

Act Number	Session	Bill Number	Total Number of Committee Pages	Total Number of House Pages	Total Number of Senate Pages
PA 71-338		5546	3	1	11
<u>Committee Pages:</u> <ul style="list-style-type: none"> • <i>Labor & Public Employees</i> 60 • <i>Labor & Public Employees</i> 66-67 				<u>House Pages:</u> <ul style="list-style-type: none"> • 2171 	<u>Senate Pages:</u> <ul style="list-style-type: none"> • 2322-2330 • 2334-2335

H-112

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
1971**

**VOL. 14
PART 5
1968-2502**

MR. HOGAN (177th):

Mr. Speaker, I would just like to say that I think the last two gentlemen have spoken are shining examples of the need for wigs.

MR. LA ROSA (4th):

Mr. Speaker, mine is in storage.

THE SPEAKER:

Will the members be seated and the aisles cleared? Does the beloved one wish to vote? The machine will be open. Has every member voted? Is your vote recorded in the fashion you wish? The machine will be locked and the Clerk will take a tally.

The Clerk tells me that the roll call is going to appear on the fashion page throughout the state.

THE CLERK:

Total Number Voting	146
Necessary for Passage	74
Those voting Yea	113
Those voting Nay	33
Absent and Not Voting	31

(Rep. Papandrea left the Hall when the vote was taken in accordance with Rule 18.)

THE SPEAKER:

The bill is PASSED.

THE CLERK:

Page 3 of the Calendar, Calendar No. 171, Substitute for H.B. No. 5546, An Act Concerning the Use of Electronic Surveillance Devices by Employers.

THE SPEAKER:

Would the House please come to order? We cannot proceed until we have more order than this. Gentleman, please, this is apt to be our

djh

longest Calendar day.

MR. BADOLATO (30th):

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

THE SPEAKER:

Will you remark?

MR. BADOLATO (30th):

Mr. Speaker, this bill has evolved to its present form through many long hours of negotiations and compromise between interested members of the General Assembly and representatives of business and industry. The bill in its present form prohibits only the use of electronic surveillance equipment in areas of health or personal comfort of an employee and areas for safeguarding an employee's personal possessions including locker rooms, rest rooms and lounges. An employer may use such devices for any other purpose, including safety, security or quality control. However, if an employer does use such devices for purposes of safety, security or quality control, he may not use the information directly obtained from the electronic surveillance device to discipline, dismiss or suspend an employee. An employer may, however, use this information if it was obtained solely from such electronic surveillance devices used at property lines or gates located at property lines of the employer's premises. It only prevents the employer himself from the use of summary process to discipline, dismiss or suspend an employee based on such information and in no way does the bill interfere with an employer turning such evidence over to the police or state's attorney. Mr. Speaker, this is a good bill which balances the interest of the employer for security, safety, quality control with the rights of the privacy of his employees. This

bill is a commitment made in the Democratic Party Platform and I urge it's adoption.

THE SPEAKER:

Will you remark further on the bill?

MR. COLLINS (165th):

Mr. Speaker, the Clerk has an amendment.

THE CLERK:

House Amendment Schedule "A" offered by Mr. Cretella of the 99th.

In line 20, strike out everything commencing with the word "No" through line 27.

MR. COLLINS (165th):

Mr. Speaker, I move adoption of the amendment.

THE SPEAKER:

Will the Clerk please re-read the Amendment. Ladies and gentlemen, we're going to have this problem as long as you persist. If you want to have conferences, I suggest you use the hall or the Speaker's office. Please. Mr. Clerk, would you call the amendment again?

THE CLERK:

House Amendment Schedule "A" offered by Mr. Cretella of the 99th.

In line 20, strike out everything commencing with the word "No" through line 27.

MR. COLLINS (165th):

Mr. Speaker, I move adoption of the Amendment.

THE SPEAKER:

Question is on adoption. Will you remark?

MR. COLLINS (165th):

djh

Yes, Mr. Speaker. The amendment here would completely eliminate the last sentence of section 2 and the reason for this amendment, Mr. Speaker, is very simple and I think very clear. In spite of the fact that this bill had been gone over and quite thoroughly by many members of the General Assembly and representatives of business and industry to clear up some problems in the earlier part of section 2, apparently the end results of the compromise left a rather unique situation and that situation, Mr. Speaker, is where if evidence is obtained by electronic surveillance within the plant, on the assembly line or any other working area within the plant, if theft, security or some other evidence is obtained through electronic surveillance, no use whatsoever can be made of that evidence. Yet, if the employee happens to be stopped at the gate or at the property line, that evidence can be used and I submit, Mr. Speaker, that's a rather ridiculous set of circumstances where evidence obtained for security reasons cannot be used if obtained within the plant but can be used if obtained at the gate or the property line. I submit to you, Mr. Speaker, that the danger is a great within the plant as it is at the property line. I submit that the compromise is represented by the bill in front of us is illogical. It leaves a great area unresolved. The amendment will correct this and leave the original intent of the bill there.

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THE SPEAKER:

Will you remark further on the amendment?

MR. BADOLATO (30th):

Mr. Speaker, I rise in opposition to the amendment. The amendment would defeat the original purpose of the bill and certainly it was clear to the representatives of the largest industrial plant in the State of Connecticut that agreed that this was a good bill as it is in the file and I state that the plant that I'm talking about was Pratt & Whitney in East

Monday, May 10, 1971

34

Hartford. The representatives from Pratt & Whitney felt that this bill they could live with. It would create no problem for them and they, as the largest employer, certainly support this bill. If we were to adopt the amendment, what we would be doing actually would be completing annihilating the bill as originally intended, would place the employees so to speak in a fishbowl which everyone recognizes they shouldn't be, and I think that if we are at all interested and sincere in our efforts to protect the individual employees from unknown surveillance that we should defeat the amendment.

MR. AVCOLLIE (94th):

Mr. Speaker, I rise to support the amendment, Mr. Speaker. I think this was a bad bill before it was recommitted. It's been slightly improved. This amendment will make it a better bill. I think the sentence which this amendment seeks to eliminate is completely incongruous. For one thing, we certainly know that if an employer sees with his own eyes an employee doing something such as stealing a product, he can move to suspend or discipline. This sentence says that if he sees it through an electronic surveillance such as a television viewer, he cannot suspend or discipline. I think it is not only incongruous, it's rather ridiculous. I don't know about Pratt & Whitney but the biggest employer in my community is UniRoyal. This bill is not acceptable to them. It defies the common sense as far as I am concerned. I don't see why an employer should have to watch someone pilfer, for instance, and have his hands tied, not be able to discipline by way of suspension or dismissal. I would support the amendment.

THE SPEAKER:

Would you remark further? Rep. Avollie still had the floor.

MR. AVCOLLIE (94th):

When the vote is taken, I move you, Mr. Speaker, that it be taken

djh

Monday, May 10, 1971

35

by roll.

djh

THE SPEAKER:

Question is on a roll call. All those in favor indicate by saying aye. Twenty percent having called for it, a roll call will be ordered.

MR. EDWARDS (155th):

Mr. Speaker, Representatives, I would like to point out, although the bill doesn't indicate it, that when we speak of electronic surveillance, we speak of much more than electronic cameras for the closed circuit tv. We speak realistically of a great many instrumentation devices which record or indicate the operation of machines and what they are doing and what has been done to them. We have, in many of our smaller plants, highly sophisticated production lines. The work of these lines is dependent upon control systems that are either supervised, shall we say, by readout devices, by instrumentation systems and it is very possible in the course of these operations for a man who has neglected, very obviously neglected to do the job for which he is hired, you do not need a camera to show this up. It will show up on the charts that come off of the instrument machines. Now the purpose of those is for quality control, for production to let particularly some of the smaller plants in some of the highly technical areas of industry, to compete, compete with industries out of our state. Under this bill, if, for instance, I look at my control panel and I see specifically a breakdown on a line it could only have happened because the operator was not functioning as he should have, I am prohibited from even mentioning this to him, reprimanding him. I think the purpose of this bill, as I first saw it and as I see it now was to prevent interference with the employee or spying on him in the lounge or his rest period or that and I think that's fine. I agree with that 100% but

Monday, May 10, 1971

36

you're interfering with some of the processes in modern industry that may well mean the ability of our state to compete in some of the professional and some of the highly technical devices that we are now turning out. I support the amendment.

THE SPEAKER:

Further remarks on the amendment?

MR. STEVENS (122nd):

Mr. Speaker, I rise in support of the amendment and let me say that I think this bill with the amendment properly balances the rights of both the employer and the employee. The bill in the file prohibits the use of electronic surveillance in rest areas that employees use. This is correct. No employee should be subject to surveillance when he is in a rest area of a factory. The bill by only prohibiting it in those areas permits it in other sections of the employment factory. The bill would permit electronic surveillance, for instance, on the assembly line. This is very important especially in drug plants such as we have in Fairfield County. It would allow the employer to use electronic devices in those areas. Yet, the bill without the amendment would not allow the employer to use information he obtains from watching the assembly line to discharge an employee. This is the inconsistency that Rep. Avcollie made reference to. With the amendment, the rights of the employee are still protected, yet importantly the employer may also use that information he obtains in other sections of the plant than rest areas to discipline an employee. And who in this House would say that if an employer saw an employee on an assembly line putting, for instance, pills into his pocket, that that employee should not be discharged? The bill, as amended, will protect both rights. It's a good amendment. I urge it's passage.

djh

Monday, May 10, 1971

37

MR. HANNON (16th):

Mr. Speaker, for the benefit of those who came in late, I wonder if I might ask the proponent of the amendment to discuss it briefly and tell just exactly what it does?

THE SPEAKER:

Would the gentleman from the 165th care to elaborate again?

MR. COLLINS (165th):

Nicest offer I've had today, Mr. Speaker.

THE SPEAKER:

It will be a long afternoon.

MR. COLLINS (165th):

Mr. Speaker, through you in response to the question so I don't get credit for one of my times speaking, I would indicate that the amendment eliminates the last sentence of section 2 starting in line 20 with the word, "No" and ending in line 27 with the word "premises". And the reason for that, Mr. Speaker, again through you to the gentleman from the 16th, is one that several people including myself previously have discussed, it creates an almost impossible situation the way the bill is in the file if you allow an employer to suspend, discipline or discharge any employee from evidence obtained by electronic surveillance only at the property line or the gates located at the property line but you do not allow him to take such action as he deems necessary on evidence obtained anywhere within the plant proper. I submit, as several other speakers have, Mr. Speaker, that the, that this rather obvious inconsistency in the bill, it does not make sense, I think the amendment will clear this up and enable us to pass what otherwise is a good bill.

THE SPEAKER:

Will you remark further on the amendment before I announce the

djh

Monday, May 10, 1971

38

djh

immediacy of the roll call?

THE SPEAKER:

Are there announcements or introductions while we await the return of our fellow members? If not, the House will stand at ease.

MR. COLLINS (165th):

Mr. Speaker, I rise for the purpose of an announcement.

THE SPEAKER:

Please proceed.

MR. COLLINS (165th):

Mr. Speaker, there will be a caucus of Republican House members immediately upon adjournment tomorrow, Tuesday, at a room to be announced.

THE SPEAKER:

The Clerk has business to read in while we are waiting the return of our members.

THE CLERK:

These are House Committee favorables.

Appropriations, House Joint Resolution No. 100, Accepting the Recommendation of the Commission on Claims on the Claim of Maurice Pare.

THE SPEAKER:

Tabled for the Calendar and printing.

THE CLERK:

Appropriations, House Joint Resolution No. 116, Accepting the Recommendation of the Commission on Claims on the Claim of Cynthia Dumas.

THE SPEAKER:

Tabled for the Calendar and printing.

THE CLERK:

THE CLERK:

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The Clerk has a bill to be introduced under Emergency Certification which is required, H.B. No. 9243 for reference to the Committee on General Law.

THE SPEAKER:

So ordered.

THE CLERK:

Change of reference, favorable from Public Health and Safety, S.B. No. 519, An Act Concerning Grants-in-Aid to Local Public Health Services, for reference to Appropriations.

THE SPEAKER:

So ordered.

Will the House please come to order again? For the benefit of the members who have just returned, we are considering on page 3, Calendar No. 0171. An amendment has been offered by the gentleman from the 165th. It has been debated and a roll call ordered. Will you remark further on the amendment pending before us? If not, will the members be seated, will the aisles be cleared? Will the members please be seated? The machine will be open. Has every member voted? Is your vote recorded in the fashion you wish? The machine will be locked and the Clerk will take a tally.

HB 519

THE CLERK:

Total Number Voting	153
Necessary for Adoption	77
Those voting Yea	84
Those voting Nay	69
Absent and Not Voting	24

THE SPEAKER:

The amendment is ADOPTED. It's ruled technical. We may proceed with the bill, as amended.

Monday, May 10, 1971

43

For what purpose does the gentleman rise?

MR. HOLDRIDGE (63rd):

(did not use microphone, statement inaudible).

MR. SPEAKER:

I regret to inform the gentleman from the 63rd that the vote has been announced. Our rules provide for someone to change or indicate their vote up to the point that it has been announced.

Will you remark further on the bill as amended? Further remarks on the bill as amended? If not, the question is on acceptance and passage as amended by House Amendment Schedule "A". All those in favor indicate by saying aye. Opposed? The bill as amended is PASSED.

THE CLERK:

Calendar No. 182, Substitute for H.B. No. 6767, An Act Concerning the Recruitment of Strike Breakers in Connecticut Labor Disputes.

MR. PIAZZA (115th):

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

THE SPEAKER:

Will you remark?

MR. PIAZZA (115th):

This Act is concerning the recruitment of strike breakers in Connecticut Labor Disputes. The statute as it now stands requires employees of labor and any agents acting for them who wish to replace employees of those positions made vacant by result of a strike, lockout or labor dispute to state in a solicitation of labor that such a labor dispute exists. The amendment proposes to change the size of the type to ten points larger than the largest type of any type appearing in the solicitation. Mr. Speaker, I urge passage

djh

S-80
CONNECTICUT
GENERAL ASSEMBLY

SENATE

PROCEEDINGS
1971

VOL.14
PART 5
1921-2435

May 19, 1971

Page 136

eliminate the highway portion in figuring of the, it would be increased by this amount.

SENATOR LIEBERMAN:

Mr. President, thank you. While admitting the validity of the statement that Senator Ives has made, my own personal policy judgement is that it is in the public interest to make that slight modification, actually now permissive, that this file, that this bill would make, I should say that any housing site development contract before it is effective must go through the procedure of being adopted by the local housing site development housing agency and then by the Commissioner of the Department of Community Affairs, so that there is a check and balance to operating here, particularly in regard to the way in which the total part that the DCA Commissioner has for housing site development act, this would be -

THE CHAIR:

Will you remark further. The question section (a). All those in favor of the amendment, signify by saying Aye. The Ayes have it the bill is passed.

THE CLERK:

Page 6 please. Calendar No. 669, File No.1031, 706, 130. Favorable report of the Committee on Labor and Industrial Relations. An Act Concerning the Use of Electronic Surveillance Devices by Employers. Substitute H.B. 5546.

SENATOR SMITH:

**JOINT
STANDING
COMMITTEE
HEARINGS**

**LABOR
AND
INDUSTRIAL
RELATIONS**

1-347

**1971
Index**

1:00 P.M.

LABOR AND INDUSTRIAL RELATIONS

MONDAY

FEBRUARY 22, 1971

SEN. SMITH & REP. BADOLATO, PRESIDING

Sen. Smith:

The February 22nd hearing on bills of the legislative committee on Labor and Industrial Relations is now called to order. We are going to have a hearing first on the RIGHT TO WORK Legislation, that is H.B. 5875. I have been reminded by our House Chairmen that we should entertain any Legislators first. Are there any?

Rep. Iwanicki: Mr. Chairmen, Ladies and Gentlemen I am State Representative from the 79th district. I would like to speak on Bill 5545 (AN ACT CONCERNING PROTECTION OF EMPLOYEES IN MANUFACTURING PLANTS. This bill seems to be a good one. I think the Underwriters Insurance Co. and the Laborer would sure like this bill. This bill calls for when moving machinery there shall be at least two persons at all times in the vicinity of such moving machinery. When an individual is required to work on or in a storage tank or any type to be cleaned a second person must be employed at all times., and also to keep the person so engaged in view at all times. When a crane or powered tow motor truck or electric truck is being used in these operations the operator cannot see both sides so there must be two persons in this operation. I also have with me this afternoon a couple of articles on what happened to two individuals who got killed down in Wallingford on Jan. 4, 1970. I think this bill here is ready to be put right now, should come out with a favorable report .

On-Bill 5546 (AN ACT CONCERNING THE USE OF ELECTRONIC SURVEILLANCE DEVICES) When a company or corporation is teaching an employee on job training. These devices can't be used, for once the employee leaves and learns his job completely, then the company must take their minds elsewhere and not be keeping these devices on the employee at all times. If the company or the corporation would like to have these devices , all well and good for the security or the safety of the company, say for leaving or entering the plant, but otherwise nothing doing. I urge a favorable report on this report. Thank you Mr. Chairmen.

Sen. Smith:

Are there anymore Legislators to speak on bills?

Rep. Piazza:

Mr. Chairmen, I'm Rep. Piazza of the 115th District. I wish to speak on Bill No. 5724 (AN ACT CONCERNING ELEVATORS FOR WORKERS ON BUILDINGS FIVE STORIES OR MORE) This bill here is rather difficult to explain to anyone that not affiliated with the building traits. There has been considerable criticism on this particular bill when building is over five stories and over or contemplated, that is in favor of putting an elevator over that amount of floors so the workmen could go up and down. In the past these men have to negotiate between the contractor and the employee with very much difficult , and most cases the job was held up and the men were forced to lose time on it. So therefore a bill of this nature would be to resolve some of these situations.

MONDAY FEBRUARY 22, 1971

LABOR AND INDUSTRIAL RELATIONS

maintain two people in the shop at all hours of the day or night because many of these people have people in the moonlight in these little shops. It would be awfully hard to keep them going and its out of these little acorns that big oaks grow and I want to emphasize that, and it would do stark injustice to put on a bill like this as a burden on industry today. Thank You.

Sen. Smith:

Is there any further opposition to H.B . 5545 ? The hearing will then go on to H.B. 5546 (AN ACT CONCERNING THE USE OF ELECTRONIC SURVEILLANCE DEVICES) Any persons in favor to speak ? Seeing and hearing none, is there any opposition to this bill ?

Dale VanWinkle:

Mr. Chairmen, my name is Dale VanWinkle, and I am employed by the United Aircraft Cor. This bill would prohibit the use of electronic devices, cameras TV systems, etc. Our operations at United Aircraft involve the handling of many many classified materials, not only documents and papers, but actual hardware that is classified. We use TV cameras to monitor many of these areas. WE will have a highly classified engine or another component, perhaps in a room at a remote location and the way we monitor that as required by the U.S. government is to install a TV camera which can monitor anyone who enters or leaves that room. We also install a sonic and sensing device that will alert a guard at central headquarters if any of the materials in that room are disturbed, so this would be a grave interference with our operations and with the security requirements, which we are compelled by the U.S. Government to pursue. We also use cameras very extensively on the investigation of automobile accidents which may occur in our parking lots or other accidents on our premises and our investigations which are conducted in the normal course of the industrial operation, require the use of cameras, so it would be almost impossible for us to conduct those operations, without the use of cameras of some sort. You will probably recall, also that last April, Abbe Hoffman, one of the Chicago Seven visited Hartford and at that time we had demonstrations outside of our fences. When there are demonstrations of that sort, we find it essential to maintain cameras at a point where we can photograph the people who are there to be able to identify those that cause damage, so for that reason also it is essential that we be able to use cameras and TV systems. I would like also to call to your attention the fact that similiar legislation was proposed in Mass. and under a procedure they had there the Supreme Court of Mass. was called upon to rule on the Constitutionality of this type of Legislation and declared that it would be unconstitutional. One point is that the Legislation is so broad that it covers any kind of surveylance it doesn't attempt to relate it to any reasonable purpose, the

LABOR AND INDUSTRIAL RELATIONS

other is that the Supreme Court said it would violate due process because it unduly restricts the right of a manufacturer to observe the work performed by his employees, and there still is a legitimate right for an employer to scrutinize his employees to determine which ones are working and which ones are doing their job properly and an interference with that was declared by the Supreme Court in Massachusetts to be unconstitutional. Thank you very much.

Sen Smith:

Is there any further opposition?

Harmon E. Snoke:

Mr. Chairmen, I'm Harmon E. Snoke, Executive Vice President, Manufacturers Association of Bridgeport, Conn. Strangely enough, such things as gold and silver and copper and goods and things like that have no finger prints on them, and very often where such medals are stored or handled is necessary to keep watch on a shipping dock or other storage space as people may come and go to monitor the safety of these materials. One of our members has just lost over a million dollars in gold up in Massachusetts. I hope they don't lose that much in their plant in the Bridgeport area. There are many other operations that are to be observed remotely on certain occasions as Mr. VanWinkle has mentioned. I will not belabor that further but it is necessary that employers have the right to watch their material, watch their employees and at odd hours where they have only one or two guards at the central headquarters to be able to observe remote parts of their plant so to secure their property.

Leon L. LeMaire:

Leon L. LeMaire Secretary and Counsel, Conn. Business & Industry Assoc., and I am in opposition to the bill. I assure you that our members are not electronic peeping toms, they are not interested in Mr. Iwanicki, as you suggest perhaps undue surveillance, it only used where security is a problem, particularly in drug or other storage areas and employees as well as visitors or potential customers in retail establishments be watched, there is a great deal of poffering going on in the industry and the retail trade.

It's absolutely essential, as a matter of fact in monitoring banks for the purpose of course of openly trying to identify those who would be bank robbers and in the process, the teller himself is being monitored.

Sen. Smith:

Any further opposition on this bill? The next order would be H.B. 5724 (AN ACT CONCERNING ELEVATORS FOR WORKMEN ON BUILDINGS FIVE STORIES OR MORE.) Do we have anyone in favor of H.B. 5724 ?