Testimony of

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SB 321 An Act Expanding Workers' Compensation Coverage for Post-Traumatic Stress Injuries for All Employees

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SB 313 An Act Concerning Adoption of the Recommendations of the Task Force to Study Cancer Relief Benefits for Firefighters

SB 312 An Act Concerning the Expansion of Connecticut Paid Sick Days

Good morning Senator Kushner, Representative Porter, and members of the Labor & Public Employees Committee. My name is Ed Hawthorne, and I am proud to serve as President of the Connecticut AFL-CIO, a federation of hundreds of local unions representing more than 200,000 members in the private sector, public sector and building trades. Our members live and work in every city and town in our state, reflecting the diversity that makes Connecticut great. Thank you for the opportunity to provide testimony on several bills today.

SB 321 An Act Expanding Workers' Compensation Coverage for Post-Traumatic Stress Injuries for All Employees- SUPPORT

Workers' compensation is often referred to as a grand bargain between workers and employers. Workers receive defined benefits for covered workplace injuries, illnesses, and deaths without regard to fault or liability. In exchange, they are prohibited from suing their employers.

The General Assembly has taken positive steps to require treatment of Post Traumatic Stress Injuries (PTSI) in workers' compensation, covering firefighters, police officers, dispatchers, EMS and corrections personnel. Healthcare workers will receive temporary coverage for pandemic-

related PTSI. Now it's time to provide that coverage for every worker who suffers a workplace mental health injury.

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 have worked on the frontlines of this public health emergency, forced to manage intense stress levels, juggle soaring workloads and process visibly and emotionally traumatic situations. But essential workers aren't the only ones who have suffered the heavy toll that comes with experiencing mental health challenges on the job.

Many workers who have encountered traumatic events at work 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, workers will continue to be forced to dip into their own pockets to take time off and 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.

We urge the Committee to pass SB 321 which would restore workers' compensation benefits for mental and emotional impairments for all workers. Such action would provide peace of mind to workers everywhere and maintain the integrity of the workers' compensation grand bargain.

HB 5357 An Act Concerning Mandatory Overtime for Nurses in Hospitals - SUPPORT

Our nurses are heroes. One of the silver linings of the COVID-19 pandemic is the level of recognition and support our frontline healthcare workers have received in communities across the state. Their professionalism and dedication has been applauded while they've been forced to work in dangerous, exhausting conditions - often being pushed to their physical and mental limits. The coronavirus has taken its toll on nurse staffing, but intentional understaffing and disregard for nurse and patient welfare existed long before the virus arrived in Connecticut.

Responsible hospital nurse staffing levels are associated with lower patient mortality, fewer complications, fewer medication errors, fewer patient falls, shorter hospital stays and fewer readmissions. Yet many hospitals, focused on boosting their bottom lines with "flexible" staffing arrangements that rely heavily on mandatory overtime, push nurses to the brink of exhaustion and overwork.

Any nurse will tell you that when they are fatigued, patients don't receive the high quality care they deserve. Nurses who are mandated to work overtime may not be in any condition to continue to work safely, but fear losing their jobs for not following orders. They also may have children or other personal responsibilities that make it impossible for them to work overtime hours without adequate notice.

HB 5357 will help improve nurse retention rates and patient outcomes by limiting a hospital's ability to rely on forced overtime to fill regular staffing gaps. It will encourage hospitals to stop mandating overtime as the standard practice and finally adopt safe staffing policies that benefit everyone: hospitals, nurses and patients. We urge the Committee to support this bill.

SB 320 An Act Concerning Raising the Threshold for
Unemployment Overpayments - SUPPORT

Losing a job can be a financial blow to anyone, but especially to a low-wage worker. Most low-wage workers live paycheck to paycheck and rarely have an opportunity to accumulate savings on which they may rely during an emergency. If they lose their job, unemployment benefits are usually their only available resource to meet their financial obligations.

When unemployed workers find a new job, it may be a couple of weeks before they actually begin receiving a paycheck. If they continue to make use of their unemployment checks during that interim time period to pay their bills, they can be charged with a felony for fraudulently accepting an overpayment. Most workers do not realize that if an unemployment check covers a time period (or partial time period) that includes the start date of their new job, they must return those benefits (or portion of those benefits) to the state.

In cases like these, the average pre-pandemic overpayment is $800. SB 320 would raise the threshold for felonies in fraudulent overpayment cases from $500 to $2000. The intent is to protect low-wage workers during that interim period from being charged with a felony. They would still be liable for repayment and accompanying penalties.

This change puts fraudulent unemployment overpayments in line with other criminal penalties. Individuals in Connecticut aren't charged with a felony unless the value of the property in question is over $2000.

SB 320 will help individuals remain employed, support their families and move forward with new employment without being labeled a felon. We urge the Committee to support this bill.

HB 5356 An Act Concerning Pandemic Pay Essential Workers – SUPPORT

Throughout the pandemic, our state's public health and public safety have depended heavily on the efforts of frontline workers. Their jobs became essential and highly dangerous at the same time.

While most of Connecticut was under a stay-at-home order and the number of confirmed COVID-19 cases skyrocketed, these dedicated workers continued to care for patients, stock grocery store shelves, answer emergency calls, staff prisons, operate public transit systems, care for children and ensure taxpayers had continued access to other essential services. They have continued to perform their jobs under difficult circumstances and in extremely dangerous conditions for the last year. while many of us worked comfortably from home.

Governor Lamont declined to include any pandemic pay in his budget proposal for municipal or private sector essential workers and included a very modest $15 million for state essential workers in the FY 2022-2023 biennium budget. In so doing, he disregards the contributions of two-thirds of the state's "essential workforce." Despite declaring healthcare workers, firefighters, janitors, teachers and school staff, police officers, transit workers, grocery store employees, and many other municipal and private sector workers "essential" with the stroke of a pen, Governor Lamont has ignored their sacrifice and the risks they have had to take. HB 5356 would remedy that wrongdoing.

Essential worker pay will stimulate Connecticut's economy, help workers make ends meet, and show respect to the people who have kept our state going throughout the pandemic. We must ensure they receive the support they deserve.

SB 319 An Act Concerning Deadlines for Arbitration Awards - OPPOSE

A version of this bill has been introduced for more than a dozen years. The General Assembly has consistently rejected these measures because the data just not support the need for legislation like this.

Binding arbitration was enacted in the 1970's as a reasonable method for settling labor contracts after multiple teacher strikes and various municipal employee contract negotiations went on for years without settlement. The most comprehensive review of the Teachers Negotiation Act (TNA) and the Municipal Employees Relations Act (MERA) can be found in the 2006 Program Review and Investigations Committee report on binding arbitration.[1]

The Program Review and Investigations Committee report found that the use of binding arbitration is infrequent. Just ten percent of TNA and four percent of MERA contracts enter binding arbitration. This suggests that both sides are reluctant to enter into the process if it can be avoided.

The report also shows there was no evidence to indicate binding arbitration drove up costs or favored employees. The perception of binding arbitration would have you believe something much different than the facts.

For decades, municipalities have raised binding arbitration as a mandate that squeezes their budgets. Anyone who is familiar with the process understands where the real costs are. Until municipal chief elected officials are willing to negotiate directly with their employees and stop outsourcing that work to external high-priced law firms, we will continue to bills like this introduced. We urge the Committee to reject this bill like it has done in previous sessions.

SB 318 An Act Concerning Captive Audience Meetings - SUPPORT

Unions help bring workers into the middle class. On average, workers who join together to bargain wages, hours and working conditions earn higher wages, utilize fewer safety net services, have greater productivity and experience less turnover than non-union workers. Yet when workers try to form unions, employers routinely respond with campaigns of threats, coercion and misinformation. In theory, federal law protects workers' freedom to form a union. But in reality, workers struggle to maintain this basic right when they are being inundated with employer harassment and intimidation.

SB 318 protects a worker's fundamental right of free speech when employers misuse their authority and require employees to listen to management's views on matters of individual conscience. This bill simply allows an employee to leave an employer-sponsored meeting and return to work if the meeting is about religious and political matters unrelated to his or her job performance.

When faced with a union organizing drive, most employers hire union-avoidance consultants to orchestrate and implement anti-union campaigns. These so-called "persuaders" help employers keep their businesses union-free. They provide anti-union talking points, flyers videos and other services, including training managers about how to surveil employees and conduct "captive audience" meetings.

A captive audience meeting is a mandatory closed-door meeting held during work hours by the employer. It is designed to discourage workers from joining the union by instilling fear. These meetings are intimidating in nature because they are often conducted one-on-one or in small groups by managers who are responsible for supervising the employees. In addition to

[1] https://www.cga.ct.gov/2005/pridata/Studies/pdf/Binding_Arbitration_Final_Report.pdf

dissuading employees from joining a union, managers use these meetings to identify and build lists of employees who support the union.

Employers may, of course, require employees to attend meetings and listen to communications that are related to their jobs. But employers cross the line when they require employees to listen to speech intended to influence their views on politics, religion, labor organizing and similar matters. SB 318 in no way prevents employers from discussing religion, politics or any other subject. Examples of what would continue to be permitted under SB 318 include:

- Calling workers in to explain COVID protocols, vaccines and other workplace health and safety matters.
- Discussing workplace issues and even encouraging workers to voluntarily contact elected officials on issues pertaining to the business, as long as the employer does not require it or tell employees how to vote in an election.
- Inviting elected officials to a staff meeting to discuss current events, stress the importance of voter registration or even encourage employees to volunteer on political campaigns.
- Inviting employees to attend church services or participate in other religious events, as long as participation is not mandatory.
- Holding staff meetings to encourage participation in employer-sponsored charitable events and activities. Many companies have ongoing relationships with specific charities, e.g., the United Way, Girl Scouts, Special Olympics, etc. and invite employees to voluntarily participate in those endeavors.
- Calling meetings to encourage employees to join the employer in community service activities, such as assembling playground equipment in a public park or cleaning up storm debris after a natural disaster.
- Encouraging employees in staff meetings to voluntarily participate in a company-sponsored blood drive.

In short, an employer may hold any meeting they want. They can say whatever they want. SB 163 in no way prevents employers from discussing religion, politics or any other subject. SB 163 only prohibits employers from firing or disciplining employees who leave the meeting because they do not wish to listen to the employer's views on such topics.

We implore the Committee to allow workers the freedom to make their own decisions about forming a union, free from employer harassment and intimidation and act favorably on SB 318.

HB 5354 An Act Concerning Undue Delays in Workers' Compensation - OPPOSE

As I testified earlier, workers' compensation is often referred to as a grand bargain between workers and employers. Workers receive defined benefits for covered workplace injuries, illnesses, and deaths without regard to fault or liability. In exchange, they are prohibited from suing their employers.

What should be a relatively straightforward process to make injured workers whole has become a complicated, time consuming maze that often requires an injured worker to employ an attorney to help them navigate it. When an injured worker finally does prevail and has a workers' compensation claim approved, it is likely after months of review and employer appeals. They have probably lost wages and have out-of-pocket medical expenses.

HB 5344 would further elongate this process and delay relief to an injured worker by extending the employer's time to contest the award by another 17 days. The system already favors the employer and its legal team. We urge the Committee to reject this bill.

HB 317 An Act Concerning Unemployment for Striking Workers – SUPPORT

The pandemic exposed and intensified a host of worker grievances, including inadequate wages, demanding schedules, unaffordable healthcare and historically high CEO compensation. Workers across the nation have recently exercised their right to fight back and walk off the job. But deciding to go on strike is not an easy or glamorous decision. Workers in a bargaining unit can only strike by majority vote, but that step is reached only after weeks of failed negotiations which were preceded by months, or even years, of labor-management tension.

It takes tremendous courage to go out on strike - to risk losing pay or losing your job or facing retaliation when you return to work. But many workers believe the alternative - the chance to achieve long-term improvements in pay, benefits and working conditions - is with the risk. SB 317 would lessen the economic impact on Connecticut striking workers by providing them with unemployment benefits after a two-week waiting period.

Many frontline workers – after working so hard and risking their lives during the pandemic – believe they deserve substantial raises along with lots of gratitude. But that didn't happen for Connecticut workers at Sunrise group homes until they went on strike. These low-wage workers, mostly Black and brown women, decided that management had pushed them too far and expected too much. They were tired of management raises when they didn't earn enough to afford company provided healthcare. They, and others who feel they have no choice but to walk off the job, would have benefited greatly from SB 317 had it been in place at the time they went on strike.

HB 317 would align Connecticut unemployment policy with two neighboring states. New Jersey and New York enacted similar legislation in 2018 and 2020 respectively. We urge the Committee to support this bill.

HB 5353 An Act Concerning a Fair Work Week Schedule – SUPPORT

Almost half of all jobs created since the 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 a 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.

SB 316 An Act Protecting Connecticut Workers – SUPPORT

The COVID-19 pandemic has exacerbated the importance of protecting Connecticut workers at many levels. SB 316 addresses several of the bills discussed and supported in this testimony by requiring the Labor Department to study these issues in greater depth, report their findings and recommend legislation to the appropriate committee of the General Assembly. We thank the Labor and Public Employees Committee for placing these matters of concern in one piece of legislation and strongly support its intent.

SB 315 An Act Concerning Unemployment Benefits for Adjunct Higher Education Faculty – SUPPORT

The COVID-19 pandemic forced drastic and immediate changes in Connecticut’s higher education system. Campuses were shut down in March 2020, and there was great uncertainty about how institutions would proceed for the remainder of the pandemic. Like hundreds of thousands of other workers who lost their jobs through no fault of their own, many higher education staff were forced to navigate the complicated maze of unemployment insurance. Part-time community college staff whose contract ended in the 2020 spring semester and were not employed full-time elsewhere appropriately filed for unemployment.

Unfortunately, unemployment claims that should have been approved and processed in a timely manner were unnecessarily contested. Community colleges use a third-party, Employers Edge, to challenge unemployment claims by filing objections on behalf of the employer (community colleges). Many of the objections cited “reasonable assurance” as cause for denial, meaning that the claimant had a bona fide offer of employment for the next academic term. Other objections claimed applicants “left work to return to school” and “voluntarily left employment.” These were all false. While some claimants who were challenged by Employers Edge ultimately received benefits, some were delayed for weeks or months. Others had their claims denied.

“Reasonable assurance” is a term rooted in preK-12 and higher education to refer to full-time employees that typically work a 10-month academic year with vacation or breaks already factored into their wages and benefits. This group has ‘reasonable assurance’ of returning to work following the scheduled vacation or break periods and are not eligible to collect unemployment during those times. For example, teachers and other full-time school staff cannot collect unemployment during the summer because they have reasonable assurance that they will return to work in the Fall.

The “reasonable assurance” standard should not apply to part-time higher education workers. Many institutions have specifically written into their rules that contingent faculty do not have reasonable assurance of continued employment. It seems disingenuous that they would simultaneously assert, through a third party, that they do. Part-time workers are the ones who get caught in the middle of this contradiction. Over the last year of the pandemic, they have suffered greatly. That is why HB 6582 is so important.

SB 315 requires each higher education institution to provide the Department of Labor with two lists before the end of each academic year or term:

1. Individuals who performed services in an instructional, research or principal administrative capacity ***who DO NOT have a reasonable assurance*** of providing the same services during the second academic year or term; and

2. Individuals who performed services in an instructional, research or principal administrative capacity services ***who DO have a reasonable assurance*** of providing such services in the same capacity during the second academic year or term.

The institution must report how it provided reasonable assurance to individuals on the second list. Failure to do so would establish a rebuttable presumption in favor of the employee on the question of reasonable assurance for purposes of awarding unemployment benefits.

SB 314 An Act Concerning Protection of Warehouse Workers – SUPPORT

Another outcome of the COVID-19 pandemic, is the recognition of the vital role warehouse workers have played in sustaining us throughout these unprecedented times. The heavy workload placed on these hardworking employees has resulted in more worker-related injuries due to employer-created exploitative quotas that violate basic health and safety. The expectations and promises of next day delivery have resulted in workers not using the restroom or taking a meal break due to fear of retaliation by the employer.

SB 314 requires employers to disclose production quotas and productivity metrics to warehouse employees as well as any potential adverse employment action that may result from failure to meet such quotas. The law also prohibits employers from penalizing or firing warehouse workers for failing to meet quotas because they took restroom or meal breaks. Companies are also barred from retaliating against employees who complain and fail to meet unsafe quotas. The bill also gives workers the right to seek relief for violations by filing a complaint with the Labor Commissioner. In addition, the Labor Commissioner can access workers' compensation data to identify warehouses who are committing workers' compensation fraud, wage theft or a link between quotas and injured workers.

Corporations should not be allowed to put profits over people. This legislation will protect warehouse workers from further mistreatment and abuse.

SB 313 An Act Concerning Adoption of the Recommendations of the Task Force to Study Cancer Relief Benefits for Firefighters – SUPPORT

It has been determined through significant research that firefighters face a considerable risk of increased incidents of cancer as a result of their employment. In response to these glaring statistics, the General Assembly created a task force to study cancer relief benefits for firefighters and it ultimately determined that a comprehensive law must be established to protect firefighters who contract cancer.

SB 313 will codify the recommendations of the task force into law thereby affording firefighters greater job protections and allowing the workers' compensation system already in place to adjudicate the rebuttable presumption claims for cancer benefits. Without implementation of the task force recommendations, firefighters will continue to face the unjust battles to be awarded the benefits they deserve when they receive a cancer diagnosis.

SB 312 An Act Concerning the Expansion of Connecticut Paid Sick Days - SUPPORT

In 2011, Connecticut became the first state to require certain employers to provide paid sick days; however, the law only applies to employers with 50 or more employees in certain service occupations. It does not cover employees of employers with fewer than 50 employees, federal employees, certain employees of manufacturers and nonprofit organizations, and temporary and day laborers.

Covered workers are only eligible to use accrued paid sick time after they have worked 680 hours, which is inaccessible to part time workers or those with multiple jobs. Further, workers can only use paid sick time to care for a child up to the age of 18 or a spouse, defined as husband or wife. The law does not include time to care for extended or chosen families and leaves out workers who care for loved ones outside of the traditional "nuclear" family.

SB 312 removes the employer size threshold and job classification list outlined in existing law and requires all employers, regardless of size or industry, to provide up to 40 hours of paid sick time to their employees per year. It also eliminates the waiting period for an employee to use their accrued paid sick days which, specifically, helps workers who work part time. In addition,

workers can use paid sick days to care for a spouse, child of any age, grandparent, grandchild, parent, sibling, and any individual related to the employee by blood or affinity who is the equivalent of family. This would align Connecticut's paid sick leave statute with our paid family and medical leave program, which passed in 2019 and took effect on January 1, 2022.

As we continue to respond to and recover from the COVID-19 pandemic, access to paid sick leave is more critical than ever. Paid sick days are crucial to essential workers, the majority of whom are women and people of color and are least likely to have access to paid sick days right now as they continue to work on the frontlines of the crisis. Without paid sick days, workers are forced to either go to work sick or miss their paychecks and, in some cases, lose their job entirely.

Research indicates that paid sick leave provided in the federal Families First Coronavirus Relief Act in 2020 was successful in "flattening the curve" of COVID-19 transmissions and reduced COVID-19 cases in certain areas by 400 cases per day. Workers without paid sick days are more than twice as likely to seek emergency room care for themselves, a child or a relative because they can't take time away from work during normal business hours to obtain routine care, which leads to higher health insurance costs and medical expenses.

The continued threats to economic security faced by too many workers due to a lack of paid sick days must be resolved. Now is the time to make sure all workers have access to paid sick days.

Thank you for the opportunity to testify.