

Legislative History for Connecticut Act

SB 519      ~~P/ 145~~      1959  
Senate: P. 830-832, 1634-1635      5p.  
House: P. 1401-1402, 1762-1779,      24p.  
          P. 1967-1970  
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Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate  
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CONNECTICUT  
GEN. ASSEMBLY  
SENATE

PROCEEDINGS  
1959

VOL. 8, PART 2

MAR. 24-APRIL 17

PAGES 453-945

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the amendment clarifies the contents of the bill.

THE CHAIR:

The question is on the acceptance of the committee's favorable report. Will you remark further? If not, all those in favor of the bill as amended will signify by saying "aye", those opposed "no". The "ayes" have it. The bill is ordered passed as amended.

Senator from the 24th, will you state your personal point of privilege?

SENATOR BUZAID:

When I got up and spoke referring to the Bidy League in Bridgeport, I mentioned the radio station WICC, however, I would like to place it on record, that I also follow the historic ball games through these two illustrious papers, the Bridgeport Post and the Bridgeport Telegram.

THE CHAIR:

Those remarks, Mr. Clerk may well be noted, and I think a copy should be sent to the Honorable William Walsh.

THE CLERK:

Calendar No. 198. File No. 194. Substitute for Senate Bill No. 519. An Act including Age in the Factors on which Employment is Based under the Fair Employment Practices Act.

Favorable report of the Committee on Labor.

SENATOR MILLER:

Mr. President...

THE CHAIR:

Senator from the 13th.

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SENATOR MILLER:

I move acceptance of the committee's favorable report and passage of the bill.

THE CHAIR:

The question is on the acceptance of the committee's favorable report and passage of the bill. Will you remark further?

SENATOR MILLER:

This bill merely adds the age to the fair employment practices act. The age means any person between forty and sixty-five. We had some complaints from insurance companies, from some of the employers, some of the labor unions. In order to meet those objections, we exempted the bona fide retirement and pension plan under collective bargaining, agreements, bona fide insurance plans and bona fide (indistinguishable) plans. I urge the passage of the bill.

THE CHAIR:

The question is on the acceptance of the committee's favorable report and passage of the bill. Will you remark further?

SENATOR BUZAID:

Mr. President...

THE CHAIR:

Senator from the 24th.

SENATOR BUZAID:

I wish to urge the passage of this bill, substitute for Senate Bill No. 519. I have been very interested in those forty to sixty-five years of age who find it difficult to obtain employment. I feel sure this act will help place the people forty to sixty-five

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years of age back on the work force of this state, and help them to look forward to a new and happier life.

THE CHAIR:

The question is on the adoption of the committee's favorable report and passage of the bill. Will you remark further?

SENATOR FINNEY:

Mr. President....

THE CHAIR:

Senator from the 36th.

SENATOR FINNEY:

I am glad to see this bill here, and I hope we are going to pass it, and I think the reason for my answer is very obvious.

THE CHAIR:

Senator from the 30th.

SENATOR BURNS:

I will be very brief. I would like to also urge the passage of this bill. In the city from which I come from, Torrington, this type of legislation had a great deal of interest, and I would be very happy to report back to my constituents that this bill has been passed.

THE CHAIR:

The question is on the acceptance of the committee's favorable report and passage of the bill. Will you remark further? If not, all those in favor will signify by saying "aye", those opposed "no". The "ayes" have it. The bill is ordered passed.

THE CLERK:

Calendar No. 203. File No. 138. Substitute for House Bill

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1408-1875

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of Jail Sentences for Good Behavior. Passed by the Senate, referred to the House where House Amendment "A" was passed and returned to the Senate under disagreeing action.

THE CHAIR:

Senator Schaffer of the 14th district.

SENATOR SCHAFFER:

I like to move for reconsideration of the bill as amended.

THE CHAIR:

The question is on reconsideration of the bill. Those in favor "aye", opposed "no". The bill is reconsidered.

SENATOR SCHAFFER:

I would like to move for the passage of the bill.

THE CHAIR:

The question is on passage of the bill as amended. Remarks?

SENATOR SCHAFFER:

The amendment is a technical one and after the words "three months" should be inserted and is in the amendment "or ninety days, as the case may be",

THE CHAIR:

Are there further remarks? The question is on passage of the bill as amended. Those in favor signify by saying "aye", opposed "no". The bill is passed as amended.

THE CLERK:

Favorable substitute report of the Joint Standing Committee on Labor. Senate Bill No. 519. An Act including Age in the Factors on which Employment is Based, Under the Fair Employment Practices Act. Referred to the House where House Amendment "A" and

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"B" were adopted in the bill passed returned to the Senate.

THE CHAIR:

Senator Miller of the 13th district.

SENATOR MILLER:

I move for acceptance of the committee's favorable report and passage of the bill.

THE CHAIR:

The question is on reconsideration.

SENATOR MILLER:

I move for reconsideration.

THE CHAIR:

The question is on reconsideration of the bill. Those in favor signify by saying "aye", those opposed "no". The bill is reconsidered.

SENATOR MILLER:

I move for acceptance of the bill as amended.

THE CHAIR:

The question is on acceptance of the bill as amended. Remarks?

SENATOR MILLER:

The amendment cleared up some points about bona fide belonging to a union or not belonging to a union and a bona fide pension plan. I think the bill should pass.

THE CHAIR:

Are there further remarks? The question is on the passage of the bill as amended. Those in favor signify by saying "aye". Those in favor of the bill as amended signify by saying "aye", those opposed "no". The bill is passed as amended.

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Tuesday, April 21, 1959

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MR. BADOLATO OF NEW BRITAIN:

Mr. Speaker, we just had passed Calendar No. 322, File 194. I wonder if we might be able to remove the objections from the other side of the House because we have an amendment, and it would be held up in the Legislative Commissioner's office for at least two days so that they would certainly have time enough to look into it.

THE CLERK:

Calendar No. 322. File No. 194. Senate Bill No. 519. An Act including Age in the Factors on which Employment is Based under the Fair Employment Practices Act. There is an amendment on the Clerk's desk.

MR. BADOLATO OF NEW BRITAIN:

Would the Clerk read the amendment?

THE CLERK:

Amendment to Substitute for Senate Bill No. 519:

In Section 3, line 35, delete the words "because of" and insert the words "where the employee is thereupon entitled to benefits under".

In lines 39 and 40, delete the words "which has the effect of a minimum service requirement,".

In lines 42, 43, and 44, delete the words "established by any governmental agency or under the terms of any bona fide collective bargaining agreement."

THE SPEAKER:

The gentleman from New Britain.

MR. BADOLATO OF NEW BRITAIN:

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Mr. Speaker, this amendment is to be sure that a present pension plan will not be affected adversely by passage of this bill. I move at this time that...the acceptance of the amendment.

THE SPEAKER:

Question is on the adoption of House Amendment Schedule "A". Will you remark further? If not, all those in favor please indicate by saying aye, opposed no. The amendment is adopted.

The bill will be referred to the Legislative Commissioner's office for his approval.

THE CLERK:

Business from the Senate. Senate Joint Resolution No. 39.

A Resolution concerning the Lions Highway Safety Program.

THE SPEAKER:

The gentleman from Lebanon.

MR. FRANKEL OF LEBANON:

Mr. Speaker, I move for suspension of the rules for immediate consideration of the resolution.

THE SPEAKER:

Question is on suspension of the rules for the immediate consideration of the resolution. Is there an objection? Hearing none, the rules are suspended.

MR. FRANKEL OF LEBANON:

Will the Clerk read the resolution?

THE CLERK:

Resolved by this Assembly:

Whereas, motor vehicle traffic accidents have resulted in an appalling toll of dead, crippled, disfigured and blinded

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The House will be in order.

THE CLERK:

Returning to business on the Calendar. Calendar No. 322. File No. 418. Senate Bill No. 519. An Act including Age in the Factors on which Employment is Based under the Fair Employment Practices Act. House Amendment Schedule "A" has been adopted previously. The matter has now been returned from the Legislative Commissioner.

I have an amendment to the matter.

THE SPEAKER:

Will the Clerk please read the amendment?

THE CLERK:

Amendment offered by Mr. Quinlan of the town of Washington. Substitute for Senate Bill No. 519, File No. 418:

In Section 2, line 17, after the word "ancestry" strike out the period and insert the following: ", or membership or non-membership in a labor union or labor organization".

In Section 3, line 6, after the word "individual" insert the following: "or membership or non-membership in a labor union or labor organization".

In Section 3, line 14, after the word "ancestry" insert the following: "or membership or non-membership in a labor union or labor organization".

In Section 3, lines 36 and 37, strike out the words "or collective bargaining agreement between the employer and a bona fide labor organization".

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THE SPEAKER:

The Chair recognizes the gentleman from Washington.

MR. QUINLAN OF WASHINGTON:

Mr. Speaker, in a nutshell this amendment simply bans compulsory unionism and incorporates in our so-called Fair Employment Practices Act the obviously necessary provision which would prevent discriminating against a worker just because he belongs to a union or doesn't belong to a labor union. Now, unless we wish to make a mockery of our Fair Employment Practices Act such an amendment must logically follow. Now, those of you who are on record so strongly against discrimination of any kind should be happy to support this amendment.

Now, going a little further here, I'd like to quote here from Senator Frank Lausche of Ohio referring to the fact in a "Meet the Press" program of a year ago: "We should pass a law giving every American citizen the civil right to work regardless of whether he belongs to a union or not."

Now, I would also like to call attention of the House in support of this amendment to the words of Judge Carter of the Nebraska Supreme Court in upholding the right to work laws of that state.

THE SPEAKER:

For what purpose does the gentleman from East Hartford rise?

MR. GRIFFITH OF EAST HARTFORD:

(inaudible)...right to work law. This is contrary to the purpose of this legislation.

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THE SPEAKER:

The Chair is of the opinion that the gentleman has presented an amendment and is in order on talking at the present time.

MR. QUINLAN OF WASHINGTON:

Mr. Speaker, members of the House, according from Judge Carter: "We have prided ourselves in this country in the rights of free speech and free thought, rights which have been guaranteed to us by the constitutional provisions. Compulsory unionism infringes upon these rights and often encroaches upon the right of an individual to be free from coercion by others."

Now, I'd like to further quote from the Supreme Court of Georgia on a case that came before that court in which the union admitted the fact that certain funds and fees that are collected under collective bargaining agreements with employers were used for other than collective bargaining purposes....in other words, for political purposes, and this is what the Supreme Court of Georgia had to say on this: "Dues and payments cannot be used as a cover for enforcing ideological conformity or other action in the contravention of the First and the Fifth Amendments. We do not believe one can constitutionally be compelled to contribute money to support ideas, politics and candidates which he, the worker, opposes. We believe this right to immunity from such exactions is superior to any claim that the union can make upon them."

Now, as you can see, we have a Fair Employment Practices Act. It is enforced by our Civil Rights Commission in this state. I further want to emphasize that we must be consistent in these

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matters. We have here definitely a matter that has to do with fair employment practices and certainly has to do with civil rights.

I urge the adoption of this amendment. Thank you.

THE SPEAKER:

Question is on the adoption of House Amendment Schedule "B". Will you remark? The Chair recognizes the gentleman from Stamford.

MR. MULREED OF STAMFORD:

Mr. Speaker, I want to speak against the amendment. I believe it is quite clear what the attempt was in the preparation of this bill; the matter of right to work never entered into our deliberations. The proposed amendment is contrary to the purpose of the bill, and I urge its defeat.

THE SPEAKER:

Will you remark further? The Chair recognizes the gentleman from Farmington.

MR. NOYES OF FARMINGTON:

Mr. Speaker, speaking in support of the amendment. As I understand our existing Fair Employment Practices Act and its supervision and enforcement by our Civil Rights Commission, it seems to me that the purpose of the act as it stands now on our statutes is to prevent any individual from being denied gainful employment for reasons which have not to do with the performance of the job for which he could be hired. I think that is clear in the terminology of the existing statute. I think that the introduction of the amendment by the gentleman from Washington is clearly consistent with that purpose as expressed in the existing statute. The amendment would prevent discrimination in employment

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against an individual who for reasons of his own sufficient unto himself declined to join a labor organization. At the present time in this state and in about thirty-two other states such discrimination can be practiced upon conclusion of an agreement between the employer and an employee organization that membership is required in the employee organization for the individual to hold his job, and I submit that such a requirement has nothing whatsoever to do with his qualifications to perform or not to perform the work which is available and which the employer wants done. Therefore it seems to me that this amendment as offered, although the wording may have confused some people, the only thing that has been added is the membership or nonmembership in a labor organization or labor union to the existing basis upon which discrimination may not be practiced.

I support the amendment.

THE SPEAKER:

The Chair recognizes the gentleman from New Britain.

MR. GOOGEL OF NEW BRITAIN:

Mr. Speaker, I move that when the vote on this amendment is taken it be by roll call.

THE SPEAKER:

Question is that when the vote be taken on the amendment it be taken by roll call. All those in favor say aye, opposed no. A roll call has been ordered.

The Chair recognizes the gentleman from East Hartford.

MR. GRIFFITH OF EAST HARTFORD:

Mr. Speaker, I rise to urge the defeat of this amendment. This amendment is nothing more than another attempt at pushing

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through this House a right to work law which, as has been demonstrated so many times in the past, has been overwhelmingly defeated by both sides of the House. I hope that this amendment is defeated.

THE SPEAKER:

The Chair recognizes the gentleman from Cheshire.

MR. ANDREWS OF CHESHIRE:

Mr. Speaker, it is not necessarily palatable to me to oppose one of my own fellow Republicans, but I do so on this basis, and that is the question of right to work is contained in a bill properly before the Labor Committee and which has not been passed on or acted on to the best of my knowledge. We disposed of the right to work question in the 1957 session, and I realize fully and am perfectly capable and strong enough to take the criticisms that came on my shoulders personally from many Republicans and some Democrats. However, the matter was disposed of fairly by vote in this House because, for the record, I insisted that the bill come out of committee with an unfavorable report and be put on the calendar. Now, this is nothing more than a back door attempt to put right to work into a pure proposition concerning discrimination in employment because of age.

I am compelled, as much as it's distasteful as I said earlier, to oppose this amendment and urge its defeat.

THE SPEAKER:

Will you remark further? The Chair recognizes the gentleman from Shelton.

MR. TAYLOR OF SHELTON:

Mr. Speaker, I came in late. My own error. Would you please

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have the Clerk read the amendment?

THE SPEAKER:

Will the Clerk please read the amendment?

THE CLERK:

In Section 2, line 17, after the word "ancestry" strike out the period and insert the following: ", or membership or non-membership in a labor union or labor organization".

In Section 3, line 6, after the word "individual" insert the following: "or membership or non-membership in a labor union or labor organization".

In Section 3, line 14, after the word "ancestry" insert the following: "or membership or non-membership in a labor union or labor organization".

In Section 3, lines 36 and 37, strike out the words "or collective bargaining agreement between the employer and a bona fide labor organization".

THE SPEAKER:

Will you remark further? The Chair recognizes the gentleman from Watertown.

MR. KIELTY OF WATERTOWN:

Mr. Speaker, through you, sir, to the Representative from Washington, he made two statements....one referring to the Senator from Ohio, and the other one to the Supreme Court of the State of Georgia. The Senator from Ohio is a Democrat and the Supreme Court of Georgia is so too, and he quoted both of those. I'd like to quote one here if I may.

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Are you asking a question of the gentleman from Washington?

MR. KIELTY OF WATERTOWN:

No, I'm not.

THE SPEAKER:

I misunderstood you.

MR. KIELTY OF WATERTOWN:

I'd like to quote a Republican, Abraham Lincoln: "Labor is prior to and independent of capital. Capital is only the fruit of labor and could never had existed if labor had not first existed. Labor is the superior of capital and deserves much the higher consideration." Therefore, I say that labor should certainly be permitted to make their own rules of conduct. Thank you.

THE SPEAKER:

Will you remark further? The gentleman Wilton.

MR. EARLE OF WILTON:

Mr. Speaker, as a Republican member of the Labor Committee I'd like to praise Mr. Andrews for his courage in speaking up there, and I think we pretty much agree that this is not the time to bring the right to work bill on the floor. I'm going to vote against the amendment.

THE SPEAKER:

Will you remark further? The gentleman from Washington.

MR. QUINLAN OF WASHINGTON:

Mr. Speaker, unfortunately this seemed to be the only way that this issue could be brought to the floor of this House. You know as well as I do that that bill....well, as a matter of fact, as far as I know was the only bill that was killed in committee

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before we even had a public hearing on it!

Now, this particular issue is not one that will die and go away. It's one of those things that is going to come back to haunt us. Now, I think it's something that we should be proud to face up to at this time, and I assure you that it will probably be back again two years from now, two years from then, two years from then. Some day it must come! Some day compulsory unionism must go just as slavery went in this country.

THE SPEAKER:

Will you remark further? The Chair recognizes the gentleman from New Haven.

MR. ROURKE OF NEW HAVEN:

Mr. Speaker, I wish to commend the gentleman from Cheshire and the gentleman from Wilton for opposing this amendment. This amendment, as was so ably stated by the gentleman from Cheshire, is a back door attempt to bring right to work into this discussion. I commend the both of them, and I commend the Republican Party that predominated this legislature two years ago for defeating this bill and I hope they follow through and defeat it this time.

THE SPEAKER:

Will you remark further? The gentleman from East Hartford.

MR. GRIFFITH OF EAST HARTFORD:

Mr. Speaker, through you in answer to the gentleman from Washington, the right to work law is receiving all the consideration it deserves in the Labor Committee.

THE SPEAKER:

Will you remark further? The Chair recognizes the gentle-

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man from Harwinton.

MR. BENTLEY OF HARWINTON:

Mr. Speaker, I shall support this amendment with everything that's in me. I believe in individual rights.

THE SPEAKER:

The Chair recognizes the lady from Woodbridge.

MRS. VESTAL OF WOODBRIDGE:

Mr. Speaker, the Republican and Democratic platforms both included a pledge to support a measure to aid older workers in finding employment. I feel that this amendment weakens the bill. I think it is wrong, and I plan to vote against it.

THE SPEAKER:

Will you remark further? Everybody ready to vote? The Chair will now unlock the machine. Kindly direct your attention to the board to see if you have voted as you desire. Have all voted who claim the right to vote? Does anybody desire to change their vote? If not, the Chair will now lock the machine. The Clerk will now announce the vote.

THE CLERK:

Those voting yes, 46; those voting No, 197; those absent and not voting, 35.

THE SPEAKER:

The Nos have it. The amendment is rejected. Question now is on the acceptance of the committee's favorable report and passage of the bill as amended by House Amendment Schedule "A".

The Chair recognizes the gentleman from NewBritain.

MR. BADOLATO OF NEW BRITAIN:

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Mr. Speaker, I move for the acceptance of the committee's favorable report and passage of the bill as amended by House Amendment Schedule "A".

THE SPEAKER:

Question is on the acceptance of the committee's favorable report and passage of the bill as amended by House Amendment Schedule "A".

MR. BADOLATO OF NEW BRITAIN:

Mr. Speaker, as some of you already know, in the Fair Employment Practices Act it is an unfair employment practice if anyone seeking employment is discriminated against because of race, color or religious creed. This bill places age in the same category, and it's a good bill and I hope it passes.

THE SPEAKER:

Will you remark further? The Chair recognizes the gentleman from Cheshire.

MR. ANDREWS OF CHESHIRE:

Mr. Speaker, Ladies and Gentlemen of the House, the general premise of this bill was contained in both party platforms. A great deal of time and effort has been put in by the Committee and others in working out the bill which is before us and I think in general the principle is a sound and a fair one. I think those of us who have passed the ripe old age of forty perhaps are more appreciative than some of the younger people of the House concerning this bill. I am one of the few that admit that I am over forty, and over fifty if you please. Seriously, this is a good bill. I have only one question and that is I hope

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that in the administration of this bill by the Fair Employment Practice Commission that it in no way effects job opportunities. There always is the danger that if these things are not properly administered, that this can happen and I would hope that this is not the case. As I say, in principle it's a good bill and I urge its passage.

THE SPEAKER:

Will you remark further? The gentleman from East Hartford.

MR. GRIFFITH OF EAST HARTFORD:

Mr. Speaker, by past performance the Civil Right has done a wonderful job in this respect. In fact they have only had to settle four or five questions by opinion as long as they have been in existence. That's one reason why we put in the Civil Rights Commission. I don't think there is any worry on that score whatsoever. It's a good bill and I hope it passes.

THE SPEAKER:

The gentleman from Norfolk.

MR. ZANOBI OF NORFOLK:

Mr. Speaker, this is one of the few bills that can be true to be called a bi-partisan bill. As the Lady from Woodbridge earlier remarked, it was in both party platforms. The Committee worked very hard and diligently to bring out a suitable bill that would work as well as we want it to. We realize that perhaps two years from now we will have to enforce it or do something. At least we hope that it will encourage the hiring of the older people. Thank you.

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THE SPEAKER:

Will you remark further? The Chair recognizes the gentleman from Newtown.

MR. WOODS OF NEWTOWN:

Mr. Chairman, this is a good bill. I believe there are a few facts that preceded the thought behind this bill. One is that the useful age has been extended. The other is that older workers have proven their usefulness, reliability, competence. The third is that it is very difficult for older employees, shall we say layed-off from a job to get a new job. The fourth is that such legislation, or legislation to correct the first three must not put unnecessary road-blocks in the way of industries' effort to keep Connecticut's economic climate healthy.

There are examples of definite prohibition of older workers in hiring, as a matter of fact, in employing the entire roll of employees in certain new companies or branches of companies. Clearly, something needs to be done and this is clearly in line with the public desires. This bill is not, and it should not be intended as a weapon to seek out every violation and to bring action against it. If so, the machinery of enforcement would be tremendous and even then the results would be ineffectual because industries will continue to be able under the provisions of this bill to hire the individual they want and this is as it should be.

This bill is an expression of public sentiment and will. It's force is namely a moral force. It will be a guide to men

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of good will and this in itself is a worthwhile goal.

This bill originally started as S.B.519, introduced by the distinguished senator from the third district. It has been considerably amended from its original form and has been considerably improved. We on this side of the House are very flattered that the amendments to the bill have been lifted directly and verbatim from H.B.3090, introduced by the gentleman from Litchfield, and H.B.2216, introduced by myself. The authorship of this bill therefore comes at least equally from both sides of the House. I, and I'm sure the gentleman from Litchfield also, have no objection whatsoever to having our ideas included in the bill under the number of the distinguished Senator from the 3rd District. We feel very pleased that we have played a role in the overall bill and that our ideas have been accepted and added to it.

THE SPEAKER:

Will you remark further? The Chair recognizes the gentleman from Farmington.

MR. NOYES OF FARMINGTON:

Mr. Speaker, with your permission, sir, I would like to ask the gentleman from New Britain who reported the bill through you a question with respect to Section 7, which appears on page 2 of the bill at line 29. Line 29 on page 2 with respect to advertising employment opportunities, and I would ask the gentleman from New Britain through you, sir, whether or not this particular section would prohibit an advertisement headed "Young Women".

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Does the gentleman from New Britain care to answer the gentleman from Farmington?

MR. BADOLATO OF NEW BRITAIN:

Mr. Speaker, I was busy collecting my pittance and I didn't hear the question! (applause)

THE SPEAKER:

Will the gentleman from Farmington please restate his question?

MR. NOYES OF FARMINGTON:

Thank you, Mr. Speaker. Through you I would ask the gentleman from New Britain with respect to line 29 on page 2, Section F of the bill, and my question is, would Section F prohibit an advertisement for employment headed "Young Women"?

THE SPEAKER:

Does the gentleman from New Britain care to answer the gentleman from Farmington?

The Chair recognizes the gentleman from New Britain.

MR. BADOLATO OF NEW BRITAIN:

Mr. Speaker, I am looking to see where the reference to young women is in the section that he's talking about. I think they're all young women for my money!

THE SPEAKER:

The gentleman from Farmington.

MR. NOYES OF FARMINGTON:

Mr. Speaker, I'm sure the gentleman from New Britain is not quite so indiscriminating in his choice of feminine companionship as he would have us believe. However, to explain my question

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a little bit further, Section F says that it is an unfair employment practice for an employer, employment agency, labor organization or person to advertise employment opportunities in such a manner as to restrict such employment so as to discriminate against individuals because of...and so on...their age. Now, the basis from my question is the fact that the State of New York recently passed such an amendment as this within the past several years, and the result of that was that their Civil Rights Commission, or whatever they call it in the State of New York, ruled that an advertisement which says "Young Women" wanted for such and such a job was in fact discriminatory.....the mere fact that the word young was included. Now, that's the basis from my question, and I would further explain my point along this line. The aim and object of the bill, of this bill I am in entire accord with, but I would remind the members of the House that what you are prohibiting here is actual discrimination, and I would remind you again that when the Civil Rights Commission first came into being they have used a good deal of their time trying to convince employers of all kinds that they could not, for example, require a picture of an applicant, and the defense of the employers has often been... asking for a picture of an applicant is not in and of itself discriminatory, but when you get into the question of advertising for a job, in this section that I have just quoted it would appear that the mere use of the term "young" is in itself discriminatory. And what I'm saying here is simply that although the aim and object of the bill is a fine one, and I certainly hope to be able to work to sixty-five and beyond myself, I think this section

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illustrates the difficulty you get into from a practical point of view, and the practical point of view is an exceedingly important one because as the gentleman from Cheshire alluded to a moment ago, the real crux of the question before us in this entire legislature is the economic well-being of the State of Connecticut, and if this bill, as he said, works a hardship on employers who provide the jobs, we're doing in effect the people over sixty-five a disservice, and in my judgment, restricting their advertising, saddling them with additional regulatory authorities and bodies and requirements is in fact in the long run going to restrict rather than open up employment opportunities.

THE SPEAKER:

Question is on passage of the bill as amended by House Amendment Schedule "A". The Chair recognizes the gentleman from Vernon.

MR. HAMMER OF VERNON:

If I might through you, Mr. Speaker, answer the question of the gentleman from Farmington. I believe that the entire Section 3 has to be read, and it should be noted that in sub-paragraph A: "It shall be an unfair employment practice for an employer, except in the case of a bona fide occupational qualification or need...", and I would suggest that the discrimination mentioned is discrimination which is not based on a bona fide occupational qualification or need.

THE SPEAKER:

Question is on passage of the bill as amended by House Amendment Schedule "A". All those in favor please say aye, opposed

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no. The ayes have it. The bill is passed. It will now be sent to the Senate as disagreeing action.

THE CLERK:

Calendar No. 353. File No. 342. Substitute for House Bill No. 2710. An Act concerning the Tax Exemption of Poultry, Livestock and Farm Machinery. House Amendment Schedule "A" having been previously adopted and has been returned from the Legislative Commissioner's office.

THE SPEAKER:

The Chair recognizes the gentleman from Ashford.

MR. BARTOK OF ASHFORD:

I move for the acceptance of the committee's favorable report and passage of the bill, as amended by House Amendment Schedule "A".

THE SPEAKER:

Question is on acceptance of the committee's favorable report and passage of the bill as amended by House Amendment Schedule "A". Will you remark?

MR. BARTOK OF ASHFORD:

Mr. Speaker and members of this House, this bill extends the property tax exemption of livestock and poultry beyond the 1958 assessment date specified in the bill passed in the September, '57 Special Session of the Legislature, and also provides for a personal property tax exemption on farm machinery, except motor vehicles as defined in Section 14-1, to the value of \$3,000., actually and exclusively used in the farming when owned and kept in this state by any farmer or group of farmers whose principal

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pass in this session House Joint Resolution No. 15 for the second time.

THE SPEAKER:

Question is on passage of the bill in concurrence with the Senate. All in favor say 'aye'; opposed 'no'. The 'ayes' have it. Bill is passed!!

THE SPEAKER:

For what purpose does the gentleman from Vernon rise?

MR. HAMMER:

I have a motion to reconsider, ON a bill which was passed yesterday. I move to reconsider the vote whereby Substitute for Senate Bill No. 519 was passed on April 29th.

THE SPEAKER:

Will the clerk please read the bill.

THE CLERK:

File No. 418.

THE SPEAKER:

Gentleman from Vernon was on the prevailing side?

MR. HAMMER:

Yes, Mr. Speaker.

THE CLERK:

S.B. No. 519. An act including age in the factors on which employment is based under the Fair Employment Practices Act.

THE SPEAKER:

Question is on reconsideration. All in favor? Opposed?  
The bill will be reconsidered. Gentleman from Vernon.

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MR. HAMMER:

The Clerk has an amendment.

THE CLERK:

In sec. 3, line 30, insert after the word 'person' the following: 'except in the case of a bona fide occupation, qualification or need'.

MR. HAMMER:

I move the adoption of the amendment.

THE SPEAKER:

Question is on the adoption of House Amend. Sched. 'B'.  
Will you remark.

MR. HAMMER:

You will recall that yesterday a question was directed to me by the gentleman from Farmington in regard to the wording of sub-section F of sec. 3 which deals with the advertising by an employer or employment agency for employment opportunity, and the gentleman from Farmington indicated that there might be some problems arise because of the fact that the qualifying words which are the substance of this amendment did not appear in section F. I'd like to state that after considering the matter and having studied the bill more thoroughly I confess that I was in error. I feel that his point was well taken, and I would urge the adoption of the amendment.

THE SPEAKER:

Gentleman from Brookfield.

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MR. PINNEY:

Mr. Speaker, through you I would like to extend my compliments to the gentleman from Vernon on his acceptance of the observations of the gentleman from Farmington, and his willingness to indicate that he had perhaps been in error in his opinion on the bill. I think this is a worthy amendment which will clarify the whole thing.

THE SPEAKER:

Gentleman from Cheshire.

MR. ANDREWS:

I too would like to add my compliments and appreciation to the gentleman who just submitted this amendment. I think this clears up a question that may have bothered many people.

I think it is an excellent amendment and evidence of clear thinking on the part of the other side of the House.

I hope it passes.

THE SPEAKER:

The gentleman from Farmington.

MR. NOYES:

I only wish to add my thanks to the gentleman from Vernon.

THE SPEAKER:

Gentleman from New Britain.

MR. GOOGEL:

While thanks are being spread around here, I'd like to say thanks for this side of the House too!!

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THE SPEAKER:

Is everybody through tanking everybody? If so, question is on the adoption of House Amend. Sched. 'B'. All in favor please say 'aye'; opposed 'no'. Amendment is adopted.

Now the question is on acceptance of the committee's favorable report and passage of the bill as amended by House Amends. Sched. 'A' and 'B'. Will you remark. Gentleman from East Hartford.

MR. GRIFFITH:

I must admit I do not fully understand the amendment, I'm going to vote for this bill and reserve my rights for reconsideration!!

THE CLERK:

The clerk would also like to offer a correction. This amendment is improperly noted as schedule 'B'; it should be amendment schedule 'C'.

THE SPEAKER:

Question is on acceptance and passage of the bill as amended by House Amends. Sched. 'A' and 'C'. All in favor say 'aye'; opposed 'no'. The bill is passed.

THE CLERK:

Cal. No. 348. File No. 209.

S.B. No. 810. An act authorizing barber shops to open on Washington's birthday.

Favorable report of Judiciary and Governmental Functions.

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discussed. It, I hope, will get the Committee's serious consideration. I can't see how any one can object to it because it does offer another specialized service to the unemployed people in Connecticut.

I would urge your consideration of both these areas. Thank you for the opportunity.

Chr. Miller: Thank you, Paul. Representative Bill Shea from Meriden.

Rep. Shea: Meriden Mr. Chairman, Members of the Committee. I would like to register in favor of S. B. No. 519 (Sen. Armentano) INCLUDING AGE IN THE FACTORS ON WHICH EMPLOYMENT IS BASED UNDER THE FAIR EMPLOYMENT PRACTICES ACT. I'm sure that we, in Connecticut, can be proud of the role that our Fair Employment Practices Act has made through the labor history of our state. I think the Committee is probably aware of the necessity of enacting legislation to protect our aging workers. For that reason, I would urge your consideration of this bill and also like bills that are submitted to you.

I would also like to speak briefly and register my approval of S. B. 985 (Miller) THE MINIMUM WAGE LAW, having with the Minimum Wage Law of the State of Connecticut. This bill, as you undoubtedly know, follows the regulations as set down by the Congress of the United States I feel that this is a bill which is well worth considering and also should be passed by this session of the Legislature. It will continue Connecticut in its prominent field and high place in labor legislation in the United States. Thank you.

Chr. Miller: Thank you. Senator.

Sen. Gladstone: Bridgeport I want to register as being in favor of S. B. No. 56 (Sen. Buzais) DISCRIMINATION IN EMPLOYMENT ON ACCOUNT OF AGE and S. B. No. 519 (Sen. Armentano) INCLUDING AGE IN THE FACTORS ON WHICH EMPLOYMENT IS BASED UNDER THE FAIR EMPLOYMENT PRACTICES ACT and the whole principle of discrimination or the elimination of discrimination in employment on account of age.

Chr. Miller: Thank you, Senator. Are there any other members of the General Assembly who wish to be heard?

Rep. Woods: Newtown I'd like to speak in favor of bill, introduced by myself, H. B. No. 2216 (Rep. Woods) - PROHIBITING DISCRIMINATION IN EMPLOYMENT ON ACCOUNT OF AGE and also in favor of the other bills. I don't think I'll waste the

Committee's time by going into detail. I do know that a new factory in our area did turn over its entire employment role-it was a large company setting up a new branch-and nearby the restriction existed that they turned over the State Employment Office that no person over the age of 45 would be considered-period-blanket-prohibition. I think I have checked into the statistics concerning older workers and I find that their safety records are equal to the younger workers and their reliability is better. The problem of sickness and absenteeism does not appear to be significant. Medical science has extended our useful lives some further-that a law can possibly be a straight-jacket. That attempts have been made in this bill to legitimate objections that may come due to physical disability-due to retirement policies and, most important, due to provisions of insurance policies that we shouldn't upset the plans along those lines and that we can provide what we are trying to do without doing.

As I see it, these laws, these bills are all largely educational in nature. There's no practical way that every detail of every individual hired can be accomplished. Therefore, I believe a section concerning the advertisement for employment is particularly an important one. So much for that bill.

H. B. No. 2092 (Rep. Howard) DISCRIMINATION IN EMPLOYMENT ON ACCOUNT OF AGE adds a discussion on forming a committee, a ten member committee to examine how this-to what extent there is discrimination at present. This sounds like a very good idea. The bill doesn't have the features in it about the physical inability or retirement due to physical inability or retirement due to a retirement policy or specifying no requirement for changing present insurance coverage. I'm in favor of this bill.

I'd like to record in favor of S. B. 56 (Sen. Buzaid) DISCRIMINATION IN EMPLOYMENT ON ACCOUNT OF AGE. It's basically the same as the above. It adds definition to the terms and there's one case here where, under J at the beginning of the second page-"age" means age forty-five to sixty-five". I'd like to suggest for the Committee's consideration that that be changed to read "45 or older" and not shut the door at 65. It's a very good bill.

Senator Armentano's bill is almost the same. the same comments apply. I'd like to record in favor.

- Chr. Miller: Thank you. Are there any other members of the Assembly?
- Rep. Charles: Mr. Chairman? I want to register in favor of  
Danbury S. B. No. 56 (Sen. Buzaid) DISCRIMINATION IN EMPLOYMENT ON ACCOUNT OF AGE and all the other bills that deal with the same situation.
- Also H. B. No. 3606 (Rep. Taft) STORE EMPLOYEES. Thank you very much.
- Chr. Miller: Any other members of the General Assembly?
- Rep. Gaffney: I'd like to register in favor of H. B. No. 3606 (Rep. Taft) STORE EMPLOYEES. Thank you.
- Chr. Miller: Thank you.
- Rep. Lovett: I'm registering in favor of H. B. No. 3329  
Milford (Rep. Rourke) PREVAILING RATES OF WAGES ON PRINTING.
- Chr. Miller: Thank you. Any other Representatives or Senators?
- Sen. Urbinati: Mr. Chairman, I'd like to register in favor of  
Norwich H. B. No. 56 (Sen. Buzaid) DISCRIMINATION IN EMPLOYMENT ON ACCOUNT OF AGE and also H. B. No. 3606 (Rep. Taft) STORE EMPLOYEES. Perhaps this is not too explanatory but Representative Taft just explained its conditions. I know it does exist. As I understand it, these employees are brought in as learners at 75¢ up to 1000 hours and beyond 1000 hours they're supposed to get \$1.00 minimum. However, these employees are then laid off and new ones brought in at the same rate of 75¢. This condition should be corrected. I believe that is the intent of the bill. Thank you.
- Chr. Miller: Thank you, Senator. Are there any other members of the General Assembly who wish to be heard?
- Rep. Kelly: I'd like to go on record in favor of S. B. No.  
East Haven 56 (Sen. Buzaid) DISCRIMINATION IN EMPLOYMENT ON ACCOUNT OF AGE, S. B. No. 519 (Sen. Armentano) INCLUDING AGE IN THE FACTORS ON WHICH EMPLOYMENT IS BASED UNDER THE FAIR EMPLOYMENT PRACTICES ACT, S. B. No. 984 (Sen. Miller) PREVAILING WAGES ON PUBLIC CONSTRUCTION WORK, S. B. No. 985 (Sen. Miller) THE MINIMUM WAGE LAW, H. B. No. 2776 (Rep. Kelly) PREVENTION OF CONTINUED VIOLATION OF PREVAILING RATES OF WAGE STATUTES, H. B. No. 2933 (Rep. Burke) DISCRIMINATION IN EMPLOYMENT ON ACCOUNT OF AGE, H. B. No. 3077 (Rep. Griffith) AMENDMENT TO THE MINIMUM WAGE LAW, H. B. No. 3094 (Rep. Griffith) MINIMUM WAGES-REGULATIONS, H. B. 3095 (Rep. Griffith) MINIMUM WAGES-WAGE BOARD, H. B. No. 3329 (Rep. Rourke) PREVAILING RATES OF WAGES ON PRINTING and H. B. No. 3606 (Rep. Taft) STORE EMPLOYEES.

Chr. Miller: Thank you.

Rep. Lyddy: While I am in favor and would like to register for the bills that do aim toward legislation against discrimination in employment on account of age, I would like to register especially in favor of S. B. No. 519 (Sen. Armentano) INCLUDING AGE IN THE FACTORS ON WHICH EMPLOYMENT IS BASED UNDER THE FAIR EMPLOYMENT PRACTICES ACT, S. B. No. 985 (Sen. Miller) THE MINIMUM WAGE LAW S. B. No. 984, (Sen. Miller) PREVAILING WAGES ON PUBLIC CONSTRUCTION WORK, and H. B. No. 3094 (Rep. Griffith) MINIMUM WAGES-REGULATIONS. Thank you.

Chr. Miller: Thank you. Are there any other Senators or Representatives who wish to be heard? If not, we've got these separated into three groups, we'll hear the ones on discrimination because of age first and those are S. B. No. 56 (Sen. Buzaid) DISCRIMINATION IN EMPLOYMENT ON ACCOUNT OF AGE, S. B. No. 519 (Sen. Armentano) INCLUDING AGE IN THE FACTORS ON WHICH EMPLOYMENT IS BASED UNDER THE FAIR EMPLOYMENT PRACTICES ACT, H. B. No. 2092 (Rep. Howard) DISCRIMINATION IN EMPLOYMENT ON ACCOUNT OF AGE? H. B. No. 2216 (Rep. Woods) PROHIBITING DISCRIMINATION IN EMPLOYMENT ON ACCOUNT OF AGE? H. B. No. 2670 (Rep. Sheehan) DISCRIMINATION IN EMPLOYMENT BECAUSE OF AGE, H. B. No. 2933 (Rep. Burke) DISCRIMINATION IN EMPLOYMENT ON ACCOUNT OF AGE H. B. No. 3074 (Rep. Zanobi) SPECIAL SERVICES FOR WORKERS OVER 45 YEARS OF AGE, H. B. No. 3088 (Rep. Ring) DISCRIMINATION IN EMPLOYMENT BECAUSE OF AGE AND H. B. No. 3091 (Rep. Corrigan) PREVAILING RATE OF WAGES.

In the second group will be minimum wages and the third group will be prevailing rates.

Anyone in favor of any of the discriminating because of age?

R. Ricciuti:  
Commissioner  
of Labor

Mr. Chairman, I'm the Commissioner of Labor testifying in favor of S. B. No. 519 (Sen. Armentano) INCLUDING AGE IN THE FACTORS ON WHICH EMPLOYMENT IS BASED UNDER THE FAIR EMPLOYMENT PRACTICES ACT. A recent nation-wide survey by a Chicago research firm revealed the main concern of American workers is fear of unemployment. It hardly seems necessary for a survey to be undertaken in order to establish this fact.

Unemployment when there are few jobs available is bad enough, but it is certainly not as bad as unemployment when there are many jobs open. The worst blow of all is felt by the older worker who is rejected because of his age. To use an old cliché-why is it that so many people have to bitterly proclaim that they are too old

to work and too young to die?

In my testimony supporting this measure, I certainly do not expect to try to prove that enacting a bill alone will end the discrimination which now exists. A law by itself will not wipe out this evil, but it will be a good start. If enactment of this legislation is coupled with a coordinated program of education and persuasion at all levels, I am sure great progress can be made.

May I say that some progress is already being made. Many employers, in Connecticut, have found older workers to be steadier, safer, and more efficient than younger workers. Less absenteeism is also prevalent among older workers. One of the reasons some progress has been made in solving this problem in Connecticut is paradoxical, resulting from the high level of employment which we recently enjoyed here in Connecticut. For instance in this last period, 1955, 1956 and 1957, many employers who felt that they were scraping the bottom of the barrel put on older workers and were very pleasantly surprised that these workers that they had hired as a last resort turned out to be very valuable. This same pattern in true, incidentally, in the use of handicapped workers.

It is true that the present high rate of unemployment has accentuated the problem of the older worker. We all hope that Connecticut and the nation will once again return to a high employment level.

I want to touch, briefly on the special counseling services which are now afforded by the Connecticut State Employment Service. There is a bill in now to have the Labor Department do that-I forget the number of it-it's by Representative Zanobi. I had thought that that bill provided for state action with state funds on this point but Representative Andrews said in his testimony that it wouldn't cost the state any money because the Federal Government would provide it. In some other states, the same program which is paid for by Federal Funds is supplemented by the use of state funds and as I say we do now have a special program which is paid for by Federal Funds and the purpose of the program is to train our counselors in local offices to better understand the problems of older workers and how best to find jobs for them. This program has already produced results in the form of increased placements for older workers.

As I have already said, passing this legislation is not enough. We must all join in a concerted drive to wipe out this discrimination.

But, I endorse this proposal as part of the program to increase job opportunities for for older workers. Thank you.

Chr. Miller: Thank you, Commissioner. Anyone else? Mrs. Driscoll.

Margaret Driscoll: We support, particularly, S. B. No. 519 Conn. AFL-CIO Council (Sen. Armentano) INCLUDING AGE IN THE FACTORS ON WHICH EMPLOYMENT IS BASED UNDER THE FAIR EMPLOYMENT PRACTICES ACT which is the broadest bill of any of those before you today on this subject, in that what it does is say there will be no discrimination in employment because of age. It doesn't say what age so it doesn't limit it and it gives the power to enforce the prohibition against the discrimination to the presently existing Civil Rights Commission which already has had the experience in preventing discrimination because of other factors—that is race, religion and national origin and ancestry. We believe that the fact that the Commission has already had experience in the field of discrimination qualifies it to take over in this field and gives us a basis for determining, from the point of view of the Legislators, at any rate, how a bill of this type can best be enforced. This is also the type of enforcement which has been provided in New York under the New York law which went into effect last July. This kind of legislation exists in New York, Massachusetts, Pennsylvania and Rhode Island and there may be other states but it does exist in those four states.

Experience has shown, with this legislation, that it focuses attention in the first instance on the problem. Now, what is the problem? Let me just give you a few brief facts. During the first half of the century—that is from 1900 to 1950, the population of this country doubled but the number of persons over 45 tripled. By 1965, the United States labor force is expected to increase by ten million. Less than one million additional workers will come from the 25 to 44 age group but there will be five million over 45. These are the dimensions of the problem. For every increase of two in the group considered most eligible for employment, there will be eleven in the group over 45. This means that the problem instead of getting smaller is getting bigger as we fail to deal with it. Now, what are the results of the situation which exists today. Well, at the present time, as many of you know, employers do have age limitations on their employment policies. They have ads in the paper in many instances reading—you know people are wanted under a certain age. You find that as a matter of policy people over forty, even as

low as forty have great difficulty getting employment. You find in Employment Agencies, both public and private, a tendency when you call for help, to assume, and that may not be universally so, but happened to be true in the experience I had that when a person who is looking for work is in the forty or over age group, the employment agency will often say--well we have an older person. Would you be willing to take such a person. Of course, if you ever had any objection, this would immediately confirm the objection you had. So that you do have a real problem in trying to find employment for persons over the age of forty. Now, what this means as far as our whole economy is concerned is this--it means that we are not using--not utilizing--all of the skills and resources of our people because many of our people do not have an opportunity simply because of age, to demonstrate what they can do. They have no way of showing the kind of job they can do and no way of doing the job because of this limitation on account of age which that the whole economy is losing from lack of use of these skills.

Now, the legislation before you would, in the first place, make it a violation of the law for an employer to discriminate in employment policies because of age. Now he doesn't have to employ a man if the man can't do the job. If there is any bonafide job qualification involved then that is not a discrimination and because of that, it seems to me unnecessary to have that written into the law as one of the bills before you does. I think it's H. B. 3090 (Rep. Marsters) **EMPLOYMENT DISCRIMINATION ON ACCOUNT OF AGE** because that bonafide occupational qualification would automatically, by definition, I mean it would not be discriminatory and it seems to me that in this kind of legislation where we're in a new field, the law itself ought to be simple. The Commission ought to be permitted to make regulations in order to enforce the purpose of the law which is to prevent discrimination as such and do it as it goes along because, undoubtedly, this will be a field where we will learn by experience as to how fast or best to carry into effect the intent of the Legislature but by providing this kind of legislation, it means that people will now have an opportunity, an increasingly greater opportunity to obtain employment when they're over forty and this means also that employers will have an increasingly greater opportunity to see what kind of job people over forty will do.. The U. S. Department of Labor in September of '56 published a whole booklet entitled: "Job Performance and Age" which, while not defini-

tive because the study was limited in its scope, nevertheless, pointed up this one factor-that the differences in job performance are greater within age groups than between age groups so that the old feeling, prejudice, if you will, against the older worker on the basis of because people were getting older after forty, they, therefore, were not as efficient as people thirty-nine. It's, I think, pretty well refuted by this booklet and would be more refuted the more experience we have employing people over this age. Now, the way to begin getting them employed over this age is to prevent people from discriminating because of the age and that's the first thing that this kind of a law will do. It also means, from the employer's point of view, that there will be a larger labor supply for employers because after all if you limit class of people whom you seek for employees to a certain age group, you are thereby cutting off the rest of the people over that age. If you say we will only seek employees from ages twenty to forty, you are eliminating from consideration those from forty to fifty or sixty as the case may be so you are restricting yourself to a smaller labor supply than is necessary for your own purposes. The point that has to be, I believe, demonstrated to employers and perhaps to other people as well, is that you will not lose by doing this but you will gain by doing this because of the studies on job performance indicate that there isn't any necessary difference in job performance between those under a certain and those over a certain age and once you can get this across to employers, your problem will gradually be eliminated but in order to do that, it seems to me, you have to have this kind of a law just as you had to have on discrimination because of race, color and creed. You don't, it's true, legislate against intolerance. You do legislate against an expression of it in a particular way and this is what you are doing here-an expression against the prejudice against age and by giving an opportunity for people over forty to show what they can do.

I think you will also provide a method of educating the public at large and employers in general to the fact that we have a whole vast resource of human material which is not now being used and which could be used for the benefit of not only of the people involved but of the employers and of our whole economy.

I hope that you will give serious consideration to this bill which apparently has the-as far as the principle is concerned-the support of both parties in their platforms and in the legislation introduced here today.

Chr. Miller: Thank you. For the benefit of those who came in late, there are forms at the front desk here that you can register in favor or in opposition to any of the bills that we have here at the hearing today.

J. Kavanaugh: I wish to go on record in support of S. B. No. 519 (Sen. Armentano) INCLUDING AGE IN THE FACTORS ON WHICH EMPLOYMENT IS BASED UNDER THE FAIR LABOR EMPLOYMENT PRACTICES ACT.

Chr. Miller: Thank you.

Wm. Maskiell: I wish to go on record supporting this bill.  
U.S.W. of Am. I think it's a healthy bit of legislation.  
Local 4123 I realize that, possibly, there'll be discrepancies but this is a step in the right direction.

Chr. Miller: Thank you. Anyone else wish to speak in favor of any of these bills? If not, is there anyone in opposition?

Fred Waterhouse: Mr. Chairman and Members of the Committee, Mfgs. Assoc. of Conn. there's one bill that we would like to speak in favor of and strongly oppose all the others. The one we're in favor of is H. B. No. 3674 (Rep. Zanobi) SPECIAL SERVICES FOR WORKERS OVER 45 YEARS OF AGE, providing special employment service to older workers that is those over 45, in the Employment Service of the Labor Department. It has already been stated there is some effort being made in the Labor Department-in the Employment Service-to educate some of their employees-I think the program should go much further. We think that the program should be to educate the people who are looking for the job-the older people concerning the possible training and new job classifications-new dexterity-new trades-new skills that they can do, encouraging them to feel that they are wanted and go out and seek a job and sell themselves on the basis of what they can do and to encourage them in that manner. In other words, an affirmative program of selling the people themselves on their needs in employment-on their ability to perform a job and, thereby, encouraging and helping them to sell themselves to the employer. Too much can't be done in that line and of course, as a complimentary situation, there will be or should be further information given to employers of all types, of the services available and of the reliability-the responsibility and value in employing persons regardless of what their age is.

We do not, as an association, encourage or condone, as far as that's concerned, the actual discrimination in employment because of age alone. However, you know and everyone knows that there are many jobs and there are

state jobs. In fact, I suspect that there are very few people on the Committee, men at least, who could join the State Police Force, because they're too old. Now, it's not so that a person can't perform that function just as well if he's older than the age limit that is set for their accepting candidates any more than it is in many of your jobs in industry or in other types of occupation. A couple of years ago, before a hearing in connection with this same subject before the same Committee, I saw an ad in the newspaper concerning the State Prison-I believe it was- a penal institution in Connecticut, indicating they wanted employees-guards-and they set age limits. They had them right in the ad-in the paper. They think, apparently, that there is something about that type of job which calls for a selection with regard to age. Now what it is, I don't know but I do say that there are people who have opinions in connection with the person that they want in the age which I am not in a position, and I don't believe you or any other agency is in a position, to completely refute and to put an agency over the employer. In that respect, be it the State or another employer, I think it is unwise.

Now, let's take up some of the things that have been said here. Representative Woods of Newtown stated that there was a new company in his area and they sent a request for employees to the Employment Service specifically stating that no person over age 45 would be accepted. The reason for this request, I don't know. I don't know why they put an age limitation on there but I do know this that we were proud in the State of Connecticut, the Administration and everyone else and the people in that area were proud and happy to get some jobs, at least, in that area. Whether they had what you would consider a valid qualification job qualification, as I say, I don't know but at least it gave jobs to those people. Now, let's assume that this bill was on the books, could you get that company to come here because there are lots of other states that don't have it. Maybe you couldn't. Maybe you don't want them. Maybe you don't want those jobs. I don't know. That's something for you gentlemen to decide but every time you put somebody to work, be he young or old, it adds to the economy of the State of Connecticut and also makes available a job for somebody else if that other person was working in another place. I say you are not making yourself attractive by putting that type of restriction on employment. Everyone who has spoken up to now, at length, at least, on it, I believe has

admitted that legislation is not, necessarily, the answer. That the answer lies in what I attempted to indicate when I first started talking-what is proposed in H. B. No. 3074 (Rep. Zanobi) SPECIAL SERVICES FOR WORKERS OVER 45 YEARS OF AGE and that is a program of education of the employer, education of the employee, education of the general public to understand what the situations are with regard to an individual, regardless of his age. Make us look at it in an overall picture-make employers, employees and all-that the primary need is that that type of education. That it's a vital and necessary thing that the law alone won't do it. I say that the education alone is the better way for we to start out on that course.

And I'd like to give you the same example that was given for the-with regard to some of the other bills and that is the Fair Employment Practices Act. If you will remember, there was agitation for the passage of a Fair Employment Practices Act before this Legislature well, before some of you remember, I guess, but it was. So, a Commission was established and that Commission was established to attempt to educate the people of Connecticut-the employers, the employees and all, to the undesirability of discriminating against a person because of his race, creed, color or anything else. That program went on for a number of years. There was, during that time, agitation for passing the type of law which we now have which eliminates discrimination or makes it illegal to discriminate. We opposed that law for a number of Sessions and the reason we opposed it was we thought it would cause less disturbance in your industries, in your employers if it were carried in that way. The time eventually came when it was to be passed. At that Session, we did not oppose it. The educational program had served its purpose and I say that the events after that indicate that our course was the wiser-that the events that occurred after that did prove that the educational program was the and the general dissemination of information and desirability and undesirability of all factors was profit. And I can cite and you can look at the records of the Inter-racial Commission-it has had several names but that's the name under which it now goes-which administers the Fair Employment Practices Act and you will find, and I believe it's about 12 years that they've been in existence, and during that time, we've had any where from 750,000 to over a million people employed in the State of Connecticut at one time. We have a tremendous turnover, and we have people laid off and re-hired. During that time, as far as employment was concerned,

I understand they had not over or just about 800 complaints in all that time. During their last report which I now have, their report to the Governor, that Commission indicated that they had some apprehension as to what would happen when there were a number of lay-offs-some recession-that there might be an indication of potential discrimination when that occurred. Their own report indicates that that was not true. That whereas they had 80-odd complaints out of all the people that are employed in the State of Connecticut during 56, 57-the number of complaints was reduced to 70 in 57 and 58. In spite of the fact that they feared but what happened. There isn't any problem and that's what happened because of the educational situation that went on. That's what happened because of disseminating the information-the literature, finding out, encouraging the older people to help themselves, to learn something new and encouraging them to stay and sell themselves, encouraging the State to sell the people, not to boss them.

I think that that specific example is overwhelmingly in favor of embarking, officially, as far as the State of Connecticut is concerned on an educational and informational program if you feel that this particular subject needs any treatment at all and we don't oppose that. We think it's probably a good idea. We do, however, very seriously call to your attention the need of Connecticut for new industry. You read the papers and every day industries are moving out of Connecticut for various reasons. Whatever the reason is, we need something to replace them and every industry that goes out takes with it, normally, several hundred jobs-anywhere from 150 to sometimes 1000 jobs. We need something to replace that. We keep getting new, smaller industries but it takes time and it's going to take a long time to build up the number of jobs that are lost when just one plant decides that it is going to eliminate-it has to eliminate for its own competitive reasons, anywhere from 500 to 1000 jobs and we have had several of those within the last month. So, I say again just where I started out that if you want those jobs like the ones that came into New Milford that you're not going to encourage them by passing this type of legislation. Much as we disagree with any arbitrary discrimination on account of age, we still think it's a job for somebody that wouldn't be here anyway or more desirable than not having any job and that if you go about it in the right way as was done under the Fair Employment Practices Act as it was originally passed that you will accomplish your purpose and new companies that

want to come in or companies that want to expand that you are trying to help them affirmatively. You are not holding a club over their head and saying you've got to do this. You're saying to them we're going to help you. We're going to show you what you can do. We're going to encourage you to employ these people but what we want is your job.

Now, gentlemen, you may have some questions and if you do, I'll be very happy to answer them but we do feel, very strongly, that the employees or the people or the citizens or the economy of the State of Connecticut are not being done any good service by passing this kind of legislation even though, and I say it again, we do not condone or promote or hope for discrimination on account of age solely.

Chr. Miller: Thank you, Mr. Waterhouse. Is there anyone else opposed to these bills? Again I'm going to say that I think ten minutes is long enough to testify here. We'd like to hear some other bills too and there are other people who want to be heard. Thank you.

H. E. Snoke:  
Exec. V. P.  
Mfgs. Assoc.  
of Bpt., Conn.

Mr. Chairman, Members of the Committee, I want to first go on record in favor of H. B. No. 3074 (Rep. Zanobi) SPECIAL SERVICES FOR WORKERS OVER 45 YEARS OF AGE. My recent notation on it here is not needed CSSES should do now but sorry but I thought maybe Mr. Ricciuti was discriminating against these people and that's why the bill was in. I realize now that he isn't but that leads us into a very important aspect of the other question. I see a man performing here with an American Legion badge on and I think we're trying to treat an effect here instead of a cause. I mentioned this American Legion badge because during the depression and I was not here at that time. I was down in Washington and I helped promote this same thing all over the country for the United States Chamber of Commerce. They got busy under the great plan here in Connecticut to help re-train the people, the older people out of work and they found jobs for them. Right today in Bridgeport, there are no skilled people available anywhere. Our tool rooms are running with men 70, 72, 73, 74 years old and nobody coming in from the bottom. It's a problem. They're not discriminating against the people who have ability to do the certain specific jobs. We had a meeting here on Tuesday, 12 men in the room and they're hiring people every day beyond the age limits mentioned here in these bills.

toolmaker.

Rep. Rourke: Pardon me, Mr. Snoke, I'm not talking about that man. I'm talking about these bills- these bills refer to able-bodied men, 45 to 65. There's nothing over 65 and these are people we're talking about that are physically able to work. We're not talking about people who have palsy.

Mr. Snoke: You speak of able-bodied-whose going to write the ticket on able-bodied?

Rep. Rourke: Now, the legislation-

Mr. Snoke: I'm going to ask you that-who would-just a question of fact-you can write-

Rep. Rourke: Now, look, you asked me a question and then you attempt to answer your own question. Just slow down, please, if you will.

Age 45 to 65, people who are able-bodied, we're talking about-physically able, nothing else and I think we should stay within that area and I can appreciate a valid objection to that on the part of some people but let's not get into people with palsy and people that are 71 years of age. We're not talking about these people.

Mr. Snoke: Well, now some of these bills have no age restrictions in them, you know. There are only two, I think, that have the age restrictions. Am I right about that? I think only two. See? So that the others would embrace the whole field. Now, those may be your particular bills that you favor, I'm not sure. I think 519 and 2922. I think she said she favored particularly and I think that those do have the age restriction in them but we're talking about the broad problem covered by all of these seven bills. I'm sorry I didn't speak of the bills specifically, paragraph by paragraph.

Chr. Miller: Senator Buzaid has a question.

Sen. Buzaid: Sir, could you tell me kindly what the increase in cost in fringe benefits would be to an imaginary worker in your opinion to the manufacturer?

Mr. Snoke: I have no idea because I have not computed it but if I had my study, I probably could make a fair guess on it.

Sen. Buzaid: What would the increase in cost be in Workmen's Compensation?

Mr. Snoke: Workmen's Comp? Workmen's comp has nothing to do with just one of the fringes. I'm talking

about the kind that are provided to employees-- both or mostly by the employer such as health and life insurance and pensions, particularly life insurance and pensions are the two that are very costly and do go up with age, very definitely.

Sen. Buzaid: Do you have any idea about the price--what the difference would be--

Mr. Snoke: You can ask any actuary in any insurance company here in Hartford. It's full of them. He could answer that for you very quickly and very affirmatively because it takes so many years to accrue or your experience table in case you're under group where your people die more rapidly at a higher age than they do at a lower age based on experience--the American Men's Mortality Table or whatever they use to compute that by simple arithmetic I think without any trouble. You'll find the cost does go up.

Chr. Miller: Thank you. Anyone else in opposition to any of these bills?

Raymond Coburn: Mr. Chairman, Members of the Committee, the Research Dr. Connecticut Chamber is generally opposed to the bills discussed here formerly except C.of C. H. B. No. 3074 (Rep. Zanobi) SPECIAL SERVICES FOR WORKERS over 45 YEARS OF AGE. I won't take a lot of time. I think we generally endorsed the remarks made by Mr. Waterhouse. I would like to emphasize one point particularly that the Chamber thinks is important and that is that today, as we all know, Connecticut business and industry faces increasing competition from businesses in other states that are aggressively seeking to establish new industries. I think that Connecticut has always ranked in the forefront of the states of the country and labor laws which benefit and protect workers and the further expansion of such legislation should be viewed by your Committee in the General Assembly carefully in the light of any possible inhibiting effect it may have on the ability of our business and industry to compete.

We would, therefore, generally oppose these again feeling as Mr. Waterhouse mentioned that the problem is basically one that is educational rather than legislative. Thank you.

Chr. Miller: Thank you. Anyone else wish to speak in opposition to these bills? If not, we'll-- Senator Armentano would you like to speak for or against any of these bills?

Sen. Armentano: Mr. Chairman, I want to direct my remarks to Hartford S. B. No. 519 (Sen. Armentano) INCLUDING AGE IN THE FACTORS ON WHICH EMPLOYMENT IS BASED

UNDER THE FAIR EMPLOYMENT PRACTICES ACT which I introduced. Now this bill is an administration bill. It was given to me by the administration. All it attempts to do, of course, is to incorporate into the administration program what our Governor said in his inauguration message. If you gentlemen remember, under the senior citizens, he did make reference to adding age in the list that comes under the Fair Employment Practice Act and that's all this bill does is add age.

Now, of course, we feel that discrimination in employment because of age is a terrible waste of human resources and should be stopped. We like to believe the only reason you'll give a man a job is because he can do the job, physically and mentally. To deprive him of his job because of age-not because of ability of course-I think is unwise in practice and certainly unfair in principle. All we're asking is that the individual be judged on the basis of his skill, on the basis of his physical capacity and whether or not he can do the job required. This is an administration program. The Governor requested it and I hope this Committee sees fit to render a favorable report. This bill carries no age at all. We just used the word "age" without reference to whether it's 65 or 45 or 75. We think in our day and age when we have to to utilize the best in everybody, collectively, individually, spiritually, morally and physically and mentally, I think it's a crime, a tremendous waste of human resources to deprive a man of a job solely because of his age and again I say it isn't what age a man is. The question is, can he do the job? Is he qualified to do the job? Physically? Mentally? And I think that many people, I know many people, over 70 can do a job far better than I can ever do and certainly it would be naive for me to say that you can't do the job because you're over 40 or over 50 or over 60. Look at the man. Can he do the job? If so, give him the job.

Chr. Miller: Thank you. Mr. Snoke, a lady on the Committee would like to ask you a question, please.

Rep. Temkin: Do you have any information on the number of plants or industries which require physical examinations before they hire?

Mr. Snoke: No. But it's pretty general for most plants to have a doctor's room. Doctors come in and examine people as a regular practice. Many also have nurses. Some first aid rooms in many plants are as good as they have in hospitals. It's common practice to try to

protect the people's health. They're not put on the job if they're incapacitated. They fit the man or woman for the job they are physically able or assigned to do.

Chr. Miller: I think the point that trying to be brought out is that regardless of age, you have a physical examination, you can turn someone down from a job because they're physically unable to do the job regardless of age so any of these bills if passed would not hurt the thing that you were bringing up while you were here.

Mr. Snoke: With one exception-you could re-write the examination. If a fellow had a heart murmur-I had the flu in 1918. Every doctor who has examined me since said I had the flu but a young doctor today who didn't know what that was, he would think I had a heart murmur. I might be discriminated against because of it.

- Chr. Miller: If there's no one else in opposition to the provisions of the discriminations because of age, we'll go on to the Minimum Wages which are: S. B. No. 985 (Sen. Miller) THE MINIMUM WAGE LAW, H. B. No. 3077 (Rep. Griffith) AMENDMENT TO THE MINIMUM WAGE LAW, H. B. No. 3089 (Rep. Marsters) COVERAGE OF CERTAIN AGRICULTURAL WORKERS UNDER THE MINIMUM WAGE LAW AND ABOLISHING WAGE BOARDS, H. B. No. 3094 (Rep. Griffith) MINIMUM WAGES-REGULATIONS, H. B. No. 3095 (Rep. Griffith) MINIMUM WAGES-WAGE BOARD and H. B. No. 3606 (Rep. Taft) STORE EMPLOYEES. Is there anyone who wishes to speak in favor of any of these bills? Commissioner Ricciuti.

Comm. Ricciuti: Mr. Chairman, testifying in favor of S. B. No. 985 (Sen. Miller) THE MINIMUM WAGE LAW, I don't know if all of you are familiar with the developments in the last session of the General Assembly but, during that session, the Statutory Minimum Wage in Connecticut was increased from 75¢ to \$1.00. The restaurants and hotels were excluded and kept at 75¢. Camps and resorts were excluded completely from coverage of minimum wage so that, at present, there is no minimum wage in this state which applies to camps and resorts. This bill makes the \$1.00 minimum wage mandatory for hotels and restaurants, inns and taverns which were not covered the last time and removes the exemption from the minimum wage completely which existed for camps and resorts so that for all intra-state occupations which were previously covered by the 75¢ minimum wage, the \$1.00 will be effective.

Now, during the interim period, between Legislatures, I convened a Wage Board in this state