House Bill 6595, An Act Concerning Labor Matters Related to COVID-19, Personal Protective Equipment and Other Staffing Issues.
Senate Bill 1002, An Act Concerning Labor Issues Related to COVID-19, Personal Protective Equipment and Other Staffing Matters.
Labor and Public Employees Committee
March 19, 2021

The Mechanical Contractors Association of Connecticut (MCAC) is an association of trade union mechanical contractors who provide mechanical services in HVAC, plumbing, piping, sheet metal and other work, and are signatory to the Plumbers and Pipefitters Local 777 bargaining agreement.

MCAC is **opposed** to various provisions in House Bill 6595 and Senate Bill 1002 as detailed below and urges the committee to **reject the provisions** before it acts on the bills.

Section 3 of the bills would establish a presumption that workers who contracted COVID-19 did so while on the job and in the course of employment and would therefore automatically be eligible for workers' compensation benefits.

MCAC is acutely mindful of the ongoing public health emergency and the devastation COVID-19 has wreaked on workers, families and the economy. Connecticut owes a significant debt of gratitude to health care professionals, grocery store clerks, and other essential workers who continued to work through the darkest days of the pandemic. However, providing all essential workers who become ill with coronavirus with a presumption that the disease was acquired on the job is inherently unfair, particularly for construction contractors that are doing everything they can to protect the health and safety of workers on the jobsite with personal protective equipment and other measures. Contractors continue to adhere to public health guidelines and observe diligent cleaning and sanitation practices on all jobsites.

Like many industry sectors, many mechanical contractors are small business owners employing essential workers who they are trying to keep safe and healthy while operating in a public health crisis during a severe economic downturn. A presumption will put an enormous burden on the industry and impair construction companies' recovery. It could have a devastating impact on the state's economy, which cannot withstand another blow. The state itself cannot afford any further

revenue loss at a time of deepening fiscal strain due to the impact of coronavirus. Additionally, it will require contractors to divert substantial time and limited resources to the almost impossible task of disproving any claim for benefits when a worker was not exposed to COVID-19 on the jobsite. This is particularly difficult when the virus is known to be transmitted by persons who are asymptomatic. A presumption would, in effect, require all COVID-19 cases be covered by workers' compensation when all such cases are not acquired on the job.

The committee should reconsider a presumption as did the state of New York, which chose not to adopt one after studying the significant projected costs to the workers' compensation system in our neighboring state. Alternatively, perhaps the construction industry can be exempted from the bills altogether or, if applied to the industry, COVID-19 claims can be excluded from contractors' experience modification rating, as recommended by the National Council on Compensation Insurance and adopted by executive order in California.

Section 7 of the bills requires employers to recall laid-off employees in order of seniority and to guarantee 30 days of work upon call back. MCAC is **opposed** to the provisions because they are not suitable to the construction industry. Call back and work guarantees are typically subjects of collective bargaining between labor and management. Seniority is bargained for in collective bargaining when it is suitable to the union and the type of work to be performed. Call back rules for other unions are collectively bargained to meet the needs of individual union administrators and members, as well as the employers' interim workforce requirements.

Additionally, employment in the construction industry is often transitory and temporary. Workers are often employed by more than one employer and are hired and laid off in short timeframes. The workforce is adjusted quickly to meet project demands, scheduling requirements. Providing a ten-day period for workers to decide if they are returning to work is not practical, disruptive to scheduling and will cause expensive delays on projects. Interim employees will remain idle on projects when they could be productively working for other employers.

Sections 20 through 25 of both bills provide at least 80 hours of COVID-19 paid sick leave for full-time employees. MCAC is **opposed** to these sections of the bills because paid time off is a subject of collective bargaining in the construction industry. This requirement will throw the current well-settled, established, and negotiated collective bargaining agreements in the construction industry out of balance. Collectively bargained terms and conditions of employment have evolved over many years. Applying the COVID sick leave provisions to the construction industry could drive the bargaining parties back to the bargaining table to open

agreements. This would upset longstanding provisions important to maintaining the continuity of the relationship between labor and management.

Unfortunately, for the reasons set forth above, MCAC cannot support House Bill 6595 and Senate Bill 1002.

Please contact Kristen Brainerd Abrahamson, Executive Vice President of MCAC, at (203) 248-3098, for additional information or any questions.