TH): Representative Hughes, could you address how like public teaches which I know you know something about, would be affected by the Janus Decision and this legislation and how they are informed by their union rights?

REP. HUGHES (135TH): Thank you, Representative Winkler as you know I am the daughter of a proud teacher family and union member so currently when

new teachers arrive at school and they start their orientation the union stewards or the union leaders have to stand outside in the hallway of the auditorium and try to say, hey by the way, you know, you have rights to grievance we would love to be in communication about what your actual contract is so we can help you fulfill it and help the employer fulfill it and hold both parties accountable. So there is really been a marketed sidelining of the ability of especially new employees to understand their rights and benefits provided by their unions whether they and their union representatives whether they pay dues or not. And that is really a serious, that is really serious undercutting of the professionalism and the accountability for our workforce.

REP. HUGHES (135TH): Attorney Livingston, when I listen to some of the arguments against legislation like this, I think there is fundamental flaw. It appears that some people think that labor is subordinate to management and should always be and therefore some of this stuff is outrageous. Could I ask you to respond to that?

DAN LIVINGSTON: Sure. You know, all of labor law is built on the foundation of what they call master-servant law which came out of 17th Century England and without a union that is the situation. The manager is always the master and the workers are always the servant. The very essence of what collective bargaining stands for is to change that so you have two coequal partners at the bargaining table, the workers voice, the collective voice means every bit as much at the bargaining table as the managers voice. Frankly in public sector it is

particularly important because public services so much depend on the voices and actions of frontline workers and so yeah, I think the notion of management is somehow the senior partner [Laughs] or is still a vestige of this old master-servant law that we're still growing out of and it's really important that we grow out of it.

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

SENATOR KUSHNER (24TH): For the second time, Representative Fishbein and then Representative Wilson-Pheanious. S

REP. FISHBEIN (90TH): Thank you, Madam Chair. Attorney Livingston, is there any portion of this that you don't like of 5270?

DAN LIVINGSTON: If what you're asking me is do I think the words in the particular incarnation are perfect I think as many bills that are raised and brought to Public Hearing it will benefit from some further work and we will probably have a couple of suggestions, clarifying suggestions, I think in some places it may, the intent may not be as clear as we would like or the Committee would like. I wouldn't say, you know, I wouldn't say that's unusual that's a normal thing that happens when bills are raised and brought to Public Hearing.

REP. FISHBEIN (90TH): I thought that is why we are here today. Is there any particular portion that you would have written in a different manner, do you have suggestions, I mean because, you know, I don't know if this is the language? Very rarely do we vote on the same language we see in Committee, it's been my experience, so if we're going to see new language, you know, and somebody makes a

representation that it is something that you wanted or somebody else wanted, you know, it would be helpful if I knew that now, if you are prepared to answer that question.

DAN LIVINGSTON: Well actually the, there will need to be some work on this Bill, I'm gonna need a little time to do it. I think I was present when several remarks were made about other legislation that it is a long road and between now and when the language is voted out of the Committee I can tell you this, we have no intention of hiding any suggestions, we just want to make sure we do the work and get our suggestions as clearly as possible to the Committee leadership and to all of you to all, we will do that as quickly as we can and I'm sure we won't be the only ones doing that. But, that is the state right now.

REP. FISHBEIN (90TH): Any concern with redundancy with federal law in this proposed language?

DAN LIVINGSTON: I have not seen a concern with redundancy in federal law, no. As you know if you're talking about federal legislation it has very little impact on state collective bargaining laws so I haven't seen any redundancy issues.

REP. FISHBEIN (90TH): Well I am looking at Section O and P, lines 188 through 201 which has to do with employers discouraging public employees from being a part of the union essentially and I thought that was already codified in State stature and I can't recite for you exactly where it is but I've had some cases dealing with employers deterring employees from joining a union. That's redundancy with current State law.

DAN LIVINGSTON: Okay you asked about federal law, so now you're asking about state law, that's a little different thing. The current state law prohibits coercion and unfortunately the line between coercion and allegedly innocent encouragement by employers not to join unions can sometimes be very hard to figure out and can lead to some very unfortunate results for working people and so what this would do is make it very clear that consistent with the public policy of the State of Connecticut we don't want employers to encourage employees not to join unions or resign union membership. They can do that of course but an employer "encourages" and I'm putting that in quotes, that often is inherently coercive but the current law doesn't necessarily recognize that. So this clarification would make that a lot more certain.

REP. FISHBEIN (90TH): I thought, and I'm looking it up, I thought it was 14-572 or something like that, it's like a long list of adjectives as far as what the employer could not do.

DAN LIVINGSTON: Each of the collective bargaining Bills that, statutes that affect public employees in the State of Connecticut have a set of prohibitive practices which govern employer conduct like each of them covers coercion and there are similar terms but there is no certainty in any of those statutes that when the Labor Board is investigating an employee who has been "encouraged" to drop union membership or encouraged not to join, that the Labor Board understands that the power dynamic in an employer encouraging is inherently coercive and there are a number of cases where it has been clear that the

Board doesn't read it that way and so this part of the statute would make it clear to the Board that the General Assembly does and understands that inherently unfair power dynamic.

REP. FISHBEIN (90TH): Okay. Well, I look forward to seeing whatever revisions. Thank you, Madam Chair.

SENATOR KUSHNER (24TH): Thank you. Representative Wilson Pheanious.

REP. WILSON PHEANIOUS (53RD): Thank you. It occurs to me as I read through this Bill that without some of its provisions it would leave the work of explaining the union contract to the employer and I wonder in your experience how effective are employers in explaining union contracts? I mean, I was a long-term manager of a large agency within Connecticut and one of my most troubling experiences was that often I would get involved in something and find out that my managers hadn't read the contract or didn't understand what the contract said and we wouldn't be in the trouble we're in if they had read the contract. So I don't know how general that experience is but I wonder if you would comment.

DAN LIVINGSTON: I think, first of all I think that is a very general experience that the working managers, the ones who supervisor frontline workers often have not read the contract and are not familiar with its terms. But the other thing I think is framing and perspective. We are all at some level the prisoners of our own experience and perspective. We expect the union and the members to be able to reflect their experiences, frontline workers and what the contract means about that experience. We would not expect manager to reflect

the same experience and so, you know, certainly if you want to talk about for instance, limitations on a manager's ability to force someone to work overtime or to take away an assignment because a person maybe complained about whether that assignment was appropriate or even legal you would not ask the manager from the managers perspective to try to explain that, it's much better to have a representative of the union and the members to explain that and why it is so important in the public interest.

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

SENATOR KUSHNER (24TH): Thank you. I do want to go back to an issue that was raised and asked for some clarification around the whole question of representation during a grievance or arbitration procedure and I appreciate all that you contributed to answering that question but I also wondered if you could speak a little bit about, I know my experience was that if an arbitration award is rendered that then becomes like case law. That becomes part of the contract because it becomes an interpretation of the contract and my experience was that we wanted to be absolutely certain that if we were going into an arbitration proceeding or sometimes even a grievance settlement could be precedential so there is a very, I think legitimate concern that representation by the union, the party that had interest to the contract is critical to always be involved because of that sort a becoming, that outcome becoming part of the contract going forward. So I wonder if you could address that?

DAN LIVINGSTON: Yeah, I think that's right. I mean the contract ultimately belongs to the membership as

a whole and any decision made under the contract interpreting or enforcing the contract has implications for the membership as a whole so the union's ultimate ability as the elected representatives of the members to make a determination about how to move forward or not move forward, what arguments to make or not make, it's a very important part of the overall collective voice of the members.

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

SENATOR KUSHNER (24TH): Any other questions or comments? Okay, then I think we are finished with you. Thank you very much for your testimony.

DAN LIVINGSTON: Thank you and I just want to say I am not speaking to the other Bills that are on the list but I do want to thank this Committee for continuing both the Chairs and the members of the Committee for continuing it's many years as a proud voice of working families and improving conditions for all of us and thank you.

SENATOR KUSHNER (24TH): Thank you. Okay, so we have gone past the first hour for public comment and testimony and I do know that we have several public officials who are still in the room and I would ask your indulgence. We are gonna start alternating with the public since we also have a lot of members of the public that have been waiting. So next up on the list for the public I Kara Dewaine already testified with Commissioner Rollin, so I am assuming she is not going to be testifying again. So the next person on the list would be Eric Gjede.

ERIC GJEDE: Thank you so much. Good Afternoon, my name is Eric Gjede and I am here on behalf of the

Connecticut Business and Industry Association here to oppose three Bills today. Senate Bill 227, the restrictions on scheduling Bill, Senate Bill 226 regarding ride sharing and then House Bill 5273 regarding call centers.

You know, the business community is pretty concerned with some of the items on this Agenda and, you know, I don't know some of you that well but I would like to believe that at the end of the day we all want Connecticut to be a place where there are a lot of job opportunities and people are prospering in every community. I think regardless if there is a "D" or an "R" after your name in this building we probably all share that goal.

But there isn't a balance in this State between the needs of the workers and employers. Our economy is not where it should be. In fact last year was the second worse year for job growth in the last decade. Just for an example Rhode Island, a quarter of our size of our State geographically, had five times as much growth. Now, don't get me wrong, there is absolutely some signs of life out and good things are definitely happening across the State. But we need to be realistic about how we are faring compared to other states. Employers in this State want to create opportunities for people but none of the items on this Agenda help with that.

I want to start talking about the Call Center Bill. First of all this penalizes businesses 20 times the amount of an identical federal law if they attempt to leave the State or transfer segments of their workforce without 100 days or more of notice. This is not gonna have the effect that you think it will. I can promise you that if this is enacted, call

centers will continue to leave our State and figure out a way to not be subject to these penalties. I can also promise you that what this will do is ensure that nobody opens a call center in this State ever again.

On the transportation network company Bill, this Bill attempts to micromanage an industry that people are flocking to because of the opportunities it provides to them at their convenience. If we want businesses to come to Connecticut, we have to stop trying to have the State compete with or dictate the business models to these businesses. Look at the retirement industry and the Retirement Security Advisory Board, the State attempted to take over the private sector market and ensure that enroll the entirety of the working population that didn't have an employer sponsored retirement plan. There was no need to compete with the private sector on that. Instead we could have all partnered together, private sector and public sector and worked on educating people on the importance to save. But what happened instead is millions of dollars are spent on a program that never got off the ground, five plus years of flailing around and not a single person has a retirement plan as a result of this program.

On restricting scheduling Bill, how does this go about helping to create jobs in this State? Why would anyone want to take their money and risk it all by investing into a business here? Think about the burden this Bill will place on businesses, even ones that have never had a complaint related to scheduling. These restrictions on scheduling make it impossible to react to changing customer demands

it makes it difficult to fill less desirable shifts and less desirable locations and what do you think the impact is going to be on communities that are already struggling to attract businesses. Why would any person open a business here and be restricted in this way when they could find a state where there isn't this type of restriction? And there are no states that have adopted a Bill that looks exactly like what you are attempting to do.

All of these items that are on this Agenda attempt to create a perfect job, the only problem is there is not gonna be that many of them. There will be others who will talk about the specifics of these bills as it applies to their industries but I am here today because somebody has to be practical about what this legislation will mean for businesses and the people they employ. If enacted these laws will result in negative implications to employees, but it doesn't have to be the case.

If there are problems in this State let's try and solve them together. Not two weeks ago I stood side-by-side with both Democrats and Republicans in support of a piece of legislation that will help curtail age discrimination in the hiring process. We are here to help. The business community is here to help but what you have put forward today are not workable solutions and I am happy to take any questions.

SENATOR KUSHNER (24TH): Thank you, Are there any questions from the Committee? Representative Wilson Pheanious.

REP. WILSON PHEANIOUS (53RD): Yes, I don't know if it's a question or a statement, but it seems to me

in your presentation you are neglecting to note who it is who produces the work, who it is that is the underpinnings of any industry we have in Connecticut. It is the worker, its' workers who we have to consider. They are the ones that produce the product, they're the ones that produce the services and that manage things and yet it seems that they are the last consideration of business. I am hearing what you are saying about, you know, needing to have a balance in these things but I don't always see that balance coming from frankly CBIA. I see, it's almost the reverse of that and I guess that's what I'm commenting on. It's like it's as though business can be created and maintained without considerations to the needs of workers.

When you look at something like the call Bill for example where people are simply asking for a reasonable way to manage their lives, if somebody can switch a call Bill, I mean, switch the employment to another country with no notice leaving hundreds of people unemployed and it's in a constant state of inability to manage their lives. I don't see how that benefits Connecticut or Connecticut business. Can you comment?

ERIC GJEDE: Absolutely. Well first of all, we as CBIA always encourages its member companies when they call to pay the best wages, provide the best benefits they possibly can. That is something we consistently say. But what I did hear is, and I don't think that we disregard the importance of labor because labor is a critical piece of the puzzle here. But there is also the need for people to take on the risk of starting a business, creating all those opportunities for people to work. That is

where the problem is right now because everything that we have done in this Committee over the last few years has made that risk too great for so many employers, certainly not every employer. You know, I would never say that. I think certain industries are faring quite well. I would like to see a lot more industries faring quite well and I would like to see more opportunities created for people. So I think we have done so much in this State to make that risk too great for people and I would like to see us adopt some of the things that other states are doing, maybe cutting some of the costs until we get back on our feet because we are not competing in terms of jobs the way the other states around us are. And that is a real concern. You know, there is an essentially, I think it was described in one media article a few weeks ago as "lost generation" in this State.

We haven't created the jobs our neighboring states have and I would like to see that happen because I do want people to be able to, you know, if they don't like a particular employment opportunity that they are in right now to be able to have multiple opportunities that they can jump to preferably if they don't like their employer, the next closest competitor to ensure that there is plenty of opportunities in wage growth in the State. I might disagree with your characterization of our position.

REP. WILSON PHEANIOUS (53RD): It's only what I'm hearing and I wonder to what extent things like the poor infrastructure, our bad roads, our lack of, you know, high energy wi-fi these things impact our ability to create industry and to develop industry as well but it seems like it's always about what the

worker can't get, what the worker oughten have in favor of promoting business and that's what I guess I am reacting to.

ERIC GJEDE: Yeah, I'm not sure. I mean that I would agree with you that infrastructure is a piece of the puzzle. But I really think it is a lack of predictability is the key issues and that cuts across the, you know, Committee areas of cognizance that's, you know, the constant promises that are made to the business community in terms of tax policy, the constant use of surprises when it comes to labor policy. Those are the things that really jump out to me when our membership is communicating to us.

REP. WILSON PHEANIOUS (53RD): Well they surely must understand that same lack of predictability is what some of the provisions are getting at for the worker and it's a balance between the two that I guess I'm seeking.

ERIC GJEDE: And I think that would be much better, I'm sorry to cut you off, my apologies.

REP. WILSON PHEANIOUS (53RD): Same here.

ERIC GJEDE: And I think that would be much better if we created a State where conditions in this State where business were thriving. I think there would be more opportunity, more not just jobs but more shifts available, better wage. I think all of that would come if we just allowed the business community to thrive the way that so many other states around us have.

REP. WILSON PHEANIOUS (53RD): And the workers that work for them to thrive.

ERIC GJEDE: Of course.

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

SENATOR KUSHNER (24TH): Any other comments or questions? Seeing none, thank you very much. Next up we have Senator Formica, Senator Paul Formica.

SENATOR FORMICA (20TH): Good Afternoon. Thank you very much, Madam Chair. Representative Porter, Senator Kushner, Senator Miner an absentee and Representative Polletta and Members of the Labor Committee. Thank you for the opportunity to come and speak with you today. My name is Paul Formica, I am the State Senator in the 20th District.

I am here in opposition of Raised Bills 227 and 5275 that's AN ACT CONCERNING A FAIR WORK WEEK SCHEDULE. I first would like to take exception of the proposals name as I find there is nothing "fair" about anything in this Bill. There are many provisions in this proposal that would make it very difficult for many businesses to operate successfully while attempting to comply with this proposal.

1: A 14 day notice does not in any way account for any unplanned for business cycles that can and often do occur anytime in operating a business especially in the hospitality industry, which is a currently a multi-billion dollar industry in the State of Connecticut.

2: Forcing employers to pay to pay overtime regardless of the amount of hours worked in a week.

3: Implementing a one-sided written acceptance provision in favor of the employee only.

4: Implementing a written "estimate" quote end quote provision that contains clearly defined criteria that employers are held specifically accountable to.

5: Employer hiring controls with penalties attached

6: Excessive civil penalties and this just touches on a few items in this Bill.

Small businesses are the job producers in this country providing 80 percent of today's jobs. This proposal removes the latitudes necessary for those businesses who depend on weekly scheduling to be successful and seems to me to be a huge overreach into the private sector.

Why should employers be required to provide a two week advance notice for work shift yet employees shall be given the opportunity to request a change without any advance notification?

A major part of the workweek benefits for both employers and employees, especially single parents, working teens, in a schedule is the flexibility that it provides for both parties. This proposal removes that flexibility and the consequences of this initiative will end up being detrimental in my view to both the employer and the employee. I urge you to think long and hard if this Bill moves forward. Thank you very much for your time.

REP. PORTER (94TH): Thank you Senator Formica and thank you for your patience this afternoon. Any questions or comments from the Committee?

REP. WINKLER (56TH): Yes. Senator Formica thank you for your testimony. Is there any advance notice that you would accept?

COMMITTEE PUBLIC HEARING

SENATOR FORMICA (20TH): Well typically you try to work within the business. I can only speak with the business which I am familiar with and that is my business. It may be different in the hotel industry or something but we have a book that is a request off book that the staff fills in what they want to do for the week. Often times they wait until Saturday or Sunday morning to fill that book out before the work week begins Monday to Sunday. So I think it would be very difficult for both sides to come up with a date or a time or a number of hours ahead of time that would say, this is what will work for the entire complement of businesses in the entire State of Connecticut because, I just don't think you could put something that would handcuff the flexibility of managers, and supervisors and employers that provides scheduling each and every week.

REP. WINKLER (56TH): So from your perspective there is no minimum?

SENATOR FORMICA (20TH): There doesn't seem to be a number that you can come up with I think would be a standard number that would fit. One number might be work for some business but it might not work for others. So we're talking about legislation for the entire State of Connecticut's business community that operates scheduling. So I think I would find it very difficult to come up with a number or recommend a number. I think it's, and I also don't know why government would consider that, you know, it's the businesses opportunity to do business and that's what we're in business for, freedom and the latitude to provide a service and an opportunity to create jobs.

REP. WINKLER (56TH): But you could see that maybe parents need to schedule teacher conferences or doctors appointments and that it would be helpful to have some sort of schedule that they could rely on?

SENATOR FORMICA (20TH): Well and that of course is a factor that we deal with all the time. You know, we have a lot of single moms and dads that work. We have a lot of teens that work who play sports or are in a band or in a play and those, you know, those opportunities come forward all the time and those are fluid and oftentimes those opportunities come after the schedule has already been done. I know myself we had a two week, or one week, or two day notice to put it up I mean you've got to have a couple days realistically for business flow. So I don't think it would be any less than that. But it doesn't matter, any of those things, because somebody will call up and say, hey something happened, I gotta take a test at school or you know, I have a conference, a parent conference or, you know, I want to go watch the kid play soccer and, you know, those opportunities come up within the schedule as well, so.

REP. WINKLER (56TH): So realistically managers need a couple of days, would it be fair to say that realistically workers need a couple of days?

SENATOR FORMICA (20TH): And I would say absolutely, but I would say realistically that happens and 99.99 percent of the businesses in the State of Connecticut that operate on a weekly schedule because otherwise they wouldn't be able to schedule the people they need.

COMMITTEE PUBLIC HEARING

REP. WINKLER (56TH): So if we use two days you would say that would work in 99.9 percent of businesses?

SENATOR FORMICA (20TH): I would say it is certainly much more realistic that 14 days, but I'm not sure that I would agree that it is the prevue of this Committee or the General Assembly to start initiating those kinds of restrictions on business.

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

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

REP. POLLETTA (68TH): Good Afternoon, Senator and thank you for being here and for providing some testimony. When I see this Bill I often times wonder if the Connecticut State Legislature is gonna take its own, if they pass this Bill, are they gonna take its own advise since a lot of times we get called in with a day's notice for session. Will we be notified now 14 days prior for session? I'd be interested to know, that would definitely help me I guess if I can know when I'm gonna be up here voting so I could plan a vacation or sometime with my family. However, I don't think that's gonna be the case. So like many times we don't do what we say up here, we don't practice what we preach.

But back to the Bill at hand, SB 227. In your industry and I know you've been before this Committee before testifying, you know, I think it was eluded to prior that you could have a washout and you may call some folks in to work a patio in which you've opened up, let's say 15 tables and all of a sudden the weather changes on an instant. Do

you have something like that at one of your establishments where someone could dine outside?

SENATOR FORMICA (20TH): We do, yes.

REP. POLLETTA (68TH): Thank you and in an instance where there is torrential rain that is unpredicted, New England weather, what then is the protocol if you've let's say overstaffed for the occasion?

SENATOR FORMICA (20TH): Well we could call up and tell the folks who have been scheduled outside that there's no opportunity to work today because nobody is going to be sitting there and they understand that and they don't want to work there, outside.

REP. POLLETTA (68TH): Thank you and so in your opinion, you know, if this Bill were to move forward there should be some sort of provision, some sort of exemption in this Bill for facts that are totally beyond our control, correct, like an act of God like for instance an extreme weather event in which folks cannot report to work. Would you agree with that?

SENATOR FORMICA (20TH): Well I would agree weather needs to be part of it. I'm not sure extreme weather event needs to be in there because, you know, we have one inch, one-half inch of snow and we don't get the people coming to work, not to work but we don't get the people coming in to buy anything. They just don't leave their home so is half an inch or an inch an extreme weather event, is 95 or 100 degree heat an extreme weather event in the summer yet a lot of people don't want to sit outside and eat and so.

REP. POLLETTA (68TH): And it leads me into my next question, the amusement parks of the world like

Compounds, Six Flags, Quassy Amusement Park which borders my district, they have youth that they employ every summer and as we just discussed, you know, one drop of rain and one bolt of lightning will shut the park down. I think, I don't think there is anyone on the panel that would want to see their child on a rollercoaster during a thunderstorm or a lightning storm. I certainly wouldn't want to see my child on a rollercoaster, or I should say, I don't have any children so my nieces and nephews. Let me retract that [Laughter]. So in that situation if it would affect the entire establishment for the day, there would be then no work for the individual and in essence the manager would have to send these folks home. That is totally beyond our control and this legislature trying to take this up is outrageous because we can't even predict the weather what's gonna happen tomorrow never mind what's gonna happen in 14 days. We don't know if we're gonna have a snowstorm in 14 days. We don't know if we're gonna be in shorts in 14 days. It was 60 yesterday and it's gonna be 30 on Monday. So the fact that we're even trying to predict weather up here when we have so many other issues is beyond me.

But getting back to the point at hand, I think that it was mentioned a little while ago that perhaps there could be different carveouts for different industries and I am sure we're gonna hear more testimony after you throughout the afternoon about different situations in which this may be applicable. For the restaurant industry, which I know there is folks here from the restaurant industry, is there a situation, have you seen a wide spread call of action from folks that work in

restaurants that they are being just called out and I'm just talking about your industry cause you are familiar with it, I don't think anyone up here besides maybe Dave Rutigliano who owns a restaurant, I could be mistaken have you heard of a mass amount of waiters and waitresses saying that they are getting called out last minute?

SENATOR FORMICA (20TH): I have not heard that, I don't have that situation of the 45 employees that I have and I've been there 36 years. We just don't have that because you work with the employees. They are a valuable part of the business, the most valuable part of the business. You want them on the frontlines providing the customer service that you want to provide and so you work with them to make sure they are there and, you know, it's a lot different now than it was when I started 36 years ago. So there is a lot more conversation and there is a lot more negotiation about coming in but you know you have to make it work for people.

REP. POLLETTA (68TH): And going even further in my district alone I have a number of restaurants and I frequent just about every one of them and in the greater Waterbury Area as you know there are tens and hundreds of restaurants. Of all the time, I mean I don't want to brag but I think I'm well known in the area, I'm a business owner, I've never had one individual come up to me and say, man I was scheduled for my shift ten times in a row and I got cancelled out. I have had someone come up to me and say, well you know I'm not working today because I was supposed to work the patio and it's raining, and maybe they pick up a different shift. But I haven't heard it as widespread to the point where I think

government should be getting involved with this. I think we're best served when government stays out of our lives rather than in our lives and that is definitely the prerogative of my district. I know that everyone has a different district but my district certainly would never support a concept like this. So I thank you for your testimony and I look forward to hearing from other folks throughout the afternoon.

SENATOR FORMICA (20TH): Thank you very much, I agree.

REP. PORTER (94TH): Thank you, Representative Polletta. Representative Wilson Pheanious.

REP. WILSON PHEANIOUS (53RD): Yes, thank you for your testimony. And I was struck by your conversation with Representative Winkler.

SENATOR FORMICA (20TH): If I may just interrupt, I have very difficult hearing issues and you are very soft spoken, so I'm wonder if you could help me out by getting a little closer to the mic?

REP. WILSON PHEANIOUS (53RD): I will do that, thank you. Usually booming, but. I was struck by your conversation, your testimony back and forth with Mr. Winkler and I'm recognizing that there may be many parts of this Bill which will be, you know, subject to adjustment as we go along. But you seem to be saying that there was no reasonable, it was not reasonable to find a period of time when there might be notice given to employees about their, you know, their schedule. That 14 days seemed like it was ridiculously long. I didn't hear you say that no time should be admitted. It seemed we got to the point where there was a maybe two days was

reasonable on both sides or something like that. But I guess, and there were also comments about why the Labor Committee or government should be getting involved in this. And I guess I am stuck on the term master-servant which we know goes back so far in our history in terms of the way these labor law were created. The master has all of the right, has all of the power. The servant has virtually none and perhaps the reason you're not hearing from people about the change in schedule, the uncertainty that's created a lack of predictability in their schedule is because that is not the kind of thing people complain to their boss about often. I mean I could be wrong but maybe you're talking to the wrong people when the reason you're not hearing these concerns. I think everybody both business owners and employees are looking for certainty at the same time as they are recognizing the need for flexibility. And I guess I feel like it is the role of government sometimes to help those parties come together in a reasonable way and I wonder what your thoughts are on that.

SENATOR FORMICA (20TH): Well I think to the good Representative's point this seems to me to be a solution in search of a problem on a mass scale. I don't think that there are a lot. I would disagree with your master-servant definition or description because that is certainly not the case. We work very hard with our staff, with our customers, with our vendors to try to make sure that we operate on a business that is a win-win situation and in today's environment I can tell you that there are a lot of people who are very vocal about the schedule that they have and what they want. They come in with, you know, I'm a single mom, I have a two-year-old, I

have a three-year-old they go to daycare from "X" to "X", I'm available for those hours and we've had to adjust our business to accommodate so that we can make sure that we have good quality staff on a regular basis and so there is nothing in any way that signifies this hierarchy that you describe that there is no communication. We have a safety committee that meets that is staffed by employees and they have conversation with management. There is very open dialogue there about all of the aspects of the business, they get benefits, they get vacations, they get sick day, they get an opportunity to call up in the morning and say, hey my kid is sick I can't come into work. So I disagree with your assessment of that in a general form of the businesses here in the State of Connecticut.

REP. WILSON PHEANIOUS (53RD): Well I might disagree with your assertion or your assumption that all employers are as good as you are. And I think that when you are making a law you got to take into account those people that do take advantage of their superior power if you will in a circumstance and that is not, I wish everyone did operate in the terms that you do, but everyone doesn't. And so.

SENATOR FORMICA (20TH): I think the vast majority of 'em do.

REP. WILSON PHEANIOUS (53RD): I hope so but.

SENATOR FORMICA (20TH): I think in any industry you can find some bad apples.

REP. WILSON PHEANIOUS (53RD): Well as you said, the person you just suggested that your employees can be vocal about their needs and things, you know, that

nature that they come forward, so that is the very point that is being made and you're saying you are not hearing from people that need this flexibility I think you are.

SENATOR FORMICA (20TH): Well we have a request book people will fill out, we, you know, there are ways for them to express their opinion without conversations and people use that.

REP. WILSON PHEANIOUS (53RD): Do you agree that there may be some employers whether it is in your industry or in others who do not adhere to the same apparent good practices that you do?

SENATOR FORMICA (20TH): As I said, there are bad apples in every profession that you want to name whether the hundreds of professions that exist in this country can find somebody, whether that rises to the level of creating legislation that imposes these types of controls on everybody I would argue that that is not the case and this is not necessary in any way to promote business in the State of Connecticut and to protect employees, there are much better ways. This will have a detrimental effect on people [cross talking]that work, not a positive effect.

REP. WILSON PHEANIOUS (53RD): Well it seems to me that there may be room for further discussion and adjustment of some of these terms but I also believe that having a standard or, that people can mask themselves against and toward is appropriate. So I don't find it wholly inappropriate to consider this.

SENATOR FORMICA (20TH): I'm sorry I can't hear you. You said, standard.

REP. WILSON PHEANIOUS (53RD): I said I think there may be a standard needed whether this is the one, whether there needs to be additional negotiation about exactly what these terms are but I think that the law should set a kind of standard for what we are attempting to do in Connecticut to give employees a fair opportunity for predictability, stability. To give employers a fair opportunity to run their businesses effectively and there has to be a balance between the two and that balance is not always been achieved. So those are my comments.

SENATOR FORMICA (20TH): And I would argue that is what the free market is for and that is what we do each and every day, that is, I just represent a number of businesses throughout the State of Connecticut. I'm not unique in my efforts to provide a good living for single moms and teenagers. I support the IDD community and they come in and work, there is gonna be problems, you know, managing that in this Bill so we do all of that. We volunteer in the community. The employees that work with and for me volunteer in the community willingly and happily because they are part of it.

REP. WILSON PHEANIOUS (53RD): In part because they are working in an establishment that does that sort of thing. I don't disagree with you there and I thank you for your comments.

SENATOR FORMICA (20TH): Thank you and I would think 99.9 percent of the establishments do that, you may here today testimony from some folks who have been aggrieved by the opportunities that they may have had a scheduling issue and that happens, I'm not saying we don't ever have scheduling issues but to create legislation to try to legislate against the

weather or any types of these situations especially legislation put together by people who don't own and operate businesses and don't ever schedule or manage scheduling on a regular basis, doesn't seem to me to be the answer to this problem. Will all due respect.

REP. WILSON PHEANIOUS (53RD): I do not know that that is a fair criticism of the way the legislation was put together but we'll leave it as it were. Thank you.

SENATOR FORMICA (20TH): Thank you.

REP. PORTER (94TH): Thank you, Representative Wilson-Pheanious. Before I call on Representative Fishbein. Representative Fishbein.

REP. FISHBEIN (90TH): Thank you, Madam Chair. Good Afternoon, Senator. I first of all want to thank you for, in this Connecticut climate being one of those that is willing to be an entrepreneur and a risktaker to not only open a business but to continue to maintain it. You know, I worked in retail for many years, I dropped out of college and started off at the bottom so to speak, minimum wage and worked up through management and one of the things that I really strived for and was very successful at is my employees that I scheduled almost all of them worked themselves up to management also which, you know, that's what bosses do, you know, is to have their people grow. So, you know, in your experience as a business owner have you had the opportunity to do that and if you could share with us a story about you nurturing somebody through your business?

SENATOR FORMICA (20TH): Well I have any number of stories that I could talk to you about. We've had ten couples meet at the restaurant and get married as a result of that and we're nine out of ten so far. And I had the opportunity to perform a few of those marriage ceremonies so it's a good environment. I've had many of the waiters that are managers now. I have a woman run business predominately. Started as bus people, as waiters, they are now in their 23rd, 24th year with me and Jenae is the general manager. She is running the entire operation with my two daughters and she started as a waiter 23 years ago. I have a woman who has worked for me for 25 years, we just celebrated her 25th anniversary working with us in January. We put an ad out on social media for inviting our customers to come, we had over 150 customers come, bringing gifts to her, celebrating her. We gave her a number of gifts as a result of her long-term service. And, you know, she's been able to maintain her home, her vehicles, worked hard, she is doing very well and the community loves her and I think that is all part of this give and take that you're talking about. It's not just to your point people that start, right. I probably have six people that started as a waiter or a cook and now are in management positions.

REP. FISHBEIN (90TH): Well, thank you for that and it reminds me that I met my wife 27 years ago working in retail, so. But thank you and Thank you, Madam Chair.

REP. PORTER (94TH): Thank you, Representative Fishbein. Any further questions or comments? Seeing none, I will just take this opportunity to,

don't go nowhere, first thank you for being here again thanking you for your patience. And just wanted to respond to some of what you said. And I will support what the good colleague of my said, Representative Wilson Pheanious I wish we had more restaurant owners like you but we have not heard from employees that oppose this, me personally, I don't know about the rest of the members, I'm speaking for Representative Porter right now. But I have heard from several who support this Bill and several of them showed up this morning for press conference that we had and several of 'em had these testimonies, the ones that you don't get from your employees and I know why you don't get 'em, cause you actually accommodate and you make special provisions for your employees with special needs. But unfortunately that is not what is happening with a lot of other restaurant owners and other owners, you know, just business owners, not necessarily restaurant owners. And those people were up here this morning wanting to testify. They have been in to see myself and Senator Kushner around these issues where, you know, they're not able to predict their schedules, they are not able to schedule doctors appointments for themselves, their children. They are not able to schedule vacations, they schedule them, they have to cancel 'em, they go into work. Many of them struggle with transportation and babysitters only to get to work to find out that they are not needed so now they have to pay a babysitter when they didn't collect any wages for the day, they spent transportation they can't recoup and there is more transportation to be spent to get back home. And I just want to put that out there that, you know, there is a need, so this is not

really a, I forget how you quoted a solution in need of a problem, because you see Berkley actually did a study and found that 74 percent of the Connecticut workers' want a fair work week when it comes to scheduling. So we are not taking this lightly, I have listened to you, I'm takin into consideration everything that you said but the only thing I would ask my good friend is that you do recognize or, you know, hear the cries of the workers that are coming to us. All districts are different and I know your district is very different from mine and I know that the restaurant owners are not all the same just as employees are not all the same but there is a dire need, this is a problem that needs a solution and I'm hoping that, you know, this discussion you and I can further have outside of this Public Hearing on what we deem to be reasonable and equitable for, you know, restaurant owners such as yourself. We're not trying to hurt anyone, Senator Formica but what we're trying to do is make sure that the people that are putting their time and effort into getting to a job in an effort to pay their bills, right and to be able to take care of themselves and their families are actually being treated in a way that is fair and equitable.

SENATOR FORMICA (20TH): Well and I thank you for that and I have great respect for you as a Representative in the leadership.

REP. PORTER (94TH): Likewise.

SENATOR FORMICA (20TH): You have here and I am always willing to have a conversation about moving good legislation forward.

REP. PORTER (94TH): I appreciate that because.

SENATOR FORMICA (20TH): As I said earlier there may be some bad apples in any profession but I would think we could do much better than this if we're trying to solve a problem.

REP. PORTER (94TH): Yeah and I want to help the young lady that actually testified this morning and actually had the courage to go to her employer and say, you know, this is not working for me, these are the issues that I'm having and his response to her was, "take it or leave it" this is your schedule you can work it or you can find another job. And I know that is not a response that she would have gotten from you. I know that. But this is the response she got from her employer and it is employees such as herself that we are trying to help in this legislation. So I look forward to further discussions with you around this particular issue.

SENATOR FORMICA (20TH): Thank you, and I look forward to that as well.

REP. PORTER (94TH): You're welcome. Yes, and I'm sorry, there seems to be someone who wants to speak or question by the name of Senator Miner.

SENATOR MINER (30TH): Thank you.

SENATOR FORMICA (20TH): Good Afternoon.

SENATOR MINER (30TH): Good Afternoon I guess it is. So I apologize for not being here when you started but is there, are you aware of any employee that you have had that has left you because of the way the shift scheduling has worked in your restaurant?

SENATOR FORMICA (20TH): I'm sure over 36 years somebody has been aggrieved over some work schedule at some point in time but it's not something that

happens very regularly at all. We take a lot of steps to accommodate employees to get their schedule right and it's a selfish reason, to be honest with you, we want people to come to the shift and we can't schedule people when they're not gonna come in, so that's way it's a working together situation for us.

SENATOR MINER (30TH): So I don't know how many restaurants there are in the 30th District, but I can tell you that I've been to many of them and I can't think of an instance where one of the employees even asked to have an appointment to come in and talk about this being a situation they thought needed to be rectified. Every restaurateur that I have spoken to seems to have the relationship that you have with your employees, they are very concerned about us setting parameters around weather or safety conditions are any number of other things. Look, when the restaurant closes and they know they are gonna close, the clock stops for them, right. I mean you don't add additional costs but the employee they are the individuals that want to be there to make money and so I am not aware, at least they have not said to me that they feel a need to have this legislation. And so are you aware of other restaurateurs in and around the area where you run your business where it's become an issue?

SENATOR FORMICA (20TH): This is not in any way, in any shape or any form come to me as from either staffing levels at my restaurant or any other restaurant or managers or owners of any other place and presented this as an issue. It has not.

SENATOR MINER (30TH): Thank you.

REP. PORTER (94TH): Thank you, Senator Miner. Any further comments or questions for Senator Formica? Seeing none, I thank you again for your time.

SENATOR FORMICA (20TH): Thank you again for your generosity.

REP. PORTER (94TH): You're welcome. Up next we have Yasmyr Osman who will be testifying on House Bill 5276 AN ACT CONCERNING DOMESTIC WORKERS.

SENATOR KUSHNER (24TH): Can you make sure you turn on your microphone, there is a button down there and also introduce the other two people that are with you.

YASMYN OSMAN: Do you want me to introduce them first?

SENATOR KUSHNER (24TH): Well if they are speaking.

YASMYN OSMAN: Yes, they will be speaking. Well, Kelly will be. So, Good Afternoon I have with me here Kelly DeBald she is a community counselor and a host family with Au Pair in America and I have to my left Ruth Ferry who is Senior Vice President at AIFS.

I appreciate you're.

SENATOR KUSHNER (24TH): I do want to remind you that we are going to be timing you.

YASMYN OSMAN: To three minutes, yes. So thank you for the opportunity to submit testimony today regarding Bill 5276, AN ACT CONCERNING DOMESTIC WORKERS. I am Yasmine Osman. I am Deputy Director at Au Pair in America, a program of the American Institute for Foreign Study known as AIFS. We are

based in Stamford, Connecticut. I am also a lifelong Connecticut resident.

AIFS is supportive of the laws and regulations that protect the domestic workers especially for their safety and welfare. What we are asking is that the au pair program which is already regulated by the State Department to ensure their safety and the welfare of all the au pair participants that they be exempt from the definition of domestic worker.

The Department of State along with AIFS and the other organizations administer the program. They select, and monitor and partner with the organizations to ensure compliance of these regulations. Organizations are audited by an outside agency.

Au pairs come from all around the world. They are students age 18 to 26 years old, typically are not interested in choosing childcare as a lifetime career. Their motivations are for experiencing a cultural exchange in the United States and to learn about America culture and customs, attend educational courses and to improve their English language skills. They gain life skills and independence preparing them for further education and improved employment opportunities when they return to their home country.

There are over 1,200 Connecticut families hosting au pairs on the J-1 visa cultural exchange program. Au pairs receive full room and full board, two week paid vacation, six time A+ rated health insurance, round-trip airfare from their home country, educational allowance, in addition to a number of other benefits. In exchange for these benefits and

a minimum weekly stipend, the au pairs provide a childcare assistance for up to 45 hours a week and no more than 10 hours a day. Au pairs are required to receive at minimum one and one-days off each week and one full weekend off each month.

I have with me here, Kelly Debald. She is a community counselor, she is one of 18 counselors who are located in the communities where we place au pairs and she will give you a little bit more about her experience.

KELLY DEBALD: Thank you for giving us this time to speak. My name is Kelly Debald, I am a Richfield resident. On top of being a Richfield resident I am also a host mother and a community counselor for Au Pair in America as well as former live-in nanny. As a host mother I cannot express enough how grateful I am for a program that is so quality in providing childcare and new experiences for my children as well. As a working mom of three with a husband who travels a large percentage of the year, having flexibility in the hours of care is ideal. I have now hosted two au pairs, one from South Africa and one from Brazil. Both provided our family with experiences to learn about their culture and share their food, activities and interests with us. They have truly been a part of our family. They've traveled on vacations with us, celebrated all of our holidays and birthdays and most importantly showed our children much love while living in our home.

Being an early childhood educator and a former childcare director for 20 years, I can tell you the experience of having an au pair is vastly different from having care provided outside of the home. As my role as a community counselor, it is so rewarding

to welcome so many young women into our country more so the Richfield and surrounding area. The young ladies arrive in Stamford for training and they move on to their host families. I meet them along with families to discuss all aspect of the au pair program. Each month I host cluster meeting to gather the girls for some fun activities within the community and in my home to learn about our culture. Some of these meetings have been the most memorable and impactable, have been a friend's Thanksgiving feast so that they can learn about the American Thanksgiving, creating holiday ornaments for Richfield's Meals on Wheels and just yesterday we created Coffee Please at Starbucks so that we could spend time there. These are new experiences for the au pairs that they don't necessarily experience in their native countries.

SENATOR KUSHNER (24TH): I am going to have to, sorry I am going to have to ask you to wrap us because. And maybe we will get to all of you through the questions. Do you want to wrap up?

KELLY DEBALD: I just wanted to add that as a live-in nanny, the experience of a live-in nanny versus the experience of an au pair is very different. I did receive a weekly stipend and live in the household but I did not, I also had my expenses including car insurance and health insurance, gas and expenses that were not provided for me which are provided to au pairs throughout the program.

SENATOR KUSHNER (24TH): Okay, thank you. And as I said we will have some opportunity to ask a few questions. Let me just start by saying I actually probably have more experience with the program than you do. I have au pairs at my house for many years

until my daughter was old enough to drive at 16, I had an au pair from one of the au pair services and I had a really wonderful experience with that. And I know Representative Porter and I were just talking about one of my au pairs returned last summer with her 14-year-old daughter and it was like an amazing experience for us to all be together. So I have an appreciation for the program, I chose the program, or that kind of program because I wanted access to folks who wanted to understand our culture and that we could understand the culture they were coming from. I wanted the person who is taking care of my family to have health benefits, to have good working conditions and to make sure that I was taken the right taxes and doing everything correctly. So I found the service a very good way to handle my childcare needs and so I have a lot of appreciation for the program.

My question and this is something I really want to try and understand better, is and my experience that there were within the program, opportunities for au pairs to, if they had a grievance to take it to the agency and try and resolve it. And if that program is working that's great. But if it's not working and it doesn't always work, or it doesn't sometimes work as quickly as it needs to as I experienced or saw around me, you know, I'd have somebody come to my house and in fact, the very first au pair I had she left the home because there was an abusive situation and she needed to get out and she heard we were in need of someone to take care of our children and it took her probably a little longer than she was comfortable with to find another place and then to have it resolved. So I guess my question to you is if you are doing things right, this shouldn't be

a burden to you because in fact you won't have a problem where people need to go outside the agency and go to say, HRO or any of the other rights and protections that are provided for in the agency and so it shouldn't be as big of a burden and that is what I've been trying to understand, is what it is about the Bill that worries you because in fact you are already doing many of the things that we like to see other employers do. So that is sort of the overarching question I have.

YASMYN OSMAN: Correct. So we are really looking to stay within the Federal Regulations.

SENATOR KUSHNER (24TH): I'm sorry, if you could just turn off the other mic when you're not speaking cause then we can hear you better.

YASMYN OSMAN: Okay, so I think what we're looking for is really an exemption so that it is clear to families which regulations they should follow and need to follow. I think it will cause less confusion. While you're right, domestic workers has protection placed that are probably similar to whatever is being provided by the federal regulations, they are still here as a cultural exchange student. They are not here as domestic workers, they are not here to become part of the labor force. They are actually here to experience the program and I think it makes it much clearer if they stay within the federal regulations.

SENATOR KUSHNER (24TH): Are there comments or questions? Representative Porter.

REP. PORTER (94TH): Thank you, Madam Chair. Thank you for your testimony today. You stated earlier in your testimony that au pairs are already regulated

by the State so could you just speak to the record what those regulations are?

YASMYN OSMAN: Yes, there are a lot of regulations. One is having a local representative in the community where the au pairs are placed to monitor and inspect the host family's home, and to screen the placement. We also have a 24/7 emergency line and the Department of State also has their own J1 Visa hotline which includes both a phone number and an email. They're required to have health insurance to a specific amount. They're required to have paid vacation, maximum hours a day per week. They are also required to have monthly check-ins by their community counselor, transportation to and from school and their local cluster meetings if they don't have a car as a regular use in the home. They are also getting an education allowance, they are getting training both from the organization and training from the host family when they arrive. Every time a host family takes an au pair in their home they are required to offer, at minimum, three days of training.

Now all of these I stated are also minimums, so the minimum vacation is two weeks but some families are generous and are able to give more than the two weeks' vacation. The regulations go on and on. I'm trying to, I think I got most of the major ones.

REP. PORTER (94TH): Okay, and can you just speak to wages for me?

YASMYN OSMAN: To wages, the au pairs receive a minimum weekly stipend and the family and au pair can negotiate a higher stipend.

REP. PORTER (94TH): Is there a floor, is what I'm really asking, as far as like a minimum wage or more than minimum wage?

YASMYN OSMAN: Sure, it's based on a federal minimum wage, taking into account room and board deduction so they receive at minimum \$195.75.

REP. PORTER (94TH): \$195.75 per week and that does take in account the fact that they are housed, if they have transportation, and all the other amenities that you mentioned. Okay, thank you for that. Thank you, Madam Chair.

SENATOR KUSHNER (24TH): I have a question for you about I called them grievances but sometimes that might not even sound as, that might sound like it is minimizing a problem and I don't intend to do that. And I know there have been occasions where someone is placed in a home and there could be a serious violation of the person's right or a person's, you know, cases of sexual assault or sexual harassment and I wonder how those problems are addressed when they occur.

YASMYN OSMAN: So I worked for almost 16 years at Au Pair in America, for the first 15-1/2 years I was a regional program manager. The regional program manager team in our office handles all complaints that come from au pairs, host families, third parties. If I were to receive a call about an au pair who is uncomfortable in her home for any reason, I would request that the community counselor go to the home and remove the au pair that day. We would, on many occasions not even inform the host family as to why to ensure her safety and make sure we get her out of the home before we discuss any of

the issues moving forward. I do feel like that was my top priority is making sure that au pairs were in safe homes and if I were to hear of something of that nature, I would make sure that she was removed as soon as possible.

SENATOR KUSHNER (24TH): Thank you and a follow up to that. If there was, if you did kind that there was some seriously, serious violation of the person's rights or her, if you validate or if you believed there was for instance any kind of sexual assault would that then, would the au pair service then take it further in pursuing a case against the family or the member of the family that was involved?

YASMYN OSMAN: I mean what I can tell you is from past experience and we will always support the au pair and the course of action she would like to take towards whatever her complaint was. So if there was additional course of action she could take and she wanted to, we would fully support her on that.

SENATOR KUSHNER (24TH): And have you had any instances of that in your experience or that you are aware of in the agency?

YASMYN OSMAN: Yes.

SENATOR KUSHNER (24TH): Could you give us some, not without names or anything like that but could you just give us some idea of how that was, how that turned out.

RUTH KFERRY: Yeah, let me, if I may be permitted because.

SENATOR KUSHNER (24TH): Could you introduce yourself.

RUTH FERRY: I am Ruth Ferry, and I am a Senior Vice President with AIFS the parent company, with the Au Pair in America Program. I am also former Director of the Au Pair in America Program for 28 years and served as Responsible Officer. So in response to your question about something that au pair has come forward, there is a concern in the home that risks her safety or well-being in some way, that is reported to the Department of State with follow-up reports until there is a full resolution. There is also legal counsel discussion for the au pair available to the au pair that would allow her to, because most au pairs are not from the United States wouldn't necessarily understand U.S. Law both within the state or the federal level and would have legal consultation at no cost where they could discuss what their alternatives might be or their choices might be to move forward. Our objective is if to certainly ensure that all program participants have a good and positive experience because it makes this program would not exist if the Department of State was not interested in impacting positive change for a view of Americans across the world. We want to send home exchange visitors who have been here, who've had a positive experience and can speak positively about their intent to live with Americans. That is the objective here. And it is our objective to do that.

I will say in addition as a program sponsor and there are 16 program sponsors across the country, those program sponsors have to be reauthorized by the Department of State every two year. And we are audited every two years and we submit an annual report for review by the Department of State and they have the right to come in at any point in time

to our offices and run an audit and believe me, they have.

In speaking also a former host mother with grown children now of my own and former au pairs that we still communicate with and consider part of our family I will also say that the program has evolved over the 30 years and strengthened and the federal regulations are not stagnant just state regulations are not stagnant that there have been many changes over the years to strengthen the safety and well-being of all program participants including families and children.

SENATOR KUSHNER (24TH): Thank you for your answer. I do just want to comment that as I mentioned at the onset this, is my question, this is a program that I had person experience with, not necessarily your particular agency but it was a very positive experience. I think that when we're asking people to come into our home and take care of our children whether they're young people from other countries or whether they're people who've immigrated here and are working independently and as individuals, I think that everyone shares a desire to really perform well for the families that they are living with and if they are treated well and they're respected I think that it is a very rich experience whether or not it is through an au pair agency or whether you came some other way to that job and so I think that the reason why we have this domestic worker's Bill is to make sure that the work that's being done, it's so valuable, it's so important to our society, so important to the families that our thriving could only thrive with this kind of assistance, we want to make sure the workers are

protected as well. I appreciate the fact that you came in at the outset stating your support for the domestic workers' Bill because I think that shows a true, a sincere interest in making sure that all these workers have protections and so we're probably in agreement on many, many things and I will explore this exemption that you spoke about but I do want to make sure that I understand from the other point of view why it is felt necessary to include the au pairs, so I'm sure we'll hear about that as well. But thank you for coming in today.

Okay, next up we're going to go back to the Public Officials list and I had Representative Carolyn Simmons, is she? I'm sorry I didn't know what that signal was. Okay. Is Miguel Castro here? Yes, Miguel, you're up then.

MIGUEL CASTRO: Good Afternoon and thank you for the opportunity for me to speak Chairwoman Kushner, Chairwoman Porter, Ranking Members and Committee Members. My name is Miguel Castro and I am an elected member of the Meriden City Council. I am also a community organizer and a community activist. I am here to support HB 5276 AN ACT CONCERNING DOMESTIC WORKERS.

In Connecticut there is approximately 40,000 domestic workers who are serving as housekeepers, nannies, caregivers in private homes. Domestic workers play a critical role in Connecticut's economy working to ensure the health and prosperity of Connecticut's families and free others to participate in the workforce. Despite tremendous value of their work caring for children, elders and homes domestic workers have historically been

excluded from protections under state law extended to workers in other industries.

The role that domestic workers currently pay is not only essential it is pivotal to Connecticut as it enables others to participate in the workforce. Without the domestic workers many will be forced to forego their own jobs to address the household needs a result being that well-being of many Connecticut families and the economy as a whole will suffer. Despite the importance of their work, domestic workers have historically received wages well below the poverty line and continue to be excluded from some of the most fundamental labor protections other workers in Connecticut enjoy.

I thank this Committee for their leadership in advancing legislation that will further protect domestic workers in our State. Thank you.

SENATOR KUSHNER (24TH): Thank you, Miguel, Mr. Castro, or Councilmember Castro. Are there any questions or comments from the Committee?
Representative Vargas.

REP. VARGAS (6TH): Yes, I'd just like to commend Councilman Castro for coming today and testifying at the hearing. I know you're doing excellent work in the City of Meriden and also statewide in bringing these issue to the floor so I just wanted to add my voice of thanks.

SENATOR KUSHNER (24TH): Thank you and I too appreciate your being here and that your patience waiting to testify. It's been a long day already and I do know your work takes your throughout this State. We've seen you in our part of the State on many occasions and it's been very helpful to have

your aid and assistance, so again we want to thank you for being here to testify on this critical issue and I'm hopeful that this year we will make progress for domestic workers. Then I think we will then proceed with the public list, we have Kelly Cormier testifying on Senate Bill 231. Did I say your last name correctly? Is it Cormier? Thank you. Make sure you turn on your microphone there.

KELLY CORMIER: Good afternoon Chairpersons Porter, Kushner and Members of the Labor Committee. My name is Kelly Cormier and I spent 15 years as an emergency dispatcher for Connecticut municipalities and a state university. Though I am no longer a dispatcher, I am here to testify in support of SB 231, which would add dispatchers, EMS workers and correctional employees to last year's PTSI Law.

The more help that is provided to dispatchers the better. They field life changing calls that plague them and that they can't shake, no matter how hard they try. PTSI treatment can help us retain these skilled employees for many years to come, as opposed to having them burn out and suffer critical decline over the years of their career.

Providing help in the appropriate way at the crucial time for these professionals will undoubtedly save lives both in our dispatch centers, our police departments and the community.

I have attached to my testimony a description of real-life calls that I took as a dispatcher. These calls all occurred within one year's time. You can't ever expect to forget or recover from even one incident, never mind several in such a short time

frame. I hope that you will take the time to read them.

Once call was from a young teenager who discovered his father's suicided body. That father was my boss, my fire department chief and he was dead. His son repeated over and over again on the phone, Kelly the Chief is dead, not dad, not father, Kelly the Chief is dead, probably 15-20 times in the course of the call.

Another was from a nine-year-old boy who was literally running, literally trying to escape his rapist during the call to me. The third was from a teenage girl who said that she was calling from the locked trunk of a car driven by a man who had just raped her. Her cell phone kept getting disconnected as I tried to ascertain information and alert police officers. It turned out that this last call was a hoax, for which this young lady was prosecuted. Still, it was an emotionally jarring series of calls that lasted almost thirty minutes on and off, she was there, she was gone, she was there, she was gone and when I went home from my shift that night, I thought she was dead.

Thank you for hearing my testimony in support of SB 231. I am prepared to answer any questions that you might have.

SENATOR KUSHNER (24TH): Before I take questions, I would like to comment. Well it's a question too, I don't know if you were following the Bill as we passed it last year in session, were you aware of that?

KELLY CORMIER: Yes.

SENATOR KUSHNER (24TH): So one of the things that struck me that last night and we had testimony in a Public Hearing similar to this and so we had heard a lot of stories similar to what you just told that are very hard to hear frankly from us sitting up here because just hearing you recount it and the emotion you feel now, somewhat removed from it, just to let you know it has huge impact on those of us sitting here. I know everybody on the Committee we often share with each other how deeply moving it is and it is really important that you tell these stories and you say it out loud so that we're made aware of situations that we might otherwise never consider or imagine. I think what struck me last year about, when we debated the Bill in Session was the bipartisan nature of support for this Bill and the number of people on both sides of the aisle who spoke passionately about why we needed to have PTSI coverage and the other thing that happened that night was we became aware that we left out a part of the team.

KELLY CORMIER: The first response team.

SENATOR KUSHNER (24TH): And it really bothered me as somebody who has fought to protect workers my whole life, it bothered me that we had this oversight of not including the EMTs who I know will be testifying here today as well. And then what happened, so we talked very quickly about including, you know, the Department of Corrections employees and EMTs. We did that right on the spot that night before we voted in fact. And what occurred during the last few months while we've been, you know, as charged by the Bill, undertaking an investigation and a study of the conditions for EMTs and

Department of Corrections it became really clear that dispatchers were going to be left out and you also are a big part of the team that makes sure that we are, that you're able to carry out the service to the public that we all expect of you.

And so I'm glad that you're here today to testify because I think that we didn't want to make the same mistake again where we end up in session, hearing these Bills and all of a sudden realize that there is a group of employees that are just, you know, as essential to police and fire and to EMT as the dispatcher. So I really appreciate your sharing with us your story today. It was really important to hear from you. Other comments or questions from Committee Members? Senator Miner.

SENATOR MINER (30TH): Thank you. Thank you for being here. So the issue for me is as we seek to include other professionals to what degree can we ensure that there is a protocol to which someone can avail themselves statewide so that the damage that maybe done by not addressing some of the issues, that that damage goes unchecked for a period of time. When we began exploring PTSI for police officers one thing that I found was that you could be on the job in one community and on the job in the other community but the protocols were very different. And so I think municipalities were concerned that in all cases they didn't want to get started down a road where they couldn't be compliant and at the same time were somehow going to be forced with a situation where the cost associated with the underlying Bill were gonna be so significant that it would be hard to budget for especially knowing that

in the past heart and hypertension was something that kind of hounded municipal budgets for decades.

So in your line of work is there a protocol, was there a protocol to make someone aware and have a group of individuals in place that would help do an evaluation and try and help you and others determine a mechanism to move forward to make the situation better even if it didn't come from under, you know, the framework of a workers' comp claim?

KELLY CORMIER: Of the severity that would meet the workers' comp? To answer your question I am very glad that you asked that because I worked in many different centers that were all, as you said, unique and independent and vastly different. A one person call center in the town of East Lyme where you are by yourself, you are separated from the PD, there is nobody else around, four brick walls. That is one scenario. And then Meriden with 59,000 residents and three dispatches on duty which is where those scenarios that I just shared with you occurred. Even in Meriden I was a fire department employee, under the Chief, that was dispatching police officers and police calls and fire department. So now you've got two, even one center, you have two divergent lines of command, PD maybe aware of something and the FD is not, or perhaps vice versa another medium sized department. So to answer your question, no. There was no continuity whatsoever. Initially when the CISD, the Critical Incident Stress Teams were formed, perhaps mid to late 90s we were always told you can call for CISD and you will get some incident debrief. That quickly faded away and it wasn't consistent from one department to the other, so the answer to your question, no. There

was not protocol and even if there was, it was very rarely adhered to.

SENATOR MINER (30TH): And so was there a circumstance where there wasn't protocol in place and you made yourself available to that protocol and it helped you manage the outcome?

KELLY CORMIER: In one instance I did take advantage of the Employees Assistance Program, the existing EAP that was in place, and yes, it did help. However the difference between now and then, right now an EAP program for example for the City of New London is three visits to a therapist. Senator what can you do in three visits when the damage is that deep and is that severe? It's three visits and after that you need to go find your own therapist at your own cost. What will it do?

SENATOR MINER (30TH): So, you know, I don't think I'm properly qualified to make a determination what the numbers should be. Are you stating on the record that individual didn't have access to healthcare that otherwise might have provided some level of treatment?

KELLY CORMIER: The, in each instance to be forthright, we have our personal health insurance. But a therapist that deals with perhaps divorce issues, relationship issues or a teenager emotional health problem is not versed and skilled to the level that you need to address PTSI in an emergency services worker. We need the people with that training and we need it available to us and we need it available to us immediately when these calls happen.

SENATOR MINER (30TH): Thank you.

SENATOR KUSHNER (24TH): Other comments or questions from the Committee? Representative Smith.

REP. SMITH (108TH): Thank you, Madam Chairman and thank you for coming up and sharing your testimony today. You know, one of the reasons. Well, let me step back. We've been dealing with Bills, this type of Bill for a number of years and we did get it passed on a bipartisan basis I think it was last year, it all tends to blend. But I know the Committee, is you know, I'll speak for myself, as a person has come up around on a lot of this. I was against it initially for a number of reasons but the more I listened to the folks that came up here to testify like yourself and heard some of the impacts that our first responders go through on a day-to-day basis, it changed my mind. So these Public Hearings are helpful.

One of the reasons we did not include dispatchers, I don't think it was an oversight, it was because with the other first responders we had a requirement in there that they visualize or see some of the horrible things that they actually do see and, you know, obviously a dispatcher you are hearing it but you are not seeing it. And I don't know psychologically, I don't pretend to know whether that should make a difference or not. But that was one of the reasons in our prior mechanisms of this law, variations of this Bill why we kept dispatchers out. So if you can tell me in your experience how you equate those who see things firsthand and visualize that and try to process that versus somebody like yourself who are hearing it first and if there is a difference or you think there is no difference.

KELLY CORMIER: I appreciate you asking for that viewpoint very, very much. I have seen this side of the coin from, the sides of the coin both. I mean I was an EMS worker for 20-30 years so out in the field instances where you see, hear, felt and touched perhaps a murder scene. One in particular comes to mind and then I've been on the dispatch side where you can't. The issue that is caused and I included this in the written testimony I presented, when you're on a scene like you said, you process it, you see it, you hear it, you feel it, you touch it. You can step outside, you can clear your head and of course there's things that you can never unsee. When you're the voice behind the microphone listening to those screams and listening to those cries and listening to that girl in the trunk of the car saying please don't let me die, it's actually the lack of closure, the lack of visualization that causes a lot of the issues. We don't get to necessarily see how it turns out. We don't get to see a person's wellbeing but they are alive. When you say seeing with your eyes and visualizing, sir, I promise you from the bottom of my heart and all my years of public service since 1988 we see it. The eyes and the brain can't be separated when you're in this business.

REP. SMITH (108TH): Well thank you for that response and I trust you when you say that. I think it's poor, I guess a poor example but what I'll use, sometimes I'm reading a book and the book is so graphic that you can visualize the scene, right. You can put that in your own mind whether it's true or not true, the mind still has the ability to do that and I would imagine hearing what you're hearing you can visualize that as well and I'm wondering. I

mean is it widespread every dispatcher obviously you're all taking different calls and you don't know on any given day what calls you may receive but I assume it affects some people differently than others but is it widespread with the dispatchers or is it a few that really need the help and that's what we're talking about.

KELLY CORMIER: I really belief that it depends on, it can be any dispatcher, well segregate it into 911 call taker. It can be any dispatcher on any given day in any town or city in the state or country. The busier the department, of course, and the more violent cities that tend to have more graphic and violent and severe things happening, number one and two multiple calls happening at the same time. I do think that tends to be a little bit harder. But I would never, ever exclude ambulance dispatcher at a private commercial agency quite frankly, sir. If they're hearing that desperation and are responsible for somebody's wellbeing or telling them how to deliver a baby and perhaps the baby doesn't survive, whatever the case may be, I don't know that I could exclude anybody. I can't answer your question whether it's equally as widespread. This morning on my way here, I spoke with a gentleman who is a fire chief in this State right now and he did 15 years in dispatch. He summed it up best when he said, he started his very first day in dispatch with an airplane crash. His last day in the center was with a train crash with prolonged extrication of people in the cars and in between he had a gentleman walk in the lobby of the police department put a gun to his head and pull the trigger. So he's a dispatcher, he saw it, touched it, and felt it, why

would the cop get covered and not the dispatcher who also witnessed it or heard it?

REP. SMITH (108TH): That's a fair question, that's what we're talking about I guess. I mean it's, listen we're all learning as we go through this. The psychological trauma that people suffer is much more public today, it's much more easier to discuss. Years past it was taboo, right? If you sought counseling now, if you're not seeking counseling maybe somethings wrong with you. Right, cause everybody's getting counseling. So and it shouldn't be a taboo, it should be, these are professionals and folks need to be able to deal with their issues however best they do that and we all have our different means. So, but as a Committee we try to take baby steps to make sure that we're not overreaching and we realize that there's folks in communities that are paying for this and worry about the cost of that and the cost of not doing it, you know, it works both ways. So that's what we're struggling with. We want to make sure that those who are affected can get coverage and treatment and at the same time make sure that we're not doing damage to our towns. Thank you.

KELLY CORMIER: Understood, thank you.

REP. SMITH (108TH): (30TH): Thank you. Thank you, Madam Chair.

SENATOR KUSHNER (24TH): Thank you so much for your testimony and for being here with us today. Next up I see we have Representative Simmons in the room and we are ready for you now. Thank you for returning.

REP. SIMMONS (144TH): Good Afternoon Representative Porter, Senator Kushner, Senator Miner,

COMMITTEE PUBLIC HEARING

Representative Polletta and all Distinguished Members of the Labor and Public Employees Committee. Thank you for the opportunity to testify today in favor of House Bill 5271 AN ACT CONCERNING BREASTFEEDING IN THE WORKPLACE. My name is Caroline Simmons, I am a State Representative from Stamford and I am so honored to be joined by my colleague today. I'll let her introduce herself.

REP. MC CARTHY VAHEY (133RD): Good Morning, or Good Afternoon at this point. I am State Representative Kristin McCarthy Vahey from Fairfield.

REP. SIMMONS (144TH): We are here, also want to acknowledge our colleagues who couldn't be here with us today but have signed on to this Bill, Senator Flexor, Senator Cohen, Senator Abrams, Representative Linehan and Conley, in support of women who wish to continue breast feeding when they return to the workplace. We are so passionate about this issue for so many reasons and both of us have had personal experiences with this but we want to break it down into three main reasons why this is so important.

First, it supports public health. So much research shows that breast feeding supports the health of the mother and the baby. For the mother it helps prevent ovarian and breast cancer also improves mental health and improves and strengthens maternal infant attachment.

Secondly is supports the health of the baby. Significant research has shown that the babies that are breastfed have lower risk of infection, asthma, allergies, cancers and a range of other diseases.

So we support this Bill because it supports the health of mothers and babies.

Second we support this Bill because it will make our State even more friendly to women in the workforce and particularly young mothers in the workforce. So many women are looking to work at places that are supportive of working families and this will help attract more young to our State and who want to work places that have family friendly policies in place and research show that when workplaces aren't supportive of women postpartum that it increase dropout rates of women from the workforce, it reduces productivity, it increase turnover, it lowers wages and it even increases rates of depression.

And the final reason we are so supportive of this issue is because we think it will help lower healthcare costs to our State in the long run. A study showed that \$13 billion dollars of direct healthcare costs could be saved annually if 90 percent of women we able to breastfeed exclusively for the first six months and another study found that for every 1,000 babies not breastfed there were 2,000 extra physician visits, 212 extra hospitalization days and 609 extra prescriptions for three illnesses alone ear, respiratory and gastrointestinal infections.

And so for all these reasons we're asking the Labor Committee to consider passage of this Bill which would strengthen our existing State statute and provide more clarity to employers on how important it is to provide a private space for women to express breastmilk when they are at work that is shielded from the public because we've heard numbers

of stories from workers who've been denied this right and haven't been provided that space that is shielded from the public. We also want to make sure the businesses are making reasonable efforts to include or be situated near a refrigerator where an employee can store expressed breastmilk and when possible include access to an electrical outlet. And so for all those reasons we are asking the Labor Committee to consider passage of this Bill and I would also like to ask my colleague to join in with her thoughts as well.

REP. MC CARTHY VAHEY (133RD): I will be very brief.

SENATOR KUSHNER (24TH): And Representative Simmons can you turn off your mic so we can hear her? Thank you.

REP. MC CARTHY VAHEY (133RD): Thank you, Senator and I'd like to thank you for having us here again before this Committee. You may recall that we were here last year. We were in 2C before you in support of this and a number of us were sitting here together. This Bill was passed in the House and had a Calendar Number in the Senate and didn't quite make it all the way through. So we're hoping that by being here today we can underscore that this is really something that we'd like to see make it all the way across the finish line this time. And I'd just also to emphasize the economic aspect of this as well. I think Representative Simmons offered some pretty great statistics in her testimony in terms of impact across different socioeconomic groups.

Part of why I'm here today is because as a young working mother there were many reasons to choose

breastfeeding but one of them was economic. Formula is very expensive so we do want to be able to provide that support and I think that what is great about this Bill is that as long as there is no undue hardship and I think we had a great conversation in here, in this Committee, last time about that and making sure that it wouldn't be tremendously impactful in a negative way on businesses while at the same time being able to support our workers. So thank you very much for welcoming us here today.

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

SENATOR MINER (30TH): Thank you and thank you for being here this afternoon. Seeing this is a new year, you know, that's the area of the Bill that I wanted to hopefully engage you in a brief conversation. So when we use phrases like "no undue hardship", you know, I think it opens us all up to, you know, a myriad of questions from small employers especially back home and when I think about, you know, the qualification that it's any business with one or more employees it is not hard to imagine circumstances where either in the construction trade or maybe outdoor agriculture, any number of things, what to your mind would rise to the level of undue hardship where an employer could reasonably expect to get some relief in this legislation?

REP. SMITH (108TH): Thank you for the question, Senator and just to make sure I'm being precise "undue hardship" in legislation is defined as any action that requires significant difficulty or expense when considered in relation to factors such as the size of the business, it's financial

resources and the nature and structure of its operation.

Just to expand upon that and to get it your question we did have a conversation with the Department of Labor about this and they would have jurisdiction over this so if there was a complaint filed it would be their responsibility to investigate and for them what it would come down to is, is the business making reasonable efforts to accommodate that employee. So I gave the example when I was talking to the Department of Labor about, you food truck if they're obviously wasn't the space or ability there, you know, and they said something like that would not, that business might not be able to make that, as long as they tried if they weren't able to make that, that would fall kind of under this undue hardship category here.

REP. MC CARTHY VAHEY (133RD): No, I think that's a great example and yours are actually great examples as well. Certainly we do sometimes in legislation leave that language appropriately or sometimes inappropriately vague but I think, you know, having that process through the Department of Labor, I think we did have some conversation about this last year when we were here and I would agree, you know, your examples are great ones in an effort to try and come up with some mutual problem solving but certainly in a food truck there wouldn't be, it wouldn't be practical or it certainly would be an undue hardship to have another space or vehicle to allow that person to be able to express breastmilk so I think it's a fair question but I do think that we're hoping that we can work this through so that

it is something that is more supported and more of an option for our nursing moms.

SENATOR MINER (30TH): Thank you and so going back to the circumstances that I cited, so I am imagining, you know, a farm where there may be people that employed that might have access to a portable toilet but that's about it. It's not whether I would make these changes available if I owned the small business and could accommodate them, it's whether or not we as the State of Connecticut would have the ability to enforce what someone believes to be reasonable when someone else believes that it may not be reasonable. And so is it gonna be determined based on a business' bottom line or whether they can physically provide that type of an opportunity or do you see where through the determination of a state agency when a complaint is filed it may very well be that someone needs to be given opportunity to go home to have that space, that separation, that opportunity made available assuming that everyone believes, and I do believe you, that there are great benefits to what it is you are trying to, the issue you are trying to move forward. I just wonder how this all shakes out when we go back to the district and some of these business people have to deal with the implications of these things.

REP. SIMMONS (144TH): Thank you, Senator for the question and I think, you know, I think using your example I think both of your points there would probably be taken into consideration, you know, whether they had the physical space, whether it did affect their bottom line, I think those would all fit under the definition. And one thing I want to

add I think would be helpful, you know, if you've got questions from businesses or to bring back to the district that there is already federal and state law on the books both through the Federal Breaktime for Nursing Mothers Law, the Affordable Care Act, the Amendment to the Fair Labor Standards Act as well as our existing Connecticut statutes 31-40(w) that already require the breaktime prevents from discrimination against this and require that businesses make these reasonable efforts to provide the space and what this Bill does is just further clarifies that that space should be shielded from the public because a lot of times we've heard employees that hasn't been possible. So just wanted to clarify it that's helpful this is already on the books and this is just further clarifying to employers the specifications of those space and that businesses must make that reasonable effort when possible.

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

SENATOR KUSHNER (24TH): Representative Smith.

REP. SMITH (108TH): Thank you, Madam Chair and thank you, Representatives coming again to testify. I do recall last year's testimony, we had a nice conversation back and forth. I'm just gonna continue along the line of Senator Miner, you know, the contractor, you know, most contractors actually work offsite so they have a business where they all may show up in the morning and then from the morning they get dispersed to different whether it's another business they go to work on electrical issue or if it's a carpenter they may go to someone's home or let's just assume it's new construction where

they're building a house. I'm imagining under the testimony you provided today that the employer would not be required in the situation where the employee is going to an off-site home to build a new home, she is there along with several other folks who are also building the house but there is no facility within that new construction dwelling for which the female can go to express her milk. In that situation would the employer be required to build something onsite or provide an area onsite to make sure that she was able to do what she needs to do?

Representative McCarthy Vahey. I'll answer. I mean and I might use a slightly different example where you have visiting nurses who are out in the community, right and going into homes because construction tends to be more of a male industry but to use your example in terms of specifically would the employer have to construct something, I think it goes to the earlier conversation that we were having with Senator Miner. That undue hardship, you know, could be a financial hardship and the idea of creating an entirely separate structure is not really what this Bill I think is getting at. I think Representative Simmons rightly emphasized it's really to try and clarify what is on the books and there are certainly going to be circumstances where the employer is not going to be able to provide these, it's not practical and it will be a hardship financially or physically because of the nature of the kind of work such as you described. So I think we just want to be able to, when there are places and cases when this is already working to provide that shield, to provide access to refrigeration and then provide the electrical outlet and I don't know if Representative Simmons wants to add.

REP. SMITH (108TH): So I guess we could dig down a little bit deeper for. So it may not be a financial hardship. I mean let's just assume the contractor is going to make \$100,000 dollars on the job but physically there is no, unless they build a temporary shelter and the temporary shelter could cost \$1,000 dollars, but it is not part of the project, it's not part of the plans, they don't own the land, they're building a house for somebody else but the contractor will make money and he's gonna make good money but there is no real structure to shield or give the privacy that the woman employee needs and so is it both a financial hardship or just if they can show less than physically we just don't have the space to do this, that would work as well.

REP. SIMMONS (144TH): Thank you, Representative for the question and I think I would say it would be both a financial hardship and the physical space in terms of complaints we're heard and just anecdotes we've heard if more when the business does have a space available that they could provide and they have denied that right or prevented that, I think in the case you're describing I don't think, I don't think the Department of Labor would expect that business to build or construct a new space.

REP. SMITH (108TH): Thank you for that response and just lastly, through you Madam Chair, the Bill that is before us today, is it different at all from what we saw from last year?

REP. SIMMONS (144TH): It's pretty much identical. I think that the one thing we took out was providing the coverage for up to three years, yes I believe that was in the Bill last year but not in this year.

But other than that, the three main provisions are the same.

REP. SMITH (108TH): So the coverage provision has been eliminated entirely?

REP. SIMMONS (144TH): I believe the coverage is two years under, one year under federal law and two years under Connecticut law. So it didn't get extended to three.

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

SENATOR KUSHNER (24TH): Thank you. Any other questions or comments? I thank you for being here. As someone who experienced this myself a longtime ago, long, long time ago [Laughs] 27 years ago to be precise, for the last time, it is really, it is I think a very important Bill because we want women to have the opportunity to come back to work whether it is my choice or because of the economic nature of their situation but we also want to make sure they have every opportunity to bond with their children and provide for their infant children and so, I really appreciate you bringing this Bill forward and hope that we get it done this year. Thank you. Next up, we have going back to the public list Steve Curran.

STEVE CURRAN: Good Afternoon Chairman Kushner, Members of the Labor Committee, my name is Steve Curran and I am a retired correctional officer with twenty-six years on the job, twenty-five of which I spent with the Department of Correction's Critical Incident Stress Response Team. The Critical Incident Stress Response Team's duties are to provide peer support for staff involved in traumatic

events. Such events include severe staff or inmate injuries, assaults and suicides. The most harrowing things that Critical Incident Stress Response Team has been involved in is providing peer support after inmate murders of inmates and inmate suicides.

My duty station was at Garner Correctional Institution in Newtown. Over the years, Garner changed from a general population to nationally-recognized gang management program. Then Garner transformed into a mental health facility. I have been witness to three inmate suicides. I have performed CPR on an inmate in an attempt to save his life, sadly my attempts were unsuccessful. I have witnessed inmates severely self-mutilate. In 1997 I was awarded the Department Preservation of Life Award for helping save the life of an inmate who attempted suicide by "cutting up." To say the least, such experiences leave a person shaken.

Corrections work is highly stressful. I have known staff who have taken their own lives. I've known staff who have left their jobs in corrections and never returned because of the chaotic toll that this work takes. Extending the PTSI law for police officers and firefighters to Correction employees would save taxpayers money in the long run, by getting affected officers and staff back to work. It would also save the lives of staff people by being a deterrent to suicide.

Please also extend this law to EMS employees, Judicial Branch hazardous duty employees and emergency dispatchers. Thank you for your consideration.

SENATOR KUSHNER (24TH): Thank you so much. Thank you for being here. I am curious have you testified before on this?

STEVE CURRAN: I did.

SENATOR KUSHNER (24TH): I thought I recognized you from last year, yes. We see a lot of people up here but you looked very familiar to me for a minute. I do appreciate you coming in again today. Any questions or comments from the Committee? Again, I think it is important for us to hear the stories and the stories you shared particularly how difficult the work is and the toll it takes on you. It's critical to our understanding the issue and being able to pass, and really advance this legislation. So thank you for coming.

STEVE CURRAN: Yes, Ma'am. Thank you. Have a great day.

SENATOR KUSHNER (24TH): Next up we have another public official, Joshua Michtom from Hartford City Council, Councilmember.

JOSHUA MICHTOM: Thank you, Senator Kushner, Representative Porter, and Members of the Committee, I come here both as a Hartford City Councilman and a public defender. I do want to be clear, I am not representing the office of the Public Defender here, they have no position on SB 227, and I am off the clock, I am on personal time not State time.

But my experience as a public defender do affirm my support of this Bill. In my capacity as a Hartford City Councilman, I represent some of the poorest people in our State, and, not coincidentally, some of the people who work the hardest to keep things

running for everyone else. My constituents are retail workers, foodservice workers, and office cleaners. They are the ones whom the entire capital region depends on to be on the job, night and day. A lot of their customers probably don't realize the sacrifices involved in their work. The insurance workers who stop by the drive-thru for a late-night meal or the legislators who pick up a few things from the drugstore when they leave this building may not think about the constant instability in the lives of the people who serve them - my constituents. They don't see the daily scramble for childcare; the rescheduling of doctors' appointments; the struggle to get grocery shopping done, to cook, to clean. They can't know how hard it is just to maintain some semblance of normalcy and regularity for a family when a parent's work schedules are always changing.

As a public defender I handle child protection cases, I see this up close, and I see its effects on families. I represent parents and children involved in DCF cases. These are families where, frequently, parents are recovering from addiction, children are dealing with trauma, and everyone is just trying to take small steps every day to get better and to stay together. Again and again, I see parents' efforts frustrated by fluctuating work schedules. In addition to childcare obligations, these parents often have multiple court-ordered counseling and drug-testing appointments every week, and a requirement of course to maintain employment and housing. When their shifts change week to week, so sometimes from one day, their road to recovery gets bumpier. They miss appointments, struggle to arrive on time to court, and risk more intrusive DCF

involvement. And the ones who suffer most in those cases are their children whom I often represent.

We know that Connecticut is the land of wealth disparities and the lives of poor people here, whether they're involved with DCF or the court system or not, are already incredibly hard. Jobs are scattered across large areas, public transit is frequently inadequate, and the cost of living is high. It is unconscionable that people facing all these challenges should also be deprived of the basic dignity of a predictable work schedule, just for the convenience of their employers. It is immoral that parents in Connecticut are forced to live under the constant threat of losing their jobs if a suddenly altered schedule conflicts with a family obligation or leaves them without childcare.

There is simply no excuse for a system that puts hardworking people and their families in a state of constant uncertainty, just so their employers can have unlimited managerial flexibility. This bill will grant much needed relief to the people I represent, both as a lawyer and as a City Councilman and I urge you to look at it not simply as a question of workplace regulation, but as a matter of basic respect for human dignity. And if you have questions, I'll answer 'em.

SENATOR KUSHNER (24TH): First of all just a comment. I appreciate you being here and bringing a little bit different perspective based on the people you've worked with and I also respect the fact that you're an elected official so you know how important as elected officials we have this duty to make sure that we are protecting the rights and the humanity of all people. So I really appreciate your

comments. You know, I too feel like there, we have grown into a society where so many people are working in unpredictable situations on unpredictable shifts and we've gotten to this place because employers have made the case or required it of their workforce that this is what they need to do to succeed as a business and so I think what you're talking about here is balancing that with the needs of the workers so that, I think, is our charge to make sure that we are looking at the whole picture and saying okay, so what do we need to do to make sure this is tenable. I particularly appreciate your comments about representing children who suffer because of the unpredictability of their schedules of their parents and I think that is a new point to keep in mind when we consider this Bill. So, I'll ask my colleagues, Representative Hall.

REP. HALL (7TH): Thank you, Madam Chair and I'd like to welcome Councilman Michtom to this auspicious place and I want to thank you for your testimony this afternoon because I think you illuminated for us, some of the folks who are directly impacted by these variations in their schedules and the unpredictable nature of them. Not only how it impacts them but how it impacts their family and how it impacts their ability to recover, how it impacts their ability to be on a better path towards recover or what have you. So, thank you for your commitment to the City of Hartford and the people we both represent and thank you for coming out this afternoon to address this very important issue. So thank you.

JOSHUA MICHTOM: Thank you.

REP. PORTER (94TH): And I'll just chime in and say thank you for your testimony and takin the time to be here and weigh in on this important issue and as my Co-Chair said, the perspective that you bring is different and the fact that it is different and in support of this, I appreciate you giving us a voice from a different lens. The trauma that these children are impacted with, the unpredictable schedule, all that play a role and the things that you mentioned about parents not being able to show up to court, or missing a court date due to the pressures of having to choose between, you know, showing up at court or showing up at work. And it makes a difference, you know, and I know many people feel, you know, they sit here, they wait hours to testify, they get three minutes and I just spoke to somebody in the cafeteria whose testimony I missed cause I was trying to grab something to eat and I assured her that, you know, even when we're not in the room we go back, we watch this, we read the testimony, it matters. Your voice matters, your testimony matters. So, thank you for taking the time to be here and weigh in.

JOSHUA MICHTOM: Thank you, appreciate it.

REP. PORTER (94TH): You're welcome. Next up we have Chenae Russell. Chenae is from AFSME #4 and she will be testifying on the same Bill.

CHENAE RUSSELL: Representative I believe number 6.

REP. PORTER (94TH): I'm sorry, which Bill? You have the floor Chenae.

CHENAE RUSSELL: Good Afternoon Representative Porter and Members of the Labor Committee, my name is Chenae Russell and I live in East Hartford,

Connecticut. I am currently an MSW student at UConn and intern with the Connecticut Women's Education and Legal Fund. I am here to testify in support of Senate Bill 227, AN ACT CONCERNING A FAIR WORK WEEK SCHEDULE.

Low wage workers are often forced to go to work with little notice, maintain open availability for on-call shifts without any guarantee of work and have shifts cancelled at the last minute which leads to lost wages. In Connecticut women make up 67 percent of the low-wage workforce. Unfair scheduling practice especially impact women of color who are overrepresented in the low wage workforce and among single mothers who work to support their families.

I am one of the women in these data reports. Nine years ago I worked part-time at a retail store while I was also homeless. [Crying]. During this time I felt anxious with a tight pain in my chest and stressed with living with the uncertainty of whether I would have enough money for the week to pay bills and survive. Unpredictable schedule and cancelled shifts left me feeling hopeless and unable to plan ahead using public transportation to seek other jobs, to take college classes or meet financial goals to get out of debt. I felt like a commodity at the hands of an employer who did not care about me as a person, not only struggling to survive but also trying harder to reach economic stability.

In 2015 now a mother and sole provider to my one-year-old daughter, Cecilia, my unpredictable schedule only made my life harder because my daughter also counted on these lost wages from those cancelled shifts just as much as I did to survive. I was often forced to make last minute childcare

arrangements with my mom who was thankfully there for me. But the uncertainty and inability to plan ahead put stress on the both of us to make accommodations and have stability.

With income and work schedules that fluctuate workers often have no choice but to cobble together childcare at the last minute. Unstable and unpredictable work scheduled also increase the difficulty for families to budget and pay their bills. To grow Connecticut's economy we must create working conditions that make success and economic sufficiency possible for our State's low wage working families which is disproportionately woman and people of color. Please support Senate Bill 227 this year. Thank you.

REP. PORTER (94TH): Thank you for that testimony. Thank you for staying. You were here this morning at the press conference so you've been here for quite a while. So I want to thank you for being here and thank you for your patience. Any comments or questions from the Committee? Seeing none, I'd just like to say thank you again and just keep the faith. We're working hard to make a difference in your life and I want to make sure that, you know, it's equitable that business are prospering at the same time as their workers and employees are. So that is the goal of the Committee and that is the reason for this Bill and we do appreciate you coming in to put a voice and a face to this issue. It's real, the struggle is real I believe you said earlier. So thank you again and you have a great day. Next up we have Sal Luceano, AFL-CIO who will be testifying on eight Bills and you can tell us what they are as your testify Mr. Luceano.

SAL LUCEANO: Thank you. Good Morning Senator Kushner, Representative Porter and Members of Labor and Public Employees Committee. My name is Sal Luceano and I'm President of the Connecticut AFL-CIO.

I am here to speak in favor of Senate Bill 227 AN ACT CONCERNING A FAIR WORK WEEK SCHEDULE. Employers in many low wage sectors often exploit employees forcing them to work with little or no notice or maintain availability for "on-call" shifts without the guarantee of actual work. These employers also commonly cancel shifts with little or no notice or send workers home early without pay when business is slow. The result is significant uncertainty and lost pay for workers and their families and you just heard from one.

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

Irregular scheduling practices cause great difficulties for thousands of motivated, hardworking employees. Without a set schedule or guaranteed number of hours, workers have a very difficult time managing household budgets. In addition, they are put in the impossible situation of arranging for reliable childcare on short notice without knowing if they will be allowed to work enough hours to pay for it. These workers can't even commit to a second job or seek additional education or skills training

to improve their earning potential because "on-call" schedules will not permit it.

Businesses would be exempt from these requirements only in certain conditions, like during state-declared emergencies or public utility failures. Schedule changes made by mutual agreement of the employee and employer would also be exempt.

Employers also benefit from more traditional, scheduling practices. While employees see the short-term benefits of a more predictive work schedule, employers reap longer-term benefits, such as high levels of worker morale and productivity, reduced turnover and lower training costs.

We support House Bill 5276. Let's face it, in 1935 domestic workers were excluded from the National Labor Relations Act because most of them were African Americans. It's 2020, it's time we changed this for these workers.

House Bill 5270 AN ACT CONCERNING THE RIGHT OF A PUBLIC TO JOIN OR SUPPORT A UNION, I think Dan Livingston did an excellent job of explaining the need for that and I won't go into that right now.

Senate Bill AN ACT CONCERNING WORKERS' COMPENSATION BENEFITS FOR CERTAIN MEDICAL OR EMOTIONAL IMPAIRMENTS SUFFERED BY EMERGENCY MEDICAL SERVICES PERSONNEL, DEPARTMENT OF CORRECTION EMPLOYEES AND DISPATCHERS, the Dewaine family and others spoke eloquently on that. We're here to support that.

AN ACT STRENGTHENING THE PROBATE COURT SYSTEM, House Bill 5274 these employees have State cards to get State employee healthcare they should be State employees.

House Bill 5273 AN ACT CONCERNING CALL CENTERS AND NOTICE OF CLOSURES, we have to stop providing tax incentives for these call centers that ship jobs overseas. Wells Fargo recently laid off thousands of call workers across the country while it's presence grew from 100 in 2011 to more than 4,000 day with plans to expand an additional 7,000 employees in the Philippines.

And lastly, AN ACT CONCERNING BASIC LABOR STANDARDS FOR TRANSPORTATION NETWORK COMPANY DRIVERS, while companies like Uber, Lyft made huge profits drivers have to pay for car maintenance, insurance and other driving related costs out of their own pockets. After these expenses the majority of Uber drivers make less than \$10 dollars an hour. We need to fix that.

And I'm sorry the last one is the agricultural workers, again they were excluded in 1935 mostly again because most of the workers were African-American. Many people may not now that the Reverend Martin Luther King worked picking tobacco in Windsor when he was young. That concludes my testimony.

REP. PORTER (94TH): Thank you, Mr. Luceano. Any comments or questions from the Committee? Okay, well I do want to just thank you for speaking to the exemptions because that was a question that was asked earlier, you know, when would employers be allowed, you know, not to be penalized and not to be fined for what we're trying to do with the fair work week schedule so I do appreciate you speaking to those exemptions. And if you don't mind, would you just restate them for the record?

SAL LUCEANO: Restate? Excuse me.

REP. PORTER (94TH): The exemptions you spoke of.

SAL LUCEANO: Oh, yeah. If there is a power outage, if roads are closed, any kind of emergency. The idea is not to hurt the employer, the idea is to help the employee who is ready, willing and wanting to work, come to work and told you know what, it's slow we don't need ya today, go home. But they've already paid for everything. And that's all we're trying to do is to help those people. The councilman mentioned seeing all of these people in Hartford. Hartford's problems are basically economically based. The median income of Hartford is under \$18,000 dollars a year. Most of them work in those types of jobs. We need to help these people. How can we help Hartford as a community if we're gonna let these people suffer this way?

REP. PORTER (94TH): I agree and it's not just helping Hartford, or New Haven, or Bridgeport and other parts of the State that suffer whose employees suffer under these kinds of restrictions, it's actually helping the economy of the State as a whole. And the more that we are able to pay people the more they are able to work, the more taxes they pay, the more revenue we collect as a State. I think that is a big part of the problem that hasn't really been focused into and it's been said, you know, we're behind, but we're behind because over 90 percent of the jobs we have replaced are low wage income workers and that's people who have higher education and doctorate degrees even that are being forced to come back into the workforce making minimum wage, working two and three jobs to make ends meet. So we do take that point and we duly note it because that is a fact.

SAL LUCEANO: I really appreciate it, I took exception to everything that the person representing CBIA said with one exception, that it isn't balanced and if you look around it isn't balanced for working people.

REP. PORTER (94TH): I totally agree. The last thing that I will ask you to speak to is the Call Centers because unfortunately I have had to be out the room for a substantial amount of time this afternoon and I'm not sure any of this was covered but since I have you in that seat, if you could just kind of speak to what the issues are and the impact is on employees and business in this State when call centers are allowed to simply close and regarding the notice and people being able to relocate if that is an option, and any of the other concerns and issues that have been expressed to you from a worker's standpoint.

SAL LUCEANO: I appreciate you giving me the chance to expound on that. Connecticut has lost thousands of call center jobs in the last few years. Though they provide an important source of economic growth in local communities, no other position is as easy to move out-of-state or overseas as a call center job. While these services are outsourced to low-wage contractors, communities lose yet another large pool of family-supporting jobs. The closing of call centers also creates higher unemployment claims and costs for the State of Connecticut. Sadly, this practice has become all too common.

Since 2012, Verizon Wireless has closed 19 call centers affecting 11,000 workers. Verizon Wireless also has a long history of union busting, including shutting call centers when workers try to organize.

I mentioned Wells Fargo increasing thousands of jobs in the Philippines. AT&T, which announced last year that it would move more than one hundred call center jobs from Meriden, Connecticut to Tennessee and Georgia, has eliminated more than 12,000 in-house call center jobs since 2017 and uses a network of at least 38 call centers in eight countries.

The problem is greater because The Trump Administration's 2017 Tax Cuts and Jobs Act has further incentivized moving call center jobs out of the country by lowering tax rates for offshore profits. We must act to protect Connecticut's call center jobs.

House Bill 5273 requires call center employers to provide at least 100 days' notice to the Department of Labor before relocating to another state or another country. Those who fail to comply could be fined up to \$10,000 dollars per day. It also prevents call center employers that have relocated out of the state from accessing direct or indirect grants, guaranteed loans, tax benefits or other state financial support for a period of five years.

We give these companies money to provide jobs and then they leave the State but we don't take the money back. Taxpayer funds should not act as a backdoor subsidy for companies to export customer service jobs. We urge the Committee to support this Bill.

REP. PORTER (94TH): Thank you and I think that kind of confirms your earlier statement and your agreement with CIBA where it is unbalanced where we have businesses that are prospering, making quite a bit of profit while we're putting people out of work

and hurting the State at large while we talk about a growing or lack of growing economy. So thank you for that. And that will be all. I'm sorry, Senator Kushner.

SENATOR KUSHNER (24TH): I'm sorry, I apologize that I missed your testimony but I'm glad I got to hear the last piece of the call centers. And I did have one question because I'd heard testimony that today we have, that there was a concern that we're losing businesses or that we are not gaining businesses and I thought I had read somewhere not long ago that in fact we have regained the job loss in the private sector that we had from the great recession and I wondered if you could confirm that or if you have any other information about that and my understanding was where we have not recovered jobs has been in the public sector.

SAL LUCEANO: That is 100 percent correct. We've recovered all the jobs lost in the 2008 almost depression. The, we're not even close in the municipal and state employment in Connecticut.

SENATOR KUSHNER (24TH): So, in fact we have been coming back as a State in terms of employment?

SAL LUCEANO: And I believe we can do more if we improve our infrastructure.

SENATOR KUSHNER (24TH): Great, thank you.

REP. PORTER (94TH): Thank you, Mr. Luceano. Up next we have Rick Hart of UPFFA and he will be testifying on Senate Bill 231 AN ACT CONCERNING WORKERS' COMPENSATION BENEFITS FOR CERTAIN MENTAL OR EMOTIONAL IMPAIRMENTS SUFFERED BY EMERGENCY MEDICAL SERVICES PERSONNEL, DEPARTMENT OF CORRECTION

EMPLOYEES AND DISPATCHERS. You have the floor, Mr. Hart.

RICK HART: Good afternoon, Senator Kushner, Representative Porter, members of the Labor and Public Employees Committee, my name is Rick Hart I represent the 4,000 career firefighters in the State of Connecticut and I am here to speak in support of Senate Bill 231 with some modifications.

Last year I was part of the negotiating team that spent approximately 18 months negotiating Public Act 19-17 and in a collaboration with CCM, police and fire representatives we came to an agreement and the crux of that Bill was not only the workers' comp coverage but the inclusion of peer support training, mental health awareness training and resilience training for police and firefighters. That will provide a potential savings to municipalities to stop the full blown diagnosis of PTSI.

Unfortunately, Senate Bill 231 is silent on this issues. We do have a commitment from CCM and their willingness to speak to, speak with all the stakeholders to provide a more palatable solution to this legislation.

The UPFFA is firmly committed to EMS and Department of Corrections officers being included in PTSD coverage under workers' comp. That was a negotiated deal last year, around midnight on a May night, in order to move the Bill forward. We stand side-by-side with EMS on a daily basis. We think they deserve the coverage as well and as testimony previously today on the DOC corrections officers see the same thing and we are standing side-by-side with

them in our commitment to providing any help necessary to move this Bill forward.

REP. PORTER (94TH): Thank you for your testimony, Mr. Hart. Any comments or questions? Yes, Representative Polletta.

REP. POLLETTA (68TH): Good Afternoon, Mr. Hart, thank you for being here. First off I just want to say that I thought that the Bill last year that you and your group had negotiated was a great testament to the police and fire personnel that often times have to witness horrific scenes and are altered forever and their families and loved ones have to deal with that. And as somebody who's not in the first responder profession, I can't even begin to speak about it because I don't have firsthand knowledge of it and no one in my immediate family is a first responder but with that being said, during my time on the town council in Watertown and also as someone who interacts quite frequently with the police department I know that there's a need, there was a need for this Bill, so just going back to my previous point, the fact that we were able to get CCM, all the stakeholders in a room to negotiate this Bill was a true testament to your work and to everyone else involved and I commend you for that.

But taking it a step further I think that there was a group of folks that were left out and as you eluded to during your testimony there was an agreement last year to revisit this Bill in the short session to include EMS and Corrections, EMTs, correct. So during that time, I think there was broad support in the General Assembly, yeah I think it was just an oversight issue but since that, and correct me if I'm wrong here, cause I'm trying to

understand this, since that time there has been the scope if you will has been widened and we're now hearing of number of other professions that would perhaps be included in this language going forward, so I guess my question to you is, at any point in time is it concerning that perhaps those folks that were promised this Bill last year now if the deal is not upheld and this falls apart, could this have adversely affect those two populations that were promised last year that they would have, you know, language altered for them since they were seemingly forgotten?

RICK HART: I believe it would have a detrimental effect. The rationale back in July of 18 to keep the scope narrow was to take incremental steps in providing PTSD coverage for first responders, police and fire were at the table obviously through the floor debate last year, it was abundantly clear that EMS was left out and we agreed and that's why we came to this agreement so that, because we want to make sure the policies and procedures and the systems that were put in place in 19-17 work. We don't want to backslide so members don't get the help that they need. We want to make sure the systems works so that as the next two groups are added it is a seamless integration of them into the system. Corrections Officers are already head and shoulders above, as far as the Statute is concerned because parole officers come under DOC, they already have peer support counseling, peer support availability and the training so that corrections officers, they've already checked that box. EMS through the Office of Emergency Medical Services and their parent agency DPH they just have to add peer support counseling, training and mental health

awareness training to the curriculum that covers all of the EMS providers from paramedics down to emergency medical responders. So I think these incremental steps are a smart way to do it and having CCM and all the players at the table, that agree that this is the next step, is only gonna benefit the people that need it the most and that's fiscally responsible to the State.

REP. POLLETTA (68TH): Thank you and you eluded to CCM which, you know, we had an individual testifying before that was concerned about the cost and I think everyone up here represents some sort of a town other than a city and you know, they know that this could be a cost on the municipalities across Connecticut which is why I think it took so long to get the original language of the Bill last year that ultimately passed because you had to get all the stakeholders at the table. So I guess, or my point is, before I end cause I know we have a long day here ahead of us, is that I fear that if we can't everyone on board for this then those that are effected the most are the EMTs and, you know, they're gonna be left out yet again and we're gonna be back here next year talking about this. So, I'm hoping that the deal that was struck last year can be upheld for this session and can pass and I'm hoping that it doesn't fall apart before it gets too the governor's desk. Thank you.

REP. PORTER (94TH): Thank you, Representative. Senator Kushner.

SENATOR KUSHNER (24TH): Thank you and thank you Mr. Hart, I should say Brother Hart, it's great to see you and I do want to first applaud all the work that you and your union did to make sure that we got the

Bill passed last year and it was an incredible effort and I know it took a great deal of time and compromise and I know your organization was a big part in getting that done. So we really appreciate that. I have, the Bill that we have now before us, there has been some discussion here about a deal that was made at the last minute and I've addressed that, Representative Polletta just addressed it, I've heard it's come up quite a bit. And I know you were there that night that we were hearing this Bill in the Senate and there was a lot of intensity at that last moment. I see some people here in the room today that were there that night and were very upset that they hadn't been included and that was primarily the dispatchers and also members of the Department of Corrections.

We really did take measures at that moment to realize that it had been a mistake not to include them, but as was, maybe this is not the right word, but it felt very threatening that we were not gonna get the Bill passed if we expanded the Bill at that last moment, that support for it would evaporate and we would end up with no progress and that was the rationale that was given to making a compromise and moving the Bill forward with the EMTs but understanding that we needed to address it this year and the Department of Corrections.

What I am really concerned about is, you know, you heard just a few minutes ago that there was reference to other classifications PERL being considered in this Bill. As I understand this, we have only included one other classification, not other classifications, but the two that were acknowledged back last spring and then the

additional classification of dispatchers. And I said this earlier but I am concerned that were we to move forward with the, by the way, I was part of those discussions so it was real clear, it wasn't like we were, had all prepared for that moment and we came in with our papers and out, you know, and our Statutes and we were all sitting down to say, okay here's what's on the table. It wasn't anything like that. It was like what are we going to do right now to move forward and solve a problem going forward. And so it was done, you know, somewhat haphazardly at that last moment and so my understanding, one part of that Bill that we passed last year was that there would be a study conducted by the Labor Committee and it would be completed before we entered this session and myself and Representative Porter and others on this Committee did meet with advocates from a lot of different organizations and we also had a Public Hearing and in that process it became clear to me and to Representative Porter that were we to move forward with classification of EMTs and not include the dispatchers that we could very well face the same situation at the end of the session were we would have one group of employees that are a critical part of the team that are part of the first responders who deal with these emergency situations that that critical piece would be left out. And I think that is why the Bill was drafted in this way so that we would make sure that we were including them.

At the time we were talking with all the parties back in May of 2019 I know for a fact no one said were okay with this as long as we don't include dispatchers. To be honest, dispatchers didn't come up at that time at all and I don't think there was

any conscious decision made that we would not include dispatchers. So I am a little bit surprised at the, some of the pushback that I've heard about dispatchers.

I would like to understand better any concern you have about protocols and about making sure that the measures of the Bill that were written in to try to make sure we were addressing this appropriately with, you know, training, peer mentoring, things that we all believe will help reduce PTSI and prevent situations and actually help people recover from these injuries. I would assume and I would hope that we were able to extract and actually extend and expand that also to include dispatchers. So I'm curious what you see as a problem with that other than the fact that it wasn't brought up in the middle of the night last May.

RICK HART: Well right now they don't fit into the Bill as written, you know, to the Statute, I'm sorry and I can't speak to the availability of peer support counseling, peer support training and mental health awareness training for dispatchers, I don't know if there is a curriculum out there for them, so I can't speak to that. What I can say is that we, in that 11th hour, we gave our word as an organization to all parties involved that we would advocate for EMS and the Department of Corrections officers and that was it. And that was a decision made by the organization and unfortunately, you know, dispatchers weren't on our radar so to speak and to go back on that would not be acceptable to our organization because we hold our integrity and our word dear.

SENATOR KUSHNER (24TH): I really appreciate that and I know that, I want to understand it better for that reason cause I know that's the position you're in. I also know the integrity of your organization and how much you stand behind all workers and always have. So there is no, on my part, certainly no criticism of your organization or the position that you're in, you know, we take responsibility here for making that decision to expand that because as you said it wasn't on our radar and we don't want to end up in the same place. But I really appreciate you being here. Your support over the years for workers' rights and for protecting workers is, you know, I couldn't I know you all well, I know you as family, and I know the work that you do to protect your members and to protect working families throughout the State is really critical so I appreciate your testimony.

RICH HART: Thank you so much.

REP. PORTER (94TH): Thank you, Senator. And just to piggyback off what was being state because you did answer the question that I had were you aware at the time that you made the commitment to include EMTs and DOC that there was the dispatchers who were also wanting to be included and your response was no. Is that correct?

RICK HART: Right, they weren't.

REP. PORTER (94TH): They weren't on your radar is what you said, right?

RICK HART: Correct, yes.

REP. PORTER (94TH): Okay and the only thing that I will say at this point and this is coming to me as

I'm listen to this conversation between you and the Senator is, you know, it goes back to that thing were you look at the foundation, you look at the people who often get left out, police officers, correctional officers, EMTs all do a very important and critical job but that job would not be possible if it weren't for dispatchers and I think the argument being made is if there is trauma incurred in that position as well even though they are not physically in eyesight of what's going on, they can certainly hear what is happening and I think that is an emotional trauma that just never goes away. And I think that we need to really consider what's being asked and why we have them in the Bill to be included and I would hope that, you know, the work they do would matter and that their mental health as well would matter. So that's the only think I will say. I totally respect the fact that you made an agreement and at that time the agreement was DOC and EMTs and that you didn't have them on your radar. But the fact of the matter is they are on the radar now and we need to take into serious consideration and weigh it. I think it carries a lot of weight because if it wasn't for them, none of these other folks would be able to do their job and I don't think it is right for us to leave them out or leave them behind at this point. Any further questions or comments? Senator Miner.

SENATOR MINER (30TH): Thank you, Madam Chair and I to thank you for being here and trying to add some clarity. Let me just say that, you know, I could probably debate this Bill for a couple of hours and I'm not gonna do it now, I don't think it's fair to the people that are here. I look forward to the opportunity to have a conversation about what the

intention of the Bill is and what it's not. Again I thank you for being here. I think it is a sign that there were parameters in the Bill, there are still parameters in the language of the Bill and as we move forward for those that think the parameters ought to be changed that is going to take a little more work. But again thank you for being here. I've appreciated the conversations that we've had over the last couple of years about this issue and it is complicated. So again, thank you.

REP. PORTER (94TH): Thank you, Senator. Any further comments or questions? Seeing none, I thank you Mr. Hart for your time. Up next we have Robert Glasby and Tamara Fischer representing CAPE testifying on the same Bill, Senate Bill 2231.

ROBERT GLASBY: Hello, Good Afternoon. We want to thank you Chairpersons Kushner, Porter, Committee Members and concerned citizens. We want to thank you for bringing this Bill forward. Thank you for the opportunity to be here and express ourselves.

We sit here today representing over 20,000 EMS providers in this State who at one point or another had no voice. I am the Director of the External Affairs for the Connecticut Association of Paramedics and EMTs.

EMS providers were originally appalled at the fact that so many people on governmental rolls were placed in a situation where EMS providers were being left out of the Bill last Session. It meant that while our brothers and sisters in law enforcement and fire could be riding in the same ambulance as an EMS provider we wouldn't have been provided the same opportunity to seek help through workers' comp in

the case of a qualifying event. I think it is now clear and understood that we all arrive on the same scene, at the same time and fight the same fight as frontline first responders. We thank you for taking the time to listen to our stories. We thank you for all of your hard work, your time and the effort that you put into the inclusion of EMS providers. CAPE and EMS providers across the State thank everyone for their support.

We are all aware of cases of frontline first responders who have committed suicide or deal with issues resulting from PTSI. However, it is our hope that the inclusion of EMS in this Bill as discussed and promised last Session will come to fruition. It will equip EMS providers with the tools, and the abilities and the opportunities to take care of themselves so that we can take care of others.

If you watched any of the conversation on record in the last Session, one major theme came up time and time again and that was the fact that EMS providers should have been included. I'm willing to try to answer any questions that you may have or concerns.

REP. PORTER (94TH): Thank you for your testimony and thank you on behalf of this Committee for the work that you do, critical, much needed and much appreciated. Any comments or questions from the Committee? Yes, Representative Winkler.

REP. WINKLER (56TH): I just actually want to amplify your last statement. So a deal was made, we get to the Session at the House and speaker, after speaker, after speaker on both sides of the aisle got up and said EMS should be added. I'm sure the home viewer was saying so why don't one of you made

the Amendment but because there was a deal and because in this building all you have is your word, nobody could adjust fast enough and it's about time that we correct our error. Thank you.

REP. PORTER (94TH): Thank you, Representative. You're welcome. Yes, Senator Miner.

SENATOR MINER (30TH): Thank you, Madam Chairman. So EMS providers were in the Bill.

ROBERT GLASBY: I'm sorry.

SENATOR MINER (30TH): EMS providers were in the Bill, not all EMS providers were in the Bill.

ROBERT GLASBY: Correct.

SENATOR MINER (30TH): Right, so some of us knew that and some of us tried to correct it and it wasn't a big hurdle. It wasn't like we were moving a mountain we're gonna try put someone that wasn't in the same exact rig into the language. What that did was provide this opportunity and so the fee for including you folks now is gonna be including somebody else. That's what this is about. By keeping you out it renewed the conversation and it allowed someone to put somebody else in there. So just so we're clear, many of us recognized this was a flaw on the Bill that if you worked in one agency or you volunteered for one department you were covered and even in the same community you weren't covered if you were providing the same services to my constituents. So this is not rocket science, this could have been taken care of that night but this is where we are. So I look forward to the conversation about trying to make this right.

ROBERT GLASBY: Thank you.

REP. PORTER (94TH): Thank you, Senator. Senator Kushner.

SENATOR KUSHNER (24TH): Thank you so much for being here. I had the pleasure of meeting you that night and watching you as you learned that it wasn't gonna happen and obviously we all have differences of opinions of why and obviously it wasn't an easy fix. I would have been the first to want to do that but I didn't have the same recollection or same experiences that night and I did feel like there was a threat to the whole Bill. I do want to say that I don't, I have a problem with the way workers are often divided and conquered by thinking that if I get something I have to make sure no one else gets it or someone else is just as deserving doesn't get it. I know you don't hold that view, I've had conversations with you.

I guess my question is as an EMT how closely do you work with dispatchers?

ROBERT GLASBY: To be honest with you, when we're in the ambulance we're told where we go.

SENATOR KUSHNER (24TH): Could you just speak a little closer, cause I can't hear you to well.

ROBERT GLASBY: So as far as the relationship between the first-line responders and the dispatchers, the dispatchers receive the call and they tell us where to go and what type of situation if they have that information that we're going into. Sometimes we get that information and sometimes we don't. Sometimes they don't get the whole story but when it comes to the relationship as far as my experience has always been is they've always dispatched me to a location for a particular problem

and I've responded. I mean as far as what their job entails I'm not clear. I've never been trained as a dispatcher.

SENATOR KUSHNER (24TH): And when you do get to a scene, I know you did express some concern to me previously when I spoke to you about how closely you're working with police or fire. You want to talk about that a little bit?

ROBERT GLASBY: Well when we arrive on scene, a lot of times we arrive at the same time or somebody, you know, will arrive first or whatever the order is but typically we are on the scene together and we all have our rolls and responsibilities. We try to make sure that we take care of each other and it's all about being safe and taking care of whatever problem is, that we're dispatched to. So, it's not a, like you said, it's not rocket science, really. We all want to go home safe, we all want to take care of each other on scene cause sometimes we are in dangerous situations. So, we just try to take care of each other.

SENATOR KUSHNER (24TH): Well I'm very happy that we're getting this Bill done this year and I don't think there is anything, there is no fee for getting you included in this Bill, it's just a real true effort in trying to make sure we are capturing the whole team. So I appreciate you being here today. Thank you so much.

ROBERT GLASBY: Thank you.

REP. PORTER (94TH): Thank you, Senator. Any further comments or questions? Seeing none, I'd just like to thank you for your time today. Next up we have Dave Weidlich - Communications Workers' of

America testifying on House Bill 5273, AN ACT CONCERNING CALL CENTERS AND NOTICE OF CLOSURES. Dave Weidlich and company. And the one thing that I would ask Mr. Weidlich is as you testify if your company testifies at the time they take the mic, please identify yourself by first and last name, thank you.

DAVID WEIDLICH: Good Afternoon Senator Kushner, Representative Porter, and other Senator Miner, Members of the Committee. My name is David Weidlich. I am President of Communication Workers Local 1298 in Connecticut, we represent approximately 2,000 workers in the state of Connecticut with close to 600 of those members who are call center workers. I am joined today by Sue Lewellen on my right and Nicki Foster on my left both are CWA members who work in a New London Call Center for Frontier Communications.

Call centers are an important economic lifeline for many communities in our State and across the country with about 31,000 employed in our State.

Thousands of workers across the country have lost their jobs in recent years as major corporations have offshored customer service operations overseas. Call center jobs are the easiest jobs to relocate with a flip of a switch. In my 20 years of representing CWA members, AT&T has moved hundreds of jobs out of the State of Connecticut including last year when 100 jobs that had an average salary of \$90,000 dollars a year were moved to Tennessee and Georgia.

Those \$90,000 dollar jobs were relevant to the City of Meriden because the average median wage in Meriden is \$57,000 dollars a year.

This is a pro-business bill. A businesses that invest in Connecticut by creating call center jobs will continue to receive appropriate tax credits and subsidies they do today. It's the call centers that move work after receiving those benefits from the State and leave the State with the burden of unemployment costs and other services provided to unemployed people that are at issue here with this Bill.

Similar bills have passed in other states, New York, New Jersey, Colorado, Maine, Alabama and Nevada have all passed versions of this Bill. In Louisiana, two years ago, this Bill was amended to apply to all businesses that receive State money in the State of Louisiana and then subsequently move work and jobs out of their state to be required to pay those subsidies back.

We need to stop this trend and with this bill, and we can ensure that we are not having taxpayers foot the bill for outsourcing.

I am also here today in support of H.B. 5270 AN ACT CONCERNING THE RIGHT OF A PUBLIC EMPLOYEE TO JOIN OR SUPPORT A UNION.

Legislation supporting the right to organize and collective bargain rights are critical to the labor movement and protection for workers.

I thank the Bill sponsors for their leadership in introducing and sponsoring this important

legislation and I urge all their colleagues to do the same. Ready for some questions.

REP. PORTER (94TH): Perfect three minutes. Actually I would like to ask you what was the purpose of bringing your company up to see if I have any questions that would be better asked of them?

DAVID WEIDLICH: Yes, they are workers that today are employed in a call center and if you like either one of them to, you know, talk about the impact of losing their call center job would have on them, that would be great.

REP. PORTER (94TH): Yes, I would. I just wanted to make sure I knew who they were and what their purpose was. So if you could please just state your first and last name, if it's difficult spell it for the record please and then respond to what was just put out there, you know, what would be the impact and do you actually have colleagues that have experienced closing of a call center without notice and how that has impacted them?

SUE LEWELLEN: Yeah, I did. My name is Sue Lewellen, L-E-W-E-L-L-E-N. I have 40 years in the phone company in October and most of it's been in a call center. Now in the past like ten years or so is when it seemed like they can flip a switch and put the work somewhere else with the technology. If they do close the call center for myself and a lot of my coworkers and my union brothers and sisters it would be financially devastating to us. They would take our job away, which has given me a home, insurance for my family, stability and prepared me for retirement. At this point after all this time, where am I gonna start work where I am now. I would

be looking for help from the State of Connecticut. I wouldn't be buying things in the State. I think financially devastating for everybody.

REP. PORTER (94TH): Thank you for that. I think that actually speaks to some of the things that were spoken about earlier where we are living in a time, in a State where a person such as yourself making a lucrative salary, very sustainable if put out of work, would be forced to comeback into a workforce that has actually recovered in low wage jobs. So thank you for brining that point and I would just ask if the young lady that is with you would like to speak to that as well and what your experience is and would be if a call center closed, your call center closed?

NICHOLE FOSTER: Sure, my name is Nichole Foster and I work with Sue and I am a local CWA 1298 member and steward working for Frontier Communications in Connecticut. I've worked in a call center since first hired by SBC and have 16 years with the company through SBC, AT&T and now Frontier. The job has personally afforded me the ability to be a homeowner and care for my family and hopefully, eventually retire, someday. It's also done something very important which is introducing me to unions and to be a voice for labor. But I do work with many people whom this job is their sole income and whose lives just as Sue had said would be devastated without the jobs. And if there is a time to keep jobs in Connecticut this would be the time especially as you said, high quality jobs that allow the people that live in Connecticut to own homes and have multiple vehicles and afford to have their kids be in Connecticut colleges. You know, we want other

people in Connecticut to be able to have jobs like this. I mean it should be not just us keeping our jobs but others to be able to rise up and have jobs like this. So, that was my input.

REP. PORTER (94TH): Thank you and I'm just listening to you speak and as you said, we talk about keeping businesses in Connecticut what about keeping jobs in Connecticut, right. And this is where we get to level the playing field and actually bring some balance because as much as you have a concern about businesses staying and coming to Connecticut we should have an equal concern about making sure that workers stay in Connecticut and that they remain employed with sustainable, livable wage jobs. So thank you for adding to the testimony. Any comments or questions from the Committee? Yes, Representative Fishbein.

REP. FISHBEIN (90TH): Thank you, Madam Chair. Good Afternoon. I just wanted to ask you about some of this, the way this works. So looking at Section (b), if an entrepreneur risk taker has decided to weather the business climate in Connecticut and put a call center here and then they anticipate closing that call center they have to notify the Commissioner within 180 days of when they intend on closing. Is that, am I reading that correctly?

DAVID WEIDLICH: Yeah, if you have 50 or more employees in a call center environment you have to give 100 days' notice.

REP. FISHBEIN (90TH): Okay and I don't see it in here once the Commissioner has that information or maybe it's in here and I missed it, what is the Commissioner supposed to do?

DAVID WEIDLICH: If given the notice then there is not an issue with it. If they haven't given the notice then they are subject to a fine at his discretion or her discretion.

REP. FISHBEIN (90TH): You would hope that when the legislature mandates a notice that somebody's empowered to do something with that notice, to act upon, to utilize the resources of State government. I didn't see anything in here. So what would stop a call center from every 179 days sending a letter, I think we might close and they'd be in compliance, right.

DAVID WEIDLICH: If they actually follow through on the closure then they would be subject to the Bill, if they didn't close and they just sent a letter, then I don't think that's applicable. But I mean that's my interpretation.

REP. FISHBEIN (90TH): Cause I didn't see that in here. It didn't say they actually had to close if they sent the notice.

DAVID WEIDLICH: I think what the point of the Bill is to drive businesses in Connecticut to maintain to commit to having people who work in Connecticut and if you're gonna move the work out there is a process that is followed. I don't think it is intended for somebody to game, but I guess that could happen.

REP. FISHBEIN (90TH): I'm just trying to figure out what the Commissioner is supposed to do, cause well. Moving on from that, in Section (d) it indicates that the Commissioner is supposed to compile a list every year of employers that have moved call centers from this State or to a foreign country and is supposed to make that list available to the public

and predominately display a link to the list in the Labor Department's internet website. Why is that a component here?

DAVID WEIDLICH: So you have a tracking mechanism of how many call centers there are if the Bill was to pass, how many employees they have to make them eligible to be required to follow the Bill and then an adjustment made based on if they do notice and move work because you can move less than 30 percent of your work out-of-state under this Bill and not be required to report.

REP. FISHBEIN (90TH): Okay, let's say that Frontier moves all their call centers out of Connecticut and now they're on the bad business list. What is that list supposed to be used for, it is required to be available to the public and predominately display a link to the list?

DAVID WEIDLICH: It's supposed to be a list that's used to halt the granting of subsidies and tax breaks to that particular business.

REP. FISHBEIN (90TH): Okay so that's in Section (e) where it says that they "shall be ineligible for any direct or indirect tax grants, state guaranteed loans, state tax benefits or other state financial support for a period of five years from the date such list is published."

DAVID WEIDLICH: Correct.

REP. FISHBEIN (90TH): Okay, so it's unclear to me, I don't know, does that mean since the list happens to be published annually, if I show up on the list this year, for the next five years. Well that wouldn't make sense. How long is a business on the list?

DAVID WEIDLICH: I'd have to double check, I don't have that right in front of me. But I'd be glad to follow up with ya at another time.

REP. FISHBEIN (90TH): The language doesn't say when somebody falls off the list. So I guess the problem is that the list has to be published every year with each republication of the list it starts the five years again so if some business is always on the list because they don't fall off then they could have done this, let's say they did it this year and it's 20 years from now they would still be ineligible for those programs is the way, unless.

DAVID WEIDLICH: I would really like to get that Bill out in front of me again and have that follow up with you to specifically answer every one of those questions because the crux of the Bill ultimately is to say, hey company if you want state money, grants and subsidies you need to commit to keeping the jobs that you're getting those credits for in the State and if you don't, there's a penalty and legalities of how that's written and how that works is stuff that can evolve through the Bill but the ultimate goal is to say if we give you money to help your business, don't turn around, take the money and get your business established and then move out of the State at the expense of the Connecticut taxpayers.

REP. FISHBEIN (90TH): And I'll tell ya, I agree and I think when this went through Committee last Session we proposed an Amendment to make this only having to do with those businesses. But, please correct me if I'm wrong, this legislation deals with all call centers whether or not they took state funding, state grants or not.

DAVID WEIDLICH: I don't believe any call center that doesn't take those grants is affected by this Bill at all.

REP. FISHBEIN (90TH): Well, {sighs}. I looked at this the other day and I thought, yeah in Section 1, parin (1) it defines a "Call center means a facility or other operation through which employees receive telephone calls or electronic communications for the purpose of providing customer assistance or other customer service," that's all it says. It doesn't say that receives state funding or what you're saying here. So we're on the same page here, I think because I fundamentally agree with the last statement that you made. So hopefully we can work this out as we go forward but thank you and Thank you, Madam Chair.

SENATOR KUSHNER (24TH): Let me just ask a couple of questions. I know that, I understand the intent of this Bill is to discourage companies from leaving the State or moving jobs out of the State that either have been, you know, good paying jobs with good benefits, whether or not they have taken State subsidies or not. I think that is something we can delve into. But I am aware that this Bill has passed or at least something similar to this Bill has passed in I believe you mentioned in other states. Could you tell us if that's the case am in remembering that correctly and what other states are we talking about?

DAVID WEIDLICH: We're talking specifically about New York, New Jersey recently. That's very hot off the press and with bipartisan support by the way. Colorado, Maine, Alabama, Nevada have versions of the Bill. And like I stated earlier Louisiana was

the one that went more towards any state money for any business comes back if you move your business out of the state.

SENATOR KUSHNER (24TH): So, I think one of the things we can do as we, you know, in the next few weeks as we move toward having a discussion the Committee can look at those other states. I believe this language is very closely approximates the language that we had that has been passed in other states. Is that your understanding to?

DAVID WEIDLICH: Yes.

SENATOR KUSHNER (24TH): Well, that's what I thought. Thank you so much. Is there anybody else who had? Representative Polletta.

REP. POLLETTA (68TH): Thank you so much and thank you for taking a few moments with me beforehand and to educated me on this Bill. I just want to say that if any, any business is taking any State aid and then plans to close they should return that money. I don't care if it's big or small or whatever. If my tax dollars is going to a business and then they take that money and move to another state, I have a lot of problems with that, especially in the economic times here in the State of Connecticut that we're in. If that is a provision that's in this Bill I would absolutely support that provision. As far as the Bill itself I was discouraged last year to see that there couldn't have been, there wasn't a bipartisan compromise on the Bill, just, you know, preliminary in your dealings with this and other states, is there, I know you talked about the \$10,000 dollars per day fine. I think that was bone of contention in years

past. Is that something that's set in stone, have other states done less than the \$10,000 dollars, more, is that the mean, what is your experience with that?

DAVID WEIDLICH: Some other states have done less, but our language specifically says up to and I think when it says up to it gives the Commissioner an opportunity to look at circumstances as to why that business closed and say it doesn't deserve \$10,000 dollars. The company is not doing well, whatever the reason might be. What if it's a company that's thriving and they're just doing it and they didn't give the notice, I think they have the latitude to make a different decision cause it says up to \$10,000 dollars.

SENATOR KUSHNER (24TH): And am I correct, I believe that New York just passed this recently, right?

DAVID WEIDLICH: I want to say our Bill is very, very close to the exact language that passed in New York and it was bipartisan support on it.

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

REP. HALL (7TH): Yeah, and I would just reiterate Representative Polletta's point that any company taking state money, whether it's grant, loan forgiveness, whatever it is, this should be applied to them. But I just want to be clear and I think it's important that this is only in reference to those call centers that receive State assistance not all call centers.

DAVID WEIDLICH: That's the way I understand the Bill.

REP. HALL (7TH): Okay, thank you.

SENATOR KUSHNER (24TH): Any other comments or questions? Seeing none, thank you very much for being here, we're happy to have you.

DAVID WEIDLICH: Thank you for your time.

SENATOR KUSHNER (24TH): Thank you for coming and testifying. Next we have Chuck Borchert. Is Chuck here? Okay, thank you Chuck. Go ahead.

CHUCK BORCHERT: Good Evening, Senator Kushner, Representative Porter, Senator Miner, Representative Polletta, and the Members of the Committee:

My name is Charles Borchert Jr, I am a Vice President of Communications Workers of America Local 1298 in Hamden. I'm actually here to testify in support of HB 5273 AN ACT CONCERNING CALL CENTERS AND NOTICE OF CLOSURES.

What' I'm actually doing today is going to read two letters from former employees of AT&T who just had a call center close in 2019 and the impact it had on both of their lives. Neither one of them could be here present so I have two letters from them.

The first one is from Meridith Arnold and she writes, "My name is Meridith Arnold and I was laid off by AT&T on 12/13/2019 after over 22 years of service. My work center and job functions were moved out of state and as a result I was laid approximately two and one-half years prior to qualifying for a full retirement. I am 49 years old with a two year electronic certificate and I am finding the process of seeking suitable employment overwhelming and discouraging."

"I have two children in college and I am fortunate enough to have a spouse who is offered medical insurance through his employer, I can't imagine the additional stress of trying to maintain medical for my family under these circumstances."

"I was a large contributor to my family's income \$99, 200 dollars and now the entire burden is on my spouse as I seek employment. I am finding that the jobs that I may qualify for do not pay anywhere near what I have been making recently and the process of finding employment is much different that it was the last time I applied for jobs."

"My future plans are very uncertain at this time due to this layoff, my ability to help my children pay for college is compromised and my retirement plans are completely derailed as I was laid off prior to being retirement eligible."

"The loss of my income combined with the burden of increased student loans as a result of my loss of income will keep my family from being able to have expendable income which will keep us from being able to support our local economy as consumers."

"My retirement plans are completely derailed at this point and we cannot even attempt to make any additional plans until I obtain suitable employment, which will most likely fall very short of our family's needs."

"I will be unable to collect unemployment until I exhaust my severance pay, but have been utilizing all the job search services and attending workshops at taxpayer expense. If I remain unemployed beyond my weeks of severance which is a distinct

possibility, due to my age and lack of degree I will be eligible for the maximum amount of unemployment."

Thank You. Meridith Arnold.

SENATOR KUSHNER (24TH): I'm just gonna, because you ran out of time, I'll just ask you a couple of questions and then maybe we can get to the other letter. I failed to say this with the previous witnesses and I apologize for that, I should have said then and so they are not in the room, I hope you'll let the women know. I think most of us in this room have at some point made a call to a call center particularly AT&T or Frontier and usually we're very frustrated cause somethings not working whether it is our internet service, our telephone or our ability to watch Netflix when we desperately need to or the UConn Women's Basketball game which is even more serious, and I think that I forgot to thank them for what they do because a lot of times it's that person who answers that phone that can talk us through the problem and solve the problem on the spot without needed to have somebody come out and fix the problem and that, for anybody who is in this room who has ever had that experience, I know getting a high quality professional person on the other end of the phone when we're calling in with a problem is just, we treasure that moment and if we don't get that somebody who can solve the problem, who isn't trained or isn't professional it can be very, very frustrating so I should have started out by thanking those women and when you read the letter it reminded me when she talked about the work that she was doing and the length of time she did it. It made me appreciate how hard it can be and sometimes as customers we're not the easiest to deal with

also, I betcha ya. Not me, not ever [Laughter] but I'm, so thank you for that, for reading that letter and you mentioned you had another letter, would you like to read that and share that with us?

CHUCK BORCHERT: Yes, it's actually shorter than the first one, so it will be fast. So this letter from Dawn Loggins-Wright

"My name is Dawn Loggins-Wright, and I would like to tell how my life was affected by the closing of the Meriden Call Center by AT&T."

My job was to be moved out of state to Tennessee, and because my Union was able to bargain a provision that I would have the option to follow my work, I was allowed to move to Tennessee and start my life anew."

"The day it was announced that the center would be closed by years end, my life changed dramatically. I had the hard choice of making a life altering decision of moving to keep my employment or taking a severance and try to find a new job."

"The fact that I was not retirement eligible and the fact that my age would prohibit me from finding work, especially making the money that I was currently making, I chose to stay and follow my work."

"I now had the task of selling my home, which was under renovation, and telling my spouse that I was moving. I was lucky enough that my children were grown, and basically on their own, but the issue of my home and spouse was one of the hardest that I had to make."

"My home was eventually sold at a loss, and my marriage has suffered because of the long-distance relationship of myself being so far away, and my husband remaining behind because of his job. I was not happy to move away from friends and family but knew that I was in much better position than many of my coworkers, who did not have the luxury of picking up and moving cross country."

"I'm very sad that AT&T can move good paying jobs out of state and disrupt the lives of its employees, who have given so much of their lives and dedication to the company."

"I hope this bill will stop this from happening to others in the future." Respectfully, Dawn Wright.

SENATOR KUSHNER (24TH): Thank you so much. Are there any comments or questions from the Committee? I do want to point out that I appreciate her bringing to us the fact that she was able, because of a union contract, to continue the work with the company and move. Unfortunately a lot of places that are not unionized people don't have that option when the place closed down the jobs are not offered to those folks. So, there's another important thing that was in that letter, so I appreciate you reading it to us. Thank you so much for being here today. Next on the list is Scott Dolch from the Connecticut Restaurant Association.

SCOTT DOLCH: Good afternoon Senator Kushner, Senator Miner, Representative Polletta and members of the Labor & Public Employees Committee. My name is Scott Dolch and I am the Executive Director of the Connecticut Restaurant Association. The Connecticut Restaurant Association is a statewide

trade association representing restaurants and affiliated businesses across our State. There are over 8,200 eating and drinking establishments in Connecticut. Our members range from quick-service, too casual to fine-dining establishments. The Connecticut hospitality industry employs an estimated 160,000 people, making up almost 10 percent of our States' workforce. Restaurants are a driving force in the State's economy and generate tremendous tax revenue.

I am here today to address the on-call scheduling SB 227 and how this proposal would negatively impact restaurants across the state. The restaurant industry is known for its flexibility. Flexibility for employers and employees alike. Many employees specifically seek work in the restaurant industry for the flexibility that it allows. This proposed legislation would eliminate that flexibility and mandate a new system that would hurt both the employers and employees.

On-call scheduling is an essential part to the hospitality industry: parties, events and bereavements are booked last minute or sometimes canceled last minute. Weather often forces a restaurant to close completely or to close outside dining. Employees call out last minute and their shifts need to be replaced. These are just a few of the many examples that make this "one-size-fits-all" proposal a burden for everyone in our industry.

In addition, this bill should be renamed "restrictive scheduling" as it would eliminate the current employee-centric process that has been a staple in our industry. Accommodating employees' scheduling requests is one of the best ways for

restaurants to compete for and retain the best talent. Restaurant managers and owners work hard to find schedules that are mutually beneficial for everyone. However, this proposal would restrict the process and create a new rigid scheduling system. Employers would have to post 14 days in advance with little to no opportunity for changes, which will cause them to understaff, eliminate shift-swapping and reduce on-call opportunities.

This legislation is a risky proposal that could have serious negative implications for the restaurant industry in Connecticut. Comparing this to other proposals across the country, this proposal is the most complicated, expansive and destructive for the business community. As is the case with many well-intended legislative proposals, these bills will negatively impact the very people it's seeking to help. The current system works. It works for both the employer as well as the employee.

Thank you for this opportunity to speak here today and I welcome any questions.

SENATOR KUSHNER (24TH): Representative Polletta.

REP. POLLETTA (68TH): Good Afternoon, Scott. Thank you for being here today. I know we've heard from you a number of times in the past including in the off session regarding the 80-20 rule. But today, you know, you shed some light on something that somebody that represents such a large part of our economy and Senator Formica was here before speaking on this very issue. I guess I have a couple of questions for you that will help, hopefully, everyone here understand a little bit about how this is unfair to the restaurant association.

Number one, or restaurateurs in general across the state. Number one, is it your experience as being a restaurant owner that, you know, this Bill is saying ultimately that the employer would have to give the employee two weeks' notice so now would then the employee need to give the employer two weeks' notice of time off?

SCOTT DOLCH: No, they would not. As the Bill is written the employee could call out at any point without being penalized and the penalties or financial obligation for the employer is still in place.

REP. POLLETTA (68TH): So, thank you. And so as a restaurant owner if you had a party in a backroom for 25 people, let's say it's a Friday night and someone is having a 30th Birthday, and you have three servers on that event and two of them call out, would you then not need to call others in to cover that shift?

SCOTT DOLCH: You absolutely would. I think the part of the question as we look at this legislation the penalties and the fines for the employer as opposed to the employee that they would need to backfill and obviously fill to keep that party of 25.

REP. POLLETTA (68TH): So as is the case in my district where there tens of restaurants and you know, unfortunately I just haven't heard from one person who was ever affected by this, maybe it's just me, but never heard of it. But as far as the restaurants go in my district, I have spoken with them and they're deeply concerned about those in particular that have outdoor eating because of the

inclement weather. Now no offense to the weathermen but I said it before, we don't even know what's going on tomorrow with the weather. I mean it was 60, it's gonna be 40, we might get snow, we might get rain. We can't figure out what's going on. How in God's name is a restaurant owner going to predict 14 days in advance whether or not their patio is going to be open? Do you know any restaurant owner in the State of Connecticut that can predict the weather for 14 days?

SCOTT DOLCH: Absolutely not, I was hoping for the question but looking at this legislation, this proposal compared to even where it was a year ago, we were talking three days which is already a concern with weather. You can't predict weather in three days now you're asking a restaurant owner to predict their business, especially weather related 14 days in advance and it was like you mentioned earlier it was 60 degrees yesterday in the middle of February which is pretty rare for us, but snowstorms and everything else that could come into play.

REP. POLLETTA (68TH): And thank you. And also, so I got into the point, like four hours ago about amusement parks and establishments such those, the Lake Compounds of the world that operate, will have multiple restaurants around the park but also have workers, particularly our youth that work there part-time, seasonal for the summer, do you represent any restaurants that might have establishments that in these parks or tourists areas that depend really on weather in the summer?

SCOTT DOLCH: I mean I definitely represent a lot of restaurants throughout the shoreline as you guys can attest to or know there's other examples on beaches

and contractors that have restaurants and weather related younger staff concerns obviously within the Bill now. I know there is the weather that they are describing, the proponents of the Bill are saying, you know, know if a national emergency, well lightening is not a national emergency or closing roads down and obviously most of these outdoor establishments are not open in heavy downpours or lightening but if you have that scheduled as this Bill is proposed, it is unfortunately would be up to the employer to still pay for those shifts even though they would not be able to be open and not be able to generate revenue for that.

REP. POLLETTA (68TH): Thank you and it's my understanding that right now, most restaurants have some sort of mechanism in which, and again we're talking specific about restaurants here. This isn't the entire industry because I do understand that there are some bad actors out there and I think that they should be dealt with appropriately and I don't know if this Bill is the way you do it, but if someone is taking advantage of their employees, then you know, that's wrong. We all know that. I don't think anyone is trying to say that. But it is my understanding that most restaurants have a mechanism in which someone can call-out, either somebody said they have a book and they can write the days that they have off. I know that in particular a few friends of mine who are bartenders might have a family party on a Friday, it's hard to work weekends. I used to be a DJ, I worked almost every Friday and Saturday doing weddings around the State of Connecticut but there came that time where I would have to tell, you know, whoever I was doing the event for, hey I have my niece's birthday party

this Saturday, I can't make it. Sometimes 14 days in advance is not practical. Things come up, you know, you have a family party, you have something that comes and that's, 14 days is not enough time.

I guess this was asked before but in the restaurant business what is the usual lead time as to how many days a waiter, or waitress or a server will request off?

SCOTT DOLCH: Typically, I mean I think the misconception in all this conversation is schedules are made, I mean businesses have to run and set schedules. But to actually start to penalize the employer because schedules have to be changed or based on their business or weather or any of these other issues that can come into play, is really the issue here. I don't think any business or any restaurants that I know of aren't working with their employees every day. I mean I talked about it in my testimony that that's the best part about our industry. We talk about how the flexibility, you can have single mothers, you can have people that can make their shifts and their times work for them. They can work as a bartender on a Friday and Saturday night and still go to school during the week. So that flexibility has always been there and the scheduling is still there. It's the fact that the way this proposal was written was you really can't touch it as an employer once you set it for 14 days. And I think that is that is the risk that is at hand here with our industry.

REP. POLLETTA (68TH): For those establishments that have small rooms, you know, I'm talking as I mentioned before, 25-30 people. Let's say, God forbid someone was to die in my family, I was going

to have a bereavement, I'm not Jesus so I can't predict when someone is going to die, I don't know 14 days in advance if a loved one is going to die, what if I called you, the funeral is on a Thursday, today is Tuesday and I need you to provide me with a bereavement on Thursday afternoon, after the mass. And all of a sudden you need to increase your wait staff, would this Bill adversely affect your ability to call folks in because of let's say a bereavement?

SCOTT DOLCH: It absolutely would. I think the way that it is written right now, is yes you could call somebody in but it is up to the discretion of the employee now of whether or not they want to come in if they weren't on the schedule, they obviously don't need to and I think for a business to work, especially in the hospitality industry and restaurant, it's hard to predict events, groups coming in, size, weather related. You know, you talk to some of these restaurants now, it's 60 degrees outside, they are opening their patios yesterday but how are they gonna call in staff and I think, you know, that's the benefit of our industry and I think that this unfortunately the way that it is written I think could penalize these small business owners which is what they are, of trying to run a business and work with their employees. As you heard from Senator Formica who runs one of the best, you know, fish market and restaurants in the State but he's been doing it for 36 years and, you know, when he takes a look at it and says, how can I run my business, how can I do this, it is the worry that I have not only for him but the 8,200 others that are like him.

REP. POLLETTA (68TH): I'm very concerned because in a time when Connecticut is lagging so far behind the rest of the nation in just about every category, we're attacking one of the only growing industries in the State. Facts don't lie. I'm always a facts person. The facts are that we're struggling here and we talked about the great recession, recouping jobs and whatnot, I don't know. What I hear from most of my constituents is that they are leaving the State or that they are underemployed and they can't afford to live here, it's too expensive. I don't hear, Oh God, I made back all my money from before the great recession, I'm doing great. I came back. The restaurants give people an opportunity to work a second job, sometimes a fulltime job. Some folks make really good money but a lot of times a part-time job is a supplemental income. This I think is going to hinder folks who are thinking about opening up a restaurant to think twice, not only because we're asking 'em to tell their potential clients that, hey I don't know if I'm gonna open my patio because I'm gonna have to call in extra staff but don't book your bereavement with me because in case your loved one dies I'm gonna have to pay my staff double-and-a-half because, time-and-a-half because I don't know how many people I'm gonna need and whether or not they are gonna be available. I think that there needs to be, the idea that you can't take advantage of your employee ought to be put forward and it think that is why we're having a Public Hearing but to take it a step further and attack certain industries and label them as, you know, taking advantage of workers, in my opinion is outrageous.

If there is a bad actor out there and even if it was someone in your group, I hope that there is a mechanism in which they can be reported, let's say through the Department of Labor or whatnot. We talked about this over the summer when we had the 80/20 rule come up and there were folks that came here one of which who worked at the casino and said she was asked to do ten other things that had nothing to do with her shift and I said, absolutely, you getting taken advantage of. That's not right. But an honest, small business owner that is doing their best to make it in such economic times in this State to then throw this on top of them is offensive and I'm concerned that, you know, that it's not only going to effect the folks that are in business but it's also going to affect those entrepreneurs that want to take a chance. You know, we have a lot of development in my area. We have a potential 13 acre site that is gonna get developed with mounds of opportunity. Somebody might want to put a small coffeeshop, they might want to put a little eatery, a bistro but who the heck is gonna want to open up a business if they're told that they're gonna have to pay their employees double if they call 'em in because they have a bereavement or send 'em home because there's a lightning storm and they had to close the patio. Any logical person is gonna look at this and say it's not right and I hope, my hope is that there is gonna be some changes to this Bill and if not, that it dies like it has in years past. Thank you.

SENATOR KUSHNER (24TH): Representative Fishbein.

REP. FISHBEIN (90TH): Thank you, Madam Chair. Good Afternoon, Scott. Scott, you're the President of which group?

SCOTT DOLCH: The Connecticut Restaurant Association.

REP. FISHBEIN (90TH): And what kind of, is it just a brick and mortar restaurants or, you know, like what is the smallest establishment that you work for in your organization.

SCOTT DOLCH: Sure, it really ties into everything. So obviously we have the quick service, the QSR world which is like a *Dunkin Donuts* to a *McDonald's* to a fast casual, we have caterers as part of our association, all the way up to fine dining establishments, you know, examples like concession stands that are brought on beaches, whatever else that are contracted out on the catering side, so really the whole gambit of our industry is underneath our association I help to represent.

REP. FISHBEIN (90TH): So, I'm looking at this language and do we have any tearooms in Connecticut? I'm particularly on the second page, line 27, indicates that this would tearooms.

SCOTT DOLCH: I can't speak on the definition of what they are defining as a tearoom.

REP. FISHBEIN (90TH): I don't even know what it is but we have some entity in the State of Connecticut that holds itself out to be a tearoom. Is that affirmative.

SCOTT DOLCH: As part of our membership, I think, not specifically, no.

REP. FISHBEIN (90TH): Do you happen to know what an automat is?

SCOTT DOLCH: I do not.

REP. FISHBEIN (90TH): That is referenced in line 28. Before this language was drafted did somebody reach out to your entity as far as this is what we're thinking of doing and getting your input as to the width and breadth of this language?

SCOTT DOLCH: No, I think that's partly the, you know, frustration I have in this trying to understand. You know, I think I mentioned that in my testimony, Representative Fishbein and the fact that as I tried even to talk with our counterpart the National Restaurant Association understand where this Bill sits and how it's targeting our industry and it's the most egregious experience, and I think I very concerned, yes when you say you're looking at, you know, this language is obviously put forth probably the same time as it was posted that I actually saw it.

REP. FISHBEIN (90TH): And then in line 30 it appears it says, "that portion of a business involving the serving of food in drugstores" are we told what food is here because we know when the Democrats passed the grocery tax last session, we were never told what a meal was, so is food defined in this language?

SCOTT DOLCH: I don't, I mean obviously diving into this entire section I think there is a lot of concerns that I had just even as you mentioned tearooms and other things of where the food is being served and the list that kind of is endless here, is trying to get a better understanding of their

intent, I guess the legislative intent of why it was drafted this way.

REP. FISHBEIN (90TH): And I don't know if your entity is involved with it but it also extends under the restaurant part to social clubs. Does your group that you represent, can you tell me what a social club is in the context of this?

SCOTT DOLCH: I mean in definition to this language, probably not. I mean obviously we definitely have a couple of VFWs and others that are members, they reap some of the benefits that are restaurants receive so if that is defining the *Polish Club* or others that are members I'm assuming that's where they are going with this, but yes, they would fall under, you know, we do have some that are members and obviously try to benefit from what we can do as an association for them.

REP. FISHBEIN (90TH): Do you have any idea what they mean by professional club in here?

SCOTT DOLCH: I do not.

REP. FISHBEIN (90TH): All right, well I thank you for your testimony and I'm trying to figure this out. Thank you. Thank you, Madam Chair.

SENATOR KUSHNER (24TH): Other questions, Representative Hall?

REP. HALL (7TH): Thank you Mr. Dolch for coming out this afternoon. So you mentioned the question from Representative Fishbein that you been in contact with your national organization around this issue. Do you know of any other states or jurisdictions that apply the same standard with regard to on-call scheduling?

SCOTT DOLCH: In regards to this Bill that is put before us, there is not a state that has put this language and targeted the industry the way that this would target ours. I have had many conversations, I think Oregon is a state that obviously has looked into and has passed a piece of legislation but at the same time it is much different on how it doesn't have a whole lot into all our industry and small businesses and where it affects and everywhere else it is a city ordinance, large states that have passed, so trying to learn about those city ordinances but also trying, as I've seen this Bill for, you know, probably less than a week and trying to get an understanding of the intent I guess, and then where that's, you know, comparably to my colleagues that are around the country of how, you know, in San Francisco or New York City with some of these ordinances that have been passed how it is affecting the restaurants, not only the employers but the employees.

REP. HALL (7TH): And thank you for that. So from your perspective, this is a Bill that came up last year, correct? And is the basic difference from your perspective the movement from three days to 14 days or are you indicating there's some other language in here that is very different from last year's legislation? And the reason I ask that is because, so this was something that was here last year, so obviously you would have been in contact with your national organization around this issue so I just want you to speak to that.

SCOTT DOLCH: Yeah, and I believe, there is submitted testimony or spoke with you guys in regard to this. I think the biggest, it's not just the

three to fourteen days, I think the conversation around this is also a lot of the new penalties that the employer would face, the time-and-a-half, paying an hour just cause you moved their schedule of their regular rate not for a social hour just if you moved their schedule, you know, you have them working a 24 hours in a week, if you still kept those 24 hours but if you moved their days around or their times, you have to pay them an hour, an additional hour just because you moved it, even though it might have been agreed upon. I think the closing and opening term that's in here and the fact that looking at the language you have an 11 hour window but also if someone came back and we have people in the industry that actually asked for that because they are a single parent and those things, but they would be penalized if there is no verification that they wouldn't be, that that employer wouldn't be penalized but also its time-and-a-half on that entire next shift. It's not time-and-a-half for maybe let's say they come back inside ten hours and that first hour would obviously be within that but if they work a seven hour shift it's actually time-and-a-half for seven hours. So there's a lot of language, Representative Hall that I don't believe, and I don't have last year's Bill but I remember looking at it, that it isn't as extensive as this, and I think that is why I'm here and concerned because, you know, I think in my own testimony a year ago trying to explain the concerns inside three days was really all we talked about because of weather related that wasn't defined, this is something totally different.

REP. HALL (7TH): Thank you for that. And the reason I asked about your national organization is

because they can be very beneficial to us determining how this is impacting other jurisdictions or states across the country. And I just wanted to know, for example, San Francisco is, you know, has had this in place for nearly ten years and I just wonder if your national organization has any insight in terms of what the impact has been on San Francisco or New York City, or Philadelphia, or Chicago or the State of Oregon for that matter with regard how it impacted the businesses, restaurants in particular because that's what you represent, you don't represent all the different areas that we're addressing in this Bill but how has it impacted those businesses.

SCOTT DOLCH: Well I think obviously, Representative Hall, it hasn't been ten years, I think San Francisco the earliest adopter was 2017 so it's been three, New York City is maybe a year-and-a-half I think and Philadelphia is not even a year. Chicago, you know, is just recently so there isn't a lot of data on this in the sense of the repercussions. I think, you know, also looking at this Bill, this obviously in Connecticut is 25 or more employees, it's not just a restaurant obviously, I'm here representing the restaurant industry but what is concerning is it is a lot of small businesses how this would affect in our State which is not the case for any of those other ordinances, not to speak just for them because I do represent the restaurant industry, I'm concerned on how its tied and targeted here is what is eye opening for me because it's, you know, pretty much every one of my members would fall into that threshold that you guys, not you but that this Bill takes into effect and even looking at the repercussions in New York City in a small window or

San Francisco there has been survey's done and I have that data, I don't have it in front of me but happy to get to you about the employees are upset at the way the Bill was put forth because they now, even though you can say, hey you have a 14 day window, they don't know their schedule 14 days in advance and protect the employers from worrying about all these penalties they aren't being flexible because they don't want to pay fines. So they'll tell you, you've got to tell me in two weeks what your schedule is and obviously that is very hard for anybody to do in any industry to say, hey 13 days from now you'd better tell me when you can work and I'm not going to move it because if I move it I'm penalized.

So those are some of those things we've seen and heard that I worry about why I speak to the fact it's not just an employer, you know, that's going to be hurt, and the employees as well because of the industry that we have and the flexibility that is around the hours that they are able to hopefully request and receive.

REP. HALL (7TH): Just to clarify, so you indicated, there aren't studies or they're just employee surveys that a particular restaurant association or just in terms of what satisfaction is with this, how this been [Cross-talking].

SCOTT DOLCH: Yeah, well I can't speak, Representative Hall, I can't speak specifically, I know that there has been on both sides, like on anything there's probably studies that have been done or talked about so, I mean I'd have to go back and continue to look into all of the details but I think today, within the window that I had was trying

to understand this Bill and this proposal specifically for our State and how that just even compared to the other cities and towns around us.

REP. HALL (7TH): Thank you.

SENATOR KUSHNER (24TH): Representative Winkler.

REP. WINKLER (56TH): Yes, in regards to a previous question, my wife and children go to various tearooms around the State, I know there is *Tea Rose's Tearoom and the Pink Door Tea Room* in Glastonbury, anyways my question is what percentage of restaurants in Connecticut and caterers in Connecticut are part of your organization?

SCOTT DOLCH: We have 1,250 out of the 8,200.

REP. WINKLER (56TH): Like 13 percent.

SCOTT DOLCH: Thirteen, fourteen percent, yes.

REP. WINKLER (56TH): Thank you. So you seem to doubt that scheduling is a problem in your industry, that's paraphrasing what you said. Leaving aside the testimony that we've heard can you see a problem in somebody's life being on hold waiting for a call from their employer at any time and if they can't come in, in essence risking their employment because from an employer's point of view you have to be there when I need you?

SCOTT DOLCH: Representative Winkler, I think for me to answer that question, every case I will go back to comments that Senator Formica brought up and I think Representative Polletta said the same thing, I would hope the Committee up here understands me personally like there are bad actors, there are situations where maybe an employer is not working

through that with their employees and as head of the Association I'd want to continue to work to find better solutions so there aren't the, you know, some of the things you might hear up here but as a whole, you know, I represent the entire industry as best that I can and I think that as we see the way scheduling has been done, I mean everyone does it a little differently but, you know, people understand and have flexibility and hopefully open on both sides where, you know, the employee sometimes something might come up and they are trying to have to work with their employer and that's their relationship as the same would be said with an employer trying to do their best to not, you know, I need to call someone now to have them come in and so I can't speak to every instance but I would say I'm open and I will always be open to conversations to make sure that, you know, the people on this Committee, the Members of this Committee understand this industry and how it works and how scheduling for the most part is done and is an employee centric process because you're talking about so many employees especially in the realm of servers and bartenders that have to work and try to make their hours fit, that they are open to working with the employers and the managers of that restaurant.

REP. WINKLER (56TH): I think the incredible power differential between the owners and the laborers is creating a huge dynamic which we are not getting into and I won't burden everybody with it today. But moving on, I had a little exchange with Senator Formica and he said that employers would need at least a two day notice so schedule change and I said that would be a wonderful thing for the, that would be a minimum thing for the employees then wouldn't

it. And then I think we're gotten to the point where we are just haggling over the details.

So my question to you is what level of advance notice do you think a human being should have concerning this schedule changing?

SCOTT DOLCH: I mean I can speak for sitting here on Senator Formica's question that you had asked him, I believe, I think his response to that was every business is different. I think that sitting here and having legislative mandates of saying it has to be two days, maybe could work for one but not others and I think that is the bigger conversation here, is scheduling happens within the realm of restaurants. You know, they don't just all of a sudden say tomorrow, now I'm gonna make my schedule for my staff. I would think that in any job you are planning ahead and the planning process takes place so most, I would hope 99.9 of the employees is know their schedule and obviously there are changes and there are things that are outside of their control which I think is what he was talking about which would hinder, when we talked about that three days last year, when events come up, whether related, you have a staff of six outside working a patio that are serving and on call and all of a sudden there is lightening and storms or we get that inch of snow we talked about. So the employer is not, because of the way this is written, has to pay all of them for every hour they came into work with no revenue being brought in. I don't see the fair side, the other flipside of your ask. I don't think that two days or setting, I don't believe he was setting a date either, I think it is a conversation where we're stating we don't feel the legislation should be

setting parameters for the small business community especially in our industry.

REP. WINKLER (56TH): Gotcha. So you don't think any minimum is possible?

SCOTT DOLCH: In the context of your question I think that, I don't, I think there would be too many other issues that could come up that would be based on the way the legislation is written would start to penalize and there would be a lot of fear of the owners and how they would work and managers and how they would set schedules based on, you know, and there would loss of revenue, there would be opportunities where hey we can't take that event, we can't do that because we set, and I would also speak to the employees of our industry that at the same time are looking for those opportunities, especially in our industry as servers and bartenders when you say, hey you can come and work a party of 25, they want to jump at that, that's usually the experienced people that actually get that opportunity. But right now the way it's written, they couldn't do that if that was to be on call in the process because there would be penalties for that. So I think the understanding the industry is probably the bigger concern I have of trying, and obviously this Bill isn't just written for the restaurant industry, it's written for many small businesses and many other hospitality businesses in our State that would be very much concerning to them as well.

REP. WINKLER (56TH): If I could, that last statement, you're just assuming that right? They haven't like empowered you to speak for them.

SCOTT DOLCH: I don't, I represent the restaurant industry, Representative Winkler but I do know that I have many counterparts that have called me since this Bill has broke and are concerned because this is, as I said before, 25 or more employees and where it affects and have many counterparts do understand the repercussions, not only for our industry but for theirs as well. So I am not going to speak specifically but I will also know that I've picked up the phone and I have many other executive directors around the State that run business associations that look at this Bill and are very concerned.

REP. WINKLER (56TH): To you knowledge have any of theme testified here today?

SCOTT DOLCH: I do believe that the CBIA testified earlier and I know that there is other people on the list here hopefully to get to tonight.

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

SENATOR KUSHNER (24TH): Any other comments? I just have one follow-up question. I know Representative Polletta was referring to having to pay double time for a shift if you called in workers that weren't previously scheduled. I didn't see that in this Bill so I wanted to know if that was your understanding of the Bill?

SCOTT DOLCH: I'm obviously not speaking for Representative Polletta, for myself I think there is more penalties for a set schedule and trying to change the schedule and trying to add to the schedule and then leaving it in writing piece, I mean understanding our industry some of these restaurants that change and move their schedules for

the employee but even with that how many times they would have to have it in writing, how you save that on file but also the penalties of the time-and-a-half in the hour and the other times are in there but, you know, the double piece I can't speak to that, I don't, I think it's just the penalties that would be.

SENATOR KUSHNER (24TH): I just wanted to be sure that's something I figure you guys would know, but I didn't think it had double-time in there that I had seen. The other question I have is, and it was sort of where Representative Winkler was going, you had said that an employer doesn't have the ability to penalize someone when they call out and I would assume that there is no restriction on an employer in what they do when an employee calls out at this time, so if an employee calls-out there is nothing in the law that prevents them from "penalizing" an employee for calling out. Is that correct?

SCOTT DOLCH: That an employer could penalize and employee, is that what you're asking?

SENATOR KUSHNER (24TH): An employee calls-out, doesn't come in for a shift, this was a question that was asked you. You had said there is nothing in this, that this Bill doesn't penalize employees who call out. My point is that, my understanding is that if an employee calls-out, doesn't come in for a shift that was scheduled, the employer has the ability to penalize that person, what that penalty could be anything from terminating that employee to saying I'm going to give you any hours next week, so isn't it true that right now there is no restriction on employers at all if an employee calls out, they do have the ability to penalize an employee.

SCOTT DOLCH: Well, I think that it goes back to any business. If you're not showing up for work or you're showing up late or there's times that you're calling out and there's not that reasoning or sick pay or whatever, like I think those are two different pieces, obviously that is what an employer has to do for their staff but I think the question that we were talking about is if someone calls out, the concern is more trying to figure out the language if you were to call somebody else in because you now need, let's say three people call out, what are the penalties in trying to find that.

SENATOR KUSHNER (24TH): I'm clear about that part of the question. But I did hear you say earlier in your testimony that the employer didn't have the ability to penalize someone. I just wanted to clarify that because I think they have the ultimate penalty [Laughs] within their ability it when they manage a workforce and so I don't think there is a restriction on employers from penalizing people. I kind of which there was but I don't think that is the way this Bill is written. So I would like to move on. Are there any other questions or comments? Seeing none, thank you very much for your testimony.

SCOTT DOLCH: Thank you.

SENATOR KUSHNER (24TH): Next we have Joan Nichols.

JOAN NICHOLS: Good Afternoon Senator Kushner, Representative Porter and Members of the Labor and Public Employees Committee my name is Joan Nichols and I am the Executive Director for Connecticut Farm Bureau Association. We are a private nonprofit. We represent nearly 2,500 farming families in the State of Connecticut and I am here to provide testimony in

opposition to Senate Bill 232, AN ACT ESTABLISHING COLLECTIVE BARGAINING RIGHTS FOR CERTAIN AGRICULTURAL WORKERS.

Finding enough agricultural workers is the biggest challenge facing Connecticut farmers today. Granting collective bargaining right to strike would give farm workers an unfair, crushing advantage over Connecticut farm employers. Unlike other Connecticut industries, farms can't turn off plants and animals and turn them back on when a work stoppage is resolved.

Dairy cows need to be fed, taken care of and milked every 8 to 12 hours. If there are no workers to care for and milk the cows, it not only results in the loss of the milk that day but can cause lost production for the rest of the year and serious health problems for the cows.

Agricultural crops are perishable with a finite shelf-life. Many agricultural products are tied to specific seasonal markets. As an example Easter lilies are only saleable at Easter time, poinsettias at Christmas. If farm workers are no available to harvest and get the crops ready for sale it is a loss of a marketing opportunity that cannot be recaptured. It is a total loss for the farm. If crops cannot be planted or harvested in a timely manner it is a total loss for the farm.

The lengthy mediation process specified in this law would devastate a farm. By the time the mediation process is complete the farm has accumulated losses that cannot be made up in the production process. The farm is out of business for the remainder of the year.

Weather, market fluctuations, labor shortages and competition from domestic and foreign markets are all challenges Connecticut farm families face daily. SB 232 will alter the ability for our Connecticut farms to expand and compete in the open market. Senate Bill 232 will deter any farm from expanding beyond 50 employees and hurt those farm businesses that have expanded their workforce and invested millions of dollars in Connecticut's economy.

Connecticut farms are family owned and operated. They are owned by families that live in your neighborhood and surrounding communities. Many of them have multiple generations of families working on these farms, their farm employees are complementary to these farm family employers. In a small state like Connecticut, our farmers need access to a shrinking labor force and a favorable regulatory climate to compete in a global economy.

On behalf of Connecticut's farm families, I urge you to oppose Senate Bill 232. Thank you and I'm happy to answer any questions.

SENATOR KUSHNER (24TH): Thank you. Questions?
Representative Polletta.

REP. POLLETTA (68TH): Thank you, Madam for being here this afternoon and for your patience. Are you aware of this happening in any other State and if so, which ones?

SENATOR KUSHNER (24TH): Can you put on your mic, thank you.

JOAN NICHOLS: I'm sorry. To the best of my knowledge there is about ten states in the United States right now that allow for collective

bargaining. I believe this was a result of New York State recently passing this in 2019. When we spoke to our colleagues and farmers in New York State what remains to be seen is the devastation that Bill is gonna cause to agriculture in New York State.

REP. POLLETTA (68TH): Thank you. I was, I'm fortunate enough to represent a large medicinal marijuana facility in my district and growing by the way. Great partner in our community, individual has been very vocal on this issue because I believe. and correct me if I'm wrong, he would fall under this category of agriculture and the workers that he had and this would drastically increase his price of doing business. Is that correct that cannabis would fall under this particular?

JOAN NICHOLS: It's my understanding that it would apply to any agricultural worker.

REP. POLLETTA (68TH): So, yes. And I guess to go further, you know, with this I don't know how many people represent rural areas. I happen to have a lot of farms in my district and they are very concerned about this Bill mainly because it's the profit margin is not really large right now and many of them are family operated, you know, I can think in particular of two very close friends of mine who operate a farm in Watertown and, you know, their kids and grandkids work there so there's not a ton of workers and they are very concerned that this would drastically, not only increase the price of doing business but ultimately put them out of business. I'm wondering, you know, you spoke recently about New York's law but have any of the other states that have enacted something like this,

has there been I guess what's, my question is what has been the outcome of it? Have you?

JOAN NICHOLS: In our region it has also been passed in New Jersey, Massachusetts and Maine and none of the agricultural workers in those states have acted on this bill. And the reason being is that especially in Southern New England we're very unique and if you talk to any of the farmers in the State of Connecticut and I would venture to say Massachusetts, Rhode Island and even into New York State they treat their farm workers like family and we hear that all the time. Even their H-2A workers, if have farms that bring the same H-2A workers back. We've had some H-2A workers coming back to our tobacco farms and our orchards for over 20 years. These farm employers even go down to Jamaica and where these families are, they go down there, they spend holidays with them. All of these farm workers are treated, they are a valuable, valuable part of these farm businesses and they treat their employees very, very, very well. And therefore there is no need for these farm employees to do any type of striking or collective bargaining because they are treated well.

I will mention the states in the Midwest, I believe Kansas was one of them that allows for collective bargaining even within their legislation it specifically calls out that farm workers cannot strike during peak harvest season nor can they strike during peak planting season. So again it's to prohibit the farm workers from crushing farm production. And honestly our farms are dealing with a global economy. If we don't grow food in the United States, and we don't do it well, and we don't

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care of our farm workers and our farm employers you food will come from China, South America and Mexico.

REP. POLLETTA (68TH): See a lot of these people shaking their heads in the front row [Laugh]. I agree with you. I don't want my food coming from China right now [Laughter]especially with the virus. But I will agree with you and that's it for now. Thank you.

SENATOR KUSHNER (24TH): Representative Hall.

REP. HALL (7TH): I think it's still Good Afternoon, thank you for coming out this afternoon.

JOAN NICHOLS: You're welcome.

REP. HALL (7TH): Question, Representative Polletta asked you about the states that currently have collective bargaining. You mentioned that New York just passed it last year so there is very little data or information regarding how it's going to impact them. But you mentioned other states in our region I'm sure as a Farm Bureau, you probably look at our region as opposed to the entire country and how it impacts. So those states actually have an option for those farm workers. So those farm workers, right, have decided not to exercise that option because of the way they are treated and welcomed and so I guess the question is, you just went through a long soliloquy and I appreciate that because we like the fact that we have employers that treat employees well here in Connecticut. So why would that be any different here? In terms of those employees who have the option, not exercising the option because they are treated so well by the farm families here in Connecticut. And so the presumption you're making is that just by passing

this law, all of these things are gonna happen. But those things did not happen, bear with me for a second, those things did not happen.

JOAN NICHOLS: Not yet.

REP. HALL (7TH): In those other states because they are treated well by those farm families.

JOAN NICHOLS: Right but they have also not been on the books for very long and New York just passed it.

REP. HALL (7TH): You're referring to the other states that you mentioned.

JOAN NICHOLS: Right, they just have not been on the books for very long. But the problem is that anytime you pass a law like this, you run the risk that if your farm workers were to strike they will devastate the farm. The farm is out of business.

REP. HALL (7TH): I'm not going to disagree with that.

JOAN NICHOLS: It's a reality.

REP. HALL (7TH): I'm not going to disagree with that at all and so I guess that begs the question, cause you mentioned Kansas and wasn't there a movie or documentary about *What's the Matter with Kansas* [Laughter]. So you mention Kansas and that they have this provision that says that during these periods because it would be so devastating that is something that couldn't happen. So would the Farm Bureau be amenable to something like that or?

JOAN NICHOLS: No, because our production in Connecticut is different than the Midwest in the commodity states.

REP. HALL (7TH): With regard to the?

JOAN NICHOLS: Because of the type of production that we have in Connecticut.

REP. HALL (7TH): The farms that they have there as opposed to here?

JOAN NICHOLS: Right, it's just different we always, every time we look at U.S. Agriculture and we look at Southern New England we have to look at ourselves differently. We have very diverse agriculture and we have a very, very challenging climate for our farmers, you know, so it's just different. So we just can't compare ourselves to the commodity states.

REP. HALL (7TH): Thank you.

SENATOR KUSHNER (24TH): Representative Wilson-Pheanious

REP. WILSON PHEANIOUS (53RD): Thank you, Director Nichols for your testimony. I must say that your comments very much reflect the things I've heard from farmers in my district.

JOAN NICHOLS: Thank you.

REP. WILSON PHEANIOUS (53RD): So I appreciate your making them. But I do wonder what mechanism is there for farm workers in Connecticut if there is a dispute about hours, or labor or anything else. Is there someplace people can go other than the Labor Relations.

JOAN NICHOLS: Well many of the farmer workers are already covered under State and Federal Labor Laws and they are pretty complicated and because of farm labor you have laws that apply to your farm managers

if they are fulltime, you have your seasonal so they're already Federal and State laws that protect them. In addition many of our farms rely on H-2A workers and those H-2A workers are already protected under the Federal H-2A Program as far as wages are concerned, living conditions, etc. So there is already a lot of protection for our farm workers. And again our farmers, you know, I like to say that our farmers here in Connecticut are the posterchild for doing it right. And I think really the point I wanted to drive home here is you're looking to address a problem that doesn't exist. And I don't want to, I want to make sure we're not guilty of that. We don't have a problem here. Our farm workers like I said, they wouldn't be coming back to the tobacco farms and the orchards for 20-25 years if they were not treated well by those employers.

REP. WILSON PHEANIOUS (53RD): Well I do know that the farmers that I'm aware of which are those in my district do run their farms like families in some regard. I have not seen evidence in my district of some of the problems that this would seek to solve in agriculture.

JOAN NICHOLS: And I think.

REP. WILSON PHEANIOUS (53RD): They may not exist in other areas but I'm concerned about that.

JOAN NICHOLS: I mean I would ask is there a problem that we need this and I think there is a problem that doesn't exist at least here in Connecticut.

REP. WILSON PHEANIOUS (53RD): I do thank you for your testimony it does reflect my understanding. Thank you.

SENATOR KUSHNER (24TH): Representative Winkler.

REP. WINKLER (56TH): Yes, just so I understand, if say there was a dairy farmer under extreme economic pressure and the workers were shortchanged a little bit as a result of the owner trying to stay in business, would they go to Federal Courts, State Court or someplace else?

JOAN NICHOLS: My guess is they would work. Again you're asking me something that we just don't see those problems occurring. My guess is they would, try to work that out. You have to understand the nature of agriculture. A dairy farmer that doesn't have somebody to milk the cows, two to three times a day, has 3 to 500 to 1500 sick cows. So the nature of agriculture is that the farm employers rely very heavily on their farm employees for animal health, for animal care, for crop production, so I don't know any farm employer that would risk the health of his herd because he had employee issues. They would rectify it.

REP. WINKLER (56TH): Okay, so if a dairy farmer is under severe economic pressure even under those conditions you don't think a dairy farmer would turn to a worker and say, I'm sorry I can't pay you but if you keep working, I'll make it up to you someday?

JOAN NICHOLS: No.

REP. WINKLER (56TH): Okay.

JOAN NICHOLS: He's risking his farm business and the health of his herd if he does that.

REP. WINKLER (56TH): Already. You assume that if there is a union the cost of doing business will drastically increase. What do you think will

happen, would it be, do you think there would be a drastic increase in wages?

JOAN NICHOLS: I don't know. I'd have to do further research in the states that that happened. I don't know how to answer that right now.

REP. WINKLER (56TH): Already. What makes you think that the workers would destroy the business if it gives them their job by saying making insane demands and getting some arbitrator somewhere to agree to it.

JOAN NICHOLS: Well again I don't think that would happen and again I think we're talking about a problem that doesn't exist in Connecticut.

REP. WINKLER (56TH): One statement you made confused me. The idea that work would not continue while mediation was in progress. It is my understanding that if the case is before a mediator work continues but you said that the farm would be out of business before mediation concluded. If the workers still work while mediation is in progress, what is the problem there?

JOAN NICHOLS: Yeah and maybe that was my misunderstanding of not knowing how mediation actually works.

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

SENATOR KUSHNER (24TH): I would just, I don't think we need to have a lot more discussion but I do want to point out that this is, I think, worker's rights are always important to all of us whether you're an agriculture worker or working in a factory, or a hospital and often times employers, you know, there's a lot at stake where workers are responsible

maybe not for the live of produce or the farm product but sometimes the life of other human beings for instance in a hospital. There's a lot of ways that those situations are taken into account in terms of the way labor laws have been written. I did notice in this Bill cause I read it over before the hearing and in fact I think there is a provision in this Bill that was written in that prohibits strikes. So you might want to take another look at that. But it's under Section 4, paragraph (b). It says, "no employees of employers engaged in farming or their representatives or any other person shall engage in, or induce, or encourage or attempt to engage in any strike, work stoppage or slow down or withhold of goods or services." So there may be some misunderstandings about what's in the Bill and so you might want to take a look at that.

But I think, you know, we value our farms and our farm workers and our farming community here so I think a lot of what you've said we will take into account and a lot of the questions that were asked by our colleagues will also take into account as this moves forward.

JOAN NICHOLS: And I know there was extensive testimony submitted by the farming community in opposition to this Bill so you may want to take a look at the testimony that was submitted. Thank you very much.

SENATOR KUSHNER (24TH): Thank you. Next we have Eva Bermudez-Zimmerman from CSEA on Bill 527, in favor of 527.

EVA BERMUDEZ-ZIMMERMAN: I also have with me Jackie Buckle, probate worker. She is also on the list so

she will be testifying as well. Senator Kushner, Chairman Porter and Members of the Committee, thank you for having me. My name is Ava Bermudez-Zimmerman or Eva Bermudez-Zimmerman. I represent SEIC CSEA Local 2001, I am the Organizing Director. CSEA has over 25,000 members statewide. We have a wide array of members, state employees, municipal employees, paraprofessionals and municipal employees. We also have childcare providers and in my capacity as organizing director, I have the ability to interact and collaborate with many types of workers from all through the State.

Most recently I've had the pleasure of collaborating with Probate Workers. Probate workers are a part of the very important functions of everyday life here in Connecticut for citizens. Probate workers have to deal with assets when it comes to someone passing away in your family, when it comes to having disputes of guardianship, very difficult and sentimental times and the most important part of the probate job is beyond just, you know, making sure that they see the process through they also work in a capacity with the label of social worker, you know, unconventional therapist because they are there in times of turmoil, they are there in times of that people are in the most sensitive state.

Throughout the State we have 60 Probate Courts and a few years ago in 2011 they decided to consolidate so that's how we got the 60 courts. It's six courts that are children's courts and then the remaining courts are normal probate courts and within that time they have always had, through the State Statute, the clause that work at the pleasure of the Judge. This means that the more than 30 years plus

since 1969 that the Statute created the Probate listing, they haven't had the ability to collectively bargain or negotiate for anything that has to do with bereavement, time off, lateral transfers because they work at the pleasure of the Judge. The pleasure of the judge means they don't have the ability as an association or as a group to negotiate for anything other than being hired, being there doing the important work that they have. I want to pass the floor to Jackie Buckle, probate worker.

JACKIE BUCKLE: Thank you. My name is Jackie Buckle, I am the Chief Clerk of the Northern Fairfield County Probate Court. I support H.B. 5274.

I believe the probate clerks deserve to be treated the same as other state employees that work for the judicial system. I have been a dedicated employee of the Connecticut Probate System for close to 29 years and I am proud of the work that I do.

Probate Clerks do not belong to any particular branch, bureau or agency of the State of Connecticut but yet our health insurance and pension are under the auspices of the State of Connecticut.

We pay more for our health benefits even though they are the same benefits as other state employees. We have no job security as we serve at the "pleasure of the judge" and we have no opportunity to negotiate our working conditions without fear of repercussions.

We shouldn't have to be concerned if we're going to have a job or not whenever there's an election for a probate judge. I have been fortunate that I haven't

had that concern every election. Many other clerks have not been as fortunate. Many have lost their jobs after an election.

The employees of Probate Court Administrators Office who are part of the same system are state employees. Why aren't we? There is no reason to be treated differently. We deserve to be treated the same. WE should have the same opportunities and protections that other state employees have. Thank you for your consideration.

EVA BERMUDEZ-ZIMMERMAN: We are fully asking for your support of House Bill 5274 AN ACT STRENGTHENING THE PROBATE COURT SYSTEM. And thank you for your time, we're open for questions.

SENATOR KUSHNER (24TH): Thank you so much for being here with us today. I have first a couple of questions for Jackie. First of all could you spell your last name because I didn't find it on the list and I want to make sure we have it correct?

JACKIE BUCKLE: Buckle, like a belt buckle, B-U-C-K-L-E.

SENATOR KUSHNER (24TH): Okay, and I had it wrong. And you said you worked for the court system for 29 years.

JACKIE BUCKLE: Yes.

SENATOR KUSHNER (24TH): And during that time have you always worked for the same Judge?

JACKIE BUCKLE: No, I have not.

SENATOR KUSHNER (24TH): So how does that work if a different judge comes in?

JACKIE BUCKLE: Okay, well initially you work for your judge and then there is an election every four years. I was lucky in that most years my judge won, you know, election again. But there are times when another judge comes in and that judge has every right to hire who he wants to, he didn't have to keep you. There is no security.

SENATOR KUSHNER (24TH): That was my understanding, I just wanted to check on that. And a question for your Eva, is there an association of probate workers?

EVA BERMUDEZ-ZIMMERMAN: There is an association but it doesn't govern or it doesn't legislate, it's not a lobbying association and it's not a union. It does educational information and it does different conferences and get together. So social component and educational component, the association right now to be participating in this association you have to pay membership to actually qualify and the membership dues depending on the court system can be paid for by the Probate Administration rather than the actual probate member, so it's not a good reflection of how many probate employees do participate because it allows retirees, it allows other than probate clerks to participate in the association.

SENATOR KUSHNER (24TH): And in terms of, we had testimony earlier today by a judge who said that there has never been an interest in unionizing by the workers in the probate court and I wonder, you're here today obviously with a union representative. I don't know if you're comfortable talking about that from your own perspective of if

you have something to add to that that would be helpful?

EVA BERMUDEZ-ZIMMERMAN: In previous years, many, many years ago almost a decade now there was a group of probate workers who decided that they wanted to organize. At that time there wasn't enough momentum in the legislative body to actually gain traction and allow them to have the ability to move forward to organize. In this point, I think the probate workers considering that they organized themselves, I am here as a vehicle of their request. I work for them. I make sure that the next step to try to have some sort of recognition when it comes to collective bargaining that is my role here. But the conversation right now is not the conversation of union organizing at all. Union organizing is something they can decide they want to do to many, many moons from now. This first step and this legislation has everything to do with collective bargaining, having the ability to say to their employer and the Probate Administration and the judges, hey we want the ability to talk about our salaries, we want the ability to talk about bereavement time. I've heard too many stories from probate individuals, probate workers saying, well Judge "X" was able to give me three days for bereavement when my dad died, but I heard that Judge "Y" gave you only one day. So to be put in a situation where you're, you know, that your coworker within your own office or in another court system in probate, doesn't get the same thing that you do, or to be put in a situation when one probate worker starts at \$16 dollars an hour while another probate workers starts at \$21 dollars an hour or to be put in a situation when you're confused about how long

you're gonna be there and you don't have the ability to transfer into another probate court because the judge is, you're at the pleasure of the judge is unfair. So that's why we're here and that's why this testimony is so important. And Jackie do you want to anything to throw in on those examples and stories?

JACKIE BUCKLE: Not to really fill in but a lot of the clerks do not speak out because they are afraid of repercussions so that is the biggest obstacle in this whole thing.

SENATOR KUSHNER (24TH): I was gonna draw that same conclusion that you just made. I know that collective bargaining doesn't just protect workers who form unions but it protects workers in most of the State Bills and Federal Bills protects workers giving them the opportunity to engage in collective action even if it is only two workers, you have protected speech, you have protected rights to even question something like an unfair salary system. So I know that without collective bargaining rights typically you don't have the right to even question, to engage in that kind of collective activity and be protected. So I do, I recognize the importance of what you're addressing here today. I would ask if any members of the Committee have any other questions or comments? Representative Winkler.

REP. WINKLER (56TH): Just one, we had a I guess the Probate Court Administrator testify here today and she was concerned about the union interfering in hiring practices. And as far as initial hires go, I doubt if you are asking that the union be involved but you would be asking for job security from probate court judge to probate court judge?

EVA BERMUDEZ-ZIMMERMAN: We are asking for the ability to start our conversation to collectively bargain and within that contract, there could be a conversation about transfers and seniority but you are absolutely correct, Representative that the union, if that were to happen, if members and workers were to organize into a union, and even in the process of creating collective bargaining agreement in either scenario we, and the members that are testifying here today, do not have the ability to tell management in this case, the Probate Administration and the judges to hire, fire, to create practices that impede with whatever management clauses already exist. It's just the ability of the collective bargaining agreement to support the conversation of having bereavement, and benefits, making sure that we avoid discrimination, making sure that we have the ability to speak out if something were to happen and be whistleblowers if there was a situation. There are many other things that have no monetary connotations that are very important to probate workers and that's why they are trying to fight for you know, HB 5274.

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

SENATOR KUSHNER (24TH): Thank you so much. I appreciate your last comment about reasons just beyond monetary reasons, there's all kinds of issues that are covered under a collective bargaining agreement that don't necessarily. Well obviously there is wages and benefits that are generally contained within but there are a lot of other worker's rights and ways to resolve problems that are contained in a collective bargaining agreement. So it's nice of you to remind us of that.

The last question I have is that the Administrator this morning spoke a bit about wage increases and that there had been an increase last year and that there is one scheduled for this year. I believe I heard from someone that it had been years that probate court workers have gone without increases when other state employees got increases. Can you address that?

EVA BERMUDEZ-ZIMMERMAN: Before I turn over to Jackie I want to make a point of clarification that this Bill does not automatically give the right to the workers to be part of CPAC and I think that is really important for when legislators have questions about how does this effect salaries, but.

JACKIE BUCKLE: To answer your question, I believe it was five years before there was an increase and the increases were varied based on formulas and how long you had been in the system and it was not retroactive. And we didn't get raises when other State employees did because we aren't State employees and those State employees include Probate Administration.

SENATOR KUSHNER (24TH): So let me understand that. The Probate Administration is included under State work employees and not?

EVA BERMUDEZ-ZIMMERMAN: Correct, the Administration oversees the day-to-day job of the probate clerk and probate employees are State employees but the probate clerks themselves are not.

SENATOR KUSHNER (24TH): Thank you for that clarification. And thank you for coming forward today. I'm sure that it's not an easy thing for you to do under the circumstances but, it's a testament

to your strength and your courage as an employee and as a person. So thank you so much.

EVA BERMUDEZ-ZIMMERMAN: Thank you so much. Thank you.

SENATOR KUSHNER (24TH): Next we have Kay Jeannett. Thank you for joining us. As instructed when other come up and there is more than one person, you will have three minutes unless you are already on the list somewhere else and you should introduce yourself right prior to speaking.

PAT CHASE: Dear Co-Chairwoman Kushner and the rest of the legislative Members of the Labor Committee, my name is Pat Chase. I work at the Derby Probate Court and I support the Bill for 5274.

I was hired in January of 2007 and I worked in the Woodbridge Probate Court. In 2011, 117 courts merged into 54 exclusive of the children's court. Luckily, for me, I was offered a job at the court that my court was merging with and I also was lucky enough to have my clerk position transferred no other clerks were as fortunate. There were clerks that were not offered jobs or they were demoted and by demoted they became assistant clerks, court assistants which capped their salaries. So they might have been doing clerk work but now they are doing assistant clerk work. We all work together. We all do the same work.

I did see clerks that were fired. They might have gone along with the merge but when they got to their courts they were let go. No reason, just here's a box, ten minutes, get out.

Starting in 2012 I became aware of a group of clerks that were looking to unionize. We were looking for some kind of collective bargaining unit. So we started meeting at night. And I think what was most alarming to me at that time was clerks were there to say how nervous they were. They didn't want to sign anything, they didn't want their names known, I didn't even know where some of the clerks came from because they said that if their Judges found out they would be let go.

I think we are a unique group , we have 54 courts and we are all over the state so we don't have a lot of opportunities to get together. And the few times that we do, it's either at a dinner where there is usually some type of probate administrators there or people from probate court administration is there and it is very difficult to talk.

We have probably close to 400 workers, I'm not really sure, but I do know that 215 members are CAPC which means we pay our fees and we can go to our meetings. When we merged in 2011 PCA - Probate Court Administration became part of the state employees as did the clerks that worked up there. And we mysteriously were left out of that and I believe it is because, always it comes down to money. It will cost too much money. We have never had the ability to determine what is in our best interest. Currently we work under the guise of "serving at the pleasure of the Judge".

It is 2020 is that the best we can do? Despite the fact we work for the Judge our paychecks come from the State of Connecticut and our benefits also are through the State of Connecticut but Probate court

Administration sits at the table and negotiates our healthcare plans.

We went four full years without a raise but our health benefits went up. It got to the point where we were losing money. So last year in the spring, clerks started talking. No probate court administration has no idea about that because if they did our jobs are in jeopardy. So we have been meeting secretly since last May and there is quite, I've got at least 15 courts on board. I've talked to many clerks. WE might be divided, there might be half of our clerks don't want to join or have a collective bargaining unit and maybe half do. But I feel like we should have the ability to talk about it. Like we shouldn't be hiding and secretive and keeping it from your judge. I've had clerks recently as two months ago tell me, I can't because if my judge finds out either we will get fired or there will be retribution. And many of the clerks are at the point where they are close to retirement.

SENATOR KUSHNER (24TH): I'm gonna have to ask you to wrap up.

PAT CHASE: Okay, so please, we beg you to vote in favor of the Bill so we can at least explore it. We just want to have a conversation. We're a small group within the State and we work really hard at our jobs and we're all pretty skilled at our jobs. So, if you can, you know, please vote yes.

SENATOR KUSHNER (24TH): Thank you. I have a couple of questions then I'll see if the others will introduce themselves. I am interested, I know that what we heard here earlier today from testimony and I've heard you say it as well, is that you serve at

the pleasure of the judge. I'm curious it sounds to be like in many ways that may be true that the judge has a lot of control over your work environment and over your employment but I'm guessing that the decision to merge the courts, the individual judges couldn't opt out of that decision, saying "I don't want to merge my court, I'm gonna say over here." There is some other force that worked beyond just the individual judges I would guess.

PAT CHASE: Correct.

SENATOR KUSHNER (24TH): And as you mentioned there is someone who serves for probate court judges on the CPAC Committee when there is negotiations around, you said around the healthcare there is somebody who.

PAT CHASE: The healthcare is for us, for the clerks is determined by Probate Court Administration, I don't know of anybody that has ever sat at that table and worked out that.

SENATOR KUSHNER (24TH): The Administration works on it, not the?

PAT CHASE: Not our judges.

SENATOR KUSHNER (24TH): Not your judges.

PAT CHASE: No, all our judges do is provide the work environment and we work with the judge.

SENATOR KUSHNER (24TH): So if the judge wanted for instance to give you better healthcare, they wouldn't have the ability to do that.

PAT CHASE: They can't give us raises, they can't give us better healthcare.

SENATOR KUSHNER (24TH): Okay and so I would like to ask the others to introduce yourselves if you would and if you work for the court would you tell us how long you've worked there.

KAY JEANNETT: My name is Kay Jeanette. I've worked for the Derby Probate Court for 13 years, I'm presently the Chief Clerk. Not to reiterate everything that Pat has just said but I am in favor of the Bill 5274. One of the reasons unlike the other State agencies we don't have anyone to negotiate our health benefits, raises or any matter that may arise. Probate court does all the administration, does all the negotiating for the clerks without any input from the people, or the clerks that it affects. I find that to be a little unsettling when they are determining what we're gonna have when it doesn't make any matter to them.

The probate clerks were the first and the last, we leave the first and last impression on the people who come to our court and it's usually not a very happy time in their life, we do our best to make it a less stressful time and I'm just asking that we should be treated as fairly as the Superior Court Clerks and employees of the Probate Court Administration and I urge you and I hope you will vote in favor of HB 5274. And thank you.

SENATOR KUSHNER (24TH): Thank you also for testifying and who's next over there?

REP. ROCHELLE (104TH): Senator Kushner it's nice to see you today. State Representative Kara Rochelle, I'm here to show support for my constituents and for the Bill.

SENATOR KUSHNER (24TH): Thank you for being here with them, State Representative. It's always good to see you. Next?

DEBORAH KOZLOWSKI: I am Deborah Kozlowski. I work for the New Haven Probate Court for 16 years. I'm an assistant clerk for the last 14 years. I would say, I wrote two pages worth, I would say I'm very content in my job, I love my job, I love my judge. My main concern is retirement. We don't have 401(k)s and that is a very scary feeling, you know, I'm 40 and it is scary to think that we might not have Social Security when I'm 70. And really our pension, I'm thankful to have a pension, it's not a large pension, it's not a great pension and it's fearful, it's scary to think how am I going to support myself and my husband when I retire cause it's uncertain. And I love my job, I don't want to leave. So it's, you know, that's all I have to say. Thank you.

SENATOR KUSHNER (24TH): Thank you. I would ask if any of the other Committee members have any questions or comments? Representative Fishbein.

REP. FISHBEIN (90TH): Thank you, Madam Chair. I just the Social Security aspect, is it a belief that the program itself may not be in existence or that you as an employee are ineligible to claim Social Security?

DEBORAH KOZLOWSKI: Oh, no yeah, it's a personal fear that's not statistic based. I'm not going to claim that it is. It's a personal fear.

REP. FISHBEIN (90TH): And the 401(k) issue, you don't have that sort of vehicle available to you?

DEBORAH KOZLOWSKI: No, no.

REP. FISHBEIN (90TH): Okay. So I guess the thought, the wish that if you're able to collectively bargain that would be part of a package?

DEBORAH KOZLOWSKI: Yes, to be honest that is my concern. That is my feelings on it, it is my retirement in the future. In terms of unhappiness at work, really my retirement is my focus in being here, so yeah.

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

SENATOR KUSHNER (24TH): Thank you, a quick question, another question I shouldn't say quick question. say. Senator Miner.

SENATOR MINER (30TH): It actually is pretty quick so with regard to retirement do you have any kind of self-imposed retirement savings that you are entered into?

DEBORAH KOZLOWSKI: I personally do. I'm lucky to have, not lucky, I have insurance proceeds from my father that would not be there if I hadn't lost my father. If it wasn't for that, I would have no savings.

SENATOR MINER (30TH): Let me clarify my question. So do you have any other additional retirement program that you are entered into that you could do on your own?

DEBORAH KOZLOWSKI: No. I personally do not.

SENATOR MINER (30TH): Okay, thank you.

PAT CHASE: Excuse me, we do have, we can contribute to a pension. We have that ability and many of us do. However unless you've worked there 25-30 years it is hard to accumulate a lot of money in that pension, it is not similar to what the State employees are getting.

SENATOR MINER (30TH): Madam Chairman so my question wasn't with regard to whether you have access to a pension, my question was in the absence of some other retirement savings that you might have either through Social Security or something else through your probate court that you currently are employed by, do any of you have any other kind of self-imposed retirement that you are paying into?

PAT CHASE: I'm sure that many of us do, I do.

SENATOR MINER (30TH): Thank you.

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

REP. FISHBEIN (90TH): Thank you, Madam Chair for the second time. I'm just a little bit confused. So there is a pension program available to all probate court workers, is that fair to say?

PAT CHASE: Yes.

REP. FISHBEIN (90TH): And how is that program which didn't come as a result of collective bargaining different from.

PAT CHASE: I can honestly tell you I don't know how. Obviously when we merged we became, we started, we started collecting our paycheck from the State of Connecticut. Up until that point the judge's paid us. So you would probably have to have

your own 401(k) or something to be putting money into. There is pension, people have it but I can honestly tell you they are not transparent about it, I don't know much about mine. All I know is that I've never had enough money to put into my pension so when I retire which I am 64, so I am facing that, I'll be lucky to get \$10.00 a month.

REP. FISHBEIN (90TH): Okay, I'm just trying to, so [Cross-talking].

PAT CHASE: So we do have, so we can.

REP. FISHBEIN (90TH): Probate court workers have never been collected, your employment has never been collectively bargained?

PAT CHASE: Never.

REP. FISHBEIN (90TH): Okay. So all I said was that pension program, whatever it is.

PAT CHASE: Through probate.

REP. FISHBEIN (90TH): Through probate, was established without being collectively bargained.

PAT CHASE: Correct.

REP. FISHBEIN (90TH): Okay. So how is that different from what you envision would be the 401(k) which is a part of the push here, this is why we need this.

PAT CHASE: Well I would like to see us get the same as the State employees which I believe is a matching program.

REP. FISHBEIN (90TH): Okay.

PAT CHASE: And right now whatever we put in is what we get out.

REP. FISHBEIN (90TH): Okay. So you understand that, well in the private sector [Cross-talking].

PAT CHASE: Actually my 401(k) is through my husband. He has his own business so through him we each contribute.

REP. FISHBEIN (90TH): Yeah, we're just talking about through the probate court.

PAT CHASE: Correct.

REP. FISHBEIN (90TH): So you have the ability to put money [Cross-talking] into.

PAT CHASE: Into a pension.

REP. FISHBEIN (90TH): And the thing that you're missing that you think you would get through collective bargaining is an additional payment essentially into your retirement that matches what you put in?

PAT CHASE: Correct and I will say this, if you go four years, so I know there was questions about a raise, four years we went without a raise and our monies have been promised to us but there is never money to give us. I started losing money, like the last, because my health benefits went up, so at the end of the year I'm making less money and I'm still working the same hours and I'm still working the same job.

REP. FISHBEIN (90TH): I understand, so when we look [Cross-talking] at the numbers.

PAT CHASE: We're saying it makes it difficult for us to contribute if I was an older worker when I started. I've been there 13 years.

REP. FISHBEIN (90TH): But when we, when you look at the numbers and let's just say that you get the legislation, there is going to be match in the 410(k), I know in the private sector the way it works is, you know, you have less disposable income because your employer, is not putting into your, they're doing the match and therefor what you're getting paid you don't get raises as often and that kind of stuff. I'm just a little concerned that, and I don't know the difference between the pension program that you currently have and the 401(k). So you said that you don't make a lot to put into it, and I totally respect that. How is that invested on your behalf by a third party administrator, how is it handled?

PAT CHASE: We have no idea. I have no idea, I can honestly say, I have no idea. I only know I get my statement and I have \$5,000 in my pension.

REP. FISHBEIN (90TH): I mean just from my [Cross-talking].

PAT CHASE: I can put more into it if I wanted but I never have.

REP. FISHBEIN (90TH): Yeah, you know, if I was contributing [Cross-talking].

PAT CHASE: I think that more, so I think that you're taking me from Deb that we're most concerned about pension. I think we're most concerned about job security. Most of our force is working women. We have a lot of young women that have children. I

think that what we're most concerned with is job security and we're concerned about health benefits and I think, I mean for myself I'm old, I'm not going to have time to, I'm probably gonna work and we see clerks working till they're in their 70s.

REP. FISHBEIN (90TH): So this is the first time, unless I wasn't paying attention, we heard of a health benefit. So what is the situation with the probate court employers to [Cross-talking] health benefits.

PAT CHASE: So we have benefits. So they negotiate our health benefits. The Probate Court Administrators. They do not receive our health benefits, they receive health benefits through the State of Connecticut. We also receive State of Connecticut but at a different rate. So we pay more for our health benefits than Probate Administration does and we don't know what the difference is, we just know that we're not paying level, it's not level. So they sit at a bargaining table and determine what our health benefits are gonna cost us and then they tell us. We never have any say, we've never sat there and had a conversation or had any input, it's just this is what you owe. And so we ran into the problem the last couple of years without getting any cost of living adjustment or some money that had been promised to us through a study they did back in 2014, many of us were like making less money. So you're looking at the end of the year and you're like wait a minute I made less money than I made last year or the year before.

REP. FISHBEIN (90TH): So Probate Court Administration.

PAT CHASE: Are negotiating.

REP. FISHBEIN (90TH): Is a branch [Cross-talking].

PAT CHASE: Yes and they are.

REP. FISHBEIN (90TH): And who appoints the individual who negotiates on your behalf?

PAT CHASE: So I believe it was this woman Andrea King who was the finance person. That is who I believe, she is now left. So we believe it was the finance person.

REP. FISHBEIN (90TH): That was selecting [the individual Cross-talking].

PAT CHASE: That was picking and negotiating with, you know, Anthem or whomever with what we were gonna get and how much we were gonna pay.

REP. FISHBEIN (90TH): Okay so that.

PAT CHASE: So we have different plans.

REP. FISHBEIN (90TH): So that is the negotiator.

PAT CHASE: Right.

REP. FISHBEIN (90TH): But who says you're gonna be the negotiator, who makes that decision?

PAT CHASE: Probate Court Administrator I would imagine.

REP. FISHBEIN (90TH): Okay.

PAT CHASE: Like we don't have a say in any of that. We don't really know. It's hard, you know, we don't know because they do it and it's Probate Court Administration and we have a clerk's manual that we get adjusted and we have to review that to see what

we are and aren't getting and how things work. If you want to pick your health care plan you go on the computer and you look at it and we read it over to see, but I mean obviously with healthcare costs rising like we get it, I get it, but if you you're making less money and your cost is up, not you have a gap. We don't get to sit there and say, we'd like a representative to sit there and negotiate. Maybe we don't want that dental plan or maybe we don't care if we have five dollar co-pays or something. I mean like we don't have a say in it. It's given to us.

REP. FISHBEIN (90TH): But that person is supposed to negotiate on your [cross talking].

PAT CHASE: On our behalf.

REP. FISHBEIN (90TH): Okay. How is that different from the model that would come out of this legislation is somebody [Cross-talking].

PAT CHASE: So we could have a collective bargaining unit then we would have somebody that would represent us and our interests. Right now, nobody represents us or has our interests at heart.

REP. FISHBEIN (90TH): Okay, so that is your? Okay, understood. Thank you, Madam Chair.

PAT CHASE: We don't have a voice.

REP. FISHBEIN (90TH): Understood, thank you.

SENATOR KUSHNER (24TH): Thank you and so I think you've been very clear and helped us understand better your situation and I think what is frustrating from what I've learned from you today is that without, from your previous witnesses that were

here right before you, I understand that you're not coming to us with a collective bargaining package that you would like to then bargain collectively. You want the opportunity to choose...

PAT CHASE: Absolutely.

SENATOR KUSHNER (24TH): ..whether or not you would engage in collective bargaining and if you were to choose that you would presumably have a democratic method of figuring out what it is you want to negotiate for and you would work that out amongst yourselves and someone of your choosing would represent you in that negotiation. I think that is, you know, very clear. I think what disturbs me the most is it sound to me like you've fallen into a dark hole because in the private sector workers may or may not have a union, most workers don't have a union. But they have the right to engage in collective action without fear of retaliation or loss of their jobs at least when there are two or more workers engaged in that conversation, they don't have to worry about losing their job. And I want to thank you guys for coming today because you don't even have that protection under the State of Connecticut and I can't imagine how frustrating it is to you to know that you don't have the rights and protections and you're not considered State workers yet the people who supervise you are considered State workers and do have the benefits of the State employee packages and so I really appreciate you coming. I know that it took a lot for you to get here and you know, clearly if we have other questions, we will get back to you on it so that we can make sure we understand your situation fully.

PAT CHASE: Thank you very much.

COMMITTEE PUBLIC HEARING

SENATOR KUSHNER (24TH): Thank you so much. Next on the list if I have it correctly here we have Natalicia, Dr. Natalicia Tracy. Hello, thank you for being here.

DR. TRACY: Good Afternoon honorable members of the Labor and Public Employees Committee, thank you again for your support and leadership on Bill 5276, AN ACT CONCERNING DOMESTIC WORKERS. My name is Natalicia Tracy, I am the Executive Director of Brazilian Workers Center. You have heard from me before multiple legislators here before. And I ask you to support this Bill without exemption.

You have heard from many agency members before. You have heard from supportive allies and the reason why I'm asking you to support this Bill without exemption is because when we talk about the domestic worker and the type of jobs that they are doing, under the definition if you are taking care of a child, supporting elderly with the daily living, if you shopping, if you taking care of a home that is the definition of a domestic worker and if you doing those jobs you should getting at least minimum wage. You should have protection against sexual harassment and discrimination.

As you know domestic works and farm workers were excluded from the National Labor Relations Act, the Fair Labor Standard Occupation and Safety Health, civil right law and Connecticut minimum wage.

It is very important to understand when someone stands here and talks about au pairs being in this country only for one year and from being here on a cultural exchange, they also are doing the work that other workers are doing, domestic work. And while

they are here they should be afforded the same labor protection that other workers are having, especially when they are young women, they are vulnerable and they work in isolation like other workers and minimum wage in the State as it is, we still have a lot of poverty in this State and if you can imagine someone making \$12.35 cents an hour.

It is true that room and board is covered but in the State of Massachusetts room and board is only deductible only when it's not for the when workers request that you live in a home and not when the worker is living in a home for the benefit of the employer. And that makes a lot of sense.

In addition, I would like to say that who can hire an au pair unless you have a good home, you must have a car, you must be able to provide them adequate space, so not everyone can hire au pair. So if you think about the cost of living it is important to understand that we all have bills to pay and many of those workers are also struggling to come here. They have to pay a fee and employer is also paying a high fee to bring them here.

Thank you.

SENATOR KUSHNER (24TH): Thank you very much, you're tuned into the buzzer. I wasn't even gonna turn you off for another minute or so. But thank you for your testimony. And thank you for being here. I know it's been a long day and there's been a lot waiting here to get up here and testify. I would ask if Committee Members have any questions? Okay. I know that in your, the first part of your testimony you talked about individuals not receiving the minimum wage here who are caring for our

elderly, caring for our children, that domestic workers, all domestic workers is my understanding are exempt from that, from that provision, is that correct?

NATALICIA TRACY: Yes, Connecticut law right now as it reads it is very complicated. Connecticut Minimum Wage Act expressively exempts some domestic workers from the state minimum wage and overtime law. The Statute 31-58, defines employee as any employee employed or permit to work and an employee shall not include any individual employed under the domestic service in a private home except individual in domestic service employment as defined in regulations under the Fair Labor Standard Act. As you can see, it is very complicated and under that language the number of workers are exempt from minimum wage.

SENATOR KUSHNER (24TH): So in the case of let's say a worker who contracts with an employer to take care of their children, two children, three children, whatever the worker who maybe they answered an ad in a newspaper and they are not taking care of these children ten hours a day. Under, do they generally negotiate a daily wage or weekly wage and is there any relationship at all to the minimum wage or overtime or anything like that.

NATALICIA TRACY: That is one of the issues that we fighting right now because if it's left up to the individual to negotiate their own, their own rate, in the case of au pairs under the Department of State is also up to the agencies to negotiate that, right. So when you know that the wage is about \$195.00 dollars per week and it adds up to \$4.35 an hour and you can be taking care of up to five

children in a home and have all the responsibilities and so that is why we asking to create a set of standards that the State, we can say, our workers have some protections under the law because, you know, if you get lucky and you get a good employer they may pay you minimum wage but you can really be in bad situation.

SENATOR KUSHNER (24TH): And I did understand that the au pair system there is a rate that is required of participating families, they have to pay a certain amount of money in a stipend. But what about families who privately are employing someone to take of their children and that is the part I want to be sure I'm clear on so you are not part of an au pair agency, you have put an ad in the newspaper that you are looking for someone to come to your house and care for your children from eight in the morning until 6:00 p.m. at night every day, five days a week. Is there any requirement that that person that is employing you pay minimum wage or any overtime?

NATALICIA TRACY: So according to Connecticut Law some workers are covered by minimum wage but again the interpretation of the law is very difficult because the way the law is written, so part of the request in this Bill is that the minimum wage law and who it applies to within the industry is clarified because it's not clear.

SENATOR KUSHNER (24TH): That is very helpful. So you are looking to clarify it so that every worker would be covered by minimum wage and that there wouldn't be this gray area for who is and who isn't covered but every worker in that situation would be

covered by minimum wage and presumably overtime as well I think you said.

NATALICIA TRACY: Correct.

SENATOR KUSHNER (24TH): Okay, well I think that's very important. I know that in the past there was a discussion also when we took up this Bill last year about the ability to go to CHRO is there is a complaint. Could you address that?

NATALICIA TRACY: Yes, currently you have to three workers or more in the home in order for them to qualify to file a sexual harassment or discrimination grievance with the CHRO and most workers are home alone. They are working in isolation so we are asking that the exemption gets removed the 321 because if you have three workers together, first of all, how many workers are working three or more and if you're working alone you have no one there to support you or to protect you in a situation where you can be harassed, you are more vulnerable if you are alone working there, so we are asking that exemption that exists since the 1930s gets removed from the current law.

SENATOR KUSHNER (24TH): I'm glad, I'm happy to entertain that and I think that particular at this moment where we have had such attention drawn in the press to the Me Too Movement and so harassment and sexual assault that it is amazing to me that any worker in our State would not have protections under the law and so I feel like that is a very important piece of this that we need to make sure we are underscoring cause I can't, I really can't understand. I mean I can't understand why anybody why anybody would oppose that, why you would think

that it is fair for a worker to go without protection under the CHRO for sexual harassment case.

NATALICIA TRACY: Especially if you look at the power dynamic of living in someone's home and then you don't have that protection, right.

SENATOR KUSHNER (24TH): That is really important and I'm glad you brought that to our attention. Is there anything else from the Committee? No. Anything else you would like to add?

NATALICIA TRACY: No. Thank you so much for your support.

SENATOR KUSHNER (24TH): All right thank you very much for being here. Next up we have Brendon Sexton. I told this young man earlier today that he has a famous name, I knew three Brendon Sextons. They were all related, however.

BRENDON SEXTON: And now a fourth.

SENATOR KUSHNER (24TH): Yeah, now a fourth. Would you make sure you turn on your microphone?

BRENDON SEXTON: Senator, if you don't mind I am going to have a couple of drivers with me just to tell a couple of stories. They are on the list.

SENATOR KUSHNER (24TH): They are all on the list, okay fine then we will give you the opportunity

BRENDON SEXTON: Thank you. Honorable Members of the Labor & Public Employees Committee, my name is Brendan Sexton and I am the Executive Director of The Independent Drivers Guild.

IDG represents For-Hire Vehicle drivers in Connecticut, New Jersey and New York City. The IDG is the first nonprofit worker center to negotiate a seat at the table in New York City with a rideshare company and the first to offer crucial new protections and essential benefits while building worker power.

As you know, IDG is a nonprofit affiliate of the International Association of Machinists. Our organization represents over 200,000 drivers working throughout the for-hire vehicle industry in the New Jersey, New Jersey and Connecticut. The machinists have been the only union to successfully organize black car workers in New York City.

The IDG is very appreciative that your committee has raised Senate Bill 226 for a public hearing and consideration. We are respectfully requesting your committee to also consider a substitute proposal that establishes a framework for drivers to obtain collective bargaining rights in Connecticut, consistent with Connecticut labor and collective bargaining laws. We are at a crossroads. On one side is a path plagued by continued worker exploitation and a loss of economic security. On the other side is an avenue which leads to a future where workers are afforded the power to control their own destinies where workers are respected.

Now we are calling on Connecticut to pass legislation giving ride-hail drivers the right to unionize with collective and sectoral bargaining agreements. If Connecticut passes a right to bargain law, we will be blazing a trail for growing our unionized workforce.

Today, too many workers have no voice. It's becoming impossible to get ahead. Union membership has dropped to a record low, with just six percent of private sector. At the same time over 85 percent of workers want to join unions, and amongst our membership it is as high as 95 percent.

In May, the National Labor Relations Board ruled that Uber drivers are not eligible under the National Labor Relations Act. This means ride-hail drivers cannot organize in a union under federal law. The ruling left open the possibility for states to fill in the void with these workers. Therefore, we can create a path for drivers to join the ranks of the Connecticut Labor Movement.

We can finally offer a comprehensive response to all the "right to work for less" legislation around the country. Connecticut can be the game changer for organized labor.

What drivers really need is collective bargaining. As Harvard Law professors Sharon Block and Benjamin Sachs wrote in a recent article for the *Washington Post* talking about AB-5, "the new law fails to offer gig workers one of the most important employment rights of all: the right to form a union. As important as minimum wage and overtime pay are, they are minimum protections that fall far short of ensuring that workers earn what they need; only a union and a collective bargaining agreement enable workers to demand and secure anything beyond these minimum standards. But even more important, a substantial body of economic research confirms that basic workplace protections are adequately enforced only when there's a union on the scene."

Of course, when drivers have a seat at the table and are receiving fair compensation and benefits, everyone is gonna win. The drivers and their families win. The customers win because they are receiving high-quality service from respectful and professional drivers. And the companies win because they are working with drivers who are being treated fairly and compensated respectfully. The drivers will work hard to provide the best possible service to all customers when they have dignity and respect on the job. Thank you.

SENATOR KUSHNER (24TH): Thank you, and so I know you said there are others on the list, who would like to speak next and would you say your name so we can cross you off the list?

CARLOS MANUEL-GOMEZ: My name is Carols Manuel-Gomez I live in Guilford, Connecticut with my wife and my two kids. I started driving for Lyft three year and a half and with Uber four years ago.

Lyft canceled my application two years ago because I did not want to accept long rides. I ask this job because it was flexible hours for the driver. Excuse me for my English, I try. [Testifying in Spanish].

Thank you, Gracias. [Speaking Spanish]. In the morning, too many drivers going - I told everything in Spanish. Thank you.

BRENDON SEXTON: I'll summarize his remarks. So when I started I earned between \$1,000 and \$1,200 dollars a week driving only twenty or twenty-five hours a week which allowed me to pursue my passion of being a musician. But then the prices changed, prices are being lowered in a significant way. I

again was left voiceless. I had no chance to determine my working conditions.

Now, I work more than 100 hours per week and earn anywhere from zero to \$300 dollars before my expenses. I paid for a Lexus because Uber told me that with a Lexus I was going to make more money. Many of the drivers drive expensive cars, but most customers choose UberX. Between my car payments and insurance, I pay \$500 a month. In addition I pay \$150 dollars a week for gas every week and I have not spoken about all the other expenses like cleaning my car and changing my oil.

All the drivers are lost. We keep losing and losing. Without a voice on the job, without being able to determine our working conditions, without being able to negotiate better and more fair pay we will keep losing. This is why I support amendment that would pave a path to a seat at the table, I support the right to bargain and I hope this Committee will make the change we need to form a union. Thank you for listening to the drivers. Thank you for convening this hearing about the plights of drivers and thank you for understanding the right to bargain with stabilize the workforce and help all of us drivers earn better wages and conditions.

SENATOR KUSHNER (24TH): Thank you. Was there someone else? Please state your name for the record.

MOHAMMED ENNEJJAR: Hello everyone, my name is Mohammed Ennejjar and I live in New Haven with my wife and a child. I started driving for Lyft two years ago and for Uber five years ago.

When I started I earned a decent salary driving only 20 to 30 hours a week but they changed everything these companies. They started to do hundreds and hundreds and thousands of drivers, more drivers, they started lowering prices in a significant way. They have always said divide and conquer. It does not matter if 200 drivers leave because then now have two million from the beginning, prices have gone down. Now I work more than 70 hours per week and earn close to zero to \$400 dollars before my expenses. I pay for my Mercedes Benz C200 because Uber told me that with Mercedes Benz I was going to make more money.

Many drivers drive expensive cars but 99.9 percent of the customers choose UberX the affordable option which is understandable. Between my car payments and insurance I pay \$485 dollars a month. I pay \$210 dollars for gas every week. There is also other expenses like changing oil and cleaning the car and something else.

All the drivers are lost. At this moment we are losing and losing. Uber and Lyft are demanding our society. They are harming the family, the taxi drivers and society. The government has to regulate so that we have a decent life. Thank you so much for listening to us today. And thank you for supporting us. Thanks.

JESENIA RODRIGUEZ: Hello, Good Afternoon. My name is Jesenia Rodriguez. Honorable Members of the Labor and Public Employees Committee I am a proud member of the Independent Drivers Guild. I am glad that your Committee has raised Senate Bill 226 for Public Hearing and consideration. I would like to

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ask that your Committee also consider a substitute proposal that allows us drivers to join a union.

I drive for Uber and Lyft. I am a single parent and I support my kids and grandkids. I started working Uber and Lyft in 2017 almost four year. I lost my 2017 so I decided to start going to college. And I said to myself what am I gonna to do now. So I decided to start working for Uber and Lyft which they give me a better opportunity back then. It was good.

They were telling me that I was gonna get paid \$500 dollars to \$1,000 which was a good payment back in the days, over \$1,000 dollars. I was able to able to [Inaudible-06:59:40] an living. I was making good money back then. Now I do not earn decent money. I still have to pay my bills and support my family. Earning a living is difficult. Recently I had to return my 2012 car after they tell me that I was going to be working a lot of hours and I was gonna be getting paid good.

But if we have a voice and a seat at the table I could have a clear path to economic stability. Us drivers need to be here and the only way is the union winning to earn better wages and our family stability, the only way is the union. Thank you very much.

ROSANNA OLAN: Hello, my name is Rosanna Olan. Members of the Labor and Public Employees Committee, Senator Kushner, thank you so much, thank you Joe, thank you Mr. Brinker, Mike - Michael. So like I said, my name is Rosana Olan. I live in West Haven with my partner for seven years and I am a proud member of Independent Drivers Guild of Connecticut.

I started driving about two years ago because I lost my job and I needed income. So I decided to start doing Uber and Lyft. At the time it was good but I had to buy a brand new car because I didn't have one. Back then I was working at the Yale Hospital as a valet supervisor and I didn't have a car but working for Uber and Lyft I needed a car. So like I said, back then it was good. Like we've all said, we used to make a lot of money, 30 hours in a week and we used to make more than \$600 or \$800 dollars easily.

Okay, so I turn both Apps on and whatever comes, I grab it. And whenever I want to turn it off, I just turn it off. I usually start from my house, and sometimes I just get a ride from my neighbor, if not I go straight to the New Haven train station which usually a lot of drivers do. I drive all over Connecticut, but it's not worth it anymore, all I have is loss. Lost money, loss of time, health. MY car, I almost lost my car because of this. I have to pay because they took my car, so I had to pay a lot of money to bring it back because of that, because of Uber and Lyft stealing money, breaking our pockets.

So like I said, in the beginning I used to make easily \$800 dollars in a week with 30 hours. After August 2018, everything started changing. Suddenly the payment by mileage went down. They cut prices paid mileage like six times which is horrible. From 89 cents they go down with 65 cents per mile and that adding ten more cents per minute will make a difference which is not. Some people earn 60 cents a mile, I don't know what is the difference, I don't know why they did that. I know, I don't know why

they should make it different from Hartford to New Haven, it is very unfair. It seems like we have a voice on the job the rates would be so different.

Since August, it has only gotten worse and worse. Now it is tough to make any money. Sometimes I make \$68.00 dollars in a week or less. Some people, we all go with zero and it's very expensive to drive no matter how many hours I work. My car payments are \$500 a month. My insurance is \$350 a month. That is not including my gas and maintenance and all the expenses that I have to go through to be an Uber driver.

Few months ago Uber created a new category called Uber Comfort which means affordable rides, extra legroom and other riders preferences. This new category has killed XL which is three row SUV and premium drivers which is expensive.

Also we have never had a driver sit at the table to discuss these changes and this impacts drivers. Also this coming July 2020 there will be no more premium, so all these people that have Acura, they can no more drive for premium because they created this new category which they call Premier, so only people that have Subaru, Big Tahoe, it means very expensive truck and cars that could drive but not everybody can afford that kind of car. So most of the people kind of work Acura, Lexus, Mercedes.

Okay the truth is it is not enough to live on with these Apps. If it wasn't for my partner and my mom, I would not make it. He's not a driver - he works in a factory but they support me with all my expenses. I keep driving because I love doing this, customer service. I've been doing customer service

for years, ever since I was younger with my mom. I love driving, no matter what weather or condition. But I mostly wanted to drive because I thought I would make good money, but not anymore.

The Connecticut Legislature should take action, we need a voice to sit at the table. We will be the only one that can negotiate fair terms and secure our living and future. I support the Amendment and the Bill that will allow us to organize an agency on our behalf for our future and for our career. Thank you so much.

SENATOR KUSHNER (24TH): Thank you. So let me first start and ask if any of our Committee Members have questions or comments? Let me start with Representative Polletta.

REP. POLLETTA (68TH): Thank you. Thank you for your testimony. So do we have any idea in terms of statistics as to how many Uber ridesharing drivers there are in the State of Connecticut?

BRENDON SEXTON: It's just an estimate probably you have to dig, we have to dig through sales tax and how Uber's reporting because there is no agency that oversees, there is no licensing procedure in the State of Connecticut our estimate is anywhere from 20,000 to 40,000 drivers.

REP. POLLETTA (68TH): Thank you.

BRENDON SEXTON: And just to clear, it's purely an estimate.

REP. POLLETTA (68TH): It's an estimate, okay. And out of that category how many of those are fulltime drivers, like that would rely on this as their main source of income?

BRENDON SEXTON: So I think like most modern day workers, it's an idea of moving to job, to job, to job and most would like it to be fulltime but because the rides aren't there, the hours aren't there they have to go out and seek other part-time work. But most drivers are professional drivers and would like to see it as a fulltime, you know, middleclass job.

REP. POLLETTA (68TH): Okay, so fulltime would be what, 20 hours or more, or 40 hours or more?

BRENDON SEXTON: Yeah I think that's more hours than 20.

REP. POLLETTA (68TH): So 40 hours a week.

BRENDON SEXTON: Yeah.

ROSANA OLAN: 120 hours [multiple talking] because now they work like more than 120 hours to make their money, to be able to make money.

REP. POLLETTA (68TH): Drivers are working 120 hours a week?

MOHAMMED ENNEJJAR: These are the fulltime Uber now 120 hours a week, part-time 60-70, that is real what happens at Uber Lyft.

REP. POLLETTA (68TH): So you work 120 hours a week to make?

MOHAMMED ENNEJJAR: Eight hundred, \$700 hundred dollars.

REP. POLLETTA (68TH): And I guess my question is what would this move, what you're proposing here what would this due to costs of Uber and Lyft and whatnot? I mean would this keep prices the same,

would it lower prices for consumers across the State of Connecticut, someone, you know, youth leaving a bar at 2:00 a.m. or someone leaving Bradley Airport to go home, would it drastically decrease prices or increase or stay the same?

BRENDON SEXTON: Most likely it would stay the same. What we've seen in New York City where there is a surcharge where drivers have portable benefits, there is no increase in costs. We're talking about a billion dollar company, you know, providing a stable, providing a stable work environment and steady wages would probably be much more beneficial for the State of Connecticut with the economic impact that it would have creating another 20-40,000 drives into the middleclass.

REP. POLLETTA (68TH): Okay, so 120 hours a week, so they are working about 18 hours a day you would say?

MOHAMMED ENNEJJAR: Sixteen.

REP. POLLETTA (68TH): Sixteen hour days to make \$700 dollars.

MOHAMMED ENNEJJAR: It's a 16 hour day. It's the maximum.

REP. POLLETTA (68TH): Oh, okay, the average but you say you all work around 16 hour days.

BRENDON SEXTON: So there is also, you know, waiting for a ride is calculated into the working time. So often times drivers are all waiting for rides which calculates into those 16 hours, so they don't have a passenger for the full 16 hours.

REP. POLLETTA (68TH): Okay so just to understand this correctly, I see this is as if you're waiting

for a ride, are you on the road, like are you parked at a gas station waiting for a ride, or parked at a restaurant or can you be home waiting for a ride when the App is turned on?

JESENIA RODRIGUES: So actually what we do is, we can be standing in front of the train station for like two, three or four hours without getting anything. And when they count is when we start driving people around but they don't count while we wait, we're sitting down and we are waiting for a passenger to come to get a fair, a ride today. I know people who can be sitting down there for five, six, eight hours and they don't get any rides. This is really ridiculous.

BRENDON SEXTON: So drivers take different approaches. Some drive around town, some drive and wait at airports, train stations. If it's a particular area that has nightlife they will cruise around the neighborhoods that have bars. It's really kind of, if you think about it in a sense of fishing. You know, moving around with your little radar looking for that ping for that ride.

REP. POLLETTA (68TH): And I understand that word ping because I use Uber and Lyft quite a bit [Laughter]. So you can't be home and have your phone on and you're technically "on the clock" as part of those 16 hours, you're actually out in the field at different establishments waiting for the ping?

MPHAMMED ENNEJJAR: Yes, you can't be home if you want to make money because if you stay home you make no money even though your App is on, even through your App is online but if you don't receive calls. I

mean, let's say you get a request but if you don't go for it, if you don't go outside to pick it up, that means, I mean you will lose because they only give you like a few minutes to pick it up. If you don't pick it up quickly it goes away to someone else, so another driver which means you cannot be home. Basically you have to be in our car for a request but if you stay home that mean's you're not gonna be working.

REP. POLLETTA (68TH): And I guess, you know, my final point is that if you are considered part-time which my understanding is that it is a very small percentage of folks that do this fulltime. I don't know if your statistics show otherwise but I thought that the majority of folks drive 20 hours or less and use this as some sort of supplemental income. Are you, let me phrase this correctly, saying that this that there are a lot of folks out there doing 16 hours a day, would you say a majority of the 20-40,000 people are working 16 hour days? Is that your experience here or are they doing it as a, lets' say as we talked about before, a bartending job or something part-time a few days a week.

BRENDON SEXTON: So it's hard to have concrete actual numbers when there is no actual reporting being done. So it's supplemental as we go around Connecticut talking to drivers. We find more and more drivers that are driving fulltime, they're just parked and picking up on a Saturday because they want to get out of the house. It's mostly people that are looking for work and looking to make a living.

REP. POLLETTA (68TH): My experience has been leaving West Hartford Center or Stamford and times

well I'll take an Uber home or Lyft and I'll often times communicate with the drivers and I'll ask as I'm always curious. A lot of 'em take very much pride in what they do, I mean the cars are all outfitted, there's bottles of water in there, nice radio, cellphone chargers and I appreciate that, let me say that. I do and especially when you're leaving a bar or a restaurant late at night and you need to get in the car and you have a bottle of water, what's better than that.

CARLOS GOMEZ: But Uber and Lyft don't appreciate that by the way.

MULTIPLE SPEAKERS: We have always like met some very nice customers, but the problem is that the Uber and Lyft do not appreciate that and the like force you to, I mean, don't force you but like they want you to offer all that which is like a pleasure for us to do that, but they don't appreciate it.

In other words, let's say you go there and it is very hard for you to pick up a customer. And if the customer complains about that so that report is going to affect you and they may take you out of the App for that reason, for that simple reason. Plus if you got like, let's say you got fired and you don't know the reason they are not going to tell you the reason and I have so many friends or colleagues that they work for Uber or Lyft and they got fired and they still till now for months and years they don't know the reason why they got fired for and they even try to call them and when they call them like it's just to ask them why. I mean why was I fired? And is there like an option to go back with you, like to drive again for Uber Lyft, no. You know why because now they are a very huge companies

and they make billions of dollars, they don't care for us as poor drivers because if they make that money with you or without you. Before driving for Uber back in 2014 they treated us very well, like a baby because they needed us. Now that they have a lot of drivers, billions of drivers they don't care. If you leave today, ten more drivers will be driving for Uber or Lyft the next day which is very unfair plus something I want to mention, like if you drive from here to New York you are not allowed to pick up from New York. You have to drive all the way from New York to the border of Connecticut to be able to do that, or even if you drive to Boston or to Rhode Island, for what? A hundred dollars or \$90 dollars, that's it. You drive from New Haven to JFK for \$90 bucks and you come back so you come up with, I mean in your pocket after expenses the toll, the gas and everything \$40 bucks or less which is, it's a slavery in a different ways.

BRENDON SEXTON: The water and all those good things in the clean car are supplied by the drivers that's what he's starting off at. The company doesn't compensate them and the company doesn't give them any money, it's all the drivers that are doing that.

REP. POLLETTA (68TH): And just one last thing, you brought up the point about the reciprocity going back and forth from New York to Connecticut and whatnot, you know, I think there is universal agreement that if a New York driver can pick up someone from Connecticut and bring them over there, let's say to JFK Airport, then a Connecticut driver should be able to pick up a New York rider and bring them over to Stamford or Fairfield if they live there. I don't think there is any disagreement with

that and I can say for certain that I support that concept. You know, what's fair for New York drivers should be fair for Connecticut drivers. If that in and of itself, you know, increases your profit or ridesharing and lets you have more, you know, usership then that is phenomenal.

You know, as far as unionizing the workers, I have a bit of an issue with that but a good starting point I think would be and I'm sure Senator Kushner agrees to make sure that the drivers are treated the same. What's good for a New York driver should be good for a Connecticut driver. I'll leave it at that. Thanks.

SENATOR KUSHNER (24TH): I do obviously, I actually was going to ask about that to because recently we were having an internal discussion about this Bill and that came to mind last year you testified about that issue and someone advised us that they thought it had been addressed and resolved. And I was happy for you if it had been, but I guess what I would say is that from what you've told us last year and again this year, and just what I know representing workers is that sometimes when workers come forward and complain about a particular issue, a problem that they are having miraculously that problem gets solved by the employer because they want to eliminate the cause for unionizing and then some new problem crops up and the workers are back at square one. So actually I think that long-term the only real solution is to have organization, to have a voice, to have collective bargaining because otherwise it's, you know, you might solve one problem through legislation and then have a new problem crop up. I do think, I wanted, I know that

Representative Winkler had a question and I don't want to forget that, so I'll let him go first and then I have a couple of questions.

REP. WINKLER (56TH): Thank you, he answered my question [Laughter].

SENATOR KUSHNER (24TH): Okay. The question I have is I know there was some discussion about collective bargaining and I believe there is a place in the United States where they have actually enacted a statute that allows for collective bargaining of Uber Lyft drivers. Is that, do you know about that?

BRENDON SEXTON: Yes, so the City of Seattle attempted to do this. It is in the court system right now, it's failed on some legal grounds. What we can do here on a state level is address those local concerns through State action which would alleviate any litigation and would create the path for our drivers to organize.

SENATOR KUSHNER (24TH): Thank you for clarifying that. I know that when you mentioned earlier in your testimony Brendon about the black car drivers in New York organizing I remember I was in, I was working in New York when that happened and I remember a lot of skepticism by everyone that, it's not gonna work, how are you gonna do that and I recognize that you persisted and eventually did prevail and that has stabilized the industry as well. I did, I think, I mentioned this to you last year, I had some experience organizing cabdrivers in Stamford back many years ago and what I found is that every collective bargaining situation is different and there is some unique circumstance that you'd have to figure out through bargaining that

your compensation, everything is a little bit different than the traditional workforce that we're used to dealing with. But I commend you on your efforts. I feel like we have an economy that is really changing and the jobs are changing and what we want to see is we're open to those changes. When Uber Lyft were started I remember thinking I'm never gonna use that because I don't like the way they're doing this and now, you know, often times it is the only option for people and it has grown as your testified into a billion dollar business and so it is the employment of the future.

And I think what we have an obligation to do is make sure it's regulated, that it is safe for both the drivers and the customers and that you have the right to make it into the good pay, stable employment. That's what our State needs. We need stable good paying jobs with benefits and, you know, I applaud you on your efforts in coming here today and asking the Legislature to be partners in figuring out how we approach this new gig economy so that it is good for the workers not just for the people who are making billion dollars off the newfangled App. So thank you very much.

ALL PARTICIPANTS: Thank you. Thank you so much.

SENATOR KUSHNER (24TH): Okay, we have next up, we're getting through this list believe it or not. We still have a lot though. I have next Jamie Jones from the Jones Family Farm. Is Jamie here? He left. We will take him off the list. Ray Shea. Is Ray here? I haven't seen Ray either. He left also. Steve Matiatos. Steve is here. Thank you. Thank you for being patient.

STEVE MATIATAOS: Good Evening. Just want to thank you Senator Kushner, Representative Polletta, Representative Winkler. Thank you so much for your time in allowing me to speak on behalf of the Connecticut Hotel Association, Connecticut Lodging Association which I represent as the President of the Conference and the Committee. So the Connecticut Lodging Association opposes SB 227.

The hotel industry has a great story to tell, one of countless employees who begin their jobs as bellhops as I did, front desk agents or dishwashers, and with training and hard work, rise through the ranks to become managers, general managers and all executive levels. Many achieving their dream jobs. The hospitality workforce is made up of several employee categories executive, salary, hourly, union, visa employees, seasonal, on-call, it's not just a "one-size-fits-all" industry.

Earlier today you heard from some other members, I know we had the Connecticut Restaurant Association here and you heard some other representative and I want to just give you a couple of other examples of how this Bill does not work on our behalf.

We were discussing earlier today where there is situations such as there might be funerals or weather related things that pop-up without notice, it doesn't work for the 14 day notifications. Those were some great examples. I'm going to provide a couple of more real quick.

You know, our business is a 24/7 so it's a bit different from the restaurant field even though we have restaurants as well. But it is a 24/7 operation and we depend on our workers and we depend

on the relationships that we have formed with them. So for us, we have a lot of bookings. Our booking window for some of our business is generally a four to seven day notification for those individual travelers that travel to our hotels. And a lot of things can happen at the last minute that just shifts things around. So we kind of depend on our relationships we have formed with our employees making sure we honor and respect their needs whether it is a second job, family health, school whatever it may be. We work with them, they work with us and it's just what benefits us the best to proceed as we do right now. To put restrictions of 14 day notifications doesn't work for our employees, it doesn't work for us. To have fees on top of that certainly would make things more difficult for us to operate our businesses. And for those reasons we ask that you please consider and understand that we do oppose this, it just doesn't work for our employees or for employers or hotels in the State and with that I open up to any questions that you may have.

SENATOR KUSHNER (24TH): Thank you for your testimony. Representative Polletta.

REP. POLLETTA (68TH): Very briefly, thank you for your patience and I speak for all the members up here and I know it's been a long day. So as far as your industry goes, are there, you know, the 14 days obviously it's impossible to predict, is there some sort of compromise that might work for you?

STEVE MATIATAOS: You know, I think we heard some others answer that question and I would have the same answer. It may work for some businesses. I don't see how it would work for us. How do you put

that number on it? So I would agree with the comments that were made earlier today. We work on respect. We are in the hospitality industry so we kind of live and breathe hospitality and that actually goes down to our associates as well. So to put those restrictions in place where we couldn't possibly schedule well, it would probably impact the services we provide and will also impact those repeat businesses coming to our hotels.

Now we talk about some other small groups but there's also conferences, a lot of tournaments that take place, tournaments, sporting events could have eliminations. We don't know until the last couple of days. So for that, it's not just the teams that stay with us, you can think it might be 20, 30, 40 rooms. It could also be the family members that are also visiting too. So it is very difficult to operate on such a manner.

REP. POLLETTA (68TH): That was going to be my next and last question and was do you get a lot of last minute reservations and then, you know, do you sometimes have to call staff in?

STEVE MATIATAOS: You know, we do. We try to regulate as much as we possibly can, we do a lot of forecasting and try to anticipate that need. You're trying to shift it too much because again we are respecting our associates and what they need as well. But it goes back both ways. For example when our associates have needs, they have doctor's appointments, we need to be able to call up on another associate to help them swap out and if you're doing that according to this, to the agreement that's in here, it basically doesn't work because then you're paying that associate even more

money so it just doesn't benefit either party at that point.

REP. POLLETTA (68TH): Yeah, okay. Thank you so much.

SENATOR KUSHNER (24TH): Other questions? Thank you for your testimony. Next we have Nathan Shafner.

NATHAN SHAFNER: Good Evening, Senator Kushner and Representative Polletta and Representative Winkler. My name is Attorney Nathan Shafner I am the Chairman of the Workers' Comp Section of the Connecticut Trial Lawyers and I am here to testify in support of RSB-231.

I had the pleasure of speaking at the Public Hearing you had last November and the opportunity to commend this Committee as well as the union members and municipalities and employers that got together with the passage of the original Bill which opened up the door of discussion for allowing mental and emotional claims, what we call standalone injuries that aren't connected with physical injuries.

It's amazing if you are in this business long enough as I've been you see things come full circle. When I started as a lawyer in the 1980s all emotional and mental claims were covered, for all employees. There was no differentiation between whether you were a first responder or a clerk at a grocery store. If the injury happened at work and you could demonstrate it then it was compensable. But this mindset happened in the early 1990s where all of a sudden it became pejorative to have a mental or an emotional claim and the stigma became one of you must be faking it or people are trying to game the system. So and what I perceive is the draconian

changes that happened in 1993 one of them was eliminating the standalone mental and emotional claims.

Now all of a sudden we're full circle 20 some, 30 years later and I think the reason for that is simple. We have seen posttraumatic stress injuries from a number of events. We've seen them from the unfortunate bombings of the Pentagon and The World Trade Center, we've seen soldier come back from Afghanistan and Iraq, these are real serious injuries they have and we've also seen it from first hand in Connecticut with the Sandy Hook tragedy. But we've seen it otherwise and we've seen it with the witness who watched their co-employees be murdered at the Lottery Office or the social worker who was murdered in New London in the late 1990s, there were 27 employees looking out the window watching here get murdered. So these are real events that happen to our employees and up to now there has been no coverage for them for these standalone injuries until 19-17, Public Act 19-17 came to fruition. And here we are today with RSB 231 which is opening the door a little bit more and we welcome that and applaud that that you are allowing the corrections officers as well as the dispatchers and the emergency personnel.

So were are more than happy to offer any suggestions or comments that anyone on the panel has.

SENATOR KUSHNER (24TH): Thank you so much for being here. Let me see if there's any questions or comments. So thank you for coming. You know, it's been a long day and we've had a lot of testimony on this particular Bill I appreciate you're staying and registering your support. You were actually

marked down as against so we had a typo there and it's a good thing you stayed cause we might have wondered what the heck was he thinking [Laughter]. So I appreciate you being here. Take care. Next we have David Reynolds.

DEACON DAVID REYNOLDS: Senator Kushner, Members of the Committee my name is Deacon David Reynolds, I am the Associate Director for public policy for The Connecticut Catholic Public Affairs Conference.

SENATOR KUSHNER (24TH): Can I just ask you, because I called up someone else, would you just state your name again?

DEACON DAVID REYNOLDS: David Reynolds. Deacon is my title, I'm a lay priest.

SENATOR KUSHNER (24TH): Oh, Deacon. I couldn't hear you will. Thank you so much.

DEACON DAVID REYNOLDS: The Connecticut's Catholic Public Affairs Conference is the public policy office of the Catholic Bishops in Connecticut and I am here today to support H.B. 5276, AN ACT CONCERNING DOMESTIC WORKERS.

As the employment of domestic workers to provide eldercare, childcare, and homemaker services has increased, the laws protecting this class of workers have lagged dramatically behind. This proposed legislation is an effort to give domestic workers the dignity they deserve in the workplace, to void worker improve working conditions and increase legal protections.

H.B. 5276 is a step in the right direction in its requirements for an employer/employee agreement, clearly defined working hours, establishing privacy

rights for live-in workers and termination of employment protections.

Passage of H.B. 5276 will address a group of workers in our communities, comprised mostly of women, that has too long been neglected and subject to mistreatment by employers, with very little legal recourse. Their dignity as not only workers, but as contributing members of our society must be respected and as I like to add, we have heard this phrase used today master/servant, I was hearing that passed around for the day, it rang to me after hearing all the stories I heard from the workers, as the Conference was deciding whether or not to support this legislation. It fits the perfect master/servant scenario as we realized it many years ago in the stories. And I could tell you some of those stories but I only have three minutes.

The Conference would like to urge the Committee to examine two provisions that appear to be lacking from the proposed legislation and are vital to any worker in our state. First, is the guarantee that domestic workers are covered by Connecticut's minimum wage law. All workers in Connecticut should be covered by the state's minimum wage law. The Conference has repeatedly heard from domestic workers that employers are not paying that wage.

Second, that the sexual harassment claims process to CHRO should be simplified for domestic workers seeking to bring such complaints. As previously stated, most domestic workers are women, working in a one-on-one employment situation. This is an environment where protections against sexual harassment are truly needed.

The Conference would also like to state for the record that we do not agree with the exemption for au pairs, we believe au pairs should be covered by this law as it's currently written due to a history of problems with that service, there are great stories to go with it there also, problems with that service and oversight and pay.

So in summary, the Conference urges passage of this Bill and urges the Committee to consider the inclusion of the two critical provisions that are missing.

SENATOR KUSHNER (24TH): Thank you so much. Any questions or comments? I do, I would like to ask you a bit about the au pair exemption because we heard earlier if you were in the room you heard me talk about how much I adore the au pairs that worked for me over the years.

DEACON DAVID REYNOLDS: I think I heard that, Senator.

SENATOR KUSHNER (24TH): And, you know, the wonderful relationship that is created and I did point out, I don't think it is true only for the au pairs service, I think any time you have someone working in your home, taking care of your family members it is not unusual to develop a true bond with those folks and that is hopefully what happens in the majority of cases. But I do believe that we have a responsibility to make sure that everyone has their rights protected and so I appreciate your comments about the exclusions and I am interested though, case this is something I'd like to more about, if you, you referenced there have been some

problems with au pairs and I wondered if you could address them in detail.

DEACON DAVID REYNOLDS: Yeah, when the Conference was again reviewing whether it would support this Bill and give our energies to passage of the Bill, one of the issues that came up and it came up I guess late last year to, was the au pair situation which we were not aware of. So we did some of our research and I think most of what you reflect that most of the customers, I'm gonna say parents, I think because most of, you know, for the children and our satisfied with the service but from the au pair situation they are in a situation where if abuse occurs there is a misunderstanding that, you know, there is a great referral, if you have abuse report it to the agency that brought you in or if you have a problem with the family, if they are overworking you cause you are limited to, I believe, 45 hours a week of work if they are being overworked you report that but the agency obviously has a dual interest in au pairs. They make money on the au pairs. They want to maintain their program so they usually find, you know, some of the reports say that the au pairs are not really satisfied with the response of the agency.

Also, yes, the State Department runs it but most of the information they get and react to is from the au pair agencies. In other words they are required to report complaints to the State Department which has extremely limited staff. So many of the complaints that even get there, they're lucky to get looked into by the State Department.

The other issue is that and there has been two recent court rulings, one in Colorado last July

where the Federal Court ruled that au pair associations, that take families with au pairs, were fined basically \$65.5 million dollars for not sufficiently paying the au pairs and misleading the au pairs as to what their legal wage rights were. So I am sure with that kind of settlement it's probably being appealed but that settlement came out of \$65.5 million and one of the rulings that came out of that hearing was that the Federal Judge said, listen you have to inform the au pairs that the federal minimum wage which is \$7.25 an hour is a starting base for negotiation and I have not, so when you hear the au pairs testify which I believe they did earlier today and they said, you know, we make sure that the au pairs know that they can start at \$7.25 and it's a negotiable salary, they can negotiate that. Obviously there was a problem with that in Colorado with, not just in Colorado Au Pair Associations but any of the au pair associations. They were not doing that. I will not speculate on, you know, whether Connecticut Associations are doing that or not.

But also one of the problems to has been and then we have Massachusetts where they've ruled that the au pairs are covered under minimum wage law and should be paid at state minimum wage. The State Department has remained unclear on that but Federal Wage Law gives the right to set minimum wages to the states and they do that for a reason and that's because minimum wage should reflect the cost of living within that state or try to reflect the cost of living in that state. We did do a calculation that if somebody gets paid the \$7.25 dollars an hour under Federal Law and then out of that comes the 40 percent for room and board so really the workers are

kind of paying because they are not getting their full wage, hourly wage for room and board. That comes out to \$195.75 you heard earlier. If we are to go to the \$12.00 dollar minimum wage for the State of Connecticut which is going to be \$12.00 in October 1st this coming year, after the 40 percent that goes up to \$324.00 dollars which is an increase to the family of \$128.00 dollars a week which is significant, it seems but when you look at the cost of childcare in Connecticut it's still a good deal for the family if they could afford to have an au pair come it, it's a great situation, you know, if you're fortunate enough to be able to do that, to have that. I have three children, wish I had an au pair, I didn't but, you know, its fortunate to do that. So there are problems, there are also parents in Massachusetts who are suing several au pair agencies for double billing. They would bill the parents for a certain potion of the upfront fee and they would also bill the same charges out to the au pair who was coming into the country. So the parents are saying wait you billed us twice and our au pair already billed them for those same changes, so there's some issues. So I think what we do is we have a good program with good intent but like any program involves employees and people coming in, we have a right as a State to guarantee that they are being paid properly, that they have a proper complaint process in place and that's what this Bill affecting au pairs would do that. Cause it gives the average worker who has no recourse to current State law it would give them State protections. So, you know, you don't have to wait for the U.S. State Department in Washington, D.C. to get back to them

on a complaint, there is someone they can go to within the State.

SENATOR KUSHNER (24TH): I really appreciate that information and I think it is really important that all the Members of the Committee have that so if there is anything that you have from your investigations that you have in writing, it would be helpful to us to have it as we deliberate about this very issue.

DEACON DAVID REYNOLDS: I do have some information and I would be glad to, you have an email.

SENATOR KUSHNER (24TH): That would be helpful, I think it's, I think that you can recognize the need to improve the situation for workers of an organization like the Au Pair Agencies without saying that we shouldn't have au pair agencies cause they do provide a great service. So I appreciate your perspective and I think it was very helpful. Thank you. Any other questions or comments? Thank you for staying all day to. Up next we have Mitch Goldblatt. Is Mitch Goldblatt here? Okay, then we have Manuel Espanota. Manuel Espanota? Okay. Whipping through this list, Diane Moynihan. Great, Diane is here.

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

DIANE MOYNIHAN: Thank you. Good Afternoon, Chairpersons Porter and Kushner and distinguished Members of the Labor and Public Employees Committee. My name is Diane Moynihan. I am here in support of the Senate Bill 231 which would provide workers' compensation benefits to DOC hazardous duty employees, EMTs and dispatchers.

You heard earlier from Commissioner Cook who represented the Department of Corrections. Although I am not here as DOC representative I am the Behavioral Health Clinical Director assigned to the Employee Assistance Unit which is a clinically guided, peer lead mentoring based model.

PTSI is quickly becoming one of the most concerning aspects of hazardous duty work. Collectively we need to normalize and destigmatize the negative decompensating, devaluing, traumatic and lasting effects of daily correctional work. CO work is not normal work. The working conditions that are high stress, high risk, dismal, scary, negative, life-threatening, health threatening and at times exhausting. They are exposed to negative environmental, occupation, organizational psychosocial stressors throughout the entire length of their careers.

Sadly these conditions are static. They will never change. They are commonly forced to work days on end, exposed to medical concerns, miss family events, holidays and do not know daily if they will come home from work. Can you imagine going to work to earn a living and not know if you would literally come home every single day? No matter the public safety badge or uniform one wears trauma is trauma. Without including CO in workers' compensation for PTSI I believe we will have a public health crisis.

COs suffer both primary and secondary PTSI also known as vicarious trauma doing their jobs and even after retiring at staggering rates. Statistically we know 31 percent of COs reported serious psychological distress at twice the rate of the general public, 31 percent suffer with depression

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and more than three times the rate of the general public. The divorce rate among COs is more than 20 percent higher than the national average of the general public and twice that of other first responders. We know that the suicide rate is double of the national average and again twice the rate of national other first responders.

We know the rates of depression, anxiety, addictions and other medical conditions are also significantly higher than the general population, other first responders and even combat military Veterans. We know that early death is common with COs and may expire around the age of 59, only 18 months after retiring. Adults in the general population usually live to an average of 75 to 88 years old.

When a CO is injured on the job or worse, killed in the line of duty, there are no parades, no buildings lite up in correctional colors, no positive media support or coverage, no flags at half-staff around the nation. They are forgotten, silently serving behind the wall. If corrections is in the news it's never positive. Therefore the court of public opinion is overwhelming negative and disheartening further exposing officers to trauma and just literally trying to do their jobs.

I counsel individuals that it's okay not to be okay all the time. However we should be outraged by these statistics. This is not okay. With the support of providing workers' compensation coverage for trauma that they are exposed to continually and cumulatively during their careers we can make a positive difference in everyone's future. Are COs needed or valued less than other law enforcement first responders, absolutely not. By denying them

this essential coverage we are treating them like they are. Again, I respectfully urge you to vote in favor of Senate Bill 231 so that we can properly treat our State's other law enforcement public safety caretakers. Thank you for allowing me the opportunity to speak.

REP. PORTER (94TH): Thank you for your testimony and thank you for the work that you've done. Are you still doing that work or have you retired from that position?

DIANE MOYNIHAN: No, I am not going to retire. I am actually new to the Department. I previously, I've been here since September. I previously was the Employee Assistance Director internally for the Department of Corrections for the State of Massachusetts.

REP. PORTER (94TH): Okay, I wasn't sure when you started your statement that's why I was asking, I couldn't determine whether this was a position you had held or that you currently hold, so you just got to DOC.

DIANE MOYNIHAN: I currently hold it. Yep, with me and my experience from Massachusetts DOC. Thank you very much. At my age I should be one of the lucky one to be retiring at this point but that's not gonna happen.

REP. PORTER (94TH): Well we'll appreciate you while you're still working so thank you for your service. Any comments or questions? Seeing none, I say thank you again and have a great evening. Next up we have Deborah Wright. And I hope I said that right, it is actually spelled a little different. Okay, you have the floor Deborah.

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DEBORAH WRIGHT: Representative Porter, and Members of Committee, Good Evening. My name is Deborah Wright and I am the Political Director of United Auto Workers Region 9A which has more than 50,000 members in all the New England states, New York City, and Puerto Rico. I want to just note that we also submitted testimony in support of HB 5270 the right of a public employee to join or support a union but tonight we are here to lend our voice in support of S 227 and HB 5275 AN ACT CONCERNING A FAIR WORK WEEK FOR HOURLY SHIFT WORKERS.

There is nothing more fundamental to a worker than to know what hours that must be worked so that she can plan her life accordingly. Sadly, many hourly workers in Connecticut's service industries are saddled with unpredictable, fluctuating workweeks over which they have no control. We understand that the service industries to which these statutes would apply can, at times, present unpredictable emergencies in scheduling. However, most of the routine practices employed by owners of these businesses have caused profound economic insecurity for the workers, particularly for women and workers of color. These bills seek to bring back a fundamental balance to Connecticut service workers' lives.

These low wage hourly workers struggle to earn a stable income, in large part due to an inability to secure a predictable work schedule from their employer. Many times, these employees are forced to work with little notice, maintain open availability for "on-call" shifts without any guarantee of work thereby making planning anything outside of work impossible, and many times have shifts cancelled at

the last minute, again without any compensation most times that they have already to pay for childcare. This instability to their lives translates into economic and caregiving instabilities for the entire family.

I won't go on due to the late hour about what the highlights of these Bills and how they can improve the employees lives, but just seek to note that they seek to also bring dignity and respect to those workers at their worksite and allow them to actually have a life outside of work.

I would also like to note that we have been making changes in other states. Nearby in New York, Philadelphia, Oregon, Seattle, San Francisco , San Jose, Chicago, and Washington, D.C. have recently enacted work hours protections designed to give working people access to family-sustaining incomes and balanced workweeks. It's time for Connecticut to do the same for its workers. We at the UAW support SB227 and HB5275 and hope the committee will vote favorably. Thank you for your time.

REP. PORTER (94TH): You're welcome. Thank you for your time. Senator Kushner.

SENATOR KUSHNER (24TH): Thank you for being here and showing that perspective. I was rushing back in to hear you because I didn't want to miss it all but it's a long time to sit up here and I thought I timed it correctly that I would be back in time. But I do appreciate you being here in support of this. This has been done in other states and I know you represent workers in other states and you yourself have worked in New York and I wondered if

you could talk a little bit about how that has impacted workers and employers in New York.

DEBORAH WRIGHT: Yeah, I mean it's my understanding in terms of the notice period, they landed at three days. I know that this, you know, particular proposal has 14 but I think when it was finally enacted it now has three days in order to have that notice period from employers to the employees about their schedules. And I can just say, you know, I don't have specifics in terms of stories that I can lend but I do know that the industry has survived. And I think this really has brought a balance to those worker's lives, you know, again I think we could argue whether or not three days is enough to be able to make those changes, you know, it's not easy for workers who maybe don't have parents or grandparents that they can lean on or family or other friends, you know, that they can quickly try and say, especially if they have children, can you help me. But it still is at least something rather than having, you know, maybe two hours' notice, you know, or five hours' notice to try and figure out and scramble how you are going to be able to cover those shifts. So I think it has improved in that respect. I do think that they are also trying in New York to try and actually make improvements upon that this year or this, you know, legislative season based on what they were able to pass last year.

SENATOR KUSHNER (24TH): The other question I have, I notice you were here when there was the person who testified earlier today who was a public defender and he drew some connections with some of the work that he's doing and I, knowing you, I know you have some history in the past working as a legal aid

attorney and wondered if that was also your experience?

DEBORAH WRIGHT: Absolutely. You know, before I came to this position I was a public defender in New York for 20 years and I can tell you that, you know, the majority of my clients, you know, who were working they struggled so much to be able to work to support their families but also make their court appearances and it did become very difficult for quite a few of my clients who working like in the service industries to be able to do both and they wanted to come to their court appearances. They wanted to show the court and demonstrate that they were doing everything that they were being told they had to do in order to get a more favorable sentence, remain out while their case was pending and it just became this continuous struggle in terms of what to I pick. Do I pick my family and my ability to actually put food on the table or actually keep them living somewhere that is protected, or do I come to court? And there were many times, you know, as their lawyer where I had to, you know, stand in front judges without them being there and trying to explain the situation and beg basically that a warrant wouldn't be issued or, you know, that they could just at least remain in the program that they were doing really in despite the fact that they couldn't make that court appearance, you know, that day. So it did happen quite a few times.

SENATOR KUSHNER (24TH): Thank you so much. Any other questions? You're chairing now.

REP. PORTER (94TH): I just wanted to kind of pick up on, just point or clarity. You said that New York has done this and they are, it's three days?

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DEBORAH WRIGHT: It's my understanding that they landed on three days' notice, yes.

REP. PORTER (94TH): And then you also said that they're trying to actually go back and expand, do you know if it's around the time or is there something else in the bill that they're trying to tweak>

DEBORAH WRIGHT: It may be something else, so I don't want to say for sure that is exactly what it is but I do know that they are trying to take a second look at it.

REP. PORTER (94TH): Okay and Thank you so much for reconfirming what we heard from the public defender earlier. It did me good, you know, as the Chair to hear from a different perspective but also in support of why this is so important that we address this real issue now. So thank you so much for your patience, for your endurance and your testimony.

DEBORAH WRIGHT: Thank you, it's my pleasure.

REP. PORTER (94TH): You're welcome. You have a good night. Thank you. All right so up next we have Carlo Manuel-Gomez. He's already testified. Jose Osorio. Jose Osoiro? Luis Daiz. Luis Daiz, no? Elizabeth Martinez. Gretchen Raffa. I don't see Gretchen. Edgar Nyatome. Edgar? Mohammed Ennejjar - he testified. I don't see Brian Anderson. Julie Lee. Okay, Taylor and I'm not gonna butcher that. I'm gonna say Taylor B and you can tell me the proper pronunciation Taylor. Yeah, yeah I don't.

TAYLOR BINIARZ: It's Biniarz.

REP. PORTER (94TH): Oh, okay. Well you have the floor Taylor B [Laughs].

TAYLOR BINIARZ: Thank you. Dear Members of the Committee, my name is Taylor Biniarz and I live in Hartford, Connecticut. I worked an on-call job in making and selling a product in the manufacturing and beverage service industry. I stand in support of SB227: AN ACT CONCERNING A FAIR WORK WEEK SCHEDULE. I'd like to point out that this Bill would not actually prohibit the practice of on-call scheduling. Rather, this bill will help stabilize working families by "limiting" on-call scheduling.

When I worked there I was given two types of schedules. I was either told my schedule at the beginning of the week, or I was told about the next day on the present day. Both of those schedules consistently changed. I was often either told I wasn't needed on said day or cut early into one day but then also was called in on days I wasn't scheduled. I felt like I couldn't say no because early on I was asked to and when I stated in the group chat that I had plans, my plans were questioned harshly by a coworker who happened to be the owners son.

When I was told I didn't have to come in on the next day I felt like I could not make plans, or even sleep in just in case I was called in especially due to my close proximity to the location. I drove to work and found out I wasn't needed many times. I was scared every time I had to leave early or come in late due to my therapy, which I always let them know in advance. My mental health suffered severely and I had to call out sometimes because of my mental

health getting worse, causing my lack of sleep, and affecting my physical health as well.

I received several overdraft fees due to automatic bills being taken out of my account due to some of my hours being shorter than expected which coupled with the fact that I wasn't making a living wage made it worse. If I had to cancel a therapy appointment then I would have had a \$75 dollar fee. To put that in perspective, when I learnt about this testifying day and cancelled my therapy appointment, I was within one hour of a cancellation fee to further put in perspective delaying, shortening or lengthening shift time, my appointment was at 2:15 p.m. today. This bill would have helped me by being more financially consistent but it would have helped my mental health more, by not making it decrease significantly. I do not have children but I cannot imagine working an on-call job if I did.

I strongly support SB227. I hope that this Committee and Connecticut lawmakers will vote favorably this year to empower Connecticut's hourly workers by limiting abusive scheduling practices. Because a business that cannot treat their employees with respect and dignity should not be allowed to be one anymore. Thank you for your time.

REP. PORTER (94TH): Wow, thank you for your testimony that was tremendous and still yet again a perspective that I hadn't thought about. The mention of mental health that really hits home. We know that we have a lot of issues around even supports for in general around mental health but to hear that your job has impeded you from getting the help that you need and caused you to make decisions that actually exacerbated your mental health state

is sad that disheartened. So I thank you for taking the time to be here today to put a voice and a face to this issue. Many times we look at this Bills, we read these Bills, its, you know, black letters on white paper and that's why these Public Hearings are so important so I just want to let you know that you have my full attention. I heard everything you had to say and it really does drive home for me why it's so important to do our due diligence in getting this Bill done this year cause Connecticut workers like yourself can no longer wait, the time is now. So thank you. Any comments or questions?
Representative Hall.

REP. HALL (7TH): I would just echo Representative Porter's sentiments and thank you so much for your courage coming out today Taylor. It's important that, you know, the folks that we're trying to impact share their truths, share their stories, share their narrative because often times that is not what is being heard or being told and so it's so very important for you to come out. And thank you for committing to living in the City of Hartford. That's always a good thing as well. So thank you so much for coming out today.

REP. PORTER (94TH): Thank you, Representative.
Senator Kushner.

SENATOR KUSHNER (24TH): And you know, I want to echo support for your being here and also just ask you a couple of things because I know that particularly young people often is imagined that the don't, maybe don't have as much need for money to support themselves, you know, maybe they are doing it because they are doing some other pursuit and whether it's being a student or, you know, having

another like passion that I know that it would be helpful if you just talked a little bit about your financial circumstances and how much you depend on that work when it is shiftwork.

TAYLOR BINIARZ: Yes, so thank you for your question. So the work that I enjoy doing and find passion in is often very seasonal and limited for me because I don't have a college degree due to the massive amounts of debt that I would need to put myself through and so these on-call jobs are usually what I can get without having a degree and back, you know, we've passed the living wage now, the \$15.00 dollar minimum wage thankfully, but before then it was tough and I did like, I said, I had several overdraft fees go on with my account for different services because of these hours that were cut and that made my financial life very difficult sometimes not being able to go grocery shopping or get rent in on time to the partner that I live with.

SENATOR KUSHNER (24TH): I have another question and I don't know if this is true for you or if it isn't true for you, but if you're familiar with this or know other people who might work in these circumstances it would be helpful to share with us. But I would imagine that many workers today are working more than one job, several jobs maybe shift jobs and I wondered if that had ever been the case with you or if anybody you know has had to manage, how do you manage when you have two jobs that have on-call scheduling, how do you make the choices you need to make to keep both of those jobs?

TAYLOR BINIARZ: Yes, so while I haven't had to work multiple jobs in my life, I have known friends, coworkers and people who had other jobs that I've

managed that have worked multiple jobs and when it's been an on-call job, I have had people call out to go to that job or sometimes back the decision to stay here and that decision sometimes comes with their boss or their manager being very irate at them.

SENATOR KUSHNER (24TH): One last question. In this Bill I notice there is a provision that would, in the instance where someone else called-out and you were, this Bill requires that an employer would first offer that shift to other workers that are looking to pick up hours and I wondered if in your circumstances is that something that you would have entertained, would have been happy to have had an opportunity to work more hours in certain instances?

TAYLOR BINIARZ: Yes, so I definitely in certain circumstances where I would have like the opportunity to pick-up shifts especially if it had been a week where my shifts had already been cut short.

SENATOR KUSHNER (24TH): Thank you very much, that's all I have. But I appreciate you coming here to testify.

REP. PORTER (94TH): Thank you. Any further comments or questions? Seeing none, thank you Taylor. You're welcome have a good night. Brian Andersons with AFSME here to testify on SB 227, 5276, 232 and 231. You have the floor, Mr. Anderson. I'm sorry to interrupt but please turn your mic on, thank you.

BRIAN ANDERSON: Sorry about that. Representative Porter I am Brian Anderson, I am a lobbyist for AFSCME Council 4 which represents 30,000 private and

public employees in Connecticut. Thanks for the great Bills that stand up for working people you have today. We testified on many, I know the hour is late and I want to concentrate on one Bill that is particularly important and timely, that is Senate Bill 2331 which would extent workers' compensation for posttraumatic stress injury to Department of Corrections employees, to EMS employees and to emergency state and municipal dispatch employees.

I know judicial hazardous duty employees have been discussed and aren't in the Bill. We understand that but I do want people to consider things like the recent Bridgeport Courthouse shooting and understand kind of like Senator Champagne said at the November hearing that people who are hazardous duty ought to have this workers' compensation coverage.

Very quickly, dispatchers I think are not as understood as they might be. They are polite. Illinois University did a very comprehensive study on PTSI and emergency dispatchers. They studied 800 dispatchers, their findings there were 18 to 24 percent of those dispatchers suffered from PTSI symptoms and I don't think that is surprising. You heard from Kelly Cormier earlier today about the trauma of listening to somebody else experience trauma over the phone. And I'll give you a recent Connecticut example. A dispatcher in Norwich listened just two weeks ago to the person she was trying to save on the phone get stabbed to death, literally during the call. The person was stabbing as the murder victim was on the phone talking to a dispatcher. I can only imagine what that does to that dispatcher.

I interviewed a dispatcher who was trying to instruct the wife on how to talk to her husband out of committing suicide on a highway bridge in Eastern Connecticut and she heard the wife scream and she described to me how the array of lights indicating a call lite up like a Christmas tree which was for motorists on their cellphones calling to say, hey somebody just jumped off the bridge and that was a fatality. So I know there has been some discussion of the difference between witnessing something and hearing something. I know somebody who has worked on a lot of campaigns and been through the discussion with professional people of what is more powerful audio experiences or audio and visual? And audio is very impactful. I've heard the radio has a bigger impact than TV.

The other point I want to make is that states are starting to recognize the plight of these dispatchers, 12 states now offer workers' compensation for PTSI injuries to dispatchers. About 32 states do so for police and fire and the states are starting to realize that these workers were classified as clerical workers which was probably a mistake. They should be classified more along the lines of police officers and firefighters. They are the first voice in a lot of these incidents. They are the first people getting intake on something that has gone wrong. This seems to have originated because this was a predominately female employee based job and like a lot of jobs were women were based they paid lesser, they are more disregarded and that's why our laws recognize women have been discriminated against job wise.

COMMITTEE PUBLIC HEARING

So I strongly urge you to please pass the Bill and I thank you for including the emergency dispatchers in this. I'd be happy to answer any questions.

SENATOR KUSHNER (24TH): Thank you, Brian. Any questions from? Representative Polletta, any questions? Thank you so much, it's been a long day and we appreciate you staying and making those points. Thank you. Next we have Patricia Chase. She's gone. Merrill Gay. Deborah Kozlowski. Courtney White. Okay Gisele Chavez. Louis Luna. I know Nelli is here. Come on up Nelli Allmirano.

NELLI ALLIMIRANO: Good Afternoon, Honorable Members of the Labor and Public Employees Committee, I am here today to speak in support of HB 5276 AN ACT CONCERNING DOMESTIC WORKERS rights. My name is Nelli Allimirano a Connecticut resident. I am originally from Ecuador where I was a social worker who worked with families in crisis.

I have lived in this country for more than 22 years and my first job was a live-in housekeeping position with a family. Five months after I started working for this couple, I learned that I had cancer. I was 25 years old. It was very hard for me because my job didn't provide any benefits such as health insurance or pay sick time. I was hired through an agency who kept my first week of pay and I didn't have a contract or any job security. I was very lucky to work for such a wonderful family who provide me with a private doctor and cared for me, treated me with respect and dignity and paid me fairly.

After that job my next one involved taking care of American children where I ended up staying overnight

with them. I was feeling like I was part of the family. They I worked nine years for a couple in which I was a caregiver, a social worker, a therapist, nurse, homemaker, a driver, a tailor, psychologist, everything and of course all was done with lots of love and care.

During the whole time working for more than 20 years providing love and care to many families and carrying for my own family as well including my two children. I also found myself having many surgeries, currently 15 in order to fight my cancer. Even though I was blessed with good employers, I took great care of them and I gave everything with my heart. I have to say that I never had any benefits or job security. Today I am proud that I can use my years of experience to support women in my community who find themselves in the same situation that I was before because we don't have a law that protects domestic workers from abuse, and lack of resource. This is an ongoing problem we need to fix. I know there are good employers out there. I am grateful for them but we should not just rely on luck. We need laws that protect us as workers just like other employees have. Workers in general have protection under labor laws and so should we. I am a loving person but also a fighter. I believe in social justice and equal opportunity for everyone willing to work hard and make a contribution, but not having a labor laws for domestic workers you are leaving those workers unprotected and vulnerable to marginalization and exploitation.

Long ago I also I provide myself that I fight for my own health and wellbeing but I would also fight for

the rights of other women who come to me and the community for help. Thank you for your support on HB 5276.

REP. PORTER (94TH): Thank you for your testimony. And thank you for being here today for your patience and endurance. You know that you have the full support of Chairs on this Bill. We have been trying to get this done for a few years now. I hate that this has such a dark history around why domestic workers have not been recognized as other workers in this State but I have committed to champion this Bill, I will continue to do so until we pass this Bill. My question to you is, you know, we hear some pretty painful stories that are hard to listen to when domestic workers to speak with Senator Kushner and myself, can you just speak to some of the traumas and some of the instances of the stories that you've heard that you're able to share comfortably here this evening just to give those that are watching and those that are still here in this Public Hearing an idea why it is so important that we get this Bill done this year?

NELLI ALLIMIRANO: As I say based on my own experience I give an example one time, I was receiving radiation so I came early in the morning to the hospital, at 5:30, I was the first patient receiving radiation going to work, on the borderline of Connecticut and New York so I was one hour 20 minutes driving and then go to work. I always say to myself I don't feel sick, I'm strong, and I don't have time to feel pain and the time I don't want to, you know, make my kids suffer and I want to keep moving on and working and being useful and doing good things but I didn't realize that I, you know,

should say, I'm not going to work for two weeks, but I was still working. They say okay come when you can and yeah, I did it, I did my things and come back and then take care of my family.

But today, this is not only me, I have other people that are coming to our little office that we have, women who are domestic workers are saying, the doctor told me I have lung cancer and breast cancer and the guy who I work for he told me do not come any more. So lost her job and she's sick. Things like cancer is like a flu today. I have lot of women and they have cancer. My sister has cancer too. So she is doing the same thing, going to work, we try to cover for each other. We help with other women so if I can go out one time, I was working, I have having another treatment, I have Rosa here, she help me in the house because I want to accomplish what this couple, 90 years old need to be, they need to have, they need to have breakfast, lunch, doctors appointment, medicine, especially the medicine so Rosa helped me two weeks and I was happy and still I'm trying to, you know, live my day the best I can. But I can live my day without saying I don't care what's happening with this other woman because I'm already, thank God, I am more than 20 years surviving cancer other woman just starting a month ago and I give hope to that, I say, no you can do it. And we help each other and we get the kids, up go to school, you have to have a career and some mothers they're working now, they are coming on Highway 95 but the kids are here. So it's like we need to have a Bill that for domestic workers, we need to have a week of sick, you know, days for vacation too. We need to have, it's fair to have like other workers have.

REP. PORTER (94TH): I agree.

NEILLI ALLIMIRANO: I'm not making up something that is no, like its real. And there is people that come to the office those two days when I'm helping out, like they people are not paying for the work they are doing because something is broke, say no, no I'm not paying, that cost me \$500 dollars so you make \$250 dollars those two days, I'm not paying to you. So where we go, there is no human resource office to complain so I think we have an out now.

REP. PORTER (94TH): This is what I needed you to speak to, the importance of why you need worker protections like every other worker and that there should be some process by which you can make a grievance or a complaint when you feel you've been, you've suffered injustice from an employee. So thank you for sharing that and again thank you for being here. Any comments or questions? Senator Kushner.

SENATOR KUSHNER (24TH): I too want to tell you how much we appreciate that you're here and to all of you who are here tonight listening to the testimony or are giving testimony I just want you to know that your presence is really important. It reminds us of how we have a responsibility to make sure that every worker in Connecticut is protected and has resources and that, you know, we have a great State, Connecticut and there are a lot of great people who work here, many of whom employ, have employed you Nelli and have employed your sisters and brothers in this work life and so I know there are many great employers but there are also those that don't follow the rules or those that do take advantage of those that do not have compassion and so our job here it

to be responsible and make sure every workers rights are protected and everybody has, is treated decently and so I know you were here last year. We were very hopeful that we could pass the Bill last year, we worked hard, we didn't get it done but I know that both Representative Porter and myself are anxious to see that we get it done right and get it done this year. So thank you again for testifying. Any other comments or questions?

Okay, next up I think we have Tanya Holzner. Is Tanya here? Okay, Norma Martin Hosang. Is Norma here? Okay, Idaliz Gomez. Did I say your name correctly Idaliz? Thank you.

IDALIZ GOMEZ: Good Evening, Members of the Labor and Public Employees Committee. Thank you very much for your time today. I'm Idaliz Gomez, or Liz Gomez and this is Nancy Howard. We are Co-Presidents of the Connecticut Association of Probate Clerks which represents about 65 percent of the Probate Court clerks and employees. We are here concerning Raised House Bills 5270 AN ACT CONCERNING THE RIGHT OF A PUBLIC EMPLOYEE TO JOIN OR SUPPORT A UNION and 5274 AN ACT STRENGTHENING THE PROBATE COURT SYSTEM.

Similar Bills were previously proposed some years ago when the clerks were divided on the issue with some clerks open to the idea of having the ability to unionize and others opposed to it. It is our position that the clerk and probate court employees have not been given sufficient information on which to form an opinion as to whether or not the Association is in support of these Bills, sufficient time to weigh the pros and cons of being reclassified as State employees and to understand and consider what it beset that would have on the

wages, pensions and retirement benefits of the clerk. And most importantly we have not been given sufficient time to consult with our membership to ascertain whether or not a majority of our membership supports these Bill.

As such we are not able to take a position at this time with the limited information we have and respectfully request more time to consider the effects of these Bills on the clerks and probate court employees and to confer with our membership concerning where the association stands on these issues and also ask for an opportunity to speak with union representatives concerning the potential benefits of unionization of the clerks. We feel that without this information we cannot make an informed decision and as such our official position is that we be allowed more time in which to gather more information, discuss it with our membership and allow them to weigh in on the issues before taking an official position.

As is evident by the testimony you heard earlier clerks have expressed an interest in MESO due to the frustrations associated with years of flat wages and increased healthcare costs. Probate Administration does advocate for the clerks to be as the extent they are able however, when the advocacy is unsuccessful there is no one in place to advocate on behalf of the clerks. In this way we are not afforded the same advocacy and protections of other employees of the Connecticut Judicial Branch under which we operate who do have the right to collectively bargain. For this reason we ask to be allowed to consult with our membership and submit our position at a later date.

So essentially we need time to discuss it with our membership. It's something that has come up in the past and was a bit of a divisive issue amongst the clerks so we really would like to get position so that we can then relay that to the Committee.

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

NANCY HOWARD: Hi, I'm Nancy Howard. So I think there is union and then there is the collective bargaining so, I can say among all the clerks, they have been unhappy with their pay because they are paid less than anybody else. If they didn't get a raise for five years, they didn't get COLAs, they didn't get merit raises, they got nothing. And then we finally implemented because we were funded and I think the frustration is the fact that we don't somebody who does, who can represent us. Like if we're told we don't get raises but PCA gets raises, other people get raises because they have somebody to speak for them, we don't. We don't. So yeah, we want to talk to our probate clerks.

SENATOR KUSHNER (24TH): Thank you. I mean I just want to make sure that we're clear about one thing about this Bill, my understanding and my reading of this Bill is that this would allow you the choices to whether or not to engage in collective bargaining, it doesn't require that you engage in collective bargaining and you know, the way after hearing much testimony today and understanding your system a little better because of the hearing, it does seem to me that this group of workers has fallen through the cracks in a way that we need to address. And so I know that we obviously remain open to hearing from you. You can always get in

touch with either myself or Representative Porter, we Chair the Committee and we will share any information that we get from you, you can send us a letter if you chose to do it in that way as well. What we are considering now is whether or not we should close that loophole and give your workers and your coworkers the opportunity to make that decision.

NANCY HOWARD: Correct, and I mean us to because we invited the woman who sat here and talked to you earlier. We invited her to our next clerk's meeting so that she could talk to us and also explain to us exactly, you know.

SENATOR KUSHNER (24TH): I think it was really eye opening for us though to realize that, you know, you hadn't gotten raises and you were paying the increases that others were paying on the healthcare but hadn't gotten the increases that others in the State system got to offset that and how frustrating that must have been to you. So I know that really, that really hit me hard that it's hard to imagine how that made any sense and clearly you, yourself said that sometimes when they would fail to be able to get what you needed you would want an opportunity to work on that yourself. And I think that I've had a lot of experience with unions, I used to be a union representative and what I found is there are a lot of good supervisors, a lot of good managers but they often aren't making the decisions that end up impacting the workers and so, you know, I'm sure the decision about how much you had to pay for your healthcare was made at a pretty high level and so having the opportunity to bargain over that might be advantageous.

IDALIZ GOMEZ: Right and the reason we are reluctant to take a formal position is because we're speaking on behalf of an association that includes 216 clerks. We were able to send out an email, got back a couple responses but to sit here and give a position an entire association's view we can sit here and give you our personal opinions [Laughter] and tell you how we feel about not getting raises for four years and you know.

SENATOR KUSHNER (24TH): Even without hearing but I do appreciate that. I understand the position you're in and frankly I think it's really good that you're here. Even though you are taking a neutral position at this time it's really great that you're here to express that and represent the association.

NANCY HOWARD: Plus we want to keep clerks. We actually in the last year we've had a lot of clerks leave the system because of the lack of pay. And they could make more money elsewhere and it takes a lot to train a clerk. It takes a lot of time, it takes a lot of hours. I mean it's not something, you know, you can learn easily and quickly and so obviously we would like to, you know, stay strong for, to retain the employees of the clerk, not have high turnover, not have to rehire and keep having to train new clerks.

SENATOR KUSHNER (24TH): How long, I forgot to ask you this, how long have you both worked there?

NANCY HOWARD: I've worked 10 years. I came in before the consolidation.

IDALIZ GOMEZ: And I came in right after the consolidation so I came in 2011, right after the

courts were consolidated down to 54, 54 and 6 children's courts so it's 60.

NANCY HOWARD: I mean it's a great job, we all enjoy our jobs, we just, I mean, you know.

IGALIZ GOMEZ: We don't enjoy the lack of representation when it comes to discussing benefits, wages and retirement benefits.

SENATOR KUSHNER (24TH): I understand and I appreciate you being here. Other Members of the Committee have any questions or comments? Representative Winkler.

REP. WINKLER (56TH): Yes, one question. How does one become a member of your association?

IDALIZ GOMEZ: It's offered to clerks and retirees as well as other probate court employees. They were referred to us Probate Court Officers now a Family Specialist who were the Children's Court, they can also join. Basically our membership Committee sends out an email to all of the employees, clerks and family specialists and it's voluntary so if they want to join they are able to.

NANCY HOWARD: The Probate Clerk Administration actually will pay the dues.

IDALIZ GOMEZ: It actually comes out of the court's budget that is given to the court probative administration that is used for membership dues.

REP. WINKLER (56TH): So you paid by a member who signed up?

IDALEZ GOMEZ: So the membership dues are paid out of the court budget. So we have a budget that is allotted to the court by probative administration

and part of that budget can be used to pay for professional membership dues.

REP. WINKLER (56TH): So it's a flat budget regardless of the number of members?

IDALEZ GOMEZ: I'm sorry.

REP. WINKLER (56TH): So it's a flat budget regardless of the number of members?

IDALEZ GOMEZ: Well the dues are paid to the association so that money does go to the Clerks Association.

REP. WINKLER (56TH): I'm just asking if it is paid per person or [Cross talking].

GOMEZ & HOWARD: Per person.

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

SENATOR KUSHNER (24TH): Just to clarify cause I heard an earlier witness talk about this a little. What I had heard earlier was that if a person choses to join that is when the dues are pain so it is not paid automatically for every person.

IDALIZ GOMEZ: Correct.

SENATOR KUSHNER (24TH): That's what I thought. All right thank you very much. Any other questions? Thank you for your testifying tonight. We're gonna go back we have I understand Courtney White is here and you are here to, there is a typo here. I'll let you tell us what you're here to testify on cause there is typo on the Bill number but thank you Courtney for being with us tonight.

COURTNEY WHITE: Hi, thanks for having me. I am here to stand in support of SB 227. So let me start

by telling you my name is Courtney White. I live in Cornwall, Connecticut and I am an operations assistance in the facilities department at Trinity Retreat Center and I am paid hourly. So again, I am here to support SB 227 AN ACT CONCERNING A FAIR WORK WEEK SCHEDULE.

I've read the Bill and I am here to testify concerning the component of the Bill discussing additional hours, opportunities being kept in-house before being offered to outside help. Part of SB 227 Bill outlines a new requirement of employers to offer extra shifts and additional hours to current part-time staff before hiring outside help.

My story reflects that issue. I had been working as a part-time employee at The Retreat Center since September of 2018. When I was hired I was told they only part-time available but asked if I wanted fulltime and noted that I did. They made comments to me that as soon as it was available they would offer me a fulltime position. August of 2019 I enquired if a fulltime position would be made available to me soon and they said they were working on it and yes, it seemed it would come early fall. In September I was told that I would be made fulltime which would give me benefits and 40 hours workweek instead of my maximum of 32 hours. Yet time came and went and then I was told in late October they decided they were going to hire another part-time employee instead and that a fulltime position was no longer available.

Subsequently I have had to find additional ways to supplement my income which has meant less time to be around my children and more stress in the house. This legislation would require employers to apply

responsible and fair scheduling for those that work for them. Having to pick up small jobs when I can to meet my household budget needs is not conducive for a happy family structure. I find that I am having to run out the door on my kids more often than any of us would prefer because I need to pick up additional hours where I can and that means last minute childcare if my partner is not available to be with them. Had the law been that my employer was required to give me those additional hours and benefits rather than being able to spread them out cheaper on a new hire, I could be home with my family on the weekends, I could know what my consistent schedule was and be able to plan accordingly for my kid's needs.

Passing the law would improve the lives of so many. Over 250,000 of Connecticut's hourly workers are parents of children under 18. Oregon, New York City, Seattle, San Francisco, San Jose and Washington, D.C. have enacted new work hour protections. I am here to ask that Connecticut join them in giving working people access to family sustaining incomes and balanced work weeks. I strongly support SB 227 and I thank the Committee for your time and listening to me during my. I hope this Committee and Connecticut lawmakers will vote for this Bill that empowers our hourly workers and represents that you have the interests of these families and a stronger economy in mind. Thank you.

SENATOR KUSHNER (24TH): Thank you very much. Let me first ask if any Members of the Committee want to comment or have questions? Representative Porter.

REP. PORTER (94TH): Thank you I just want to say thank you. I know it's been a very long day. I

can't imagine how many hours you waited along with the rest of the folks that are still here, so thank you to all of you for hanging in there because this really does matter. This testimony matters, the fact that you show up and put it on the record matters and it gives us what we need when we go back in the screening to defend the Bills to get 'em out of Committee. So I do want to put that out there for everybody that's been hanging around and hanging in there, it's well worth it. Question for you. You talk about, you know, the impact that this has on your family, your ability to be a mom and to be there for your children. How old are your children?

COURTNEY WHITE: Six-and-a-half and four-and-a-half.

REP. PORTER (94TH): Okay, very critical ages right, very critical for learning, nurturing, maternal and paternal attachment.

COURTNEY WHITE: Fundamental years, you know, .

REP. PORTER (94TH): Very fundamental. So what are some of the instances and you spoke briefly about it but I just want you to speak a little more about how this manifests and how it shows up, not just for you and your partner but how it impacts your children when you are not made available and when you have to abruptly, you know, go in for something that you weren't scheduled for or maybe going in and not having the work, the disruption. Can you speak to that and how it has or currently impacts your kids?

COURTNEY WHITE: I think the first one that I would say and just as a mom is broken promises, you know. You say okay on this day I promise you we are going to go and do this, I have the time, we can do this and then, you know, a job appears, I have to take

it. I need to run, I got to go collect those hours, so okay I promise you next week we're gonna do it. So that kind of snowball I think impacts my family a lot and I know other families that it impacts as well, you know, talking about these being their fundamental years. Like I want to know when I am going to be able to be with them and schedule our days, schedule our reading times. I mean schedule good meals together, schedule, you know, am I going to be able to put you down to bed tonight, you know. The inconsistency also, you know, are you going to have childcare tonight or is my partner going to be there, am I going to be there? I think those are probably the most important that I find right now.

REP. PORTER (94TH): Thank you, so predictability is not only important for your as the worker but I would say it is even more important for your children.

COURTNEY WHITE: One hundred percent.

REP. PORTER (94TH): Right and I would dare to say there is probably some kind of emotional stress and trauma that goes along with mommy breaking promises. So thank you so much for sharing that. And I do appreciate you being here tonight.

COURTNEY WHITE: Thank you, thank you all very much.

REP. PORTER (94TH): You're welcome. Thank you, Madam Chair.

SENATOR KUSHNER (24TH): Hold on a second, I have one other question. You mentioned that you had been promised or you had been told by your employer that there was a potential for fulltime employment. Ultimately they decided to hire another part-time

employee and so could you tell us did that happen, did they actually, is there another part-time employee.

COURTNEY WHITE: Yes, there is.

SENATOR KUSHNER (24TH): Okay and did they ever say to you why they chose to do that instead of giving you more hours?

COURTNEY WHITE: They were very evasive with the question. They never wanted to give me a well formed answer. I got small things like, it just didn't work out with the budget, you know,.

SENATOR KUSHNER (24TH): I was interested in knowing whether there was a financial reason. I know we have heard testimony from some employers that it's a function of having the ability to have flexibility to meet the eb and flow of the business but I do think there are a lot of situations like yours where they decide as a budget issues and usually what that translates into lower costs particularly around healthcare.

COURTNEY WHITE: I know that for the company I work for the benefits are impressive for fulltime. The package is robust and part-time gets a quarter of that. So if I was to put an educated guess in being that I've been there since 2018 I was also contracted help prior to that. So I've had some time at this place of business and I feel very strongly that it was simply a matter of, it was much more affordable, cheap to hire, to keep me as part-time and hire another part-timer and not have to give those benefits.

SENATOR KUSHNER (24TH): Right and I think that is unfortunate because that is the circumstance for a lot of employees. You end up really subsidizing the employer because it isn't a matter of flexibility that is required for the job but just a matter of saving money for the employer based on not paying benefits. I was suspecting that and I appreciate your thoughtfulness on the answer.

COURTNEY WHITE: Thank you. Yeah I think there is also a point to be made about continuously promising something that maybe was never going to be.

SENATOR KUSHNER (24TH): Well thank you for coming tonight and staying so late. And I see we still have a full room, so we still have a lot of people here that are going to speak before us. So next on the list I have Alyss Longello.

ALYSS LONGELLO: Thank you. My name is Alyss Longello and I am here today to speak in support of SB 231. I became a state certified emergency medical technician in 2006 and I became a licensed paramedic in 2008. Additionally in between the years of 2012 through 2016 I served concurrently as field paramedic, EMS operations supervisor and 911 telecommunicator dispatching police, fire and EMS.

Like most people in emergency services I started young. I was only 19 when I entered EMT school. I was eager to serve the community and help the sick and injured. If you had told me then that the residual effects of my 12 year career would be devastating to both me and my family I probably would have done it anyway. I'd like to share just one of the numerous incidents that contributed to my diagnosis of posttraumatic stress disorder. While

the story isn't gruesome or gory it is a page that lies in my book of individual scare left from my career. Posttraumatic stress is not always death and dismemberment and I hope this helps illustrate that.

In October 2012, Hurricane Sandy struck the east coast with devastation effects. My partner and I were posted at a fire station located in close proximity to the skilled nursing facility in town. I was later dispatched to that facility for a nonresponsive female. As we drove to the call, the ambulance shook violently as the area reached windspeeds in excess of 54 miles per hour. Debris, powerlines and trees were everywhere and I knew before I entered the building I knew my route to the hospital was compromised. When I arrived the facility had no power. My patient was on the second floor with no working elevator. When I arrived by her side I knew I had a limited amount of time to get out of the facility.

As my partner, myself and two nursing staff carried the patient down the back stairwell by flashlight the State suspended EMS operations until the winds died down. Unfortunately it was too late for me. I was already on a call and I was actively loading a critically ill patient into the back of the ambulance. In what seemed like mere minutes night fell with widespread power outages the black of night enveloped everything around us. My patient was having a massive stroke and my route to the hospital was blocked. My partner turned on every light the ambulance had and drove with a spotlight shining out the window. I called the receiving facility to let them know what we were coming in with. The nurse on the end of the radio asked me

what my ETA was, and I answered honestly, "I don't know." The main roads were flooded or impassable. Even streets that originally appeared safe became unsafe as we worked our way towards the hospital.

Suddenly my partner slammed on the brakes, wires and large debris were laying directly in our path. As she turned the ambulance around a pair of low hanging wires we had miraculously missed came into view. In that moment I closed my eyes and said a prayer. I pled with God to get us out of this nightmare alive. I held my breath fully expecting the next moment to be my last if we didn't hit a powerline and tree was going to fall and kill us. That was not an unsubstantiated fear it was reality of our situation. We got out of the situation alive and I will summarize the rest of my testimony in stating that to this day I can visualize that call from start to finish. I live with the constant feeling of anxiety, hypervigilance and other associated symptoms of PTSI.

The narrow list of qualifying events for workers' compensation benefits read like the job description for emergency medical services yet we were left out of the Bill in the last legislative session. I am going to leave you with some quick facts before I open you to questions, 27.2 percent of first responders admit to suicidal ideations within the last year. That is a number almost seven times higher than the national average. I implore you to pass SB 321 as amended. There is no recourse for me to recoup what my career has taken from me. Treatment for PTSD is often not covered by insurance and I personally paid for lifesaving treatment out of pocket. While its' too late for me to receive the

help I so desperately needed from my past employers it is not too late for other providers who are answering the call but figuratively and literally every day.

In closing you have the opportunity to do to better for those who give us the best. Let's do better, we must do better, their lives depend on it. I would love to take any questions you have.

SENATOR KUSHNER (24TH): Thank you so much and I have watched you sit here patiently all day and I have watched you listen to the rest of the people who have testified on this multitude of Bills and several times my eyes strayed over to you and I saw how engaged you were and I really appreciate the amount of time you devoted to come here and tell the story. It is an incredible reminder of what we ask our first responders to do every day on our own behalf and it's hard to imagine why we can't get this right and make sure that you have the resources you need to recover when you are serving us. And so, I know that we want to get this Bill passed this year. We want to make sure that it includes EMTs and the Department of Corrections. You know I feel like earlier today we heard some testimony that made it seem like somehow by including dispatchers we might be putting others at peril and you know, I regret that because I think what we're trying to do is get it right and make sure we don't leave out another important part of the equation which is the dispatchers who play a vital role in this as well. So thank you so much for testifying. Representative Wilson-Pheanious.

REP. WILSON PHEANIOUS (53RD): Thank you very much for being here and for the work that you do every

day. It is critically important to all of us and I thank you. I am also wondering whether or not your employers after these kinds of critical incidents have, is there anything in place to release stress? Is there anybody you can talk to after these terrible incidents, is there any time off on the job, I mean, you know, even within the context of the workplace. Is there anything that is done to try to alleviate the stress? I mean will you get feedback about what the ultimate outcome of a call was or anything like that?

ALYSS LONGELLO: Unfortunately you've highlighted one of the additional stressors of being in emergency services. Often we do not know the outcome of our patients and I believe that adds huge amounts of additional stress. We have to seek the answers to what happens after we deliver patients to the hospital. So for example the patient that I spoke about in my testimony, I don't know if she lived or died. But I know I think about her frequently and Lord knows I hope she is alive and hope she made it. Employee assistance, employee action programs have always been available at any paid job that I took, but I've also served as a volunteer both as an EMT and paramedic and employee assistance is a bit cloudy when you don't work for a municipality, when you don't work for something that is very cut and dry.

As an individual testified earlier critical incident stress debriefings are something that they teach you about from the very beginning but I can tell you in 12 years I never experienced not one.

REP. WILSON PHEANIOUS (53RD): Okay, thank you. That answers my questions.

SENATOR KUSHNER (24TH): Other questions or comments? I just have one. You brought it up about volunteers. I know under the Bill that we passed last year we do cover volunteer firefighters are there volunteer EMT operations or are those associated with the fire departments?

ALYSS LONGELLO: There are many ways in which EMS serves in Connecticut. There are municipal organizations which run through town, there are private ambulance services which are for-profit companies, there are volunteer ambulance services which may or may not have a town affiliation. For example Wethersfield Volunteer Ambulance, where I first became certified has an agreement with the town to provide those services but they are not funded by the town. So there are no services that are provided to the town, I'm sorry, from the town to the volunteer.

SENATOR KUSHNER (24TH): That is important for us to know because as I mentioned we want to get it right this time and I know I appreciate that those who drafted the Bill last year and worked on it for those many, many months were very much aware of the need to include volunteer firefighters under this. Do you know if volunteer ambulance are also covered under workers' compensation for physical injuries?

ALYSS LONGELLO: They are.

SENATOR KUSHNER (24TH): They are. So this would be a very similar situation.

ALYSS LONGELLO: Yes.

SENATOR KUSHNER (24TH): Thank you. That's very helpful to know.

ALYSS LONGELLO: I'd like to add just one thing, I did serve as a 911 dispatcher for four years. I know there were a lot of questions about dispatchers today. I'd like to leave you with the first thing they teach you in dispatcher's school which is that dispatchers are the "First First Responders." We are always the first person to hear that call and while I certainly want nothing taken away from my brothers and sisters in EMS I would be lying if I said that I didn't think that dispatchers deserved equal coverage.

SENATOR KUSHNER (24TH): I really appreciate that comment because it's horrible to see one group pitted against another in terms of legislation like this, it shouldn't happen particularly when we're trying to do view this as a team effort, it's covering all the people who are involved in making sure that our communities are safe and protected and cared for by first responders so I really appreciate that last comment you made as well. Thank you very much.

ALYSS LONGELLO: And thank you all for your time.

SENATOR KUSHNER (24TH): Thank you. Next up we have Carlos Moreno. I know you've been here all day too.

CARLOS MORENO: Good Evening Senator Kushner, Representative Polletta, Representative Hall, Representative Wilson-Pheanious and Representative Winkler. Thank you so much for allowing me to testify today. My name is Carlos Moreno, I am the Deputy State Director at the Connecticut Working Families Organization. We are a progressive political organization that fights for racial and economic justice issues and I am here to stand in

support of several Bills today. I want to talk a little bit more about one the Fair Work Week Bill but before I get to that I'd like to say that our organization supports SB 226 the Uber Lyft Bill, HB 5276 AN ACT CONCERNING DOMESTIC WORKERS, HB 5270 AN ACT CONCERNING THE RIGHT OF A PUBLIC EMPLOYEE TO JOIN OR SUPPORT A UNION and HB 5273 AN ACT CONCERNING CALL CENTERS AND NOTICE OF CLOSURES. I believe our State Director Linsey Farrell also submitted testimony on four of those Bills.

As you know I also stand in support of SB 227, AN ACT CONCERNING A FAIR WORK WEEK SCHEDULE. This is a very important Bill for Connecticut. For the last five years we've been working with organizers, with workers, with advocates and with you all on crafting strong legislation that protects these workers. I think this Bill goes hand-in-hand with like the minimum wage Bill. We made some very good progress last year by passing paid family medical leave and minimum wage. This Bill is an important component to that. It's like the third leg of a stool

And the way to think about it I think is that if we really want to truly realize the impact of the minimum wage and really help the communities that the increased minimum wage was designed to help. Those same target populations would benefit from this Bill. So if folks really want to appreciate the impact of the minimum wage they have to be able to rely on the work hours that they are scheduled to work.

Unfortunately just in time scheduling practices and chronic under scheduling of shifts are unnecessarily engrained in the culture or corporate retain, hospitality, food service and these businesses only

keep abusing these practices just because they can. Many bad actors in these businesses especially if it's a chain, corporate level that keep abusing these practices because there are no regulations to prevent them from doing so.

Workers are forced to accept that this is just how the industry works, if they don't like it, quit. Find another job. But quitting just isn't option for most low wage workers. We heard from Taylor Biniarz today who is a low wage worker who talked about not having those options. You know, these practices meanwhile cause profound insecurity for working families and it disproportionately harms women and people of color. Industry lobbyists, they will claim that employees don't mind the highly irregular and erratic work schedules that they actually enjoy the flexibility. This is the flexibility that is not shared with employees it is flexibility for employers. And what this does is it actually puts a little bit of power back in the hands of employees by giving them a greater voice in their schedules so that they can actually have some input into the schedules because right now 85 percent of people across all hourly shift workers service jobs have no voice in their schedule and the industries that our covered under this Bill the three, almost half of them have no input in their work schedules. So this shares some of that flexibility with employers but it still keeps a lot of flexibility for the employers. There has been a lot of comments today about well what do I do in case of an absenteeism or all these, you know, small like minor situations that don't represent the majority of situations.

I want to say that there is flexibility still in the Bill for employers. There is nothing from stopping an employer from offering those extra hours if they become available in the case of a bereavement for example. What it does is that it protects a worker from not being retaliated against if I am forced to come in for this said bereavement and/or whatever event and now have to scramble and take care of my child and figure out what I'm gonna do to arrange childcare. That employer can actually send out an announcement to his or her staff and say, this shift became available can anybody work it. They can, any employee can say yes, I need those hours, I want to work those hours and there is no penalty to the employer to do that. So there is still flexibility in this Bill, it's just a shared flexibility between employee and employer.

So I know my time has run out but the last thing I want to say this Bill is incredibly important for Connecticut considering that we always rank in the top three, forth for income inequality again the minimum wage Bill will help a lot of folks that are living at the federal poverty line, this Bill will close the deal and giving those folks the hours that they can actually rely on and when we're talking about cities like Bridgeport, Hartford, Danbury where just two years ago when the House report came out identified 70 percent of people, 72 percent of people in Bridgeport are living paycheck to paycheck that is one paycheck away from poverty. In Hartford 70 percent are living one paycheck away from poverty, Danbury 50 percent. This is an incredibly important legislation that will help provide good economic security for folks that they can actually plan their lives and predictability that is

currently enjoyed by employers and share that predictability with employees. Thank you for your time.

SENATOR KUSHNER (24TH): I really appreciate you being here. We've heard a lot of testimony today both from employers and associations, mostly associations and from workers but I know you're somebody who worked on crafting this Bill and really are very familiar with it. So I know we are going to have some questions for you. I have some questions for you and I would encourage all the Members of the Committee I know everybody here has had questions for the workers and the employers I hope we can get straight answers, I know we can get straight answers from you about that this Bill does and what it doesn't do. So I will start with Representative Wilson-Pheanious.

REP. WILSON PHEANIOUS (53RD): Thank you very much. My question is about something you just said. You were talking about the flexibility for the employer and this worker because all day I've been hearing that things that are proworker stability are antibusiness and it seemed to me that you said that an employer could offer a shift, an unscheduled shift to someone without paying that person time and a half when they come in. Can you repeat that and make that clear?

CARLOS MORENO: Sure. So under the Bill the protection that is afforded to employees is that they have a right to say no without being retaliated against. So in that instance when there is this unforeseen event that is going to require additional staff to come in there is nothing stopping an employer from sending an announcement to staff and

saying we have these shifts that became available can anybody work them. Because we have heard so much different testimony here today and one component is access to hours we know that folks that work in these low wage job sectors, it's not just on-call scheduling or getting shifts cut its erratic scheduling which is incredibly destabilizing. They can elect to work those shift as long as the employee is submitting to them voluntarily and not being forced so it's a protection against retaliation. If they elect to work those shifts the employer does not have to pay time-and-a-half, the employer does not, is not assessed any sort of penalty. So what it is essentially is a sharing of that flexibility between both entities not, which addresses power imbalance that happens between worker and employee but puts a little more power back in the hands of the workers.

I'm sorry, I don't think your mic is on.

REP. WILSON PHEANIOUS (53RD): It isn't. Thank you, I'm getting tired I guess. So you apparently are not seeing the antibusiness, I don't know what I want to call it, but the sentiment that the Bill is antibusiness because it provides some flexibility to employees or some protection. Many, some people that we've heard have taken that perspective and I just would like you to comment on that.

CARLOS MORENO: Sure, I mean the first thing I would say to that is businesses don't like to be regulated, this is a basic labor standard and, you know, businesses are, we know that there is no version of this Bill that industry lobbyists will ever accept. In 2018 we tried to pass a very, very watered down version of this Bill just 24 hours'

notice, no penalties, no predictability pay, no closing-openings, no right to rest, no nothing. It died in the Senate. We could not get one single Republican vote so we know that they are not interested in this Bill. There are good actors that in smaller businesses that already employ these practices that is why this Bill is not aimed at them. This Bill because the employee threshold is aimed at the large corporate chains. Now there might be small businesses that are captured within that but large, the largest population are going to be these bad actors that are like your *Target's*, your *Walmart's*, you *Chili's*, *TGI Friday's* and *Best Westerns*, etc. Places like *Walmart* that hire somebody and then also give them also an application for HUSKY aid right? What I find offensive is that situation, somebody who takes a job at *Walmart* and is turned to the State for assistance and might be homeless, like we heard from Chenae Russell today. That is offensive and that should not be happening in America or in Connecticut.

That said, the other point I would like to make about the antibusiness rhetoric that we typically hear about this, this Bill where there, where it's been enacted in every single study, impact studies in Seattle, in San Francisco the study conducted at the *University of California at Berkley* through their research division called the *Shift Scheduling Project* which is a division that just looks at the lives and work experiences of hourly workers they found that there was never any negative impact on businesses. It was either neutral, much in the same way that we found in studies with paid family medical leave that helps with employee moral which lead to help with employee retention and then

productivity and with productivity we saw an increase in wages.

The other thing I would like to say is *The Gap* voluntarily implemented a program of 14 day notice period across 19 stores across the country and they had a control group of I think about eight stores. In the 19 stores where they had the 14 day window, right to rest, these stores actually experienced 7 percent increase in sales over that time. The control group because of the on-call scheduling practice that they were experiences employing in their practices actually continued to suffer financially, decreased sales or stagnant sales. So the data is on our side on this. The peer reviewed data, not the industry association data which are fake studies that are commissioned by industry associations looking to tilt the wheels in their favor it's on our side. The impact studies in Seattle show that businesses have not suffered by this, it's helped with employee retention and morale. So very, very similar to what we found on family and medical leave and you know, it covers the same target populations and it's a no brainer, I mean if you're gonna keep your workforce happy, healthy you're gonna invest in them, they are gonna stick with you because they now that you care about them and they start caring about the work that they do and that's gonna show in your sales.

REP. WILSON PHEANIOUS (53RD): Can you make copies of these studies you're referring to, to us please?

CARLOS MORENO: I would be happy to and some of the evidence is linked to my testimony as well.

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

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

REP. HALL (7TH): Yeah, thank you, Madam Chair and thank you Carols for being here today. I just want to thank you for your testimony because we did hear a lot today from different advocates on either side of the issue and it's good to have some clarity on what the facts are. You know, it's a lot of anecdotal information and so I'm glad you spoke to the different states and jurisdictions and the impact this has had on them and the fact that some jurisdictions have, that are similar in size, I think that is important for us to recognize that there are places similar in size to that of Connecticut, they may not be the state itself but they are large cities that have similar populations and similar profiles and the question is what has the impact been on these places. I'm glad to hear that there are studies that indicate that the impact was in a positive nature as opposed to something that was told to us earlier that it wasn't helpful, it will be devastating to Connecticut and these are the most atrocious things that you can do to the business climate. I think just the reality and the facts just don't bear those things out so thank you for being here today and thank you for sharing the information. As Representative Pheanious-Wilson indicated I look forward to actually seeing the information from the different organizations actually study these things from a neutral and unbiased perspective as opposed to some that we get from different industry folks. So, thank you so much for being here today.

CARLOS MORENO: Thank you very much,
Representative.

SENATOR KUSHNER (24TH): I do have a couple of questions cause some of the testimony earlier today, I clarified that one piece but you mentioned that someone could pick up the shifts voluntarily and they would not, the employer would not pay any additional money for those hours, wouldn't pay time-and-a-half, what happens under this Bill if, pick up the hours, no one voluntarily picks up the hours, what happens in that case.

CARLOS MORENO: If no one is there to pick up the hours voluntarily? In those situations so there is a number of different things, so it depends on the actual time frame, right, so if you have like a three day, like there's enough time there for folks to do shift swapping if they like, the employer can make a request to share staff from within the actual business to share some of those duties. That is something that we typically see so they absorb some of those work duties. Does that answer your question?

SENATOR KUSHNER (24TH): Yes and I have another question. I know that in New York someone mentioned that there is a three day requirement of notice.

CARLOS MORENO: Yep.

SENATOR KUSHNER (24TH): Can you explain that and is that for all industries or is that particular to one industry?

CARLOS MORENO: Right, if I might, I forgot. I'd like to make one more point about your last comment. The whole absent, the issue of absenteeism that is

unexpected on behalf of the employer, if an employer forces someone to come in because of somebody else is absent that, that penalty is born by the employer that is, by the employee that is being forced to come in. So it is an unfair practice and one that merits further investigation.

With regard to the.

SENATOR KUSHNER (24TH): I'm sorry, could you say that again because I didn't quite follow it.

CARLOS MORENO: There are two parties, two employees that are hurt, and two parties, the employer when there is an absentee that doesn't happen. I mean, I'm sorry with an absent that happens, it is unplanned. If they force another employee to come and cover for the person that didn't come in for his or her shift that is a penalty that needs to be paid by the employee forced to come in, right. And we also find that in studies that are actually linked in my testimony here from the *Shift Scheduling Project* absentee, chronic absenteeism is actually a symptom of poor planning in something like unstable schedules. When folks know that they have stable schedules they can plan their lives accordingly and they don't have to scramble at the last minute which is the main driver of these absentees. So that is important to know.

SENATOR KUSHNER (24TH): Yeah, I think that is helpful to think about that. We did have discussion earlier about employers, there was no penalty in this Bill for someone who doesn't come to work, who doesn't show up and obviously a lot of times the employer does penalize those employees but I hadn't thought about when you are forcing someone to come

in and covering you are now penalizing another employee. So, that's helpful. I appreciate that. But go ahead with the notice period.

CARLOS MORENO: Sure. So every existing law in the books has 14 days with the exception of a small segment of workers in New York City which have the three days. So let me just give the entire scope here, Oregon was the first state that passed this in 2017. Their bill has two weeks advance notice to schedules. Cities as early as 2014 in San Francisco I think they were the first one to pass a fair work week law. San Francisco, Emeryville, San Jose, Chicago, Philadelphia just passed 'em last year. New York and Washington, D.C. might be missing one or two I can't remember, they all have fair work week laws, laws with 14 days on the books across the board with a small exception of New York City which has 14 days, I mean three days only for retail workers. Restaurant workers, fast food service, *McDonald's*, *Burger King* they have the 14 days.

SENATOR KUSHNER (24TH): Okay and.

CARLOS MORENO: So this is the standard nationally.

SENATOR KUSHNER (24TH): That's helpful to know also. One of the things I found interesting is that you talked about this is really a problem with these big chains and I'm not surprised. What I remember from the paid family medical leave campaign that we had yester, last year and the passing of that Bill was, you know, we spent a lot of time talking to employers and what we found it was the large chain employers, especially of low wage workers, that had a practice of firing people if they got sick. There were no protections for that person beyond the

unpaid leave that they might be required to pay under or to retain a person's job under the federal law. But the really small employers, the small businesses that everybody talked about they actually treated their workers pretty well because they are more like family and so, you know, I know we had some smaller employers come in and talk about their practices and how good their practices are and how they treat people like family and that really doesn't surprise me because you develop these long-term relationships with them but I think it is helpful for you to bring to our attention that there are these large chains that are making a lot of money through these practices and really aren't concerned about the impact on the working families of Connecticut. So I think that is a good reminder for us to keep in perspective when we're thinking about this Bill.

Any other comments or questions? Or is there anything? I know you listen to testimony all day, is there anything that crosses your mind that might not have been clear from the earlier conversations.

CARLOS MORENO: Yeah, I mean I really think it's important for legislators in the building to understand that this is the Bill, as you said is targeting the large chains and the way that we took great care in doing that is by really analyzing the employee threshold and there is a fair amount of, you know, attention that was given to that, right. So we looked at that, you know, the U.S. Office of Small Business Administration and how they categorize small businesses under, according to their analysis among retain there are 8,155 businesses that would be covered by this. Those

excluded by the Bill and these end up the large majority of those Bills and they constitute 52 percent of all retail businesses in Connecticut. That's who were after and the majority of those folks are corporate chains. The small businesses that are not touched by this Bill are 48 percent and this is among retail and that is 7,317 businesses. So we are very, very precisely targeting the most egregious bad actors in these industries in retail.

And I would say in accommodation and food service which is basically the way that that organization classifies hotels and restaurants and food service the number is 6,994 businesses mostly large corporate chains which are 55 percent of the businesses in this State that would have to change their practices and make them more responsible scheduling practices. The small businesses 44 percent and that 5,565 small businesses would not be affected by this Bill. So this is not an antibusiness, small business Bill this is an anti-bad actor bill that is really targeting these multibillion dollar corporations that have no business in exploiting workers. It's another modern day, you know, example of worker exploitation much to the benefit of their shareholders who they only want to answer to. So that's who this Bill addresses and it's, I think a good policy prescription that address the most common challenges that are faced by low wage workers in our State. And that is the right to rest, access to hours and the discontinuation of on-call scheduling. With that folks would have stable schedules and they can have a modicum of control over their lives.

SENATOR KUSHNER (24TH): Thank you. Those last figures that you give I think are really important to our Committee to understand. So if that's not in the testimony that.

CARLOS MORENO: It's not, no. But I can.

SENATOR KUSHNER (24TH): It would be helpful if you could provide that.

CARLOS MORENO: There is a factsheet that I can send, yep.

SENATOR KUSHNER (24TH): That would be terrific. So, with that any other questions or comments? Thank you for your advocacy in this, it's really important.

CARLOS MORENO: Absolutely and thank you so much Members of the Labor Committee for all your leadership on this and thank you for the support.

SENATOR KUSHNER (24TH): Thank you. Okay we have up next Elizabeth Fraser. And you've been here all day to, I've watched you.

ELIZABETH FRASER: Yes.

SENATOR KUSHNER (24TH): It's worth it, right? Thank you for staying.

ELIZABETH FRASER: Good Afternoon Senator Kushner and Members of the Labor and Public Employees Committee. My name is Elizabeth Fraser and I am the Cause Policy Director and Cause is a nonprofit agency that works to reduce poverty and promote equity and economic success for children and families through both policy and program initiatives.

And I am coming at this late, and I'm not going to read everything I have here but I want to come from a little bit of a different angle. I want the context to be clear. In Connecticut 26 percent of all children live in families with no parent that has secure employment. Twenty six percent of all children, that comes down to about 20 percent of white children and double that for black and brown children. They live in families defined no parent has fulltime year-round employment. Many of these children are living in the homes that we were talking about this evening. They are living in homes where their parents have unpredictable schedules, where they are experiencing inconsistency in their lives and their schedules and it hurts children and I think that we always have to remember that our children are really the canary in the coalmine and when we take care of our children, we will take care of our society as well.

I think the next piece of it that I'd just like to say very quickly is also that many of these families because they don't have predictable schedules or year-round full time employment are on subsidies and benefits to help them get through and live and actually eat and their children eat. We did a study and we have some qualitative research and I can provide that report for you on *Benefit Cliffs for Families* with a lot of qualitative research and the study found that the comments from the focus groups comprised of parents in low wage employment and the findings was how unpredictable schedules and hours led to rapid changes in benefits and often the parent did not know when and if these decreases in their benefits were going to occur because they never really knew that their hours were going to be.

Often they would continue to take hours because they want to work and that was a theme parents want to work, they didn't want to be on benefits, but they needed to feed their families. They were often surprised at the steep reduction of supports sometimes based on a one dollar over the eligibility income. It just dropped off. But when parents lost hours and they could have actually gone back to receive benefits the time and energy needed to follow the various protocols to get those supports back was just one more barrier. When faced with a choice parents often opted to take the loss in order to spend more time with their family.

So we know how expensive it is to live in Connecticut and I believe the *Allis Report*, I've got it here for a family, for a mother and an infant a survival budget is \$46,000 dollars a year. That mother is not making that much money in those part-time jobs and that is a survival budget not a budget that you can actually do anything else besides sustain yourself. A family of four is \$78,000 dollars a year. And we have so many cliffs with so many different protocols it is very hard for us to know in the State where we're studying it, when and where people fall off these cliffs. For parents who are trying to get other jobs, who might want to go back to school, all of these things, I just wanted to provide that context.

SENATOR KUSHNER (24TH): Thank you, I appreciate that and I am so happy that you shared a happy, that's probably the wrong adjective to say I'm happy about the statistics but I think, what I mean it's meaningful to know those statistics. I think they really speak to the crisis we're in in Connecticut.

So, I particularly, I know we've talked about the *Allis Means Test* and what that means so putting numbers on it, you said \$46,000 dollars I believe for a mother and child, a single mother and child.

ELIZABETH FRASER: Yes, and I can get that to you as well.

SENATOR KUSHNER (24TH): I think that would be helpful \$78,000 dollars for a family of four, you know, I have kids who make up those families of four who are I think very much within those parameters and struggle also to make ends meet even if they make a little bit more than that, it's very hard to make ends meet, so I recognize the importance of that. The statistic that you shared about 26 percent of all children in Connecticut are living in home with parents who have unpredictable schedules is really astonishing as well. I know earlier today I was asked a question by someone from the media about are we talking about this applying to part-time workers and I immediately was thinking it was part-time but it really, that's not the real essence here. The essence is that it is unpredictable schedules and that can be 20 hours a week, that could be 30 hours a week so it's not really the amount of hours more as is the difficulty in arranging your life to take care of your family. So I think that's really important to that you mentioned all this. Let me ask if there's any other Members of the Committee who have any questions or comments. Well thank you so much and please do get us that information on those statistics, that would be helpful.

ELIZABETH FRASER: It's also just very interesting to know that we've changed with that. We used to be

one of the best States 30 years ago in the country for having children living in families with stable employment. We were in the top, in the top quintile and now we're in the bottom. So over 30 years our society in Connecticut has changed. So.

SENATOR KUSHNER (24TH): That is important to know as well.

ELIZABETH FRASER: I'll send that in.

SENATOR KUSHNER (24TH): All right, thank you so much. Next on the list we have Suzanne Bryer. Is Suzanne here? Okay, Chloe White. Okay, Nina Foederling. We're getting right through this list. Leah Schneider. Ah, somebody step outside and tell Rick Melita he is on that list now. I just saw him pop his head in. If he's right outside we will take him, if not we will move on. I get to take a breath. We've been whipping through this today. We've had a lot of testimony, whipping through it is probably not the right way to put it [Laughs]. Okay we'll skip over him, I did see him a minute ago. Michelle Confessore. Bruce Baxter. I don't know, they're on my list though. Ann Pratt. I saw her earlier. Gasline Guillaume. Abbie Delaus. I think these were people who were here earlier and have left. Dustyn Nelson. Doug Murdoch. Yadirea Martinez. Oh, Doug is here. Oh, I'm sorry. Doug, thank you. Thank you and I'm glad I didn't start going too fast.

DOUG MURDOCH: Madam Chair, Members of the Committee Good Evening. I am Doug Murdoch, Executive Director for the Connecticut Association of Theatre Owners, along with the National Association of Theatre Owners we represent 46 theatres in Connecticut, 406

screens, and about 1,500 employees. We are here in opposition to Senate Bill 227 AN ACT CONCERNING A FAIR WORK WEEK SCHEDULE.

A lot of folks have been talking about this being a 14 day advance notice Bill, but in fact if you're posting a work week 14 days in advance you're posting 21 days advance for the final day of that workweek. So it's a 21 days advance notice which for movie theatre workers, which are primarily students, college kids, senior citizens you're asking them to tell us at least three weeks ahead what they may need at the same time we have no idea what's gonna happen in the movie industry. We can't predict the Oscar's and what may win best picture and do more business.

So even today a Tuesday, theatre managers throughout the State are making their showtime schedule that will start Friday. They find out on Monday or Tuesday what is going to hold over based on business and what will open. They don't know how long the movies are gonna play or the length of a particular movie will be. So if for instance this week they played movies that the last film let out at 12:15 a.m. They scheduled their employees until 12:30. A new movie may open Friday where it's not gonna let out until 1:00 a.m. because of the length or they may have to open earlier on the weekend to accommodate a five show schedule. Instead of being a 90 minute movie it might be a two-and-a-half hour movie and in order to do that they have to open earlier. So they are adjusting all the day, week to week. And what's interesting is that it really is the employees that are working around their schedule needs as well.

I had submitted testimony and I'm not gonna go through it because of the hour but I want to draw your attention to testimony that was submitted by the Bank Street Theatre and this was the Director, Tara Hours [Phonetic] of the Bank Street Theatre in New Milford, a small little four screen complex and you wouldn't think at first that they would have 25 employees. But in fact they have 26 because there are so many part-time workers and college students that come back and forth. And Tara in her testimony, you'll read she started at the theatre as a high school student going in for incremental income, working around she has been there for 20 years and that is not unique to the theatre industry, that's the norm.

I myself started as a movie theatre usher almost 45 years ago when I was starting the same week I started college and I worked my way up to manager, district manager, Director of Operations and throughout my career it all started because of my job as a movie theatre usher. So as we look how this affects workers, lets concern ourselves with how will it affect a movie theatre? I thank you for giving me the opportunity to speak and I'll be happy to answer any questions.

SENATOR KUSHNER (24TH): Thank you, yes I see Representative Wilson-Pheanious.

REP. WILSON PHEANIOUS (53RD): Yes, I am a little confused about you mentioned you are actually planning three weeks in advance, help me understand.

DOUG MURDOCH: Okay, so you put a work week up, okay? So if you are putting the work week up for tomorrow, okay, you're putting up tomorrow one day

in advance but that is a seven day week so you are actually putting one the last day of that week, eight days ahead and so if you have to put up the full week's schedule 14 days in advance, you are planning for that future week which is 21 days. The only way to get around it would be not do a work week schedule and schedule day, by day, by day 14 days before that individual day you are putting up the schedule.

REP. WILSON PHEANIOUS (53RD): The other question I had from your testimony is I didn't realize that the length of a movie would alter your staffing pattern.

DOUG MURDOCH: So there will be some movies that will only play three or four times a day. But if you're going to try to maximize the audience, if you have a 90 minute file, you can do 1, 3, 5, 7 and 9. If you have a two-and-a-half hour movie you're gonna do something else, 1, 4, 7, 10. When that movie lets out you still need people in the building or the box office may have to be open an extra 15 minutes or, you know, on the weekends you may have to bring in employees in half an hour early to accommodate all those shows.

REP. WILSON PHEANIOUS (53RD): Can you think of, if the 14 days seems unreasonable to you because you're saying you are actually scheduling for 21 days, do you understand the need for stability, for a stable schedule with workers and how would you recommend something be formulated that would be fair to you and your industry and could still achieve some of the?

DOUG MURDOCH: I listened to testimony from others today and everyone kind of says the same thing. I

can't speak for all of them as a one-size fits all because basically while I gave the example of the theatre manager that's making the showtime schedule for the weekend today at the same time their employees are coming saying, hey I have a test can I have off on Thursday night, hey my parents are going away for the weekend they want me to go with them can I have off. There is a constant give and take. I was a former theatre manager and I used to have a policy where my employees had to put up a note by Sunday for the week that started Friday. I then went and put the schedule together on Monday when I got my bookings, I put their work schedule up as well. And so I had a thing where they would have to post it, you know, a few days ahead to give me the opportunity to make that schedule. But I still would have adjustments to make based on what they wanted as well. You walk into a theatre like I explained the four-screen complex at any given time there is probably only four people in that building, box office, concession, ticket taker and a manger, but it takes 26 people to cover that schedule because a lot of them will only work a day or two a week. Some of the folks that have worked there for years they want to keep that movie privilege of going to the movies on their day off. So for them, there is some perks to working in a movie theatre that are different perhaps.

REP. WILSON PHEANIOUS (53RD): So, if I am hearing you correctly, you're not suggesting that there is any fair way in your industry to be able to accommodate the need for a stable, some advance notice for a stable working schedule for your employees.

DOUG MURDOCH: I think for our industry it's very tough to do but we also have to consider that the employees that are there are not head of household, they are not there to try to, you know, raise a family. They are the, you know, the young folks and the senior citizens, you know, we have a lot of senior citizens that want to come in and fill in. My mom worked as a movie theatre cashier for years and she would fill in when there was a prom and all the employees needed off, she'd fill in.

REP. WILSON (66TH): All right. Thank you.

SENATOR KUSHNER (24TH): Representative Winkler, did you have a question?

REP. WINKLER (56TH): So most of the time the number of people is fairly stable. You have the ticket taker. I'm thinking of my theatre. You have to have two people on concessions cause concession stands are separate and two ticket takers, at least one ticket seller, probably one person to clean up and a projectionist if that's still a thing. So we're talking about the edges here, the time that you need two ticket sellers or maybe even three if it's a blockbuster, something like that. Would it be possible to give for those rare people who need a schedule, would it be possible to guarantee some people a schedule in advance, the ones who desperately need it and maintain flexibility for the rest, if you needed late coverage for instance?

DOUG MURDOCH: I think that for a lot of the employees, they do kind of get a set schedule. If you are a matinee worker Monday through Friday you don't work the weekends, you are available at a different time. There are some that only want to

work Friday, Saturday, Sunday. We have a lot of schoolteachers that work or people for incremental activities so there are some folks that do get a work schedule that is gonna be pretty much the same every week, at least the days of the week and then the manager may just adjust it slightly. But we don't really have employees other than perhaps the manager that are working fulltime. It's a very part-time business.

REP. WINKLER (56TH): With 26 employees, and all of them working part-time and sometimes a couple of days a week it seems that the industry would have a fairly easy time granting an individual request for time off from a normal schedule. Would you know if swapping is the way people go or does the manager just say I'll schedule somebody else?

DOUG MURDOCH: There is a lot of internal swapping that goes on. You know, usually the movie theatre creates kind of a family and they kind of all share each other's phone numbers and so and I saw that in the Bill there is that allowance. But there is a lot of paperwork required to document that and I can't imagine a movie theatre manager being able to control all these swaps. Somebody switches from matinee as an usher to the evening as a box office cashier and the box office cashier switches to the matinee and it would become an administrative nightmare and there are really strict penalties within this Bill, \$200, \$300 dollars per infraction. So this would become a real problem for the theatre manager.

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

SENATOR KUSHNER (24TH): Other comments or questions? Okay thank you very much. Thank you for being her all day too. Next on our list is Yadira Martinez.

REP. PORTER (94TH): Is Yadira here? Yadira Martinez.

SENATOR KUSHNER (24TH): Okay, I'm sorry I thought she was coming to take a seat, so I looked down for a minute. Next we have Joe Miano. Is Joe here? Okay, Father John Cooney. [Applause] I think you're here and you've been here quite a while too. Have you been here all day?

FATHER COONEY: Yes.

SENATOR KUSHNER (24TH): Oh, my goodness. Thank you for staying and thank you for your patience and thank you for showing everybody, I like you. I'm one of the older people in the room. We have reliance. We have the ability to stick around don't we?

FATHER COONEY: I want to thank you Senator Kushner and Representative Porter and Members of this Committee for allowing me to speak. My name is Father John Cooney, I am involved with the Naugatuck Valley Project and we are one group among many that have been working together as a collation hopefully to pass the Domestic Workers Bill of Rights to provide a better situation for them. We have member groups and as you see behind me quite a few individual who are members of all ages.

The number of elderly and other individuals who need help with their daily needs in Connecticut is large and growing. In many cases these are the very people

who have built our State to be what it is today. We owe them a debt of gratitude and respect.

Let's look at the people who care for them, who make their lives safer and more comfortable. In our State they number in the thousands, and it is our hope that those who care for our elderly and needy citizens will have the same protections under the law as those who care for our roads and our bridges. Because they often work in isolation, they need real protection from abuse and exploitation. They also would benefit greatly from protection of a minimum wage. The need for workers in this field is ever increasing, but because they are so little respected by our laws, the turnover is great. When a better job comes along, naturally they take it.

Most, if not all of us here know of a situation where someone needs or needed some help. Sometimes that help is hard to find. However, I recently heard of a story of a retired bank officer who took a job as a domestic worker to fill his time. He and the person he cared for became close friends, both found great satisfaction in their relationship. This situation was certainly an ideal one and by passing this legislation we can make it possible for more stories as happy as this to happen again.

Practically speaking, in our churches, our senior centers and in other places where our older residents gather, we constantly hear stories of individuals who complain about a need but have difficulty finding help to be with them. Consider this demographic in our State as you discuss this bill.

We persons of faith view justice. Justice is an essential component if a society is to function smoothly and peacefully. Everything I have spoken about is here is really an application of that fundamental virtue. The virtue of justice. Thank you.

SENATOR KUSHNER (24TH): Thank you, I think it is a good reminder for all of us that there are bigger principles involved that really guide this work and guide this particularly this piece of legislation. So we really appreciate your testimony. Are there question from the Committee? Representative Polletta.

REP. POLLETTA (68TH): You know, Father, through all those homilies that I sat through in the church when I was an alter server as a kid that lasted forever, this is a little bit of payback [Laughter]. You've been here for 10 hours. [Laughter]

SENATOR KUSHNER (24TH): Then he got very red in the face, he's a little worried about having said it out loud.

FATHER COONEY: Mea culpa.

REP. POLLETTA (68TH): Many masses, and funerals and weddings with this individual. No, but Father Cooney calls me last night at 8:30 right, and I can say this because I've been here all day, and I ate one dollar [skip is tape] for dinner that Miner gave me before that were stable from Ocean State Job Lot. But this Bill I know how much it means to you and I'm hoping this year we can come to some sort of bipartisan agreement to get this Bill out of Committee. I think it is something important and you know, these folks do work that many people

probably couldn't do. I know I couldn't do it and you know, I think it is important to them that we pass some sort of legislation that can help them, so thank you for being here.

SENATOR KUSHNER (24TH): Other comments or questions? I'll take the Chair first, Representative Porter then I'll get to you.

REP. PORTER (94TH): Thank you, Madam Chair. I, he has no testimony, he got a call at 8:30 last night. I'm not gonna count the calls and voicemails and texts. But not begrudgingly I appreciate your persistence, your passion, your commitment to this cause. You said something that really resonates with me because often times I have been told in this building that I cannot legislate love. But out of your mouth to my ears you talked about justice and love is what justice looks like when it shows up in public. So, you and I are gonna agree on that and I'm gonna say to my good colleague from across the aisle that I believe that if I can get a bipartisan Bill done on domestic workers with anyone, its him. So I'm gonna hold his feet to the fire as well and I just want to thank you again for being here all day with us and for your persistence.

One question, you've done a lot of work, you are deeply committed, there is a lot of passion in you. Give me one situation that really had you dig your heels in, cause you have not given up. You've been really persistent, what is it about this issue, Father, that keeps you coming back to this building, that keeps you calling legislators that continues to have you support these workers so you see this done.

FATHER COONEY: I think it is because I hear over and over, and over again situations that call for help whether it is someone who needs help or someone who is providing help and might be taken advantage of or something like that. But it is the continuous reminders that we can do better.

REP. PORTER (94TH): Thank you for that. You have been a breath of fresh air this evening for me and I do mean that sincerely. Thank you and Thank you, Madam Chair.

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

REP. WILSON PHEANIOUS (53RD): As late as it is, this is more of a comment than a question. It seems to me that we have talked about, this is a Bill that has been, and I've only been here, this is my second year, but I have heard this is a Bill that has come back year, after year, after year again. It perpetuates injustices that occurred back in 1935 when folks were left out of all of the labor laws. I cannot understand how as a community we tolerate this. How we tolerate creating a group of essentially second class citizens because they do not have the basic human rights of every other worker. It is unconscionable, unreasonable and I have trouble understanding why we had such difficulty getting the Bill passed. So I just want to thank you and everyone in here for the time that you've spent working on this issue, for the blood, sweat and tears you put into the work that you do caring for everyone who is going to be getting older and we are gonna need more of you, not less, in a fair situation. So I just want to thank you for the time and energy that you've put in and know that we

will be working this year to try to get this through. So thank you.

SENATOR KUSHNER (24TH): Okay, so now Representative Hall.

REP. HALL (7TH): I would just like to echo the sentiments of my colleagues and thank you for being here and we know that especially in the African-American community and our history in this country that we have a long tradition of our clergy seeking justice, advocating for justice and I just want to thank you for being within that tradition of seeking justice for those who need a voice and are voiceless. So thank you so much for your efforts. Thank you.

SENATOR KUSHNER (24TH): Thank you very much for your testimony tonight and for your commitment to this issue. Okay, next we have Shawn Archer. Is Shawn here. Okay, Christina Altiamirano. She is here, Christina. And I think I butchered your name. How do you say your last name?

CHRISTINA ALTIAMIRANO: So this is on behalf of my brother and I. Hello members of the Labor and Public Employees Committee. My name is Christina Altiamirano and my brother's name is Sebastian Altiamirano. I am 18 years old. I am a senior at Notre Dame Catholic High School in Fairfield, Connecticut. I believe that nothing in life is granted for free but instead you must be determined and focused on a goal.

I am here today to support my mother and many other domestic workers who are fighting for equality. My mother is a true example of what hard work is and how it really pays off. It is not easy to be a

single mother with two kids but my mother makes ends meet at any cost. Just like any other worker my mother and other domestic workers are human and we all have needs. It is inhumane to be selfish and not acknowledge one's hard work because it is not easy to please people and not have a future to look forward to. I may not be a domestic workers but I am still affected by what happens to them because my mother is one and I would never wish to see her suffering and being deprived of the rights she deserves.

Seeing your mother stress and worry about her job and all the effort put into it just to not have any fair benefit is not pleasant. All workers deserve protection and benefits especially domestic workers because of the sacrifice and strength they possess in order to earn a living. I ask you to consider everyone who can be affected by the positive outcomes of House Bill 5276 because among those is my family and they will offer support and recognize a domestic workers dignity and value as a person. Please support House Bill 5276, all the families of domestic workers, domestic workers themselves, my brother and I will greatly appreciate it. Thank you.

SENATOR KUSHNER (24TH): I have, what grade are you in.

CHRISTINA ALTIAMIRANO: I'm a senior.

SENATOR KUSHNER (24TH): And Sebastian what grade are you in?

SEBASTIAN ALTIMAIRANO: I'm in ninth grade.

SENATOR KUSHNER (24TH): Is your mother here today.

CHRISTINA ALTIAMIRANO: Yes, she's Nellie. She spoke before.

SENATOR KUSHNER (24TH): Oh my goodness, that's your mother? Oh, I should have known. You do look like your mother. I have to say I have kids and now I have grandkids, they are a little bit younger than you are but not a lot younger and I'm sure she is very proud of you for testifying tonight. Your voices are really an important part of this conversation because as you know what most of us do is we work hard for our children and we want our children to succeed in life and the hard work that she's put in and the way she has been here as an advocate has also been as role model to you and I can see she has done a really great job because now you are going to be the role, you're gonna be in the future role model for others whether it is your peers in school or whether it is your families in the future but that was a terrific testimony and I feel like it pulls at us to make sure we do something for your family and for all the families of domestic workers. So thank you for being here tonight. Any questions or comments? Representative Porter.

REP. PORTER (94TH): No questions, just a comment to echo what the good Senator has already stated, you mom, I know you must be very, very proud. I see the big smile. Great job, great job. Take that advocacy outside of this building, every person that you see, every peer, you know, in school in the grocery store, make this something that you talk about that you're actually educating people that don't have the means to be in the building as you do. You are articulate, you've done a wonderful job

representing issues and the impact it has had on you and your brother Sebastian, share your story because there is some much power in your story. And story has the power to change what happens in this building. So thank you for being here, thank you for hanging in there and keep doing what you're doing.

SENATOR KUSHNER (24TH): You're not gonna get home until pretty late tonight, so you will have a story to tell tomorrow. I'm sure that everyone will be really excited to hear that you were able to come to the legislature and testify here at this hearing today. So it's really great that you were both here. Take care. Okay, next on the list is Madeline Cardenas,

MADELINE CARDENAS: Good Evening.

SENATOR KUSHNER (24TH): Good Evening and are you Madeline?

MADELINE CARDENAS: My name is Madeline Cardenas, I come from Bridgeport, Connecticut and I am a senior at the Bridge Academy. So I am here to testify for my mother, reading that she wrote her testimony in Spanish but I am reading it in English.

My name is Anna Cardenas. I live in Bridgeport, Connecticut. I have been living in the United States for 17 years. I am very proud and grateful to this country for giving me the opportunity to have a dignified and free life. I have two beautiful children who are my pride.

The first week I arrived in this country I worked for a month cleaning offices. I was happy that I was going to earn my first salary. It turned out

later that the man who hired me to work for him disappeared. However one day my friend took me to work in a factory to make jewelry. My salary at that moment was \$6.00 dollars an hour to start. It was good for me then. Then my boss proposed to me if I could take care of her mother and I accepted with the same salary. I was a newcomer to this country and did not know my rights nor did I have my documents in order. In that house I had two jobs at the same time making jewelry and caring for the mother of my boss. After a while I talked with my boss to give me a raise and she refused. One day she told me, Anna my mother has already died and the business is low, I don't need you anymore. My biggest concern at the moment was what do I do or where am I going. I don't have a work contract or support team.

With my heart in hand I beg all those representatives who are the voice of the people who support us to make this project 5276 a reality. This includes all domestic workers and I have all the wishes of very working mother who deserves respect to be fulfilled and dignity with a fair salary, paid vacations, medical insurance, sick days and a retirement for the future. Please help us with House Bill 5276. Thank you.

SENATOR KUSHNER (24TH): Thank you and Anna, per habla Inglis entienda.

ANNA ALTIMIRANO: Yes.

SENATOR KUSHNER (24TH): Because my Spanish is really bad. But.

ANNA ALTIMIRANO: My daughter is going to tell me.

SENATOR KUSHNER (24TH): But I did want to say to you Anna, I think it is very important that you are here with your daughter and that she is here to support you as you have supported here for all these years. It is really, you give us the whole picture of newcomers, immigrants to our country and the struggles you face and the dreams that you have for you and for your children and I hope that we can get this Bill passed so that we can make sure you're your future is more secure and that will be true for your children and for all of you in your community. So thank you so much for being here to testify. I don't have any questions but, Representative Porter.

REP. PORTER (94TH): Thank you, Madam Chair. Your testimony, you say that you were working for \$6.00 dollars an hour. Is that correct.

ANNA ALTIAMIRANO: Yes, that's right.

REP. PORTER (94TH): When was that cause I'm just wondering if you were being paid minimum wage or if they were actually paying you below minimum wage.

ANNA ALTIAMIRANO: Ten years ago.

REP. PORTER (94TH): Okay, we'll check on it, I'm not sure. I know the federal minimum wage was \$7.25, our State minimum wage went up but I'm not sure when, but ten years ago, \$6.00 dollars an hour.

SENATOR KUSHNER (24TH): Ten years ago the minimum wage was higher than \$6.00 dollars an hour.

REP. PORTER (94TH): That's what I was thinking, okay. All right well thank you so much for being here. Thank you for your patience and thank you for your commitment. You keep us on point with this, so thank you. And thank you for being here for mom.

COMMITTEE PUBLIC HEARING

SENATOR KUSHNER (24TH): I have to ask you what grade are you in Christina?

CHRISTINA ALTIAMIRANO: I am a senior, 12th grade.

SENATOR KUSHNER (24TH): I'm sorry, I keep missing that. I asked the previous witness to. So do you have plans for next year?

CHRISTINA ALTIAMIRANO: Yes, I currently, well I got accepted to my dream school, Fairfield University.

SENATOR KUSHNER (24TH): That's great.

CHRISTINA ALTIAMIRANO: I want to be a nurse someday.

SENATOR KUSHNER (24TH): That's fabulous. Well good luck to you in all your future endeavors. Thank you for being here tonight. Next we have Daniella Mazo. And I am going to listen very closely to what grade you're in so I don't have to ask you that question. So if you don't tell me I will ask you though.

DANIELLO MAZO: My name is Daniello Lazo and this is my brother and we are here to represent my mom. She was working so she wasn't able to come. Hello Members of the Public Employee Committee. Are names are Daniel and Jonathan. I am a sophomore at Notre Dame High School in Fairfield, Connecticut.

JONATHAN MAZO: And I'm a junior at Fairchild Wheeler.

DANIELLO MAZO: And we've been beyond grateful to have a mother that has been present in our lives at all times and someone that has had the ability to support us financially when necessary. Only being 15 and 16 we've noticed many people are very inconsiderate towards what her and other domestic

workers do. And our mother is a fulltime babysitter and is constantly worrying about her future and what would happen after her babysitting ends. We both heard a lot on our sports teams and out schools and we heard of other mothers going through the same struggles and not only do they deserve time for themselves like vacations and sick days, like they deserve more than what they are given. And we feel like seeing a mother struggle and worry about her future is just wrong. We feel like everything she does for us is just amazing and we want to give something to her in the future so she doesn't have to worry about it and pay for tuition is hard and she struggles a lot with that but helping this law get approved is not only going to help our family but it's gonna be able to help other families to spend time together on days that mean a lot. It takes place in church communities as well and as siblings we thought a lot of way about how we could help her in the future the same way she supports us now. It's at this point right now we just want to get this Bill approved at any means possible because it's just upsetting seeing our mother go through this struggle she is going through right now.

SENATOR KUSHNER (24TH): What is her name. What is your mother's name?

DANEILLO MAZO: Angela.

SENATOR KUSHNER (24TH): Angela. And you said she is working tonight. She is caring for children. So I hope you do, I'm sure you do realize it but I just want to say it out loud that the work she is doing is really critical work, it is really important work. I have three children and I had someone help with my children for many years and I know that my

children are the great people they are today because of the help they got and I'm sure your mother. I'm looking at the two of you and how articulate and how caring you are so I am sure she is passing on those good values to the kids that she is watching and babysitting for. So you should be very proud. I'm sure you are very proud of her. And I know she must be very proud of you. So I saw someone take your picture which is good because I took a picture in case your mother wasn't going to get a picture of this. She needs to see how great you look from up here and how well you spoke on her behalf. So we do appreciate that tonight and your being here. Are there any comments or questions? You did just fabulous. And I do have to ask you what sports do you play?

DANIELLA MAZO: Soccer.

JONATHAN MAZO: I play multiple, mostly soccer.

SENATOR KUSHNER (24TH): That's cool. Well that's good, sports are great. All right, thank you for being here tonight. And then I have, it says on my sheet Gustaro Aragon but I bet it is Gustavo? Is it Gustavo? I think it's a typo.

GUSTAVO ARAGON: Good Evening. I am here today to support the Bill 5276 for domestic workers. My name is Gustavo Aragon and I am 16 years old. I am currently a sophomore at Brien McMahon High School attending the Center for Global Studies Program in Norwalk, Connecticut. Today I have come to support my mother in her fight for labor rights as a domestic worker.

Since I was a kid, I've seen how my parents have worked very hard to give my sisters and me a better

future. In the course of my whole life I have especially observed my mother work in different types of work, for example as a housekeeper, babysitter and elderly care. I think she has been suffering a lot of work and for example she has no medical insurance. She has been working holidays and has worked long shifts. I feel very frustrated to see all those people who like my mother do this type of work, don't have any protection or any kind of benefit.

We are all here today to speak up and support for all domestic workers to have equal opportunities as other workers. Domestic workers are a group that has been excluded from most of the country's labor laws. Many of these women suffer from physical and emotional and psychological exploitation and abuse. I think it is time for a change. I as a supporter to domestic workers would like to count on your support to all those workers who do the job carrying for other's families dedicating more time to their own families. I hope you consider making a change. Please support the Bill 5276. Thank you.

SENATOR KUSHNER (24TH): Thank you and is this your mother sitting next to you?

GUSTAVO ARAGON: Yes.

SENATOR KUSHNER (24TH): Do you want to add any words on your own behalf? Because you are on the record could you state your name?

ROSA RODRIGUEZ: My name is Rosa Rodriguez. I am from Ecuador. I come to this country when I was 15 years old and I just had to work, work every single day because my dream was to help my mom then and I have my own family now and I have to work for them.

At first I didn't know anything about the laws and my rights and now I have, I discovered this that we can have, we can fight for our rights. And I work and many workers in many jobs, I have to support my family. I have to support my husband, I have four children and I am here to ask you guys to support this Bill and support all of these women that are hardworking and I'm still learning English. I am educating myself. I am trying to be better and the life for my kids, for my family and here also my country because they are depending on me and we have to still working and fighting for everybody has the same rights, the same opportunities.

SENATOR KUSHNER (24TH): Well I will say this in Spanish to Inglis, [speaking Spanish] -[Laughter] so your English is much better than my Spanish. So you've done a good job learning English and clearly you've done a great job raising your son and you said you have four children. So I am sure you are very proud of them. It's great that you are here with your mother tonight. I used to bring my kids to my work all the time and I was fighting for justice for workers and they were there side-by-side with me and it taught them really good values and I'm proud to say that my children grew up and now are strongly involved in fighting for justice for others and so it's really important that you are here and all of the children that have been here tonight testifying. You're getting an education by just being here and you're securing a place for your future as well. So we do want to address these issues. It is hard to understand how we've ignored the rights of domestic workers all these years, you know, it is clear that it is a historical problem. We've had members of this Committee address that

issue so eloquently, more eloquently than I can but it has and many people who have testified it's just reminded us how far we still have to go in our society to make sure that we're fair and just to everyone, everyone who works deserves these protections and so I'm very hopeful this year we will get this done. So other members?

Representative Porter.

REP. PORTER (94TH): Just gonna chime in with my good cheer just to say thank you so much. It does matter that you all are here and I'm speaking to the kids that have stayed behind and actually been here to support their parents and speak on their behalf and just, you know I'm listening to the stories and it's like me and my colleague are sitting here talking about some of it and the fact that you all are providing nurturing and tender, loving care for other people's children when at times you have to do that you're actually not there to do that for your own children and that within itself needs to be applauded. The sacrifices that you make on a daily basis and the effort to make sure that your kids have a brighter future. I know the struggle, I've been there. My grandmother was a domestic worker so I'm very familiar with some of these stories and the impact that it has on the children in the household. So I just want to say thank you to you all. This means a lot and it's why this fighting for so many years to try to get this done and why I am hopeful that we will get this done this year, 2020 would be a good year to get this done. So thank you so much. You're welcome. Thank you, Madam Chair.

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SENATOR KUSHNER (24TH): And now I will ask, we have one more speaker on the list and that is Pilar Morales.

PILAR MORALES: Good Evening, my name is Pilar Morales, I am from Columbia. I have been here in Connecticut for 19 years. I am a single mother with two children. Since I first arrived here I start working as a housekeeper and eventually as a caregiver for an older lady. I worked with her for 11 years and when she was transferred to a nursing home I lost my job and my income. I wasn't prepared for that and I had no savings and any severance compensation.

I first started as a housekeeping and eventually they asked me to perform many other duties such as running errands, shopping, driving the lady to doctor appointments, assisting her with daily routines including her showers, preparing meals, laundry, dressing her and reminding her to take her medicine. As year later after I lost my job, I began a new job and I worked for three years. I left the job because the lady was very sick and needed hospice care but also because she was very mean and even hit me twice. In addition to that they would mess up my payments and only pay me once a month. They report me as an independent contractor on a 1099 form and I had to pay all my taxes on my own.

We need the labor protection like other workers. We work every day and leave our children behind. We are also exposed to disease, they are physical, emotional and mental demands and yet we don't have any protection or benefits. We are people whose important work is to care for American families

every day. Please vote in support of the Bill 5276. Thank you.

DANIEL MORALES: Hello members of the Labor and Public Employees Committee, my name is Daniel and I am the youngest child. I am a sophomore in high school and I am the son of a domestic worker. I am asking for support of Bill 5276, the Bill of Rights for domestic workers. From a son's point of view I have seen my mother work hard and devote herself to her jobs. I have also seen her after a day of mistreatment and abuse. No one's mother should be put in a position where they aren't treated fairly. Being a mother is hard enough already. I would like my mother and everyone's mother to be treated as an equal. My mother's occupation is no less important than any other job. She too deserves a paid vacation, paid sick days and a retirement plan. Please support my mother and all mothers. Thank you.

SENATOR KUSHNER (24TH): Thank you so much. I'll ask my colleagues here do you have any questions or comments? Representative Porter.

REP. PORTER (94TH): No questions, just a comment and I'm just gonna put it out there as it comes to me and I'm listening to these stories. The real struggles, well one of the real struggles with this Bill and just having to fight so hard, I'm sitting here listening to what you do on a daily for people, for people who people love and when I think about having a mother or grandmother that we need to kind of care that you supply, I can't imagine having you do that work for me on behalf of my loved one and not do right by you. So this is what I'm struggling with. You go into these homes, you love and you

nurture the children, the elders as if they were your own family and the sacrifices that you make impact your family. And the fact that you make these kind of sacrifices and you're not revered, I'll use that word, revered, you know, and paid your due. You're not asking for, you know, an exorbitant amount or something that you didn't earn or something that you don't deserve and I think that this ought to be the year we get this right. We have people going to work faithfully, performing duties that a lot of people wouldn't want to perform and many people aren't performing right, they bring you in to do the work. So that's the struggle that I have in listening to these stories today and tonight, you know, the sacrifices, the kind of work that you're doing, the way it's a labor of love for you and that you're actually not being given what you do and I just think it's really, it's sad and it's unfortunate and I just wanted to express that to you all. I feel your pain and hopefully we can turn that pain into some joy and get this done this year. Thank you, Madam Chair.

SENATOR KUSHNER (24TH): So before you get up and leave I just want to ask, I know this is a little out of order, but are there, we always ask at the end of these days of testimony if there is anyone else in the room that would like to now offer testimony. We did finish our list but. So before you leave though I do want to just thank you both for being here. Your testimony is extremely important to our understanding of how we are going to develop this Bill and so I think that you know, it's been a long day and certainly having your son here with you made a real impression on us. So

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thank you very much for testifying. And you can come down and we will hear from you as well.

Anyone else who wants to speak tonight? You would like to also, all right so we will take him and then we will go to you. And please say your name because we didn't have you on the list.

ANGELO MONTES: My name is Angelo Montes.

SENATOR KUSHNER (24TH): Can you spell you name.

ANGELO MONTES:

A-N-G-E-L-O space M-O-N-T-E-S. Good evening Members of the Labor and Public Employees Committee. My name is Angelo Montes, I attend Bunnell High School in Stratford, Connecticut. I am here to speak on behalf of my Aunt Lupe Rosa. She lives in New York. My Aunt is a caring and loving person to all. She not only spends most of her days working for others as a domestic worker but it is heartbreaking to believe the struggles that she goes through. Whenever I see her at family gatherings she always looks tired, overworked, overwhelmed and frustrated. I talk to my mother about why she looks so tired and overwhelmed and that's when she introduced me to a job, a domestic worker.

She explained to me that a domestic worker is a person that basically takes over household responsibilities and day-to-day jobs around the house. My mom continues to tell me these people are treated unfairly and underpaid. I began to think and cross-referenced other jobs that a worker like people that work and have protection like a union. I began to question well why don't people like domestic workers have protection like this as well.

That is why I stand before you today to bring up Bill HB 5276. A Bill that will relieve domestic workers of Connecticut. These are human beings that may have to work more than they have to. They have been stripped of their energy and they shouldn't be stripped of their dignity. There are over 42,000 domestic workers in Connecticut alone who deserve this Bill and deserve the reassurance that the State they live in will have their back to defend them when no one else will. We need to pass this Bill because these domestic workers take care of households that may not be theirs and families that may not be theirs either. They provide work for these families and take care of people that, you know, their own family and they are treated unfairly. They get barely any pay and any towards of respect to other people. And the following Federal Employment and Labor Laws are looked down upon when domestic workers go for help. The National Relation Act, the Fair Labor Act, the Occupation and Safety and Health Act, laws and the Connecticut minimum wage act.

A majority of domestic workers get paid only \$4.35 an hour. These human beings should be able to have the help and protection of the Bill we present to you today the HB 5276 Bill. Thank you and please do all in your power to pass this Bill.

SENATOR KUSHNER (24TH): Thank you very much for your testimony. It was very well thought out and prepared. And so I am glad that we asked if there was anybody else, cause I would have been bad if we didn't get a chance to hear what you had worked on. So this is an aunt that is a domestic worker?

ANGELO MONTES: Yes.

SENATOR KUSHNER (24TH): And have you, does she know that you're here tonight testifying?

ANGELO MONTES: No.

SENATOR KUSHNER (24TH): Well you have to make sure you tell her that you did a great job on her behalf and on behalf of all the domestic workers because what your words are, are very important to us and I particularly liked the fact that you listed the laws that so many workers take for granted and benefit from but we forget that there are workers who have no protections and it's really important reminder. So thank you. Representative Porter.

REP. PORTER (94TH): Just real quick, you said \$4.35 an hour?

ANGELO MONTES: Most domestic workers do work for that amount and without knowing minimum wage because these undocumented citizens, not citizens, sorry these undocumented workers come into the country looking for work and unfortunately they are, you know, not given the right information that they need to know.

REP. PORTER (94TH): Okay, well I'm gonna make a request of you that if you know anyone currently today that is a domestic worker, working for \$4.35 an hour that you please let me know who they are and how I can get in touch with them. Because that is illegal, that is criminal and I will look to have those people that are doing that prosecuted. Okay? And you can also watch this and this is for all the students and young people that have testified tonight whose parents could not be here, my good colleague reminded me that you all can go to CT-N.com so it's CT-N.com and you can look for this

televised recording so that your parents can view it and you can actually view it to see, you know, what you look like on TV, yeah but fast forward it all the way to the end cause this is the end. We have one more person to go. So thank you, Madam Chair.

SENATOR KUSHNER (24TH): And our last speaker tonight will be? Please tell us your name and would you mind spelling it because we don't have you on the list.

JAVIER CHACON: Okay, my name is Javier, Javier Chacon and I want to testimony for my wife, she couldn't come because she was working. And I want to read her testimony.

My name is Florentina Montenegro. I live in Bridgeport, Connecticut and I am a domestic worker. I worked as a nanny for 18 years and I have also worked as a housekeeper and babysitter. At the beginning I had a lot or problems because my old boss didn't give me any job security. I only work when she needed me. I had no right to vacation or sick days. One day I was infected many times by flu by the children in my care. When I feel ill they did not recognize my days even knowing that they infected me in their home.

Sometimes I used my car to mobilize the children that I took care of and I didn't recognize that using my own car and my miles was an expense. Fortunately the family that I work with today are more aware and are very good people with great heart. They treat me as a part of their family. They make me feel that way. That is why I give my testimony to people who have in the past or are going through the same thing that I went through. We

are humble, dignified people and we have family to feed and we are not ashamed of the work that we do.

This is why I ask you to take us into consideration because we deserve to have a job with decent salary and with benefits of the other jobs. Thank you.

SENATOR KUSHNER (24TH): Thank you so much. Let me just ask before you leave first of all can you spell you last name.

JAVIER CHACON: C-H-A-C-O-N.

SENATOR KUSHNER (24TH): Thank you. Any comments or questions from my colleagues.

REP. PORTER (94TH): Just made the hair on my head, the little bit of hair that I have on my head stand up. The word that did it for me was humble. And I mean, in a nutshell that is what it boils down to. When you think about what it would take to do the work that you do, or that your wife does, right. Show up faithfully day after day, being subjected to the treatment, the low pay and all the other things that she probably endured, something I'm sure that you don't know about because we've also had people come in and say, you know, I got to put on this face. I don't go home and talk about all the things that I've had to endure. So what she carries, you know, it really makes me sad but it makes me mad to cause I'm sitting up here having a conversation with my colleague saying how does, how is this, how is this. How is this? How is it that we have people doing the kind of work that your wife and so many people in this room are doing that are being subjected to I mean, I mean when I think about it, it reminds me of slavery. And I've been trying not to say that word but I mean story after story it is

what it is. I think we need to stand in the truth of what's happening that domestic workers have been the ones that have been left out and it's been stated over and over again since 1935, this is rooted and grounded is something that is very evil as far as I'm concerned. And I just really hope that you can take the message home to your wife that we are fighting a good fight and that we will not stop until domestic workers have the same protections that every single worker in the State of Connecticut has. Thank you. Thank you, Madam Chair.

SENATOR KUSHNER (24TH): So, thank you for sharing your wife's story with us tonight and you know, I was happy to hear that she has a much better employment situation today than she had previously. You know, there are a lot of good people out there that are good employers and understand the importance of this work and value it and treat people with respect and dignity and pay them accordingly. But unfortunately there are a lot of people who aren't doing that, even good people who don't recognize that what they are doing is taking advantage of people. And so that is why it is incumbent on us here at the State to make sure that we are passing laws to protect people and you know, it is, you've heard it over and over it is really unclear to me, we had a whole day of testimony and really I don't think we heard anybody come in and say these workers don't deserve to be paid well or treated well or protected. No one came forward to say that yet we know from past years that's it's really hard to get this Bill passed. It is really, it frustrates me that the people who are fighting against you aren't coming forward and facing us and

saying why it is necessary to carve out domestic workers from every workplace protection. There is no one explaining that to our faces and to saying to you all, you know, that there is some rationale or reason other than pure exploitation. You know, I understand that a lot of people who are in need of childcare and need of eldercare, in need of other domestic services. A lot of those are people who work hard and don't make a lot of money either but that is no excuse. We can't take say that one worker gets their needs met and another worker gets taken advantage of and so, you know, it's shocking. I haven't been a legislator very long, this is my second year. Last year we heard a lot of these stories and, you know, I was aware how bad it was. It wasn't something new to me but we didn't have the opportunity last year to address it. People tell you this year it's a short session and it is hard to get anything done but really, I think that what you have done today by being here all day is really important because it reminds us that it is a short session for us, all that means is that in a few months we will, we won't be sitting in these seats and we won't sit in these seats again until next January but what happens all year-around for the workers that you are trying to protect it is not a short session for them. It's a long time coming and so I really appreciate it.

I also want to thank the organizers, the people who got all of you here tonight especially the young people. You know, it's been a long day it's 9:15 and we started this hearing at, we started with a press conference at 10:00 a.m. and believe me our staff were here before that and from very early this morning and it's been a long day but it was very

uplifting to end the day with your testimony and particularly because you showed us what it's like to have community. You are clearly part of a community that includes, you know, wives and husbands and nieces and nephews and children and you know, that's a real reminder to us of how important this is. So thank you so much for being here today and we hope that we can get this done for you.

JAVIER CHACON: Thank you, thank you for the opportunity.

SENATOR KUSHNER (24TH): [Audience applause]. So now I will adjourn our Public Hearing for the day. Thank you very much for being here.