

Legislative History for Connecticut Act

<u>SB1505</u>	PA 647	<u>1973</u>
<u>Senate</u> : P. 1627-1632, 4108-4110, P. 4135-4141, 4188		176
<u>House</u> : P. 3949-3956		8
<u>Labor</u> : P. 118, 150-157, 162, 364		10

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CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
1973

VOL. 16
PART 4
1452-1984

April 12, 1973

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a favorable report of the Committee on Public Health and Safety.

THE CHAIR:

Senator Berry.

SENATOR BERRY:

Mr. President, I move the acceptance of the Committee's favorable report and passage of this Bill.

THE CHAIR:

Will you remark.

SENATOR BERRY:

Yes, Mr. President, this Bill will allow the State Board of Examiners in Optometry to accept the results of the examination from the National Board of Examiners in lieu of another examination by the Connecticut State Board of Examiners. This will allow Optometrists who are in other states and wish to practice in this State greater ease in moving into this State and actually practicing in their profession. I move adoption of this Bill and ask that it be placed on the Consent Calendar.

THE CHAIR:

Thank you, Senator. Are there further remarks? There being no further remarks, the, and there being no objections, the Bill will be placed on the Consent Calendar. The Clerk will proceed on the Calendar.

THE CLERK:

Calendar No. 375. File No. 318. Substitute for Senate Bill No. 1565. An act concerning maternity leave with a favorable

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report of the Committee on Labor and Industrial Relations.

THE CHAIR:

Senator Powanda.

SENATOR POWANDA:

Mr. President, I move acceptance of the Committee's favorable report and passage of the Bill.

THE CHAIR:

Will you remark.

SENATOR POWANDA:

Mr. President, I move that when the vote be taken it be taken by roll call.

THE CHAIR:

Thank you, Senator. The question is on the taking of a roll call vote. All those in favor will signify by saying Aye. More than 20 percent having assented, the vote, when taken, will be by roll call. Senator Powanda.

SENATOR POWANDA:

Mr. President, this Bill in effect changes the description of pregnancy in our unemployment--not in our Unemployment Compensation Laws but in our determination for maternity leave to a description of sickness instead of disability and provides that under this description employers that now have a maternity leave policy shall treat pregnancy as a sickness entitling to those individuals to receive benefits that--sick benefits that

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have been accumulated. In other words, a pregnancy would be treated for the purposes of sick benefit time the same as any other illness; heart condition, appendix, right down the line. It basically says that pregnancy will now be a sickness for determining an employee's right to sick benefit payments. I think the new language in the Bill which is in File No. 318 clearly explains the intent as far as the other provisions of the Bill go, and I think so that people do not have to fumble through their files, I will read the file number because it is fairly brief. The addition is for an employer by himself or his agent to terminate a woman's employment because of her pregnancy or to refuse to grant to said employee a reasonable leave of absence for disability resulting from such pregnancy, Said employee shall be entitled to compensation in accordance with any accumulated sick or leave benefits. Upon signifying her intent to return, such employee shall be reinstated to her original job or to an equivalent position with equivalent pay and accumulated seniority retirement fringe benefits and other service credits unless in the case of a private employer, the employer's circumstances have so changed as to make it impossible or unreasonable to do so. Mr. President, the Committee reported this Bill favorably with consideration of many of the court cases that have come up covering this particular subject. Even though it has not reached the major courts in the land or in

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the state, all the lower courts' ruling on this particular case have now ruled that pregnancy should be treated as an illness and that these individuals are entitled to their sick leave credits. One of the intents probably to cover the latter part of the language is where it says "the employer's circumstances have so changed that as to make it impossible or unreasonable to do so", that language was intended to indicate where possibly an individual was out on a maternity leave and during that period of time the employer's situation has changed drastically; for instance, the employment situation has gone from, using the example of a plant employing 400 people, down to 200 people and there is no reasonable opening for which the employer can be placed back in. The intent is that this employer would not be covered as far as having to provide a similar position. I think that for the reasonableness of this particular area, that case, if it becomes a questionable case, would have to be determined by the Unemployment Comp Commission or the Human Rights Commission. Just to conclude, Mr. President, I think we are taking a step forward by putting this (inaudible) law form prior to having the law mandated by the courts when it does reach the high courts. I therefore urge, Mr. President, the passage of the Bill.

THE CHAIR:

Thank you, Senator. Are there further remarks? Senator Wilbur Smith.

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SENATOR WILBUR SMITH:

Mr. President, I rise in support of this measure, and also I'd like to join in the remarks of Senator Powanda. It's only proof that the Labor Committee can on occasion come out with some good bills; and most certainly this is one of them, and I call upon this Chamber to take the step in taking what indeed, too, I don't know why we couldn't call the liquor permit for the airliners a landmark bill. I don't know what we can call this one. Maybe Senate Lenge can come up with a name for it, but most certainly it's a human effort on the part of the Labor Committee.

THE CHAIR:

Thank you, Senator. Are there further remarks? There being no further remarks, the Clerk will make the appropriate announcement.

THE CLERK:

There will be an immediate roll call vote taken in the Senate. There will be an immediate roll call vote taken in the Senate.

THE CHAIR:

The Clerk will proceed to call the roll.

THE CLERK:

Senator Fauliso	Yes	Senator Murphy	Yes
Wilbur Smith	Yes	Cashman	Absent
Burke	Yes	Gunther	Yes

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Senator Odegard	Yes	Senator Scalo	Yes
Lenge	Yes	Caldwell	Yes
Zisk	Yes	Petroni	No
Alfano	Yes	Lyons	No
Rome	Yes	Guidera	Yes
Truex	Yes	Strada	Yes
Lieberman	Yes	Gormley	Yes
Ciarlone	Yes	Berry	Yes
Page	Yes	Power	Yes
Zajac	Yes	Dinielli	Yes
Winthrop Smith	Yes	Bozzuto	Yes
Cutillo	Yes	Costello	Absent
Sullivan	Yes	DeNardis	Yes
Powanda	Yes	Carruthers	Yes
Hellier	Yes	Finney	Yes

SENATOR WINTHROP SMITH:

Mr. President, I think Senator Sullivan wishes to vote.

THE CLERK:

Senator Sullivan, Sir.

SENATOR SULLIVAN:

Mr. President, I'd like to cast the Yes vote.

THE CHAIR:

The results of the balloting on Calendar No. 375 is as follows:

Whole Number Voting	34
Necessary for Passage	18
Those Voting Yeah	32
Those Voting Nay	2
Those Absent and Not Voting	2

Substitute for Senate Bill 1565 is declared passed.

THE CLERK:

Calendar No. 37--

THE CHAIR:

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The Clerk has Substitute Senate Bill No. 1565, an act concerning maternity leave.

THE CHAIR:

Senator Rome.

SENATOR ROME:

Mr. President, are you awake, Sir? I'd like to count my votes. Mr. President, I move that this be continued to the 1974 General Assembly. This is a matter that's presently in litigation in the federal courts. It's my understanding that the litigation will be concluded before December of this year. I think it will be timely for us to consider it in the next General Assembly. I urge that it be continued...

THE CHAIR:

Senator Powanda.

SENATOR ROME:

...under Rule 33.

THE CHAIR:

Senator Powanda.

SENATOR POWANDA:

Mr. President, I object to the motion to refer to '74. The bill was originally passed by the Senate in basically the same form on a 32-2 vote. The bill went down to the House where a very technical amendment was added. It doesn't substantially or markedly change the effect of the bill. It passed in the House 132-2. It came back before us in basically again the same form with only a technical amendment and I don't think--I think we

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acted on the bill on the merits of the bill in the first time, in the first place, and I think on that basis of the same merit that was in the bill at the first time that we should act upon it again in the same light at this point. Mr. President, the bill does have merit. The bill provides for pregnancy to be treated the same as any other disability. The Human Rights and Opportunities Council, Commission of the State of Connecticut has already made such awards in the State of Connecticut. Circuit Court decisions at the Federal level have already mandated the same thing. I don't see why we should be guided or have to wait on a progressive piece of legislation until we see what the Supreme Court does. If we want to think about that, I certainly feel that the Supreme Court is going to go the same way as the other courts and decide in favor and it would certainly be alot better for us to legislate it before the Circuit Court decision then act on the basis of a mandate from the Supreme Court that we have to enact this legislation. Mr. President, I move that we act upon the bill tonight and that we reject the motion to refer it to the Calendar in '74.

THE CHAIR:

The question is on the reference to the Calendar in 1974. A yes vote will reference it to '74. A no vote will keep the bill in front of us for further action. Senator Rome.

SENATOR ROME:

Mr. President, had I at the time, and I'm sure many of the members of this Circle recognize the extent of the litigation, the

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nature of the litigation. This bill would have been recalled from the House in that time. It's been sitting here because we have been checking it out. We've also been checking costs of the State of Connecticut. I urge a favorable action on my motion.

THE CHAIR:

Second time. Senator Powanda.

SENATOR POWANDA:

Mr. President, I move that when the vote be taken, it be taken by roll call.

THE CHAIR:

Question is on a roll call vote. All those in favor signify by saying Aye. More than...

SENATOR ROME:

Mr. President, may the bill be pass retained. There are...

THE CHAIR:

Yes.

SENATOR ROME:

...Senators who are not here; if we're going to have a roll call, we'll have all the Senators present.

THE CHAIR:

Yes. The bill will be pass retained.

SENATOR ROME:

May the other motions continue?

THE CLERK:

The Clerk has a disagreeing action returned from the House on Senate Bill No. 1816. An act concerning financing of

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modest debate on this, with your leave.

THE CHAIR:

I have nothing to do with it, if they want to debate they will do same.

SENATOR ROME:

On a motion? Mr. President, I move to continue Sub. for S.B. 1565, AN ACT CONCERNING MATERNITY LEAVE, amended by House Amendment Schedule A, to the 1974 General Assembly.

THE CHAIR:

The motion is to continue. Senator Powanda.

SENATOR POWANDA: (17th)

Mr. President, I rise to oppose the motion to Refer to the 1974 Calendar. Mr. President, I would again like to remind the members of the circle that on April 12 of this year, this body passed this same bill by a 32 to 2 roll call vote. Mr. President, I repeat a 32 to 2 roll call vote. The bill was sent to the House where a technical amendment was added which made a minor change to only the language of the bill with no change to content. Mr. President, this same bill passed the House on April 24 on a roll call vote by a margin of 132 to 2 and was returned to this body for concurrence with the minor technical amendment. Again I repeat, Mr. President, the bill passed the House by a 132 to 2 vote. I would like to explain to the members of the circle how this bill in its final form came out of committee. Because of a feeling by the members of the committee that the substance of the proposed bill had merit, it was lacking

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in language and best direction, a conference meeting was held with the chairman and legal counsel of the Labor Committee and the Human Rights and Opportunities Committee, Mr. Carl ? Executive Director of the State Labor Department, Mr. Arthur Green of the Human Rights and Opportunities Commission and a representative of the Connecticut Business and Industry Association. As a result of this meeting, the bill in its final form emerged from the Labor Committee. Mr. President, I would, at this point, like to stress that the State Labor Department, the Human Rights and Opportunities Commission, representatives of business and industry and two committees of this General Assembly, all concurred on the final draft of the bill. Mr. President, Senator Rome asked that we put the bill off to await a possible Supreme Court decision covering this area. I question his logic in this request. Is it the responsibility or the practice of this body to await court decisions before we can legislate? If this is the case, Mr. President, it certainly is news to me and I believe probably to most members of this circle. Mr. President, I contend that this bill passed both Houses of this General Assembly on its merit.

THE CHAIR:

Even the staff will have - please, Grace, please go into the other room. You are going to see the meanest old devil up here in your history. We've got to have it quiet and that includes the staff. If you want to confer and gab, please do it in one of the rooms. Have that courtesy, if not to each other,

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at least to the presiding officer. Senator Powanda.

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SENATOR POWANDA:

Mr. President, I contend that this bill passed both Houses of this General Assembly on its merit, not because of anticipation of any forthcoming judicial decision. Mr. President, the bill merely guarantees the right of a pregnant woman and equates those rights to the same provisions presently granted any male employee. Mr. President, this bill merely guarantees that a woman cannot be terminated by her employer because of pregnancy, that she must be granted a leave of absence for disability and that the woman shall be entitled to disability benefit payments providing that the employer has such a disability payment plan and that the payments made for disability, because of the pregnancy, be limited to the period of time a woman is physically unable to perform her job. Mr. President, I would not deny that the temporary disability of pregnancy is peculiar to women. However, Mr. President, there are also certain diseases peculiar to men. Disabilities that happen to be confined to one or the other of the sexes should not be an occasion for discrimination in employment on the basis of sex. In our society, people are supposed to be treated on the basis of their own worth. People should not be penalized for being women. Women should not be penalized for their temporary disability of pregnancy, anymore than men and women should be penalized for their temporary disabilities the flesh is heir to. Mr. President, I contend that the motion to refer the bill to

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the 1974 Calendar should be defeated and the bill should again be passed by this body on its merit. I don't see, Mr. President, how anyone who voted for the equal rights amendment or for other women's rights legislation can justify a vote against passage of this bill in this session. Mr. President, I urge the motion for referral to the 1974 Calendar be defeated. roc

THE CHAIR:

Thank you, senator. Will you remark further on the motion to continue? Senator Zajac.

SENATOR ZAJAC: (13th)

Mr. President, I rise, likewise, to oppose the motion to refer to the 1974 Calendar for the same reasons as the Senate Chairman has alluded to.

THE CHAIR:

Will you remark further on the motion to continue. Senator Wilbur Smith.

SENATOR WILBUR SMITH: (2nd)

Mr. President, I rise too in opposition to this motion. I think that Senator Powanda has appropriately explained to this circle the circumstances that this bill has come up and I also want to point out that this most certainly is not a bill that ought to go forward to the next General Assembly for study. We have had too many studies on this type of legislation already and I don't believe that we ought to dismiss our responsibility so lightly as to put it upon the next session of the General Assembly for action. I think that one thing we ought to realize

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too, we are talking about studying the situation. It's the study of how many of us got here in the first place, and I think it would bring to us quite a bit of enlightenment as far as this particular subject is concerned. The Labor Committee has studied this. We have had many public hearings on it and all of the public hearings have been favorable. As a matter of fact, many employers have spoken in favor of this particular bill. And I would believe that when we do take this vote that it be by roll call and I so move.

THE CHAIR:

All those in favor of a roll call vote signify by saying Aye. Opposed Nay. More than 20 percent having assented the vote when taken will be by roll call. Will you remark further on the motion to continue. Senator Rome.

SENATOR ROME:

Briefly, the reason for the motion is very simply this matter is in litigation. I would assume the litigation would terminate and be concluded in the Federal Court by December. This is the reason for the motion. I would urge we vote forthwith.

THE CHAIR:

Will you remark further on the motion to continue. If not, Mr. Clerk will you please announce an immediate roll call vote. Senator Smith.

SENATOR WILBUR SMITH:

Mr. President, quite briefly. I don't believe this has

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been brought up. There is no assurance that the decision, whatever it is, will not be appealed which really means that this could go on for two to three years.

THE CHAIR:

Will you remark further? Please make the announcement.

Let us proceed.

THE CLERK:

Senator Fauliso	No	Senator Murphy	No
Senator Wilbur Smith	No	Senator Cashman	No
Senator Burke	No	Senator Gunther	Yes
Senator Odegard	Yes	Senator Scalo	No
Senator Lenge	No	Senator Caldwell	No
Senator Zisk	No	Senator Petroni	Yes
Senator Alfano	No	Senator Lyons	Yes
Senator Rome	Yes	Senator Guidera	No
Senator Truex	No	Senator Strada	Yes
Senator Lieberman	Abs.	Senator Gormley	No
Senator Ciarlone	No	Senator Berry	Abs.
Senator Page	No	Senator Power	No
Senator Zajac	No	Senator Dinielli	Yes
Sen. Winthrop Smith	No	Senator Bozzuto	Yes
Senator Cutillo	Yes	Senator Costello	No
Senator Sullivan	Abs.	Senator DeNardis	No
Senator Powanda	No	Senator Carruthers	No
Senator Hellier	Yes	Senator Finney	

THE CHAIR:

May I have your attention, please. Results of the roll call vote on Sub. S.B. 1565:

Whole Number Voting	33
Necessary for Passage	17
Those Voting Yea	11
Those Voting Nay	22
Those Absent and Not Voting	3

THE MOTION TO CONTINUE IS DEFEATED. The matter will be taken up in the regular course on the Calendar.

SENATOR ROME:

Mr. President, I urge acceptance and passage of the

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of the Committee's favorable report in concurrence with the House and move that it be transferred to the Consent Calendar.

THE CHAIR:

Is there any objection. Hearing none, the matter will be transferred to the Consent Calendar.

THE CLERK:

Favorable report raised under Emergency Certification. Report of the Joint Standing Committee on Banks, S.B. 2486, AN ACT CONCERNING PARTICIPATION BY SAVINGS BANKS IN MORTGAGE LOANS.

THE CHAIR:

Tabled for the Calendar and Printing.

SENATOR SCALO:

Mr. President, I rise on a point of personal privilege. We are fortunate to have here in the Senate Chamber today, a group of students from the 6th grade of Blackum School in Bridgeport. They are here participating with their teachers and chaperones in learning what government is all about. They have been to the House and now are here in the Senate watching our deliberations. I would ask the student body themselves and their teachers and chaperones to please rise and be welcomed by the circle.

THE CHAIR:

We are very happy to have you here. I want you to know that you have always had distinguished senators here and Senator Scalo just carries on the tradition. Next to him is one of our powerhouses. He has been here for many, many years; former

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think it hurts to pass things twice. Bills passed on the Consent Calendar
 SB-2210, SB-2185, HB-9191, HB-8944, HB-8604, SB-2064, HB-9299, HB9410, SB-1678, SB-2432, ^{FOC}
 THE CHAIR: HJR-164, HJR-225, HJR-207, HB-8253, SB-2367, HB-9389, HB-8690, HB-9345,
 HB-8130, HB-8843, HB-8791, HB-9411, HB-9394, SB-1565, SB-2189 & SB-1652.
 If there is no objection, so ordered.

SENATOR ROME:

May we now act on the Consent Calendar, sir.

THE CHAIR:

Unless there is objection, the motion of the Majority Leader is granted.

SENATOR ROME:

Upon return at 2:00 p.m., I would like to take up as the Order of Business and so move a Reconsideration motion that will be made by Senator Lenge. The second order at 2:00 p.m., excuse me about a minute after 2:00 p.m., will be the Abortion question and then we will return to the items on the Calendar. I would like now to make another motion for acceptance and passage, in concurrence with the House, Cal. 1216 which was removed earlier from the Consent Calendar by the Committee Chairman. He has asked that I add it back. And I would like to add Cal. 1187, AN ACT CONCERNING STANDARDIZATION OF TRAINING FOR FIREMEN. Senator Dinielli, who had sponsored that resolution or amendment has indicated that this is satisfactory and I would like that on the Consent Calendar as well.

THE CHAIR:

If there is no objection, so ordered.

THE CLERK:

Cal. 1255, File 1061. H.B. 9410, AN ACT CONCERNING RE_
 TIREMENT BENEFITS FOR MEMBERS OF FUND B. Favorable report of the

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CONNECTICUT
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THE SPEAKER:

Question is on recommittal of House Bill 9195 at the request of the Chairman. Is there objection to recommittal. If not, all those in favor indicate by saying "aye". Those opposed. The bill is recommitted.

THE CLERK:

Page 4, Calendar No.415, your File No. 318, Substitute Senate Bill No. 1565, An Act Concerning Maternity Leave, Favorable Report of the Committee on Labor and Industrial Relations.

THE SPEAKER:

Gentleman from the 143rd.

REP. MATTHEWS(143rd):

I move for acceptance of the Joint Committee's Favorable Report and passage of the bill.

THE SPEAKER:

Question is on acceptance and passage. Will you remark.

REP. MATTHEWS:

Yes, Mr. Speaker. There's an Amendment the Clerk has.

THE SPEAKER:

The Clerk please call House Amendment Schedule A.

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THE CLERK:

House Amendment Schedule A offered by Representative Matthews and Bard. In line 46, after the comma following the word "agent" insert the number "i", one. In line 47, after the word "or" and before the word "to" insert the number (ii) two. In line 50, after the word "pregnancy" insert the number (iii) and the following language: "or to deny to said employee, who is disabled as a result of pregnancy, any compensation to which she is entitled as a result of the accumulation of disability or leave benefits accrued pursuant to plans maintained by said employer." In line 50, delete the words "said employee shall be entitled to" Delete line 51. In line 52, delete the words "sick or other leave benefits".

REP. MATTHEWS:

Yes, Mr. Speaker.

THE SPEAKER:

Gentleman from the 143rd.

REP. MATTHEWS:

The Amendment is a clarifying Amendment, and in doing so changes the word sick in line 52 to the word disability which

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falls in line with the language up above and also follows through from line 45 under "G" for an employer by himself or his agent and then one, two, three, separate and distinct factors. We felt it was a more clarifying way of expressing the phraseology. I move for acceptance and adoption of the Amendment.

THE SPEAKER:

Will you remark further on House Amendment Schedule A. The lady from the 98th.

REP. GRISWOLD(98th):

Mr. Speaker, could I--I'm confused on the Amendment. I wonder if either the proposer of the Amendment or the Clerk could read from where the Amendment starts, the way it's going to sound if the Amendment passes. Say from line 46, could we hear what would happen with the Amendment. Oh, I have here a copy. I didn't know we had that. Let it go.

THE SPEAKER:

Will you remark further on House Amendment Schedule A. If not, all these in favor of adoption indicate by saying "aye". Those opposed. The Amendment is adopted. The question now is on acceptance and passage of the bill as amended. The Chair

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would rule the Amendment technical. Gentleman from the 143rd.

REP. MATTHEWS:

Mr. Speaker, this bill with the Amendment now conforms to the EOC Federal Guidelines existing case law, particularly the recent one which was Green vs Waterford. The Board of Education. The bill that was referred to somewhat earlier in another bill by Mr. Bard. It does not mandate that a woman be paid any more than she has accumulated under a plan maintained by her employer. The employer can't fire a woman simply because she is pregnant and she is only entitled to a disability leave for a disability resulting from the pregnancy, and this, of course, would be decided by a physician. Now, what we are saying fundamentally is that whatever an employer does regarding leave of absence, it must be adopted to a pregnancy. What an employer does in terms of disability sickness leave, that also must be adopted to a pregnant woman. It's a bill which the EEOC would be in strong support of and, in fact, we must have complied with the Federal law in this respect. I move for its passage.

THE SPEAKER:

Will you remark further on acceptance and passage of the bill

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as amended. The gentleman from the 138th.

REP. BARD(138th):

Mr. Speaker, I would just point out that this bill is an example of a co-operative effort on the part of the Human Rights Committee and Labor Committee. It's a good bill, and a number of people were involved in its putting it together, and I think it's finally in the shape that it ought to be in, and I would strongly support it.

THE SPEAKER:

Gentleman from the 70th.

REP. AVCOLLIE(70th):

I wonder if I might impose on the Chair on behalf of the Chairman to pass this matter temporarily. We have not been given a copy on every desk. We found it impossible to follow the explanation. We're undoubtedly in favor of it. We would like to know what we're voting on. And frankly, at this point we don't.

THE SPEAKER:

Is there objection to the gentleman's motion to pass this item temporarily. Without objection it is so ordered. The item is passed.

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THE CLERK:

On Page 6, top of the page, your Calendar No. 456, File No. 373, Substitute for Senate Bill No. 1841, An Act Concerning Town Assistance Beneficiaries Who Own Real Property. Favorable Report of the Committee on Corrections, Welfare, and Humane Institutions. The bill had been passed temporarily.

THE SPEAKER:

Lady from the 106th.

REP. CURTIS:

Mr. Speaker, may this bill be recommitted.

THE SPEAKER:

The motion is made by the Chairman of the Committee to recommit Substitute for Senate Bill 1841 to the Committee on Corrections, Welfare, and Humane Institutions. Is there objection to the motion to recommit. If not, all those in favor of recommitment indicate by saying "aye". Those opposed. The bill is recommitted.

THE CLERK:

On Page 4, the item which was temporarily passed. Calendar No. 415, File No. 318, Substitute Senate Bill No. 1565, An Act

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Concerning Maternity Leave. Favorable Report of the Committee on Labor and Industriail Relations.

THE SPEAKER:

Point that this was passed temporarily. It has been amended by House Amendment Schedule A. Question is now on acceptance and passage of the bill in concurrence with the Senate. The bill having been amended by House Amendment Schedule A. Will you remark further. If not, if all members would please take their seats. Staff members come to the well. All members please take their seats. Question is on acceptance and passage of Substitute Senate Bill 1565 as amended by House Amendment Schedule A. The machine will be opened. Has everyone voted. The machine will be closed and the Clerk will take the tally.

THE CLERK:

Total Number Voting.....	134
Necessary for Passage.....	68
Those voting Yea.....	132
Those voting Nay.....	2
Absent and Not Voting.....	17

THE SPEAKER:

The Chair would note that the gentleman from the 49th does

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not appear to be in the Chamber yet his light is shown as having voted on the tally board. The Chair would caution members that until the machine is closed they should not leave their seats and questions of illegal voting could arise and could make a difference on close votes. The Chair will allow the vote. The gentleman next to him having indicated that he voted prior to leaving the Chamber.

~~THE~~ The Joint Committee's Favorable Report is accepted and the bill is passed.

THE CLERK:

On Page 13, Calendar No. 278, your File No. 27 and File 359, Substitute for House Bill No. 8061, An Act Correcting Technical Errors in the Unemployment Compensation Law. (As amended by House Amendment Schedule A and Schedule B). Favorable Report of the Committee on Labor and Industrial Relations.

THE SPEAKER:

Gentleman from the 143rd.

REP. METTHEWS:

I move for the Joint Committee's Favorable Report and passage of the bill.

JOINT
STANDING
COMMITTEE
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there's one Bill in particular before your Hearing which would have a wide ranging and negative impact on the entire municipal employees collective bargaining process. We urge you to give an unfavorable report to House Bill No. 8281, the same as Substitute House Bill 5209 in the 1972 Session. This Bill substantially changes the procedures for arbitration awards, the jurisdiction of the State Board of Labor Relations, appearances of factfinders, and the period in which certain provisions of a collective bargaining agreement would become binding. These provisions place serious administrative hardships on the municipal employer, would result in a municipal fiscal liability that cities could never face and would transfer what is properly local legislative authority to the Federal bureaucracy. This Bill has been rejected in the past and should not be favorably reported now. Also under the collective bargaining process we urge you to report unfavorably on House Bill 8322. This Bill unnecessarily places the cost of factfinding on the State instead of on the initiator of the third party intervention. This Bill would encourage frivolous use of the factfinders if no cost is involved to the individuals concerned. There is a principal of collective bargaining involved here. It means that the two parties should sit down and attempt to work out their differences together and should not be able to frivolously request factfinding by the State without any consideration of the cost involved. Finally, we urge your Committee to give unfavorable reports to both Senate Bill 1565 and House Bill 8125. Both of these Bills relate to maternity leave for municipal employees and entitle such an employee to compensation through accumulated sick leave and other leave benefits while on maternity leave. Formally, such leave is considered to be leave without pay status. These Bills would cost cities thousands of dollars and result in municipal subsidization of childbirth. This is again typical of the efforts to obtain legislation benefits that should properly be obtained across the bargaining table. And it's important to state and restate that there is the substantial difference between the private and public sector when it comes to labor relations. The private sector is necessarily required to return a profit to the owner while competing with alternative activities to which the consumer may turn. While the public sector must provide a service to which there is, at least in the short run, no reasonable alternative available for the consumer and to which the consumer must contribute through taxes paid without choice. Because of the essential difference, the basic law for public sector employee relations as well as any other laws which affect municipal employees, such as Unemployment Compensation, should and must be different from those for the private sector. We thank you for this opportunity to present our positions. We have filed an outline of our comments with the Clerk and will be pleased to submit additional information on other Bills as they come to our attention. Thank you for your courtesy in granting me this dispensation.

SENATOR POWANDA: Mr. Heimann, if you will hold your position for a minute just in case there are some questions of Members of the Committee. There being none, thank you very much. The purposes of I think maintaining continuity

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general budget and run into a deficit. We have overspent by liberalization of our Unemployment benefits and we have run into a deficit there and I think that it's time that we tightened up, if anything. Thank you.

REPRESENTATIVE MATTHEWS: Thank you. Any questions from the Committee? Next speaker, if there are any, on 1563.

MS. NEAS: My name is Joann Neas and I represent Faria Corporation. I would like to speak in opposition to Bill 1563. I'd like to site an example of something that happened today, prior to coming down here. We had one of our employees terminate because he felt it was more lucrative to go on Unemployment Compensation. Now, I wrote down his logic. He said why should I work for \$2.70 an hour, he was a material handler, which would gross him \$108.00 a week, when he could collect \$84.00 a week, which was fifty percent plus two dependents, for not working at all. His logic was that he was really working for the company for \$24.00 a week. That was all. Now, he usually works ten hours overtime which gave him an additional \$40.00 and he still claimed that he was just working for the company for \$64.00 a week. He felt he could collect \$84.00 a week and be paid under the table and collect a lot more so I am in strong opposition for raising the benefits.

REPRESENTATIVE MATTHEWS: Would you care to give the employee's name?

MS. NEAS: I will, to Mr. Eisenman. I will report him to Mr. Eisenman. I intend to.

REPRESENTATIVE MATTHEWS: Any other comments on 1563? If not, we'll move on to 1564.

(SENATOR POWANDA PRESIDING)

SENATOR POWANDA: Is there anybody that desires to speak on 1564? Senate Bill No. 1538, AN ACT CONCERNING MINIMUM QUALIFICATION FOR UNEMPLOYMENT COMPENSATION BENEFITS. Nobody that intends to speak on 1538, Senate Bill 1565, and I think for purposes of speaking on these, I see no reason why, even though the subject matter is slightly different on three of them, why we can't group 1565, 8126, even though it is fairly different in subject matter referring to Unemployment Compensation rather than leaves, they all do pertain to pregnancy, maternity leave, etc., and House Bill No. 8125. If there is anybody who intends to speak on one, they can speak on all three if they'd like to. Sir.

MR. ORENSTEIN: Mr. Chairman, my name is Howard Orenstein. I am a lawyer and I represent the Connecticut Commission on Human Rights and Opportunities and I will be speaking on 1565 and 8125, which are both amendments to Statutes which the Commission administers and 8126 which is so connected in terms of subject matter that I thought that comments were appropriate the Commission asked me to speak on them. My comments will be somewhat technical and I hope that when I am finished, you will understand why this has been necessary. But I will be submitting a written statement later. With regard to 1565

and 8125, in essence they provide that a pregnant female employee can be terminated, can have an arbitrary period of leave imposed upon her without reference to her actual ability to work that she can work until her doctor says she is no longer able to work, that she can come back when her doctor says she is able to come back and that she can get sick pay in accordance with accumulated sick pay and the balance of the leave would be without pay. Both of those Bills essentially say that. With the exception of certain objectionable language in each Bill, these Bills, by really a clarifying Amendment on the whole, will conform to the Commission's existing interpretations of Connecticut General Statute 31 126 which these Bills propose to amend and will also comply with the United States Constitution, equal protection clause and Title 7 of the 1964 Civil Rights Act, which I will also explain. Contrary, by the way, to the comments of Mr. Heimann, who was the first speaker today, these are not matters of collective bargaining. In *Green versus Waterford Board of Education*, the decision on January 29, 1973, the United States Court of Appeals for the Second Circuit, which is the Appellate Circuit for the District of Connecticut, decided that these were Constitutional Rights and that they were required under the equal protection clause of the 14th Amendment to the United States Constitution. That case dealt with a rule in connection with a local school board and so to that extent, there is a difference with regard to private employers but I submit that if one reads the opinion, the language of the Court in assessing any State action, which would include the Statutes, would render the Statutes unconstitutional on their face unless they complied with that particular opinion. Now, the Bills deal with really subtle and somewhat technical legal points. There is some confusion on them. I've heard other discussions in other Committees with similar Bills and then can, by the way, have an affect which is not initially desired by the draftsmen. I submit that 1565 and 8125 do have that effect and I will explain why. Both, as I say, amend our Statutes and they will also, by the way, comply with existing regulations in Colorado, Maryland, Pennsylvania and Massachusetts and will conform with Federal Court decisions District Court of Illinois, District Court Southern Ohio, District Court, Middle District of Florida and the Sixth Circuit of Appeals. They also comply with the guidelines of the United States Equal Employment Opportunity Commission, with regulations of the United States Labor Department. And finally, they are consistent with an advisory which was rendered this past year by the Connecticut State Board of Education which advisory was joined in by the Connecticut Civil Liberties Union, National Organization for Women, the Connecticut Association of School Administrators, the Connecticut Association of Boards of Education, the Connecticut Education Association and the Connecticut Federation of Teachers and as I have also indicated, they are consistent with the Court of Appeals decision in *Green versus Waterford*. Now, it's important to note that these bills deal with subject matter which are presently covered by three kinds of law and it's important to understand where these Statutory Amendments would fit into the total scheme of law under our Federal Constitution. The first kind of law is Federal law, in that the provisions are governed at the moment, by Title 7 of the 1964 Civil Rights Act. They are governed by Executive Order 11f 246 as Amended by Executive Order 11 375 as to

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those employers that are covered by these Executive Orders and therefore, by regulations of the Office of Federal Contract Compliance. They are governed by guidelines of the Equal Employment Opportunity Commission and they are governed by the Fourteenth Amendment to the Equal Protection, the Equal Protection clause of the Fourteenth Amendment by virtue of the opinion which now is law in Connecticut. The State Fair Employment Practices Law, section 31 126, which these Amendments is addressed to, that Section, has been interpreted by a Hearing Tribunal of the State of Connecticut, which I might add, was cited by the Federal Court as being an appropriate interpretation, in a case called Staten versus the East Hartford Board of Education where the Commission on Human Rights took the position that to do otherwise would be to deny terms, conditions, privileges of employment on the basis of sex discrimination and to create a discharge on the basis of sex discrimination. The rule in that case was essentially as I mentioned before, that is that the woman can work until her doctor says, come back when the doctor says, the only point that wasn't covered in that case, was whether or not she got disability pay on the basis of the sick leave plan of the company and that is presently - that's involved, that point, in two cases involving the Bristol Board of Education which is presently pending before the Commission. So, what I'm saying is that under the present law, 31 126, these Amendments are not necessarily required because they in fact, would codify the interpretation of present law and I noted that the Chairman mentioned earlier that that was a useful thing to do and I agree in this case. Now, as to the language which I see as objectionable and the reasons, and also which will create I think, a result that was unintended by the draftsmen, I point out, first of all, two Constitutional questions. One, that Title 7 in the 1964 Civil Rights Act and the Diviosi guideline covers the situation and I'll note to you also that the Attorney General of the State of Connecticut recently ruled that the protective laws of the State of Connecticut were Unconstitutional by virtue of the supremacy clause for employers covered by Title 7, insofar as they conflicted with Title 7 and I'll note as to a second Constitutional point that the Green case held that the equal protection clause required certain things happening and that any Statute to the contrary would be unconstitutional. Now, there's a danger, I might add, not merely to the complainant, but to the respondent, that is to the person who is charged with violating Title 7 or violating any of these laws that I've talked about. Since 1969, the Equal Employment Opportunity Commission Guidelines and Federal cases have held that State protective laws are no defense to the Title 7 case. Therefore, if there is anything in the Statute which might mislead a respondent, and might cause him to rely upon State law, it might subject the respondent, long range, to, that is employers and unions, either employers or unions or both, to Federal class action with back pay, compensatory damages, punitive damages and counsel fees which could go back two or three years, depending upon which Federal law was invoked. So, it's important that when this law is drafted, that it be drafted consistent with Title 7 or in fact you may mislead not only the complainant but the respondent.

The language as to which we have reservations is as follows: In Present Bill 1565, as it's presently drawn, Line 50 says that the employer must grant a reasonable leave of absence and Lines 54 and 55 say provided in no case shall the authorized leave of absence exceed six months before and three months after the birth of the child. Now, 8125 says, after saying that you grant a leave of absence, Lines 51, 52 and 53, the length of such leave of absence shall be determined by the employee, which incidently, we also think is probably wrong, but in no case, shall such leave exceed the period of three months before child birth to three months after child birth or termination of pregnancy. Now, there are two things that I think are wrong with that. First of all, that is not the usual problem and the agency has had enough cases now to be able to judge by experience. Usually, the woman wants to work longer. She wants to work until her doctor says she can and she wants to come back sooner and her doctor says she can and it's the employer commonly, who wants her to leave earlier and come back later. So that that language really doesn't treat the problem. The second thing wrong with it is that under Bill 1565 and 8125, as I read it, the employer could grant a leave at seven months and have her come back after two months and be within the law. In other words, he could in fact impose an arbitrary standard of leave which I think is obviously not intended by the draftsmen since in another portion, it's clear that that was not what was desired. So that what I'm saying is these Bills which were designed to help could have exactly the opposite effect. Under the Green case, they would be unconstitutional and under Title 7 and under the ELC guidelines, they would be unconstitutional and they could give an employer a big surprise who relied upon this State Statutory language if in fact a later Title 7 case came along for class action damages. So what I urge on the Committee is adoption of 1565, with a period in Line 54, after the word well being and deletion of the balance of the sentence. This I think, would comply with the law and would achieve the purposes of the draftsmen but would not lead to the problems I have mentioned. I might also add that the result in our experience, in virtually every case, would be shorter rather than longer leaves of absences than this Bill provides because this is a pregnancy leave Bill not a child care leave Bill which there are Bills in the Legislature on that point. This only deals with disability on account of pregnancy which is a period of time that can be medically determined. Those are my comments as to those two Bills. Perhaps I can stop before mentioning 8126 if the Committee has any questions. And as I say, I will follow this up with written comments because I realize it's technical.

SENATOR POWANDA: As I understood your remarks, let's go back to where my remark was pertaining to regulation statute - I think it was a little different than this situation as far as clarifying it. Do you feel that present law, without these two Bills, provides the same sort of benefit, the same sort of freedoms, let's say that would be by interpretation, clarified by these laws now? Was that -

MR. ORENSTEIN: What I intended to convey was that this would be consistent with our present interpretation of the law but I also believe that this type of legislation is good legislation because it - the best way to

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handle these cases is not to continually litigate them. Just put the matter at rest by legislation and in that sense, we are in favor of clarifying it by Amendment.

SENATOR POWANDA: No objection to that. I just wanted to clarify, let's say, your position under present practice you are pretty closely following the provisions of both of these proposed Bills in some shape, manner or form.

MR. ORENSTEIN: With the exception of the language that I mentioned that is objectionable. Yes.

SENATOR POWANDA: My only other question was, well I doesn't really pertain in this regard as far as Unemployment Compensation availability or determination, if you're out on a leave of absence, let's say, is there any provision or is there any restriction, let's say, of going out on a leave of absence from a given place and collecting Unemployment Compensation benefits during that period?

MR. ORENSTEIN: That - I was going to reserve that 'til my comments as to -

SENATOR POWANDA: The next Bill?

MR. ORENSTEIN: 8126, Yes.

REPRESENTATIVE MATTHEWS: I'd just like to make the record clear. Your feeling is that this, 1565, is present practice. As I gather though, it was present practice after litigation in each case and I gather that you feel it would be advisable to pass this legislation to avoid litigation. Am I correct in assuming that?

MR. ORENSTEIN: Yes, in a sense that I believe that it's always good for the legislature to make interpretations the law when, in fact, they ought to be the law as opposed to having to litigate the matter over and over again. Because obviously, without this Statute, there is room for disagreement by respondents or by complainants or by anybody. And so yes. That is our position.

REPRESENTATIVE MATTHEWS: So that passage of this act would void all of that necessity of all of that litigation.

MR. ORENSTEIN: That's correct. With the elimination, as I indicated, of the language that I had referred to.

REPRESENTATIVE MATTHEWS: The language you referred to so that - I had intended to ask you if you would draft a Bill but I see it's not necessary if all we have to do is delete that section in Line 54, 55 and up to the period in 56.

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MR. ORENSTEIN: Right. It would be a period after the word well being in Line 54 and deleting the balance of the sentence.

MR. MATTHEWS: Thank you.

MR. ORENSTEIN: Thank you.

REPRESENTATIVE MATTHEWS: You also indicated, I believe, just if you would go back over briefly the remarks about history, or etc., as pertaining to making the length of leave shorter or something, based on the provisions of the law. Could you just clarify that in my mind a little bit because I didn't quite follow you.

MR. ORENSTEIN: My point was that based on experience, and we have had recurring cases in this type in this area. Our experience has been that the complaining party, that is the pregnant female employee, is not seeking to get a longer leave of absence. In fact, the two situations we've had were one termination, which this Bill covers, which is a widespread practice and two, the woman wants to work until her doctor says and the employer wants her to leave earlier. And the woman wants to come back when her doctor says and the employer wants her to come back later. That was in fact, the facts in Green versus the Waterford Board of Education and it was also the fact in Staten. It's the fact statewide, in terms of teacher's contracts and essentially, it's been our experience that it's the practice statewide. We haven't had cases where the problem isn't the woman wanting to take a great big long leave of absence. Essentially, she wants a reasonable period of time in order to recover from the disability of pregnancy and then she wants to go back to work.

REPRESENTATIVE MATTHEWS: Thank you very much.

REPRESENTATIVE BADOLATO: Sir, I believe I understood you to imply or if not state directly, that you felt that 1565 might be a problem under the constitutionality factor and if that be so and the Bill in basic fundamental favors the female sex, would that not also then become unconstitutional under Title 7, favoring females over males in terms of the absence of pregnancy benefits as related to leave of absence for sickness for males?

MR. ORENSTEIN: There are essentially two questions there. The first one is I did not intend to imply that 1565 would be unconstitutional, except for the language that I referred to. As far as Title 7, the EEOC guidelines, Section 160410, which has been interpreted by Federal Courts, that I indicated in my initial remarks, indicates that this is not discrimination in favor of women. This is the treatment that a woman is entitled to by virtue of the fact that pregnancy is a condition that is unique to the female sex and to do otherwise, is to penalize a woman as opposed to permit her a reasonable period of time for disability. I might add, in the Greencase which I can provide the Committee a copy with, there is a very thoughtful and fairly lengthy opinion by three Federal Appellate Judges on that very point.

REPRESENTATIVE BADOLATO: All right. Thank you.

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SENATOR POWANDA: I think you can proceed, sir, on 8126.

MR. ORENSTEIN: All right. On 8126, we believe this is a good Bill to the extent that present law discriminates against women. In the sense that there is an arbitrary standard of disability which is not related to the woman's physical capacity to work but is essentially based on generalizations and my previous remarks with regard to the other two Bills would suffice here in terms of legal and constitutional interpretation. The exception is Line 30, from the word provided, to Line 34, at the end of that particular sentence, and we only had an opportunity to look at this Bill earlier today so that again, we will give more extensive comments but we believe that section is questionable legally and in the sense that as we understand the existing trend in the law, any rule with regard to employment of females, must be based on the woman, not on the job. And, as we read that language, and by the way, that proposition is contained in Weeks versus Southern Bell Telephone, Fifth Circuit Court of Appeals. It's also implied in Griggs versus the Duke Power Company, a decision 1971, the United States Supreme Court. This language that I referred to, without it I think the administrator has the discretion to determine the actual medical condition of the woman and her ability to work. But this language seems to permit a rule generalizing about women with respect to certain types of employment that is pregnant women, their capacity to do a particular job. And also seems to be the antithesis of the intent of the main part of the Bill in the sense that it could permit the administrator to ignore the actual medical condition of the particular woman in question and make a very broad and general medical judgment. So that I would suggest that you may want to look again at that particular and that as I say, Lines 30, from the word provided, through Line 34 at the end of that sentence. Other than that, we think it's a good Bill. We think that it deserves the Committee's support.

REPRESENTATIVE BADOLATO: Yes. I wonder if I might be able to impose on you, inasmuch as you do seem to be well versed on this and I appreciate your comments on all three Bills, would you be so kind as to, when you complete reviewing this Bill, submit a copy of a draft that you think is in the manner it should be?

MR. ORENSTEIN: This past Bill?

REPRESENTATIVE BADOLATO: This 8126.

MR. ORENSTEIN: I'd be happy to, sir.

REPRESENTATIVE BADOLATO: I would appreciate it. And I would suggest that it be with haste.

SENATOR POWANDA: I was just going to add that comment. Our timetable is very, very short and we are attempting to move all of these things along shortly after the Public Hearing is held because we do have two more Public Hearings coming up or three more, next Friday, the following Friday and the succeeding Friday to hopefully cover all the Bills submitted before the Labor and Industrial Relations Committee.

So that in order to move everything along, we're going to have to act on the Bills that have been heard today in rapid fashion. Some of them certainly, this Tuesday morning and some of them the following Tuesday morning as we go along. We are just pressed for time I think at this point, to move this stuff along.

MR. ORENSTEIN: I'll try to get remarks in by Monday Mr. Chairman. ✓

SENATOR POWANDA: Very good. Thank you very much.

MS. MATCHKO: Mr. Chairman, Members of the Committee, my name is Madeline Matchko. I'm Political Education Director for the Connecticut State Labor Council, also a very a very strong opponent to the Equal Rights Amendment but a very strong advocate of equal rights for women. Speak-in favor of 8125 and 8126, the previous speaker was so eloquent and some of the remarks he made I wasn't aware of as far as the Bills are concerned and I agree with him after listening to his presentation. I would just like to make two comments. One on 8125, that we are supporting the Bill because we feel that pregnancy is no different than any other illness and a woman should not be discriminated as far as a leave of absence is concerned and on 8126, again, we support the Bill because we feel very strongly also, that if a ~~determination should be made~~ between the patient and the employee herself. No one knows better than she and the doctor when she is eligible to come back to work and therefore, we urge your support of both Bills. Thank you.

SENATOR POWANDA: Thank you very much. There being no questions, we will receive the next speaker.

MR. DOUGLAS: My name is Jim Douglas. I'm a third year student at Yale Law School. I've very recently completed what seemed like an exhaustive study of the validity of maternity leave provisions and I'm in complete agreement with everything that has been said so far, as concerns Bills 8125 and 1565. I would like to expand just a little bit on what may be a problem in the minds of some of the Members of the Committee. The question about whether this constitutes sexual discrimination in favor of women, something that I think has to be spelled out in a little more detail. What both Bills would essentially do and I share, personally share the same reservations that the gentleman from Human Rights and Opportunities expressed about setting specific limits on the length of time which these leaves can run. What the two Bills would essentially do, is to bring into line, State regulations or State Statutes with Federal regulations of the Equal Employment Opportunities Commission in requiring that disabilities which are the result of pregnancy or childbirth be treated as temporary disabilities for all job related purposes. That's the language of the regulation and that would be the affect of this proposed legislation. The regulations require that women ~~with~~ such disabilities are to be eligible for any health or temporary disability insurance or sick leave plan provided by an employer. The essence of the proposed amendment furthers the concern that pregnancy be recognized as a temporary disability. As I said, I am in agreement with what was said earlier in disagreeing with the provision for maximum period of leave. This is not in keeping with

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form of protective legislation which women, poor women particularly, find restrictive and oppressive to them. I believe that under the current law and regulations, if the Unemployment Compensation administration does question the person's physical ability to work, he may request a medical evaluation report from the State Employment Service. If this is the current practice for other disabilities, I believe it should also be applied to pregnancy. Thank you.

SENATOR POWANDA: Thank you. Are there any questions? Thank you very much. That's a very interesting report and I appreciate that.

MS. HILL: Mr. Chairman, I do have an abbreviated copy of the Green versus Waterford Board of Education opinion that comes from the United States Law Week and it would be at the immediate disposal of the Committee. I can submit it with my written remarks.

SENATOR POWANDA: We'd like to have both, please. Do you have a copy of your report there, that you can leave with us now? Thank you. Is there any other speaker? Yes, I see. Thank you.

MS. JEFFERS: I am Barbara Jeffers of the Connecticut Association of Educational Secretaries.

SENATOR POWANDA: I'm sorry. We didn't get your name.

MS. JEFFERS: Barbara Jeffers, representing Educational Office Personnel in over fifty Towns and cities throughout the State, almost one hundred percent female. We strongly support more fair and enlightened treatment of women who as was so well expressed here earlier today, are the objects of concern here because pregnancy represents a condition unique to the female sex. We support the Bills as described and alluded to by the representative of the Human Rights and Opportunities Committee and I won't take your time to delve into that. Thank you.

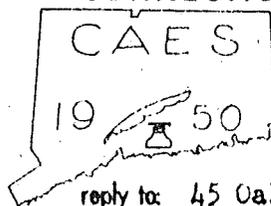
SENATOR POWANDA: Thank you. Any questions from Committee Members? Any other speakers? All right, sir.

MR. PEALER: E. B. Pealer, Assistant Personnel Director, City of Hartford. Speaking on behalf of the City Manager and the City Manager's Association of Connecticut. We would like to see Amendments to 1565 and 8125 to provide for municipalities who have Health Departments, to have some input along with the pregnant woman's personal physician as to the length of the leave of absence. In addition to that, and if it is determined or if the law makes pregnancy a disability, then I think it should follow or suggest it should follow, that the criteria for eligibility for Unemployment Compensation then be applied like any other disability, regardless of sex.

SENATOR POWANDA: Thank you. Any questions from the Committee? If not, let's see, I guess we go back down to 1644. Any comments on that from anyone?

CONNECTICUT ASSOCIATION OF EDUCATIONAL SECRETARIES

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affiliate of

the national association of educational secretaries-natl. affiliate of nea

reply to: 45 Oak Street, Hartford, Connecticut 06106

Barbara G. Jeffers

To: Labor and Industrial Relations Committee
Hearing, March 2, 1973

By: Barbara G. Jeffers, Chairman, Professional Policies Committee

SB 1638 - We oppose this bill as unnecessary and restrictive. Present legislation quite satisfactorily provides safeguards to dishonesty and means to identify abuses. Clearly much of the problem is due to lack of knowledge of the law and its implementation and this has created many of the situations described as reasons for making this change. Current policies and practices of the Commission are sufficient to carry out the intent of the law and the intent of those who would change it. The clout is there if the employer reports properly to the Commission. Therefore, it is unfair to penalize the honest and needy claimant. In fact, to do so may only lead to encouraging honest people to be devious. Surely business men and executives of municipalities aren't interested in an applicant misrepresenting his interest and ability for a job in order to get another job. This would be more costly to the employer than any unemployment compensation payment made now.

Further, present day technology, if properly used, in data processing makes it very easy to set up a system to identify fakes, chislers and other situations. We are not suggesting that they be protected. All one has to do is push a button to see how many claims someone has, how often they change jobs and for what reasons, etc.

HR 8278 - As in the case of SB 1638, it is obvious the problem lies in the application of the law and the employer's full knowledge of the law and its interpretation that leads many to recommend these changes. The problem of 10 weeks versus 15 weeks for summer workers in municipalities can easily be alleviated within the framework of the current statute. We oppose this bill.

SB 1563 and 1564: We support these bills

HB 8045: We oppose this bill as placing an unfair restriction on employees of school systems and as discriminatory.

HB 8126 and SB 1565 - As an almost entirely female group representing educational office personnel in over 50 towns and cities of the State, we strongly support more fair and enlightened treatment of women who are the objects of concern here because as was so well expressed "pregnancy represents a condition unique to the female sex" and should be treated like any other temporary disability.

HB 8281 and 8322 - Based on our experience in small towns, large cities and the gamut in between, we strongly feel that we must improve the law to discourage negotiations extending over a year or more and also make arbitration and fact finding more successful. Therefore, we support these bills.