

Legislative History for Connecticut Act

HB 8511	PA 532	1971
Public Personnel	131, 134, ^{B5} 136, 141	(5)
Labor	309, 329-330	(3)
House	2751 (consent)	(1)
Senate	2755	(1)
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JOINT
STANDING
COMMITTEE
HEARINGS

PUBLIC
PERSONNEL
AND
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a period of years as service as a fireman, yet when you file a claim under Workmen's Compensation Law the thing that is looked for by the insurance carriers in the cities is what incident was the specific cause of this injury. It is very difficult today to pinpoint any one fire that caused the lung disease in a fireman. This would make such diseases compensable conclusively in a fireman who before he became a regular fireman had a physical examination which showed at that time that he did not have lung disease or respiratory illness which he now has. In those cases it would be a conclusive presumption. This would be in line with what the 1969 Session did in regard to heart attacks and high blood pressure in policemen and firemen. In 1969 we passed a bill, the first one in the United States, making this a compensable disease conclusively in Workmen's Compensation cases. That bill has been upheld by the Superior Court so there is no question that the General Assembly has the support. If we pass the bill extending it to firemen this year for respiratory tract and lung disease we will be assuring the firemen who have given many years service to not have to worry about proving what is the specific fire causing the lung disease that is now disabling him. I would ask the Committee to give favorable consideration to this.

I also have here and will be very brief on this because I am sure Mr. Kershner will explain it better than I could HB 8511 AN ACT CONCERNING EFFECTIVE DATE OF PARTICIPATION IN POLICEMEN AND FIREMEN SURVIVORS BENEFIT FUND. All this does is make it the same as the Municipal Employees' Retirement Fund now is. The law says that policeman's and Fireman's benefits are different as to the effective date than they are for Municipal employees. This would just make them uniform. As I said, Mr. Kershner will explain it later in the hearing. Thank you, Mr. Chairman.

Rep. Motto,

Thank you, Rep. Stevens. Are there any other legislators?
Rep. Truex.

Rep. Truex,

Mr. Chairman and representatives of the Committee, I am Rep. Ruth Truex from the 23rd District and I would like to speak very briefly about HB-8491 AN ACT CONCERNING THE PRORATING OF VETERAN'S EXEMPTIONS. This is a very little bill and it is now soul shaking but it would give a great deal of comfort to the people who are concerned and involved. Apparently there are times when veteran's exemptions, particularly ones for the totally disabled who are few in number but who have given an enormous amount for their country. When these exemptions are transferred from one piece of property to another and a veteran sells one house and purchases another, this bill has been introduced to add a safety factor so that a veteran's exemption provided by Connecticut law and compensation for military service for our

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by fire using up the oxygen that a firefighter needs to support his normal needs when this occurs he is gasping for breath, heart speeds up and this is usually followed by loss of consciousness. If the firefighter is moved in time from the danger he usually will recover consciousness with no bad after effect, however, when he is exposed to this condition year after year his lungs are usually severely damaged. Repeated irritation of the respiratory system resulting from smoke inhalation can be even more dangerous and disabling than asphyxia, here the eyes water the nose to run, gagging and occasionally vomiting. Doctors tell us that exposure to such irritants occurs more often than once every six months there is a danger of very serious after effects. Chronic sinusitis, the lungs frequent inhalation of irritating smoke may result in scarring of the lungs and fibrosis, both of which interfere with breathing. Poisonous gases may have an irritating effect. Carbon monoxide which is a product of incomplete combustion is present in all fires, odorless, colorless and tends to replace the oxygen in the blood and asphyxiates. Chlorine which is a lung irritant is a hazard in firefighting. Many of the new chemicals that are used in modern industrial products create additional problems. Pneumonia is a recognized hazard of firefighters. Each episode of lung infection results in scarring and each episode makes a person less able to withstand exposure at a later date. It is clear that the cause and relationship between the work of firefighters and lung disease and diseases of the respiratory tract. Fourteen states recognize through statutes that diseases of the lungs and respiratory tract are occupational diseases of firefighters. HB-8233 Mr. Chairman, would eliminate what we believe an unreasonable burden now imposed on firefighters, Connecticut firefighters who are disabled as a result of lung disease or diseases of the respiratory tract. This is a burden which requires him to relate his disability to a specific fire. Instead this bill establishes a presumption that such a disability was suffered in the performance of his duties and in the course of his employment. Mr. Chairman, we respectfully urge this Committee to report favorably on it. We would make one last comment in that it is quite obvious that this bill does deal with a Workmen's Compensation matter and traditionally these have been known to be considered by Labor, and this Committee might well want to transfer this bill to Labor. We felt that we ought to call this to your attention.

I would like to speak briefly in favor of HB-8511. The purpose of this bill is to provide a collective bargaining unit between a Municipal employer and a Municipal employee union, a firefighter's union or police union call for acceptance of the State Policemen's Survivor s Benefit Fund for that Municipality and that Fire Department that the effective date not be controlled by the existing Statute. The notice must be given at least 90

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days in advance of July 1, of each year so if an agreement were negotiated or reached in August, you would have to wait till the following July to have that agreement put into effect. This is an improper procedure and an unreasonable and unnecessary incumbrance on the bargaining process with respect to implementation of the Connecticut Municipal Employees Retirement Fund and the purpose of this bill is to provide the same sort of arrangement with the State with the Survivors Benefit Fund as now exists with respect to the Municipal Employees Retirement System. Very simply this would provide that the effective date of participation in Survivors Benefit Fund following a collective bargaining agreement would be 90 days after the Retirement Commission received a copy of the collective bargaining agreement. I think the Retirement Commission has found this to be an effective way of dealing with the matter with respect to the Retirement System, the same arrangement ought to apply to the Survivor Benefit Fund. Lastly, Mr. Chairman, we would simply like to record our organization as favoring HB-7819 AN ACT CONCERNING SCHOLARSHIPS TO DEPENDENT CHILDREN OF DECEASED FIREMEN AND POLICE MEN KILLED IN THE COURSE OF DUTY. Thank you.

Rep. Motto, Any questions? Rep. Chagnon.

Rep. Chagnon, Rep. Chagnon, 97th. Do you think that we are doing everything we can to prevent out firemen from contracting these conditions? Or should we have some work done in this field more than we are doing?

Mr. Kershner, We are convinced that we are not doing any where near enough to prevent firefighters from contracting these diseases. Federal legislation that was praised on the bill calling for a host of problems relating to the work of a firefighter, that legislation has never been funded. The oxygen masks, the gas masks that are presently used in fire service weigh thirty pounds are bulky and and most firefighters tend to not use them unless absolutely necessary because of the weight and the size of them. They very frequently expose themselves to conditions very hazardous. We think that a great deal must be done as an organization all that can be done to encourage the legislature, the Federal Congress and the state and Federal Government to make a study in an effort to improve and protection for four or five hundred.

Rep. Motto, Thank you, sir. Any other questions? All right, thank you Mr. Kershner. Walter O'Connor.

Mr. O'Connor, Walter O'Connor, Pres. Uniformed Firefighters Assoc. State of Connecticut. Before I speak, Mr. Chairman, I have some pictures here that were given to me by the President of Hartford Firefighters Union, John Kelly, and I think they will speak for themselves so I would like to submit them as evidence. I think

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brother Kershner covered the area of firefighting and we tried to get some medical testimony to substantiate our case and I have a statement here that I am not going to read all of but I'd like to read just part of it and submit it to your Committee for evidence. A Doctor who made this statement, made a survey, Dr. Israel Kahalas, he's a Chief of Staff, New England Sinai Hospital, Chief of Thoracic Clinic, Beth Israel Hospital and Consultant in Chest Diseases, Cushing Hospital, Westboro State Hospital and Bridgewater State Hospital and I would like to read just a few, if I may, statements made by this gentleman. "In this modern and complex age where fires are apt to be of such complex and organic nature in cities with toxic materials burning, setting off very toxic gases and fumes much more so than in the wood fires of years ago fire fighting has become very hazardous. Because of the constant danger of serious involvement of the lung due to exposure I believe a lung law is even more necessary than a heart law. The fire department alone shares this unique danger to extremely toxic and health destroying fumes and gases. It is in change with the times that a law should be enacted which would protect the fire fighters. It is my opinion that people engaged in hazardous occupation like that of firefighting and who, by the nature of their employment come in contact with and inhale noxious gases and fumes and who develop severe debilitation or incapacitation of the lungs or respiratory tract shall be considered as having done so in the line of duty and as an occupational disease." I would like to submit this, Mr. Chairman, as evidence. I would also like to have the Uniformed Firefighters go on record of Bill 8233, 8511, 7819, 8451, 7956 and 7444. I won't get into the rest of the bills as Brother Kershner covered the bills very thoroughly. Are there any questions you would like to ask me gentlemen?

Rep. Motto,

No, I guess not. Thank you Mr. O'Connor.

Mr. O'Connor,

I would like to say, just in line with Mr. Kershner, about the breathing apparatus, the majority of fire departments do not have one for each man, so if you have them on a truck you probably only have them for two men and there are two more on the truck for additional uses and there is a handicap in using these because the men are already exhausted and out of the breathing cycle so this is why many of the men have to take them off in order to breathe again. Thank you.

Rep. Motto,

Thank you Mr. O'Connor. Dr. Palomba followed by Hugh O'Hare and then Alan Cone.

Dr. Palomba,

Mr. Chairman and members of the Committee, my name is Edward Palomba, I am a practicing physician licensed in the State of Connecticut for the past ten years and employed by the Department of Corrections for the past five years at its hospital

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Mr, Bitzer,

I am speaking for the Retirement Commission today. You remember 7955. AN ACT CONCERNING ELECTION OF RETIREMENT BENEFITS BY NEW STATE EMPLOYEES. This would provide that employees who had not made an election by any one of the plans in the Retirement System could automatically be in plan B and therefore would not go by a six month period and be precluded from ever being a member of the State Employees Retirement Plan. The presentation on this would help to make it more palatable. 7956, this substitutes the word spouse for widow in the plan covering policemen and firemen survivors benefits. There are a couple of police women already covered. It's in line with what is being done in private pensions and has an anti-discrimination laws and we recommend its passage. 7959 is merely a clarification bill there has been some confusion whether we cover disability after employees leave State service and of course the fact is we do not, so we put the words while in State service here for clarification purposes. 7961 provides the teachers who have not made any election will automatically after one month be in the State Employees Retirement Fund, otherwise, as it works now, I think they would be covered for Social Security only, which gives them an opportunity to pick one of the State plans if they fail to join the Teacher's Plan. All four of those bills the Retirement Commission recommends. There is a bill 8228 which has to do with the Medical Board. It provides for increasing the numbers the medical board working with us. We are highly in favor of this bill, they do a fine job, a thorough job and their work load has increased, the number of state employees has increased, they are going to speak for themselves in sympathy with their bill. All these things are pretty good so far but now I come to 8511 where I have been empowered to say a few words on the contrary side of that bill. That kind of coverage, death benefit to the widows and survivors was very difficult to obtain. The State did not want to take the risk, we got an insurance company to do it. The insurance company has a contract that starts on July 1, and ends on June 30th. They set a rate at the beginning of the year we had to know who is in the plan at the beginning of the year. If groups to come in during the year, particularly a large group, it might throw the cost off, they might not be willing to take it at that cost, and there are practical administrative considerations and first we'd have to get the insurance underwriter to agree and it complicates the administration, what we are doing. Thank you.

Rep. Motto,

Are there any questions? Thank you, Mr. Bitzer. Dr. Moore, then Aaron Gersten.

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Rep. Stevens:

gave rise to this debilitating condition. This law would require that if he presumed conclusively to have arisen out of and in the course of employment of a regular fireman provided at the time he became a regular fireman he had a physical examination which did not show any indication of this particular disease. Therefore, subsequent to that time if he develops the disease, it is presumed to have been suffered out of his duties as a fireman.

You may recall that in 1969, the Chairman of the Committee and I submitted legislation which passed that gave conclusive presumption to policemen and firemen in heart attack cases which has now been upheld by the Superior Court in the State of Connecticut. This extends to firemen only.

The next bill I would like to make reference to is H. B. 8559 (Rep. Stevens of the 122nd) AN ACT CONCERNING THE RIGHT OF MUNICIPAL EMPLOYEES IN SUPERVISORY POSITIONS TO BARGAIN COLLECTIVELY. My opinion is at the present time the Municipal Bargaining Act leaves a gap of representation. In a city administration, as we all know, we have the mayor, board of aldermen on the top echelon. We then come to the supervisory personnel and below them, the regular city employees. Presently, the city employee can bargain collectively. This right was given to them by the 1965 Session of the General Assembly. But, the supervisory employees who are in between the administration and the regular employees do not have the right to organize and bargain collectively today in Connecticut. I am of the opinion this should be extended to them. I will tell you the reason why. Presently, their inability to bargain means that the employees can sit down at the bargaining table and arrive at benefits which in many cases might be greater than those of the supervisory employees presently have. For instance, types of medical coverage, salary increments. Under the present law, if the supervisory employees are not satisfied, they have no recourse. They have to rest upon the good will of the administration to get these benefits. I think this creates a bad situation where the employee is able to achieve benefits collectively but the supervisor is not. This would create a separate bargaining unit of supervisors who would in turn bargain with the administration. I think it is a logical and proper extension of our bargaining act and I certainly hope that the Committee sees fit to act favorably on it.

I have one additional bill, H. B. 8511 (Rep. Stevens of the 122nd) AN ACT CONCERNING AN EFFECTIVE DATE OF PARTICIPATION IN POLICEMEN AND FIREMEN SURVIVORS BENEFIT FUND, but I will defer to my good and capable friend, Mr. Kirschner, who I am sure will explain that bill later. Thank you, Mr. Chairman.

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- B. Siegel: by the workmen on this job. This has been long overdue. These comfort stations are not sanitary in any fashion and manner of any kind at all. All I am advising the Committee is to pick the nearest construction job from the State Capitol and use the facilities themselves and I know they would be in favor of this bill. Thank you.
- Chr. Badolato: Is there anyone else in favor? Is there anyone in opposition? Then, we will move on to H. B. 8486 (Rep. Truex of the 23rd, Rep. Kablik of the 22nd) AN ACT CONCERNING COLLECTIVE BARGAINING FOR MUNICIPAL EMPLOYEES. Those in favor. Is anyone in opposition?
- L. Kirschner: Mr. Chairman. Leonard Kirschner speaking for the Connecticut State Labor Council. To save time, the Council is opposed to this bill.
- Chr. Badolato: Anyone else?
- R. Fedorowicz: My name is Ronald Fedorowicz. I am Assistant Personnel Director for the City of Hartford speaking on behalf of Mr. Freedman in his capacity as City Manager and Chairman of the Legislative Committee for the Connecticut Town and City Managers Association. We, too, are opposed to this bill.
- Chr. Badolato: Is there anyone else in opposition? If not, we will move on to H. B. 8511 (Rep. Stevens of the 122nd) AN ACT CONCERNING EFFECTIVE DATE OF PARTICIPATION IN POLICEMEN AND FIREMEN SURVIVORS BENEFIT FUND. Those in favor.
- L. Kirschner: Mr. Chairman and Members of the Committee, this bill like H. B. 8232 was heard by the Public Personnel Committee and the transcript of this record on this bill along with the bill itself has been transferred to this Committee. So, again I will be brief. The purpose of this bill is to correct a defect in the law as it now stands. Presently, if a municipal employer and a union negotiate an agreement to bring that municipality's firemen and policemen under the provisions of the Survivors Benefit Fund. If they negotiate an agreement on the 15th of April, 1971, they couldn't make the effective date of such participation until July 1, 1972, one year and three months later. This obviously doesn't make sense. It thwarts the desire and the objectives of the parties. This bill would simply permit that if an agreement was reached by the employer and the union to bring the firefighters and/or policemen under the provisions of this Statute, that the effective date would be 90 days after the date of the agreement. It is a good bill and we recommend its passage.
- Chr. Badolato: Is there anyone else in favor?

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- W. O'Connor: Mr. Chairman. Walter O'Connor, President of the Uniformed Firefighters. Just to keep in line, I would like to have our association going in the record in favor of this bill although we testified at a previous hearing.
- Chr. Badolato: Is there anyone else? Is there anyone in opposition. If not, we will move on to H. B. 8558 (Rep. Mahoney of the 19th) AN ACT CONCERNING AN APPEAL BOARD FOR GRIEVANCES OF MUNICIPAL EMPLOYEES AND TEACHERS. Those in favor. Is there anyone in opposition?
- R. Fedorowicz: Mr. Chairman. My name is Ronald Fedorowicz. I am the Assistant Personnel Director for the City of Hartford and I am speaking on behalf of Mr. Freedman in his capacity as City Manager and Chairman of the Legislative Committee for the Connecticut Town and City Managers Association. This bill covers both bargaining unit and non-union employees regardless of the labor agreements or municipal personnel rules. This bill would be destructive of the collective bargaining process and the existing merit system. Additionally, they undercut the negotiated agreements by covering certain vague areas such as Health and Safety that may not be subject to the contractual grievance procedure. The bill deals with subject matters that represent no current problem and have, in fact, been properly resolved by collective bargaining and by the municipal personnel system for non-union employees. This bill would, therefore, create a whole host of problems where we feel no exists.
- Chr. Badolato: Thank you. Anyone else in opposition?
- L. Kirschner: Mr. Chairman. Leonard Kirschner speaking for the Connecticut State Labor Council. We oppose this bill.
- Chr. Badolato: Anyone else?
- J. Mann: Mr. Chairman. My name is John Mann, I am President of the Connecticut State Federation of Teachers, AFL-CIO. The Connecticut State Federation of Teachers feels that this bill would be taking teachers and putting them in a different category. We would prefer to remain in the category that we are now in, namely, that we are under a different section of the State Statutes and we would prefer to remain so. Therefore, we would not go on record in favor of this bill at this time.
- Chr. Badolato: Thank you. Is there anyone else in opposition? Hearing none, we will move on to H. B. 8559 (Rep. Stevens of the 122nd) AN ACT CONCERNING THE RIGHT OF MUNICIPAL EMPLOYEES IN SUPERVISORY POSITIONS TO BARGAIN COLLECTIVELY. Those that want to be heard in favor.
- S. Carman: Mr. Chairman. My name is Stanley Carman. I am a member of the

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No. 876 and 336 - An Act Concerning Conveyance of Land of the State to the Town of East Lyme and to the East Lyme Historical Society, Inc.

Page 2, Calendar No. 851, House Bill No. 5194, File No. 900 - An Act Concerning Merger of Credit Unions.

Calendar No. 852, Substitute for House Bill No. 5795, File No. 908 - An Act Concerning Reporting by the State Board of Education of Educational Programs Conducted with Federal Funds.

Calendar No. 853, Substitute for House Bill No. 6866, File No. 909 - An Act Concerning Motor Vehicle Racing.

Calendar No. 859, House Bill No. 8511, File No. 892 - An Act Concerning Effective Date of Participation in Policemen and Firemen Survivors Benefit Fund.

Calendar No. 860, Substitute for House Bill No. 6382, File No. 920 - An Act Concerning Correction of Birth Records.

Page 3, Calendar No. 903, Senate Bill 1667 - An Act Granting Mary Marrocco Permission to Prosecute to Final Effect an action against the City of Bristol, File No. 874.

I move that those items be, I move acceptance of the Joint Committee's favorable report and the passage of those items on the consent calendar.

MR. SPEAKER:

Are there any further objections to passage of any of these items on the consent calendar? If not, the question is on acceptance of the Joint Committee's favorable reports and passage of the bills. All those in favor indicate by saying

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The amendment itself contain the bill.

THE CHAIR:

Question is on the bill, as amended. The amendment consisting substantially the contents of the bill. Will you remark further? If not, all those in favor of the bill signify by saying, "aye". Opposed, "nay".

The bill is passed.

THE CLERK:

CAL. NO. 801. File No. 892. Favorable report of the Committee on Labor and Industrial Relations. House Bill 8511. An Act Concerning Effective Date of Participation in Policemen and Firemen Survivors Benefit Fund.

SENATOR SMITH:

Mr. President, I move the acceptance of the joint committee's favorable report and passage of the bill. It simply is providing for the opportunity for those joining a policemen and firemen survivorship fund that is now given those under the municipal employment benefit fund. The present statutes make reference to policemen and firemen regarding agreements reached during negotiations. It does not recognize existence of the two distinct funds presently it is subject to referendum. And this is to allow this fund to be disbursed through negotiations. I move for passage.

THE CHAIR:

Question is on passage. Will you remark further? If not, all those in favor signify by saying, "aye". Opposed, "nay". The ayes have it. The bill is passed.

THE CLERK:

CAL. NO. 815. File No. 631. Favorable report of the Senate Committee on Appropriations. Substitue House Bill 6257. An Act Concerning the Appointment