CHAIRPERSON: Representative Robyn Porter, Senator Julie Kushner

SENATORS: Miner, Osten, Lesser,

REPRESENTATIVES: Hall, Fishbein, Luxenburg, R. Smith, Wilson Pheanious, Polletta, Rutigliano, Vargas, Winkler

REP. PORTER (94TH): -- hearing room. The two doors through which you entered the room are the emergency exits and are marked with exit signs. In the event of an emergency please walk quickly to the nearest exit. After exiting the room go to your right and proceed to the main stairs or follow the exit signs to one of the fire stairs. Please quickly exit the building and follow any instructions from the Capital Police. Do not delay and do not return unless and until you are advised that it is safe to do so. In the event of a lock-down announcement please remain in the hearing room and stay away from the exit doors until an all-clear announcement is heard. Thank you.

SENATOR KUSHNER (24TH): Thank you, Representative Porter. We will start our hearing this morning as we always do with the first hour will be for our public elected officials and legislators, and we're going to start this morning with the Honorable Chair of the Appropriations Committee, Representative Toni Walker. Good to see you today, as always. And I

see you have with you some esteemed guests and I would -- I know you will be introducing them, so thank you very much for being here, Representative Walker.

REP. WALKER (93RD): Good morning, good morning Chairs, good morning Senator Kushner and Representative Porter. Thank you so much for giving us this opportunity to do a testimony about some very important things that obviously, especially for women, this is critical. Today I am going to relinquish my time to three individuals who came here from Washington D.C. just for this hearing, just to talk to New Haven -- to New Haven, see I'm local right here. [Laughing] Testify to Connecticut about the importance of this Bill. I have to my left Adjoa Aasmoah, Kelly Richardson-Lawson and William. Each one of them would like to have a few minutes just to do the testimony so I will shut-up and turn it over to them. Thank you, sir -- thank you ma'am.

WILLIAM SHERMAN: Good morning members of the Committee. My name is William Sherman. I'm an attorney. I am the hired legal counsel for the crafting of the language and the strategy for what has become known as the CROWN Act. My role has always been to conduct the legal research concerning the existing anti-discrimination laws which currently exist in the various states and assist in drafting the amendments that fit neatly within those existing laws in order to expand prohibited racial discrimination in employment and education so that those laws adequately address the discrimination being experienced due to hair texture and hair style.

The Federal Civil Rights Act which prohibits race-based discrimination does so without defining race. We seek to propose language which also does not define race. We're not attempting to define race here. However, it is a clear from a historical perspective and from recent events that discrimination based upon hair style and hair texture is race-based discrimination. Those who suffer this type of discrimination are largely of a certain race.

The proposed language seeks to recognize this fact and protect against this type of race-based discrimination. Secondly, the goal of the proposed language is to withstand future legal challenges to its validity. I will seed to my colleague to my right. Thank you.

ADJOA ASAMOAH: Thank you. Thank you so much.

SENATOR KUSHNER (24TH): And you have to turn off the other mic, there you go.

ADJOA ASAMOAH: Thank you so much colleague and thank you Representative and Senator. For the record my name is Adjoa B. Asamoah and I am both extremely excited and honored to appear before you today not only because I proudly lead the legislative advocacy efforts for the CROWN nationwide, on behalf of the CROWN Coalition but because I am also from Connecticut. I was born and raised right down the road in New Havens and graduated from Hopkins School before moving to attend college and graduate school and begin what would evolve into my life as a racial and gender equity champion.

There is a long-standing history and problematic practice of racial discrimination based on hair in the United States. There have been countless cases where black people have been discriminated against for wearing natural hair and/or protected styles including, but not limited to, braids, locks, twists, etc. This prevalent form of discrimination includes being fired, passed over for promotion and having offers of employment rescinded. It impacts our upward mobility and has been the reason far too many children have missed school and have had negative education experiences. Fay Finnety was sent home in tears because she wore beautiful braids that were deemed a violation of school rules. Diendre Arnold was told that he couldn't participate in his high school graduation ceremony due to his display of cultural pride in locks. And I think many of us in the world collectively gasped as we witnessed Andrew Johnson, a student wrestler be forced to make a decision he should have never been asked to make and choose between having his locks cut and his identity attacked or forfeiting a match he had earned the right to participate in.

While some anti-discrimination laws currently protect the choice to wear an afro. We know afros are not the only natural presentation or style of black hair. Your Bill will ensure protection against discrimination based on hairstyles by extending statutory protection to hair texture and protective styles. This issue warrants a legislative fix. It is why as an impact strategist I work directly with forward-thinking elected officials on multiple levels across the county. I am proud to have worked closely with my good friend, Assemblywoman Tramaien Wright as she carried the

first CROWN Act to victory in the state of New York, and so worked directly with Congressman Cedric Richmond, and Senator Cory Booker on the federal Bill as well.

My father, Dr. Kwame Butuan Asamoah moved to Connecticut from Ghana and taught me self-love and how to advocate for myself and others on issues such as this. It is my hope that you will recognize the importance of this Bill, as I know you do. On behalf of the CROWN Coalition I thank you for allowing us to be here and testify this morning.

KELLI RICHARDSON-LAWSON: Good morning. My name is Kelli Richardson-Lawson. I am founder of Joy -- founder and CEO of Joy Collective, a multicultural marketing firm based in Washington, D.C. We are a certified woman-owned, black-owned business and along with my business partner, Orlena Nwokah Blanchard, our team and incredible colleagues like Adjoa Asamoah and William Sherman we have been working behind the scenes for over a year on behalf DOVE and the CROWN Coalition to advance hair discrimination legislation across the country. This topic is not new.

Qualitative and quantitative research that we conducted on behalf of the Dove brand unpacks the real impact of hair discrimination against black women in the workplace. This leads to desperate impact that we see manifested socially and economically and what that research showed us is that 80 percent of black women actually say they feel the need to change their hair in the workplace to fit in. The CROWN Coalition is an alliance of over 60 organizations committed to inclusive -- inclusivity and racial equity. It was founded Dove

-- co-founded by Dove, the National Urban League, Color of Change, Western Center on Law and Poverty and is now supported by over 60 organizations nationwide including my very own Delta Sigma Theta Sorority Inc., the National Counsel of Negro Women, Alpha Kapa Alpha, the NAACP, the National Action Network, Jack and Jill of America and many, many, many more.

Dove and the CROWN Coalition facilitated and supported the Inaugural CROWN Act in New York and California last July. We also proudly worked with the state of New Jersey to sign the law into effect on December 19, 2019 exactly one year to the day of that horrific wrestling match with Andrew Johnson when he was assaulted or told he had to cut his locks.

As a black woman with parents who were born and raised in the segregated south I have spent the better part of my life using toxic chemicals and endless hours at the beauty shop with weekly appointments trying to manipulate my hair to appear in a way that I was taught was beautiful and year old centric standards of beauty that are American standards, it's often been a long and painful journey and I'm finally really proud to free my hair and wear it as it comes out of my head. That is why I personally both as a black women and a mother of two black sons with wild, big, big hair that I hope they may choose to lock or braid or whatever they choose to do; I'm encouraged that the CROWN Act is being passed state by state by state. We have passed the Bill in three states. We can't wait to pass it here in Connecticut. We have 24 more states

underway and we have the federal legislation in play as well.

The point is that we want to ensure that we have a respectful and open world for my children, all of our children, and all of us as black people in this country to thrive. I'm incredibly proud to stand with both of you and all of your fellow distinguished leaders in this Connecticut legislature on behalf of Dove and the CROWN Coalition to see the CROWN Act passed in this great state of Connecticut. Thank you so much for your time.

SENATOR KUSHNER (24TH): Thank you for being here and thank you for your testimony. I have to say that this is a really important Bill and we're very, very optimistic about passing it in this session. I do have a couple of questions. You know in our -- in order to get the stage of a public hearing of course we had a Committee meeting where there was discussion by everyone about raising this to the next level, which was to hold the public hearing and in the course of that obviously there was some interesting discussion. And my point this morning at the press conference is, this Bill really -- not only it is important to pass the Bill but it's important to have the conversation. It gives an opportunity to deal with people's perceptions, to deal with in some cases over racism, some of the instances that you've eluded to I think would stem from overt racism but also the unconscious bias that comes out of peoples mouths when they don't realize that what they're saying is offensive, is racist and holds us back. And so I really want to applaud you not just for leading the effort federally and being

here and making the effort to come to Connecticut to help us have this discussion, to help us pass this Bill.

I also want to thank you because I think it's really important that we make sure that that discussion is very public and is very open. And so you know, I really do appreciate your being here. I want to ask you and then I will -- I'm sure that others on our Committee will have questions and comments that they want to make, but I do want to ask you to start maybe with what's been the opposition you've seen? How do people justify opposing this Bill?

WILLIAM SHERMAN: Actually from -- from a legal perspective, and that's why the language has been carefully crafted, these Bills has been challenged as violative of the Equal Protection Clause. In other words those would -- who would push back would say well, does this apply to everyone and the answer is simply, certainly it does. White people can choose to their hair as it naturally flows from -- from their head. And why shouldn't everyone else?

And so the Bill is not basically saying we want to protect black people. No, we want to free everyone to wear their hair as they choose. And with black people particularly it's often as Adjoa said a cultural statement. Back in the 60s the afro was recognized as a cultural statement. Oddly enough, the Supreme Court rule that you can't fire someone for wearing an afro because it's how it naturally comes out of one's head. Well anyone whose worn an afro knows that it's a hairstyle and you have to do certain things to it in order for it to -- as we say, fro. And so the distinction is there is no

distinction actually between afro as a hairstyle, braids as a hairstyle or locks as a hairstyle.

The other pushback that we get of course is one from the various Chambers of Commerce and they say, well aren't you really creating another cause of action that we're going to have to defend against when we fire someone for just cause and they just so happen to wear their hair in a certain style? And the answer is no, we're not creating anything new. That's why this is couched under race. Race is one of the recognized protected classes. And historically it's obvious that when someone is discriminated against, denied a promotion, denied a job based on hairstyle, it is closely associated with their race. And so those are the pushbacks that we get but I think that they can be defeated as well.

SENATOR KUSHNER (24TH): Thank you. It's a very good point to make that effects everyone and maybe you all have given me the courage to wear my hair naturally someday. But the difference is if I were to not use all the product and all the hairspray and all the hairdryer stuff people would say I looked a mess but it wouldn't be racist, and that's the distinction so I'm very happy you made that point. It wouldn't be race based, it would just be she's sloppy and I think that's the important and key point of making sure that everyone understands that this is about discrimination on the basis of race and so I appreciate your help with us having that understanding of how we can confront the opposition on the issue.

I wanted to ask, I know my Co-Chair is going to want to make comments. In the meantime let me ask

Representative Winkler if you want to have any questions or comments that you want to make. You don't know Representative Winkler if you're from out of state but he is very thoughtful and always has the best questions on this Committee.

REP. WINKLER (56TH): Hi, I'm sorry, I really don't have a lot to say. I can remember that my hairstyle a long, long time ago used to tick people off and I never understood why and I think it's a wonderful Act. Pardon my ignorance okay? It's been a little while since I've been in the workforce. How severe is the problem? And I don't mean -- I really am ignorant, I am sorry, but that's just -- what kind of things happen to people when they're appearance you know annoys or whatever their manager?

KELLI RICHARDSON: Sure. In the workplace it's actually prevalent. So we did research on behalf of the Dove brand last year with 2,000 women, 1,000 white women and 1,000 black women. And in that quantitative study we saw definitively that black women are getting grooming policies significantly more than white women and even at the interview stage, which you don't see with white women. Black women are asked to go home more often because of their hair, which is obviously unacceptable and what the CROWN Act hopes to eradicate. They're asked to go home more often, they're 1.5 times more likely to be told that they are not ready for a promotion based on hairstyles.

And just to give you a little more context; we tested actual hairstyles on wig heads so we used wigs to denote to showcase different hair. Eight white wig heads, eight black wig heads, the exact same hairstyles. And so the difference between hair

on a white woman's head versus a black woman's head was seen as very different. And as I said, black women were deemed as less professional, less tidy, less ready for promotion, those kinds of things. So it is prevalent. And I think the biggest statistic being 80 percent of black women said that they feel and need to change their hair to fit in in the workplace is telling. That is dramatic, 80 percent. It's not 2 percent, 10 percent, 80 percent. So it is prevalent. It's a huge issue and we're actually doing work to change that and educate people in terms of unconscious bias, in terms of HR policy. That's the next phase of the work. So the legislative arm is one big piece and then educating HR leaders because at the end of the day we have to educate people in those positions so that they don't make the same mistakes.

ADJOA ASAMOAH: And again to chime in in terms of the impact, children, their job is to go to school. And so when we have students who are sent home in disproportionately suspended based on their hairstyle it is extremely problematic. Schools are supposed to provide a nurturing environment for our students to thrive and we cannot expect our children to thrive in environment where they one, don't feel welcomed; and then two where they're constantly told that everything about them is wrong. And so if we want our children to produce and to live up to their full potential then we need for them to be able to show up in their schools as well as education related activities as their whole selves.

REP. WINKLER (56TH): And now that I've stalled long enough for Robyn to get back --

SENATOR KUSHNER (24TH): But before you do that, I would like to ask, Kelli that study that you all did it seems like it would be important to us in talking to our colleagues here in the legislature so if you wouldn't mind getting us either a summary or an executive summary of that study, that would be very helpful.

KELLI RICHARDSON: Absolutely, and it's also posted on thecrownact.com so the executive summary is there that you can reference anytime but we're happy to send it to you as well. We'll do that today.

SENATOR KUSHNER (24TH): Thank you.

KELLI RICHARDSON: Absolutely.

SENATOR KUSHNER (24TH): Representative Porter I am confident you have something to say to these witnesses.

REP. PORTER (94TH): Well you all know I -- I don't have any questions because I have plenty of experiences. The only thing that I do want to say is that I whole-heartedly, whole-heartedly thank you all for making the trek from DC to be here. That just lends credence to the importance of this legislation and the fact that we know California, New York and New Jersey have already passed this. It's in Virginia and Colorado sitting on the Governor's desk waiting to be signed. We have 27 states in total that have either -- either done legislation or given explicit intent to do legislation so this is not anecdotal. You know it's not made up. It's not -- I won't say that other thing that was said, but it's real.

This is something that impacts historically, historically black women, men and children. But this is not as you said earlier, to leave anyone else out 'cause I know other folks that wear locks as well. I don't think that anyone should be discriminated based on the way they wear their crown. And for us we understand the importance of CROWN, what we feel CROWN means to us not just historically but culturally. This is a cultural, cultural thing for us and I'm just glad that you're here to not only support this legislation but also to education because there's a lot of education that needs to occur around this issue so that people fully understand that this is not just for one sect of people, this is for everyone. Together we thrive and our children and our adults should be able to be in any environment and feel safe and feel appreciated for what they bring in their natural sense. It is our natural born right. It is how we come here. It is what we've been given and there should be no shame attached to that. So thank you so much for beings here and thank you for helping me get this right.

SENATOR KUSHNER (24TH): Thank you. Any other comments or questions? We have Representative Wilson Pheanious.

REP. WILSON PHEANIOUS (53RD): Yes, good morning. Thank you, thank you very much for being here. My observation about the wig head study is that it really has nothing to do with hair; it obviously has to do with race because otherwise you wouldn't get that kind of a result from a study. And I think it's important to make that point in recognition because I think people look at it differently when

it is on a difference face, a different looking face.

It would also seem that this is going to be a particular issue in managerial promotions and I'm wondering if the data plays that out. Because for example, if you're in a environment where there are similar standards, a dress code that seems to fit everybody and works, when you get to the managerial promotion somehow what was okay at a lower level becomes a problem or other things go along with it. Is this person going to be aggressive? Is this personal reasonable? Is this person all sorts of things other than just who she is. And I wonder whether your research supports that.

KELLI RICHARDSON: Yes, it does and we have the stats around promotion as well. I just can't remember them off the top of my head, but it is in the study and I will make sure you all have that today. Thank you.

SENATOR KUSHNER (24TH): Thank you very much. And I don't see any other questions or comments from our colleagues, so I thank you again for being here and bringing us up to speed on this really important issue. Next on the public officials list I have Representative Brandon McGee. I don't see him in the room so we'll come back to him. Hi Bobby, are you going to speaking on his behalf?

REP. GIBSON (15TH): Hi, good morning. So Representative McGee is not here. I would like to yield his time.

SENATOR KUSHNER (24TH): Okay. Have a seat. Okay. you are on the list as number five but we are going to let you switch with Bobby -- with Representative

McGee and that way if he gets here later we'll put him in your slot. So you can go ahead and -- okay, Sonya. Okay. It looks like we're set now. Go ahead and get started.

TIMOTHY FRAYLON: Good morning My name is Timothy Fraylon. I currently reside in New Britain , Connecticut. I grew up and was raised in Hartford as well. I stand in support of HB 5388 AN ACT CREATING A RESPECTFUL AND OPEN WORLD FOR NATURAL HAIR. This policy is to prohibit discrimination on the basis of ethnic hairstyles historically associated with race, by adopting what is commonly referred to as the CROWN Act.

A Bill like this is so important because it protects our individuality as a people and our culture. It provides us the freedom to go to school, public spaces, jobs, and sporting events without feeling the pressure to change our appearance to fit in or make others comfortable around us. The only thing that should matter is how equipped we are to be successful at the job given which is supported by our education and dedication to advance in the workplace. This Bill will insure that we are protected from one of corporate America and societies form of discrimination.

It's just hair, it's not a big deal its just hair. These are some of the things used when the topic comes up. Was it just hair when a student athlete was forced to cut his hair or forfeit a wrestling match that he whole-heartedly earned? Was it just hair when a six year old was turned away from a private school because his hair extended below his ears? Was it just hair when a third grader was denied a school photo because of their hairstyle?

You may ask yourself what do these examples have to do with this? We as black people are being singled out because of something as simple as hair. First schools, then extracurricular activities and now corporate America which has historically always been predominantly occupied by those that don't look like us. We as Black people have generationally been competing in the workforce to be taken serious and be held equal to our counterparts. We are already forced to code switch when it comes to how we speak and act and now we have to also conform to our hairstyles as well.

Our hair speaks about our heritage as people, it is connected to our soul. Our roots that grow are powerful within and if they weren't people wouldn't feel threatened by them. No matter how we decided to display our hair that doesn't stop us from being great as a people and should definitely not stop an employer from hiring us. In the words of the Street Poet Nas: *They fear what they don't understand, hate what they can't conquer, guess it's the theory of man.* It takes proper education of our hair and culture for people to understand where we come from and what our hair represents.

In closing, I urge you to support HB 5388 An act creating a respectful and open world for natural hair to prohibit discrimination based on hair style and hair texture. The hair upon my head is my crown for I am a King and this is the message I pass to our young queens and kings as well, our roots, our love, our peace, our heart, our soul. Embrace our natural roots. Thank you for your time. [Applause]

SENATOR KUSHNER (24TH): I'm sorry, we can't have clapping in the hearing room. I know it's hard to

resist, but I'd ask that you not applaud. But thank you very much Representative Gibson for bringing us this witness today. And are there any questions?

REP. PORTER (94TH): No questions, I just want to thank you for coming in to testify today and for lending your testimony and your experience and your authentic voice. Thank you, Madam Chair.

SENATOR KUSHNER (24TH): Thank you. Next on our speaker's list is -- and I still don’t see Senator Formica, so I will move to Representative Tim Ackert; is he here? Okay. I will skip over him then and Councilman Justin Farmer, Alderman, right? He's Councilman? What about Steve Hernandez, Commissioner Steve Hernandez; is he here? Representative Susan Johnson. I saw her a minute ago. We're whipping through this list. Next I'll call up Melinda Johnson from the WYCA. I know she was here also a minute -- oh, there you are. Okay, great.

MELINDA JOHNSON: Good morning Senator Kushner and Representative Porter. There was some confusion in the signup and I would like to yield my time to Shian Earlington.

SENATOR KUSHNER (24TH): Okay. We have had a little bit of confusion in the signup and I apologize. We -- Sonya, our Clerk I know we will get it sorted out, but we're very happy to have you here today and anxious to hear from your witness, Shian.

SHIAN EARLINGTON: Good Morning Representative Porter and Senator Kushner and all the members of the Labor and Public Employees Committee. I AM ENOUGH. My name is Shian Earlington and I am a resident of the Blue Hills neighborhood in Hartford.

SENATOR KUSHNER (24TH): I'm sorry, if you don't mind just sitting a little closer to the -- we want to make sure we hear you. Thank you.

SHIAN EARLINGTON: Is that better?

SENATOR KUSHNER (24TH): That's much better.

SHIAN EARLINGTON: Okay. I AM ENOUGH. My name is Shian Earlington and I am a resident of the Blue Hills neighborhood in Hartford. I am a freshman at Capital Community College majoring in biochemistry and after I attend medical school I aspire to be a neonatal surgeon.

Prior to re-immersing myself within the city of Hartford for college, I was a CREC student and I attended Canton High School. At this school there were so few students that looked like me. You could count them on your fingers. And no teachers or administrators of color. Being in such a white space was hard on me. As a young woman of color I felt pressured daily to change my identity. No matter how I tried I couldn't seem to blend into this predominantly white culture, mainly because I am not white. Amongst other things, I was pointed out for my hair texture and hairstyles. This response to my hair led me to feel insecure and alone in high school. When I would wear Bantu Knots to school, my white peers would compare me to Kodak Black, a rapper who is known to have several arrests and criminal charges. They said I looked like the black character Crazy Eyes, from the show Orange Is The New Black who is known for her mental health issues.

Little did they know my ancestors wore this traditional hairstyle in Earlington Africa dating

back more than 100 years ago. This kind of jeering towards my natural hair deeply pained me because it was evident that I could not bring my full self to the table. When I wore my hair in an afro to school, my peers would try to touch my hair, sniff it, and even throw things at it to see if it stuck. This made me feel like I was a circus animal on display for anyone and everyone to touch me. Things got as bad as me having to switch seats and sit in the back of classrooms because my classmates complained that they could not see over my hair. Once again, I felt repugnant because I did not have naturally straight hair that flowed down my back.

These behaviors may seem childish but school staff and administration never intervened which solidified a message to me and my peers that this discriminatory behavior is normative. This would not be the last time I would be confronted with this narrative. In my short career as a young professional I have also experienced this discrimination in the workplace when confronted with grooming policies that use vague terms like "neatly kept" and "professional" when referring to hair styling. It has become clear to me that what the authors of the policy are trying to communicate is a need to uphold a Eurocentric appearance of professionalism. For this reason black women's hair is 3.4 times more likely to be perceived as unprofessional.

As a black woman, there are several hairstyles that we wear to work, school, college and other places. Our hairstyles range from locks, tapered haircuts, braids, wigs, afros and so much more. Allowing this kind of discriminatory culture to prevail, prohibits

people of color, especially black women from operating securely in who they are naturally. Natural black hair is not nasty, unkept, or grotesque, it is a gift given to us.

I speak to you today as the once anxiety- filled black girl who wished she had a support system in school to protect her. I ask that when you look at me you see the faces of thousands of other Connecticut residents of color who are struggling to combat this oppression as we speak. I implore you to pass House Bill 5388 AN ACT CREATING A RESPECTFUL AND OPEN WORLD FOR NATURAL HAIR and make Connecticut the next state to end discrimination against natural hair and ethnic hairstyles. Thank you.

SENATOR KUSHNER (24TH): Thank you very much for your testimony and thank you for being here today. Are there any questions from the Committee or comments?

MELINDA JOHNSON: Just a point of clarify, my testimony is on file for you all to review on your time.

SENATOR KUSHNER (24TH): Thank you, and I did get the opportunity to hear you both earlier today at the press conference and we really appreciate you being here and being part of this movement to make change. Thank you. Next up I have Cheryl Sharp from CHRO. Good to see you here, Cheryl. I also saw you earlier today and appreciate your participation here.

CHERYL SHARP: So good afternoon Senator Kushner and Representative Porter. My name is Cheryl Sharp and I am the Deputy Director of the Commission on Human Rights and Opportunities and I am joined by

colleague, Michelle Dumas-Keuler who is also an attorney with the Commission. Thank you for the opportunity to testify today on HB 5388, AN ACT CREATING A RESPECTFUL AND OPEN WORLD FOR NATURAL HAIR and HB 5389, AN ACT CONCERNING COLLATERAL CONSEQUENCES OF A CRIMINAL RECORD.

The CHRO strongly supports HB 5388, which expands the definition of race in the state's antidiscrimination statutes to include traits historically associated with race, such as hair textures and protective hairstyles. Versions of the CROWN act are being considered across the country as increasing recognition is paid to the fact that certain hairstyles are often equated to an ethnicity, which has historically led to separate and unequal treatment. Out-of-date workplace dress codes, grooming policies, and ideas of professionalism often have a disparate impact on black applicants and employees. This legislation would tackle this problem by making it explicitly clear that discrimination on the basis of an individual's protective hairstyle or hair texture is a form of race discrimination.

MICHELLE DUMAS=KEULER: Good morning. We also strongly support the 5389, AN ACT CONCERNING COLLATERAL CONSEQUENCES OF A CRIMINAL RECORD. The Commission worked along with the both of you --

SENATOR KUSHNER (24TH): Could you state your name also again?

MICHELLE DUMAS-KEULER: Sure, I'm Michelle Dumas-Keuler from the Commission on Human Rights.

SENATOR KUSHNER (24TH): And could you -- I'm sorry, because our Clerk wants to make sure we get it right for the record, could you spell your last name?

MICHELLE DUMAS-KEULER: Sure, it's D-U-M-A-S new word, K-E-U-L-E-R.

SENATOR KUSHNER (24TH): Thank you.

MICHELLE DUMAS-KEULER: You're welcome. We worked on the working group this fall and we were helpful, I hope, in drafting the language that is here today. The language expands our already-existing statute of 46a-80 to include private employers which we think is extremely important. It also moves to include landlords and housing providers in this provision. We are aware that the Housing Committee also has a separate Bill that also touches on the topics of landlords and criminal -- the criminal consequences, and we would like to work with both Committees on crafting a Bill that would be implemented by the agency. We just had a few changes that are I our testimony, but overall this is a statutory section that we're already enforcing and would lend well to be expanded to these groups.

SENATOR KUSHNER (24TH): Thank you, and thank you for the participation from CHRO on the Council as well. There's a lot that can be done in this area and we're looking forward to getting -- moving that forward this session. So do -- are there any comments or questions from members of the -- okay, thank you very much. Next we have -- I see that Steven Hernandez from the Commission has joined us so -- and after Steven I know we have -- I saw Representative Johnson is in the room too so she'll be next after Mr. Hernandez. I apologize I didn't

see Representative Ackert who is also here and he comes first, and then we'll go to Representative Johnson, but go ahead Mr. Hernandez.

STEVEN HERNANDEZ: Thank you so much. Senator Kushner, Representative Porter, ranking and other distinguished members of the Labor and Public Employees Committee; my name is Steven Hernández. I'm the Executive Director of the Commission on Women, Children, Seniors, Equity and Opportunity. I am joined by my colleague, Warner Oyanadel who will be focusing on House Bill 5389. I will focus the bulk of my testimony on House 5388.

We've submitted our written testimony for the record but I really just want to re-emphasize what was emphasized by my colleagues at the Commission on Human Rights and Opportunity in that discrimination against the way people wear their hair, whether it's a protective hairstyle is racism. It's a vestige of an old way of treating people that in the state of Connecticut hopefully we have moved beyond, so we support protecting people not only in the workplace; you know we distinguish from times when people need to cover their hair for whatever reason and those policies are uniform across the -- across the practice of an industry, whether it be the restaurant industry or another industry where there is protective covering of some sort. But those practices and policies are uniformly applied. The difference here is that specific types of hair are targeted for disproportionate and different treatment so we are in full support of this Bill. Next, I will turn to my colleague who will be speak to the Collateral Consequences Bill.

WERNER OYLANADEL: Good morning. My name is Werner Oylandadel. I am a Legislative Analyst for the Commission and I'm speaking in support of Raised Bill 5388, which is the collateral consequences of the criminal record bill. Systemic barriers to finding meaningful employment, housing or workforce training are often sited as one of the main reasons for recidivism among re-entry populations. In addition to ensuring that people who have repaid their debt to society through a period of incarceration receive a meaningful opportunity to engage and be productive and successful members of their communities. And it is also in the public interest that re-entering individuals have this opportunity to reduce the possibility to re-offense.

Through our engagement in the Council of the collateral consequences of a criminal credit we noted that African American and Latinos are arrested and incarcerated at rates disproportionate to their representation in the general population. Further, discrimination based on a criminal history exacerbates those disparities. We would support individual assessments of perspective employees which would consider provisional pardons or certificates of rehabilitation for those seeking employment and that any denials of employment opportunities to this population must be in writing and consistent with their business necessities which essentially means that employers must consider the nature of the crime and its relationship to the job or such denials will be illegal in the state of Connecticut.

In short, it will be the policy of the state of Connecticut if HB 5389 is adopted to prohibit all

employees from discriminating on the basis of criminal history with a few exceptions listed already in state statute or as amended by this Act. Thank you.

SENATOR KUSHNER (24TH): Thank you very much. Any questions, comments from -- yes, Representative Wilson-Pheanious.

REP. WILSON PHEANIOUS (53RD): Thank you very much for your testimony. Can you go into the exceptions a little bit that -- you mentioned there were exceptions to this Bill. Can you articulate what those are?

STEVE HERNANDEZ: Some of the exceptions are offenses of sexual offenses and offenses that are violent in nature for the felony sections. But I think the mostly noted that we are speaking about here on behalf of the Commission is the exemptions for those that have some type of response or something against women, children, or sexual offenses.

REP. WILSON PHEANIOUS (53RD): Arson, would that be considered a violent or problematic past history?

WERNER OYLANADEL: In terms of at least our opinion and the opinion of the Commission, our main goal is again to protect children, seniors and what we observed is that we must make sure that the exceptions are very limited but that we consideration in those populations that are more vulnerable and that's basically the perspective of the Commission.

REP. WILSON PHEANIOUS (53RD): Is there any consideration or does it matter whether someone is

in treatment or being treated for any offense as to how the law would operate?

STEVEN HERNANDEZ: I'm sorry could you repeat the question. It's hard to hear.

REP. WILSON PHEANIOUS (53RD): I'm wondering if whether a previous offender is currently in treatment for something related to their offense, whether that has any baring on how the law would be applied?

STEVEN HERNANDEZ: Well related -- related to this work, I think is an important parallel conversation that's happening about risk, and risk is critical. It's critical that we dive deeper into understanding what levels of risk really are. I think often times what our laws have done in the past is they have accumulated in terms of what we understand to be vulnerable populents but we don't look at actually the perpetrator, the history and the risk that is associated with a particular type of offense. I think it's important that parallel to this work we continue to think about what risk really means and whether we really are turning the handle on keeping people safe and whether some of these barriers are just artificial because of fear or because of lack of information.

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

REP. PORTER (94TH): Thank you, Senator Kushner. I just wanted to expand on that in so far as answering your questions, Representative Wilson Pheanious. In the Bill it also speaks to an induvial live assessment tool that has to be used and that would include looking at the nature of the crime and its

relationship to the job, the license, the permit, the certification or registration. The second thing would be, it would have to have information regarding to the degree of the rehabilitation of the person, which I think is what you're speaking to. And the third thing would be the time elapsed since the conviction, and if there was a denial it would have to be -- determined to be consistent with business necessity.

And there are already laws on the books that speak to certain -- certain jobs already in statute that would prohibit that and this wouldn't interfere with those prohibitions. But consideration has to be given for provisional pardon and also for certification of, what do they call it, rehab. So the rehabilitation piece is definitely in this legislation and it has to be established as a presumption that such applicant has had rehabilitation. And if those criteria along the pardon and the provisional are met, and there is a denial with employment then a letter has to go out stating exactly what the reasons are for that denial. And I hope that -- that brings you a little bit more clarity on your question. You're welcome. Thank you, Madam Chair.

SENATOR KUSHNER (24TH): Thank you. Any other questions or comments? Thank you. Thank you for your testimony today and I think that's all we have for you then.

STEVEN HERNANDEZ: Thank you so much.

SENATOR KUSHNER (24TH): Next I have Representative Ackert. I'm sorry, I didn't see you at first. A lot of people in the room.

REP. ACKERT (8TH): Good morning Chairs, Senator Kushner, Representative Porter and Ranking Member Polletta. Thank you -- and all the members of the esteemed Labor Committee. Thank you for the opportunity to speak to you on behalf of 53 -- House Bill 5382. I'm actually going to use an exert from someone that did put it online and it's Robert Passmore who could not be here today because of working so I'm going to read the exert of what -- what the intent of the Bill is. But I do want to preference my comments that right now regardless of what you considering as happening in this country regarding disasters and elsewhere in the world, that we are in need of more disaster relief people that want to step up and do the job just like the American Red Cross and we have those groups out there right now. And one of them I'll talk about and I'll -- and I'll read right from his exert here. THE ACT CONCERNING EMPLOYEE FOR DISASTER RELIEF VOUNTEER SERVICE. And this is from Robert Passmore.

I am a state employee at the University of Connecticut, where I am a Veterans Educational Benefits and Service Coordinator working in the Office of Veteran Affairs and Military Programs. I have been a state employee for over 20 years and served with the USAF and the CT Air National Guard for over 11 years. I am also a member of Team Rubicon USA, a Veteran Centric Disaster relief organization, with which I have deployed many times Houston, Texas, Omaha, Nebraska, New Bern, North Carolina, Berlin and Gorham, North New Hampshire, Cape Cod, Massachusetts, The Adirondacks in New York. Team Rubicon has responded in Connecticut as well in response to the tornadoes that damaged Bethany, Connecticut. In that operation, Team

Rubicon deployed 44 members to the affected site, totaling 1,068 hours of volunteer work and 75,000 feet of debris moved at no cost to the affected residents or to the State.

During a previous deployment, I had a conversation with a member American Red Cross who was also a Connecticut state employee. I was astounded to hear that he was able to take up to 15 days of paid leave without it affecting his accrued time in order to respond to the same exact disaster. When I returned from that disaster relief operation, I did some research on State statute's across the nation as they pertained to state employees and time off granted to those who, with supervisory approval, were using their accrued compensatory time off vacation, etc. I soon found that every state I checked had a Red Cross Law allowing verified members of that organization to take paid time off without affecting their leave balances to respond to natural disasters. While I personally support Bill 5382, I am concerned that members of Team Rubicon would not fall under the provisions amended in this Bill, which requires membership in a local organization.

In light of this concern -- he's actually added some language in his testimony that would effective -- effectively you know include team -- you know groups like Team Rubicon, so instead of just saying American Red Cross in our current statute, it continues to say Team Rubicon. And he did give a whole outline of Team Rubicon, what they're doing and you know I think it's an opportunity that we can you know continue great support like we have with the American Red Cross with other groups. These

are specifically trained individuals because of their military background that are deployed, specifically asked to come out because of their -- their highly-skilled training.

So I will leave that with you. Looking forward to -- again my concerns are that just like has happened in Nashville that teams like Team Rubicon will be -- well they like to do it. You know they stepped up but they're finding out that there's opportunities for them with supervisory okay to take time off and go and take care of these individuals that are in -- that are in disaster areas, so I'll leave that with you and if you have any questions I'm open to them.

SENATOR KUSHNER (24TH): Questions from -- yes, Representative Wilson Pheanious.

REP. WILSON PHEANIOUS (53RD): Yes, good morning.

REP. ACKERT (8TH): Good to see.

REP. WILSON PHEANIOUS (53RD): Thank you for your testimony. Absolutely. I'm wondering whether or not the language you're submitting -- I guess -- let me see if I can formulate right. I understand that he's explained what Team Rubicon is, it's a great organization for this sort of thing. I'm wondering if -- is the language that's being requested so broad that anyone who belongs to anything and wants to help out -- you know, you understand what my [crosstalk].

REP. ACKERT (8TH): Great point, and I think that's the key. So on part of his -- on part of his testimony, and I have it in front of me the actual language it actually does, it actually specifies so that as you mentioned I'm part of -- you know, Tim's

troubleshooters and I run out and I -- you know and I -- you know we're going to do this -- you know and it's right. But no, it's a great point. Essentially I think it's about looking at vetting those organizations first if you want to make a chance as -- as Mr. Passmore is asking for. He puts on -- he -- he included Ohio's information and their language was very, very similar to ours but it just includes Team Rubicon on that as the other group that is -- that is a classified national disaster organization so it's one that's ranked -- is rated already that way. Good question.

SENATOR KUSHNER (24TH): Thank you, thank you Representative. Could you make sure that our Clerk has that language? I know it's in the testimony but if we could hold that separately also so it doesn't get lost in the amount of testimony we have before us. I think we'd want to share it with the members of the Committee. And the original Bill that I submitted had that -- kind of like that layout and I know that you know obviously through screening processes things change so I'll also resend that to the Committee also.

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

REP. SMITH (108TH): Representative Ackert, it's always good to see you my friend.

REP. ACKERT (8TH): Good to see you, sir.

REP. SMITH (108TH): I was thinking as you were testifying that the Labor Committee should be a nice choice for you. Hopefully next year you'll request it.

REP. ACKERT (8TH): Given the opportunity sir, yeah, given the opportunity. You know elections have consequences. [Laughing]

REP. SMITH (108TH): Well it's an interesting Bill that's before us, sir, and I'm just wondering from the employer's standpoint. So if somebody takes off, the way it's drafted right now it's 15 days.

REP. ACKERT (8TH): Yep.

REP. SMITH (108TH): Who pays for the -- for this particular employee to actually go down there and engage in you know the much needed relief? You know Tennessee just got hammered with tornadoes. It's -- it's a complete disaster down there and they're going to need help from everybody.

REP. ACKERT (8TH): The organization itself does -- is -- is a 501 C3 -- I think it's a C3 and I could be -- could be -- not sure of the exact specifications so it is -- takes donations. So everything is paid for by the organization for their trip down, food when they're there, usually very basic housing because they're in disaster areas that you know other people -- you know they're military. It's camp -- camp style work where they're in tents and whatever they can find for housing while they're there. And then the only thing that is the -- that this relates to is the time off part that would be -- you know, essentially a cost.

REP. SMITH (108TH): All right. So the time off under this Bill there's -- there's no docking the employee for vacation time or sick time or anything of that nature. Is the employee expected to get paid while he or she is doing the disaster work?

REP. ACKERT (8TH): I think that's the key is that it's -- it's -- it's essentially added to their time off.

REP. SMITH (108TH): Added to their time off so the employer would absorb that cost.

REP. ACKERT (8TH): And I think the key to the language is always with supervisors, you know the supervisors okay. If they're needed to be at work at that timeframe then the supervisor just says no, or limits the time, whatever it may be.

REP. SMITH (108TH): Right, okay. Because there's obviously situations where I could see employees would be needed at work and it would be a detriment to the employer to have this employee, no matter how well intended to actually take time off from work to go down to a disaster relief area when they're needed at work for a critical project or critical time.

REP. ACKERT (8TH): Exactly, and I think that's -- I think -- and granted this is -- we're bringing this to light in terms of the state. This is -- I know the language is written more private in terms of the way the language is written right now and I would think that that could be again included the same thing, if the company has company policies that fit that and the supervisor says that they can take time off for that. So I think it's really going to be more of these may rather than shall. In the -- in the state it's paid for, it's state workers that's really in the language that currently exists. So it would be expanding from American Red Cross members. As a matter of fact one of our LCO members said, I saw your language of your Bill. He said, you know

I'm an American Red Cross volunteer and I've done this and I get paid -- I get -- I don't -- I get my -- I get -- essentially it's additional PTO time, you know personal time off that is paid. But there is a fiscal note.

REP. SMITH (108TH): Yeah, there usually is, especially out of this Committee which you'll find out next year when you do it, so -- [Laughing] Thank you for coming and sharing your thoughts and this interesting Bill.

REP. ACKERT (8TH): Thank you, sir.

SENATOR KUSHNER (24TH): Thank you. Are there comments or questions? Okay. Thank you, Representative.

REP. ACKERT (8TH): Thank you, Senator.

SENATOR KUSHNER (24TH): Next up we have Representative Susan Johnson.

REP. SUSAN JOHNSON: Good morning Senator Kushner, and distinguished members of the Labor Committee,. I'm Representative Susan Johnson and I'm here to speak on behalf of House Bill 5268, WORKERS COMPENSATION TASKFORCE. And I want to start off by saying thank you so much for helping us create the taskforce. We did finally almost everybody appointed by the end of December and we've had four meetings since then. We have assembled a great deal of information. I've provided with my testimony today copies of the -- of the agenda items for the last four -- four meetings that we had: three in January and one in February.

I decided that, and the taskforce agree, there still needs to be some more research done to be able to

quantify exactly where the bottlenecks are in the worker's compensation system. As I wrote to you before about giving a little progress report we felt that the data collection was flawed at this point and time because of the way the negotiations occur during the process of trying to determine whether the injury was at work and whether the injury was substantially effecting the person's overall condition that would be in a situation where they would be entitled to the worker's compensation program based on the healthcare axis. Some of the costs that could occur to the Medicaid program and I did just recently get some information from the Medicaid program on the cost for state employees. That does not include anybody who is not a state employee though. So we don't have any access on data on people who are not state employees.

We don't have access for information for people who had to wait for medical care and maybe apply to the Affordable Care Act under the ACACT because of a life-changing circumstance; they don't have to necessarily apply at a time when we have open enrollment. They can apply anytime if they're finding themselves in a life-changing circumstance. So that would be other data that we're unable to obtain at this point in time but we have again only met four times and we are assembling a great deal of information.

Also if you care to listen to the taskforce meetings that we've had, every one has been recorded so you can listen to the interaction. I have to say I give high, high praise to the people who have been appointed, the lawyers and the doctors and the agency people who have been appointed to come to our

taskforce meetings have been wonderful. They have given a great deal of information. We also have public comment before and after so we've been able to get attorneys from the bar who have not been -- who do worker's compensation but have not been appointed to the taskforce but on the respondent's and claimant's side. Also injured workers have come and people from labor -- labor organizations have come and provided testimony. All of that has been done in writing so access to all that information is there.

As you can see we have people who are very, very actively involved with us and they've given a great deal of testimony both for and against the change on Form 36, so as you can see in my remarks while I sent you a little update about Form 36 being a possibility for a change to eliminate the bottleneck, I did not include Form 36 in my testimony to today because I feel that the most important thing is to continue the conversation and also make sure that we have the access to the data on all cost shifts from people who are not getting access to healthcare, not getting access to worker's -- worker's benefits.

So the other thing that would be -- knowing now and having that you can find from the testimony and the conversation during our taskforce meetings that the -- that the respondent's lawyers and the claimant's lawyers are both pleased that we have a good program, a strong program for the Affordable Care Act because when people are unable to obtain medical coverage through the worker's compensation system because of whatever delay there is, they are able to get it through the Affordable Care Act. So we want

to get that data. I mean it's actually been talked about.

The other thing that this Committee should be concerned about I think is once the Paid Family Medical Leave Program goes into effect. We might see also not only people getting coverage through the Affordable Care Act that can't get access, but another cost shift to this Paid Family Medical Leave -- Leave Trust Fund that we developed for -- to be able to obtain money while they're recovering if the worker's compensation system is delaying access to care. Now while proportionately you see a number -- you see a lot of claims being processed very quickly and effectively, you do see a number -- a few -- several -- several hundred hearings and I -- I -- I have the date from the worker's compensation chairman. But there are a number of -- there about 3,000 I believe, hearings every year, 15 -- 15 Commissioners and they are supposed to do the 3,000 or so hearings and they start with information, pre-formal and formal. What happens usually, and this is something that we have had a test to, is that when they have a -- when they get to the point where there's no movement but it's obvious that coverage should be provided and the claimant's lawyer goes to the Commissioner and says I want to -- I'm going to do -- I'm going to request a formal hearing and they tell the -- they tell the -- the -- the respondent's lawyers the same generally at that point in time the case gets settled.

So if you take a look at that and you realize, oh, well they're not going to formal hearings all the time because they wait to the very end so your data is not as accurate as it could be if in fact he

systems were changes so that there was more -- more connection between how long they're taking to get from the information, pre-formal and formal hearings. So the data is skewed because of that, that was part of the discussion. In fact we talk about how there's a real -- real connection between the -- the respondent's lawyers and the claimant's lawyers in terms of how they -- they want to make sure they get along. The Commissioner also feels that they don't want to have to go to a number of hearings so they try to push everybody to agree. We have a limitation at the state as to how many Commissioners we have to actually conduct the formal hearings so there's a whole dynamic here that needs to be sifted through that we are -- we've had great, great conversations and I'm just very, very pleased to be able to help the process along.

Of course I have not taken a vote on anything but there is a consensus to at least continue it and see what -- and I think that most -- most everybody thinks that we want to see what the data is. Some people are provided with the data provided by the Chairman of the Worker's Compensation Commission, but as I said, that data is skewed because of the -- the -- the friendliness between the claimants and the respondent's lawyers and the fact that the Commissioner wants to get things settle so you don't really see what the actual data would show if we were able to find out more from the private sector for people who don't have insurance and they have to go and get it though an employee benefit plan. They have to go ad get it through the ACA. That would be where I want to try and find the data, and it's going to take a little bit more time. But we've done a lot of work and there's a lot there for

everybody to review and see so -- and I'd be glad to answer any questions. Thank you so much. And I want to just thank you all again for that, and thank the leadership for the people they appointed to the taskforce. They've been very, very good to work with.

SENATOR KUSHNER (24TH): Great. Thank you for being her and updating us on this you know, clearly delaying payment of worker's comp. It affects so many workers and I have heard this you know all over the place so -- and also thinking about how costs are shifted is also important to acknowledge. So thank you for your testimony. Is there anyone -- Representative Wilson Pheanious.

REP. WILSON PHEANIOUS (53RD): Thank you, Susan. Just one quick question. With regard to the cost shift to FMLA, do you have any idea what kind of numbers we're talking about, what percentage of cases that are actually over-extended worker's compensations cases are likely to end up using FMLA.

REP. JOHNSON (49TH): That -- that is -- that is the kind of thing that I'm trying to find 'cause I believe the same people who are going to the Affordable Care Act because they -- they don't have an employment benefit plan are going to be also probably a similar number going to paid family medical leave. So I mean right now -- it occurred to me when I was talking about the shift to the ACA, oh wait a minute, we're going to have paid family medical leave too and we have a trust fund set up for that but it wasn't intended to be a place for people to cost shift from worker's comp into paid family medical leave. So I'm sure that -- that there's an aware of that just as there was with the

ACA, so that's why I want to make sure -- the one -- so we had -- we had a discussion in this in the -- in the Committee and we have doctors on the Committee who do the coding and their offices do the coding.

So one of the things that we suggested is well there's no actual -- there's no CPT code that addresses the actual workers but there's the ICD codes that feed into the CPT codes. So we had quite a good discussion about that and I think that the -- Dr. Okneed [phonetic] who is a member of the taskforce said he was willing to have me connect with his staff to look at the coding to see how we can make sure that our Affordable Care Act, our Medicaid people who are not -- people -- we do have some shift to Medicaid from state employees but not -- we don't have data from people who are not state employees, so we need to get the -- the whole spectrum and that's where we are right now.

REP. WILSON PHEANIOUS (53RD): If I can follow up quickly; do you know -- do you think it might be prudent to consider some kind of a -- I don't know some kind of claw back provision or a payback provision if -- if in fact there are cases that rollover from a delayed worker's compensation payout; is there any -- would there be any way to refund the -- the -- the time or the money to the FMLA account, or have we thought of that?

REP. JOHNSON (49TH): I did think about it and I did look into it and I went to the Office of Legislative Research and I sent off a -- so there is a report a claw back provision in the Paid Family Medical Leave so I can get you a copy of that and I'll make sure the Committee has another copy of that because that

would be -- there is a general claw back provision. But again we need to be able to track it based on the procedure codes because the injury has to be coded properly and then you know -- because if someone is not -- they're doing this on their own. They got an injury, and so what happens is get the injury at work, the -- they're not -- may or may not get this thing submitted in the proper way, they get some kind of resistance and then they worry that maybe -- because they have an injury maybe the employer doesn't want them anymore so sometimes people don't file at all. So they go to the Affordable Care Act and then they don't say that it was an injury at work. So we need to find out where the injuries are. If it's an injury at work we need to be able to figure out how to code that so that all the coding that occurs here in Connecticut anyway reflects where the injury, whether it was part of their employment injury or a -- you know some other kind of injury, so.

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

REP. JOHNSON (49TH): Sure.

SENATOR KUSHNER (24TH): Okay. Thank you very much for your testimony today

REP. JOHNSON (49TH): Thank you. Thank you so much for all the work you do and for helping us with the taskforce and for the injured workers. Thank you.

SENATOR KUSHNER (24TH): Thank you. So going back to my list here. I see Representative Brandon McGee is in the room, and we had passed over you earlier so Representative McGee, please join us.

REP. MCGEE (5TH): Good morning, Senator, Representative, Representatives, good morning. I know you have a long, long, long, long, long list of individuals coming to speak before the Committee so, so delighted to be here and to support numerous Bills. But I'd like to yield my time to this fine young lady who represents the voices of women of color here in the city of Hartford, who's going to talk a little bit about the CROWN Act. Thank you.

SENATOR KUSHNER (24TH): Thank you very much. And would you please, for the record state your name clearly.

ASHLEY COLLINS: My name is Ashley Collins.

SENATOR KUSHNER (24TH): That's an easy name to get down. Some of them we have to have them spell it but that one I think we all know.

ASHLEY COLLINS: Super easy. Good morning, thank you for having me. Thank you, Representative McGee for allowing me to use your time. I'm here today to talk about HB number 5380, the CROWN Act and why it's important to me. As a black women in the both professional and educational and as a mom it is important that my daughters be allowed to express themselves in whichever way possible. Personally underneath the wrap that I wear, which I call my crown I am -- I do have locks in my hair, but I've been on the natural hair journey for quite some time and before I decided to start that journey it was a question of, would I be able to pursue all of my dreams if I wrap my hair in its natural state, and I don't think anyone should ever have to think about that when they decide that they want to go into the workforce, when they want to help people, when they

want to make a change and a difference in their communities.

My daughter is 5 ad for her to tell me, "Mommy I don't want to wear my hair curly, I prefer to wear it straight like everyone else," because she knows it's more socially acceptable: it's heartbreaking as a mom. It's heartbreaking as a woman. It's heartbreaking as a professional that helps other people pursue their own dreams and endeavors. It's unfortunate that people can't see that the way I wear my hair is who I am. It's a representation of who I am, where I come from, where I'm going and I shouldn't have to modify that just for other people to be comfortable. And for those who decide that is not race based, where else will you find that people are forced to straighten their hair or wear modest hairstyles just to be afforded the opportunity to be great. It's not fair, it's not right and I think that it's important that we begin to embrace people from all walks and how they wear their hair, and embrace their history, their culture, and their love for themselves and what they want to do in the world. Again, it's just not as a woman, it's as a person, as a human; we're entitled to that.

I see people of other cultures wear locks and color their hair and it's never an issue. But the minute I decide I want to corn roll, box braid, locks, straighten, not straighten my hair it becomes a conversation. When I go into meetings, when I sit with employers and other partners in the community the first thing I consider is how am I wearing my hair today? Are my locks twisted enough for me to be presentable and taken seriously? Will my wrap be too much of a statement for those I don't feel

comfortable with who I am? At the end of the day those aren't questions I need to ask myself and no one else should have to ask themselves. Even more importantly when I work with people who are returning home from doing their time in the criminal justice system, it shouldn't be a question they to face 'cause at the end of the day they can't afford a haircut. Why can't they just be naturally who they are. This is more than just present -- what's presentable to other people. It's about letting people be them, and I am not my hair and every single day I will wear my crown and rise above and do what's best for me and be the best representation for my girls, both black and brown. Thank you for your time.

SENATOR KUSHNER (24TH): Thank you for your testimony. We've heard great testimony today on this issue and your voice will be heard today by all of us on the Committee, thank you so much. Thank you, Representative McGee. I think I'll see you in a little bit. Okay next we're going to switch now to the public testimony and I have that list here. The first person on that list is Eric Gjede from CBIA.

ERIC GJEDE: Good afternoon. My name is Eric Gjede and I am here on behalf of the Connecticut Business & Industry Association. I'm going to testify on two Bills today, one of them really quick. House Bill 5384, on the Labor Clinical Corrections Bill. I just wanted to point out for the record, I think there is a drafting error in Section 13 of that Bill. And if you look at my written testimony you will see a little bit of an elaboration on that.

Focus the rest of my testimony on House Bill 5381, and I'm here to oppose this measure for two reason -- two reasons, excuse me. This Bill attempts to undermine legitimate contractual relationships that are entered into a voluntary basis by all parties regarding the resolutions of disputes.

Arbitration is a frequently used method in resolving disputes and there's a great benefits to all the parties involved in these arbitration. They allow for a dispute to be resolved with a significant savings of both time and financial resources for all parties, or at least as compared to litigation. There's less formal discovery work, certain less rigid rules around discovery. And more importantly, it accessible to the average person without legal training. These agreements provide increased level of predictability for those involved and the agreements to arbitrate disputes have been upheld as valid by the US Supreme Court.

Now I'm also here to oppose this Bill because of the way it attempts to grant the powers of the Attorney General's office to third parties. This Bill would essentially deputize third parties, specifically unions and non-profit organizations that would apply to the AG's office to bring claims on behalf of others. Now the Connecticut Attorney General's office is essentially Connecticut's largest law firm. It has expertise in all areas of law. So not only does it appear this Bill appear to circumvent the class action certification process but I think the natural concern here on behalf of the business community is that when this power is outsourced to third parties there is a greater risk for abuse of that power to further personal or political goals.

And so for these reasons we do opposed House Bill 5381, and I'm happy to take any questions on that.

SENATOR KUSHNER (24TH): We were just having a little conversation about your testimony up here and I will ask now if there are any members of the Committee who would like to ask a question. Representative Smith.

REP. SMITH (108TH): Thank you, Madam Chairman and good morning, Mr. Gjede. So if you could elaborate a little bit on the, I guess the procedure within this proposed Bill to turn the action or these actions over to the Attorney General's office. I'm trying to think if there's other situations where that occurs. I'm sure there are some potential statutes out there but maybe we could talk about that in this Bill and how they either or the same or differ from any Bills or any laws that you may be aware that allows for this type of process.

ERIC GJEDE: Yeah, I'm not sure I'm going to be able to -- to answer he question in detail or as in much detail as you're -- as you're looking for. Obviously I am an attorney but I'm not a traditional practitioner in the way that you are. What is interesting though is that this, you know this right to bring these claims still exists for the Attorney General's office or any of the enforcement agencies but this essentially allows third parties to apply to bring claims on behalf of people who have agreed to resolve their disputes in an alternative way, which again, as I testify to I think is a mutually beneficial way in most cases. So we are concerned that because of that outsourcing of the Attorney General's power to these third parties there is the potential for some significant abuse.

REP. SMITH (108TH): So I'm not -- I'm not as familiar and I apologize, with this Bill as I should be. So I mean I know how it works in a normal course. So if you have an arbitration agreement and there's a dispute it goes to arbitration and there's a resolution. And either parties hire a lawyer and a third party arbitrator or a set of arbitrators and to your point it is -- having litigated many cases over the years and still litigate cases, it is so much cheaper for the parties involved to have arbitration and a one-time procedure for the most part, sometimes the arbitration if it's complicated can be over a few days but it's so much less costly to the participants to go through arbitration and have it resolved by arbitration than to go through the court system. The court system is there for a reason and sometimes you need to go to court but court cases are expenses, very expensive. And most people, unless you're a big business you cannot afford it.

So how is it in this Bill where somebody who has a -- an arbitration dispute, an arbitration contract can utilize the State's Attorney General's office to satisfy or handle their complaint? So does it go to the AG's office and then they refer it out to third parties? I'm not sure of the process here.

ERIC GJEDE: It appears under the Bill that a third party would apply to the AG's office and not the -- not the reverse. The AG's office would not be looking for a party but a third party would -- would apply on behalf of a party to one of these arbitration agreements.

REP. SMITH (108TH): But for that process and the AG -- assuming the AG's office accepted it they would

then handle the claim on behalf of the third party at the -- at the cost of the taxpayers.

ERIC GJEDE: It looks like the third party would handle the claim on behalf of the AG's office, so you know I guess you could argue, you know it would be in the interest of some of these state enforcement agencies to essentially outsource these things because they stand to benefit from any settlement at the end of the day and have to put no resources towards any of the enforcement.

REP. SMITH (108TH): Okay. I will take a further look at this. It just -- just seems a little awkward to me, the whole process so I'll take a further look. Thank you for your testimony.

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

REP. WILSON PHEANIOUS (53RD): Yes, thank you. I'm questioning or wondering, you use the term voluntary in your statement that these agreements are voluntary and indeed I realize that they are often a part of a contract that people are asked to sign at the point of employment. I'm wondering what, if you're aware, what efforts are take to help people understand what it is they are signing when they sign that particular clause for arbitration. Does anybody -- is that -- in your industry or I recognize you represent many; how common is it that that's discussed or do people understand what they're signing?

ERIC GJEDE: Yeah, I think that's probably on a case-by-case basis. You know I wouldn't want to speculate. You know obviously none of these things -- no one is holding a gun to anyone's head and

saying, you need to sign this, of course. It's the choice of the individual. Typically there's some discussion. You know, have you read this, do you fully understand it and obviously there's some sort of question and an answer if there are questions. I'm sorry. I don't mean to interrupt you.

REP. WILSON PHEANIOUS (53RD): [Laughing] And I'm the one that's interrupting, I beg your pardon. But my question is if it's part of a written contract that someone is asked to sign at the point of employment it's not as though, I'm speculating; it's not as though it's a separate provision that someone is signing. It's part of -- you know, do you want the job, sign the control. When you sign the contract the arbitrator, this clause is part of that contract. So I'm questioning how voluntary it is, particularly for very low income people that may be in a very broad variety of jobs. I -- everybody from I don't know Amazon -- I mean there are so many people that are using these. I'm questioning how voluntary they are when you're dealing with a person of little power and often little income and it's either the job or not the job. It's not that you get to you know, pick and choose and I'm just wondering if you can comment on that aspect of it.

ERIC GJEDE: Well I think you know, every contract is a choice and I don't think there's an employer out there who if said, you know if the question is asked you know can I have someone else take a look at this contract before I sign it; I don't think anyone is saying no, you can't do that. You know to the specifics of what you're saying, I can't speak to how often. I don't -- you know I don't have a specific example that I'm aware of, but you know I

think there is that question typically, you know here's the contract. Are there any questions you have that maybe we can help clarify. And if there are questions I'm -- I think it would be obviously best practices for that HR personnel to -- to the best that they can explain what each provision meant. But I would assume in most cases there are not -- or no questions and people then believe that it's a voluntary contract on behalf of all parties.

REP. WILSON PHEANIOUS (53RD): I think -- I wonder if many people read the fine print, but I know that's a general problem. I'm also wondering, you made the comment that you thought that by having third parties be able to assist the application to the Attorney's General office that it would be subject to abuse; and I was wondering if you could describe what kind of abuse you might be talking about.

ERIC GJEDE: I think the line -- or that I said was that there may be an effort to pursue political or personal goals. You know I think that's what I'm getting at.

REP. WILSON PHEANIOUS (53RD): Help me understand what that means.

ERIC GJEDE: Yeah, I mean you know I can't -- you know again I can't give a specific example but I just do think that these things are right for abuse and that's why we vest this power in our Constitutional offices because we do have a level of protection there. We know that the claims that are brought are typically -- have merit, and I would not like to see the -- that power be given to people who

are not accountable to voters and the public at large.

REP. WILSON PHEANIOUS (53RD): Well any third party who might be as I -- and my understanding in the reading the statute is any of these third parties you mentioned, it might be a union, it might be somebody that is representing you know, claimants or assisting that claimant to make a claim before the Attorney General, but it is the Attorney General that is still having to screen whether or not this is an appropriate case to move forward and whether he or she as the case may be, reassigns that case to that third party to prosecute; is that what you're suggesting happen?

ERIC GJEDE: That's my reading of it, is that there is a -- there is an initial approval that's required and then you know perhaps occasional check-ins from time to time. But that's you know -- it's my -- I guess I don't understand why our state enforcement agencies like the Department of Labor, like the CHRO, like the Attorney General's office who already have expertise in these areas aren't adequately able to do this on their own.

REP. WILSON PHEANIOUS (53RD): Well my thinking would be that often when you're -- you know like one little person in a large agency and you're going up against a contract that you signed, probably should have read, probably should have understood but not have; you might be reluctant to on your own move, you know forward and take your agency through an arbitration process that you feel might be biased against you because like I said you're that one little person. If there are a number of people that are having that same claim it would seem appropriate

to me like someone like a union or other third party might assist in moving those cases forward. One man standing alone feels scared and lonely. Someone having others to coalesce those same kinds of cases and bring them forward I understand how that could make sense and I'm wondering if that's the type of abuse that you're referring to.

ERIC GJEDE: No, and I think that the state, again the state enforcement agencies still have that power to bring those claims on behalf of you know groups, one or more people. So I don't think there's any erosion of rights or protection there.

REP. WILSON PHEANIOUS (53RD): It's just the likelihood of utilizing the process. My concern is that -- like I said, when you're one -- one person standing alone who may already feel like I blew it by -- I mean there it is writing, I signed the contract, I didn't know what it meant, nobody told me but I signed it. They're reluctant to move that case forward, you know might be buttressed by someone that they're working with regularly, be it a union or other third party to assist that process and I guess I don't understand the potential abuse that you're seeing.

ERIC GJEDE: Yeah, you know again, we may disagree -- agree to disagree here but I do think that in that scenario they still have the option of going to the state and one of the enforcement agencies to bring that claim. It's just the third party part that we're concerned about.

REP. WILSON PHEANIOUS (53RD): Okay. Well, I -- we may disagree, thank you.

SENATOR KUSHNER (24TH): Any other comments or questions? Okay. Thank you very much.

ERIC GJEDE: Thank you.

SENATOR KUSHNER (24TH): Back to the public list now. I believe -- let me just see if Senator Formica, is not here. Councilman Justin Farmer, you're up.

JUSTIN FARMER: Good afternoon everyone, sorry about that. I got caught up. Thank you distinguished members. I'm here to speak in favor of the CROWN Act. I guess for me part of -- part of the conversation as a person with a disability, someone who because of my disorder of Turret's I wear noise-cancelling headphones and I often times tell people, I apologize for my appearance and to please take me seriously and the issues I bring to the forefront seriously. But this Bill is actually really important to me as a black man. The last four or five years I haven't gone to the barber shop, mostly because of being sensitive to loud noises. The idea of putting sharp razors to my head is actually something detrimental, it's actually something that really affects me. Outside of my hair being connected to the culture and identity, it's literally another access barrier to employment, to being part of the conversation.

So often times when we talk about natural hairstyles we often think about it as a gendered issue, and it very much isn't. It's something that over the last couple of years the double disability of institutional racism against my body and my hair on top of having a disability and having and access need appearing in spaces has made it harder to

navigate. So I thank this Committee for having this public hearing and bringing up this important issue and talking about the fact that if it's okay for individuals to color hair electric blue or purple that it should be okay for me to wear my hair and not worry about the content of my character being judged and how I perform in my job or what spaces I operate. As an elected official as well there are plenty of spaces that I navigate that many others don't have the opportunity to navigate so I'm proud to be able to be here and I'm proud that Representative Porter, Senator Kushner that you're bringing this issue to the forefront. So thank you.

SENATOR KUSHNER (24TH): Thank you, and thank you for your testimony. I think you've added an element that we had not heard yet and so it's always good when we get perspective of people different people. We hear things and learn things that we maybe hadn't considered before so I really appreciate your testimony here today. Do any of our Committee members have questions or comments? A comment from Representative Porter.

REP. PORTER (94TH): Councilman Farmer, I just wanted to thank you for being here today because I know you personally and I do -- or I am aware of the barriers that you face around all that you have been. I also know the barriers of transportation and how hard and difficult it is for you to get from New Haven to Hartford and to see you in this building as often as I do. I just want to commend you for your civic engagement and for giving people that -- that don't have the opportunity or the means to be here, a voice, especially today on this issue. So thank you. Thank you, Madam Chair.

SENATOR KUSHNER (24TH): Thank you very much. Next we have -- we're going back to the public list. We have Ray Lodge here to testify on Bill number 352. Is Ray Lodge in the room? Oh good, you're coming forward. Thank you.

RAY LODGE: Good afternoon, and I wish to thank this Committee for hearing my testimony today. My name is Ray Lodge. I'm a retired firefighter for the City of Waterbury. And I'm here to tell you my story, one that begins almost 30 years ago on May 10, 1990 while responding to a call, Engine Company 11, which was the Lieutenant of horrific motor vehicle accident in which two of my crew firefighters, Eddie Urberia [[phonetic] and Howard Hughes perished and one in which I was trapped inside the cab of the fire engine for over two hours sustaining injuries so badly that I had to receive last rights while inside the cab.

I was able to return to work after over 20 months of different operations and therapies and what have you, whatever, but I was unable to return to an on line firefighter and I was assigned to our dispatch center in a capacity in which I retired in 2011 as the Director of Communications. In 2007 after I retired I needed a full hip replacement, which was covered by Workman's Compensation and which I did receive a PPD Award while still getting my full paycheck. In 2000 -- April 2011 I retired after 30 years of service but in 2016 after I retired I needed further surgery on my right knee because of this accident and I again was rewarded PPD for the injury but much to my dismay my pension, which I worked 30 years for was offset. So in other words I really received nothing for this injury.

And we're here today to talk about House Bill 352 and to try to get this resolved and I guess the question is, did I work 30 years for my pension, but what does that have to do with my injuries I received and why was that award offset where I really received nothing. And that is my story and that is why I'm here today. Thank you so much.

SENATOR KUSHNER (24TH): Thank you so much. Telling your story is really important to our understanding the issue before us. And I know this Bill on our agenda last year, unable to get it through the legislature. It is here again because I think we recognize it's important. And hearing your story and the way you told it makes it possible for us to really, I think grasp what's at stake here and I do want to thank you for your service. I think it's not our intention that someone who works as a First Responder and saves lives and saves homes and saves property that you are -- should be penalized when you were hurt in that service. I don't understand it myself, so I really do appreciate your story. Is there anyone else on the Committee that would like to comment or -- Representative Wilson Pheanious.

REP. WILSON PHEANIOUS (53RD): Thank you for your testimony, sir and your service. I'm wondering -- do I understand you correctly that you received a Permanent Disability payment and then when you retired they deducted that money from your retirement; is that what happened?

RAY LODGE: Correct. What -- what happened was when I got rated for my knee -- knee operation in 2016 I was awarded an amount of money through Workman's Comp but the City of Waterbury says that that award was going to be offset by my pension. So in other

words until that award was wiped out, I received no pension for several months. So basically the award that I got -- I did get, but the pension was withheld from me up until I -- until I got to that amount of money.

REP. WILSON PHEANIOUS (53RD): Yeah, I don't understand that either. What [crosstalk].

RAY LODGE: Well, that's two of us. I never understood that either.

REP. WILSON PHEANIOUS (53RD): What did they -- what was the explanation that they -- or did they give you one?

RAY LODGE: Their explanation to me was, well that's the way it is. [Laughing] You know I wasn't very happy, you know --

REP. WILSON PHEANIOUS (53RD): Yeah, I can understand.

RAY LODGE: I always considered your pension and your Workman's Comp two separate entities. But the City sort of mixed them together and said, oh wait a minute, we're just not going to give you pension until that is offset.

REP. WILSON PHEANIOUS (53RD): I'll have to think about that. I can't make sense of that either. All right, thank you, sir.

RAY LODGE: Thank you.

REP. WILSON PHEANIOUS (53RD): And again, thank you for your service.

SENATOR KUSHNER (24TH): Thank you. Any other -- Representative Smith.

REP. SMITH (108TH): Madam Chair, thank you and sir, thank you for sharing your story and putting real life into -- into statutes and laws that we do up here so sometimes that gets lost and I appreciate you coming up and sharing your story.

RAY LODGE: Thank you.

REP. SMITH (108TH): My question to you is, you said you were working for the City of Waterbury. Now is it common amongst the cities to offset these Worker Comp/Disability ratings against the pension or is that something unique to Waterbury?

RAY LODGE: I don't think it's unique to Waterbury and it's my understanding that some towns do it and some towns don't. I'm -- I'm not familiar with the whole legislation on that, but that's my understanding.

REP. SMITH (108TH): Okay. Well it'd be helpful to hear if anybody else is out there that you know this is a prevalent practice. I mean it shouldn't be any practice at all based on -- in my opinion, but I'm just wondering how prevalent it really is. But thank you again.

RAY LODGE: Thank you.

SENATOR KUSHNER (24TH): Thank you, and I do believe we're going to have more testimony on this. I seem to recall Representative Smith from last year I believe it was beyond Waterbury because I think we heard from witnesses from other towns last year, so. But thank you again very much for your comments today and for being here to testify and thank you for your service.

RAY LODGE: Thank you.

SENATOR KUSHNER (24TH): Okay, next we have on here Richard Cho.

RICHARD CHO: Good afternoon Senator Kushner, Representative Porter, and distinguished members of the Committee. Thank you for allowing me to testify. My name is Richard Cho and I am the CEO of the Connecticut Coalition to End Homelessness. I'm here representing over 100 members of our coalition who are committed to ending homelessness. I'm also here in my capacity as the recent Chair of the Housing Subcommittee for the Council and the Collateral Consequences of a Criminal Record which was created in the last legislative session through HB 6921, and I played a dual role in that capacity as Chair of that subcommittee in that I am deeply concerned the fact that there are thousands of people in our state who have inability to find a home or a job because of a criminal conviction which may have happened years ago, but which continues to haunt them every day. In our state roughly 10,000 experience homelessness over the course of the year. We've done data analysis to determine that least half of those households have somebody who's experienced some sort of involvement in the criminal justice system. And we know that among those folks there are many people where -- for the most part it's hard to pinpoint one specific reason or an event that lead to their homelessness. But for people who have criminal records who that becomes a primary barrier to get them home, that actually serves as the reason and in a sense we are actually legislating people to remain homeless as well as be unemployed.

But on the other hand I've asked worked for 20 years in the housing sector and I know how hard it is for housing providers and landlords to -- to actually provide housing. It's a tough way to make -- to make a living and I understand that landlords do have some need to mitigate some of the risk. So because of those dual perspectives I wanted to make sure that the members of the subcommittee on housing were compromised of both people and family members who have been affected by having housing denials based on criminal histories as well as advocates for criminal just reform and re-entry, as well as representation from all of the relevant members of the housing sector from private landlords to housing authorities, to the State Department of Housing, to the Realtors Association.

We met over the course of six months and we had a really collegial and collaborate process to develop what I think is a consensus set of recommendations that were adopted by the Council. I'll quickly just summarize that we attached those final recommendations to this testimony. But first and foremost the policy that we recommended would prohibit landlords from blanketly denying rental applicants on the basis of a criminal record. So you cannot just discriminate and deny people because they have a criminal record. And by the way that's consistent with what HUD and the US Supreme Court actually have provided guidance on that if you actually discriminate and just blanketly deny people housing because they have a criminal record that could be a violation of the Fair Housing Act because of the racial disparities that are evident in our criminal justice system. So HUD recommends that landlords use an individual assessment to take into

account other factors how much time has passed since the offense, whether there's been evidence of rehabilitation, the age of the time of the offense and other -- other factors.

The challenge is in the landlord groups and housing groups that were at our subcommittee said, we -- we know that that's what we're supposed do. We don't have a template and any guidance on how to do an individualized assessment. And so what our -- our subcommittee did was actually outline what that would look like. We first and foremost prohibited landlords from saying that they would ask the question on the rental applications; do you have a criminal conviction, because that sort of signals that there's a blanket band. But also preserve landlord's ability to conduct a background check but require that those checks be done in compliance with the Fair Credit Reporting Act. We also would only allow landlords to consider such convictions that would actually -- would negatively affect their ability to be a good tenant, so things that involved violence or affected the health, safety and welfare of others and that took place within the last ten years.

And fourth and finally the idea was that landlords would be required to provide applicants that have a criminal record a chance to provide other mitigating information including whether they are employed, whether they had rehabilitation, whether they've committed, actually conducted community service. So in other wards we actually spelled in great detail. The Bill that has been raised here, 5389, I think carries some of those provisions.

There's also another Bill that I want this Committee to be aware of in the Housing Committee, that is HB 5122 that actually more closely aligns in terms of the full set of recommendations that our Council put forward. I would suggest that this Committee take a look at that Bill and find ways to either align the language in 5389 with the Bill 5122 or support HB 5122. And by the way this is a policy concept that was in some ways built upon and extends the existing state law that requires state government agencies to conduct an individualized assessment of potential applicants for employment. And if it works for the state government, I don't see why it wouldn't work for private employers, why that individualized assessment wouldn't also work for -- for private landlords. So thank you for allowing me to testify. Happy to answer your questions.

SENATOR KUSHNER (24TH): Thank you, and as you noted at the outset of your testimony you served on our Council for Collateral Consequences Committee or Council that was a Labor Bill last year and we want to thank you for your service. I did realize in the course of the many months that you put in, we asked a number of people to put in time at their own expense even though they had other fulltime jobs and so there were a lot of hours that were putting into helping us understand these issues and seeing them as a whole. I know one of the things that I think was exceptional about the Council is that we brought together the issues of course of employment and discrimination in employment but also understood the impact that has on -- also on housing and how the two are inter-related so deeply.

I appreciate the fact that the Housing Committee has raised a number of the recommendations as you pointed out and we will certainly be looking at that and I'm sure that -- my Co-Chair and I will be very supportive of those measures since they grew out of the Council that came from the Labor Committee, so thank you very much. Any questions? Representative Wilson Pheanious.

REP. WILSON PHEANIOUS (53RD): Yes, thank you very much. I'm wondering whether or not the -- there are provisions for the assessment, the individualized assessment that might be done to be provided in writing and is that -- would that be available whether it results in a rejection of -- of the application or not; is that available to the individual?

RICHARD CHO: It is actually and we based this policy recommendation on a similar policy that was adopted by New York state where in addition to outlining the policy and what's required by landlords it also provided a worksheet that gave both landlords and housing applicants a template to say, if a criminal conviction occurred, was it involving violence or effecting the health, safety and welfare of others, and also was there evidence of employment, rehabilitation, community service and other factors and actually spells out what the steps are to go through a process of an individualized assessment. So I think if, and I hope this -- this policy does move forward in the session I think one of the steps for implementation would be to actually develop a similar kind of worksheet adapted to Connecticut's context.

REP. WILSON PHEANIOUS (53RD): So let me just clarify. So you're saying that the -- I understand that the elements of the assessment are in writing but is the outcome of the assessment available to the individual. In otherward, you are being rejected because we find that you did not rehabilitate. You -- it's been only six years since the offense. That's what I'm wondering. Do they leave -- does a rejection result in something telling them why they were rejected?

RICHARD CHO: Thank you for that question. In the current Bill that's being viewed by the Housing Committee, HB 5122, one of the provision would be that before a landlord does deny somebody after undergone that individualized assessment that they would provide a notice that they -- or that their application is under review. It would open up a window, we're proposing five days to allow that landlord -- to allow that applicant rather to provide any other mitigating information to that landlord before a final determination is made. And at the point a landlord would have to provide in writing whether they are saying that they are accepting that applicant or denying that applicant. And the language also requires that landlords keep those records for a period of two years, which actually consistent with what is required under Fair Housing currently.

REP. WILSON PHEANIOUS (53RD): And is there any body that would review these or would -- would the landlord be accountable in any way? Say they have the requirements, they fill out the paperwork, but they still make a decision that doesn't comport with

the elements; who would review that and how would that be addressed?

RICHARD CHO: So I think some of this is built into HB 5122 currently but the idea would be that the Commission on Human Rights and Opportunities, which is currently a state agency that enforces fair housing would also then be empowered to enforce instances where people feel like there wasn't an adequate individualized assessment or whether they were blanketly denied just by having a criminal record so they could go and complain -- make a -- submit a formal complaint to CHRO.

REP. WILSON PHEANIOUS (53RD): Okay. A slightly unrelated question if I may quickly. Do you know whether there's a system between landlords that allows someone to, I don't know, assess somebody and then tell somebody else, our assessment was that this shouldn't be giving housing; is there a formally or informal -- informally anything like that in place that you're aware of?

RICHARD CHO: I'm now aware of -- in other wards if I understand the question correctly, you're talking about do landlords share information about these assessments?

REP. WILSON PHEANIOUS (53RD): [Crosstalk].

RICHARD CHO: I don't believe so and I know -- I don't know that that happens in practice. I actually think that you know housing is -- is a somewhat competitive market both for housing applicants as well as for landlords; they want to find the best tenants themselves so I don't know that there would be any interest in trying to do that. But again, any policy that would require

landlords to show that they have themselves undergone an individualized assessment would actually prevent landlords from saying, hey we found out this criminal record on a potential applicant and you by the way, should deny them too. So I think some of this would by -- by the do diligence that's required here in allowing landlords to have to go through that assessment themselves would prevent them from doing that kind of sharing of information.

REP. WILSON PHEANIOUS (53RD): Do you -- do you know if that information, well I was about to ask if it would be available under Freedom of Information but these may not be public entities so that may not be relevant. Sorry, I was just wondering, can anybody get this information I guess is the question I'm asking.

RICHARD CHO: Yeah, I mean I think the idea that any criminal background checks conducted would have to comply with the Fair Credit Reporting Act. The reason why our subcommittee recommended that was that we wanted to prevent instances of people just using internet searches or you know, things like that where it's hard to verify the actual identify. If there was a Richard Cho, they might not actually be me. It might be another person so we wanted to make sure that there were -- you know criminal background checks were conducted in a way that would prevent that kind of you know, sharing information or that kind of lucent facts just doing random internet searches.

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

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

REP. SMITH (108TH): Good afternoon, sir. Thank you for sharing your testimony and your efforts on this behalf. The situation got raised in housing and I think in this Committee as well. So you have two applicants who are equal in all -- all sense of the word. Both have the income needed to pay for the rent. They both have a job, everything looks equal on paper. One has a criminal record, one does not and the landlord decides to go with the person who does not have the criminal record after doing the individual assessment that's set forth in this Bill. Maybe they like the person better, maybe they just feel more comfortable, maybe -- you know whatever -- whatever it may be. I'm just wondering in that situation. If the landlord has done that process and then made a determination, listen it's not because of your criminal record. I just feel more comfortable with this person. I'm thinking that probably ends up in the Fair Housing Agency or some type of complaint being filed where the landlord has to then justify the renting of that unit to that particular person. Am I wrong in that analysis or how do you see it?

RICHARD CHO: Yeah, I don't think that's actually how Fair Housing currently and nor would I think it would apply in this instance where people with criminal records would have some form of protections against just blanket denials. In the instance that you describe where there's two people with -- everything is exactly the same, same credit history, same rental history, same income, and same tenant history except one does have a criminal record; the

landlord would not be required under this policy to -- to actually just rent to the person with a criminal record. They could still make a choice.

Now when you talk about, I like this person better that's where it gets a little bit you know, what's the reason why they like them better and is it because of race, is it because of other protected classes. Those are where things could get tricky but as long as -- if their landlord has a justifiable reason to say the person without a criminal record in this case is a preferable tenant then I don't see any reason why CHRO or other Fair Housing violations would -- would apply. The --

REP. SMITH (108TH): I want to interrupt you here for a second. So if the landlords say, listen -- again, everything being equal I -- I like this person better because this person does not have a criminal record and this person does. So everything is equal but this one, I'm going to weigh a little bit higher because he or she does not have a record. Is that an -- an offense, or would that be an offense as written?

RICHARD CHO: Under the policy that we advanced in that is largely captured under the House Bill 5122 it would -- it would -- it could be if the landlord actually does not do a thorough individual assessment or if they're just saying because of the fact that they have a criminal record that that person is less preferable than the person that does have a criminal record. They would actually have to show that -- the conviction on hand would actually negatively effect the safety and welfare. Otherwise it should not be taken into consideration at all, right. So the idea is -- there's only certain

instances where criminal conviction does jeopardize a person's ability to be a good tenant in which case a landlord can look at that. If it doesn't it should bare -- it should have no baring on whether they're a good tenant or not and then they may use other factors such as credit history or income or tenancy history as a way to make the determination.

REP. SMITH (108TH): So to use your example, so if the person with the criminal record had a number of convictions for assault for instance or -- or theft; in that situation I would imagine that the landlord would then be able to say, listen I'm worried about other tenants or the safety of the property that I'm renting and I'm going to go with a person who does not have a record. I would assume under your analysis that's a fair assessment, correct?

RICHARD CHO: It would be a fair assessment so long as the landlord did also say, do you have any evidence that -- why those thefts that occurred are no longer relevant to your tenancy. So if you've been -- if that theft occurred 10 years ago but since then there's been no convictions, you've had a stable employment, you've shown that you're a member of a faith congregation; I'm just coming up with examples here, but as long as the landlord provides that applicant with that opportunity and -- but if they find that there's been a pattern of thefts and convictions for such crimes continuing up to the point of application they can absolutely still reject that applicant on the basis of those -- those crimes.

REP. SMITH (108TH): So if it was 10 years ago and the person who had the criminal record no longer has had any involvement with crime whatsoever. He or

she has been clean, they've been working, great parts of society and then the landlord chooses the person without the record and there's really no -- everything's equal but they choose the person without the record, I'm just wondering we're setting up -- I understand what you're trying to do. You're trying to get folks who have past history back into the -- make sure they have housing, affordable housing, make sure they have a place to live. I encourage it, I'm all for it. I'm just wondering whether we're setting up a situation where the landlord is being put in a no-win situation because unless they rent to this person they're looking at defending some type of claim in the -- in one of our agencies because they have no real good reason other than they went with this other person.

RICHARD CHO: That -- that's -- that's not how I think this policy would work. I don't think the landlord would get in trouble just because they denied somebody as long as they followed that do diligence. And by the way, this is a policy that has been working for the last two years in New York state and the housing owners that are subject to that law -- that policy in New York state have not complained. There haven't been any instances where they feel compelled to have to rent to somebody because of a fear of investigation. So -- I mean I think that is one piece of evidence.

And by the way the landlords who were part of our subcommittee also felt that this is a practical way to actually operationalize something that they're already currently worried about because they know that if they do have blanket denials on the basis of criminal record, they just say I'm not going to pick

you because you have a conviction then they may be in violation of the Fair Housing Act already and CHRO does already conduct investigations and receive complaints from people currently but -- on the basis of that impact view of fair housing.

REP. SMITH (108TH): It's nice to hear that it's being tried and tested in our sister state and it seems to be working based on what you're -- what you're saying. Just one more question for you. Whether you know if in any other state they offer any type of incentive to the landlord, whether it's a tax incentive or something along those lines to say, listen we would really like to eliminate this history of -- of not renting to folks who have a prior history with criminal record. Have you seen that anywhere? Where they say to the landlord, listen we'll give you a tax credit, we'll give you something if you rent to those -- all things being equal you go with the person with the record.

RICHARD CHO: I'm not aware of any policies that does that specifically tied to criminal convictions. There have been examples of, even in our state, risk mitigation funds that have been set up for landlords in the event that they're serving a particularly vulnerable population who doesn't have good rental histories. But I would say that we already have a generous state of allowing landlords to charge two months security deposit. That already helps to mitigate some risk to the extent that risk mitigation funds have been attempted. Those are usually in instances where people -- landlords are worried about steady payment of rent. And I would say criminal conviction history and ability to pay rent and the chances that they'll continue to pay

rent aren't necessarily related and so having any kind of protection against liability or some kind of a risk mitigation fund or incentive for landlords, I'm not sure how it would apply in the instance of [crosstalk].

REP. SMITH (108TH): Yeah, I'm not suggesting that. I think you misunderstood me. I'm not saying we should have a fund set aside in case they don't pay rent. I think -- I think they will pay rent, they're just not being given the opportunity to pay rent, right. They can't get into the unit because of the past history. I'm saying, landlord we'll give you an incentive. We'll give you a tax abatement or tax credit of X number of dollars per year if you take the risk of renting to a person who does have a criminal record. The risk is not that they're not going to pay; I think they will. Because the risk -- the credit history, they do the credit check and they have a job, they're just likely to pay as the person who doesn't have the criminal record. I think it's the same risk.

But as you've done in your studies and we see a lot of folks here today the history has shown that they can't get back into the housing market, you know. There are -- there are impositions in their way and I'm trying to -- if we can't do it through a you know -- our study shows that anybody with a history -- you know criminal history within the past seven years is not likely to offend again, they're just as likely to rent to somebody who doesn't have a criminal record, I mean the landlord can hear that and say, well but he still -- or she does still have a criminal record so I may not want to rent to that person. But if we can give them some reason beyond

that, some monetary reason, I don't know if it would ever work. I don't know if it would ever happen. I don't know if the state could afford it. I'm just throwing it out there. We talked about it in housing. I'm looking for ways to break the barrier.

RICHARD CHO: Yeah, I -- I guess I would say there may be unintended negative consequences of doing that in a way that a landlord would only rent to people in the instance where they feel like there is a financial incentive to be gained, which actually would potentially make things worse by actually stigmatizing the criminal convictions further. Not to mention like sort of making it so that landlords who might really be willing to take a chance on somebody with a criminal record now, might hold out because they feel like they want to get a financial incentive. And so you know, I think being -- anyone who is a landlord will tell you it's -- and I don't know if you are, sir, but you know it -- it's a risky endeavor. You don't know what -- whether a person's going to be a tenant and tenant selection is a -- is a tricky and -- it -- it's a risky situation already. And so I don't know that creating those financial steps is specifically targeted towards people with criminal convictions would have good or bad consequences. My inclination is that it probably would have some unintended negative consequences.

REP. SMITH (108TH): Well thank you for your thoughts on that. I'm going to go to the Housing Committee meeting now and we'll talk about that over there. [Laughing] Thank you.

SENATOR KUSHNER (24TH): Thank you. Thank you for your testimony today. Next we have up -- we're

going to take a witness here. Next person to testify, her name is Mary Francini. Did I get that right, Mary? I believe she's here. And I'm taking Mary because she's in a wheelchair and I had asked her, if you want to come up. Mary's over here. There's another woman in a wheelchair so I thought it was you. It's Mary Francini over here on the left. Thank you. Thank you, Mary. I'm sorry, I didn't see you over on the left, I was focused over here on the right. I knew that we had someone who had a disability and so thank you for coming to testify today. I know it's difficult.

MARY FRANCINI: Sure. Dear Representative Porter, Senator Kushner, and members of the Labor and Public Employees Committee, my name is Mary Francini and I am from Farmington, Connecticut. I am here to testify in support of HB 5381.

SENATOR KUSHNER (24TH): Thank you, Mary. If you can even just get a little closer to the microphone that might help.

MARY FRANCINI: Is that better?

SENATOR KUSHNER (24TH): Absolutely, yes.

MARY FRANCINI: Okay. I worked at a company for 26 years beginning in 1990. In 1993 I was diagnosed with Multiple Sclerosis and despite my condition, I performed well at my job and got high performance evaluations along with numerous thank you awards and bonuses. In 2016, 26 years later I requested an accommodation. I told the company that I was going to need surgery in order to improve my ability to walk. Because of the surgery, I needed to be out of work for about two weeks after the surgery and I needed to work from home part-time for approximately

ten weeks. In order to complete my work from home effectively I needed tan accommodation of having a high-speed laser printer. My job required a lot of printing. The company refused to provide me with a printer. And after I had surgery, after 26 years working at the company, the company fired me because I was unable to perform my job without the reasonable accommodations of the printer and a gradual return to full time work, and this was all laid out in a letter from my doctor.

I decided to fight back but I discovered that I had a forced arbitration provision in my employment agreement. In spite of decades of commitment and loyalty, I was discriminated against because of my disability. Having a forced arbitration clause made me feel powerless and confused. I have since learned that forced arbitration is often stacked against employees. Workers who are forced into arbitration have fewer procedural rights than we would have if were able to go to court. For example, workers have fewer rights to appeal in arbitration and have no right to a jury to hear what happened. I cannot believe forced arbitration is legal. To be fired after going through surgery was emotionally and financially challenging. I am here to speak in support of HB 5381 because I want to make sure no one else has to go through what I went through. Thank you.

SENATOR KUSHNER (24TH): Thank you for your testimony. I think sometimes just even the phrase forced arbitration is unclear to people what it means. And we know we had one of our representatives here asked a question earlier; when

you -- when you signed the agreement for arbitration, was that at your initial employment?

MARY FRANCINI: Yes, it was back in 1990.

SENATOR KUSHNER (24TH): And at the time do you remember whether or not you had conversation with the employer about what that meant?

MARY FRANCINI: No, I mean if I didn't sign it, I wouldn't have a job.

SENATOR KUSHNER (24TH): Right. I think that was the question that we were asking earlier today and that was my understanding, but I needed to hear it from someone who had actually lived it, so. Are there any other questions from the Committee? I think it's really important that you came here to testify. It's people who have had this experience that really opens our eyes to what the problems are, so we really appreciate your effort in getting here and testifying and you know we too hope that this won't happen to others.

MARY FRANCINI: Me too, thank you.

SENATOR KUSHNER (24TH): I don't know if Jerry -- oh good, I saw you come in, Representative Reyes.

REP. REYES (75TH}: Good afternoon Chairs Kushner, Porter and to the Ranking Members. I come here today in strong support of House Bill 5388, the CROWN Act. I did join the -- my colleagues in the press conference and got pulled away and didn't get a chance to speak but I do want to speak on it very briefly and I will defer -- defer the rest of my time to Ms. Marshall. But it is -- it's something that's very important and I applaud the leadership of California, New York and New Jersey to actually

take the lead on this. You know it would be laughable if it wasn't so serious and that we -- that we're here talking about an act for respectable -- respectable hair. And I'm thinking that whichever way you want to wear your hair, you should be able to. I mean this is a God-given right and I'm just going to read my prepared statement because I just -- I really -- almost mad that we even have to bring such a Bill out, but we will.

And so this would be a laughing matter if some folks have no idea that many of our young students of color are being forced to cut off their locks or fro's solely to please the uneducated. Let me remind you of the Texas student who was barred from graduation unless he cut off his dreadlocks or the New Jersey student who actually cut off his dreads so he could continue with the wrestling match. And we don't know of all the other stories because not everything makes the news. This discrimination happens way too often and doesn't make the news. It happens in the workforce as well. This discrimination needs to stop and that is why I'm in strong support of this Bill and we'll hope that this Committee moves it onto both Chambers so we can vote on it in the appropriate Chambers.

I'm just going to quote a gentleman, Marcus Garvey who once said, "don't remove the kinks from your hair, remove them from your brain," and it's -- it's something that -- you can look at this and you can think that's it's an African American thing but Afro Latinos and people who wear their hair different from what is normal, if it's acceptable to them, it should be acceptable to society and I defer the rest of my time to Ms. Marshall. Thank you.

AMINAH MARSHALL: Thank you, Representative Reyes. My name is Aminah Marshall. That's spelled -- my name is Aminah Marshall. That's spelled A-M-I-N-A-H Marshall, M-A-R-S-H-A-L-L. I am living in New Haven and I just want to express my support this CROWN Act to take place to end unjust discrimination against people with natural hair. Our hair is a part of us, something that grows naturally from our scalp that as a nation of people have used protective styles such as extensions, braids, turbans, twists, bantu knots, etc., to take care of our hair for centuries.

This is a part of our heritage. Our hair has a cultural, spiritual and religious connotation that is an expression of us. As a Muslim woman with locks it is unjustifiable for me or anyone to be exempt from any opportunity because of the way their hair is and I refer to my hair as locks because in the lock community it has been know for us -- our hair to be termed as dreadlocks, but historically that term has been used to say that our hair is dreadful, that our hair is ratchet and there's nothing dreadful about the hair that just naturally comes out of my hair -- my scalp, excuse me, and I choose to lock it because it locks naturally.

So our hair is our crown. It is audacious for others to stipulate how another human being can dress, adorn or protect their natural hair. As we enter into this new decade and a new paradigm of the human collective it is imperative that as a progressive state the legislators and people of Connecticut stand in support of this Bill. I just want to say thank you for this opportunity.

SENATOR KUSHNER (24TH): Thank you for your testimony here today. Thank you both for being here

and Representative Reyes I know that you speak so well and articulately on these matters and so many matters so we always appreciate hearing from you. And you also did a great job of expressing yourself and I just wondered if you could tell us a little bit about yourself, where you're -- where you're from, what you -- where you work, are you a student?

AMINAH MARSHALL: Yes, I live and worship in New Haven, also known as Wappinaw Territory in Connecticut. I am a student at Southern studying Marriage and Family Therapy and I'm also the Legislative Aid to Senator Winfield here at the Capital.

SENATOR KUSHNER (24TH): And you just recently started in that position as a --

AMINAH MARSHALL: Yes, like a month ago.

SENATOR KUSHNER (24TH): Well congratulations.

AMINAH MARSHALL: Thank you.

SENATOR KUSHNER (24TH): Oh, and I think you know someone up here too.

AMINAH MARSHALL: Yes, my mom, Representative Porter, hey. [Laughing]

SENATOR KUSHNER (24TH): I had to get to it.

AMINAH MARSHALL: I know, I know. [Laughing]

SENATOR KUSHNER (24TH): Well you should be very proud of your mother too because I know she's proud of you.

AMINAH MARSHALL: Yes, and just to speak on that; my mom all of my life she has exuded and instilled in me the importance of wearing my natural hair. I

went to school for middle school in Wallingford and I experienced discrimination and ridicule because I wore my natural hair to school as a child. And I should not have to be you know, just exposed to that kind of discrimination just because my mom that morning put my hair in an afro and before that morning she has to give me a breakdown of how I need to go into this world being proud to wear my hair. And other children don't -- their parents don’t have to have these conversations with them. But our children, our people we do because we face discrimination and we face ridicule and that's not right. It is a human right, a human right to live freely, to express yourself freely in this free country. So I think it's important that we highlight that and end this -- this nonsense in Connecticut and be a model for other states to do it as well.

SENATOR KUSHNER (24TH): Well your ability to express yourself clearly and passionately, I know where that comes from, so -- [Laughing] You have a great role model that has raised you here so -- and we hear about you a lot from her both in these hearings that we have; she often talks about you and also just personally, we've had conversations so we're -- we're all very proud of you so thank you for being here to testify today. Would anybody like to say anything?

REP. WILSON PHEANIOUS (53RD): Well, I'll just preempt because I hope you want to say something and how proud you are of your daughter and how proud we are of both you. You both may be too young to remember the movie, Ten with Bo Derrick [laughing], but I was always struck; I was going to say I know

you're too young for that. I was always very struck by the double standard. Ten was the movie for those of you that don't recall; it was about the perfect 10 which we all shun that concept now, but the -- here was a woman, a white woman who appeared you know running down the beach and she had corn rolls, long gorgeous, not natural to her but corn rolls and I as a teenager was very struck by how they could be beautiful on Bo Derrick and frightening on me. And that -- that has always stuck with me that there is such a double standard when it comes to how people view hair. It was more recently emphasized this morning in testimony regarding the wig head study where the same hairstyles were on dark wig heads versus white wig heads and yet one was seen as bad and the other was seen as okay. And I guess, this is more of a comment than a question but I am so glad that you had a mother like you had, that taught you the beauty of yourself and your hair and that you're coming forth to provide that model for other young women and women. Because some of us who grew up in like a slightly different time were you know kind of, not literally beaten, but put into a different mold where we had to wear our hair in a certain way or we were seen as you know, bad girls or not -- not looking appropriate and not being appropriate and I'm just so proud that times have changed enough and that you've changed enough and that you have the sort of mother that you have in order to be able to bring forth this kind of testimony so I appreciate it. Thank you.

AMINAH MARSHALL: Yes, and I thank you for your comment because it is -- it is imperative and it is real that cultural appropriation is happening because even in my time, my college experience, my

high school experience, things I see on social media; it's okay for other people of different ethnicities to -- to appropriate hairstyles that are known for my culture and my heritage. Our hair has ritualistic importance to it. It is a process. It is spiritual, it is personal. So for someone who does not live my lifestyle to be able to walk out their door and you look -- you look awesome with your corn rolls and your box braids but when I wear it and my sisters wear it, we're -- it's a different story and it's unjust and it's discrimination and it's not right. So I appreciate your comment, thank you.

SENATOR KUSHNER (24TH): Thank you. And now I would like to ask if Representative Porter would like to add her two -- two cents. [Laughing]

REP. PORTER (94TH): Thank you, Senator Kushner. Thank you Representative Reyes for -- I mean like, you said Marcus Garvey's quote and I will remember that forever. That -- that's going to be like me changing good morning to grand rising. When I talk about this Bill, I will mention that quote. Can you just reiterate one more time for me, 'cause I really do want to commit that to memory.

REP. REYES (75TH}: I've got to take off my glasses to read this. Marcus -- Marcus Garvey once said, "don't remove the kinks from your hair, remove them from your brain."

REP. PORTER (94TH): Thank you. Do no remove the kinks from your hair, remove them from your brain." Very significant. I can remember watching on TV when that young man was wrestling and to see that woman, and I'm going to say it, a white woman cut

his dreads off before he could finish wrestling and for me to understand exactly what my daughter has just shared about how sacred or crown and our hair is, it was sacrilegious for me to watch it. It felt like, and it was, an assault on his person. But more so his spirit. And I think the one thing that we haven't talked about today when we talk about the CROWN Act is the trauma that is -- the impact of the trauma of the person who is experiencing this kind of discrimination. And it's one thing to be discriminated against, but it's another thing when it becomes physical. I don't know what person in this room would appreciate anyone walking up to them that they do not know and have them put their hands on them, touch their hair, cut their hair. That's a violation. So I just want to make sure that as we move forward and we continue to talk about the importance of this CROWN Act and why Connecticut needs to be the sixth state to get it done because five states have done this. Virginia will be -- Governor will be signing it tomorrow. I'm sorry, Colorado; Virginia signed it today. That's going to make five states. I hope that Connecticut will be the sixth state to do this and continue to lead the way because there's no reason why anyone should be subjected to this kind of behavior, this kind of treatment and just this kind of sentiment, you know. It tears down your person. It lowers your self-esteem.

My daughter did go to Wallingford. I brought her back for high school back to New Haven, but I am proud of you. I am proud of the way that you have been able to sit here today and articulate what your experience has been. I know it all too well. The only thing that I will ask you to -- to quickly do

is just expand on the one experience that comes to mind and the one that we discussed earlier when I did send you to school with your afro; what that day was like because that was something as a mother I had to deal with when my child came home and was traumatized.

AMINAH MARSHALL: So this was an experience I had in middle school actually, so as a very young -- as a young child. You sent me to school with my afro. That morning we talked about it. You had an afro pic with the black fist on the top of it and you explained to me, like this is -- this is our -- be proud, this is our heritage. So it was when lunch period and I'm walking into the cafeteria with my friends standing in line and people looking and laughing and snickering and I'm walking to sit down with my friends and the whole cafeteria is staring and laughing and pointing and oh, look at her hair. Oh my God, it's so different. It doesn’t look right, whatever they were saying. But in that moment I felt the discrimination, I felt the ridicule and for me it's just -- you know I'm coming to school to learn and be with my friends and wear my hair how I want to. I had to leave the cafeteria because I -- it hurt. I left the cafeteria crying that day and came home crying because you know, that's trauma. And dealing with that trauma on a daily basis being a Muslim woman, being a woman in America you know, I'm not the only one. I know a lot of sisters that have experienced that, so it's not right and it's not fair.

REP. PORTER (94TH): Thank you, I appreciate that. And you're not -- I mean I've had so many conversations just today alone, not to even talk

about the days the before this, the weeks, the months, the years before this but so many people are starting to be more vocal and to tell their stories and I want this to be also a vehicle in a way that we remove the stigma that many of our children, men and women face when it comes to trying to embrace what God has naturally -- naturally gifted us with. So thank you for being here today and for being vulnerable in this space and for sharing the power of your story, Aminah. Thank you, Representative. Thank you, Madam Chair.

SENATOR KUSHNER (24TH): Thank you both. Next we're going to call up Lydia Mele. Did I say that right, Mele or Mele, Mele.

LYDIA MELE: Good Afternoon, Senator Kushner and the distinguished members of the Labor and Public employees Committee. My name is Lvdia Mele. I am here as an injured worker to testify in I support of HB 5268. I am also member of the taskforce supporting Representative Johnson and her request to extend the task force to 2021.

SENATOR KUSHNER (24TH): Sorry, if you could just move -- I don't know if you can but it would be -- if you can hold one second we need to have you a little closer to the microphone. Turn that one on and the other one off. They're not all working, that's part of the problem. See if the one in the center works.

LYDIA MELE: Can you hear me now?

SENATOR KUSHNER (24TH): That's better.

LYDIA MELE: Well, I'm going to do the best I can because I have to catch my bus. I'm going to miss my buss.

SENATOR KUSHNER (24TH): I'm very sorry. We want to hear what you have to say, but that is much better.

LYDIA MELE: What you see before you is a woman who was a vital active member of her community, a ballroom dancer, a skier, a traveler, who is now unable to do any of those things, restricted by ADA transportation that renders me homebound after 5:30 pm weekdays and 4:30 on the weekends, unable to participate in my community due to transportation limitations as a result of my work injuries.

I spent 30 years advocating for children in the public school system, as teacher, social worker, counselor with master's degrees in all three fields. Many of my injuries occurred breaking up fights between students and my employer’s unwillingness to make reasonable accommodations post my injuries despite my performance evaluations were very good and outstanding throughout my tenure. I was often taken out of my job classification and sent to cover special classes with behavioral problems when they could not find a substitute, often finding a fight in progress which I had to break up for the safety of the other children.

The injuries to my shoulders, neck thoracic cervical and lumbar spine, are work injuries exacerbated by failure on the part of the employer to provide necessary surgery when recommended by my surgeon, and having to go to hearing after hearing for medical treatment for years, and my employers failure to make reasonable accommodations post

injury resulting in exacerbation of the injuries and reinjury.

An evaluation requested by the insurer at the Hospital of Special Care after a mountain of medical records reviewed over a three days determined my orthopedic injuries "were a result of multiple work related injuries, together with post traumatic changes that ensued over the years." The Worker's Comp insurers -- it is my experience the Worker's Comp insurers modus operandi is delay, delay, delay in the hopes of wearing down the claimant both financially and emotionally, hoping they will settle their case or be passed on to the state welfare system if they can no longer sustain themselves financially during this wear down process. I was almost a victim of this and forced to file a civil suit against my employer. Given the mountain of evidence I had they were eager to settle. This process of having to go from hearing to hearing, then formal to get approval for medical treatment and surgery is only beneficial to the insurance attorneys in accruing billable hours. I can give you many examples of undue delay but I think this is a really egregious example. Despite my injuries having been accepted and adjudicated, I was denied a wheelchair with lumbar support my board certified physician prescribed for my back injury. I was represented by an attorney but lost at a formal hearing. We had to appeal. My attorney said it was too time consuming, he had to get the approval of his firm and recommended I do it myself to avoid paying him several thousand dollars I had paid for representation at the formal. I appealed it prose, prevailed at the CRB, prevailed at the appellate court, prevailed at the supreme court and my case

set a president. I thank God as it was not because I have any training in the law, as do not; it was because the case was so egregious. I was able to handle the appeal because my attorney had already done the formal. It is very difficult for a claimant to represent at a formal. Claimants are at a disadvantage without the legal training and the insurance attorneys take full advantage of that, so it is not a level playing field.

In my experience many issues should not have to go to formal hearings if the insurance attorneys would only cooperate. My work -- many workers -- attorneys do not like complicated cases with multiple injuries because it is too time-consuming and not cost effective when you have to go from hearing to hearing to get medical treatment and needed surgery. Historically the Worker's Compensation system was designed so that injured workers could get their medical treatment in leu of giving up their 7th Amendment right to sue their employers. This system has evolved into a complex legal nightmare that makes it difficult for injured workers to represent themselves. I would like to see it simplified so it can do what it was historically intended to do.

I would like to thank Representative Johnson and this distinguished Committee for the taskforce and all their hard work in helping injured workers, and I am happy to answer any questions you may have.

SENATOR KUSHNER (24TH): Thank you, and thank you for your testimony. Representative Wilson Pheanious.

REP. WILSON PHEANIOUS (53RD): Yes, good morning. I just wanted to thank you for taking -- I think you have spoken for a lot of people today and I want to thank you for the effort that it took you to come here, to wait for the bus, to wait through the crowds, to tell your story because it is important for us to hear and a lot of people I don't think understand how devasting the kinds of delays and the kinds of, I don't know what I want to call them, that you're put through with Worker's Compensation, so I applaud you and I applaud the work that Susan Johnson is doing on this to bring these issues to light. And I just -- I don't have any questions. I just appreciate your effort and your -- your testimony.

LYDIA MELE: Thank you very much. I would just like to add that this example of the wheelchair is a very important one because if you think what a wheelchair costs compared to two layers of litigation that the employer had to pay because the attorneys delayed, delayed, delayed, was a simple wheelchair. And when you think of these delays, we're down people to the point that they're financially devastated and have to go on state welfare, I think that's a thought that this Committee should really consider.

SENATOR KUSHNER (24TH): Your point is well taken. I think the -- the consequence of not dealing with this, the cost of not dealing with Worker's Comp cases in a timely basis, it is not -- it is financial, it is economic but also from your story and from other stories we've heard it really causes further injury, which I think is really unforgivable. I know I have a constituent in my district who is suffering from a Worker's Comp --

from an injury at work and this has been going on for years and constantly having to go back and re-litigate and go back into the court system to get what he needs just to survive on a day-to-day basis so I'm really sensitive to your story as I am to the constituent that I've tried to help. So thank you so much for being here today, and I hope you make your bus 'cause I know that was challenging.

LYDIA MELE: Thank you for listening.

SENATOR KUSHNER (24TH): Next we have on the list Felix Sambuco.

FELIX SAMBUCO: Good morning. My name is Felix Sambuco and I want to thank you for the opportunity to address this body and hopefully shed some light on the inequity that exists in the Worker's Compensation Act and how it has been manipulated by a few cities and towns in our state to the detriment of our most vulnerable of employees.

I'm retired from the City of Waterbury Fire Department where I held the rank of Assistant Fire Chief. In my latter years with the Waterbury Fire Department I was diagnosed with a degenerative heart condition that was attributed to my years of service in the Waterbury Fire Department. In 2012 I notified the City of my condition and after many months of exams by the City's physician the City accepted responsibility for my injury. After some discussion with my personal physician and my family I made a decision to retire in 2013 or risk the very real possibility of further damaging my heart. After more than 26 years of service I applied for retirement and was given a full service pension based on my 26 years of service with the City.

Shortly thereafter I was awarded a permanent partial disability rating by the Worker's Compensation Board as a result of my injury. This award is intended to compensate workers for the loss of function based on a specific body part and injury. The City accepted the award and then promptly offset it against my service pension payments. The net result is that I've never received one cent for my injury because the City had passed an ordinance allowing them to steal any disability awards by offsetting them against their retired employees pension payments. I did not receive a disability payment. I received a straight service pension based on my years of service with the City, period. My PPD award is just that; it's an award for my injury based on a very specific set of rules and guidelines agreed to by the City and the Worker's Compensation Board. One has nothing to do with the other. The irony here is, that had I decided to stay on the job another two years, I would have been paid in full but because I chose to retire rather than risk further injury to my heart I was penalized.

This arbitrary ordinance has one purpose only and that is to deny those members of the workforce the protections that are afforded them by the Worker's Compensation Act. To allow the City to deny a disability award to the most vulnerable of our employees is an outrage and it needs to be corrected. By passing this legislation we're affirming the rights of all of our employees the full protections afforded them under the Worker's Compensation Act. When a town or municipality cannot uphold its legal and moral obligation to its employees it falls upon this body to rectify that most flagrant abuse of power. The lack of empathy

and the indifference is shocking to me and it should be to all of us gathered here today.

My decision to join the fire service was not an easy one. It was a decision made after long thought and discussion with my wife. Her concern for my safety was paramount and her other concern was her ability to care for our family should I be killed or injured in the line of duty. I assured her that the City would always take care of its employees and that our future would be secure. How wrong I was. We now live on a modest -- my modest service pension and should I die before my wife, which is most certainly the case given my heart condition, she will receive nothing. When I die, my pension dies with me. She will have no other financial means of support other than Social Security. The modest PPD award could have been set aside for her to help her navigate her retirement years in my absence and unfortunately the City stole that from me. Early in my career when I was first promoted to Lieutenant my biggest concern was how I would handle my new responsibility and how I would be judged by my peers.

I've always been a student of history and I'm particularly fond of the writings of Abraham Lincoln and soon after my promotion I placed a passage from Lincoln inside my locker and I looked at it every day and I brought it with me to every fire station that I was assigned to throughout my career. And the passage goes like this, "Every man can stand adversity, but if you want to test a man's character give him power." I know the adversity that I've had to withstand along with countless other employees that have been maligned by the City of Waterbury and denied their rights. The question before you today

is what will you do with your power and what will your actions today say about your character? It is my most fervent hope and belief that you an find the strength of character within yourselves to correct this injustice and prevent any further suffering by those of us whose only fault was to put their faith in a system of laws that was intended to protect us but failed us. Thank you.

SENATOR KUSHNER (24TH): Thank you so much for your testimony and it is really important to underscore how much I think those of us on the Committee have heard you and the previous witness about the unfairness of the situation, so I hope we'll be able to remedy it this session. I know there was a question asked, and I don't know if you know the answer to this, by a previous -- one of our colleagues here; do you know if this is a practice in other cities?

FELIX SAMBUCO: It is a practice in other towns and municipalities and the biggest issue at heart here is not only that the city was able to pass this ordinance, but the idea that the Mayor of our city can speak to other Selectman or Mayors and sell this idea to them that, hey you know if you've got a guy that's got a disability we can -- I can show you a way to you know work around paying them. You know it's pretty simple. You just deny -- you know deny them their -- their disability payment based on you know, an ordinance that you can pass saying that you're going to offset it against their pension. And that problem is two-fold. The first thing is that it allows -- it gives the City the incentive to take an employee whose been injured while he's working and then basically force him into

retirement, before you intend to retire just so they don't have to pay that person -- that PPD award. Because once you're retired, they're offsetting it against your pension. My PPD award basically came to 0. I got nothing once I retired.

And the other disincentive is when you have an injury, an ward or on-the-job injury and you have to go before the Worker's Compensation Board the first thing you need to do is hire an attorney. So you're going to hire an attorney and you're going to say, hey, I got injured on the job. I lost my leg, I broke my arm, I broke my back so I need to file a claim with the Worker's Comp Commission, and oh by the way I work for the City of Waterbury and I recently retired. Attorneys work -- they get paid based on your award so what is the incentive for an attorney to represent me when he knows in the end there is no award. I'm retired. My award is offset against my pension. 0 from 0 is 0. So it's egregious to think that number one, you've taken my award and number two, you've taken away my ability to even seek legal council to seek that award. It's a system that -- that needs to be corrected.

SENATOR KUSHNER (24TH): Thank you. Thank you for your testimony. Okay.

FELIX SAMBUCO: Thank you very much.

SENATOR KUSHNER (24TH): Thank you for being here. Next up with Rick Hart I believe to testify on the same Bill, so Rick maybe you can also share some of the -- let us know a little bit about how extensive this is. Thank you.

RICK HART: Yes, good afternoon, Senator Kushner, and members of the Labor and Public Employees

Committee. My name is Rick Hart. I represent the Uniformed Professional Firefighters Association of Connecticut which represents 4,000 Union firefighters in the state of Connecticut. I am hear to tie a bow around the testimony that was just given as well as Ray Lodge's, and I'll start off by saying that I've read opposition testimony, I've spoken to people that are opposed to this legislation and their statement is that the employee is enriching themselves. Now, I've known Ray since that accident in 1990. I don't think anybody would consider that he's enriching himself by walking with a permanent limp and other issues that he has had to go through as a result of being injured performing his duties for the City of Waterbury or for municipality X, because there are other municipalities in the state of Connecticut that do offset pensions.

There was a member of ours that worked a municipality that had a heart condition. He was set to retire on a Wednesday. He called a staff rep up, said you know I have to file Worker's Comp for my heart condition. First questions out of the staff rep's mouth was does your municipality offset your pension by the PPD? And he got a phone call a day later and the guy was irate saying that they are going to take his pension and reduce it by his PPD payment. And what this is basically doing is making the employee pay for their injury. That's not the purpose of Worker's Compensation. Worker's Compensation was put in place to compensate employees that were injured in the line of duty, in the -- in the -- while they are working.

And one of the opposition's arguments was that this would be an incentive for employees not to return to work, that they would be enriching themselves and that they would be making more in Worker's Comp benefits than if they would if there were just employed regularly. That's factually incorrect. When someone retires if they haven't reached their service pension year of 25 or 20 years, whatever the CBA states, their pension is 50 percent of their base pay. No PPD payment, which is a finite payment based on the schedule in Worker's Comp for X number of weeks, that ends. So they will be reduced by that amount of money for the timeframe as specified under Worker's Compensation and then they get their 50 percent pension. When they were working fulltime they were getting 100 percent, so the math doesn't add up, nor does the argument.

On the flip side, if somebody is injured, somebody breaks their arm and they return to work they receive 100 percent of their salary and 100 percent of their PPD pay. Their salary is not offset because they are conflating pension with wages and the PPD as one. So that being said, we ask you again the Committee pass this -- this passed out of Committee last year unanimously and the UPFFA asks that it the Committee does the same this year.

SENATOR KUSHNER (24TH): Thank you, Mr. Hart. I see the Vice-Chair here, Representative Hall.

REP. J. HALL (7TH): Thank you for that testimony and thank you, Madam Chair. Question, so it was intimidated by an earlier speaker that -- is this something that started in Waterbury?

RICK HART: I cannot answer that question. I -- I just know personally because I work in Waterbury, we know that happens in Waterbury. Worker's Comp. I believe does allow for lump sum payments to be paid out, but it's pennies on the dollar, sometimes 40 cents on the dollar where you can get a lump sum payment of your PPD. So you're getting -- again, they're using the grayness of the statute in order to save money on the backs of the employee.

REP. J. HALL (7TH): And -- and thank you for that. Is -- do you know how many municipalities utilize this provision to do stuff -- I mean based on your experience, you said you have 4,000 members. I imagine they're spread throughout the entire state. Is this something that every local that you represent is dealing with or is it specific locals that are --

RICK HART: I know of four that do it now just from asking. We can get -- try and get that information to you prior to the JF date.

REP. J. HALL (7TH): Okay, thank you. Thank you for that.

SENATOR KUSHNER (24TH): Thank you, that would be very helpful. Representative Polletta.

REP. POLLETTA (68TH): Good afternoon, sir. One quick question. So with permanent partial disability then the individual could not technically return to work or they could?

RICK HART: No what it -- it's a -- it's a -- it's a payment for loss of body part or function. So -- and I'm just going to use the brain because I just know the numbers, they're nice easy numbers. The

brain is worth 520 weeks according to the Worker's Comp schedule. So if you have a 10 percent disability in your brain, you get paid your weekly pay at 52 -- for 52 weeks. After 52 weeks that ends. So that is the -- the -- the compensation from Worker's Comp that you receive for loss of function of body part. There are members -- and the reason we're bringing this Bill forward because they are injured so severely that they cannot return to work. So they are forced to retire. I know of a member that had a back injury from 12 years ago who finally had to have surgery. The doctor said you will never work as a firefighter again. He had to retire, the City retired him and he left his PPD on the table. His pension was offset for that time period. So it depends on the extent of the injury and whether or not the employee reaches maximum medical recovery as determined by an independent medical exam.

REP. POLLETTA (68TH): And you would probably agree that if someone is disabled perhaps and they cannot return to the line of work, correct? I mean they couldn't -- they couldn't get back into that profession like you just used the example, the doctor saying you won't be a firefighter anymore due to his or her injury.

RICK HART: Correct.

REP. POLLETTA (68TH): Okay. Thank you.

SENATOR KUSHNER (24TH): Thank you so much for your testimony today.

RICK HART: Thank you.

SENATOR KUSHNER (24TH): Next up we have Sal Luciano to test on a variety of -- to testify on a variety of Bills.

SAL LUCIANO: Good morning Senator Kushner, Representative Porter and members of the Labor and Public Employees Committee. My name is Sal Luciano and I am proud to serve as the President of the Connecticut AFL-CIO. I'm here in support of House Bill 5388. It's an important step forward towards racial equality and freedom of expression. As existing state and federal laws prohibit racial discrimination in schools and workplaces, one area has not legally evolved – natural hairstyles, traditionally worn by African American men and women. Many African American women, men and children have been passed over for promotions, denied jobs, bullied or been terminated because of natural hair styles. The ideal image of professionalism was created from European features, but this norm adversely impacts individuals who do not naturally fall into that image.

As black employees and applicants adhere to grooming policies, they often employ harmful styling practices to alter the natural characteristics of their hair like heat straightening, or chemical permanent relaxers, both of which can lead to hair damage and hair loss. California, New York and New Jersey have already passed CROWN Acts and dozens of other states are considering similar legislation. We urge the Committee to support the Bill.

I'm here to support HB 5381. Today, workers' private right to enforce employment laws is increasingly hampered by pre-dispute arbitration provisions in job applications. In recent years,

more than 56 percent of the non-union, private sector workforce in the United States has lost its right -- I'm going to repeat that, has lost its right seek justice on wage theft and workplace discrimination, as a result of forced arbitration clauses. Two-thirds of low-wage workers in the United States are now covered by forced arbitration clauses.

whistleblowers, while retaining the ability to oversee the case. The bill allows state actors to intervene, have

an opportunity to vet whistleblower's counsel before an action is brought, and approve any settlements. Under the current draft of HB 5381, 50 percent of civil penalties collected in public enforcement actions would go toward state agencies responsible for the enforcement of laws generating approximately $4.1 million a year in revenue for the state of Connecticut, money that would go in large part to strengthening the resources of state agencies to enforce the rights of Connecticut working people.

I'm here to support Senate Bill 350 AN ACT CODIFYING PREVAILING WAGE CONTRACT RATES. The prevailing wage rate consists of a base rate and a fringe benefit rate which may be paid in cash and/or benefits. It only applies on public works -- if a public works project is $1 million and public works renovation projects of $100,000 or more. Connecticut's prevailing wage rates are determined by the US Department of Labor by conducting wage surveys. In Connecticut, the rates determined through collective bargaining are the prevailing wage rates. This means that through the US DOL's wage survey process, it is determined that the collective bargaining rate

is the market rate. Senate Bill 350 would codify what is already in practice. Since the rate determined through collective bargaining agreements (CBA) is the prevailing market rate on building and heavy & highway work, there would be no change for any contracting if SB 350 were enacted.

The Connecticut Department of Labor must update the prevailing wage rates every July 1st. They don't always do that on time and so it creates administrative delays within the Connecticut DOL and created unnecessary confusion for contractors as well. It is critically important to protect the integrity of our state’s prevailing wage law. We urge the Committee to support this Bill.

I'm here to support Senate Bill 350, AN ACT CONCERNING TIP CREDIT WORKERS AND INDEXING. The tip credit is a fraction of the minimum wage employers of tipped employees are allowed to pay as long

as the gratuities earned by employees bring their wages up to the full minimum wage. Historically, the tip credit in Connecticut had been a percentage of the minimum wage. In 2019 when the minimum wage was $10.10 per hour, the tip credit was 36.8 percent of the minimum wage for servers and 18.5 percent of the minimum wage for bartenders. Public Act 19-4 gradually raised the minimum wage to $15 per hour by 2023. Unfortunately for the first time, it delinked the tip credit from the full minimum wage. And I provided charts to show how much less bartenders and tipped workers would be making. And so we urge you to support that legislation.

And lastly, we support Senate Bill 352, AN ACT CONCERNING PERMANENT PARTIAL DISABILITY AND PENSION

OFFSETS. I think you've heard from people who were impacted. Worker's who have sustained injury should not also be subjected to reduced pension benefits. We urge the Committee to support this Bill.

SENATOR KUSHNER (24TH): Thank you for your testimony here today. Any questions or comments from Committee members? Representative Hall.

REP. J. HALL (7TH): Thank you Sal for your testimony. Just a quick question. So in these forced arbitration circumstances, does that forbid somebody to go and file a claim with the Department of Labor?

SAL LUCIANO: Yes.

REP. J. HALL (7TH): For wage an hour or whatever?

SAL LUCIANO: Yes, it stops them from going to court and they -- they agree, usually as part of the orientation process if they want the job that they sign their rights away many times as you heard, without even realizing it. So they essentially agree it's a contract between them and their employer saying that they can't sue them and that -- that they can't take other avenues that would normally be able to take.

REP. J. HALL (7TH): So outside of suing them and going to -- to court, you're saying that they cannot file a claim with the Department of Labor?

SAL LUCIANO: Yes.

REP. J. HALL (7TH): Wage and Hour Division. Okay, thank you.

SENATOR KUSHNER (24TH): I want to follow up on that question because I actually have had conversation

with members of the Committee who are often a little confused about the -- about this Bill or about the practice, and I think part of that comes from people who have some experience in unionized settings where there are collective bargaining agreements that call for arbitration to resolve grievances and I think people see that as a positive way to judicate problems during -- in the work. So I wondered if you could address the difference between agreements in arbitration procedure in a collective bargaining agreement and the forced arbitration that we hear about.

SAL LUCIANO: Sure I'd be happy to do that. They're apples and oranges. When you talk about arbitration between the union and management the union has done many arbitrations before as had management, so they understand the process equally. An arbitrator is usually selected who is a neutral and arbitrators are pretty careful 'cause if they always side for the employer or they always side for the employees, they turn to not get picked when it's -- every cycle when arbitrators are selected.

In forced arbitration situations you usually have a person who doesn't know what arbitration is, doesn’t know how to pick an arbitration lawyer and is going against a company who goes to arbitration all the time; can usually pick the arbitrator themselves. And in that situation the arbitrator clearly wants to continue to work and they're never going to see the person who has filed the arbitration again, but they're going to see the company time and time again so they have a financial interest to take the side of the employer almost exclusively. So in that perspective it's not at all fair.

SENATOR KUSHNER (24TH): Along those lines, and I don't know the answer to this but do you know if the arbitration procedure under a collective bargaining agreement generally speaking the parties, the union and the employer share cost of the arbitrator; do you know if that's true under the forced arbitration approach of employers. Does the worker have to share the cost of that or is that all born by the employer?

SAL LUCIANO: It depends on the contract but usually they have to pay half of that.

SENATOR KUSHNER (24TH): And -- and they do have some say in the selection of the arbitrator or not?

SAL LUCIANO: They usually do not have any say.

SENATOR KUSHNER (24TH): So I want to make sure I understand it. So the employer is picking the arbitrator in most cases; they may or may not share part of the cost, but the employees typically are not trained in arbitration procedures and how to get through that process.

SAL LUCIANO: And in the other difference, when you go to arbitration that doesn't stop you from also going anywhere else, right. So you can still claim discrimination, you can still sue because the employer willfully did something that caused an injury. In this situation you can't even do those things. You've literally signed away your rights as a citizen and many times you've done it without knowing you've done it because you need the employment.

SENATOR KUSHNER (24TH): All right. Thank you very much. Any other questions about any of the other

Bills that were testified about? Okay, thank you for being here today.

SAL LUCIANO: Thank you.

SENATOR KUSHNER (24TH): Next up with have Brian Corvo.

BRIAN CORVO: Thank you and good afternoon. My name is Brian Corvo and I am Assistant Counsel for CBIA, the Connecticut Business and Industry Association. Thank you for the opportunity to testify on 5389, AN ACT CONCERNING COLLATERAL CONSEQUENCES OF CRIMINAL RECORDS. CBIA opposed the Bill, but don't confuse CBIA's opposition to the bill with opposition to the Bill's intent. CBIA supports effective reentry initiatives that help people secure employment. Constructive public policy, however, needs to be balanced with reasonable protections that address the valid concerns of employers. This Bill in our opinion does not achieve that balance.

This Bill will hinder job creation and slow hiring, especially for small businesses.

First it makes the hiring process longer and less certain for employers and applicant. Having a record should not define an applicant but it is not irrelevant and the sooner this comes out in the process the better. Under the Bill employers can't inquire about a criminal record until after an applicant has, in the language of the Bill be deemed qualified. Essentially this might happen at offer. When employers can learn earlier in the process they can sooner evaluate how the applicant's record factors into their hiring decision. This Bill can create unsettling situations where offers might be

made and then ultimately rescinded. It's inefficient and it can cause distrust and uncertainty for both parties.

Secondly it imposed the bill imposes vague standards on employers in hiring decisions and effectively makes people with criminal backgrounds a protected class Section 1 of the bill prohibits employers from discriminating on the basis of criminal records. It almost pushes a dispute. The language in the individualized assessment is too subjective. We suggest more objective criteria be developed for the assessment. When completed an objective assessment process should provide protection against discrimination claims. Mr. Cho spoke a little bit about the, I believe the New York Statute and that provides a good guideline for that.

Thirdly, it does not provide adequate protection for employers from liabilities. Language in the Bill regarding employer protections should be strengthened to provide immunity to employers from liabilities including negligent hiring and not just a presumption against liability. CBIA is engaging with employers and other nonprofits including Connecticut Legal Services and the ACLU and the Connecticut Department of Corrections to find ways to remove barriers to employment for individuals who have a criminal record. CBIA is developing guidance and training for employers on how to hire and retain people with criminal backgrounds. CBIA is helping employers realize that they can meet their need for motivated and qualified workers by adopting hiring practices that put risk and liability concerns in proper perspective so that they avoid rejecting qualified applicants who have a criminal record.

I think we share a common goal here of effective reentry and meaningful employment, we just don't agree on the method in this Bill.

SENATOR KUSHNER (24TH): Thank you for your testimony. Any -- Representative Hall.

REP. J. HALL (7TH): Thank you, Mr. Corvo for coming to testify today. So you just indicated some of the -- the efforts that CBIS had undertaken. Is there -- is there a working group or are these side bar conversations or is this something that's been formalized; and if so, is there something that you can share with us, a document or --

BRIAN CORVO: There's a -- yes, absolutely. There's actually a working group that's been going on -- two of our employees there, one an attorney that I work with and his name is Mark Soycher and another woman, I've only been there about a month so I don't know everybody. I think her name is -- I remember her first name is Deb, won an award for this. It's an ongoing group and I actually -- I put a link in the testimony that I -- the written testimony that I submitted and I believe if it's emailed to you, you just have to click on it but yeah, certainly. And it's an ongoing group. They're actually working on guidelines now that will help employers navigate the process, so. And I can -- I think there's other materials I can send to that effect as well.

REP. J. HALL (7TH): That would be helpful, thank you.

BRIAN CORVO: Absolutely.

SENATOR KUSHNER (24TH): Thank you very much. Thank you very much for your testimony today.

BRIAN CORVO: Thank you.

SENATOR KUSHNER (24TH): Next we have Scott -- Scott Dolch.

SCOTT DOLCH: Good afternoon Senator Kushner, Representative Polletta, Senator Osten and Representative Hall 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 more than 8,500 eating and drinking establishments in Connecticut, most of which are small businesses. Our members range from quick-service to casual to fine-dining establishments. The Connecticut hospitality industry employs an estimated 160,500 people, making up 10 percent of our state workforce and generated more than $8.9 billion for the state's economy in 2019. Restaurants are a driving force in the state's economy and generate tremendous tax revenue.

I am here today to address Senate Bill 353, which would change how the tipped wage rate is set for servers and bartenders by coupling it to the minimum wage. To begin, I believe it's important to keep in mind what the tipped wage is, and what it is not. Like all employers, restaurants must pay their employees a wage that ensures each employee is paid at least the state minimum wage. Under state law, employers of tipped employees are permitted to pay tipped employees a lesser wage than minimum wage provided the tipped employee's wage plus their tips

equals or exceeds the state minimum wage. This is commonly referred to as the tip credit and this type of system, with separate wage structures for tipped employees, is extremely common, with similar versions currently used in the vast majority of states.

What the tipped wage is not is a lower minimum wage for tipped employees. Regardless of where the tipped wage is set, Connecticut servers and bartenders are guaranteed to make at least the state minimum wage. The reality is that most tipped employees already deservedly take home well-north of the minimum wage; the average server in Connecticut makes $25 dollars per hour, more than double the current minimum wage of $11. At some restaurants, it’s not uncommon for servers to take home more than the managers who supervise them. For restaurant owners, this isn’t a problem. They know that customers return because of the service they’ve received, and they know their employees’ happiness is critical in providing good service. This past December, in the wake of Governor Lamont’s veto of a bill impacting restaurants and the tip credit, the Connecticut Restaurant Association took part in a bipartisan process to pass a new Bill that clarified ambiguities in the current law and gave local restaurant owners and employees more clarity. We remain deeply appreciative of this Committee’s work during that process, and for the Governor and legislative leadership’s cooperation. Now, the State Department of Labor is working to craft new regulations. At a time when state government has just set our industry on a path toward greater stability and predictability, we believe the changes in SB 353 would serve to upend that stability and

cause harmful disruption for many of our members, most of whom are small businesses.

Finally, I'd like to address why our association does not believe that Connecticut's tipped wage should be coupled or indexed to the minimum wage. First, Connecticut's current $6.38 server wage is already one of the highest in the country and it is the highest in New England. We are also the only state in the country with a bartender wage of $8.23. The federal tip wage is $2.13. I'm just trying to wrap up. As previously stated, they're making -- Connecticut servers on average make $25 per hour currently, significantly more than our minimum wage. Therefore, coupling the existing tipped wage to the minimum wage would increase labor costs and the cost of commodities in an industry which already pays its employees well -- well above that minimum wage. Again, this change would undoubtedly damage the hospitality industry for both employers and employees at a time when many towns and cities across Connecticut are working to grow their local economies and want to see more restaurants open, not fewer. Thank you for considering my testimony.

SENATOR KUSHNER (24TH): Thank you. Senator Osten.

SENATOR OSTEN (19TH): Thank you very much, Madam Chair. So I have a couple of questions for you. You said that your organizations workforce is 10 percent of the state's working population; is that restaurants, just restaurants?

SCOTT DOLCH: Food service employees. It's 160,500 so just -- just shy of 10 percent.

SENATOR OSTEN (19TH): So does that include the workforce that's at the two casinos?

SCOTT DOLCH: It does.

SENATOR OSTEN (19TH): And does it include hotel employees that are not involved in food service?

SCOTT DOLCH: It does not. It -- it includes hotel employees that are involved in food service but it has to be food service, just like a hospital with food service or things like that so yes, but if a hotel employee is not within the food service it would not be counted.

SENATOR OSTEN (19TH): And I'm asking this because you have 10 percent of the state's workforce. Do you have any representation on the Governor's Workforce Council?

SCOTT DOLCH: I do not believe we do.

SENATOR OSTEN (19TH): My understanding is there's nobody from the hospitalization industry on the Governor's Workforce Council. Do you have any -- do you or your members have any interest in be part -- being part of the Governor's Workforce Council which is setting policy for all workers and jobs?

SCOTT DOLCH: Absolutely. I'd welcome an opportunity. I know I've sat on a couple different workforce committees, this one has obviously not been requested, but yes, I'd love to.

SENATOR OSTEN (19TH): And finally, I know that you visited a few restaurants in the Norwich area and I'm being told by some of the Norwich area restaurants that they're having a hard time getting a workforce. Is that something that's true across the state?

SCOTT DOLCH: Senator Osten, it is. It is something that we as an association and nationally also in our state are trying to find different ways to -- to enhance opportunities with our workforce. Obviously what our foundation does and just did last week in New Haven where we had 1500 kids coming out of high school that have culinary and restaurant training and they go through our national program, so workforce development is key to us in our industry and I'm going to continue to strive as the Executive Director to hopefully provide, and to your point in Norwich specifically and some of the restaurants I visited. It is a concern, very much so.

SENATOR OSTEN (19TH): So I apologize, Madam Chair but I have one more question. My understanding that up here in Hartford there is coordination between some of the high schools and technical schools that have culinary in them with local restaurants and that the -- the training is being paid for outside of the restaurant itself. Do you know anything about that program?

SCOTT DOLCH: There's a couple of different ones and also I know specifically, obviously I've -- by talking with a couple groups, some of the community colleges here you know there's an apprenticeship program nationally that we're trying to get more involved to get more funding to help you know, put people on a path through -- through resources and I'd be open to continue to try and talk to the state with that as well. I know there's a couple of programs in Hartford. There's also some talk down in New Haven as well, but I think like you mentioned in Norwich and other areas, finding ways to get more high schools -- not only high schools, but also

people opportunities to gain the skills needed to work in the restaurant industry which to be honest, is very -- you know I don't think there's a whole lot at first.

There's obviously it's the one industry where you can walk in without an education. You can have a second chance opportunity. We welcome everybody and give everybody a chance to learn and grow in our industry which we're very proud of.

SENATOR OSTEN (19TH): So on the second chance component of your conversation in interest of full disclosure my parents had a restaurant for 40 years so I'm intimately aware of the -- how hard the work is in a restaurant. You know, my mom by herself the last 14. But I -- I'm very interested, we just put a Bill in for tax credits for businesses or I put a Bill in for tax credits for businesses that participate in second chance components and so if that Bill should make it through, it would be for any business that participates in a second chance kind of situation. And so you know I think that it would -- that may -- that may be something that you want to look at. It's in the Commerce Committee.

SCOTT DOLCH: Yeah, I appreciate it. Senator Osten, just to lead into that, something in talking with national and trying to understand ways to help with that second chance in ways that we can hopefully do more trainings inside some of the correctional facilities, especially Servsafe and other ways to help people. And actually we had some conversations this morning with Jason Teal at NAACP of how we can work together and I know he's trying to do more with the different areas but hospitality should be one and should be a topic. But making sure people are

coming out with hopefully skillsets that make him you know, more skilled than they were when they didn't especially in our industry where you're talking about a ServSafe right now, an individual person that needs it and everyone that's a manager in a restaurant is about $170, trying to offset those costs and help people but also the knife skills, the little things that they can add to put them a leg up because I can promise you in the restaurateurs you speak to in your district the back of the house and the line cooks, that's probably their biggest need and their biggest worry in making sure that there's someone that has some skill sets, the first person they want to meet and try to talk them into coming to work for them.

SENATOR OSTEN (19TH): Well I know they're having a hard time getting workers and they're having a hard time getting qualified workers that will stay. So if they're paying the training wages on top of the regular wages it makes it, and the delta between profit and -- and expense is not -- is not a large -- in many restaurants it's not that big and so I think that we need to sort of try to figure out is there a way we can find some training dollars in the hospitality arena. Thank you very much, Madam Chair.

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

REP. J. HALL (7TH): Yes, good afternoon. Question regarding -- so you represent the Connecticut Restaurant Association and you indicated that there are over 8500 restaurants in the state of Connecticut which -- which represent about 160,000

people. So of that 8500 restaurants, how many does your organization represent?

SCOTT DOLCH: Currently a little -- almost 1300.

REP. J. HALL (7TH): 13 --

SCOTT DOLCH: But you know as of testifying last year it was about 600, so we're growing well and I think -- but it's important, I'd like to say I speak for the entire industry because for them to understand you know, it's also the knowledge of what our association hopefully does and knows and giving them those resources so we are growing. But I would say, you know it doesn't matter to me whether it does in a sense of membership but realistically you know I take every call whether you're a member or not to understand your challenges and your issues and make them hopefully in turn, grow to become part -- part of what we do.

REP. J. HALL (7TH): Thank you, and I appreciate that.

SCOTT DOLCH: Sure.

REP. J. HALL (7TH): So -- so in terms of the -- the $25 wage because we've been hearing a wide variety of what the wages or the average wage, excuse me, of restaurant workers; and so when you say the $25 wage is that representative of the restaurants that are part of your organization? So that means that 600 last year and the 1300 this year or is this representative of the 8500 that are in the state of Connecticut because maybe that's where some of the confusion may lie.

SCOTT DOLCH: Sure, Representative to be honest the number is actually a number we -- we haven't -- and

something we talked about at the Department of Labor this past year that I want to dive into more with our -- with our members and with our nonmembers. You have to understand 8500 restaurants and everybody has servers and bartenders: it's probably a little less than half of our restaurants. There's a lot of quick serves, fast/casual, you know Dunkin' Donuts and things that don't have the servers and bartenders, probably closer to about 3800 or 4000 but our members actually -- our membership is very heavily a full service restaurant so I'd say probably about 65 percent of our members are full service, so how that sways when you're looking at 3-4,000 what you should be looking at with the servers and bartenders.

The $25 number actually comes from national and understand that that number ties into -- we have one of the highest tip credits, tip wages, server wages and we have a bartender and I've already tried to work -- and we've been open in the Department of Labor in some of our meetings that we've had to continue to have our members that want to share those documents because I've gotten -- I've reached out to -- and I'd be happy to in your own district or any of your districts to pull the restaurants from 2019 with their payroll companies and I've already seen numbers. Actually the average is closer to about $28-30 and we're not talking high or higher impulse service. I've seen it all the way down to some of the diners in the $20 to 21 or 22. And we've talked about this and other issues is because they have more turns, they're getting more tables as opposed to full service work.

Some of the fine dining you might be there for two hours or whatever else. You might get a higher tip with that one table but you're not doing as many tables. The number's there but I think it also goes back to understanding, because I think that some of the misconceptions that are talked about is these people are being paid a subminimum wage. They're not. They can't take that tip wage unless they're paid $11 or it will be $12 on September 1st and $13. They're getting a raise protection every single year with this minimum wage, which is what we talked about in part of our conversation. But understand I know that others have said to me, oh there's places that's not happening. I want to head, as the head of -- Executive Director of the Restaurant Association I'd be happy -- if there's bad actors it's hurting the entire industry which is not happening in the restaurants that I have. I have yet to see from a diner up or down any -- any -- any rates of average per server or bartender that's anywhere under $18. So far in the numbers I've tried to ask and tried to get more information and tried to get through because they're sharing it and they're willing to share it because they have to share it with -- with their numbers through their payroll companies. It's easy to define because some other -- other regulations that we have; what a server is and what a bartender is and what they're making. What that -- what that -- what they're claiming for their tips plus that -- that -- that $6.38 or $8.23.

REP. J. HALL (7TH): So just to -- just so I make sure I understand you're saying that your national organization surveys restaurants in Connecticut to determine if that information is still -- and you're

excluding fast/causal which would be a Dunkin' Donuts, McDonald's or Burger King because they don't fall into that category.

SCOTT DOLCH: National has run a survey across the country and their median server wage is $25. And what I'm saying is, we haven't run a specific report here in Connecticut. However, understanding the tip wage across the country we are, I believe the fourth highest tip wage and with the bartender wage if you average the two we're actually I think almost second. There's 16 states that pay $2.13 before their minimum wage. We are three times that, four times that at the bartender wage. So when you're taking into consideration as with national, which I want to continue to work on my efforts to get even more accurate numbers here in the state but let's not forget at the end of the day we're not even talking about you know, these servers or bartenders that are making anywhere close to $11 right now. They're making on average in the -- in the country $25 with those lower starting points. Where us in Connecticut starting at $6.28 or $8.23 if that makes sense.

REP. J. HALL (7TH): I think -- I think so. Thank you for that.

SENATOR KUSHNER (24TH): Any other questions or comments? Seeing none, thank you for your testimony.

SCOTT DOLCH: Thank you for the time.

SENATOR KUSHNER (24TH): All right. Next up with have Nathan Shafner.

NATHAN SHAFNER: Good afternoon Kushner and Representative Polletta and there was another gentleman up here. My name is Nathan Shafner. I'm here on behalf of the Connecticut Trial Lawyers talking about House 5268. And this is an adjunct to extend the taskforce beyond the statutory period that had previously I guess expires as of January of this year. The taskforce first met January 2nd. It's held four meetings. Each meeting has gone at least two to three hours and what has come out of the taskforce is a lot of issues and it's -- there's a lot more issue to address and develop, and we believe as the trial lawyers that it's going to produce not just good discussion but ultimately some good -- addressing what needs to be addressed within the Worker's Comp bag and hopefully then legislation can either be brought about to make changes or the Worker's Comp Commission will find the opportunity to internally, through its own advisory boards make changes that will ultimately smooth out the edges for whatever concerns of undue delay that have been raised through the taskforce.

One of the things that came out of the taskforce that was proposed, and I understand that it's probably not going to get -- go through this year is -- is some form of notification that when a prescription that has been approved already is to be stopped or terminated that somehow the injured worker gets notification of it and that the Worker's Comp Commission make a determination before it gets stopped. The current practice now is that if a medication or even a medical treatment is to be challenged or denied the insurance companies simply have to deny it and there's no opportunity before they deny it to get in front of a Worker's Comp

Commissioner. Because the procedure in the Worker's Comp pack, the Form 36 and if you want to stop someone's weekly benefits you need the permission of the Commissioner. It's a provision of fairness, it's a provision of notice and it's a provision that really everyone has -- has come to embrace as the -- the methodology of if you're going to stop someone's benefit or reduce them then at least the parties have an opportunity in front of a Commissioner at a hearing to make that determination. Whichever party loses has a trial de novo on issue. But there's no protection for that for medicals and we think that incorporating the concept of the Form 36 provisions from medicals would make a big difference on this.

One of the things -- if I can conclude, I know that this Committee has heard extensive testimony regarding expanding the PTSI stand alone claims and while last year they passed 1917 Public Act and they want to expand it now to correctional officers, I'll say this much; if any of those people that are covered under that provision, if their prescriptions are going to be stopped or denied they're not going to know about it until after it's stopped or denied and they're going to have to wait to get to hearings to go in front of a Commissioner and the proof is going to be on them to get these medications that were already preapproved to be extended. So we think that these same provisions that apply for Worker's Compensation in terms of notification and opportunity to appear in front of a Commissioner should apply equally to medical prescriptions as well. I'm more than happy to answer any questions anyone on the panel has.

SENATOR KUSHNER (24TH): Thank you. Do Committee members have any questions, comments? Okay, seeing none, thank you for your testimony today.

NATHAN SHAFNER: You're welcome.

SENATOR KUSHNER (24TH): Next we have on the list, Jerome White; is it IBW? There's a typo here but I figured it was IBW.

JEROME WHITE: Good afternoon Chairwoman Kushner, Ranking Member Polletta, Chairwoman Porter, thank you for coming back. My name is Jerome White and I am a member, Organizer, and Recording Secretary of Local Union 488 of the International Brotherhood of Electrical Workers. Today I am testifying today in strong support of SB 350 - AN ACT CODIFYING PREVAILING WAGE CONTRACT RATES. We believe the proposed changes to the General Statute Sections 31-53 will create a more efficient method to determining wage rates on public projects that fall withing the Prevailing Wage thresholds. The State of Connecticut currently receives these rates from the U.S. Department of Labor, but when this information is untimely, it can lead to administrative delays within the Connecticut DOL and create confusion among contractors and when that happens the end result is the worker isn't getting the appropriate pay. Prevailing Rates have been surveyed at the Federal level and determined to be the rates that are Collectively Bargaining Rates locally. So y accepting these changes will allow our State to further determine that any construction worker performing work on public work in Connecticut will be earning the Collective Bargained Rate in a timely manner. This Bill only seeks to codify what is already in place.

Another concern amongst the trades are about potential changes at the federal level on how rates are determined. An adverse decision at the federal level for wage determinations could have a negative impact on Connecticut's construction industry, which could lead to unemployment in the industry and the possibility of not enough young people seeking careers in the trades at a time when trades people are in demand. So I urge this Committee's full support and favorable passage of this Bill and I'd be happy to try and answer any questions you may have. Thank you.

SENATOR KUSHNER (24TH): Thank you for your testimony. I think the question, and I think you -- you touched on it, but I think the question that we've heard most from who might not understand prevailing wage -- wage -- wages and how they're set, the question I hear the most is; does this Bill increase the amount a trade's person will get on a public works project based on the codification of contract rates?

JEROME WHITE: If we make this change, no. Right now the collective bargaining rates have been determined by the federal DOL. So really it's just a matter if -- if they're delayed or if the information comes unreliable, just creates a backlog here at the state. This isn't really a radical idea. I'm unsure which other states do it, but I do know other states have this as part of their -- their laws when it comes to prevailing wage. So really it's -- it's just a matter of -- we're already proving to the federal DOL that the collective bargaining rates are the market rates.

This is just one step to allow the state to be more -- more in control of it.

SENATOR KUSHNER (24TH): Maybe more efficient.

JEROME WHITE: Correct, thank you.

SENATOR KUSHNER (24TH): And so as I understand it that without this there are often times delays because the information doesn't come back from Washington in a timely basis. So in that instance someone would be under paid according --

JEROME WHITE: Correct.

SENATOR KUSHNER (24TH): -- to what the federal government would require under prevailing wage. And so that under payment then causes action to have to be taken both by the DOL here in Connecticut and by the contractors to make sure the correct pay was given, so there's that delay in getting your right pay and all the inefficiencies that go with it; is that your understanding?

JEROME WHITE: That is correct, yes.

SENATOR KUSHNER (24TH): Is that -- did I get that right?

JEROME WHITE: Yep, yes.

SENATOR KUSHNER (24TH): Okay, good. I've been schooled on this so I hope I got it right. Okay, thank you for your testimony. Other questions?

REP. PORTER (94TH): I have no questions, just wanted to say thank you. I know you've been here for quite a while.

JEROME WHITE: That's quite all right.

REP. PORTER (94TH): I'm glad that I did make it back in time for your testimony but I was actually at lunch. So now I'm back with a little more energy and looking forward to hearing from the rest of the folks that have also been waiting so patiently, but thank you for being here today and thank you for your testimony.

JEROME WHITE: Thank you.

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

JEROME WHITE: It's important to us so I appreciate the remarks. Thank you.

REP. PORTER (94TH): Thank you.

SENATOR KUSHNER (24TH): And I do want to let you know that we know that the work that you do for the public, I mean it -- while you're from the building trades and you're not public employees, you are doing a service for the public and that's what this Bill is about and so we appreciate all the work that you do on public buildings and public roads. It's -- it's dangerous work, it's skilled work, and we appreciate what you do so thank you for coming to testify today.

JEROME WHITE: Thank you. Yes, this is -- even though you see support from many of the building trades unions this is an industry concern you know, if an open shop were to get the job we're really protecting nonmembers and members through this, so thank you.

SENATOR KUSHNER (24TH): I appreciate that because it's a good point and one I hadn't -- I hadn't thought of, but in fact -- I'm not sure if the public realizes that prevailing wage applies to

everyone so while you're negotiating these contract rates, once they're established as the prevailing or the market wage it goes to everyone performing that service whether it's a union member or someone who's in a non-unionized situation so you're actually helping everyone.

JEROME WHITE: Yes.

SENATOR KUSHNER (24TH): Okay, thank you for clarifying that.

JEROME WHITE: Thank you.

SENATOR KUSHNER (24TH): Thank you. Next up we have Anna Zovas. Sorry, it's Anne Zovas. Did I say your last name correctly?

JOY AVALLONE: No, so it is Anne Zovas. She actually had to excuse herself so if it's okay with you I'll speaking in leu of her in opposition to the same Bill.

SENATOR KUSHNER (24TH): Okay. Could you please state your name?

JOY AVALLONE: Yes, of course.

SENATOR KUSHNER (24TH): Are you on the list otherwise?

JOY AVALLONE: Yes, so I'm on the list later so I'm hoping that Anne will be able to step in.

SENATOR KUSHNER (24TH): And do you know what number you were?

JOY AVALLONE: Number -- I don't know exactly. Joy Avallone from the IAC.

SENATOR KUSHNER (24TH): Excuse me? 23? 22, okay. And it -- okay, hold on a second, let me get to that page. So you're Joy Avallone?

JOY AVALLONE: Joy Avallone, yes.

SENATOR KUSHNER (24TH): And is Anne going to be coming back or is she --

JOY AVALLONE: I hope that she is. She had hearings today so she had to step out and she's hoping to come back and then she will testify in my place if that's okay with you.

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

JOY AVALLONE: Okay. So I a Joy Avallone. I'm Counsel for the Insurance Association of Connecticut. I want to thank you for the opportunity to offer comment in opposition to HB 5268, AN ACT CONCERNING WORKERS' COMPENSATION, which we understand will serve as the vehicle for recommendations from the taskforce on undue delay. First to note that workers, employers, insurers, all have a shared interest in seeing that employees get appropriate and necessary care as quickly as possible. We all benefit from having healthy workers and an effective Worker's Compensation system. All parties suffer when there are delays and we all benefit from improvements.

Now that being said, because our Worker's Compensation system is already very high functioning, I submit that expansion of remedies and changes to policies or procedures should really be considered if there's objective evidence that that indicates that undue delay is a pervasive issue, that (inaudible - 03:32:55)currently available under

the Act are insufficient to address those instances, and that there -- those remedies are being utilized on a regular basis as well. Now the evidence that's been presented to the taskforce clearly indicates that none of these things have been established. Rather the majority of evidence and objective data presented by the Worker's Compensation Commission and also testimony as well, indicates the undue delay occurs on a very infrequent basis and that the remedies currently available are sufficient to address those unfortunate, but limited instances.

Now as such we strongly oppose any proposed legislation aimed at addressing undue delay and caution this Committee on passing legislation that may cause more harm than good to a system which by objective measures is working efficiently and effectively. So I think Representative Johnson actually made mention to some of the data that was provided by the Work -- Worker's Compensation Commission and I'd like to share that information with you 'cause I think it gives you a clear picture of how well functioning the system actually is. So in 2019 there were a total of 20 -- approximately 24,000 Worker's Compensation claims that were filed. Of those claims almost 80 percent of them didn't require a single hearing and were completely administered without one. 6.5 percent of those claims necessitated only one hearing and 15.7 percent required more than one hearing. So there were a total of 52,000 hearings in 2019 and only 2.2 percent of those hearings even had undue delay noticed as an issue, so I think that speaks volumes.

There were only two formal hearings out of these 52,000 hearings that actually resulted in an award

for undue delay. So again, I think that paints a very clear picture as to how high functioning this system is. So at this point we just -- we strongly oppose any recommendations obviously, and we do feel very strongly that at this point changes would -- they pose more risk than they do benefit. And I am happy to answer any questions that you may have.

REP. PORTER (94TH): Thank you. Any comments or questions from the Committee? Seeing none, I thank you for your time and your testimony today.

JOY AVALLONE: Thank you very much.

REP. PORTER (94TH): You're welcome. Next we have Yvette Young testifying on House Bill 5388, AN ACT CONCERNING COLLATERAL CONSEQUENCES OF A CRIMINAL RECORD. You have the floor, madam. Thank you for the correction, Representative Polletta; 5388, AN ACT CREATING A RESPECTFUL AND -- and are you going to help me out?

YVETTE YOUNG: OPEN WORLD AND NATURAL HAIR.

REP. PORTER (94TH): There you go. You have the floor.

YVETTE YOUNG: Thank you.

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

YVETTE YOUNG: Representative Porter, Senator Kushner, and distinguished members of the Labor and Public Employees Committee, I am in support of HB 5388 because I believe discrimination based on the texture of an individual’s hair is a form of racial oppression. As a black woman I have a hair story. A story that begins in my childhood and ends in my adulthood. As a young girl my hair was natural,

then as a pre-teen I had the Jerri Curls, then I got a perm in high school, and I did braids throughout my college years, then I experimented with weaves, then the S curl and my hair journey finally ended with locks.

The reality is black women have a hair story because we receive messages throughout our lives that our natural hair is not good enough. If our hair does not look like what mainstream society dictates as beautiful, we must adapt so we can be employed or in the case of children go to prom or graduate from high school. In my late 20s I decided to get off the hair rollercoaster and embrace my natural hair. The way I wear my hair should not have to be a legislative mandate. The fact that the CROWN Act exists means that racism still exists and equality for people of color is still a work in progress. People will argue that this is a societal issue that should be addressed by individual school administrators and employers. The reality is an individual approach will not work. Hair discrimination for people of the African diaspora has been occurring for decades. I agree this should not be a legislative issue but society has failed to embrace black people and their various natural hairstyles, so now the burden falls on our legislators to pass the CROWN Act to protect

current and future generations of people of color who want to embrace their natural hair without consequence or judgement.

Recently I was having a conversation with my niece who mentioned that her friend who is a young professional who works for a large airline. Her friend was called into her boss' office recently and

told that she was changing her hairstyles too frequently and that her co-workers were confused. As a result he asked her to stop changing her hair so frequently. This just happened in February of this year. This young woman experienced discrimination based on her hair and had no recourse to address the issue. She like many others must remain silent and tolerate this form of oppression. Her story is an example of why the CROWN Act is necessary. I wanted to hear the perspectives of college age students who are not yet in the workforce to see what they thought about hair discrimination. I spoke with my niece and several of her friends who are freshmen in college. They felt that if they wore their natural hair and go on a job interview, they would have to overcompensate so the interviewer would see beyond their hair and see their potential and fit for the job. They have already been conditioned that if they don't look like the standard of beauty that society dictates, they will not be successful. It was clear that they have received the message that their natural hair does not equate to beauty or professional success. They did not feel there was anything they could do to stop this form of discrimination.

This testimony is for them and all the children and adults who have been silenced, marginalized and forced to change their hair to assimilate to an unrealistic standard of beauty. I am asking you to support HB5388 not just for myself and my generation or the generation before me. I'm asking for the generations behind me. I want my nieces, nephews and other children of color to live in a world where they can be their authentic selves without judgement

or fear. By passing the CROWN Act, you will create one less hurdle for them to overcome. Thank you.

REP. PORTER (94TH): Thank you, Ms. Young for your testimony. Any comments or questions? Well the only thing I'll say is that you definitely triggered a memory for me with the testimony you just gave; actually something that I haven't thought about in a while but when I first was elected I had -- I do have natural hair, just very little now [laughing], but I started out wearing it just you know, I would just let it dry naturally and it would dry really wavy and curly and then I would come in and I'd blow it out, go see my Dominican friends and get it straightened out. And then I started chopping it and you know just doing -- then I wore braids and people told me, well you know, you need to make up your mind and you have to stick to one hairstyle. I said, why? They said, because you know when people -- when you show up people are not going to know who you are. I was like, wow. So I just wanted to share that with you and the rest of the folks that I've actually had that same identical experience around divisibility of our hair and what we're able to do, and we should not be limited. So thank you so much for your patience, number one 'cause you've been here since this morning. And just for your time and putting a voice and a face to this issue.

YVETTE YOUNG: Thank you.

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

YVETTE YOUNG: You as well.

REP. PORTER (94TH): Thank you. Up next we have Mr. Anderson Curtis, Smart Justice - ACLU testifying on Collateral Consequences of a Criminal Record.

CURTIS ANDERSON: Good afternoon Representative Porter, Ranking Members Miner and Polletta, and distinguished members of the Labor and Public Employees Committee. My name is Anderson Curtis, and I am a field organizer for the ACLU of Connecticut Smart Justice Campaign. I am here to testify in support of House Bill 5389. We strongly encourage the Committee to support this Bill. Smart Justice is led by people who are living with the collateral consequences of a criminal record daily. I am here to testify that this Bill and this conversation is about Smart Justice leaders' lives, and our families' lives.

For some Smart Justice leaders, ending discrimination based solely on someone's record is about being able to start their own businesses to support their children. Being able to have an apartment in their own names for the first time. Getting college degrees. This Bill is about Tracie, Terri, Sean, Marquita, Gus, Tyran, Louis, Alex, Brian, Shelby, Donald, Curtis, AnnMarie, Eric, and Ciara. It's about the one in three Americans living with a record and the 50 percent of all Americans who have a family member who was incarcerated. We are sick and tired of living with the uncertainty of never knowing when our pasts will be held against us. I'm going to repeat that. We are sick and tired of living with the uncertainty of never knowing when our pasts will be held against us. We and our families, particularly in black and Latinx communities, are literally less healthy and stable

because of the barriers we face to reentering society.

These barriers to reentry are killing us. A state study found that formerly incarcerated young people in Connecticut were eight times more likely than average to die within a year of leaving prison. We want to be treated the same as any other employee, tenant, or student, no more, and no less. This Bill asks only that gatekeepers judge us based on who we are as individuals today, not on assumptions based solely on a record from our past. Smart Justice is not alone. 82 percent of Connecticut voters agree that everyone deserves a second chance, and a person's record of arrest or conviction alone does not tell you whether they will be a good employee, neighbor, or insurance policy holder. 57 percent of Connecticut voters support the legislature passing a law like House Bill 5389. All people in Connecticut have paid the price of mass incarceration, yet we cannot afford the cost. Smart Justice strongly urges you to pass House Bill 5389, a critical Bill to create thriving families and hopeful communities. Thank you.

REP. PORTER (94TH): Wow, right under three minutes, I'm impressed. That doesn't happen often. Any comments or questions from the Committee? Well I will ask you this. What has been the impact of collateral consequences on you?

ANDERSON CURTIS: I have been navigating barriers that I didn't know existed until I hit them. Since 2007 when I was released from Radgowski Prison on August 17. Those barriers started at the community college level when I was told that I would not be allowed to switch from the Drug and Alcohol

Counselor Program into a nursing program because I would never be able to receive a license to be a nurse with my criminal history. I have encounter barriers and discrimination in employment, in housing, as recently as the last year. Once I became employed with the ACLU I decided to move to Hartford and in that process of looking for a place to live here I encountered several people that told me quite frankly regardless of the things you've done for the past 12 years to change your life, we don't like what we see. We don't like what we hear. This door is closed to you. So the impact is great, the impact is great on my grandchildren who I love dearly. I have four of them. And you know statistics tell me that one of my three grandsons will end up incarcerated and I do everything in my power not to let that happen. I do everything in my power to work for other people besides myself that will benefit from the change and policies that we strongly urge not only this Committee but other Committees in this legislature to change, that's going to create a better Connecticut for everyone.

REP. PORTER (94TH): I agree, and I thank you and I give you a special thank you for saying their names. That was solid, and I really did appreciate that. Everybody deserves to be recognized and I appreciate this testimony today. You have solidified and actually visualized what it is that we're trying to do in this Bill. I will ask everyone to remain standing that has a conviction. Now I will ask everyone to remain standing that has a misdemeanor conviction. [Silence]

ANDERSON CURTIS: Is anybody standing up? [Laughing]

REP. PORTER (94TH): Thank you.

ANDERSON CURTIS: Not too many, huh?

REP. PORTER (94TH): You may all be seated, and that was just for me. I'm making a mental note on another Bill we're working on. That's it. Thank you for your time and your testimony.

ANDERSON CURTIS: Thank you.

REP. PORTER (94TH): You're welcome Mr. Anderson. Up next well, Akeem Bey is left, correct? Okay. She's going to let you come. So for that reason I need for you to state your name. Have a seat, and please spell it if it is necessary for the record.

MANUEL SANDOVAL: My name is Manuel Sandoval, that's M-A-N-U-E-L, last name Sandoval S-A-N-D as in D, O-V as in Victor, A-L. Hello Senator Kushner, Representative Porter, and distinguished members of the Labor and Public Employees Committee. My name is Manuel Sandoval. I am a Youth Development Advisor for the Compass Youth Collaborative. I'm here to testify in support of House Bill 5389. I strongly encourage the Committee to support this Bill. I'm here because the collateral consequences of my criminal record have been real and at times demoralizing.

Over the past few years in an attempt to rejoin society as I am or was expected to do, I managed to obtain my Peer Support Specialization. I have earned by bachelor's degree in Human Services. I earned my master's degree in Social Work from the University of St. Joseph. I have acquired a $92,000 bill which has continued to climb daily with interest. All -- it was all done in the hopes that

the system and society would accept me -- accept my remorse from my past and that they acknowledge my work as a previously impacted and disenfranchised person. I have worked with youth, I have become the Vice-President of North Oak NRZ in New Britain. I run a wellness bootcamp to ensure my community lives healthier, stronger and well balanced despite their obstacles. Yet instead I have been unable to gain better and more suitable employment. I have been unable to obtain my LMSW because my criminal history and the laws currently in place are denying me the opportunity to become licensed, the claim of course being that I -- that they would putting the very population that I'm working with at risk. Yet I'm working with this population on a daily basis.

I come to you emotional and distraught as I was once again denied three days ago for a complete expungement on my criminal history because the Board of Pardons and Parole claims the seriousness of my offense would be diminished by the expungement of my criminal history. What does that mean? Does the offense -- the offense will always be the same, the seriousness of the charge will never lessen so again, what's that -- what's that mean? Am I less than because although I have made life changes, I have met qualifications, earned degrees I will never be good enough to be provided the opportunity to work in a field that I know I would maximize growth. Please note, we are human beings, we deserve our rights to be restored. We should be completely discrimination free. I strongly urge this Committee to pass HB 5389. Hopefully it will ease our pain because, let's be real, my story is not unique. We're all -- we're all going through this, all

right. So thank you for your time. I appreciate you.

REP. PORTER (94TH): Thank you Manuel for your testimony. Any comments or questions? Well you know I know your story and I am fighting hard, not just for you but for everyone who has a story like yours. We should be doing what needs to be done to remove 559 barriers that are not necessary, that are antiquated. Those that are some are in place for good reason. But that's why we're taking a long, hard to look at it. That's why we've done the work that we've done on the Council. I don't want you all think that you come here and this falls on deaf ears and that we're just you know moving through the motions; we're not. We are really trying to get this right.

And in my effort to do this, getting it right means that it won't be just the folks on my side of the aisle because I have people on this Committee who are committed to sitting down and working with us to address the very issues that you have just described because you should be able to return, hold, and operate in a fashion that not only will benefit you and your family and your community, but this state as a whole, you know. And it always go back to me, to the economy and the revenues. And if we were putting every individual that came home, 100 people a month are returned to New Haven alone; imagine that, 1200 people a year going back into the workforce with a livable sustainable wage. My God, what would that do for this economy. Not to mention what it would do for self-esteem, what it would do for you as an individual, for your families, your children who depend on you.

So I do appreciate you being here, your patience. You've been waiting all day, and for continuing to fight the good fight. And you must continue to do that no matter what the outcome is. You have to keep fighting, you have to keep standing and if you have to sit, make it brief 'cause we're going to need you to stand longer than we need you to sit. So thank you, thank you ACLU Smart Justice for the work that you all are doing and I look forward to partnering with you on this and getting -- getting it right. I know we get it done but I want to get it done right, so thank you. Up next we have Akeem Bey. Good afternoon, Mr. Bey you have the floor.

AKEEM BEY: Good afternoon Rep. Porter. First I want to rise and give praise to the most high, whom we refer to as Allah. I want to extend honors to the Committee. Thank you for having me. I just want to -- I'm going to kind of keep this brief and give like a -- a bit of a different perspective. I do want to show my support for House Bill 5388, AN ACT CREATING A RESPECTFUL AND OPEN WORLD FOR NATURAL HAIR. The perspective that I want to give is kind of touching on the -- you know the visceral feeling behind this type of discrimination, especially for so-called African Americans or black people because there's a -- there's a connection with the Rep. Porter, you gave a discrimination of the young boy that was wrestling and had his hair chopped off. There's a connection of slavery with that process because in the process of slavery in the denationalization of my ancestors, part of that process was you know the cutting of the hair, which was culturally connected to you know a religious perspective as well.

And as a -- as a Moas American, and being a decedent of the ancient Moabites, we connect with our Hebrew side and when we go into the Bible and we study the story of Sampson, for us as Moas this is a very important type of connection for some of us. I have -- I'm actually a minister of a small congregation of Moas Americans here I Connecticut. I represent the Moas Holy Temple Science of the World, Fran Sundry Moas Science Temple of America located here in the Connecticut territory. And we draw heavy upon that story for some of us and the connection between our hair and our strength. So you know it's a very touchy thing, especially for our particular community, the Moas American community because we know and understand what happened to our ancestors and the process that they went through being stripped of their nationality, being stripped of their identity, being stripped of their heritage and part of that process was you know, the cutting of the hair as Aboriginal and Indigenous people to not just Africa but to the Americas. That was something that we held very culturally close to us.

So I just wanted to kind of give that perspective. My statement was going to be really brief. I was actually here to you know, reserve my time for someone else. That person left so I just appreciate the time and I thank you guys for having me and that's -- that's about it.

REP. PORTER (94TH): Thank you, Mr. Bey. Any comments or questions? Seeing none, we thank you for your time and your testimony.

AKEEM BEY: Thank you.

REP. PORTER (94TH): You're welcome. Up next we have Gus Marks Hamilton. Good afternoon, and you have the floor, sir.

GUS MARKS HAMILTON: Thank you. Good afternoon, Representative Porter and other distinguished members of the Labor and Public Employees Committee. My name is Gus Marks Hamilton and I'm a field organization with the ACLU of Connecticut Smart Justice Campaign. I'm here to testify in support of HB 5389, AN ACT CONCERNING THE COLLATERAL CONSEQUENCES OF A CRIMINAL RECORD. I am a licensed master social worker, a recovery support specialist, an alumni of our state university, a proud uncle to my two nieces and an upcoming nephew and I'm a person living a criminal record after spending nearly eight years in our states prisons and jails.

I describe myself this way because while I do not view myself as a person with a criminal record or an ex-offender and that is certainly not the way my family and friends view me either. That is, however, the way the state of Connecticut almost every employer and many landlords view me. Even though I've completed my sentence, fulfilled every requirement that was imposed on me when I was sentenced and have paid my debt to society, I continue to face the collateral consequences of my record.

Two months ago in January, I accompanied the Council on the Collateral Consequences of a Criminal Record to the public forums at York Correctional Institution in Niantic and to Cybulski Correctional Institution in Enfield to listen to the people incarcerated there testify about the obstacles and barriers they have faced due to their criminal

record. They recounted being rejected by landlords, rebuffed by employers, denied occupational licenses and disturbingly frequently fired from jobs months and even years after being hired when their criminal record came to light. This discrimination often having nothing to do with the nature of their conviction made them unable to support themselves and their families, unable to keep -- unable to keep their housing and entrapped in cycles that sent them back to prison.

Thousands of people and families in every town in Connecticut suffer the consequences of discrimination against people who are trying to re-enter society after being incarcerated. Within each person's testimony were stories of hope, determination and resiliency but caught within complicated systems of oppression and unending punishment. Connecticut should heed the voices of the people who testified before that Council who would soon be completing the incarcerated portion of their sentences and returning to their communities but still bearing the life sentence of a criminal record. The state should also listen to those of us who are not incarcerated but still struggle every day with the collateral consequences of our records. This Bill reflects legislative recommendations that will allow every person living with a criminal record to have an equal opportunity to build a successful and fulfilling life as a productive member of their community.

I urge this Committee to pass HB 5389, which is a critical step toward allowing everyone in Connecticut the right to adjust and equitable life. Thank you.

REP. PORTER (94TH): Thank you, Gus and you know you're singing to the choir when it comes to me, so any comments or questions from Representative Polletta or Representative Winkler? Seeing none, I thank you for your testimony and your time. Up next we have Terry Narkowski, Partnership for Strong Communities testifying on 5389. Good afternoon, madam. You have the floor.

TERRY NARKOWSKI: Thank you. My name is Terry Narkowski. I'm a consultant for the Partnership for Strong Communities and we are here in favor of HB 5389. The Partnership for Strong Communities is a statewide nonprofit policy and advocacy organization dedicated to ending homelessness and affordable housing and building strong communities in Connecticut. We staff and manage the statewide Reaching Home Campaign.

The Reaching Home Campaign has a strong focus on ending homelessness, especially for those who are most vulnerable. Individuals in the criminal justice system are more likely to be homeless and/or become homeless and become involved in the criminal justice system. Unfortunately we know more and more that these are people disproportionately of color and have a medical and have a behavioral health condition. Racial inequality overall is the major factor in homelessness. This Bill supports the work of the Reaching Home Criminal Justice Taskforce comprised of state agencies, community providers, businesses and philanthropy who met over three years to review and problem solve over issues related to those who are homeless and involved in the criminal justice system.

Participants of this taskforce also participated in the Commission on Equity and Opportunity Re-entry Work Group. Stakeholders of both the taskforce and the CEO work group recommended greater investments and better housing solutions and stronger policies for the re-entry population. The state will very likely realize a return on that investment and improve the quality of life for its residents through increasing opportunities to those who have been shut out for way too long. Improved re-entry practices can ultimately lead to increased public safety, reduce recidivism and reduce healthcare spending. Having a safe and stable place to call home paves the way for change, growth and opportunity.

In addition this Bill supports the belief that people who have served time for their offenses and engaged in -- and are engaged in rehabilitation should be able to become productive citizens. Housing, employment, education, public accommodations and access to credit, and insurance policy products are all essential to integration back into the community. Having an address and a stable place of operation can make it possible for individuals to make and keep appointments, receive case management services and become accepted members of the community. In a recent statewide study of 706 individuals who received care from five community care teams, showed that 55 percent of those who were literally homeless also had criminal justice involvement. In addition, clients with criminal justice involvement were significantly more likely to have a substance abuse issue, 72 percent versus 45 compared to those without a criminal record.

Housing instability increased risks for serious health problems, exacerbates existing illness and complicates treatment. Lack of stable housing presents serious barriers to improving the health of people with acute, chronic illness. Increasingly access to meaningful and sustainable career and training opportunities provides a way out of poverty and a pathway to self sufficiency and hope. Currently the re-entry population in Connecticut who have been arrested and have a conviction face legal barriers when seeking employment to education as we just heard from Mannie. The public is best protected when all persons who have been arrested or convicted of crimes can obtain employment, housing and educational opportunities. Homelessness is unacceptable and a condition -- and not a condition for any Connecticut resident. Thank you.

REP. PORTER (94TH): Thank you for your testimony. Pretty straight in what I would call common sense. And that's been the biggest struggle in all of this for me. We want productive citizens and we need to make sure that they have access to things that make people productive, basic necessity needs such as housing and employment and the opportunity to provide for family if anything should occur, like life insurance, credit, the things that make a family and a person sustainable. So thank you so much for you know, bringing that back -- bringing that point back again. I think that we just need to be reminded over and over until we do what we need to do so that we don't have to be reminded anymore. So thank you for your time and for your testimony, and you have a great afternoon.

TERRY NARKOWSKI: Thank you so much.

REP. PORTER (94TH): You're welcome. I'm sorry, Representative Winkler actually has a question.

TERRY NARKOWSKI: Oh, okay.

REP. WINKLER (56TH): Yes, it seems to me at some point during the Malloy Administration the victory over homelessness was declared. Did you [laughing] -- did you hear that and could you comment?

TERRY NARKOWSKI: Oh, I wish. I think what was said that we -- we achieved a milestone in terms of Veterans homelessness, but obviously as we end a certain marker of homelessness, more homelessness occurs. So we are lead in the country in terms of ending homelessness, but we also continue to incur more homelessness as these other barriers present themselves.

REP. WINKLER (56TH): I called over there and their definition of homelessness -- and in government you always have to watch the definitions, included they had to be seeking help, they have to have used the shelter, I mean they had all sorts of definitions other than the fact that you are homeless. And if you didn't meet them, you weren't homeless.

TERRY NARKOWSKI: We -- you're right on so many levels. We follow the HUD definition. That's how we continue with our funding, federal funding, but there are broader definitions than other places in the country are looking at.

REP. WINKLER (56TH): I heard the state of Utah considerably reduced their homelessness. They declared victory; I don't know if it's justified, because they actually gave each homeless person an

apartment, which seemed to be a radical solution. Have you heard of that? Is that feasible?

TERRY NARKOWSKI: I think it is feasible. Of course you're talking to a social worker with over 30 years of experience so probably I'm not -- but I do think it's possible. I think that certainly Scandinavia we hear a lot about that. They have absolutely -- Finland has no homelessness. Yes, countries are figuring it out. I think states need to figure it out and --

REP. WINKLER (56TH): Yeah, I visited Finland in September and I concur. They -- it was remarkable. Thank you, Madam Chair.

REP. PORTER (94TH): Thank you, Representative. All Thank you again. Up next we have Tim Coble, and I hope I got that right this time.

TIM COBLE: Representative Polletta -- Polletta, Representative Porter, Representative Winkler and distinguished members of the Labor and Public Employees Committee. Good afternoon, my name is Timothy Coble and I'm a Smart Justice Leader with the American Civil Liberties Union of Connecticut, ACLU-CT. Thank you for the opportunity to voice my support for HB 5389, AN ACT CONCERNING COLLATERAL CONDEQUENCES OF A CRIMINAL RECORD. I have absolute pardon and even though I've done everything that I had to do to redirect my life, I still face discrimination. Most recently I was reminded again how it feels to be discriminated against. While filling out a graduate school application before receiving my pardon the application asked whether or not I had a criminal record. This created an additional area of uncertainty, further barrier and

relegated me to being 3/5 of a man. Does this mean I will be receiving 3/5 of the education while paying full price? Will this answer provided on the application follow me for my graduate school career? And why do I have to worry about the implications of this when I received a pardon and merely wish to improve my life by receiving a college education.

Before that, being offered a job contingent on a background check is also something I've experienced and that's discrimination. At that time I presented my employer with my certificate of employability and the employer did not recognize the certificate. Without this Bill employers will continue to get away with this and individuals will continue to be legally discriminated against. When looking for apartments after being accepted contingent on the background check I was denied. I kept thinking to myself, everything will get better once I get an apartment but that day never came. This discrimination was caused solely as a result of my criminal background. The opportunity for housing and employment allows you to change your people, places and things, but there was no opportunity for me and for so many.

You may think that I have my life together, even though I may have a pardon I still face the hurdles created by discrimination allowed through background checks. There are many times I have to sit down and catch my breath because the adversity is exhausting. I'd be remiss if I didn't reach back and share my story as a tool in bringing down these intrenched systems that create barriers along the path to successful reentry. Join me in pushing our legislators to pass this anti-discrimination Bill.

REP. PORTER (94TH): Thank you, Mr. Coble. Hey, you know what I have to do, I have to remind if it's an N it's Noble, so just say Coble. That's the truth.

TIM COBLE: You can call me Noble too. [Laughing]

REP. PORTER (94TH): Yes, I can and I will. Any comments or questions? Seeing none, thank you for your testimony and your time today and thank you for your presence at the press conference this morning. Up next we have Will Roberts with the ACLU testifying on HB 5389. You have the floor, sir. I'm sorry, turn your mic -- thank you.

WILL ROBERTS: -- and other distinguished members of the Labor Committee. My name is Will Roberts and I am a Smart Justice Leader with the ACLU of Connecticut and I currently reside in the Hartford area. I am here speaking of myself and also a voice of my community. One of the biggest and most consistent problems in Connecticut is discrimination against state residents with a criminal record. I am here in support of HB 5389.

Connecticut although claiming to be a progressive champion of criminal justice reform on the surface still falls far behind. Meanwhile a vast portion of its residents still continue to struggle due to their record. Many past attempts to provide solutions end up having no effect on ending discriminatory practices other than to please those not affected. We have watched those farthest from the problem decide what is best for us with little to no results. My comfort is the Hartford community. Leaving my comfort zone to sit here and talk about discrimination based on a criminal history isn't an option for me. It is a must. It

is the right thing to do. It has to be done. The fact that any of us, as not just people living with a criminal history but as human beings still to this day have to fight for jobs, housing and resources that are viewed as basic rights but people with criminal records are excluded. It is a shame and a black mark on Connecticut.

Everyone in Connecticut has an opportunity at this very moment to end this practice of discrimination based on a person's criminal record which is still connected to Jim Crow Laws and other discriminatory legacies. This cannot come fast enough for people that have been working on this issue for decades as well as those who are living with these barriers and stigmas at this very moment. Connecticut legislators have a responsibility to protect and include people directly impacted by the criminal legal system when creating a Bill for every person who lives in Connecticut. I have lived in this state for my entire life. The time to start this is now. Thank you for your time. I urge everyone to support HB 5389.

REP. PORTER (94TH): Thank you for your testimony and for speaking truth. Any comments or questions? Seeing none, I thank you again for your time and have a wonderful afternoon. Up next we have Kathy Flaherty, CORD, Connecticut Legal Rights Projects testifying on HB 5389. Good afternoon, madam. You have the floor.

KATHY FLAHERTY: Good afternoon, Representative Porter and members of the Labor Committee. You have my written testimony so I will keep this short because frankly it's the people behind me who are sharing your stories who you really need to listen

to. One of the things that I love about watching the work of Smart Justice is they have learned the power of people sharing their individual stories and you can learn most from the people who are most impacted by a particular problem because guess what, they have the solutions for you that this state desperately needs.

No one should be left behind when we're talking about increasing opportunities to employment, housing, education. No one should be judged forever on what they do on their worst day of their life. People with mental health disabilities too often end up in the criminal legal system for disability related behaviors. We have chosen to criminalize survival activities that people living in poverty do to survive. And we need to recognize the trauma that being in the carceral system creates. We need to make it easier for people to reenter our communities and participate in our state's activity. So I support HB 5389. The only suggestion I have is that if you actually look in Section 7 and 8 of the Bill, I suggest that you amend them to ensure that disability without limitations of physical disability only is also included in the revised statutory language. Thank you.

REP. PORTER (94TH): I'm sorry, just re -- repeat that -- the Amendment that you're talking about, Kathy.0020

KATHY FLAHERTY: In Section 7 and 8 of the Bill where the proposal is to add history of a criminal record we should make sure that both mental and physical disability are also included in those lists. One of the statutes that's revised only

refers to physical disability and the other one doesn't refer to disability at all.

REP. PORTER (94TH): Thank you. Duly noted. Any comments or questions? Seeing none, I thank you for your time and your testimony this afternoon.

KATHY FLAHERTY: Thank you for all the work you do.

REP. PORTER (94TH): You're welcome. Up next we have Steve Kennedy; is Steve Kennedy here? Subera Gordon. All right, somebody let Subera know her name has been called. Ed Carvalho. Yes sir, glad to see you. Welcome, and you have the floor. Good afternoon, sir. Please proceed. I'm sorry. I just need you to turn your mic on. There should be a button down -- there you go. All right.

ED CARVALHO: Thank you.

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

ED CARVALHO: Chairwoman Porter, Chairwoman Kushner, Ranking Member Winkler and Ranking Member Polletta and members of the Labor and Public Employee Committee I'm here to support SB 350, the Senate Bill 350, AN ACT CODIFYING PREVAILING WAGE CONTRACT RATES. My name is Edward Carvalho. I'm the President of MJ Daily. Our company began in 1882. For over 137 years MJ Daily has ensured that its customers and fire protection, HVAC, and plumbing systems are designed, installed and serviced to meet the needs and save the cost -- operating costs for the life of a building as a union employer.

MJ Daily today, revenues average $70 million a year in mechanical systems, construction and services offering to its clients of Connecticut. Our markets are primarily universities, K-12 schools, office

buildings, industrial manufacturers, military bases and hospitals in Connecticut. We recently completed the HVAC and fire protection here up the street at 165 Capital Avenue. We built the UConn Student Rec Center and the new SoNo Collections mall up in -- down in Norwalk.

We employ an average of 180 to 200 employees and Local 777 pipefitters, 669 sprinkler fitters, and 667 teamsters a year. We also hire additional contractors in Local 38 sheet metal and Local 90 electrical tradesmen. We are a major CHR employer to MBE and SVE and WBE subcontractors who have been employed with us for over 35 years and we employ many family members who work at MJ Daily with their siblings, children and friends that also came up through the Connecticut trades.

We concur with Don Sharbert with CCI and Kimberly Glassman with Foundation of Fair Contracting of Connecticut that if changes to the methodology are made in an effort to artificially drive down wages, that would have a severely adverse impact on our employees in Connecticut's construction industry. Many are already having a hard time paying mortgages, childcare and cannot afford a single emergency expense. We also notice that our young entry level tradespeople, in a 5 year apprenticing licensing program, are having issues making ends meet at the prevailing rates in Connecticut.

With our lagging construction market many apprentices are moving out of the state or leaving the trade for another career. We try very hard to encourage and find employees to join our local apprenticeship program and it's becoming harder each year. We worry what our company's future will

become as baby boomers continue to retire and we don't have yet a replacement workforce in place in Connecticut. Restating Don Sharbert with CCI's position with massive unemployment in construction and not enough young people seeking the construction industry as a viable career path we cannot risk the departure from the market race at this time. Therefore it is critically important that this Committee act now to protect the integrity of our state's prevailing wage law, solidifying the CBA rate is not a measure to expand prevailing wage protection in other areas. It's not meant to arbitrarily raise wages, it's meant to simply protect the law as it is in practice today. We believe that Senate Bill 350 is a good government proposal that will protect our state's construction industry from mismanagement within the US Department of Labor from any attempt to artificially drive down wages. We urge this Committee's full support and join favorable passage of the Bill. Thank you.

REP. PORTER (94TH): Thank you. Any comments or questions from the Committee? Senator Kushner as she makes her way back to her seat.

SENATOR KUSHNER (24TH): I was listening while I was voting. But I -- I do want to thank you for being here today. I think it's really important to hear your voice as a contractor in particular on these issues. I know that one of the things I heard earlier today testified about is that sometimes there's delays in getting the right wages posted because it goes down to Washington and it takes a while to get it back up here for the correct amount. And I just wondered if you could comment if you had experience with that in your work.

ED CARVAHLO: We -- it does on the version on the approval of the wage increases. Most of our union contracts are for a three year span with ability to expand for a year in year four and year five, so when it comes to the -- the time to vote if there's any changes in it we end having to wait until the new rates come in to collective bargaining and then we retroactive back to the employee the changes if they're -- if they're wrong -- if they weren't high enough to the -- to the -- to the federal level.

SENATOR KUSHNER (24TH): Great, and can you describe a little bit about the negotiating process and how that works? I know it's a little bit different in an industry like yours, so if you could share a little information with us on that, it'd be helpful.

ED CARVAHLO: In my experience we are given an average of rates that are being used in the metro cities around us, from Boston and to New York and then looked up on how it's doing in Rhode Island, Connecticut and Springfield area. And then we are looking at the -- and they give us rates with history of cost of living. We then are given a choice to look at historical data to see if the rates will continue on at the same path. They usually increase by 75 cents an hour, year to year to -- in the future. In the last, I would say six to eight years it's been historically the same way through the -- through the process coming from the federal with rates.

SENATOR KUSHNER (24TH): Thank you. And I do want to comment also that I thought the list of projects that you worked on was impressive and I think one of the -- one of the things I enjoy about this Committee is that we meet people from so many

different facets of the work world doing so much to make sure our state is run efficiently and effectively and your role in helping build those projects; we need to recognize that as valuable work that you're providing. And so while you're not a state employee and you don't -- your -- the people who work for you are not state employees, none the less we as a state really benefit from your work and so I wanted to thank you for coming up and taking the time to testify, helping us to understand what isn't always so clear to people.

ED CARVAHLO: Thank you, thank you, have a nice evening.

REP. PORTER (94TH): Yes, Representative Winkler.

REP. WINKLER (56TH): Yes, I don't get a chance to speak to management very often so I -- do you believe that this Prevailing Wage Bill guarantees that -- or is likely to lead to skilled workers being on site?

ED CARVAHLO: I do.

REP. WINKLER (56TH): All righty. And do you think that it makes it more likely that the workers will be in state instead of out of state?

ED CARVAHLO: I believe so, yes.

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

REP. PORTER (94TH): Thank you. And I just wanted to add I mean as a contractor, what is the impact on -- or the effect on contractors if there is a wage, oh what do they call it, determination in the middle of a contract?

ED CARVAHLO: Can you clarify that?

REP. PORTER (94TH): Like if you're in the middle of a contract and I believe it's every July 1st --

ED CARVAHLO: Yes.

REP. PORTER (94TH): -- this changes, is that correct?

ED CARVAHLO: June 1st, June 1st.

REP. PORTER (94TH): June 1st, I thought it was -- see, I'm being bias, my birthday is July 1st. June 1st. Is there an impact on how you're doing business if that happens like while you're in the middle of a contract and that determination is made?

ED CARVAHLO: Not every contract allows you to go back and -- and make changes, so it's up -- it's up the employer and the collective bargaining agreement to be as close as possible to the -- to the wage rates as we're doing our project with the contract. Most public projects I think allow you then to go back in and modify and get additional funds if it's not enough for the project. On the private sector, the -- you know the risk is on us. There is not -- we don't have that choice.

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

ED CARVAHLO: My pleasure. Thank you.

REP. PORTER (94TH0: You're welcome. All right. I'm going back to see if Steven Kennedy showed up. Is he in the room? No. Okay, well I'm going to put an X by his name. Subira Gordon with Conn CAN is up next testifying on 5388 and 89. Ms. Gordon, you have the floor.

SUBIRA GORDON: Thank you. Good afternoon. My name is Subira Gordon. I'm the Executive Director of ConnCAN. Good afternoon Senator Kushner, Representative Porter, Representative Vargas and Representative Winkler. As I said, my name is Subira Gordon and I am the Executive Director of ConnCAN. You have my written testimony which I will probably -- I always deviate from so I'm going to put it to the side. I just wanted to take a moment to thank the folks from ACLU Smart Justice for everything that you say about collateral consequences of the criminal justice system. There's not much that I can add that would have more of an impact as a person with a spouse who has a criminal record, there have been a lot of consequence on my life and my kid's life and I really appreciate the fact that the Committee is here working on these issues.

Education is my area of expertise. I do think that when we think about the long-term consequences and the education system about criminal justice there is a lot of work there to do. But I wanted to also take a moment and talk as an African American woman or a woman of Caribbean descent who now identifies as African American about the consequences of having to deal with a system that does not look kindly upon the kind of hair upon my head. I am a mother of a black girl who also will think about what's happening to her as she goes through her life. Our country thinks that it's -- I think the main stream hair is straight hair, and if your hair is not straight people look at your differently. And there's a lot of pressure -- I've felt this pressure in my life to straighten my hair to make sure that my hair is a certain length so that I could fit.

Hair I think is an expression. You should be able to whatever you want with your hair. As a woman I like my hair to be blonde sometimes. I like it to be different colors but I do think that when your hair looks like mine, it's kinky, it's nappy, but it's beautiful and every woman should feel that kind of pride associated with their hair and it hurts me that there are young people in this country, all across the country and in our state.

My step-daughter feels the need to have a weave in so she can fit in in her white school. That is her reality and she refuses to show her natural hair because she goes to school with kids who do not look like her and feels like she looks differently if her hair is not straight like theirs. So I think it's really important when we look at this; I know there's going to be a Bill in Education that's also talking about this in schools. But as a woman who is of African decent who feels very proud of my heritage, I too have felt pressure to make my hair straight, to fit in in a world that does not embrace my heritage, my culture, and I really appreciate the fact that you have this Bill in front of the Committee today, and I thank you for -- both Senator Kushner and Representative Porter for leading on this issue.

REP. PORTER (94TH): Thank you for your testimony. Senator Kushner.

SENATOR KUSHNER (24TH): First I would like to thank you for your participation in the Council. It was a great experience as you've heard me say, I think for myself but I think -- I had the sense that everyone who participated in the Council meetings really got a lot out of it and got better acquainted with the

issues and potential solutions for those issues. I think the thing that you had mentioned here today but also in the Council meetings is the importance of understanding the collateral consequences on families and that -- I think that that's really important because I think most people can relate to the idea that all children should have the opportunity to achieve and to live a full and prosperous life, and we don't always understand the relationship between that child and the household they're being raised in and when there are barriers to one of, or both of the parents in terms of housing or in terms of employment or other statutory barriers that we put up that it really has a huge impact on -- on the -- the children, and you know that's a consequence that I think we can do something about. So, I wanted to thank you 'cause you've made that point very strongly in previous meetings and here today.

The other thing I wanted to mention is that I think that today there's been so much conversation about women and how they look and their hair. And I think I -- I -- I think what's important to underscore here is that -- and I have a feminist have always objected to the fact that women have to fit into a certain -- certain ideal of what we should look like and what our hair should like. I do not have good hair. I've never had good hair. I put a lot of product in it just to get it to look somewhat normal. But the difference is the issue of race and I think that's the point they're underscoring, you are today and that this Bill underscores, is that I've never been discriminated against because my hair doesn't look quite right or doesn't look like the ideal and that has not been a barrier that I've

faced. And so I think that's important for us -- all of us, especially white people to understand is that this really goes to the core of discrimination and racism and unconscious bias so I hope that -- I'm happy that you're here testifying on it. I think your testimony is really important and I too hope that we will move this to session.

REP. PORTER (94TH): Representative Vargas.

REP. VARGAS (6TH): I also want to congratulate you on coming forward and testifying on this issue. As a Caribbean American myself coming from the island of Puerto Rico, this is an issue that has bedeviled us for a long, long time and many -- many times, especially in the area of San Juan which is a tourist mecca, people often wonder why, you know people with straight hair are the ones that are at the front desk and people that don't have straight hair are the ones cleaning the rooms and the bathrooms and doing the jobs that pay less. And it has to do obviously with African features. The society tries to conform to the norms of what they believe is esthetically pleasing, which is also dominated by media, by Hollywood, by television, by the overwhelming pressure that we feel from the -- from the esthetic norms of the controlling a majority society and it manifests itself in many ways.

You know for example for a long time the only people of color allowed on TV were those that looked like Caucasians, you know very light skinned and the less of the African features the better it was in terms of your opportunity to make it in Hollywood or to make it in TV or as a model. And times have changed. People have fought for dignity, they've

fought for civil rights and I think that this kind of a Bill that you're supporting would go a long way in letting employers and others know that people should be treated fairly regardless of whatever secondary -- because it really is secondary, all these things like skin tone and hair color are really secondary traits because we all know we're 99.9 percent the same body, the same chemistry, we all come from South Africa. Everybody in the world comes from South Africa where Lucy, the first Homosapien was found and we're just variations of the same, same people. So thank you for your testimony and I'll be supporting this Bill.

REP. PORTER (94TH): Thank you, Representative. I want to go back to your wealth of knowledge and wisdom around education and ask you a question about what would be your recommendation for an educational component for the Council on Collateral Consequences of a Criminal Record.

SUBIRA GORDON: So when we look at schools and how schools treat the students who are there I think there's certain norm behavior that happens in schools where if a parent has a criminal record, not every school will allow that parent to come in and volunteer, which I think -- I understand for crimes that are connected to children you might want to have some parameters but they're training programs and you're not allowed to go in and be a volunteer in school if you have a criminal record.

I also think we need to look at how we prepare educators for dealing with classrooms that have "unconventional families." It's very typical for a teacher to say, moms and dads you know, when you're referring to what's going to happen at home and if

you think about for many students in urban centers, their dad -- the dad is probably going to be incarcerated, just looking at the statistics. So when we think about how we're preparing our educators to educate our students, we need to make sure that they understand that a lot of these families are dealing with collateral consequences of the criminal justice system at home. So in teacher/parent programs I think it's really important that we talk about those issues with them.

I also think that when we think about -- I know we're talking about universal, a model curriculum for the state; these are things that we should be thinking about because we don't want any child to go into school and feel like they do not fit in because they know what their situation is at home. So we should really be thinking about how this is an impact on young people, specifically on young people in urban centers when we're thinking about what curriculum looks like. What kind of books are we reading? Are we reading books in school that can help them feel comfortable that talk about having a parent who is incarcerated so they don't feel like they're different; they feel like they fit in with everyone else.

REP. PORTER (94TH): Thank you for that, and I think a lot of that is going to have to do with who -- who these children are in school with and what all they have in common. The one thing that I always told me kids growing up, don't get in where you fit in 'cause you can force a fit. Get in where you belong. And what I think I hear you saying and what I've heard many people say today is that we need to create safe spaces where people not only feel they

belong, but where they actually belong. And that's a heavy lift but I think that we can get it done together and collectively as we continue to collaborate on these issues and many more, so thank you so much for your patience, your time, your testimony and your commitment in the safety and the welfare of our children and families. That's it. You're welcome.

Up next we have Jim Lohr. Is Jim Lohr in the room? Carpenters? Nope. Michael Thompson, contractors? Yay, come on down, Michael. You are next and you will be testifying on Bill 350. You have the floor, sir.

MICHAEL THOMPSON: Good afternoon, Chairwoman Porter and distinguished members of the Labor and Public Employees Committee. My name is Michael Thompson and I serve as the Executive Director of the Mason Contractors Association and the Associated Sheet Metal and Roofing Contractors Association of Connecticut. In total these organization represent over 100 contractors who are signatory to multiple state building trade unions and routinely do work on public projects throughout the state. I'm here of behalf of both organizations to urge your support of Senate Bill 305, which would codify in state statute what is already the practice in Connecticut for adopting prevailing wage rates as determined by the US Department of Labor.

The Bill would streamline the process for adopting and posting prevailing wages and remove several inefficient and time-consuming requirements that add no value to the current process. As you know the US Department of Labor determines the Davis-Bacon rates by conducting wage surveys wherein it surveys the

rates paid by contractors, by worker classification, and by geographic areas in every state. In Connecticut the rates determined through collective bargaining eventually become the prevailing wage as they represent the majority of wages paid to workers in each classification.

In addition the Connecticut Department of Labor must update the prevailing wage rates July 1st of every year. The US DOL updates the rates to reflect any escalations or changes to a classification. Unfortunately, however, the US DOL is not always timely or reliable in updating their wage determinations, which has led to administrative delays and unnecessary confusion for contractors. Senate Bill 350 would protect the integrity of Connecticut's prevailing wage law. It wouldn't expand prevailing wage protections into other areas nor arbitrarily raise wages. It simply protects the law as it is in practice today. More than half of the prevailing wage states in the nation accept the collective bargaining agreement rates when determining their prevailing wage. Senate Bill 350 would eliminate lengthy, cumbersome, inefficient steps from this process and allow organizations and the bargaining units to work directly with the Connecticut DOL in a more efficient and effective manner. Thank you.

REP. PORTER (94TH): Thank you for your testimony. Senator Kushner.

SENATOR KUSHNER (24TH): Yes, I appreciate your testimony and also what you do for the state of Connecticut. But I -- I wonder if you could -- you touched on this, but if you could expand on it; I would imagine that when there's a delay in getting a

rate back from Washington that that causes you extra cost because you have to go back and fix wage problems, costs and inefficiency so I wonder if you could comment on that.

MICHAEL THOMPSON: It does. I can't speak personally because I'm not a contractor but I've had multiple occasions where my members and various trades that do different kinds of work, a lot of times after the July 1st date when -- when there are new rates there's confusion with the DOL on what should be done like what was said before; they can't always go back and change figures so it has been a problem in the past and I think this Bill would be a big step forward in trying to solve that.

SENATOR KUSHNER (24TH): And I -- and I think I heard you say that perhaps half of the states in the US are using this approach of codifying the contracts for their -- for their prevailing wage?

MICHAEL THOMPSON: Right. It's not uncommon. It's -- you know it's typically the majority of wages paid for that classification of work so that eventually becomes the wage. It's just that we have a -- you know a process that I think could just be streamlined. It would be more efficient for you know, the DOL and many of the contractors I represent and other businesses as well.

SENATOR KUSHNER (24TH): Thank you for clarifying that.

REP. PORTER (94TH): It looks like that will be all. Thank you for your time --

MICHAEL THOMPSON: Thank you.

REP. PORTER (94TH): -- and your testimony. You're welcome. Peter Alfieri. I'm not sure of the organization. It's says 777, I don't know if that's correct. Plumbers and Pipers, Pipefitters. No, I need you to press the button. There you go. You're on. Yes, welcome.

PETER ALFIERI: Thank you, thank you very much. Thanks for having me. Thanks for giving us the time to -- all right. My name is Pete Alfieri. I'm a Business Agent for the Plumbers and Pipefitters Local 777. 777 represents approximately 2,000 licensed journeymen and journeywomen in the plumbing and pipefitting industry and about 220 apprentices. [Coughing] Excuse me. Local 777 strongly supports Senate Bill 350. We believe that we need to protect the Davis-Bacon Act prevailing rate in Connecticut under these uncertain times in Washington DC. I believe it's up to us in Connecticut to make sure that our middle class workers have the opportunity to provide for their families without having to depend on the state of Connecticut for any -- any type of assistance. And I thank you very much for your time and concern to this matter, and I applaud -- I applaud this Bill. Thank you.

REP. PORTER (94TH): Thank you for your testimony. Any comments or questions? Senator Kushner.

SENATOR KUSHNER (24TH): I just don't want to leave out the plumbers and pipefitters 'cause I talked about the important work that everybody else has done. I want to acknowledge that you're part of that and making sure that our buildings are constructed well and that they're there for the -- for the future. And so we do appreciate the work that you provide to our state and the importance of

the skill that you bring to your jobs. And so I -- I think this hearing has been very good because it's helped us to understand that we're not expanding the prevailing wage system, that we're not increasing the rates that you would otherwise get, but we're streamlining it and making it more efficient and making sure that we're protecting all of the workers, whether you're unionized or non-unionized, that everybody's getting a fair rate and fair benefits for the work. So thank you for being here today.

PETER ALFIERI: Correct. Thank you for having me.

REP. PORTER (94TH): All right. Up next we have Butch Davidson, Roofers 12 testifying on Senate Bill 350. Welcome Mr. Davidson, you have the floor.

BUTCH DAVIDSON: Thank you. Chairwoman Porter, Chairwoman Kushner, and ranking members of the Labor and Public Employees Committee, I am the Business Manager, Financial Secretary-Treasurer of The United Union of Roofers, Waterproofers and Allied Workers Local 12. We are located at 19 Bernhard Road North Haven Connecticut. We recently celebrated ow 100 years of existence, after being chartered in Bridgeport on September 8, l919. At present I represent just under 300 Members. I am submitting this testimony in very strong support of SB 350, AN ACT CODIFIING PREVAILING WAGE CONTRACT RATES. This Bill seeks to codify what is already in practice. Our United States Department of Labor. The current C.G.S. Sec. 31-53 reads as, "For the purpose of predetermining the prevailing rate of wage on an hourly basis and the amount of payment or contributions paid or payable on behalf of each employee to any employee welfare fund, as defined in

subsection (h), in each town where each contract is to be performed, the Labor Commissioner shall hold a hearing at any required time to determine the prevailing rate of wages on an hourly basis and the amount of payment or contributions paid or payable on behalf of each person to any employee welfare fund as defined in subsection (h), upon any public work within any specified area and shall establish classifications of skilled, semiskilled and ordinary labor, and adopt and use such appropriate and applicable prevailing wage rate determinations as have been made by the Secretary of Labor of the United States under the provisions of the Davis-Bacon Act as amended.

The US Department of Labor determines the Davis-Bacon rates by conducting wage surveys wherein they survey the rates paid by contractors, by classification of work, and by certain geographic areas in every state. In Connecticut the rate is determined through collective bargaining are the prevailing wage rate. This means that through the US DOL's wage survey process it is determined that the collective bargaining rate is the market rate. And further, it means that any construction workers performing work on a public project in Connecticut, which includes Davis-Bacon or Prevailing Wage provisions is earning the collectively bargained rate. Since the rate determined through collective bargaining agreements is the prevailing market rate on building and heavy & highway work, there would be essentially no change for any contracting agency should the proposed language in SB 350 by codified. The changes we propose are in the Bill 350.

The Connecticut Department of Labor must update the prevailing wage rates every July 1st. What this means is that the US Department of Labor must also update any rates to reject any escalations or changes to a classification. Unfortunately, however, the US Department of Labor has not been timely or reliable in updating their wage determinations. This is especially frustrating to me because I am aware that a problem exists, so I encourage my membership to make a decision months before a negotiated mise is to go into effect. This gives me more time to try to get ow new rates posted. At present despite my best efforts our current posted rates as of July 1, 2019 are $2.05 behind per hour. This puts my Signatory Contractors at a significant disadvantage when bidding on Prevailing Rate Projects. The current wage rates adopted are from June 2018. And I'm going to stop right there just to expunge upon that a little bit.

REP. PORTER (94TH): Yeah, that's a lot to sink in. That is -- just -- just -- I'm going to let you end and then we'll ask questions. How about that? Q&A. Senator Kushner.

SENATOR KUSHNER (24TH): I think -- while I appreciated all the other testimony what you said is the first we've really heard it quantified in the way that you did. And so I do want you to repeat that because I want to make sure it does sink in for all of us. You're suggested that the posted rate today is $2.00 under --

BUTCH DAVIDSON: In -- in our craft, the roofers and waterproofers in my area, there's two locals in the state but in my area it's $2.05 behind. It was our

rate back in June of 2018 and as I stated, and I did provide this information in -- you know --

SENATOR KUSHNER (24TH): Written testimony.

BUTCH DAVIDSON: To the Committee as well, I have it in -- in bold print and I will read it again. At present despite my best efforts our current posted rates as of July 1, 2019 are $2.05 behind. This puts my Signatory Contractors at a significant disadvantage when bidding on Prevailing Rate Projects. The current wage rates adopted are from June 2018. And I -- and I put in the package that you will see, how I -- how I send the rates into the DOL and I -- I have three pages here. One is -- one is our rates from June of 2018 when they were submitted and that's what we currently have now posted as the rate, and then the following increase June 3, 2019. Oh, I'm sorry I skipped one. But November 'cause we had a raise coming in January of 2019. That raise I sent in November 16, 2018. Nothing happened and --

SENATOR KUSHNER (24TH): So let me just draw attention to something else that you just said. It puts your contractors at a serious disadvantage because they then are bidding on a project where their contract requires them to pay a higher rate than what is posted. And so a nonunion contractor might get that bid because what they would be paying could be under because that's what the posting is. But ultimately it doesn't save the city or the state anything, because when it comes time that money is still owed, the prevailing rate when it gets caught up is still owed to the people on that project.

So I think that this -- the reason to underscore is like I think people don't get, we don't want to put one contractor at a disadvantage to another contractor or one tradesperson at a disadvantage to another because of a delay in posting that is a result of something that's going on Washington DC when we have the solution in this Bill, which is to put that into place through the codified rates here now directly to Connecticut DOL and it will, you know we won't have that same delay or lag time.

BUTCH DAVIDSON: No, I whole-heartedly concur. And like I said, I'm aware of the delay and I think it was at least a half dozen times that I contacted them various different ways, either email, fax, just sent it you know -- you know just regular mail and I think this past year my anger got the best of me and my last fax was to the -- to the person who is supposed to make sure that this gets done is, thanks for nothing. So it is -- it's very frustrating.

REP. PORTER (94TH): All right. Any further comments or questions? Seeing none, I thank you for your time and your testimony today. You're welcome. Up next we have Zach, is Zach here? McKeown, CCM testifying on Senate Bill 352, AN ACT CONCERNING PERMANENT PARTIAL DISABILITY AND PENSION OFFSETS. You have the floor, sir.

ZACH MCKEOWN: Good afternoon, Committee Chairs, Ranking Members, members of the Committee. My name is Zachary McKeown. I'm a Legislative Associate with the Connecticut Conference of Municipalities. I'm here today to oppose SB 352. CCM appreciates the commitment our First Responders have made to keep all of Connecticut's residents safe and we support efforts to make our First Responders whole

when they are injured in the line of duty. However, the changes brought about by SB 352 would create an environment where claimants receive greater compensation while they are out of work than they would have received prior to the injury they sustained.

Additionally the changes brought about by SB 352 would create a financial incentive for individuals to remain out of work on Worker's Compensation benefits. Lastly, many provisions concerning offsets are collectively bargained in good faith between municipal employers and employees. The changes brought out about SB 352 would invalidate these agreements and undermine the collective bargaining process. SB 352 would set a president that would enable future legislation -- legislative action to invalidate components of collective bargaining agreements if any stakeholder is unhappy with the mutually agreed upon result. Accordingly the provisions of SB 352 should be realized through the collective bargaining process. I'd be happy to answer any questions.

REP. PORTER (94TH): Thank you for your testimony. Any questions, comments? Seeing none, thank you again. You have a great day.

ZACH MCKEOWN: Thank you.

REP. PORTER (94TH): You're welcome. Up next we have Cameron Champlin, Local 777. How are you, sir?

CAMERON CHAMPLIN: Very good.

REP. PORTER (94TH): That's great.

CAMERON CHAMPLIN: Thank you, Representative Porter.

REP. PORTER (94TH): You're welcome, you have the floor.

CAMERON CHAMPLIN: Good afternoon Representative Porter and members of this committee. My name is Cameron Champlin. I represent Local 777, Plumbers and Pipefitters Local from Meriden, Connecticut. This testimony is in strong support of SB 350. I have been involved in the construction industry for 56 years. During that time the wages and benefits included in the prevailing wage rates in Connecticut have always been the same as the collective bargaining agreement rates for Construction workers. It makes no sense to have to conduct a survey at the taxpayer's expense when the outcome is already evident. We ask that you vote to move this Bill forward. Thank you for the opportunity to testify on this issue today. If you have any questions, I'd be happy to answer.

REP. PORTER (94TH): Well Representative Polletta says he likes this guy. [Laughing] Any questions for this guy, Mr. Polletta?

CAMERON CHAMPLIN: Short and sweet. [Laughing]

REP. PORTER (94TH): Any questions from the Committee. I mean just expand a little bit for me on what the --

CAMERON CHAMPLIN: All right. The process?

REP. PORTER (94TH): Yes, thank you.

CAMERON CHAMPLIN: The federal government and it used to be every 10 years. I was a former business manager and my contractors would have to get information on what the value of their projects were and they would forward that to the Department of

Labor in Washington DC. Somebody down there had to compile of this, there were non-unions that would do the same thing. They would say how much work they did. That's how the prevailing wage would be -- would be founded, is to say the one that did the most work in the -- in this -- in the state, that would be your prevailing wage. It used to be different areas, now it's for the whole state of Connecticut. And like I said, why go through that when for the last 50 some years it's already been there, the collective bargaining rates are the rates so why does it cost us extra money to have somebody do a survey?

REP. PORTER (94TH): That's a good question. I think we already know the answer, but we'll leave it there. All right. Well thank you again for your time and testimony today.

CAMERON CHAMPLIN: Thank you for the opportunity.

REP. PORTER (94TH): You're welcome. Next up we have Myriam Gilles. Is Myriam here? Thank you. [Laughing]. All right. How about Norma Martinez-HoSang. I hope I said that right. Okay. Make The Road Connecticut, House Bill 5381, AN ACT CONCERNING PUBLIC ENFORCEMENT ACTIONS AND FORCED ARBITRATION AGREEMENTS. You have the floor, madam.

NORMA MARTINEZ-HOSANG: Thank you, thank you Representative Porter and the rest of the members of the Labor and Public Employees Committee. My name is Norma Martinez-HoSang. I live in Hamden and work as the Organizing Director for Make the Road Connecticut and I stand in support of HB5381, AN ACT CONCERNING PUBLIC ENFORCEMENT ACTIONS AND FORCED ARBITRATION AGREEMENTS.

Make the Road Connecticut works with hundreds of families in Hartford and Bridgeport. We work to build power in low-income immigrant communities in Connecticut. Like many of our members I too am immigrant. One big difference between my parents when they came to this country in the 70s and the workers I now work with, is that my parents were part of a union, a union where they had a strong contract that included workplace protections and a clear and strong grievance process. Most members of Make The Road Connecticut have none of this.

Immigrant workers face high rates of exploitation in their workplaces. We often hear stories of widespread violations of workplace -- of workplace protections like the minimum wage, paid family leave and meal and rest breaks. More than one in seven Connecticut residents is an immigrant and nearly a quarter of the immigrant population is undocumented. Immigrant workers, especially undocumented workers, face unique vulnerabilities in the workplace. I want to share with you a couple of stories, then I' going to share with you one story -- but it's really -- it's an example of the stories that we hear at Make The Road on a daily/weekly basis. One example one of our members, Giselle, who the committee heard from, who introduced testimony on another Bill, so her story is on the record for the Labor Committee, but she works in -- she worked at a Mexican restaurant in Milford where she witnessed and

experienced widespread labor violations. In fact several of our members worked in that same restaurant where regularly workers were regularly forced to work from 10:00 a.m. to 12:00 a.m. without breaks. They also experienced wage theft and the

boss would underpay them for the hours they worked and also withhold the worker's -- the worker's paychecks for weeks and months at a time. When workers spoke out against this the boss would retaliate by cutting their hours and threatening to call ICE on immigrant workers if anyone complained about their working conditions. And a lot of these workers get asked, well why don't you do something about it and the reality is they -- because they're afraid. They're afraid that they're going to lose their job or that they will continue to get retaliated against

Forced arbitration makes these situations worse. First, corporations use forced arbitration to avoid investing in compliance because workers with forced arbitration clauses are blocked from speaking up and effectively enforcing their rights, corporations can ignore workplace protections without consequences. And second, forced arbitration threatens to overwhelm our already underfunded public agencies. Workers with forced arbitration clauses depend entirely on the Department of Labor and the Commission on Human Rights and Opportunities to find justice. But these agencies don’t have the resources to monitor all workplaces for violations.

We believe that immigrant workers should be protected in the workplace. HB 5381 is an innovative policy that would bring in enforcement dollars to hold bad actors accountable and fund community education and outreach. In addition to deterring lawbreaking employers, HB 5381 would help immigrant workers in several respects. First, the law would allow one whistleblower to file claims against an employer, on behalf of the whole

workforce, for any violation of state labor and antidiscrimination laws. This provision allows employees who are not vulnerable to immigration-related retaliation to seek justice for their undocumented coworkers. HB 5381 would also allow workers who fear retaliation to designate a representative organization to bring an enforcement action on their behalf. A worker center, immigrants' rights organization like MRCT, or legal aid nonprofit that is trusted by immigrant workers can file on behalf of impacted workers without revealing the identity.

So we really hope -- I respectfully request that the Committee support HB 5381 to ensure that DOL -- that the DOL and CHRO have sufficient capacity to protect the rights of all workers. Thank you for your time.

REP. PORTER (94TH): Thank you for your testimony. Comments? Yes, Representative Winkler.

REP. WINKLER (56TH): In these forced arbitrations, who pays for the arbitrator?

NORMA MARTINEZ-HOSANG: There's going to be testimony with a little bit more of that but my understanding is that -- actually I don't know the answer to that. I'm not even going to try and answer it.

REP. WINKLER (56TH): I'll wait for the testimony.

NORMA MARTINEZ-HOSANG: Yeah.

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

REP. PORTER (94TH): You're welcome. Can you please explain why we need this Bill even though there are

numerous labor protections already in the state of Connecticut?

NORMA MARTINEZ-HOSANG: Well at Makes The Road, I mean we see our members are people that -- some of them are documented, some are undocumented, but people that really, really need their jobs. And so what we see is that even though the laws are there to protect them, because they are -- it's not about laws not existing, it's about being able to enforce those laws. And what we see with our members is that many members are afraid to stand up and -- and go up against a boss on their own. I mean in -- in places where there is a union and where those protections are covered by a union contract there is a pathway there so that the worker doesn't stand alone. But in many of these other places it really is one worker against the boss and these are workers that really count on these jobs to feed their kids, to pay rent, and so the stakes are very high for these families when they stand up. And that's why there needs to be something else.

REP. PORTER (94TH): Thank you for that. And can you speak to why -- 'cause I'm sure people are wondering, why can't workers just sue?

NORMA MARTINEZ-HOSANG: Well there's a couple of things. And we're talking about the forced arbitration agreement that you'll hear -- that you'll hear more about and this is really what this Bill is looking at. You know, there is -- in some of these work places workers are signing off the right to do something or they going into a contract where forced arbitration is forced upon them. And so -- so that's really what we're speaking to here. But we really do think that what we're trying to set

up would go beyond that -- beyond just looking at the forced arbitration agreements, but it could change the environment for many, many workers who right now aren't able to speak up because of the reasons that I shared with you.

REP. PORTER (94TH): Thank you so much for answering those questions. Senator Kushner.

SENATOR KUSHNER (24TH): We did have testimony from a couple of people today that were faced with this and wouldn't have gotten the job without signing it, and one woman in particular who came in and talked about her many years on the job and then she was fired and then had to go through that arb -- didn't have the right to go through anything but the forced arbitration system. That was a person who I think filled a white collar, probably higher paid job and I think one of things that like the non-compete -- we have a problem in this state because we have low-wage workers who are forced to sign non-compete agreements. This is another circumstance where I don't think we had much knowledge of it, so your experience is with low-wage workers and you know, how prevalent is this? Is this happening more than we know?

NORMA MARTINEZ-HOSANG: Well the first agreements, there is going to be testimony on more specific in numbers on that and I think from the perspective of Make The Road, it really is about workers having -- having the ability to kind of fight back. And we don't -- we definitely don't see it and there will be testimony around people with these forced arb agreements, but what it means -- what this proposed Bill would do is also do community education and there's a part that I didn't read but I did submit

around -- there's language there to do more community education around worker's rights so that some of the money that would be recovered with these -- with this Bill -- through this Bill, would be to put it back in the community so that workers kind of know their rights more 'cause I think there's a disconnect there too.

SENATOR KUSHNER (24TH): Well thank you, thank you for pointing that out and also, thank you for the work you're already doing to educate workers in the community so we do appreciate what you're -- your being here today but also what you're doing in the workforce.

NORMA MARTINEZ-HOSANG: Thank you.

SENATOR KUSHNER (24TH): Next up I see we have Hugh Baran.

HUGH BARAN: Good afternoon. Thank you to Committee members for having me here today to testify.

SENATOR KUSHNER (24TH): Sir, do you mind sitting a little closer to the mic?

HUGH BARAN: Oh sure.

SENATOR KUSHNER (24TH): 'Cause we'll hear you better.

HUGH BARAN: Is that better? Okay. My name is Hugh Baran, and I am a Staff Attorney and Skadden Fellow at the National Employment Law Project (NELP). NELP is a non-profit, non-partisan research and advocacy organization specializing in a wide range of employment policy issues. NELP testifies today in support of HB 5381, which would allow workers to file civil actions in the name of the state to

enforce their existing rights under Connecticut's wage-and-hour, anti-discrimination, and sexual harassment laws.

Forced arbitration requirements deny workers the right to go before a judge and jury when their employer breaks the law. These requirements can be imposed on workers when they start a job or at any time after they've been hired. Workers don't even need to sign anything to lose their right to a judge and jury. An employer can simply amend their handbook and impose forced arbitration. Making matters even worse, class and collective action waivers are incorporated into forced arbitration requirements which prevent employees from banding together to challenge employer law breaking.

Corporate lobbyist will tell you that forced arbitration is good for workers or mutually beneficial to workers and employers. That's just not true. These are requirements of employment, not voluntary agreements. Employers can fire you or rescind a job offer if you refuse to be subject to a forced arbitration requirement. Forced arbitration at the end of the day is about evading liability from law breaking and detouring workers from challenging employer abuses. It's only efficient and cheaper for corporations one, because it prevents employees from ever filing claims at all. Two, because if the few employees who do file claims will almost always lose. In otherward, employers almost always win.

Last month, NELP released a new data brief finding that nationwide that forced arbitration enabled employers to steal $12.6 billion in wages from over 6 million private-sector nonunion workers earning

less than $13 an hour who are subject to forced arbitration. Relying on the same methodology, NELP estimates that in Connecticut in 2019 forced arbitration enabled employers to steal $133 million in wages was from private-sector nonunion workers in Connecticut earning less than $13 an hour. While the Connecticut Department of Labor is not restricted by forced arbitration requirements the department lacks the resources to meet the scope of this crisis. In 2019 the Department of Labor employed fewer than 30 investigators to detect violations among the state's workforce of 1.6 million workers, which also covers 97,000 employers.

In 2018 the department recovered just under $5 million in stolen wages, a drop in the bucket when compared to the 133 million that employers stole from workers subject to forced arbitration in 2019 in Connecticut. Connecticut Department of Labor cannot be expected to replace the role that workers and their attorneys have historically played in private enforcement of wage an hour law. That's why Connecticut needs HB 5381. Thank you again for the opportunity to testify and I'm happy to answer any questions you have about forced arbitration.

SENATOR KUSHNER (24TH): I forgot I'm Chairing again. I was raising my hand to ask you questions but I will act as Chair and ask Representative Porter, do you have any questions?

REP. PORTER (94TH): There's a lot of talk about wage theft in the state of Connecticut. Can you just speak to that and tell me honestly, is there really a wage theft crisis or issue in the state of Connecticut?

HUGH BARAN: Yes, there really is. So there's -- so I mean, you know since minimum wage and overtime laws were first enacted in the 30s and 40s there's always been employers who tried to skirt the law. But what we've seen in recent decades is that -- that wage theft wage has gotten significantly worse, particularly as we've moved form a manufacturing economy that was dominated by more unionized -- by more unionized workplaces, people that had rights that were above the minimums our laws set and toward a more service-based economy where the minimum is often just you know the operating norm for -- and where low-wage jobs are part of the business model.

So in Connecticut the way that you know, part of how that's played out I mean you heard on a different Bill earlier today is the restaurant industry is one of the most important employers in the state. The restaurant industry also is naturally the biggest place where we see violations of wage-an-hour law and wage theft. 17 percent of workers in the restaurant industry are subject to wage theft. So the crisis is real. Nationally it costs workers $50 billion a year. So we're not saying forced arbitration is the only cause of this crisis. There's many, many causes of it but forced arbitration is enabling a particular kind of theft from workers who are subject to forced arbitration.

REP. PORTER (94TH): So how would having the ability to have a neutral arbitrator benefit employees?

HUGH BARAN: Well right -- right now I mean in theory arbitrators are neural, right? They're theoretically chosen by both sides. The reality is that the -- the employer almost always is the one who is the repeat player in arbitration rights, so

they're the repeat customers. They're paying the Bill. Most of the time they pay the vast majority of the Bill though some employers do try to shoulder the costs onto workers. But generally they're paying the Bill and so they get to decide what are the rules of the road. What -- and if an arbitrator -- an arbitrator -- I think one thing that's really hard for people to understand about this is that judges are not driven by profit. So a judge gets the same salary every year regardless of whether they have you know, they have 100 hearings on a case or they have one hearing on a case. They get the same salary whether they rule for a plaintiff or a defendant. That's what expect of neutrals in our society. But arbitrators are paid for their time on a case, and if they want to attract repeat business from employers they're -- they know that being too pro employee or too fair honestly, is going to -- is going to cost them their livelihood.

REP. PORTER (94TH): Wow, so I asked the question earlier about why not just sue. If you could speak to that and then just tell me, would it not be cheaper for workers just to go through arbitration as opposed to hiring a lawyer.

HUGH BARAN: Sure, so the Supreme Court has said that forced arbitration requirements have to be enforced by courts. So even though they're completely one-sided, completely favor employers, the Supreme Court has said that federal law requires courts to honor these agreements. So if you try to sue in court your employer will show up, will file a motion to compel arbitration and the judge will 9 times out of 10 grant that motion. There's almost no defenses that workers have left -- that are left,

and so in terms of the -- the cost, people think that arbitration is -- it sounds like, oh, you're not going to court. It sounds like it would be cheaper but it's actually -- it's a legal preceding so you absolutely need an attorney just like you would need an attorney if you were going to court.

If you don't have one, you -- you are pretty much guaranteeing that you're going to lose. It's extremely hard for people to represent themselves pro se in any litigation and arbitration is no different. In many ways because arbitration assumes that the players know the game and they know the rules, they can often move in ways that deny people their rights and people don't see the opportunities that they have to -- to guarantee due process along the way. And so you really do need a lawyer. And unfortunately because workers are being divided up, right, they're not with class and collective action waivers that are included in these requirements, they're not allowed to ban together. A lot of attorneys look at these cases and they say, I'm sorry, this is going to cost me more to litigate this than you're ever, ever going to get especially because we know the system is stacked against you. And so workers can't get lawyers and that's why they don't file these claims in arbitration.

That's why 98 percent of the people -- I'm sorry, not -- 98 percent of the claims that we would expect to see be filed in arbitration are never filed at all. It's claims suppression and that's what employers -- that's why employers are using forced arbitration. They want to eliminate worker's ability to hold them accountable.

REP. PORTER (94TH): Wow, that -- that's a real serious issue and now I understand a lot more about this than I did when I started out. I mean I had a basic understanding but to know how workers are being impacted and actually restrained from getting their due and process and paid wages, I'm starting to understand why it's really critical that we get this done sooner rather than later and I really do want to thank you for -- for taking the time to educate us all on the importance of this Bill. Thank you, Madam Chair.

SENATOR KUSHNER (24TH): Thank you. And I have a few followup questions on that. I also -- Representative Porter, the whole Committee, we've all heard a lot of testimony from restaurant associations and restaurant owners and I don't know if any are still -- I know they were here earlier but I don't see them in the room right now but one of the things that concerns me; you touched on it, which was the -- the law requires that a restaurant pay at least the minimum wage but they get a tipped credit so they can assume that the workers are getting enough tips to bring them up to the minimum wage. That's the assumption going into it and I believe in order to get that remedied the employer actually -- the worker actually has to say, oh, I didn't make enough tips this week in most cases. They would have to go and say, I didn't make enough tips so you owe me money to their employer.

So I'm assuming that is basically how -- I could be wrong, but I was sort of assuming that's how the wage theft occurs, with workers not proactively going and asking to be paid the right amount of money, they're actually losing what they're entitled

under the law. Am I right about that? And if -- and also are there other ways that the wage theft actually takes place?

HUGH BARAN: Sure, so beyond restaurants there's all kinds of wage theft, right. So there's just straight up not paying the required minimum wage. There's not paying people the overtime rate, so just paying the minimum wage -- whatever the minimum wage rate is for all hours worked. There's shorting -- shorting hours, so for example a lot of employers have started to use automatic time clocks that clock you in and out and they're very -- they're very careful about what their time -- they're supposed to be very careful and more accurate but what -- and there have been a number of cases where this has been uncovered where employers actually just shave off like 5 minutes here, 10 minutes there and when you, you know when you're an individual worker it doesn't look like a lot of money or a lot of time but when you add it up over a workforce and over many months it's actually a huge amount of wages.

But that sort of exemplifies the problem with forced arbitration because when you have such little claims it's -- workers are very -- like you just said, they have very little incentive to go challenge every single you know, nickel and dime, every dollar and cent, but when -- when you have the ability to band together with your coworkers and bring an action together that you can actually root out those systemic violations. So HB 53 -- 5318 would allow workers to bring those kinds of representative actions again where they can sue in the name of the state and pursue violations that are affecting them and their coworkers, which forced arbitration

requirements and class waivers are blocking right now.

But on the tip credit specifically I think -- so nationally NELP supports the efforts to have one wage, one minimum wage for all workers and we support that because it's very confusing -- we think all these tip credit rules are extremely confusing for workers to apply and for employers often to apply. And that leads to a lot of the wage theft that we see in the restaurant sector. And so we think it is time to have one fair wage. That's not the Bill we're testifying -- I'm testifying on today.

SENATOR KUSHNER (24TH): And along the lines we've been talking about and I -- it's interesting, I made a note about the attorneys wouldn't take cases; we had heard that in the cases -- in the testimonies we've had this year about -- or over the last year about restaurant workers and how hard it is. But I assume that would apply to any low-wage worker. It's very hard to get an attorney to take a case because usually the way attorneys are paid is out of the -- the -- I'm forgetting the word, settlement or the award. So if they're awarded you know, if you get in an accident and you -- it's not that hard to get an attorney if you had a major injury because the attorney's going to get paid from the award or from the settlement. But in the case of a low-wage worker on wage theft, there's -- there's so little money generated that it won't pay for the attorney to pay their expenses and I think you touched on it but that's -- that's the understanding I have of that part of the problem.

HUGH BARAN: Right, and so the way it used to work is that attorneys were able to get enough of these cases through class actions or collective actions that they could make it worth it for them. They could make it -- there was an incentive both for the workers and for the attorney to pursue -- to pursue the cases and so with -- with these class action waivers attorneys just are not able to do that. So they have to file every -- if you're subject to forced arbitration and a class waiver you have to file every claim individually. And part of why that's really challenging for an attorney is that you can't use the fact that you're in a class to get evidence concerning systemic practices that effect all of the workers, which means that you have often a harder time proving your case. And then you can't even use the result of one case in another case because all of them are considered non-presidential or non-binding on other employees.

Whereas in a class action you find -- you uncover evidence of a systemic practice that effects everybody, you resolve everybody's claims at the same time and you strengthen the -- you strengthen our minimum wage standard at the same moment, which is part -- they're actually I think class and collection actions are more a more efficient and effective mechanism by far to deal with these problems of wage theft. But fortunately HB 50 -- 5381 provides a different kind of mechanism but an important one to allow worker -- to give attorneys the incentive to pursue these claims and workers the ability to represent -- to -- to file claims that effect their whole workplace.

SENATOR KUSHNER (24TH): Actually that brings up another piece -- we heard testimony earlier today in opposition to this Bill and that person testified that the arbitration, and this is testimony that was also supplied in writing, arbitration allow -- and this is arbitration, the forced arbitrations not the collective bargaining arbitrations we've heard about also, but forced arbitration allows for less formal discovery work and is more accessible to individuals that do not possess legal training and do not have the resources to hire representation. So I think you've talked about the -- the problem that low-wage workers have in hiring representation, but this would suggest that you don't need legal council in a forced arbitration. That a worker could go in without formal training and defend their case in a forced arbitration situation. And I wonder if you could touch on -- I think you mentioned something about employers generally win. I assume it's partly because of this, that workers aren't really represented in that process.

HUGH BARAN: Yeah, so employers do not discovery because it can be costly to them and it requires them to do things and turn over evidence of their wrong doing. So yes, limits on discovery sound great if you're an employer and especially in wage theft cases. I mean it's often you know, it comes down to records and the employee's words versus the employer's words, right. And so if you make it harder for people to get the necessary evidence to prove their case then they're not going to win. And so the idea that an employee could tackle this process alone and figuring out, you know -- I mean and often I think the other -- the other thing that's important here is that employees don't

intuitively necessarily know what pieces of evidence are or not relevant to proving their claims.

Attorneys with experience in litigating these kinds of claims know what to look for, know what to ask for. If you don't know those things you're going to have a very hard time navigating the process. And we've actually -- you know we've talked and engaged in dialogue with arbitration providers like the American Arbitration Association and they actually have a very hard time dealing with prose litigants for this precise reason and they want more prose litigants to be represented because they recognize that it is a complicated legal preceding and it's just not possible for employees to pursue their rights.

I mean one thing I just wanted to add also about the procedural rules. So the employers get to set all of the procedural rules. They get to decide how much discovery you're going to get. They get to decide if you're even allowed to pursue a claim at all. So Door Dash is an employer that recently imposed a new forced arbitration scheme on its employees that allows -- if you file more than 10 cases, like if more than 10 employees file cases and they deem -- this arbitration provider deems them to be similar enough, only 10 of the employees will get to actually get their claims heard in arbitration. And the others just sort of sit in limbo, so they never get justice at all. So -- so I think that's -- so yeah, employers like the procedures because they designed them to benefit themselves.

SENATOR KUSHNER (24TH): I think we've heard a lot of testimony that's clarified this for us and I hope that -- I hope that we're able to do something about

this 'cause I think it's really one of those practices and issues that workers face that we're -- most of us are really unaware of unless it hits you in the face, unless you have a problem. The last question I have is, you know people perceive that there are a lot of labor protections already in existence here in Connecticut, that we have a state3 that's very progressive and has, you know been forward thinking for a long time. You know we're always coming up with new ways to make sure we're advancing the rights and protections of workers. But can you just -- I mean are we completely missing things? Do these labor protections really -- have we gone far enough in the state of Connecticut?

HUGH BARAN: Well I think that you know there's a -- I'm sure -- you know I would never say there shouldn't be more protections for employees. But I think what -- what forced arbitration really reveals is that you can add all the -- you can strengthen the protections and as the legislature has done, right. So the legislature in 2015 required that courts award double damages in wage theft cases that was not clear before then. Legislature raised the minimum wage to $15. The legislature has done all kinds of great things but if you can't enforce your rights, those rights are essentially a dead letter.

So a good example -- a good example is even the other really important Bill that the Committee, one of the other really important Bill the Committee is considering today, the CROWN Act; if you -- you know that is another piece of legislation that it's an employee protection from discrimination. If you cannot go before a judge and jury, you will have an extremely hard time enforcing the protections of

that -- that law. We obviously want that law to be passed, we want more protections, and it's a really important and very necessary protection and we really -- we really like think it -- it's so important to recognize the pervasive anti-blackness in the workplace and in our society and that Bill really does that. But if workers can't enforce that right it makes -- it really robs it of its value to society. And so that's what -- what HB 5381 would do, it would ensure that by being able to bring these public enforcement actions in the name of the state that we can still enforce both existing protections like the minimum wage and overtime, and also future ones like the CROWN Act.

SENATOR KUSHNER (24TH): Well I think you've done a lot to explain something that wasn't clear to me when we started this process. And I'm somebody that has a reputation for being very pro-worker, having advocated for worker's rights, but what I really didn't understand -- even all day I didn't understand so your testimony just now really helped me to see that this is sort of the underpinning of all that we're doing here. If we pass laws that protect workers but we don't have an effective enforcement mechanism for those workers or if they're prevented from having an effective enforcement mechanism because they're going into forced arbitration that we're basically undermining everything we're working so hard to accomplish.

And so I think that sort of as -- the testimony that you gave here today sort of pulled that together for me. The last thing I would just ask is that if you have -- if NELP has some studies or papers on the -- on the statistics that you sited earlier about wage

theft and how many of these cases, it would be helpful if you could get that to our Clerk so we can make sure we have that when we are discussing this in Committee.

HUGH BARAN: Yep, my written testimony goes through a lot of those studies.

SENATOR KUSHNER (24TH): Great.

HUGH BARAN: And also includes the national data brief that we did, but if there's additional stuff or information that the Committee would like to see, I'd be happy to submit it as well.

SENATOR KUSHNER (24TH): Thank you. And I'll call on our -- my Co-Chair, Representative Porter.

REP. PORTER (94TH): Thank you, Senator Kushner. Just a question derived on your last comment and you might have stated it and I missed it, but what would be the effective enforcement mechanism needed? Can you just -- yeah.

HUGH BARAN: Yeah, so I think what this Committee is do is pass HB 5381.

REP. PORTER (94TH): You think that that will be -- will cover things like CROWN Act and everything else?

HUGH BARAN: It absolutely would. As drafted it would cover that portion of the state human rights law and so I think it's a very important -- you know with -- you know without -- without something like this the default under forced arbitration requirements is that unless the requirement specifically exempts a type of claim in the -- in the requirement, in the text, the claim is included,

right. So that's why, right, we've seen -- and we've seen this all over the country as the Me Too Movement really took off in 2017 and exposed so much employer misconduct and sexual harassment and sexual assault in the workplace. We've seen that forced arbitration requirements were actually part of the recipe for covering all of that up because people were sent to secret proceedings that they couldn't talk about. Then often they were -- either those proceedings ended with no justice for the employee and they still had -- they still had to be quiet or they got a -- they got a settlement but required to sign a nondisclosure agreement and so also silenced and muzzled.

So forced arbitration you know is very -- you know it's one of the reasons people are more aware of it now I think is because of the Me Too Movement and the particular way that forced arbitration fueled that -- fueled the crisis of sexual harassment, but you know the wage theft crisis is one that that people don't talk as much about and has been really growing in our country for -- for years and further enabled by forced arbitration

REP. PORTER (94TH): Wow, thank you for that. Just sounds like what happens in this house, stays in this house which is not good. I've never thought that was good. So thank you for -- as Senator Kushner said, expanding our knowledge on this. Thank you, Madam Chair.

HUGH BARAN: You're welcome. Thank you so much.

SENATOR KUSHNER (24TH): I see Representative Winkler has a question.

REP. WINKLER (56TH): Yes, just quickly. So this building is great at making policy pronouncements and walking away with no enforcement whatsoever. So you have a situation where a person is about to be employed and their handed their employment agreement and part of that is, you cannot go to court if you have a problem with us; you have to go to arbitration and that's what you call forced arbitration?

HUGH BARAN: Yes.

REP. WINKLER (56TH): Okay. So you give up your rights to -- to the courts. Then you run into a problem and you go to their forced arbitration procedure and you're in front of a person whose only customer it seems in most cases, and who is paid by the employer who if the employer does not like the decisions of the arbitrator can fire the arbitrator?

HUGH BARAN: In future cases, yes.

REP. WINKLER (56TH): Okay. I've been in labor unions most of my life and no matter how small we were and no matter how hard it hurt, we always paid half the arbitrator's bill because if we didn't, we knew the decision we were going to get; it wasn't hard to figure out. [Laughing] So --

HUGH BARAN: Yeah and that really -- that does highlight a really key difference between labor and forced arbitration. So labor unions are repeat customers, right, just like employers are repeat customers. So the arbitrators who have worked in the labor -- in the labor arbitration world for years have -- they know that they actually can't just pick one side. Now people might grumble about a particular arbitrator or think that they are you

know, sort of more pro-management or more pro-labor but at the end of the day they actually get this repeat business from both sides. And so there is way less incentive for -- for them to be -- to have that kind of bias, only on one side of the scale.

But the other thing about it is that a worker and a union who is in arbitration is almost always going to be represented by the union and a lawyer for the union. So they have those kinds of protections that come with representation.

REP. WINKLER (56TH): So I have a personal theory that the greater the power differential between the person being hired and the person doing the hiring, the more likely it is that a person will probably experience wage theft. And in the restaurant industry I believe personally that at least in your 17 percent figure and that went on and on and on because it was difficult to attract an attorney. And the minute that somebody got class certified in the restaurant industry, suddenly we were told that the rights were excessive and we couldn't have them anymore. The minute they had the chance to enforce them they tried to take them away. So in this particular case there were class actions in this area that workers could file and that was -- that's historically been true?

HUGH BARAN: I'm sorry, you mean in the restaurants?

REP. WINKLER (56TH): No, in other industries, outside the restaurant industry. I'm concerned that the worker may not be able to get an attorney interested in their case because of the money involved. But you seem to be saying that there were class actions in -- in this area before.

HUGH BARAN: Yeah, there are wonderful firms here in Connecticut and across the country that specialize in class action and collective action practice and where they could get a you know, sort of critical massive workers they would do that. And one -- one of the things that's nice about class actions is you know, you don't need everybody to be involved -- deeply involved in the case. One person can step forward and start -- you know set off a fire essentially that reveals really pervasive wrong-doing that's happened with chains like Chipotle and Buffalo Wild Wings, Door Dash. That's one where workers are -- are figuring out how to use arbitration to actually bring claims -- like they've brought thousands of claims to arbitration, right, so that has exposed -- that's not typical. It's very rare but that -- but they've actually exposed the fact that what arbitration was designed to do was just suppress workers from bringing all of those claims. And so what Door Dash actually did, is they turned around. They wrote a new terms of service that included a different forced arbitration agreement. They pushed that forced arbitration agreement to their workers and wouldn't let them use the app unless they consented to that and that -- that requirement basically said only 10 of you get to proceed with your arbitrations, which just sounds like COP gas right, like is this -- is this the world, but it is actually where we are in this country because of forced arbitration and class waivers.

REP. WINKLER (56TH): COP gas was exactly what I was thinking and your little laugh on occasion reminds me of somebody who just sees something so insane that they can't believe it's policy. So the only

fair, remotely fair and accessible way for workers to defend their rights especially in low-wage industries would be class action suits in court.

HUGH BARAN: It's one -- one of the ways. I mean individual actions do -- you know are effective, but it is definitely one of the most powerful tools with class and collective -- class and collective actions. So you know, this body can't legislate a new -- you know can't -- can't just sort of void the Federal Arbitration Act and can't just set it aside, but what it can do is create these representative public enforcement actions that are set out in HB 5381, letting workers -- because the state, the Department of Labor is not bound by a forced arbitration agreement nor is the Attorney General. They're not a party to that agreement and the state is -- when it -- when it goes after wage theft or sexual harassment, is enforcement -- or other employment rights violations is enforcing civil penalties because the state has its own interest in forcing a minimum labor standard and enforcing workplace protections that is independent of workers own like, sort of direct harm.

And so workers are simply stepping into the shoes to expand the capacity of the state to bring these actions and that is what -- that is what this Bill does and then they can do that and pursue these pervasive violations. And the same that you know the Attorney General or the Department of Labor you know theoretically can do and does do in case -- in some cases and is very successful at. But unfortunately the -- you know like I said, the department just doesn't have the capacity to -- to fill the gap that private attorneys -- where private

attorneys used to be able to bring class and collective actions, the department only has -- you know really only has under 30 investigators on staff right now for 97,000 work places. It just doesn't have the capacity to recover all the wages that are stolen from these workers.

REP. WINKLER (56TH): Yeah, we've cut 13,000 state employees, or 21 percent since 2008. In my opinion very few agencies have the staff to do what they're supposed to do. Thank you, Madam Chair.

SENATOR KUSHNER (24TH): Thank you. And I want to thank you for your testimony. There are a lot of things you made clear and a lot of things that we have to consider when we have our Committee meeting to discuss this Bill. So thank you so much for being here today.

HUGH BARAN: You're very welcome.

SENATOR KUSHNER (24TH): And sharing your knowledge on the subject.

HUGH BARAN: Absolutely. And I just commend the Committee for considering this important legislation.

SENATOR KUSHNER (24TH): Thank you. Next up we have Lucy Nolan. Thank you for -- you've been here all day, I've seen you sitting over there. Thank you for being here.

LUCY NOLAN: Doing a little work, doing a little testimony. Morning, or afternoon. It's not morning. [Laughing] Senator Kushner, Representative Porter, my name is Lucy Nolan -- and members of the Committee, my name is Lucy Nolan. I am the director of policy and public relations at

the Connecticut Alliance to End Sexual Violence and I'm here on House Bill 5389, AN ACT CONCERNING THE COLLATERAL CONSEQUENCES OF A CRIMINAL RECORD. I am only here to speak about how this would affect somebody who has -- has -- is -- has a criminal history of sexual assault crimes.

The Alliance centers really -- centers are work on the voices of survivors of sexual violence and because of the nature of sex crimes sex offenders really need supervision, a different kind of supervision and receive -- they do receive it currently through our -- through a unique collaboration with the Adult Probation Sex Offender Units, through the Parole Special Management Units and through sex offender treatment and then also the Alliance works with the victims as well. And so what we're able to do is look at the victims, the families, the sex offenders, the sex offender's family and support system to work out a way that -- that everyone is protected and that there isn't continued recidivism. One of the things is -- we think this is a very good program and worry that this -- having this with sex offenders may diminish that program because really what they do is they come up with action plans and they figure out where people can live, what kinds of jobs they get, where they can go.

I mean one thing that this Bill could say was that if somebody had been a teacher and molested a student they could go, if the school was open for a football game or something the sex offender could go into that football game and the family of the victim or the victim might be there. I think those are some of the collateral consequences of this that we

haven't seen because so many sexual assault victims, when they are -- they -- they -- they really have -- they're very long term impacts to their lives, right. I mean many of them they have mental and physical health problems, substance abuse, and you know they commit suicide; there's all sorts of things that happen, and so I don't -- I think what we're worried about is making sure that they're protected from the people because they're still there, right. I mean they're going to be in the community and we want to make sure that -- that they are protected from the people that they don't want to see these people that abuse them in one way or another.

And in fact in my testimony I talk about recidivism rates as -- as a sex offender is out longer, through the years, up to 25 years. There's a greater -- greater way of -- of recidivism. And so looking at a five year period isn't long enough to figure out. And it's in my testimony and I gave a long testimony. But I just want to say that the way the Bill is written now with employment there's only employment that somebody could look at and say, they're appropriate but not for housing, not for public accommodation and even higher ed, there's a plan through the Collaboration for sex offenders. And finally the New York law that Richard Cho spoke about also exempted people on the sex offender registry and so I just want to point that out. Thank you.

SENATOR KUSHNER (24TH): Thank you. Members of the Committee comments or questions? I know I do have a question 'cause I think what you just testified is that if I understood your testimony correctly it

does go counter to something I have been -- learned about recently and that is the question of recidivism. And so my understanding is that there are studies that strongly establish that people who have committed certain sexual offenses have a lower rate of recidivism and that's something I think you know we're trying to get a handle on. So I want -- and you know obviously there's sexual assault, there's sexual -- there are lots of different crimes that are committed under the umbrella of a sex offense. And so the question I have is, are you aware of certain crimes, certain people who have committed sex offenses who have a lower rate of recidivism?

LUCY NOLAN: No, I can tell you that I know that people who have -- who have committed sex assaults against children have a much higher rate of recidivism. So up to -- after 25 years of their first offense they have a 52 percent chance of recidivating again. So I don't know and I can -- I can look. I mean the information I received has been -- and looked at from the -- from the Bureau of Justice talks about sort of the longer term and looking at it that way. And so many of the -- of the studies that are out there now talk about short term and short term, partly because short term people are in these programs, right. So they're being -- they're -- they're having treatment and supervision, which creates a much lower rate of recidivism. But ones who just do treatment or just do supervision recidivism rates go up. So I didn't really answer your question. I don't know, I will look.

SENATOR KUSHNER (24TH): I think it would be helpful and also in your written testimony do you have citations for those studies that you're talking --

LUCY NOLAN: Yes.

SENATOR KUSHNER (24TH): Okay. So we'll look at those as well, but I do think that's important you know. I think that you know one of the things that I learned in the process of being on the Council for Collateral Consequences is that we want to make sure that what we are doing by statute is not continued punishment. And so I think that when you look at it through that lens you have to think about recidivism as a piece of that, and if what we're trying to do is prevent further crimes, does that match up to what our statutes and what our requirements are. So I think you know, I know that you know just being straight forward that the issue of sex offense, those issues are really hard on the victims and they're very hard on the families so I'm not disputing anything you have said, but I also think we want to always look through that lens of are we taking -- are we putting up barriers and obstacles that are further punishment or are they necessary barriers. And so I think the people who served on that Council have been really good about sort of addressing it in that way, and it's helpful I think. So knowing recidivism rates is an important piece of it, so.

LUCY NOLAN: Yeah. And if -- and I just -- I mean one thing. There are three types of victims for sex assault. There's a primary who -- I mean who is the victim, right. And then there's the secondary, the family of the victim and their support system and there's tertiary, which is the family of the sex

offenders and their support system. So there's no question, right that the family of the sex offender is also a victim of what happened. And partly it's because of these -- of the -- of these consequences. However, I think we do have to weigh about if -- what it -- how it affects the primary victim, right. I mean I think we have to look at the primary victim and there were -- and I went to the Council meetings and I was on the phone on the employment, I was allowed to sit in and -- but I -- there were no other people to speak toward how this would affect victims and so -- unless they were tertiary victims. And so I feel like that that's a piece that was missing and at least for sex assault. And you know, I think you could make -- I don't want to make it all about sex assault but I think it's very important to look at that, please.

SENATOR KUSHNER (24TH): I think that we all understand that and agree that the victim of a sex offense or a sexual assault rape is you know, a chief concern of all of ours to make sure that we're protecting that person and allowing that person the greatest opportunity to recover. But I also recognize that you know in considering the person -- the person who has committed a crime, we also want to be careful that we're not constructing barriers that really don't address the victim's ability to recovery. So it's -- it's hard to talk about. We don't talk about it very much in our society and it -- I have never even thought about or talked about it as much as I have over the last six months. I've learned so much from people and I think that it's important that we find a way to talk about it with victims, with survivors and with persons who have -- who have served their time, have been incarcerated

and have dealt with the time that was required by law for the punishment and that we're having an open conversation about it. So I appreciate it that you're here today. REP. PORTER (94TH):

REP. PORTER (94TH): Thank you and just as I'm listening I wanted to ask you, like I know just like any crime, right and this is a very, I'll say contentious subject, are we looking at the fact of -- we're not -- I mean are we being careful or mindful not to paint with one wide brush, 'cause when I think of sexual offender, right, that term; the first -- the first thing that a lot of people say is what you mentioned, right, pedophilia, rape and I know -- I've heard way too often, which kind of debunks, not discounts, but debunks that popping in your head first, that there are you know -- the instances of where we have teenagers where one may be 18 or 19 dating a 15 or 16 year-old girl. And what the impact of what we're trying to do is make sure that we don't -- we don't generalize this, right. That we really do look on it an individual assessment basis. Because there's an extreme difference between what I just described and what you're talking about.

So I just wanted to just put that on the record and ask that we all be mindful as we move forward in trying to address this issue in a way that Senator Kushner mentioned, right. We don't want to barriers in place that actually heighten the person's chances of going back to prison and want to make sure that they actually do have the supports and the systems in place to get the rehabilitation that they need. And frankly I feel like when you start talking about pedophilia, I have a question about rehabilitation

here. So I think that those things need to be much restricted, but I want us to not treat all the same because they're not all the same; you understand what I'm trying to say?

LUCY NOLAN: I totally understand what you're saying and I would say that you know, the 15 to 18 year-old they're -- they're -- it's a three year difference, right so that's okay. But it's the 12 or 13-year-old and the 19 to 20-year-old that might be a problem, right.

REP. PORTER (94TH): Absolutely, that's different.

LUCY NOLAN: Because that's going to effect the --

REP. PORTER (94TH): Absolutely.

LUCY NOLAN: -- victim in a bigger way.

REP. PORTER (94TH): Absolutely.

LUCY NOLAN: And yeah, so -- and -- and -- so I agree with you and actually to respond, when you said that is we do know there is lower recidivism rates for some of those cases for the -- for the younger person that -- and then with the younger person, you know.

REP. PORTER (94TH): Absolutely.

LUCY NOLAN: Under 20, under 20, so.

REP. PORTER (94TH): Absolutely.

LUCY NOLAN: And we actually advocated; I spoke at another hearing where I said I didn't want you know, extra, extra penalties because, because you just -- you catch people and it can you know, I mean it --

REP. PORTER (94TH): It does ruin, it does ruin and it's crazy 'cause I can think of one case where after serving time they actually got married and had been together for decades. So there's a difference and I just don't want to you know, cast a wide net and capture people on that -- well, unjustly.

LUCY NOLAN: Yeah, I agree with you on that but I do also want to be careful of the people because most people -- most of the people who have been sexually abused are under -- like, I think -- you know like under 32. It's like 52 percent or something, or more. So it's young people that are being sexually abused at a --

REP. PORTER (94TH): Yes, and that -- and that is true. I don't dismiss or discount that fact. So thank you so much for being here today and thank you for your testimony.

LUCY NOLAN: Thank you very much.

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

SENATOR KUSHNER (24TH): Thank you, and I do think it was really important for us to hear from you today so I agree that this -- you represent victims and that's really important to hear from in this context as well, so thank you.

LUCY NOLAN: Thank you very much. Appreciate it.

SENATOR KUSHNER (24TH): Next up we had Greg Marchand. Is Gregg here? Yes.

GREGG MARCHAND: Hi, good afternoon to the Chair and the rest of the members there. I am Gregg Marchand, here on an Act concerning The Department of Labor. I agree with raised Senate Bill 230, only the

grounds of making sure the Department of Labor and the Commissioner finish their duty of creating from the draft that was made I believe in 1982 of making rules concerning random drug tests -- excuse me, random drug testing in the state police contract the "reasonable suspicion rules" as Houston Texas had done in 1980. Here’s the beginning of their contract as our Connecticut police forces should have but obviously you lawmakers nor the Commissioner of the Department of labor do not care for the safety of the citizens of Connecticut or the safety of the police or their partners. Here’s the first paragraph in the Houston Police contract"

To establish accountability for police officers by creating consequences when police officers use excessive force, which should -- which our Houston officers get randomly drug tests including for the anabolic Steroid. There should be purpose for police as the city of Houston does of their police. Their police are committed to vigorous enforcement of the law while maintaining the highest level of integrity and professionalism. Illegal use of drugs by employees is contrary to these values. Testing employees for illegal use of drugs is critical to ensuring that these values are maintained.

Lawmakers most likely there would not be misconduct by police officers if you do as the Houston police do. It's as simple as that. All police in Connecticut have a reasonable suspicion clause in their contract, which is a farce on the grounds there's no list of wrong doings so to speak. Police officers can do anything and get away with it, as long as it does not get videotaped. Since random drug testing under the Reasonable Suspicion rule for

police never ever happens or is not done in house, this embarrassing loophole should become law for Random Drug testing including for the anabolic Steroid for all police. Remember police are to be held to a higher authority yet some are running amuck doing anything they want. Any town or state employee gets in an accident with a state or town vehicle they get tested to be sure they are in the proper state of mind. I find it corrupt when town police or state troopers get in an accident and they don’t get tested which is a double standard. They use any -- they use any of their weapons, yet there’s no test to be sure they were in the proper state of mind while those actions occurred.

High-risk or Safety-sensitive occupation means an occupation which, and this is from the Commissioner's rules, presents a clearly significant life threatening danger to the employee so occupied, his fellow employees, or the general public and is performed in a manner or place inherent with or inseparable from such danger, and requires the exercise of discriminating judgment or high degree of care and caution, and is separate from the ability to discern impaired or enhanced performance by direct supervision and is not reasonably subject to other valid and available means of observation and evaluation which would preclude the necessity of random urinalysis. The Commissioner shall designate a high-risk or safety-sensitive occupation any occupation he has determined after investigation to have met the definition of that term as contained in section 31-51x-1. And you know you -- so anyways you know, for reasonable suspension, police do something wrong that's not part of protocol they

never get tested, ever, no matter what they do. [Background talking] So it's -- we've got --

SENATOR KUSHNER (24TH): I'm sorry we're not allowed -- I mean I understand that you have a lot going on thinking about what he's testifying about but we really do want to have only the witnesses able to testify.

GREGG MARCHAND: So I'm just saying you know, we've got to step up and make sure these guys are acting in a proper state of mind. I mean you've got the guy in Litchfield that ran into that woman. She -- he was off duty. Left and she had to be extricated from the car. He went back home and the only reason they found him is 'cause his license plate got left in the accident from his Dodge Dakota. You've got the two guys that were stealing lobsters in West Haven.

SENATOR KUSHNER (24TH): Can you wrap up a little, 'cause I know you -- we did -- I let you go way beyond the -- the bell.

GREGG MARCHAND: All right. I well let's get these guys drug tested and make sure they're acting under the proper state of mind while being on duty. I mean let's get -- let's get with it. Like Houston is.

SENATOR KUSHNER (24TH): Can I -- I got it. So now I want to ask the Committee members if there's any questions or comments.

GREGG MARCHAND: Yeah, no one ever asks me any questions after I'm done with these testimonies.

SENATOR KUSHNER (24TH): Thank you for being here today.

GREGG MARCHAND: But thank you for your time, I appreciate it. Let's make sure these guys are acting properly please.

SENATOR KUSHNER (24TH): Next up we have Shelby Henderson. I think I told Shelby this already but I'm very bias about this name, it's my granddaughter's name so you get special treatment. [Laughing]

REP. PORTER (94TH): Shelby, we're up here talking about how you're looking different. [Laughing] Love the natural hair, that's all I'm going to say. Wear your crown girl, wear your crown.

SHELBY HENDERSON: Thank you. So one of our Smart Justice values is our solidary is our impact, so I was very moved by the testimony here today, so it's just coming through. But I do want to say, good afternoon Representative Porter, Senator Kushner and respected members of the Labor Committee. My name is Shelby Henderson. I'm a criminal justice graduate, a student at John J. College, an aspiring attorney, an ACLU Smart Justice team leader, and a formally incarcerated woman, a person who lives who lives with a scarlet curse of having a criminal record.

I would first like to thank you for recognizing the importance of protecting the rights of persons with a criminal record. I fully support House Bill 5389, AN ACT CONCERNING COLLATERAL CONSEQUENCES OF A CRIMINAL RECORD and request for the passage of this Bill with no carve outs. I strongly believe that all people, including those with a criminal record deserve the opportunity to live meaningful lives. People who have been convicted of a crime have paid

their debt to society and deserve the right to live free of discrimination. Across the state there are thousands of people like me who face an unconscionable number of barriers when trying to find housing, gain employment, vote, and obtain life insurance. These are only just a few of the barriers that people face when they have a criminal record. In Connecticut there are over 550 barriers for persons with a criminal record. For example, my life has been drastically impacted by my criminal record. Although it is difficult to measure where I would have been had things been different, without question I can certainly account for multiple instances where the quality of my life has been limited by my criminal record.

As a single young female with a criminal record, the only place where I could find to live was a rented room in a building full of strangers where I did not feel safe or secure. After graduating college my criminal record prevented me from finding gainful employment with $40,000 of student loan debt, I was rejected from countless professional jobs. There was a time when my criminal record even prevented me from working in a warehouse making minimum wage. Equally it is important to note that the implications of a criminal record have had a drastic impact on African Americans, similar to the Jim Crowe Laws of the 1960s, the legalized discrimination against persons with a criminal record has produced the same effect.

Today in Connecticut thousands of people with a criminal record are legally forced out of many labor markets, denied housing and in many ways subjected to a life of poverty, all due to a criminal record.

So in closing again I would like to say I strongly believe that all people, including those with a criminal record deserve the opportunity to live meaningful lives. People who have been convicted of a crime have paid their debt to society and deserve the right to live free of discrimination. Thank you for your time.

SENATOR KUSHNER (24TH): Thank you very much for your testimony. And I know you had someone sitting with you. Do you want to introduce yourself?

CLAUDINE FOX: Hey you all. My name is Claudine Fox. I'm the Campaign Manager for ACLU and specifically the Smart Justice Campaign.

SENATOR KUSHNER (24TH): Thank you. I know I see you everywhere. [Laughing] Any questions from the Committee or comments? Well you all look great standing there, so -- and thank you for being here all day. It really makes a difference. Thank you for your testimony. Now I have -- next up I have Kelly Moore. There you are. I couldn't see you in the back there.

KELLY MOORE: Senator Kushner, Representative Porter, distinguished members of the Labor and Public Employees Committee. My name is Kelly Moore, and I am policy counsel for the ACLU of Connecticut and I'm here to testify in support of House Bill 5389, AN ACT CONCERNING COLLATERAL CONSEQUENCES OF A CRIMINAL RECORD. Before I do that, I would like to say that the ACLU submitted testimony in support of House Bill 5388, the CROWN Act, but today I'm going to direct my oral remarks to 5389. We strongly encourage the Committee to support this Bill that

benefits not just people with a criminal record, but all people in Connecticut.

The ACLU believes in a society where all people, including those who have been convicted or accused of a crime, have equal opportunity to contribute to society and build successful and fulfilling lives. People involved in our criminal justice system who finish their sentences have paid their debt to society. They deserve to live their lives in Connecticut's communities without barriers to being happy, productive residents. This is not the reality though. In Connecticut there are over 550 ways that our state and the people in it can legally discriminate against people with a criminal record. These 558 collateral consequences create significant barriers to societal participation. These injustices don't just hurt individuals. Legal discrimination also harms Connecticut children when their parents return to society and cannot find safe housing or jobs to support their families. These familial problems become community problems by creating legal barriers that prevent people from accessing jobs, housing, education and financial we make our communities less safe and less prosperous than they would otherwise be. HB 5389 prohibits this kind of legal discrimination that's pervasive in Connecticut.

Under the Bill people with criminal records cannot be denied opportunities solely because of their conviction history. Instead this Bill would require an individualized assessment of a person based on an existing Connecticut statute. This existing statute prohibits blanket bands in certain kinds of employment just because someone has a criminal

record. House Bill 5389 proposed to expand the prohibition on blanket bands to all employers, landlords and licensing agencies. Instead HB 5389 would require an individualized assessment of the applicant's specific personal history and how it interrelates to the opportunity at hand. Unless the answers to the individualized assessment show a clear individualized reason why the applicant's criminal record makes them a poor fit for the specific opportunity, discrimination would be prohibited. Others, such as people offering financial products and institutions of higher education would be fully prohibited from discriminating based on an applicant's criminal history.

CHRO takes complaints under the existing limited version of the statute and would have jurisdiction over discrimination on the basis of a criminal record if HB 5389 is passed. Passing Bills that reduce collateral consequences for people with criminal records is the right thing to do and the vast majority of Connecticut voters support it. 85 percent of Connecticut voters agree that people who have been convicted of a crime and have served their sentence should have a fair shot at getting their lives back on track without having their conviction held against them. HB 5389 would implement the anti-discrimination protections that Connecticut voters want to see. Every person living with a criminal record who has served out their sentence and re-entered society should have an equal opportunity to build a successful and fulfilling life. Therefore we strongly urge you to pass HB 5389 to create a more just and equitable Connecticut.

SENATOR KUSHNER (24TH): Thank you so much for your testimony here today. Questions or comments from the Committee? Well, I think you had -- you sort of brought it all together through the testimony both you and previous person who testified, I think that you guys have sat here all day, you've heard a lot of very meaningful testimony but you, I think have summed it up. And we're not done yet. I know there's other people still here prepared to testify, but thank you for being here.

KELLY MOORE: Thank you all so much.

SENATOR KUSHNER (24TH): Next up we have Alok Bhatt. Another person who has been sitting here all day, Alok. And did I say your name correctly?

ALOK BHATT: Good evening Senator Kushner, Representative Porter, remaining members of the Labor and Employment Committee. My name is Alok Bhatt. I'm the Community Defense Coordinator for the Connecticut Immigrants Rights Alliance, and we are to testify in support of House Bill 5381 and 5389. Regarding House Bill 5381, that's the one regarding the collateral -- so let me start with 5389. We feel like the institutions that often employ forced arbitration clauses are those that rely very heavily on workers who are people of color and immigrants who also represent the most vulnerable workers and who also face the greatest disparity and power dynamics in the workplace. And so by allowing forced arbitration clauses in our state not only we perpetuating like social and economical disparities but we're also deepening the disparity and access to justice that people of color face. And we feel like we cannot tolerate that. We really feel like the state of Connecticut in

addition to some of the protections that Senator Kushner, you mentioned that we do have some protections in the state of Connecticut for our workers, may be greater than protections than folks in a lot of other states but -- and continuing in that -- that progressive trend of protecting all of our workers, we really need to make sure that not only is the state protecting our workers, but we also need to make sure that employers are not enabled or otherwise encouraged to exploit, or otherwise they'll abuse their workers. So that's where we stand regarding forced arbitration clauses.

Regarding the Collateral Consequences of Criminal Convictions, I mean look, in our state in the country our criminal justice system is not even disproportionately, but very intentionally and by design commit targeted violence among black and brown folks, people of color. And these systems also represent a convergence point of many other different forms of systematic violence and disparity and deprivation as other folks had testified before me with their own personal experiences and narratives. It impacts housing, education, healthcare, basically the basic needs to live life -- to live life in our society. And we feel like we can't tolerate that, right. If our -- if our -- if the institutions that we establish to be corrective and rehabilitation were working functionally or properly they would be actually facilitating and enabling access for our people to re-integrate into the community instead of establishing systematic barriers for them to integrate back into the community. And then also creating barriers that -- that bring them back into a punitive penal system.

We feel like we can't tolerate that and until the point that we do have systems that -- that -- that do work to support people re-entering the community or until we ultimately abolish prisons, which would also be fantastic, we feel like the state of Connecticut should make sure that we're not allowing criminal convictions on folks to haunt them for the rest of their lives that impacts not only just their, you know housing and education and all that, but also to make sure that folks aren't being funneled from our state system into federal penal systems as well. You know either into federal prison or even deportation preceding. And I know some of those things aren't contemplated by the letter of this Bill but we feel like they are within the spirit of the Bill regarding Collateral Consequences of Criminal Convictions.

And so for that we do support both HB 5389 and 5381 as we see them as -- as measures to support people of color and immigrants in our state. Thank you.

SENATOR KUSHNER (24TH): Thank you so much. I know -- let me ask if the members of the Committee have any comments or questions. I know it's been a long day and so we're coming up on 5:00 and we've heard hours and hours of testimony so it's hard sometimes as a person who is coming up later in the day to testify, a lot of questions have already been asked of other folks, but the fact that we're not asking questions I don't want you to think that we aren't hearing you because everybody brings a little bit different perspective when they come and testify, so you know one of the things that I heard from you that I hadn't really heard -- I'm sure it was there but I didn't hear it as forcefully is that, we have

a responsibility to re-integrate people into our communities. We have that responsibility because if we fail to do that, it hurts the whole community. And I think you made that point, so thank you for that.

ALOK BHATT: Thank you.

SENATOR KUSHNER (24TH): Next up we have Angie Liao. Did I -- is it Liao? Liao? Thank you, Angie for coming up today.

ANGIE LIAO: Hello Representative Porter, Senator Kushner, and members of the Labor and Public Employees Committee, thank you for holding this hearing. My name is Angie Liao, and I am a student at Yale Law School. I am also a law student intern at the Worker and Immigrant Rights Advocacy Clinic, which represents Make the Road Connecticut and the Working Families Organization in their campaign for HB 3 -- 5381.

As other supporters of this Bill have noted today, Connecticut workers have fought and won important victories to improve rights in the workplace including a $15 minimum wage increase by 2022, parental leave, and employment discrimination protections. But these protections are meaningless unless they can be enforced. Right now many Connecticut workers are prevented from pursuing their claims in court due to arbitration provisions in their employment agreements, which undermine substantive workplace rights. Some of the largest employers in Connecticut use arbitration agreements in their employment agreements, especially those employing low wage workers. As a result, workers

have been subject to wage theft, employment discrimination, or other workplace abuses are unable to pursue justice in a courtroom. To pursue their claims, they have to go through a private arbitration process, where the deck is stacked against them.

A 2011 nationwide study by the Economic Policy Institute found that employees win only about one-fifth of claims brought via mandated arbitration processes, which is 59 percent as often as in federal courts and only 38 percent as often as in state courts. This is not even to speak of claim suppression. Studies on forced arbitration show that 98 percent of claims that would otherwise be brought in a forum other than arbitration are abandoned prior to entering the arbitration process. Forced arbitration also harms businesses that are following the rules, by creating an unfair competitive advantage for businesses that disobey employment laws without accountability.

In Connecticut the issue of forced arbitration is becoming an increasingly severe obstacle to

enforcing state employment protections and deterring employment violations. Between 2014 and 2018, the corporation with the most employment arbitration cases before the American Association of Arbitration was Darden Restaurants owner of among others, the Olive Garden restaurant chain, and operates a number of restaurants in North Haven and in Hartford. Since 2005, Darden has paid over $14 million to settle lawsuits filed in court. But in forced arbitration, Darden faced just 329 claims, only 8 of which resulted in employees winning an award. Forced arbitration has left Connecticut’s working

people increasingly dependent on the Connecticut Department of Labor. HB5381 allows state agencies that currently bear enormous responsibilities to expand their capacity to enforce employment law by outsourcing the risk and cost of litigation to the counsel hired by whistleblowers, while retaining the ability to oversee the case. The Bill allows state actors to intervene in actions and approve any settlements reached on behalf of the state. HB5381 is also estimated to generate a $4.1 million a year in revenue for the state of Connecticut, money that would go in large part to strengthening the resources of state agencies to enforce the rights of Connecticut working people. I support HB 5381 allowing public enforcement actions would strengthen worker protections, strengthen our agencies, and make our existing state laws meaningful. Thank you.

SENATOR KUSHNER (24TH): Thank you for your testimony. Questions or comments? Representative Hall.

REP. J. HALL (7TH): Thank you, Ms. Liao. Quick -- can you just repeat that information regarding Darden Restaurants and is that nationally or is that -- is that the state of Connecticut?

ANGIE LIAO: That's nationally. So that was all of the cases that Darden Restaurants had before the American Association of Arbitration between 2014 and 2018 in the United States.

REP. J. HALL (7TH): And so the -- so you indicated there was a -- a $14 million --

ANGIE LIAO: Yes.

REP. J. HALL (7TH): -- settlement or something that they had to pay and in places where -- where they didn't have, or this was prior to them having the forced arbitration agreements. I'm just trying to understand.

ANGIE LIAO: So since 2005 and any lawsuit that anyone has managed to bring against Darden for workplace conditions, Darden has paid over $14 million. Those are for lawsuits that were settled in -- filed and settled in court. So that's since 2005 and that could include the period between 2014 and 2018 because they have so many different restaurants that are operating so there could be people who were able to file lawsuits against Darden between 2014 and 2018 as well.

REP. J. HALL (7TH): Now during that same time period did -- did Darden have forced arbitration agreements or because of those instances where folks were taking the to court and they were losing because they're probably bad actors, that they started instituting the forced arbitration agreements; that's what I'm trying to understand. Like you know, what happened in those circumstances.

ANGIE LIAO: I don't have specific numbers on how -- like if there's been increase in forced arbitration agreements for Darden Restaurant employees. I think that we know the trend in general in the recent decade has been more and more forced arbitration agreements. So I think that even if Darden still doesn't have a forced arbitration agreement for every single employee, which is why they still might have lawsuits brought and settled in court, there's definitely been an increasing prevalence for them and for every other employer.

REP. J. HALL (7TH): And also do we know in terms of -- because part of the issue is this -- how it disproportionately impacts low wage or low level employees; these -- I don't know if they haven't been able to desegregate whether these were upper level executives who were filing claims against Darden because you know, they didn't get their stock or pension, whatever it is, or were these frontline employees in their stores who were filing these claims that reaped the $14 billion settlement. I'm not sure you would have that type of specificity regarding that.

ANGIE LIAO: I know these are lawsuits that were brought about working conditions, but I don't knew if it's segregated.

REP. J. HALL (7TH): Okay. Thank you.

SENATOR KUSHNER (24TH): And I have a couple of questions as well. And so one of the things -- first of all I wanted to clarify, I couldn't hear quite well, are you saying Darden?

ANGIE LIAO: Darden, yeah.

SENATOR KUSHNER (24TH): D-A-R-D-E-N?

ANGIE LIAO: Yes.

SENATOR KUSHNER (24TH): Okay. 'Cause you mentioned Olive Garden so I got a little confused 'cause Darden owns Olive Garden; I got that correctly? Okay. And then I thought those stat statistics are staggering but I am curious whether in part this -- do you know if there are other -- are there states in the United States that don't allow forced arbitration?

ANGIE LIAO: States have tried to pass laws that band forced arbitration. Most recently I think New York tried to pass its own law, but it already is facing a lot of legal challenges because of the Supreme Court ruling that the federal arbitration act preempts state level laws against arbitration.

SENATOR KUSHNER (24TH): And so -- but this law that we're proposing would be written in a way that we would think that it would survive any challenge like that?

ANGIE LIAO: Yeah, I think so because this law isn't really about banning arbitration; it's just about giving workers who individually have been forced into arbitration for their individual claim and opportunity to bring a claim on behalf of themselves and also other workers who have suffered workplace abuse. So I don't think that it could read at all as a ban on forced arbitration.

SENATOR KUSHNER (24TH): That's very interesting and you're very smart. [Laughing] I'm not surprised. But -- but that was helpful to understand 'cause I don't think I'd made that connection prior to your testimony. The other thing that you testified to that really caught my attention and I'm sure it would anybody serving in the legislature is you said that there is revenue to be found from this Bill; could you talk about that?

ANGIE LIAO: Yes, so we've estimated the revenue that this Bill could generate in civil penalties from these enforcement actions based on the experience in California, which currently is the only state that's passed a law that's similar, although not identical to this proposed Bill. So

based on the numbers that California has seen kind of accounting for the difference in numbers of workers between Connecticut and California, we estimate about $4.1 million a year in revenue. And as the Bill is written right now those penalties and that revenue would be split between the state Attorney General, the state agencies that are responsible for enforcement and then the whistleblowers who bring the actions in the first place.

SENATOR KUSHNER (24TH): Wow, that's great. That's impressive. And you also talked about the deck is stacked in favor of employers over employees when they waive their right to sue in court. Could you talk about that a little bit?

ANGIE LIAO: Sure, I think a lot of people today have spoken really eloquently to the -- the power imbalance issues in arbitration. We talked about how you know arbitrators are typically paid by employers and they have a repeat relationship whereas the worker doesn't. And so it's -- it's pretty likely that most arbitrators are bias in favor of the employer. Also, arbitration is not appealable and so even if the workers suspect that they've kind of been short-changed by a biased arbitrator, they can't really challenge a decision once they've been forced into it. And again the power imbalance in how we get arbitration in the first place with a worker who has to choose between a job and an arbitration clause and an employer who can set that condition. I think all of those kind of -- that paints a picture of how arbitration is really -- these kinds of arbitration are really I think stacked against worker's interests.

SENATOR KUSHNER (24TH): And this is a little bit removed from this particular Bill although there is a link and there's a crossover. We've heard testimony today from the Restaurant Association and about restaurant workers and the tipped wage credit and -- but I think a previous witness from -- brought that together with the whole enforcement of wage theft and how hard that is. I know that you know, since we've been working on these Bills, particularly around restaurant workers for some time, I did -- I do myself when I go into a restaurant and I see there's an opportunity to talk to the wait staff about this idea that they are entitled to full minimum wage if their tips don't make up the difference.

I find even talking where there's no supervisor around, you know I'm sort of off in a corner and I'm talking quietly 'cause I'm conscious they might be a little nervous; I find that the wait staff I talk to are incredibly nervous even discussing it with me. Even when I say you know, I'm just here because I'm from the legislature and I just want to kind of understand this. So I am a little bit -- I would like you to talk a little bit -- I think there is a lot of fear of retaliation out there and that's what I've witnessed and I wondered if you could address that.

ANGIE LIAO: Sure, I think that's -- that's a huge issue when it comes to reporting any workplace violation through any mechanism, whether it's public enforcement, a public enforcement action or otherwise. So that I think is why the Bill built in an anti-retaliation protection. So first it has a provision that says employers aren't allowed to

retaliate against workers who bring a public enforcement action if they find out who that worker is. And in order to kind of -- and workers have the right to kind of bring complaint if they feel like that provision is violated, if they feel like they're experiencing retaliation after bringing an action and any adverse action by the employer against a relater, a whistleblower within 90 days of when they first filed a report is presumptively treated as retaliation in the Bill as it's written right now, which is one way to kind of preempt what is very likely retaliatory actions by employers.

SENATOR KUSHNER (24TH): Thank you, thank you very much. Any other questions for this witness? Thank you so much. Thank you for being here today. And I did see that Jim Lohr came into the room. So Jim, I had you next. Well I had you a while ago but we're -- we'll come back to you. Can you turn on your mic, it's not on. Thank you.

JIM LOHR: Sorry about that. My name's Jim Lohr. I'm the Deputy Director of the Carpenter's Labor Management Program. We're a coalition of the Carpenter's Union in six states of New England and New York state which represents about 30,000 carpenters and about 2,000 employers. I just wanted to briefly comment in support of Raised Bill 350, AN ACT CODIFYING PREVAILING WAGE CONTRACT RATES. We think this is a step in the right direction in terms of administratively making the prevailing rate law better and we think it's a big improvement and we want to thank Kim Glassman, the Department of Labor and others who have worked on this Bill to get it to this point. So just want to mention that.

The other thing too while I've got you here, and I know everybody's ready to go out the door but we did release our study this week nationally on payroll fraud in the construction industry including wage theft and we came to a figure of about $8.2 billion in state and federal taxes that are lost just in the construction industry because of the payroll fraud and tax theft and wage theft that we encounter. So I'll be sending it all to you. It's right here. We'll -- we'll quiz you on it after you get a chance to read it. But we're going to be doing a day of action that we started last year nationally. We did it in about 100 cities across the country. We'll be doing it again this year, the week of April 15 up here at the Capital so we would love to have the Chairs stop by and say a few words to our members when we're here. We'll try not to do it on April 15th because we know that's New Haven Day and we don't want to do anything to interfere with New Haven Day up here at the Capital, but we're going to try and do it that week sometime in the afternoon, so we'd love to have everybody join us then. Thanks so much.

SENATOR KUSHNER (24TH): Hold on one second. Are there any questions from the Committee? Yes, Representative Hall.

REP. J. HALL (7TH): Thank you, Madam Chair. Quickly, the $8.2 billion that you just indicated, is that Connecticut or national?

JIM LOHR: No that's national.

REP. J. HALL (7TH): That's national, okay.

JIM LOHR: We -- we -- actually we were the first state back in the mid-90s where we commissioned a

study that was done by Bill Albert who is a UConn Labor Economist looking at the cost to the state of Connecticut alone and they estimated at that time, this was an all industry not just construction, that it was about $500 million if you added up the lost federal income tax, state income tax, worker's compensation, unemployment and Social Security taxes that weren't paid because folks were either being misclassified as independent contractors or being paid off the books.

REP. J. HALL (7TH): And this is -- this is -- this is every year?

JIM LOHR: This is every year and those numbers may be even larger today if you take a look at it. So what -- what our national organization, the United Brotherhood of Carpenters did is they commissioned a study that focused just on construction. So we'll be happy to share that with you, and the person who actually coordinates this national effort is Matt Kapese who a lot of people know, lives in Derby and long-time carpenter's union attorney. His father was actually a union carpenter who I worked with years and years ago, great, great person and he's done a lot of work with NELP and with some of the other great organizations who are out there working on this stuff. So I'll send everybody a copy of the study. It's pretty lengthy but at least you can take a look at the executive summary.

REP. J. HALL (7TH): And just finally, 'cause I wasn't here for some of the earlier testimony.

JIM LOHR: Neither was I. [Laughing]

REP. J. HALL (7TH): Have other states codified prevailing wage because of the concerns?

JIM LOHR: Yes, they have. And so -- so most of the you know, Massachusetts, New York and others have as well. So this bureaucratically and administratively make it a little bit easier for us instead of having to deal with the feds on this.

REP. J. HALL (7TH): Absolutely. Thank you.

JIM LOHR: Thank you so much.

SENATOR KUSHNER (24TH): Thank you for your testimony. Next we have -- is it Alyssa, Alyssa Peterson?

ALYSSA PETERSON: Alyssa, I think it's a typo.

SENATOR KUSHNER (24TH): Oh yeah, it is a typo. Alyssa, boy that's a lot easier. Thank you, Alyssa.

ALYSSA PETERSON: Senator Kushner, Representative Porter, members of the Labor Committee, thank you for permitting me to testify today on behalf of HB 5381. My name is Alyssa Peterson. I'm a lineman fellow for Worker Justice at the Center for Popular Democracy. We're a national organization but part of our role is we work with organizations like Make the Road Connecticut and Worker Family Party to enact important standards like increasing minimum wage, an unfair work week and just to enforce labor protection.

So you heard a really thorough summary from Hugh Baran at NELP and Angie Liao about why forced arbitration is really bad for workers but I want to spend some time to break down how the Bill would actually work and then also address some of the misconceptions that some corporate lobbyist brought up about how the Bill would function. So the Bill is actually based on legislation as Angie mentioned,

that was passed in California and the goal of that Bill was to really enhance enforcement of labor protection in that state and it's being pursued by advocates in five other states right now. But how the Bill works is it empowers impacted workers to file on the shoes of the Department of Labor the Commission of Human Rights and Opportunities against employers that break the law and seek civil penalties. And essentially the point is that it both provides a remedy to workers who are impacted by forced arbitration and have no other way to pursue their rights. But it also represents a C-change where we can really get the people who are on the ground, the workers who are impacted by the violations to enhance what the government is already doing. And really critically in this portion of the Bill that has not been mentioned, what it also does is allows immigrant workers and other workers who are afraid of retaliation to go to trusted organizations like Make the Road Connecticut and then Make the Road Connecticut can bring those claims on behalf of the workers and the workers don't need to use their names. So this is really like a very important anti-retaliation Bill because it allows those workers who would otherwise be terrified to bring their claims forward.

And there was -- there were sort of two claims by corporate lobbyists that I wanted to clarify. So first you all were told that this Bill outsources the authority of the Attorney General and the state agencies. That's not what this Bill does at all. What it does is, workers are able to file claims with these agencies, but the agencies maintain control over all almost all aspects of the process. The agencies can decide once they look at the

notices, do I want to take this case or would I prefer that the worker proceed with the case? The agency can intervene when the case is going to maintain control. The agency approves the settlements to make sure that they are in the public interest and that attorneys are not sort of selling claims to the lowest bidder. And then also the agencies actually get 70 to 80 percent of the cut of that action, and what that does is directly goes into the pockets of building up hiring new staff, doing bilingual education, however the agency wants to increase its enforcement resources.

And then as Angie mentioned, based on the experience in California which raised $88 million last year in penalties and that's just the state's cut, we estimate that Connecticut would get $3.1 million. So in summary to close, we support HB 5381 because we think we need to see change here in Connecticut and happy to take any questions.

SENATOR KUSHNER (24TH): Thank you. Questions from Committee members? I have a couple of questions. You -- you talked -- I think that you clarified something that had been said earlier about third parties that this idea that you could subcontract out to third parties. I think that people we already have in Connecticut, other agencies that deal with third parties and that is something that is already in practice or in statute for other agencies; are you familiar with that?

ALYSSA PETERSON: Yeah, so the action is called Qui tam Action.

SENATOR KUSHNER (24TH): Say that again.

ALYSSA PETERSON: A Qui tam action.

SENATOR KUSHNER (24TH): Qui tam.

ALYSSA PETERSON: And what it does is in Connecticut we have a False Claims Act so it basically allows people who experience -- corporations who were defrauding the state can bring suits on the state's behalf and it actually was a modeled enforcement that was enacted after the Civil War nationally. So this builds on literally centuries of practice of the state relying on third parties to enforce its laws. And then what we've done in this Bill that sort of innovates on California's model is there's so many opportunities for state supervision to make sure these claims are truly being brought in the public interest and then the penalty revenue is intended again to go back into the public coffers and really bolster staffing, bolster rights education.

And then the other only other thing that is sort of really critical about the third party aspect is, we really need to bring in organizations like Make the Road Connecticut to do worker education. So one of the amendments we proposed to this Bill is establishing a workplace and community education fund, so a portion of the state's penalties can be subgranted out to community organizations who have the ability to identify workers on the ground, educate them, help them to move forward to enforce their rights. So in our written testimony we propose these amendments and we really hope there will be formal involvement of community organizations on our enforcement team.

SENATOR KUSHNER (24TH): So just so I understand, how would that fund -- where would the money come for that fund?

ALYSSA PETERSON: So it would be 25 -- so 70 -- the state gets 70 to 80 percent of every action and then of the state's cut 25 percent would go into this fund. It would administered by the Department of Labor and community organizations could apply to do education and outreach and then they would be held accountable through grant deliverables and the like.

SENATOR KUSHNER (24TH): And is that articulated in your written testimony?

ALYSSA PETERSON: Yes.

SENATOR KUSHNER (24TH): Okay, thank you. And let me just see -- do you know if there's been similar legislation in any other states?

ALYSSA PETERSON: Yeah, so just based on California, which has -- the law was passed in 2003, so this is sort of building on the lessons from that state. And then at CPD we're assisting with efforts in New York, Maine, soon to be New Jersey, Oregon, Washington and Vermont with the idea that since we -- we can't ban arbitration, and arbitration represents such a crisis to our enforcement scheme, we really need to reimagine how we do enforcement and we think these Bills are the way to do it.

SENATOR KUSHNER (24TH): Thank you. I was going to ask you whether it's worked in those other states but you mentioned California. There's already been -- what was, $8 billion?

ALYSSA PETERSON: $88, so it's like $88 million a year.

SENATOR KUSHNER (24TH): $80 million, $80 million a year.

ALYSSA PETERSON: And what it does is, employers have just really enhanced compliance in that state because there's a really serious enforcement threat. And then also employers have been unable to coerce workers into waiving their rights to enforce in court because the workers have this PAGA remedy that they're pursuing and that's what we want to establish here in Connecticut.

SENATOR KUSHNER (24TH): A PAGA remedy?

ALYSSA PETERSON: Sorry, the Private Attorney's General Act, which is the California law. It would be -- it's a right of action to bring on behalf of the state, which is identical to what we're trying to establish here.

SENATOR KUSHNER (24TH): Okay. Thank you very much. Any other questions for this witness?

ALYSSA PETERSON: Thank you so much.

SENATOR KUSHNER (24TH): Patty Gonzalez.

PATTY GONZALEZ: Good afternoon. Let me know when you're ready. Good afternoon members of the Labor and Public Employees Committee. I'm here to oppose the Bill number 5381, AN ACT CONCERNING PUBLIC ENFORCEMENT ACTIONS AND FORCED ARBITRATION AGREEMENTS in part. I'm the victim of -- I worked for the Department of Corrections in the state of Connecticut for 10 years. I was a union steward. I collected information to get hearings ready for arbitration, ready for step three hearings, grievances so I'm privy to a lot of information that most people wouldn't have. And before I get into this I would like to say that I have documents proving hundreds of state employees and local

employees, local government employees are working today with felony and misdemeanor records. This is to the -- this is for the ACLU that was -- you know I spoke to them about this and I said, it's a double standard that the state allows state troopers, teachers, you know department of correction employees, DFS employees, Whitening Forensic employees who all work with felonies and misdemeanors and they violate state employee conduct directives.

And the way that this is done is like a union asked me, they'll ask for favors. I have an actual letter that says, Catherine Serrano, she was the Arbitration Director, she just retired recently; I have a letter asking Catherine Serrano, the Arbitration and Mediation Director to please not bring back -- bring back this male employee back to arbitration until his accelerated rehabilitation is done so he can go back into arbitration and say he was never arrested. This officer, one of hundreds that I have, exposed his penis to two little girls and I have the document; this is not hear say, that says it. And Catherine Serrano agreed with AFSCME, which is coalition to bring him back after his AR was to say he was never arrested.

Another employee who I talked to, Cathy Austin, I know her, she worked for DOC, Joe Aresimowicz, he was my -- my service rep when I lost my job; they are fully aware of the crimes that are hidden in arbitration, forced arbitration. Labor unions are not what you think they are. They're not that great for women. I'm a Time's Up supporter. If you file a sexual harassment complaint at work they're going to retaliate against you. This is why part of this

Bill doesn't work for local and state employees, females. It doesn't work for us because you're giving CHRO who I'm fighting with now and state agencies control over your future. I think we should be able to go straight to court. Our civil rights don't belong in arbitration by the way. Or they should never be arbitrated.

If I work for you I'll protect the company but if you sexually harass me, that's a civil right. That has no business in any employment agreement, no nondisclosure agreements, no private -- private employer. Our civil rights should be separate from anything, you know. We don't -- why should I give up my civil rights in an arbitrated agreement? It's not fair. The other thing that I'd like to say is that I was sexually assaulted at work. I testified and I saw Sal Luciano, I've known him for decades, I testified in front of Sal Luciano, Joe Aresimowicz at AFSCME Council for New Britain. There is a transcript. I was sexually assaulted by my coworker. I was nine months pregnant, I was 120 pounds, I got pregnant and when I was about nine months pregnant this guy put his hands between my legs, he felt my breasts, he felt my buttocks; this is in my transcript. He sexually assaulted me. I was terrified, I went into premature labor. I was fired because I was harassed relentlessly. I got a DWI. Norm Pattis who is on national news lately, Norm Pattis defended me. My arrest record was erased before I went into arbitration. Mind you, you have guys who get favors from AFSCME erased. They used it against me at arbitration. Used an erased record against me. I lost my job. They dragged my case for six years. I didn't know it cause I was young and naive at the time, and what

happened was they dragged my case for so long that the statute of limitations exhausted for me to fight back in court. But now I'm back in federal court with AFSCME Joe Aresimowicz and the Department of Corrections for violations against women's rights.

The last thing I'd like to say is that we should not arbitrate civil rights for any reason. It's egregious in my opinion. When I have cases of men who get favors -- could you imagine this guy violated the employee conduct, he should have been terminated but they asked, let's say Jim Amen, I remember Jim, they used to call him a lot. He was a House Speaker asking favors. Now just Joe Aresimowicz. You can get fired, violate state law, federal law, employee conduct and still if you're guy, you're going to get your job back. If you're a woman and you complain about sexual harassment you're going to lose your job. That's what happened to me.

I met with Kathy Austin and this is my last thing, I promise. January 5, 2015 we did videos. I got a bunch of women. We came to the legislative office building, January 5, 2015. We met with Martin Looney, John Kissel, Cathy Osten and Beth Bye. There was a girl named Betty, and I won't say her last name but she was a nurse in New Haven. She was getting to retire in six weeks. Her brother had been incarcerated for 20 years of his life. She used to talk to him every evening because she was a very religious woman, to keep him calm and relaxed. She got sexually harassed by a doctor at New Haven Correctional, okay. And I advocated for her and I helped her get her job back. She got fired because she was talking to her brother on the phone. When I

met Cathy Osten, I said, Cathy how the hell are you going to explain 20 years of her talking to her brother on the phone, she got fired because she filed a sexual harassment complaint against a doctor. The minute they realized that they couldn't explain 20 years of her talking to her brother and she wrote a letter, there's a letter on file saying she had permission to talk to her brother who is locked up, they said oh we lost the letter. And then miraculously when we came up here to get help from the legislators, they found the letter. So she got her, you know her pension back and I gave her a stack of papers you know with hundreds of guys who had been arrested.

Dave Iverson from Channel 8 he also did a story on me. He's the one in 2015 who talked about all the arrest records. All the state employees, local and state employees who are working with misdemeanors and felony records and that didn't start happening 'till after I left the job because I exposed it. I said you've got guys who get favors all the time from legislators, you know. If you're a woman, you're screwed, you're not getting your job back. But if you're a guy you can kill somebody, a DWI kill somebody, you can sexually assault little girls and you're going to go back to work 'cause you're asking somebody for a favor and that's horrible in my opinion. Thank you.

SENATOR KUSHNER (24TH): Thank you for your testimony. Are there any questions?

PATTY GONZALEZ: I can't hear you.

REP. WILSON PHEANIOUS (53RD): I just said it was very disturbing to hear your testimony. I don't have any questions. I'm just --

PATTY GONZALEZ: Well no, I under -- I didn't expect any questions for -- from any of you because I understand that you know, you guys are -- these are state agencies. You can't go against state legislators and you cannot go against state agencies 'cause these are -- these are your colleagues. You know I understand that.

REP. WILSON PHEANIOUS (53RD): That's not true.

PATTY GONZALEZ: Well that's just my opinion and I respect yours. I do respect you. Thank you.

REP. WILSON PHEANIOUS (53RD): Well thank you for your testimony.

SENATOR KUSHNER (24TH): Thank you. Wait one second. I saw Representative Porter.

REP. PORTER (94TH): I mean I don't have any questions but I am very interested because to me in this building it's all about information and I'm not one sided, and I go up against agencies and commissions and everybody else when I feel it's needed for necessary. As Representative Wilson Pheanious said, what you just testified to is disturbing.

PATTY GONZALEZ: I was raised a Civil Rights Activist. My father he was part of history. He was a major Civil Rights Activist. He always told me, people are more important than anything and money. You have to give people a chance. You don't throw somebody away because you don't like what they say and you don't abuse the system. Malfeasance is

abuse of power and that's what happens when you have so many affiliations, conflicts of interest between AFSCME and state agencies and that's what's happening with me right now.

CHRO violated time constraints, deadlines and because I'm a woman they said, oh we changed our minds. They -- they recently defaulted AFSCME because they didn't responded to a CHRO complaint of mine and then they changed their minds. How the hell is that even legal? Think about it. [Crosstalk].

REP. PORTER (94TH): Okay. I am -- I am -- I'm going to interrupt you, I am going to interrupt you and I am going to think about it and I think you and I should have a conversation off line. But I don't want you to think I'm being dismissive, I'm not.

PATTY GONZALEZ: No, no, no, no, no, no.

REP. PORTER (94TH): We have -- we have a few more people to go who have been here a long -- and you've been here a long time, so I'm not going to dismiss the time that you have waited as well. But --

PATTY GONZALEZ: No, I just need to speak the truth because --

REP. PORTER (94TH): And you are, and I'm going to ask you to -- to allow us to finish this conversation so that we can move on and you and I --

PATTY GONZALEZ: I respect that. No, like I said, I'm not afraid anymore to talk about my sexual assault --

REP. PORTER (94TH): Okay.

PATTY GONZALEZ: Or all the women --

REP. PORTER (94TH): Thank you.

PATTY GONZALEZ: -- whose cases are hidden in arbitration [crosstalk].

REP. PORTER (94TH): Thank you.

SENATOR KUSHNER (24TH): Thank you. Next on the list is, I have Jasmine Mendez.

JASMINE MENDEZ: Good afternoon Senator Kushner, State Representative Porter and to all of the members of the committee. My name is Jasmine Mendez and I am excited for the opportunity to testify in support of HB 5388, The CROWN Act. I am a NASW candidate from the UConn School of Social Work and as a future social worker I am called by the NABSW, Code of ethics that people are treated with dignity and also to fight for social justice. I committed myself to this code of ethics and I've also committed myself to the National Association of Black Social Workers code of ethics, the NABSW challenges me as a black Social Workers to be unable to claim neutrality in the quest for black liberation. The NABSW Code of Ethics also calls me to use my skills and my whole being as an instrument for social change.

Growing up I was taught that you were not fully dressed until your hair was done. This meant spending most of my weekends in my Mom’s living room getting my hair washed, blow dried and braided and my ears burnt. [Laughing] Although, I often did not want to participate in this regimen of barrettes and beads, I have now come to appreciate the bond it created between my mom and me. And also the bond created between myself and other black boys and girls who share the same experience. . I remember

begging my mom for a perm and also I remember when the perm took my hair out. I like a lot of others have embraced my natural hair. Doing so was indeed a journey of self-discovery and self-awareness. It consisted of many triumphs and defeats, but I love myself even more for it.

I am disheartened that still in 2020, all of me from head to toe is not considered professional. Discrimination against natural hair disproportionately effects black women and black girls. Black women historically have faced a higher level of oppression based on both gender and race. Black women entered the corporate world much later and still are paid much less than white men and women. Black women are statistically the largest population to graduate from higher education. Black women are also statistically the highest purchasers of books. Black women should not have their hair, as it naturally grows from their heads, be a determinate in how capable and qualified we are.

It is true that the CROWN Act will not end all injustice against black women or other women of color, however, the CROWN Act is a step in the right direction. Professionalism is more than the color of your skin. Professionalism is more the texture of your hair. It is how you show up each and every day and commit yourself. It is your work ethic and your zeal. The CROWN Act will work as a catalyst to end work place discrimination, and provide more opportunities for the people to do the job -- to get the job and excel. I am asking that you vote in favor of HB 5388 and affirm that we are committed to this fight for justice for all people. Thank you.

SENATOR KUSHNER (24TH): Thank you for your testimony. And I see you have someone with you.

JASMINE MENDEZ: This is my friend, Anna from Social Work.

ANASTASIA CAMPOS: Hi, I'm Anastasia Campos. I'm the next after Jasmine. [Laughing]

SENATOR KUSHNER (24TH): Oh you are? [Laughing] Anastasia Campos, you're next. Okay. If you would turn off your mic Jasmine and turn on your mic, Anastasia.

ANASTASIA CAMPOS: Co-chairs Senator Kushner and State Representative Porter, and the other esteemed members of this Committee, thank you for allowing me the opportunity to testify in favor of House Bill 5388, the CROWN Act. My name is Anastasia Campos and I'm also an MSW Community Organizing student at UConn School of Social Work. As a future social worker, I am committed to fighting social injustice. Discrimination on the basis of natural hairstyles, historically associated with racial and ethnic minority persons, is a pervasive form of social injustice that disproportionately affects people of color. In particular, women of color are often the target of this discrimination. Therefore, this is a matter of racial and gender-based oppression that must be addressed.

Although I am a woman of color, I am coming from a place of privilege. My straight has never been policed or questioned by others in my places of work and learning. I have never been told that the texture or appearance of my hair is unprofessional as it is. However, this is the heartbreaking reality for others that I care about, including

friends, family, coworkers, and clients. A close friend of mine, of Afro-Latinx ancestry, experienced this in her work at a small business in Connecticut. She was told that straightened hair would look better for work and she must change her natural hair if she wants to be considered for a promotion.

In my profession, I have worked with refugee clients from the Democratic Republic of the Congo and other African countries who have felt the need to alter their natural hair for job interviews, entering the workforce, and attending school. Within less than a couple months of arrival to this state, they had already been exposed to enough discrimination to fear that their natural hair may be a factor impeding their employability and social adjustment. Discrimination against natural hair is racism. It stems from our nation's history of slavery and colonialism, and continues to be reinforced in our media, in our workplaces, and in our schools. Excluding or alienating people from the workforce and schools due to their natural hair creates economic and social disparities for people of color. When a person is told their hair does not belong, by extension they are being told they themselves do not belong.

This message should have no place in a society that purportedly values inclusion and freedom of expression. Although there is still much work to do to fight racism in our state, successful implementation of the CROWN Act would at least affirm the right for all people to take pride in their natural hair. It would affirm the notion, which should go without saying, that all hair is professional and the appearance of our hair does not

in any way correlate to our merit, our worth, or our right to engage fully in social and economic life. It would also sanction legal protections for employees, students, and others if and when discrimination occurs. The CROWN Act has been signed into law by California, New York, and New Jersey. I am asking that you vote in favor of HB 5388 so Connecticut can join this movement for positive social change. Thank you.

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

REP. WILSON PHEANIOUS (53RD): Yes, as a fellow social worker I'd like to [laughing] -- I would like to contemplate you both on your testimony and your use of our professional codes of ethics in your work. So your testimony was clear and I fully understand and agree with you and I just want to compliment you and say, thank you for stepping forward to support this Bill and to use your personal experiences in a very effective way. Thank you.

SENATOR KUSHNER (24TH): Representative Porter.

REP. PORTER (94TH): Thank you, Madam Chair and thank you representatives for the way you delivered that just now. I'm proud. I feel like a proud mama sitting up here. You know you brought bad memories right? Sitting all day on a Saturday getting your hair done. And my grandmother was a domestic worker, so she did it all. She cooked, she cleaned and she was a beautician which means we got our hair done for free and it was an all day process; washing, parting, braiding, drying, unbraiding, sitting in the kitchen the chair with the

straightening comb on the stove, yes. Those are the memories, smell and all, hair burning, you just brought it all back. But I just wanted to piggyback off of what Representative Wilson Pheanious just said. You guys really do make me proud. I'm glad to see you engaged civically and in this building putting your voice and your voice to these important issues that impact yourself and others in your community. And I would just encourage you to keep doing the great things that you're doing and yes, we need more MSWs in the world, so congratulations on that as well. Thank you, Madam Chair.

SENATOR KUSHNER (24TH): Thank you. Thank you both for your testimony today and thanks for being here. Were you here all day too? Yeah, I saw you sitting over there. I thought you were. Thank you for making the long wait, but it was lovely having you here, thank you. And next up we have Maria Cuerda. It's horrible to be at the end of the day but you guys are keeping it really -- you're keeping it going, you know. You're keeping it lively, thank you.

MARIA CUERDA: Thank you, thank you Senator Kushner and members of the Committee. Thank you for the opportunity to testify today. My name is Maria Cuerda and I am client advocate at the Connecticut Fair Housing Center. I am here in support of 5389, AN ACT CONCERNING COLLATERAL CONSEQUENCES OF A CRIMINAL RECORD. The Center -- the Connecticut Fair Housing Center is a statewide nonprofit that assists Connecticut residents who have been denied access to housing because of discrimination. For the more than 100 million Americans who have some type of criminal record, access to housing is limited. The

Center frequently receives calls from people denied access to housing because of overly broad criminal records screening criteria. This happens, even when the disqualifying record is a mere arrest, a decades-old conviction, or a minor crime unrelated to their suitability as a tenant. Because of the well-documented racial and ethnic disparities in all phases of the criminal justice system, criminal records screening may result in race and national origin discrimination and perpetuate racial segregation. It also prevents people recently released from incarceration from accessing decent, safe, affordable housing, even though stable housing is the leading factor in determining whether someone can successfully re-integrate into society.

The Center is strongly in support of H.B. 5389 and other legislation that recognizes that people with criminal records should be treated with dignity and given a chance to find a decent home and earn a living, free from discrimination. Thank you.

SENATOR KUSHNER (24TH): Thank you. Members of the Committee, questions or comments? Thank you so much for being with us today and for bringing that important message to us here at the end of the day. It is good to reiterate it, so thank you so much.

MARIA CUERDA: Thank you.

SENATOR KUSHNER (24TH): Next up I have Cindy Prizio.

CINDY PRIZIO: My name is Cindy Prizio and I'm here to present testimony on behalf of One Standard of Justice. To start I’d like to borrow a word used in the Hartford Chief Public Defender’s testimony: bold. And then add beautiful and necessary. I’d

like to extend our heartfelt thanks to the Chairs for their support and willingness to take a deep dive in order to understand the problems faced by people with criminal convictions and their families in part through the work of the Council on Collateral Consequences of a Criminal Record. OSJ enthusiastically supports RHB 5389, but you know what I'm going to say; it's for everybody. You don't take an anti-discrimination Bill and by a class of offenders discriminate.

96 percent of people who are incarcerated will return to our communities. In order to create and sustain safer communities, initiatives that are both rational and compassionate must be implemented. Many of these people want nothing more than to lead law abiding lives. In addition to the stigma of a convicted criminal many are limited by their lack of education, job experience, skills and pro-social support. All people have in common the same basic needs, food, water, safe and stable housing, stable employment, access to education and job training and the basic right to have a family, to love somebody. All people should have the ability to have a family, provide for themselves and their children rather than becoming dependent on the state or others. This Bill will help break the cycle of prison remands, empower the powerless, help all to achieve something closer to their potential, restore human dignity. All of which we know to be basic human rights, and for the good of the community and state.

I just want to tell you about two little short testimonies I put in blurbs from -- you know I speak to a lot of families. These are little testimonials abridged from mothers and one of the families was

with me last week at the BBRC public hearing. Here's what she says: My son has not been the same since his conviction over 25 years ago. He is angry, hurt and resentful because of this sense of unjust treatment. He is unable to find employment, housing, unable to support himself and forced into odd jobs with no benefits or retirement making him a monetary burden on the state and my family. My family has suffered because of the broken system. I worry constantly. And then this -- so he's going on closer to 30 years since his conviction. And this is another mom's story about her son whose conviction was 10 years ago. It is a long story and the details not be written -- can I keep going a little? However since his conviction he has no employment because he is a felon. I watch him go through life on a day to day basis and see the loss of hope in his eyes. I have often said to myself he'd be better off in prison, at least the isolation would make sense then. Why should he continue to live as this is no life not really, no freedom from past mistakes so in a nutshell no job, no opportunity, housing discrimination. He is not on paper what he is in person. This is living the American nightmare.

And if I can just close with my paragraph about -- our system is designed to break people rather than lift them up. Often community supervision contributes to the inability to successfully reintegrate. Sanctions and stipulations can be harsh eliminating housing, employment, education and social opportunities on people who are trying to survive after being released from prison. So I wanted to encourage the entire Committee to vote yes. To me this is a Bill that will make our state

a true leader of criminal justice reform and this work exemplifies with liberty and justice for all. What I don't want to see as a citizen of this state or any state I might live in is separate but equal. We want to see equal justice under law. There's absolutely no difference between a person who commits a sexual offense and somebody who commits other offenses. We're people. And you know it was really -- I just want to share this with you, Senator Kushner since we had worked together a little bit in the Council, that yesterday I received a call from a legislator who is writing a Bill and he wanted to know what was the correct person first language, and I think that's wonderful because when we label, with any of these labels, we're dehumanizing the group of people and we're perpetuating a problem.

So I know I've heard testimony here, some in caution this morning and then some that really sort of carved out a group, my group. And I'm going to tell you that we are delighted if you will invite us in. We're happy to provide any stats, and we have -- we have access to world-renowned doctors and experts and I just have to tell you I -- I don't want to take a deep dive now but I wanted to share with you, please invite us in or please let us get one of our experts and present because we're getting a lot of information wrong. Thank you.

SENATOR KUSHNER (24TH): Thank you and thank you also for being here all day. And I'm glad you brought up the personhood issue. I -- I -- I know you raised this in one of our -- I think in our first Council meeting and it has really been instructed to me and I have changed the way I talk

about people who have formally been incarcerated and I try to be much more deliberate in not labeling someone in a way that dehumanizes. And I have actually brought it to the attention of other legislators and other people I know, and so it did make a difference that you raised that and it made a difference on me and I'm spreading the word on that. And I've tried very hard to pay attention to language. Language is really important.

CINDY PRIZIO: And we're all learning, thank you.

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

REP. WILSON PHEANIOUS (53RD): Yes, I do have -- I'm not sure if this is a question or a comment. I am one of those people that is concerned about including those who have committed a sexual offense and if my language is not right, correct it; but if -- because I'm not intending to dehumanize anyone but I am wanting to recognize the -- the statistics that I know about recidivism over the long term with people who have committed a sexual offense. I am concerned about housing issues. I understand that there is a need and that we -- that -- that -- whatever someone has done they're still a human being and need to be treated as such, but I am concerned about housing issues and some employment issues with people who may again recidivate particularly against children. And I wonder -- I'm sufficiently concerned that if that group is included, I worry that it may tank the whole Bill. I don't know that that's the case, but I'm concerned about that and I -- and I would feel remiss if I didn't put my feelings out there for comment.

CINDY PRIZIO: No, I understand and I appreciate the plain speaking. And you know I'm just going to leave you with the same two stats that I provided for the Children's Committee and the same offer to come in and do a presentation and really let us take a deeper dive. But I can tell you that, two things; once a person offends sexually, it's very unlikely he or she is reoffending again, period. And the second offense -- the second comment I have, and I've got it right here in an affidavit, is that the longer a person is offense free in the community, the lower his risk goes. So the other thing I want to say is that Oregon is just going into a new registration scheme, and they used to have one where only 700 out of maybe 22,000 people were publicly on the list. They're going through a new classification and what they found of the 700 people that were classified high risk, over 70 percent of them are actually low risk. We've caught so many people. We got all trapped on tough on crime, smart on crime but there are statutes that should not even be under a sex offense umbrella. Those kids and the bulk of them are kids and young adults that are offending, they just aged out on the registry. So the harm we're doing unnecessarily in the name of public safety, expect I'll talk plainly and it's not nice; it's a sham. It doesn't -- there's 0 percent scholarly evidence that says a public registry creates safer communities and so we're spending all that money. We want to prevent sexual offense. We want to educate the kids and the adults from the sexting or the vengeance, revenge porn or having an age inappropriate girlfriend, but I can tell you 'cause my son's in it; that not all young adults are the same. Age is not a shoe size.

REP. WILSON PHEANIOUS (53RD): No, I --

CINDY PRIZIO: And the neuroscience, the more trauma in our kids lives the younger they are. And so we need to become a little bit more accepting because we're harming. And then we're taking kids -- I've got kids 15 years old, 17 years old, they just raised the age to what, 18? The juvenile age, and yet they're on the registry for a lifetime.

REP. WILSON PHEANIOUS (53RD): Please understand that I understand that there are distinctions between the crime -- you know crimes that have been committed or things that have been alleged as crimes. I'm very concerned about an 18-year-old that had an interaction with a 15-year-old and ends up on the sexual abuse registry for life. I'm certainly with you there. My concern relates more to pedophilia and interactions between adults and children that sometimes may well have been caused by something that happened to that adult and I'm terribly upset and sorry for that but I'm also very concerned about a potential repetition of -- of that activity and I -- and I'm concerned for having some classes of people in that group to which we're saying there should be no discrimination in housing or in employment for certain jobs.

So it is just not cut and dry for me. And I would like to talk more and hear more about it, so please don't interpret anything I'm saying as a desire to push you away or not to hear the issues, but rather to express you know concerns, and if I have misinformation I want to be rid of it. So I would welcome the opportunity to learn more.

CINDY PRIZIO: I've been remiss in not seeing you. We've talked and we're getting to know each other much better. First of all, when we don't look at people as individuals, we're harming that person.

REP. WILSON PHEANIOUS (53RD): Yes, I agree, I agree.

CINDY PRIZIO: And second, if they don't even use the word pedophile anymore because we sort of ruined it. Kind of like sex trafficking in the beginning, we used it sort of as a catch all. But now I belong to a group where they call themselves minor attracted people because what we've learned is the attraction can be anywhere from 0, 1 month old, up to whatever the age of consent is and age of consent is different. You know whether it be -- I think -- I don't know if we have even one state 15, but it's 16 or 18. So if I was a pedophile and I have many good friends who are pedophiles, all that means is I have a sexual attraction to a younger pre-pubescent child. But it doesn't mean I've acted on it nor will I ever. And 50 to 70 percent that is the state given by Jill Levenson and the American University, I think Melissa Grady, that says 50 to 70 percent of these people on the registry are not pedophiles.

And the other stat, which I don't have the right number in my head, but I'm going to tell you the major group offending against children are other children. And so what I had to do a lot of work on that around Senator McLaughlin a few years ago wanted to put children of non-violent sexual offenses, 7 to 14 years old on a public registry and the Senate on consent I think just sent it through. And we were just stunned. Best practice is these kids outgrow it.

REP. WILSON PHEANIOUS (53RD): Right, those aren't the ones I'm -- that's not the group I'm concerned about.

CINDY PRIZIO: It's such a smaller group than we're thinking and I know there's under-reporting but I'm also going to tell you, we've gotten, because of lack of due process there's a lot of wrongful convictions and a lot of innocent men and women getting harmed over this. But I'd -- I'm happy -- in fact I contacted my organization thinking of you and thinking of Representative Porter in terms of how are we going to get at pedophilia because all that means is it's an attraction. But I don't -- in fact some minor attractive people can go into therapy and get -- develop a healthy attraction for their peer group.

REP. WILSON PHEANIOUS (53RD): Right, [crosstalk].

CINDY PRIZIO: But some of them choose not to. They just want to -- you know, and so they just live --

REP. WILSON PHEANIOUS (53RD): I'm concerned about the ones who have offended and who may well offend again. But we -- we can take this off line 'cause I know --

CINDY PRIZIO: Okay. I just agree with -- disagree with the stats we've heard today.

REP. WILSON PHEANIOUS (53RD): Okay.

CINDY PRIZIO: I -- I -- I -- in Connecticut you know our offenders are people that went through OPM, it was like 2.9 percent to 3.9 percent across ten years, two five-year studies. That included everybody. It didn't exclude people with child sexual assault. So all I'm saying is that with --

with the right treatment, that's all I'm going to say about that, that people really -- it -- it's not like I tasted the blood and I'm going to drink everyone's blood, it’s not like that at all.

REP. WILSON PHEANIOUS (53RD): I understand that but I'm also very well aware that the right treatment is not available as it ought to be and that it -- it -- therein lies my concern. But again, I just wanted to make my position clear on this because in general I'm -- that's my concern about the Bill. I'm not really concerned about the Bill as a whole. I am concerned about including the very group that you're speaking to.

CINDY PRIZIO: I'd be happy to pursue that and include the data to Senator Kushner and Representative --

SENATOR KUSHNER (24TH): Yeah, if you will get us data we will distribute that to the Committee. I think that we are at the end of the day and I know that there's been a lot of testimony here today and the one thing that did catch my attention was the earlier testimony with different statistics about recidivism and I think that's important that we -- that we work at sorting that out so that we know we're dealing with the best studies we can deal with and the best information we can garner. I think everyone shares a concern for children and for protecting any person, whether you're a child or an adult, from sexual assault or sexual offense. But at the same time we want to make sure, as I said earlier that we are -- that the -- that we are not constructing barriers that do nothing to help us be a safer community than if we are careful, we might -

- if we're not careful we might create barriers that don't help, but actually hurt.

And so those are the really important conversations that we've started here and you've started here tonight. It's a little late in the day for us to really dive into this and there's only a few of us here now. But you know we know from previous years that this is an issue that has been very difficult to get to the -- get information out to people in the legislature, and it's hard to have these conversations. And so I do think that we have -- and I appreciate your offer to get us more information and to also find opportunity for us to have more conversations and more forums that really take on a better and more complete understanding of the issue. So I appreciate that. And I know that -- I think it would be good. I see that Lucy is here still and listening, and you know this -- we're getting a little informal 'cause it's the end of the day but I think it's good to have everybody in the room and have those conversations together.

CINDY PRIZIO: And so Senator Kushner, what I would close with is that I -- I don't remember if you -- somebody said it about stakeholders. We are -- you know getting together at the table or discussion. You know I've been in this for five years now and five years ago nobody talked about this from what I could see. And so now it -- it is being talked about, which is great. You can't -- we have to lean into the tough conversations to solve the problems. And being closest to this as a justice impacted, justice involved family and then having all our members, we need to be sitting at the table to make

sure that it's balanced and that you know we do have some input.

We often talk about with the sex offense registry recommendations, we never sat at the table. We were the only group sitting in the audience, sometimes not even getting public testimony and we wonder -- we say to ourselves, what if that was our Bill instead of their Bill? If we had input in it, would we feel differently about it. So I -- I just wanted to bring that out to you and I am happy to -- to deal with these questions because I think you would be pleasantly surprised by the answers.

SENATOR KUSHNER (24TH): And I do want to thank you for being here and for raising this conversation. I've only been in the legislation, this is my second session, but as you know I have been very involved with constituents on the -- on getting a better understanding of what the real issues are and I think that has opened my eyes a lot to making sure that we're taking the kind of approach that's going to make our society stronger and that includes making sure that we dispel myths that may exist around people who have been incarcerated for sex offenses. And so I think -- you know I have learned a little bit to be able to talk about it but there's much more that I know I have to learn about. And I want to be fair and really see all the sides of this issue 'cause I think we all agree we want to protect people from any kind of sexual violence or sexual assault or any kind of sex crimes, but we also want to make sure that we're not penalizing people who have been incarcerated for sexual offenses that are no longer a threat or that we're creating barriers

that make it harder for those persons to thrive and for their families to thrive as well.

So a lot has been said that has opened my eyes to some of the issues that are difficult that we have to address, but I know this is a conversation we're going to continue to have, so thank you for being here.

CINDY PRIZIO: So if I can leave you with one more thing. What if -- I'm asking you now, what if the truth and the fact is that 96 to 98 percent of people on the registry will commit once offense only depending on your age. The younger ones are at about probably 98, 98.5 percent and then the young adults through -- you know are about 96 percent. If that were true and the true recidivism rate is about 3 percent, then we -- would you say we are getting something wrong?

SENATOR KUSHNER (24TH): I -- I -- you know I don't want to respond to that.

CINDY PRIZIO: Okay.

SENATOR KUSHNER (24TH): Because -- only because of this, I'm not sure what the -- the something is. You know we're at the end of a long day and the Bill that's -- you know we've had a lot of testimony. The Bill that we're actually discussing I'm not sure if that's the something that we're getting wrong or not. So I don't want to -- I'm not putting you off, I just don't -- I think we need to be much more specific about the pieces of the legislation and about what we're trying to accomplish and I -- and you know how the registry impacts that or fits into that, is a discussion we need to have, so.

CINDY PRIZIO: Thank you.

SENATOR KUSHNER (24TH): But I welcome that input so. Okay. Thank you for being here tonight.

CINDY PRIZIO: Thank you so much.

SENATOR KUSHNER (24TH): And next up we have Miguel Wallace. Is Miguel here? If not, then I have Reverend Ernestine.

REVEREND ERNESTINE HOLLOWAY: Good afternoon, good evening I think it is. It's one of the two.

SENATOR KUSHNER (24TH): Two minutes after six, I think it's evening.

REVEREND ERNESTINE HOLLOWAY: My name is Reverend Ernestine Holloway. I am a children's pastor. I represent Refuge Temple Council of Churches.

SENATOR KUSHNER (24TH): Can you just move a little closer to the mic so I can hear you better.

REVEREND ERNESTINE HOLLOWAY: I'm a big girl, there's no getting next to no mic.

SENATOR KUSHNER (24TH): Use your big voice. [Laughing]

REVEREND ERNESTINE HOLLOWAY: My name is Reverend Ernestine Holloway. I'm a community activist, I'm a Pastor of Refuge Temple Council of Churches. I run Serenity House Ministries. I'm part of a ministry that has 200,000 children. And I was going to talk about hair, but I also want to say something about 5389. I understand the difference of what the state Rep was talking about. Everybody deserves a right and a chance to re-enter life, but I don't want pedophiles in the housing development with children.

If you're attracted to children from 0 to 12 years old, 13 I have a problem with you. There's a difference.

I have a brother that -- he was 17 years old and his girlfriend was 15. It was fine, but the moment he turned 18 it became illegal. I understand that. I understand the young girl that's in the club when she's got no business being there, 'cause I was one. And somebody's older and not knowing my age. I understand that, because I did it. Excuse me. I believe that we do need to hold young women responsible for when they're in places they shouldn't be because of their age and they trick men. I get that. They shouldn't be on the list because girls lie, boys lie. I get that. But when somebody tells me that they are sexually attracted to minors and they haven't acted on their feelings or they offended once, I don't want them in the housing complex. I don't want them in my church. There are churches where they can go but our job is to protect the children. They don't get a choice. And the reason why I said that is because I was sexually abused and I was molested by people that was older. And I don't care how attracted they were to me, it was just stupid and wrong.

Now do they get a chance to live life. Absolutely. But do I want to sit down and eat dinner with them in my community, absolutely not. Do I forgive them? Absolutely. Because God forgives me. But do I want them sitting at dinner eating with my children? Absolutely not. So I took offense. I -- I'm sorry that I stayed late, I should have left. I'm offended. I work with children and if you work with an organization and you offend children, don't be

around children. I'm a recovering addict. I'm responsible for my behavior and my addiction, just like that person is. And if you offend, do you have a right to live? Absolutely. Do you have a right to have a job? Absolutely. Do you have a right to work with children? Absolutely not. Now do we need reclassification. Yes, we do. Is it unfair to some? Absolutely. But to a pedophile, I'm sorry it doesn't work for me.

Now I can talk about the hair, 'cause I feel better. [Laughing]

SENATOR KUSHNER (24TH): And because we're at the end of the day and you're the last one on the list, you can talk as long as you want. [Laughing] Oh no, I'm going to get shot by my Committee members here. Thank you. I wasn't trying to -- I wasn't trying to make light of it. I do want to hear what you have to say on hair.

REVEREND ERNESTINE HOLLOWAY: You okay, it's the end of the day, we're good. What I want to talk about is hair and I'm so excited that this Bill is here. And I get emotional because I have five girls. You don't normally hear me talk about my babies, and they've all got different hair textures. But one of my oldest came home one day from school and said she no longer wanted to be black no more. She wanted to bleach her skin, she wanted me to perm her hair. Now a militant mama. I'm black and I'm proud. I'm Puerto Rican and I'm proud. I'm African decent and proud, but I didn't understand why a 6-year-old would come home and say, I don't like my hair. I don't like my skin. I don't like my lips. I was like, um, I don't know what to do with this.

But then I went to the school and I looked in her class, nobody looked like her. The teachers didn't look like her. They made fun of her hair. It smelled different. It's natural. I don't put perms in their hair. No, I'm not perming your hair and yes, I can perm it, I'm really good at it, no. I'm not going traumatize you like my mother traumatized me to look like everybody else, and that's because they didn't know better. Now that we know better we must do better.

The other one said, well I got curly hair, it's good hair. I said what's good about hair. Hair is hair. But she says, Ma, they say I've got Indian and Puerto Rican hair and the other one don't like this hair and this is what they're saying in school and it's traumatizing our girls. You know I get -- I had to educate people on Facebook. Well I don't think hair is a big problem so I had to pull up all the kids that got in trouble because of their hair. They were like wow. So a lot of girls wear wigs. They dye their hair because they want to fit in. Because nobody's comfortable with living in their own skin anymore. We have to fix this. We've got a next generation of people that don't like themselves because somebody said, straight hair is in. Kinky hair isn't it. We've got to perm it. We've got -- and this is from slavery. This goes all the way back.

We can fix this with this law and although this is the one thing I say California got right, they passed a Bill about hair so that girls and boys can go to school and if you're a Rastafarian, you don't have to cut your dreadlocks. If you want to have the big bushy hair like my daughter does and walk

around looking like Angela Davis, it's all right. That's who you are. So we have to tell our girls whether they're big, small, tall, short, fat, skinny, it's okay being you and this Bill is a start. I don't know whose Bill this is but I was so excited when somebody came to me and said, they've got a Bill about hair. And I said about whose hair? My hair up underneath this what I got, and they all started laughing. I said, it's just as natural as it can be. And if you're like me and you went through cancer and your hair got kinkier you won't be embarrassed. 'Cause my hair automatically locks 'cause I went through radiation. Why it does it, I don’t' know. I cut it short because I was embarrassed that my hair was doing this, and it didn't look like anybody else. And I had to tell my daughter -- when she cut her hair short I laughed, I said, oh you really look like your mama, and tell her it's okay that you cut your hair short. It's okay that it's kinky. It's okay that it's nappy.

What have we done in society? What have we done in society that our girls are ashamed of their hair and we're to blame. We're to blame. We did this. We told them, we bought into the myths with magazines saying this is how you should look. We got bleaching. I didn't know what bleaching was until someone said I'm going to bleach my skin lighter. I said lighter for what? You're beautiful the way that you are. So we have to encourage our daughters, our nieces, our aunts, our granddaughters and say it's a new day. If you want your natural in an afro, in that afro puff, whatever they're calling it these 'cause I think the name is changing, it's okay to be you. And that's what I tell girls. I was joking -- I ran today in the lobby and they were

like, oh she's running and I said I usually only run for the ice-cream truck and they all started laughing. And I said I'm a big girl and I'm happy to be a big girl and I've got nappy hair like everybody else and it's okay and it makes you beautiful.

What they told me was when I ran for office is that you need to fix your hair. You need to straighten your hair because people are not going vote for you because you don't look like the norm. You don't act like the norm. I laughed. I said well I'm -- I don't think I'm ever going to be the norm, whatever your norm is and there's nothing wrong with my hair. If I want an afro, I want it cut short, I want braids, I want dreadlocks, it's a choice. And that's what we've got to teach our girls, to love them from within, that it's okay to be you. And this Bill right here is a start. And you will tell employees -- employers that it's not okay to fire somebody because you don't like their hair. The newscaster said it best, they fired her because she decided not to perm her hair anymore, that she wanted to go natural and they let her go. And what I wrote to her, and I normally don't write cause it takes me too long, and I said to her, I'm proud of you because now you look like me. When I look and I see you on TV I see your hair and I say my hair is okay 'cause it looks like yours.

And if your hair is long and straight and you want to be Caucasian with braids in your hair, I'm with you too. I'll flow with you too. But it's a choice of loving yourself and I think this Bill and I think State Rep Robyn, Robyn Porter must have something to do with this Bill. [Laughing] It's exactly what

our girls need and it is the one thing I think both parties agree with, it's okay to be beautiful and our definition of beautiful is not always the same and you will not all look the same. But I will say this, if we manage to look like the Stepford Wives on TV, that movie where all of them looked the same, walked the same, hair was the same, it was pretty strange to me. God is -- God made us all different and our hair texture different and he loved our beauty. I tell people you're wonderfully made just the way you're supposed to be and you don't need a perm. Be you. So I am -- this is one thing I am proud of the legislators about this Bill. Usually I'm always yelling at you all, but this is one time I'm very proud and honored to be in this building 'cause you're taking a step in the right direction for our babies.

SENATOR KUSHNER (24TH): Thank you, Reverend. We really do appreciate your words and -- and I know that -- I don't know if anybody on the Committee wants to comment or question but I do want to say that you know, we've had a long day of testimony on a variety of issues but I think it was very -- I think it was very uplifting to end with your testimony also. Thank you very much.

REVEREND ERNESTINE HOLLOWAY: Goodnight you all.

SENATOR KUSHNER (24TH): Now, I just have to ask even though I said you were the last person, I know we have to ask; is there anyone in the room who has not spoken who wants to be heard from? Seeing none then, this is -- we adjourn this public hearing of the Labor Committee. Thank you all for being here today.