

Legislative History for Connecticut Act

SB 903 -	PA 426 - scan	1967
House 3092 - 3094		(3)
Senate 1090 - 1092, 1306		(4)
Labor 140 - 142, 145		(4)
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JOINT
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HEARINGS

LABOR
1-319

1967
INDEX

S-65

CONNECTICUT
GENERAL ASSEMBLY
SENATE

PROCEEDINGS

1967

VOL. 12
PART 7

1015-1565

H 90

CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS
1967

VOL. 12
PART 7
2719-3267

MONDAY

LABOR COMMITTEE

MARCH 13, 1967

Leon Lemaire: his employer to make a deduction from his pay and it seems to me that this is a matter of importance, in many instances where the employee wants his employer to do him a favor. I think the employer ought to have the right to do a favor for his employees and this is what we're talking about here. No comment on the other bills.

Chr. Miller: Thank you. Anyone else?

Leon Lemaire: Wait a minute. On this question of including the word "sex" in our Fair Employment Practices Act, we take no official position on it but could call to the attention of the Committee that this has been the greatest area of litigation at the national level and I might recommend you give this very close attention and perhaps get some statistics from the federal people as to how much work this is going to require of our Civil Rights Commission, whether or not they are in a position to enforce this particular provision. Thank you.

Chr. Miller: Thank you.

Harmon E. Snoke: I'm Executive Vice President of the Manufacturers Association of Bridgeport. I would like to support the position of Mr. Lemaire and others regarding the issuing of injunctions. These additional qualifications which would have us prove that organized police forces or other proper public officials and the words used here are: "public officers", whatever that may entail, are not performing their duty, it would be like coming up here and saying that the Legislature and this Labor Committee were derelict in their duty. It's something awfully hard to prove. Seriously, I think that it would put into law something that would reflect in the wrong way on the public officials who normally try to perform their duties as they understand them.

On the retroactivity of benefits, under H. B. 2503, I think Mr. Van Winkle made the case very well because the contracts provide for taking up normally, at the time of the contract being signed, with rare instances, having it retroactive. That is normally not the custom and it would put the employer under a hammer, under a very great pressure to try to settle something when sometimes, the success or failure of his business could well depend on a very small amount of wages or other fringe benefits.

I want to join with Mr. Lemaire in supporting H. B. 2519 and also support the bill, No. 2956. I presume that S. B. 903 bringing the discrimination of employment on account of sex is in here to bring our law in line with the federal acts. However, I wish to repeat again and ask permission to address to the Committee a communication with which I will transmit copies of part 541 of the Federal Wage and Hour Law which describes executive, administrative, and professional exemptions.

MONDAY

LABOR COMMITTEE

MARCH 13, 1967

Chr. Miller: Sir, when you get to that statement, could you file it with us?

Mr. Snoke: I say I will bring -- I ask the chance to send it to you in the future. I picked up this little booklet at the Wage and Hour Office the other day: "Equal Pay Under the Fair Labor Standards Act" which I will leave with the secretary here, in which it points out - it says: "The equal pay standard and state law - when the employers pays the higher state minimum wage to female employees as required by the state law, the higher rate must also be paid to male employees engaged in equal work or a violation of the equal pay provisions will result". This has some preamble to this. The point I'm making in this is that if you should have a different minimum for women to be exempt from overtime as an executive, administrative or professional employee in Connecticut, you would also have to extend that same minimum to men. Therefore, we would be out from under the provisions of the Fair Labor Standards Act.

I have in hand, Mr. Chairman and Members of the Committee, a book here. It's a very beautiful booklet, pamphlet put out by our Connecticut Development Commission, General Statutes of Connecticut, Revision - New legislation gives industry in Connecticut more "profit power". I bespeak the fact that you not pass any legislation that this Session of the Legislature which will take the profit out of there and make them re-write this book. Thank you.

Chr. Miller: Thank you very much.

David Clark: Mr. Chairman and Members of the Committee, I am President of the Naugatuck Valley Industrial Council. I would like to be recorded in opposition to S. B. 75, 1155, 1273, H. B. 2503, 3125 and 3494 and in favor of H. B. 2519, 2956. The reasons for my position have been stated by prior speakers. Thank you, sirs.

Chr. Miller: Thank you very much. Anyone else with the employer point of view?

Angelo Cirluco: I'm Assistant Director, Connecticut Commission on Civil Rights and I would like to speak in favor of S. B. 903 an amendment to the present Fair Employment Practices Law extending coverage in employment to sex. At the present time, the coverage on this law is because of race, color, religion, age, national origin and ancestry. This amendment would add the word "sex". At the Commission on Civil Rights, since the Federal Government enacted sex legislation, we have had numerous inquiries and we have had numerous persons wishing to file complaints based on sex. We could do nothing about it, gentlemen.

MONDAY

LABOR COMMITTEE

MARCH 13, 1967

Angelo Cirluco: We could only refer them to Washington. At the present time, there are some nine states, two of our sister states, New York and Massachusetts, have present laws covering sex. As to the question as asked a short while ago, would we be able to handle any additional load? Do we have the machinery and mechanics to do this? The answer is yes. It would be handled in the same manner in which we handle our present complaints.

Also, I might add, that, presently, many persons and perhaps, to a great extent, the word sex might favor a woman. Of course, also, we have had inquiries from males concerning discrimination because of their sex. So that the word sex in this particular instance encompasses both male and female.

Chr. Miller: Thank you. Anyone else?

Mrs. Jerome Caplan, West Hartford: I am speaking for the League of Women Voters of Connecticut in support of S. B. 903.

The League of Women Voters supports the principle that all people are entitled to equal opportunities in employment and that all levels of government should participate in the effort to achieve this end. The Federal Civil Rights Act of 1964 prohibits discrimination in employment based on sex. The League of Women Voters of Connecticut believes that the state statute should be amended to include this same provision to put Connecticut in line with federal regulations.

I would also like to speak to S. B. 901. Again, speaking for the League of Women Voters of Connecticut in support of S. B. 901.

Based on a nationwide study and consensus, members of the League of Women Voters believe that all levels of government share the responsibility of providing equality of opportunity for all persons in the U. S. S. B. 901 would provide more employment opportunities to people in Connecticut by including more employers under the coverage of the Fair Employment Practices Act.

However, since the League of Women Voters believes that all people should have equal employment opportunities, we respectfully suggest that all employers might be subject to the provisions of the Fair Employment Practices Act.

Connecticut has consistently shown leadership in the area of human rights and opportunities. We hope that it will continue to do so.

MONDAY

LABOR COMMITTEE

MARCH 13, 1967

Renato Ricciuti: We keep in touch with one another and there is no reason why before an injunction could be considered an issue that it would be clear that the violence, if there is any involved, cannot be controlled by the local police officials and, for those reasons, I register in favor of this series of bills.

I would also like to go on record in favor of S. B. 901 to broaden the coverage of the Fair Employment Practices Act and also in favor of S. B. 903 which forbids discrimination in employment on account of sex and to make sure that the women don't feel that I'm against them because of the position I took on the maximum hours, Mr. Chairman.

I'm opposed to H. B. 2954 which would remove from the Governor the power to appoint members of the Board of Mediation and Arbitration and vest such power to the Chief Justice. I'm a little puzzled by this bill since the Governor appoints all the Judges, including the Justices of the Supreme Court. I don't really see how this would materially change the system. While the testimony in favor of the bill said they were not criticizing the Board, they want to free it from political influence. It seems to me that supporting such a bill contains the inference that the Board is subject to political influence which is not true and it's too bad, really, that there couldn't be more specifics when such an inference and such an insinuation is made in support of a bill. I'm opposed to that bill.

H. B. 3124 - we now have filing of annual statements of Employee Welfare Funds. This is now being filed with the Labor Department and then transferred to the Insurance Department and this bill would make it filing with the Insurance Department only. The Federal Government now requires filing of all these statements, Mr. Chairman, and I suggest that the system be abolished completely since I don't see any reason why there should be dual filing in this particular instance and the federal requirements are much more stringent than the state requirements.

On H. B. 4015 - we now have a system in the State Board of Mediation and Arbitration where the appointment of alternate members is possible and quite a few alternate members are appointed when the work of the Board is sufficient to allow the appointment of alternate members and this would permit the Governor to appoint alternate members of the State Labor Relations Board. Right now, there are only three members of the Board and when one member is unable to perform, for one reason or another, although the statute does say that two people comprise a majority of the Board, in some cases, lawyers have been reluctant to proceed without a full complement of the Board and if the Governor had this power,

Page 21

May 15, 1967

ceding enity.

THE CHAIR:

Any further remarks? All those of the committee's favorable report and passage of the bill signify by saying, "aye". Opposed. The bill is passed.
Cal. No. 366 File No. 437 Favorable report of the Joint Committee on Labor
Senate Bill No. 901.

SENATOR MILLER:

Mr. president, I move acceptance of the joint committee's favorable report and passage of the bill. This bill broadens the coverage of the present fair employment practice act. It reduces its five employees to 3 employees. It is a good bill and ought to pass.

THE CHAIR:

Any further remarks? All those in favor of the acceptance of the Committee's favorable report and passage of the bill signify by saying, "aye". Opposed. The bill is passed.
Cal. NO. 367 File No. 438 Favorable report of the Joint Committee on Labor
Senate bill No. 903 An Act concerning Discrimination in Employment on
Account of Sex.

SENATOR MILLER:

I move for the committee's favorable report and passage of the bill. This bill adds to the Connecticut Fair Employment Practices Act and it will make it unfair employment practice to discriminate because of sex. The clerk has an amendmtn.

CLERK:

Senate Amendment Schedule "A", offered by Senator Miller. Senate Bi

Page 22

May 15, 1967

Add section 3 as follows: No provision of this act shall be construed to void or supersede any statute relating to the employment of women, including their hours of work or working conditions, or any regulations promulgated under such statutes.

SENATOR MILLER:

Mr. President, I move for adoption of the amendment. This amendment would insure the section that our state now gives to women, it would give the women the protection. It should be adopted.

SENATOR HAMMER:

I wish that the statutes of the State of Connecticut, would stop discriminating against women by protecting them. We are ready to move in an equal status of employment and I don't really appreciate this amendment. Thank you.

SENATOR POPE:

Mr. President, speaking on the amendment, this bill brings the Connecticut fair employment practices act in line with Title 7 of the Federal Rights to work law, and it is presently going on in the country controversy as to the affect that these equal opportunity laws that involve sex are going to have. There are 3 areas, the gentleman has mentioned one, state protected legislation throughout the country is presently under a cloud as a result of this legislation. We now accept this in the case of the Connecticut law and the fact remains that there is going to be litigation with affect to the Federal Law and that some of these things are going to be argued out. There are such other thinkgs as want ads whether it is proper under this legislation to have separate want ads male and female and finally there is the rather large area of pension plans whcih regularly in the past it provided diferent treatment for men and for women, and there is some question at to know in the light of

Page 23

May 15, 1967

these laws these things will be able to stand up. I merely mention this, because the bill we're passing with or without the amendment may have greater ramification than it appears. I am certainly in favor of the amendment, I join with the lady from the 12th, I think I would say even more if it did not have the amendment.

THE CHAIR:

Any further remarks? All those in favor of adopting the amendment signify by saying, "aye". Opposed. The amendment is adopted. The chair will rule that it is not a technical amendment, and it will be sent to the Legislative Commissioner's office for redrafting.

Cal. No. 408 File 498 Favorable report of Joint Committee on Public Utilities Senate Bill No. 554. An Act Authorizing the Millstone Point Company to Exercise Utility Powers.

SENATOR JACKSON:

I move acceptance of the Joint Committee's favorable report and passage of the bill. The Millstone Point Company is a corporation organized under the Connecticut Stark Corporation Act, and its stock is owned by Northeast Utilities which has as we already know owns substantially all of Connecticut Light and Power, Hartford Electric, and Western Massachusetts Electric, these companies own the nuclear generating unit now being constructed on the site they also own the Millstone Point in the Town of Waterford and the plant is expected to produce a large amount of low cost power, and following procedures used by other states, the owners have designated this Millstone Point Company to act for them in respect to the design and construction of the atomic plant. Now, this bill will give them the power to operate and maintain the plant and to perform similar functions with respect to other plants but it does not give

May 22, 1967

69

and because the housing authority of the Town of Enfield was first authorized in '39, there was a question of the status of the first authority, and the federal government has requested that the authority obtain a validating act from the State Legislature which would ratify the Housing Authority of the Town of Enfield as presently constituted and functioning primarily to establish the clear right of the authority to issue bonds and notes to the satisfaction of the bond counsel of the respective purchasers of the Housing Authority's bonds and notes. The town is presently awaiting a federal grant of one million dollars for a federally aided program for the elderly and it is dependent upon this bill. It's a good bill and ought to pass.

THE CHAIR:

Will you remark further? If not, all those in favor, signify by saying Aye. AYE. Opposed? The bill is passed.

THE CLERK:

Page 39, matters returned from the Legislative Commissioner, Calendar 367, file 438, 689, SB 903, An Act concerning Discrimination in Employment on account of Sex. Favorable report of the Joint Committee on Labor.

SENATOR MILLER:

Mr. President, I move acceptance of the joint committee's report and passage of the bill as amended. This bill simply adds sex to the anti-discrimination bill. It's a good bill and should pass.

THE CHAIR:

Will you remark further? If not, all in favor signify by saying Aye. AYE. Opposed? The bill is passed.

May 27, 1967 47

DS

here with a maximum fine. It is to be noted by the members of the House, Mr. Speaker, that yesterday the House overwhelmingly rejected a bill, the view of all the members being that the good judgment of judges would control as to the severity of the fine. I don't feel that the particular distinction here warrants our delaying action on this bill at the present time.

THE SPEAKER:

The question is on passing the bill temporarily.

MR. CARROZZELLA (81st)

As Chairman of the Committee I think the gentleman from Westport has made a reasonable request. He sees that there is a question on this bill. I think we should pass this bill temporarily to clear it up. This is the reason we've passed other bills retaining to clear up a problem. I would be glad to talk to him and I would agree to the motion to pass temporarily for the moment.

THE SPEAKER:

The question is on the motion to pass temporarily. Is there any objection to this request. If not it will be so ordered.

THE CLERK:

Calendar No. 806 Senate Bill No. 903. An Act concerning Discrimination in Employment on Account of Sex. (As Amended by Senate Amendment Schedule "A".) Favorable report of the Committee on Labor.

MR. BADOLATO (30th)

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

THE SPEAKER:

The question is on acceptance and passage of the bill as amended by Senate amendment Schedule "A". Will you remark?

May 27, 1967

48
DS

THE SPEAKER:

The Chair would suggest to the gentleman of the 30th that we move for adoption of Senate Amendment Schedule "A", first.

MR. BADOLATO (30th)

Then I move for adoption of Senate Amendment Schedule "A".

THE SPEAKER:

The question is on adoption of Senate Amendment Schedule "A". The Clerk will read the amendment.

THE CLERK:

This is Senate amendment Schedule "A". Add section 3 as follows:
No provision of this act shall be construed to void or supersede any statute relating to the employment of women, including their hours of work or working conditions, or any regulations promulgated under such statutes.

MR. BADOLATO (30)

Mr. Speaker, the amendment simply clarifies and makes it sure that there would be no misunderstanding that the provision of this act would not supercede any other general statutes. I move for its adoption.

THE SPEAKER:

The question is on adoption of Senate amendment Schedule "A". Will you remark further? If not all those in favor will say aye. All those opposed?

The amendment is adopted. The Chair will rule that it is technical in nature and not order it sent to the Legislative Commissioner's office.

MR. BADOLATO (30th)

Mr. Speaker, I now move for acceptance and adoption of the bill as amended by Senate amendment Schedule "A".

THE SPEAKER:

The question is on acceptance and passage of the bill as amended by

May 27, 1967

49
DS

Senate amendment Schedule "A" and in concurrence with the Senate. Will you remark further?

MR. BADOLATO (30th)

Mr. Speaker, this bill adds to the Connecticut Fair Employment Practice Act and will make it an unfair employment practice to discriminate because of sex. It allows the civil rights commission investigatory authority for such cases of possible discrimination. It is a good bill and I hope it passes.

THE SPEAKER:

Will you remark further on the bill?

MR. DOWD (125th)

I rise to support the bill but with a hope for some future action, particularly as it applies to Sec. 3 here. It would seem to me that we have a second bill here that in part is archaic and contradictory in that we move in the main body of the bill to eliminate discrimination in employment because of sex, and then continue with a special amendment, the discriminatory limitations on hours of work for women that we have on our books today. I think this is unrealistic and anachronistic. In today's world in economy women work to earn money. These limitations limit their overtime, limit their promotional opportunities, and I would hope someday that we take a real close look at this whole problem.

THE SPEAKER:

Will you remark further? If not the question is on acceptance and passage of the bill as amended by Senate amendment Schedule "A" and in concurrence with the Senate. All those in favor will say aye. All those opposed?

The bill is passed.

THE CLERK:

Calendar No. 819 Substitute for House Bill No. 2365. An Act