



Testimony of

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Labor & Public Employees Committee  
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***SB 658 An Act Requiring Employers to Recall Laid-Off Workers in Order of Seniority***

***SB 660 An Act Expanding Workers' Compensation Benefits for Mental or Emotional Impairments Suffered by All Workers***

***SB 665 An Act Allowing Emergency Medical Service Providers to Obtain Workers' Compensation Benefits for Certain Mental or Emotional Impairments***

***SB 666 An Act Concerning Workers' Compensation Benefits for Certain Mental or Emotional Impairments and Mental Health Care for Correctional Staff, Emergency Medical Staff and Dispatchers***

***SB 668 An Act Concerning a Fair Work Week Schedule***

***HB 5198 An Act Concerning Reimbursement of Certain Expenses Incurred by Employees During the Course of Their Employment***

***HB 5377 An Act Concerning the Removal of COVID-19 Related Layoffs from the Unemployment Compensation Experience Account for the Calendar Year 2021***

***HB 5954 An Act Continuing the Suspension of the Experience Rate Component of the Unemployment Insurance Tax***

***HB 6343 An Act Ensuring Fair Employee Protections for Gig Workers***

***HB 6344 An Act Creating the Office of Unemployed Workers' Advocate***

Good morning Senator Kushner, Representative Porter and the hardworking members of the Labor & Public Employees Committee. My name is Sal Luciano, and I am proud to serve as the President of the Connecticut AFL-CIO, a federation of hundreds of local unions representing more than 220,000 members in the private sector, public sector, and building trades. Our members live and work in every city and town in our state and reflect the diversity that makes Connecticut great. Thank you for the opportunity to testify today on a number of bills important to Connecticut's working families.

***SB 658 An Act Requiring Employers to Recall Laid-Off Workers in Order of Seniority – SUPPORT***

Among those who have suffered the most during the pandemic are workers who have been laid off due to no fault of their own. Many of these are low-wage workers – most Black, Brown and women - not deemed essential. They have lost their jobs, and most likely their healthcare. They continue to struggle to find work, feed their families and keep a roof over their heads. When businesses begin to reopen, these workers deserve a fair opportunity to return to their jobs and restore their livelihoods. SB 658 could provide important protections to make sure they have that opportunity by requiring employers to offer the same or similar jobs for which they may be qualified to laid off employees based on seniority.

There is always a risk of discrimination and retaliation in the recall of workers from layoff, including the risk that an employer will hire an entirely new group of employees when reopening. After decades on the job, older workers feel employers will hire younger workers at lower rates of pay. Employees of subcontractors can be particularly vulnerable because properties where they work may decide to replace their contracts (e.g., hire a new cleaning contractor) as the work reopens, thus causing the contractor's employees to lose their jobs.

A growing number of local jurisdictions, including Los Angeles and New Haven, have enacted "Right of Recall" ordinances that require employers to call back their prior workforce and give them a first chance at positions as they reopen. A number of states, including New York and Massachusetts are considering similar legislation.

Recall rights are familiar to union workers who usually benefit from negotiated contract language that requires employers that lay off workers to rehire them when business picks up. But these rights are not currently afforded in non-union workplaces. SB 658 would protect non-union workers from being displaced again by new employees at lower wages and/or benefits.

It makes business sense to rehire skilled veteran workers when reopening. Doing so allows the employer to quickly return to pre-pandemic activities without the added stress, delay and expense of training new workers. SB 658 takes the guesswork out of rehiring workers and ensures the process is fair for all.

We urge the Committee to support this bill.

**SB 660 An Act Expanding Workers' Compensation Benefits for Mental or Emotional Impairments Suffered by All Workers, SB 665 An Act Allowing Emergency Medical Service Providers to Obtain Workers' Compensation Benefits for Certain Mental or Emotional Impairments and SB 666 An Act Concerning Workers' Compensation Benefits for Certain Mental or Emotional Impairments and Mental Health Care for Correctional Staff, Emergency Medical Staff and Dispatchers – SUPPORT**

We support all three of these bills because they are desperately needed.

Workers' Compensation was established to provide a safety net for employees injured on the job. We often forget that injuries can be to a worker's mental health or emotional wellbeing. We applaud the proponents of these bills who have long fought to have the traumas suffered by their colleagues recognized as workplace injuries and compensated as such.

We understand that there was an agreement made among stakeholders and legislative leaders in 2019 when Public Act 19-17 passed, providing workers' compensation coverage for police officers and fire fighters suffering from PTSD, to extend those protections to Dispatchers, EMS personnel and Correctional Staff. Efforts to honor that agreement were stalled last March when the General Assembly ceased operations due to the public health and civil preparedness emergency declared by Governor Lamont. SB 665 and SB 666 restart the process of honoring that commitment, which we support.

The COVID-19 pandemic has reminded us about the importance of mental health and how mental health and emotional injuries cannot be avoided in the workplace. Essential workers continued to show up and do their jobs as many of us worked from home. They have worked on the frontlines of this public health emergency for almost a year now, forced to manage intense stress, soaring workloads and emotional challenges that have taken a toll on many.

Doctors, nurses and thousands of other healthcare workers have struggled to cope with the anxiety of working in close proximity to COVID-19 patients in hospitals, nursing homes and other healthcare settings. At times they lacked sufficient personal protective equipment and feared infecting themselves, their co-workers, other patients and their family members. They have watched a virus ravage their patients without having the tools to successfully treat them. They have had to be surrogate family members, as well as caregivers, as facilities limited visitation to prevent further spread of the virus. In too many cases, they were

the only ones with dying patients as they took their last breaths while family members said goodbye on the phone or via Face Time. After their shifts, many undress in their garages, undergoing elaborate decontamination routines, before they can safely seek solace from their loved ones. These are the circumstances they have dealt with on every shift for the last eleven months.

First responders have always been on the front lines responding to serve their communities in times of crisis, but nothing could have prepared them for this pandemic. They have provided pre-hospital 911 emergency medical care, commonly the healthcare providers encountered by COVID-positive patients. They have transported thousands of patients, putting themselves at risk in the close quarters of an ambulance. They too have lacked sufficient PPE at times, but police and fire departments have also been stretched thin, threatening their ability to respond to the pandemic as well as everyday emergencies.

Grocery store workers and other essential retail employees are subjected to similar stress and anxiety. They must contend with uncooperative and sometimes combative customers who refuse to comply with mask requirements and other safety rules. They constantly fear for their own health and fear the loss of pay if they are forced to leave work if they get sick or need to quarantine to prevent further spread.

The cumulative effect has been devastating for many. They are struggling with anxiety, depression, post-traumatic stress, sleeplessness and other mental health disorders. Unless the General Assembly passes legislation allowing these ailments to be recognized as the workplace injuries they are, these essential workers will be forced to dip into their own pockets to take time off to seek treatment. Or worse, they will not get the care they need, potentially putting themselves, their co-workers, their families and those they serve in danger. These injuries should be treated no differently for purposes of workers' compensation than a worker's physical injury.

The pandemic has reminded us that a workplace can be damaging to a worker's mental health and emotional well-being. Workers' compensation laws need to reflect that understanding. We urge the Committee to pass SB 660 which would restore workers' compensation benefits for mental and emotional impairments for all workers. Such action would provide peace of mind to workers everywhere, but especially to those who selflessly serve as essential workers.

### **SB 668 An Act Concerning a Fair Work Week Schedule - SUPPORT**

Almost half of all jobs created since Great Recession has been in low-wage industries, such as retail and fast-food establishments. Before the pandemic, more than 57% of Connecticut's workforce was made up of hourly workers. More than 250,000 of them had children under the age of 18.

Driven exclusively by profits, these employers pay low wages, offer few, if any, benefits and provide no predictability in work hours. Thousands of Connecticut workers, many earning just minimum wage, or less if they are a tipped worker, struggle to earn a stable income because of their unpredictable work schedules. Employers in many low-wage sectors often exploit employees, forcing them to work with little notice or to maintain availability for "on-call" shifts without the guarantee of actual work. These employers also commonly cancel shifts with little or no notice or send workers home early without pay when business is slow. The result is significant uncertainty and lost pay for workers and their families.

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

"On call scheduling" has destabilizing impact on Connecticut's families. When schedules are unpredictable, parents and caregivers struggle to secure safe, high quality childcare, arrange doctor's appointments and plan

participation in their children's school activities. We know one of the most important indicators of a child's educational success is parental involvement. Yet, as much as they want to be fully engaged in their children's education, many parents working low-wage jobs are simply unable to do that.

These workers have become financially destabilized as a result of the pandemic. They need hours they can count on to pull themselves and their families out of financial ruin. We ask the Committee to give working families a fair chance at honest work and the dignity and respect of a stable work environment. That begins with a reliable work schedule.

**HB 5198 An Act Concerning Reimbursement of Certain Expenses Incurred by Employees During the Course of Their Employment - SUPPORT**

Prior to the Trump Tax Cuts and Jobs Act, employees who worked at home could get a federal tax deduction. Employees who are working at home now due to the coronavirus pandemic don't get a tax deduction for those costs. In some states, including California, Illinois, Iowa, Pennsylvania, Montana and New Hampshire, employers are required to reimburse employees for necessary job expenses. We applaud the proponents of this bill for recognizing the need for a standardized protocol for expenses related to their employment.

Since last March, workers forced to do their jobs remotely have incurred additional expenses related to Internet usage, phone service and increased electric, gas and other utility costs. In addition, some may have had to make investments in computer hardware or essential office furniture in order to their jobs. They may also had to purchase software and online subscriptions, such as video conferencing services.

Executives likely have company credit cards and expense accounts to pay for these added costs, while the majority of employees must pay for work-related expenses with their own money before they can request a reimbursement. Currently, there is no legal requirement that employers provide those reimbursements. The only modest protection Connecticut workers have is from the federal Fair Labor Standards Act, which prohibits employers from requiring employees from paying for job-related expenses if doing so would cause the employee's wage rate to fall below the minimum wage or overtime compensation rate.

A standard protocol would define which work-from-home expenses employers should pay. That would set expectations and hold employers uniformly accountable. We urge the Committee to support this bill.

**HB 5377 An Act Concerning the Removal of COVID-19 Related Layoffs from the Unemployment Compensation Experience Account for the Calendar Year 2021 and HB 5954 An Act Continuing the Suspension of the Experience Rate Component of the Unemployment Insurance Tax – SUPPORT**

These proposals would codify Governor Lamont's Executive Order 7-W, which requires that:

*"No base period contributing employer's account shall be charged with respect to benefits paid to a claimant due to partial or total unemployment that the Commissioner of Labor or his designee determines are attributable to COVID-19, including but not limited to benefits paid to a claimant who, through no fault of his or her own, becomes either partially or fully unemployed during the public health and civil preparedness emergency declared on March 10, 2020, and any period of extension or renewal."*

Like many states, Connecticut's Unemployment Insurance (UI) program has been designed so that the employers that lay off employees with greater frequency face higher UI taxes than employers that maintain stable employment. Each employer's annual layoff history determines its experience rating. Employers who issue layoffs in any single year will see their UI tax rate negatively affected.

Under normal circumstances, business experience ratings make sense. Employers that contribute more to the utilization of the UI trust fund should contribute more to the funding of benefits. But, amid a global

pandemic some non-essential businesses have been more heavily impacted than others. Layoffs related to COVID-19 were created by a public health emergency, not by poor management or other avoidable circumstances.

By freezing employer experience ratings at pre-pandemic levels, Connecticut can focus on reopening businesses when public health conditions warrant. HB 5377 and HB 5954 would reduce burdens on struggling businesses and provide them the peace of mind to know pandemic-related UI claims will not cause their UI taxes to increase at a time when they can least afford to pay them. We urge the Committee to support these bills.

**HB 6343 An Act Ensuring Fair Employee Protections for Gig Workers - SUPPORT**

This past year has proven more than ever that improperly classified employees are being taken advantage of by Internet-based food delivery and ridesharing companies. Employee misclassification is a persistent problem in many growth industries and in the rapidly growing app-based “on-demand” economy.

Ridesharing services such as Uber and Lyft are among the most egregious employers who intentionally misclassify their employees. The gig economy has been criticized for using technology to evade worker protections such as rights to minimum wages and paid leave and healthcare in order to shift costs onto workers. While in traditional industries, workers may enjoy the benefits of trade unions, healthcare provisions, minimum wage, contract termination and working hours rights, employees within the GIG economy are often paid as independent contractors. While companies like Uber and Lyft make profits these workers often make poverty level wages. Gaps in federal and state laws have left these workers without meaningful protections.

We urge the Committee to support this bill.

**HB 6344 An Act Creating the Office of Unemployed Workers’ Advocate - SUPPORT**

Workers who have never been unemployed before the COVID-19 pandemic may be experiencing unemployment for the first time in their careers. It is always a frightening and stressful time for any worker to be unemployed, but it is especially confusing and difficult during the pandemic. Federal aid packages have created supplemental benefits and entirely new programs to try to meet the needs of unemployed workers. Overloaded staff at the Department of Labor struggle to process claims and meet demands with a significantly reduced Department staff. It can be a daunting and overwhelming task for workers to make sure they are receiving their entitled benefits. It seems an appropriate time to create a state advocate for unemployed workers.

Though vaccine distribution has provided a great deal of hope, we will be living with the coronavirus for some time to come. The economic devastation created by the virus will likely linger for years. Unemployment could remain high for the foreseeable future.

Much like the Office of the Healthcare Advocate has helped Connecticut consumers understand their rights and responsibilities and assisted them to resolve problems with their health insurance plans, an Office of the Unemployed Workers’ Advocate may do the same for unemployed workers. We urge the Committee to proceed with this legislation to provide workers, especially non-union workers, with the supports they may need in their most difficult times.

Thank you for the opportunity to provide testimony today.