

Legislative History for Connecticut Act

PA 77-329

<b>Act Number:</b>	329	<b>Year:</b>	1977
<b>Bill Number:</b>	SB 302		
<b>House Pages:</b>	2364-2381, 2645-2662		(36)
<b>Senate Pages:</b>	914-918, 1040-1041, 2534- 2535		(9)
<b>Committee:</b>	Labor & Industrial Rel.: 299- 300, 332-333, 336, 343		(6)
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CONNECTICUT  
GEN. ASSEMBLY  
HOUSE

PROCEEDINGS  
1977

VOL. 20  
PART 6  
2134-2538

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The bill as amended is PASSED.

THE CLERK:

Calendar No. 695, substitute for H.B. No. 6167, File No. 604, An Act Declaring the Expenses of the Last Illness Not Part of the Support Owed by One Spouse to the Other, favorable report of the committee on Judiciary.

MR. O'NEILL (34th):

Mr. Speaker, may that item be passed retaining its place.

THE SPEAKER:

Is there objection? Hearing none, it is so ordered.

THE CLERK:

Calendar No. 707, substitute for S.B. No. 300, File No. 283, An Act Concerning Exempting Certain Seasonal Operations from the Minimum Wage Law, favorable report of the Committee on Labor and Industrial Relations.

MR. MOYNIHAN (10th):

Mr. Speaker, at this time I'd like to place this item on the consent calendar. I move that Calendar No. 707, S.B. No. 300, File No. 283 be placed on the consent calendar for adoption at the end of the day.

THE SPEAKER:

You have the motion of the gentleman from the 10th. Is there objection? on the part of any individual member to the motion? Is there any such objection? Hearing none, it is so ordered.

THE CLERK:

Calendar No. 708, S.B. No. 302, File Nos. 246, 628, An Act Concerning the Minimum Wage, as amended by Senate Amendment Schedule "A",

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favorablereport of the Committee on Labor and Industrial Relations.

MR. KINER (59th):

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

THE SPEAKER:

Question is on acceptance and passage. Will you remark, sir?

MR. KINER (59th):

Mr. Speaker, the Clerk has an amendment, I would ask the Clerk to read, to call and read Senate Amendment "A", LCO 8035 please.

THE SPEAKER:

The Clerk please call and read LCO 8035, Senate "A".

THE CLERK:

Senate Amendment Schedule "A", LCO 8035 offered by Senator Murphy 19th district.

In line 8, strike out the opening bracket before the word "or"

In line 9, strike out the closing bracket after the word "home" and insert the following in lieu thereof: "except any individual in domestic service employment as defined in the regulations of the federal fair labor standards act"

MR. KINER (59th):

Mr. Speaker, I move adoption of the amendment.

THE SPEAKER:

Question is on adoption of Senate "A". Will you remark, sir?

MR. KINER (59th):

Yes, Mr. Speaker. The amendment is the basic part of the bill. Lines 8 and 9 of the original file copy, No. 246, would have included all

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domestic employees in coverage under the state's minimum wage laws. What this amendment seeks to do is to allow those domestics that are now covered only, and I stress only, under the federal labor standards act to be covered under Connecticut's minimum wage law. All this amendment does is one, gives domestics a one cent per hour wage increase from \$2.30 to \$2.31 per hour; and two, it gives domestics accessibility to the state's labor department rather than having them go through the red tape of the federal bureaucracy. These people are the least able to go through such a bureaucratic tangle.

I would move acceptance, Mr. Speaker.

THE SPEAKER:

Will you remark further on Senate "A"?

MR. STEVENS (119th):

Mr. Speaker, through you a question to the gentleman reporting out the bill.

THE SPEAKER:

Please frame your question, sir.

MR. STEVENS (119th):

Would the enactment of Senate Amendment Schedule "A" mean that an individual who is defined as in domestic service employment under the federal fair labor standards act regulations would be entitled to the minimum wage payment for performing those services in the State of Connecticut?

THE SPEAKER:

Does the gentleman care to respond?

MR. KINER (59th):

Through you Mr. Speaker, yes.

THE SPEAKER:

The gentleman from the 119th has the floor.

MR. STEVENS (119th):

Through you Mr. Speaker, would you give examples of the individuals who are defined in the federal fair labor stanadard regulations as domestic service employment?

MR. KINER (59th):

Through you Mr. Speaker, the following are listed, sir, under minimum wage law, section 150: cooks, butlers, valets, maids, housekeepers, governesses, janitors, laundresses, caretakers, handimen, gardeners, footmen, grooms, Mr. Speaker, chauffeurs, automobiles for family use.

THE DEPUTY SPEAKER IN THE CHAIR

MR. STEVENS (119th):

Through you Mr. Speaker, are not babysitters also covered if they perform services other than on a casual basis?

MR. KINER (59th):

Through you, Mr. Speaker, it is my impression of reading the laws that a babysitter who is a casual babysitter is excluded from the minimum wage law. Those people whose vocation it is to be a babysitter or who work twenty hours a week or more under certain exceptions are no longer casual but it is indeed their livelihood.

MR. STEVENS (119th):

Through you Mr. Speaker, how would this cover a teenager in the summer who babysat three hours per day, seven days a week from the 4th of July to Labor Day. Would such an individual during that period of time be classified as a casual or non-casual babysitter?

MR. KINER (59th):

Through you Mr. Speaker, if I can quote from section 552-103 of

the wage and hour division--federal laws, excuse me sir, employees performing babysitting services on a casual basis as defined in 552.5 are excluded from the minimum wage and overtime provisions of the act. The rationale for this exclusion is that such persons are usually not dependent upon the income from rendering such services for their livelihood. Such services are often provided by one, teenagers during non-school hours or for a short period after completing high school but prior to entering other employment as a vocation; or two, older persons whose main source of livelihood is from other means. Section b I think gets more to the point. Employment in babysitting services would usually be on a casual basis whether performed for one or more employees if such employment by all such employers does not exceed twenty hours per week in the aggregate. Employment in excess of these hours may still be on a casual basis if the excessive hours of employment are without regularity or are for irregular or intermittent periods. Employment in babysitting services shall also be deemed to be on a casual basis regardless of the number of weekly hours worked by the babysitter in the case of individuals whose vocations are not domestic service who accompany families for a vacation period to take care of the children if the duration of such employment does not exceed six weeks.

MR. STEVENS (119th):

Through you Mr. Speaker, does that mean that the gentleman is replying that the example I gave would not be covered under the minimum wage?

MR. KINER (59th):

Through you Mr. Speaker, if I understand the gentleman's question, any babysitter who works during the summer as a summer job and whose vocation it is not, he or she would be exempted from the minimum wage

laws, both federal and if this bill passes, the state.

MR. STEVENS (119th):

Through you Mr. Speaker, without this bill how would you treat an individual such as I have described who does it on a summer time basis?

MR. KINER (59th):

The same way if the bill passes, I believe, through you, Mr. Speaker.

MR. STEVENS (119th):

Thank you, Mr. Speaker.

THE DEPUTY SPEAKER:

Would you remark further on the bill? Will you remark further on the Senate amendment?

MR. MATTHEWS (143rd):

Thank you, Mr. Speaker. Through you a question to Mr. Kiner.

THE DEPUTY SPEAKER:

Please proceed, sir.

MR. MATTHEWS (143rd):

Sir, in your comments to Mr. Stevens, I think you indicated that the babysitting situation during the summer would not be involved with unemployment payment or of minimum wage payments if it lasted for six weeks or less. Now if a person had a babysitter through a two month period, over six weeks, then they would then fall into the requirement for the fair labor wage. Is that correct?

MR. KINER (59th):

Through you Mr. Speaker, there is still another of the law that

that states sir that this job has to be the vocation of the person involved. I think in most cases, sir, the person who is doing this job is a teenager whose vocation is nothing more than being a student and, therefore, would not be covered under the minimum wage laws.

MR. MATTHEWS (143rd):

Thank you. One other question, through you Mr. Speaker.

THE DEPUTY SPEAKER:

Please proceed.

MR. MATTHEWS (143rd):

Just to be certain on the record, if this particular baby-sitter had graduated from high school and was performing this, it was my impression from your comments that since that person was not at that point seeking a longrange permanent type position that again, they would not be eligible for fair labor wage. Is that correct?

MR. KINER (59th):

Through you Mr. Speaker, I think the key words, sir, are both irregular or intermittant. Now if this person was finished high school, were to continue on with this job, then indeed, sir, it would be that person's vocation, and at that point would be covered under the minimum wage laws. Again, the key words are irregular and intermittant and I would suggest that anyone who finishes high school and takes a summer job indeed would consider that an irregular or intermittant job, sir.

MR. JULIAN (52nd):

Mr. Speaker, speaking on Senate "A", I think the amendment-- the Senate amendment is excellent. It goes to about three-quarters of the problem and I think we should pass it and with time I would suggest an amendment that deals directly with babysitting.

And I strongly feel that babysitting should be removed from the act and after this amendment is disposed of, I would be happy to come to that. Thank you, Mr. Speaker.

THE DEPUTY SPEAKER:

Would you remark further on Senate Amendment Schedule "A"?  
Would you remark further? All members in favor of Senate Amendment Schedule "A" signify by saying aye. Opposed? The ayes have it.

Will you remark further on the bill as amended by Senate Amendment Schedule "A"?

MR. JULIAN (52nd):

Thank you Mr. Speaker. Mr. Speaker, the Clerk has an amendment LCO 7661.

(record  
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THE DEPUTY SPEAKER:

The Clerk has in his possession LCO 7661 which shall be designated as House Amendment Schedule "A". Will the Clerk please call and read?

THE CLERK:

House Amendment Schedule "A", LCO 7661 offered by Rep. Julian, 52nd district.

In line 21, after the comma, insert the following "or any individual engaged in child day care services"

MR. JULIAN (52nd):

Move adoption of the amendment, sir.

THE DEPUTY SPEAKER:

The question is on adoption of House Amendment Schedule "A".  
Would you remark?

MR. JULIAN (52nd):

Thank you Mr. Speaker. The question of babysitting as I read the bill and I read the federal regulations clearly, very clearly shows that most babysitters would have to be paid the minimum wage. I take strong exception with the remarks made by the proponent of the bill and I agree with Rep. Stevens comments. An individual working three hours a day, seven days a week, all summer long, that's twenty-one hours a week is neither intermittent nor irregular. That person would have to be paid the minimum wage. There is no question. Also, I'd like to read a section of the federal regulations. It says if the individual performing babysitting services on a casual basis, now this is less than twenty hours a week, devotes more than 20% of his or her time to household work during the babysitting assignment, the exemption for babysitting services on a casual basis does not apply during that assignment and the individual must be paid the minimum wage. I think the 20% requirement is well difficult, to say the least. If the individual babysitter puts the children to bed perhaps feeds them a dinner or does a few light household chores, the normal babysitting salary would increase to the minimum wage which in most cases would be excessive. I'm thinking of the individual, generally women, who work and I can think of a point in question. I assisted a lady that was seeking a job and she was able to find a job at \$265 an hour. She has a neighbor, an elderly neighbor, a neighbor come over and stay with her two children during the day while she is working. If this individual, and this individual does babysit for more than twenty hours a week, that this individual has to pay \$2.31 to this neighbor, she'd bring home about twenty cents an hour. You can see the ridiculousness of it. That's just one example. I can think of an example myself. Last summer I hired a high school girl to stay with my children during the summer. She worked forty

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hours a week and I'm not ashamed to say I gave her \$80 a week pay. That would not qualify. That's not the minimum wage but to a seventeen year old high school girl working for the summer, it was an excellent job. In writing the amendment, we had to remove all aspects of babysitting and the federal regulations say a lady can take or a man can take individuals into his or her home and not qualify for a day care center and, therefore, not qualify under the bill unless she has an employee. Let's take an example of a person with ten children that she or he would be watching with one aide or employee. At, I'm guessing, \$2.31 a hour, for ten people, we talking \$924 a week would be the gross income for this day care center or babysitting operation. I don't think this is the intent of the law. This is excessive. It's ridiculous. That individual would have to charge or you would have to pay them \$2.31 for your child for the number of hours that that child were in that establishment providing they qualified and qualification means an employee working for them.

The federal regulations, I think, concerning babysitting are ridiculous and while it will be argued that we have no choice but to conform our Connecticut regulations to them, I think one ridiculous set of regulations certainly does not deserve another. The amendment should pass and all aspects of babysitting should be removed from the bill. Thank you, Mr. Speaker.

THE DEPUTY SPEAKER:

Will you remark further on House Amendment Schedule "A"?

MR. GEJDENSON (48th):

Thank you Mr. Speaker. Not to prolong the debate and I think Rep. Kiner did an excellent job of relating to the members of the chamber

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the federal regulations involved. I would first point out to my colleague Mr. Julian that if his interpretation of the federal regs are proper, he has violated federal law and I think that the federal government to my knowledge has not ruled in the manner that Mr. Julian has interpreted it and hasn't been running around to everybody who has a babysitter and trying to force you to pay \$2.31 a hour. That's not the question here.

The question here is whether you want to pay a domestic \$2.31 an hour and it deals particularly with that woman Mr. Julian was talking about. It deals with the woman who wants to get off welfare, wants to help her family and is willing to go out and work scrubbing floors or what have you and we're trying to set a level that \$2.31 an hour is the law. The federal law already demands that you pay that woman \$2.30 an hour so what we're doing here today, if we pass this bill and reject the amendment is we give her the protection of a state agency and we take that woman who is bringing home maybe \$100 a week trying to raise a family and give her an agency in the State of Connecticut she can go to for protection. If that's too much to ask of this general assembly, I think we've sunken to a new low, because we're talking about people who are just barely making it anyway. We're going to be very gracious here today if we pass this bill. We're going to give them an additional cent an hour. You're not going to add another single category to what's presently covered by federal regs. You're going to give them one cent an hour and you're going to give them protection and that's the issue before us today. Thank you.

MRS. BELAGA (136th):

Mr. Speaker, I'd like to speak to this amendment. I think that what Rep. Julian has recommended here is very valid but the wording

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in the amendment, I think, leaves quite a bit to be desired. To use the term child day care services he implies and does indeed mean a professional service. Babysitting is one thing, child day care service is another. I think the use of that phrase is wrong and I urge you to turn the amendment down although I do concur with your point.

THE DEPUTY SPEAKER:

Will you remark further on House Amendment Schedule "A"?

Rep. Julian speaking for the second time.

MR. JULIAN (52nd):

Thank you Mr. Speaker. I'd like to address myself to two questions, one from the previous speaker. We discussed that and LCO felt that child day care services was all inclusive and included babysitting and that's I was told the proper way to write that.

In addressing myself to what Rep. Gejdenson said, I'd like to ask the Representative a question, if he would, through you Mr. Speaker.

THE DEPUTY SPEAKER:

Please proceed, sir.

MR. JULIAN (52nd):

My question would be, Rep. Gejdenson, if an individual, let's take a working woman has a job and she has an individual come in to watch her children while she works and that individual comes in more than twenty hours a week on a regular basis as most would, what would the working woman have to pay the individual to watch her children?

MR. GEJDENSON (49th):

Through you Mr. Speaker, it is my understanding from both reading the federal regs and testimony by the state labor department and

discussions with the labor commissioner that that would be an item of negotiation between the individual and the person doing the babysitting, that this present law, the federal regulations that it deals with, does not apply to that kind of situation nor do I foresee the state of Connecticut running around through neighborhoods trying to find these individuals.

MR. JULIAN (52nd):

Thank you Mr. Speaker. I think I still have the floor, Mr. Speaker.

THE DEPUTY SPEAKER:

Rep. Julian does have the floor.

MR. JULIAN (52nd):

In answer to Rep. Gejdenson's remarks, it appears he is skirting the issue. That is clearly a case under the federal regulations where an individual would have to pay \$2.31 an hour. I have the regulations in front of me and they're very clear on that point. And certainly we don't negotiate on a case to case basis. It either is or it isn't and in this case, it is which makes it ridiculous. Thank you Mr. Speaker.

MR. KINER (59th):

Mr. Speaker, through you Mr. Speaker, would the chamber including Mr. Julian be acting in a prejudicial manner toward an entire segment of the job population if we were to exclude this one segment? If someone works twenty hours, I don't think it makes any difference, Mr. Speaker, if he or she is a babysitter. I don't care what that person does. If he works the twenty hours, he deserves the minimum wage. Thank you, Mr. Speaker.

MR. TABER (114th):

Through you Mr. Speaker to Rep. Kiner.

THE DEPUTY SPEAKER:

Please proceed.

MR. TABER (114th):

I'd like to ask a question. Let's take an instance where a person is eighteen years old and was seeking employment but in lieu thereof, they became a babysitter for a period of three hours a day, six days a week. And it happened for two months. School is over, September comes along, this same individual could not find employment. At the time, during the summertime, they were being paid \$1.25 an hour or \$1.50 an hour. The individual decides to get a job as a domestic. Would the person who employed that individual be subject to pay back pay?

MR. KINER (59th):

Mr. Speaker, I'm not too sure that I can thoroughly answer the gentleman's question. My only remarks are once more is the fact that irregardless if the person is a teenager or someone who is sixty years of age, if this is a fulltime job, that this is in fact a person's vocation, I don't think it is up to us today to determine what jobs deserve minimum wage and which jobs do not. The minimum wage laws are there to protect everyone.

MR. TABER (114th):

Through you Mr. Speaker, I think that's a very good point you have there but the problem is that you're going to put the burden back on an individual who is hiring a babysitter to determine whether or not they are ever going to become a domestic help. How is an individual going to know this? And I don't think that we should try to make every person or

every parent in the State of Connecticut assume this responsibility. And that's the issue. Maybe the wording isn't exactly correct and there could be something better than what we have right now but think of the responsibility that you're asking each person in the State of Connecticut to assume, the ones that have children. I would urge that in fact we should look at this and possibly clean it up somehow or other, pass retain it, do something but let's just think about it for a day or two. Thank you.

THE DEPUTY SPEAKER:

Will you remark further on House Amendment Schedule "A"?

MR. VARIS (90th):

Mr. Speaker, I would ask that the bill be passed retaining its place on the Calendar.

THE DEPUTY SPEAKER:

You've heard the motion. The motion is pass this item and retain its place on the Calendar. Are there any objections to that motion?

MR. VARIS (90th):

Mr. Speaker, I withdraw my motion.

THE DEPUTY SPEAKER:

The motion to pass retain has been withdrawn. Would you remark further on House Amendment Schedule "A"?

MR. JAEKLE (122nd):

Mr. Speaker, thank you. I'd like to request a roll call vote on this most important amendment please.

THE DEPUTY SPEAKER:

The question is on a roll call. All those in favor signify by saying aye. All those in favor, signify by saying aye. In the opinion of the Chair more than 20% have answered in the affirmative and a roll call is in order.

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Will you remark further on House Amendment Schedule "A"?

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MR. HINDS (8th):

Mr. Speaker, through you a question please to Rep. Julian.

THE DEPUTY SPEAKER:

Please proceed, sir.

MR. HINDS (8th):

My question is, would an employee of a welfare program or poverty program, day care center, then be exempted from the minimum wage under this amendment?

MR. JULIAN (52nd):

Through you Mr. Speaker, the amendment--the broad interpretation of the amendment could mean that, yes, Mr. Speaker. It doesn't require it but it could possibly mean that, yes.

MR. HINDS (8th):

On the basis of that reply, Mr. Speaker, I would be opposed to this amendment. There are many many people in my district that are employed in day care centers as part of poverty or welfare programs and I think this would be a very serious thing if it were to pass, in effect the ... for their take home pay.

THE DEPUTY SPEAKER:

Will you remark further on House Amendment Schedule "A"?

MR. CAPLAN (91st):

Mr. Speaker, a question to the proponent of the amendment.

THE DEPUTY SPEAKER:

Please proceed, sir.

MR. CAPLAN (91st):

Through you, Mr. Speaker, what is the definition of child day

care services?

MR. JULIAN (52nd):

Through you Mr. Speaker, the definition as far as I know it is--would include those people involved in babysitting, either formally or informally, formally being an organized program, informally being in someone's home or a combination.

THE DEPUTY SPEAKER:

Are you prepared to vote? All members please take their seats. Will the staff come to the well of the House. The machine will be opened. The Chair inadvertently locked the machine. He will reset it and open it again. The Chair apologizes. The machine is now open. Have all the members voted? The machine is still open. Have all the members voted? If so, the machine will be locked and the Clerk will please take a tally.

MR. STOLBERG (93rd):

Mr. Speaker, may I be recorded in the negative please.

THE DEPUTY SPEAKER:

The Clerk please note Rep. Stolberg in the negative.

MR. MOSLEY (72nd):

Mr. Speaker, may I be recorded in the negative please.

THE DEPUTY SPEAKER:

Recorded how, sir?

MR. MOSLEY (72nd):

In the negative.

THE DEPUTY SPEAKER:

Rep. Mosley from the 72nd in the negative. Will the Clerk please note.

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The Clerk please announce the tally.

THE CLERK:

Total Number Voting.....	140
Necessary for Adoption.....	71
Those Voting Yea.....	20
Those Voting Nay.....	120
Those Absent and Not Voting.....	11

THE DEPUTY SPEAKER:

House Amendment Schedule "A" FAILS.

THE SPEAKER IN THE CHAIR

THE SPEAKER:

Will you remark further on the bill as amended by Senate "A"?

MR. KINER (59th):

Mr. Speaker, I think we've already debated this bill enough and I would move a vote on this bill at this point.

THE SPEAKER:

Will you remark further on the bill?

MR. STEVENS (119th):

Mr. Speaker, I would request that the matter be p.t.'d. I'm informed that a member has an amendment downstairs which is being prepared and will be within the chamber shortly. I request that the matter be passed temporarily.

THE SPEAKER:

Is there objection to the motion to the matter being passed temporarily as a courtesy to the gentleman from the 119th from a member of his caucus, I assume?

MR. O'NEILL (34th):

Mr. Speaker, I will support the motion to pass temporarily.

THE SPEAKER:

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MR. SPEAKER:

Representative Hendel from the 40th district.

MRS. HENDEL (40th):

Mr. Speaker, just speaking on the bill, I wanted to indicate that this bill was supported by unanimous support for our committee after we had heard some very interesting testimony supporting it.

MR. SPEAKER:

Would you remark further on the bill? If not, will the members please take their seats, the machine will be opened. Have all the members voted and is your vote properly recorded? If so, the machine will be closed and the Clerk will take a tally. The Clerk will please announce the tally.

THE CLERK:

Total number voting .....	136
Necessary for Passage .....	69
Those voting Yea .....	123
Those voting Nay .....	13
Those absent and not voting.....	15

MR. SPEAKER:

The bill is passed.

THE CLERK:

Calendar no. 708, S.B. 302, files 246 and 628, An Act Concerning the Minimum Wage as amended by Senate Amendment Schedule A, Favorable Report of the Committee on Labor and Industrial Relations.

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MR. SPEAKER:

Gentleman from the 59th.

MR. KINER (59th):

Mr. Speaker, I move acceptance of the Joint Committee's Favorable report and passage of the bill as amended by Senate Amendment Schedule A.

MR. SPEAKER:

The questions on passage of the bill as amended by Senate Amendment Schedule A and would you remark sir?

MR. KINER (59th):

Yes, Mr. Speaker, there are two amendments, I would ask the Clerk to call and read, L.C.O. 8428 please.

MR. SPEAKER:

The Clerk has in possession L.C.O. No. 8428 which shall be designated as House Amendment Schedule B, the previous action on this bill, House Amendment Schedule A was defeated. Would the Clerk please call House Amendment Schedule B.

THE CLERK:

House Amendment Schedule B, L.C.O. 8428, offered by Representative Julian of the 52nd district.

MR. SPEAKER:

Would the Clerk please read.

THE CLERK:

In line 21, after the comma, insert the following: "Or Any Individual Engaged in Baby Sitting."

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MR. SPEAKER:

Representative Kiner of the 59th.

MR. KINER (59th):

Mr. Speaker, I would yield to Representative Julian.

MR. SPEAKER:

Representative Julian.

MR. JULIAN (52nd):

Mr. Speaker, thank you. Speaking on the amendment, I think we debated it long enough, it's clear what the attempt is. I think it's a good amendment and I urge passage, Mr. Speaker.

MR. SPEAKER:

Would you remark further on House Amendment Schedule B?  
Representative Kiner of the 59th.

MR. KINER (59th):

Mr. Speaker, I believe its a good amendment and urge its passage sir.

MR. SPEAKER:

Would you remark further on House Amendment Schedule B?  
Representative Hinds.

MR. HINDS (8th):

Mr. Speaker, question through you sir to Representative Julian.

MR. SPEAKER:

Please proceed sir.

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MR. HINDS (8th):

If we are exempting anyone who baby sits then my question is what about individuals whose occupation is baby sitting? Do they then not have any protection under this statute?

MR. SPEAKER:

Representative Julian.

MR. JULIAN (52nd):

Through you, Mr. Speaker, it is my feeling that they would have no protection and I would further think that if they were to receive the minimum wage, they would have no clients. Thank you, Mr. Speaker.

MR. SPEAKER:

Would you remark further on the amendment? If not, all those in favor will signify by saying aye. Opposed? The amendment is adopted and ruled technical by the Chair. Will you remark on the bill as amended? Representative Post of the 62nd.

MR. POST (62nd):

Mr. Speaker, I believe the Clerk has another amendment, L.C.O. 7730.

MR. SPEAKER:

The Clerk has L.C.O. 7730 which shall be designated as House Amendment Schedule C, will the Clerk please call the amendment?

THE CLERK:

House Amendment Schedule C, L.C.O. 7730, offered by Representative Post of the 62nd district, Representative DeMerrell

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of the 35th district, Representative Fox from the 149th district and Representative Sayre of the 68th district.

MR. SPEAKER:

Representative Post.

MR. POST (62nd):

Mr. Speaker, the proposed amendment is very short, would the Clerk please read the proposed amendment?

MR. SPEAKER:

Clerk please read.

THE CLERK:

House Amendment Schedule C, in line 1 before the word "Subsection" insert the words "Section 1". Add section 2 as follows: "Sec. 2. Notwithstanding any provision contained in part 1 of chapter 558 of the General Statutes, the minimum wage requirements contained in said part shall apply only to persons twenty-one years of age or older."

MR. SPEAKER:

Representative Post.

MR. POST (62nd):

Mr. Speaker, I'd like to move adoption of the amendment.

MR. SPEAKER:

The questions on adoption of House Amendment Schedule C and would you remark sir?

MR. POST (62nd):

Yes, Mr. Speaker, I would also like to move that when the vote is taken, it be taken by roll call.

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MR. SPEAKER:

The questions on a roll call vote, all those in favor of a roll call vote signify by saying aye. Opposed? The ayes have it, a roll call vote is in order. Would you remark on the amendment sir?

MR. POST (62nd):

Yes, Mr. Speaker, the amendment is very simple and it requires a very difficult choice. The choice is between applying the minimum wage laws to people under the age of twenty one or not. And the choice is between the protection of the minimum wage law provides on one hand verses the needs of people who are young to have access into the job market on the other hand. We have an extremely serious problem in Connecticut. It's jobs. We have many young people who have a very difficult time particularly in the cities in getting access into the job market and the reason is very simple. Plain and simple, they are not worth the minimum wage. There are many jobs potentially available to people that are not worth the minimum wage. If we tried to repeal the minimum wage for everybody involved, obviously the reaction would be overwhelmingly opposed to it for fear that it would expose the people to exploitation by employers. This amendment is designed to deal with a limited part of that problem namely the young people in Connecticut under twenty-one who in many instances are having a very difficult time finding employment. If we pass this amendment

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and exempt those people from the minimum wage law, there may be many employers here in the State who would then find it worth their while to create a job part time or full time, the pay for which would be less than the minimum wage. The dilemma we face on this amendment is in view it absolutely essential that the minimum wage law be applied across the board to all people recognizing that it prevents some employers from creating jobs, particularly to the young, or do we pass this amendment and exempt people under the age of twenty one with the expectation that it would allow employers to find jobs which are not worth the \$2.31 per hour. In my view the greater challenge and the greater need is to provide additional jobs and to provide incentives for creating those jobs and one way we can do that is to make it possible for employers to hire the young people in our society under twenty one less than the minimum wage. It does not require of course that they be paid less than the minimum wage. They'll be paid whatever the value of their work is worth. But in those cases where an employer might find employment, might provide a job that's worth less than \$2.31 an hour. This would permit it to happen. I therefore think that in a delicate and difficult balancing act the need to create jobs is great and here is one step we can take that would encourage the creation of those jobs and provide access for the young in the job market and I encourage your support for this amendment. Thank you.

MR. SPEAKER:

Representative Gejdenson of the 48th district.

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MR. GEJDENSON (48th):

Mr. Speaker, thank you. I'm not sure that this amendment even deserves any debate and I thought this argument was settled in the 30's but apparently not. And if we listen to what Mr. Post's says he said it is not alright to exploit people over twenty-one but its not so bad if you turn around and exploit someone under twenty-one. And if somebody's working at twenty and twenty-one and getting 35 or 40 cents an hour whatever he's worth because he obviously comes from a family of such wealth and that the only reason that an eighteen year old or nineteen year old is out there working is because he wants a little pocket money to fill up his Corvette with gas. Couldn't be that he's trying to live, that he's trying to buy clothes so that he can go to school. You know, if that twenty-one year old is working for maybe even as much as \$1.50 or \$1.60 an hour, this person now reaches his twenty first birthday, he's been a great employee, he's been getting anywhere from zero to a dollar to two thirty an hour and so he's twenty-one. You're going to have to pay him minimum wage. Well lets fire him because we can't pay anybody under twenty-one. If you're over twenty-one you're going to have to pay him the minimum wage whatever that may be. But if you're under twenty-one, good luck. And that's what this amendment would do. And we're constantly in here worrying about people on welfare and why they won't get off welfare, pay them thirty cents an hour, you'll give them a great incentive to get off welfare. Thank you.

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(rec. <sup>tes</sup> 7)

MR. SPEAKER:

Representative Berman.

MRS. BERMAN (92nd):

Mr. Speaker, I'm very concerned that this amendment is discriminatory in nature. The age of majority in Connecticut is eighteen, not twenty-one and people who do enter the labor market are entitled to equal treatment under the law. And I feel that there might be a danger in discrimination against people who are over twenty-one as far as employment opportunities are concerned, to pay someone under twenty-one less than the minimum wage and I would oppose this amendment.

MR. SPEAKER:

Remarks further on this amendment. Representative Goodwin.

MRS. GOODWIN (54th):

Mr. Speaker, thank you. Mr. post's argument has very firm grounding in economic theory in terms of the fact that when you regulate wages in this way, you are interfering with the normal market mechanisms and you are thus closing out some marginal employees. On the other hand, I think his amendment in its present form should be defeated. This surely should be a flaw on the minimum wage for people under twenty-one, some consideration should be given for those under twenty-one who are married and heads of households and there should probably be some sort of sliding scale that would work up towards the minimum wage at age twenty-one. And

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until we can straighten this out, I can't support this amendment.

MR. SPEAKER:

Representative Fox from the 149th.

MR. FOX (149th):

Mr. Speaker, further in commenting on Representative Post's amendment and without any flights of oratory, I would like to point out that there are a great many people under the age of twenty-one who do not have jobs, can not get jobs because of the minimum wage. The purpose of this is two fold as I see it. One is to employ more people, secondly I think that from the experience of the last two years in serving on the Juvenile Justice Commission where we held fifteen or more hearings throughout the state, the one thing that was constantly reiterate, not by the police only, but mostly by the Youth agencies who were concerned with the helping and preserving these young people and keeping them from getting into troubles rather than punishing them after the event but to prevent before an occurrence, the one thing that stood out was that they don't have things to do and if this amendment of Mr. Post's should pass, it will make it possible for these people to find something to do. Now some full time, maybe others part time, particularly during holidays and summer vacations and things of that kind. I think it's a sound amendment in the interest of these younger people and I hope it will have your support.

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MR. SPEAKER:

Representative from the 141st.

MR. VAN NORSTRAND (141st):

Mr. Speaker, I echo the sentiments of Mrs. Goodwin. I think Mr. Post is addressing what is a recognized problem. Unemployment among young people, especially the minority groups, the young, the black, the Spanish speaking and in much higher of incidents than those among even other groups and I think Mr. Post's amendment is directed perhaps to the solitary goal. The problem is that it's just too much a blunt instrument to use and I agree with the comments of Mrs. Goodwin that there is possibly some room in the future for a more sophisticated device that took into consideration some other exceptions such as the head of house holds. I don't know that I would think a sliding scale would apply but certainly people who have full time financial responsibilities since this state did in recent years, lower the age of majority to eighteen. This seems to fly in the face of the idea that young people between eighteen and twenty-one could readily just as one group who would be covered by this could readily have full time adult responsibilities. I would oppose the amendment in its present form.

MR. SPEAKER:

Would you remark further? Representative Frankel.

MR. FRANKEL (121st):

Mr. Speaker, a question to you to the proponent of the amendment.

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MR. SPEAKER:

Please proceed sir.

MR. FRANKEL (121st):

Yes, I would like the proponent to give us his justification for what appears to be constitutional impediment, namely the creation of a second class of citizens, a discriminatory constitutional defect. I can see no justification for it and I see no defense for it and I would like to hear his justification.

MR. SPEAKER:

Representative Post.

MR. POST (62nd):

Mr. Speaker, through you, I'll try to answer Mr. Frankel's question the best I can. I think I can give you a legalistic constitutional argument as much as I can give you decant argument. We have a very serious problem with young people having excess to jobs. What are we going to do about it? As Mrs. Goodwin said and as we all know there are jobs that would be created if the minimum wage law did not apply. I'm not trying to discriminate against anybody. I'm trying to make it possible for the creation of these jobs and trying to be practical. I recognize there is no way that that can be done if we eliminated the minimum wage law all together. The age of under twenty-one was again to be practical recognizing that more and more of the people who were over twenty-one might be more likely to have families than those under twenty-one. It would at least provide some access for those under twenty-one where there

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might not be a job created where because of the minimum wage law there will be no jobs. That was the intent, that was the hope. It creates the problem that you've addressed, the age discrimination problems, it creates the problem of exploitation and others that Sam Gejdenson mentioned. The question is that if a person is under the age of twenty-one and is worth three or four or five dollars an hour in a construction job or what have you, that's fine. This would allow the establishment of those marginal jobs which are not worth to the employer two dollars and thirty one cents an hour so they are not created. With the passage of this amendment, the employer would be able to creat those jobs and if there are young people who would be willing in order to get into the job market to take that job for less than two dollars and thirty one cents an hour. This would be the mechanism to do it. That was the intent or purpose behind this amendment. Thank you, Mr. Speaker.

MR. SPEAKER:

Would you remark further on House Amendment Schedule C? If not will the members please take their seats, will the staff and guests come to the well of the House, the machine will be opened. Have all the members voted and is your vote properly recorded? If so, the machine will be closed and the Clerk will take a tally. The Clerk will please announce the tally.

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THE CLERK:

Total number voting.....	143
Necessary for Adoption .....	72
Those voting Yea .....	14
Those voting Nay .....	130
Those absent and not voting .....	8

MR. SPEAKER:

The amendment fails. Would you remark further on the bill as amended by Senate Amendment Schedule A and House Amendment Schedule B? Representative Kiner.

MR. KINER (59th):

Mr. Speaker, I would move acceptance and passage of this bill as amended.

MR. SPEAKER:

The question is on passage of the bill as amended by Senate A and House B and would you remark further? Representative from the 141st.

MR. VANNORSTRAND (141st):

Mr. Speaker, through you sir, Mr. Kiner could you just tell me for my own information, there are two groups of executive, administrative or professional people who accepted from coverage and I can understand that. What is the difference between the two groups, the one group starts in line twelve as defined by in regulations by the Labor Commissioner and the second group starts seemingly in line

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twenty two and doesn't have any other limiting factor. I'm just trying to figure out what two classes are covered.

MR. SPEAKER:

Representative Kiner.

MR. KINER (59th):

Mr. Speaker, if the Gentleman would tell me what document he's referring to sir, through you.

MR. SPEAKER:

Representative VanNorstrand.

MR. VANNORSTRAND (141st):

I'm sorry sir, file no. 628.

MR. SPEAKER:

Representative Kiner.

MR. KINER (59th):

Mr. Speaker, through you, Mr. Speaker, I would once more ask what line the gentleman is referring to please.

MR. SPEAKER:

Would the Gentleman please care to repeat the line?

MR. VANNORSTRAND (141st):

Yes, Mr. Speaker, through you, briefly there are two groups accepted. One group commences in line twelve and then down below the second group is also accepted and probably quite rapidly. But it starts in line twenty-two and has no modifying definition.

MR. SPEAKER:

Representative Kiner.

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MR. KINER (59th)

Mr. Speaker, I would refer to Mr. Gejdenson for an answer.

MR. SPEAKER:

The Gentleman yields to Representative Gejdenson from the 48th.

MR. GEJDENSON (48th):

Thank you, through you sir, that particular part of the statute is existing law and it is my recollection that it deals with one for instance, real estate salesman and other kinds of salesman also executive in the manner for instance if the president of North East Utilities were to work over time, he's not entitled to time and a half, he's also not entitled to minimum wage. But I don't think that's a serious problem sir.

MR. SPEAKER:

Representative VanNorstrand.

MR. VANNORSTRAND (141st):

Through you, Mr. Speaker, no I don't think it's a serious problem. If I may just comment on it, I agree with Representative from the 48th, it's not a serious problem, I'm just curious why who in short the Labor Commissioner would define in regulations as an executive employee, administrative or professional capacity, who was also not a bonafide executive, administrative or professional.

MR. SPEAKER:

Representative Seres.

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(rec. 8)

MR. SERES (128th):

Mr. Speaker, I rise in opposition to the bill as presented today with or without the amendments. The reason I am in opposition to the bill, I think it's going to effect the great many people who are working in this field, working for people who can not afford to pay minimum wage, people indeed provide good homes with benefits, with health care, with food and services, they'll be stretching their belief to meet the needs according to this bill. I think it's a bad bill. It will force those people out of employment rather than encourage people to be employed in this field. I urge my colleagues in this honorable body to vote against it.

MR. SPEAKER:

Would you remark further on the bill as amended by Senate Amendment Schedule A and House Amendment Schedule B? If not, will the members please take their seats, the staff and guests come to the well of the House, the machine will be opened. Have all the members voted and is your vote properly recorded? If so, the machine will be closed and the Clerk will take a tally. The Clerk will please announce the tally.

THE CLERK:

Total number voting .....	143
Necessary for Passage .....	72
Those voting Yea .....	133
Those voting Nay .....	10
Those absent and not voting .....	8

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MR. SPEAKER:

The bill as amended by Senate Amendment Schedule A and House Amendment Schedule B is passed.

THE CLERK:

Calendar 719, substitute for H.B. No. 5076, file 611.

MR. SPEAKER:

Representative Robert Carragher.

MR. CARRAGHER (5th):

Mr. Speaker, I move that this bill be passed retaining its place.

MR. SPEAKER:

You've heard the motion that this item be passed retaining its place on the Calendar, is there any objections to the motion? So ordered.

THE CLERK:

Calendar 735, substitute for H.B. No. 5127, file 622.

MR. SPEAKER:

Gentleman from the 5th.

MR. CARRAGHER (5th):

I move that this bill be passed retaining its place.

MR. SPEAKER:

You've heard the motion. Any objections? So ordered.

the CLERK:

Calendar 736, H.B. No. 7771, file 619.

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guaranteed coverage until the fall of nineteen eighty-one; but in the event the Connecticut Hospital Association does see the possibility here of doing this and it is found to be practical, it may provide some competition and an additional market depth which our state does not now have. For those reasons, I would move acceptance of the committee's favorable report and passage of the bill and if there are no questions I would move that this item be also placed on the Consent Calendar.

THE PRESIDENT:

Hearing no objection, so ordered.

THE CLERK:

Continuing on page six of the Calendar, Cal. 328, File 246. Favorable report of the joint standing committee on Labor and Industrial Relations. S.B. 302. AN ACT CONCERNING THE MINIMUM WAGE.

THE PRESIDENT:

Senator Murphy.

SENATOR MURPHY: (19th)

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

THE PRESIDENT:

Would you remark?

SENATOR MURPHY:

I believe the Clerk has an amendment.

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THE CLERK:

The Clerk has Senate Amendment A, File 246, S.B. 302, LCO 6891, offered by Senator Murphy, copies are on the desks of the senators.

SENATOR MURPHY:

briefly, Mr. President, what the amendment does is conform our laws to federal law where anyone who works for eight hours or less, who earns fifty follars or less a quarter would not be included. The basic theory here is to insure that those that will be excluded for coverage here are those that are basically involved in baby-sitting chores. I move adoption of the amendment, Mr. President.

THE PRESIDENT:

Senator Rome. The motion is on the adoption of the amendment.

SENATOR ROME: (8th)

I have no objection to the amendment. I think it's a good amendment but I would like to ask a question, through you.

THE PRESIDENT:

Proceed.

SENATOR ROME:

Senator Murphy, if your wife were to hire some young high school students over the age of sixteen to do your lawn on an intermittent basis while you are engaged in your responsibility here in the Legislature, they would be covered under this law, is that not correct?

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THE PRESIDENT:

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Senator Murphy, if you care to accept that example, you may proceed.

SENATOR MURPHY:

Mr. President, through you to Senator Rome, I would prefer that she use one of the Murphy offsprings first, but I don't feel that this falls within the definition of domestic service. I think it is intended for those that work in the interior.

THE PRESIDENT:

Senator Rome.

SENATOR ROME:

Mr. President, through you to Senator Murphy, I would hope there was enough ambiguity so that legislative intent would be considered important. I hope that we make it clear that that is the legislative intent. I am concerned by the words domestic and it does not say interior. I am wondering if we might more clearly define it. I think it does create a problem. I don't want all of us to be lawbreakers, including yourself.

THE PRESIDENT:

Senator Murphy.

SENATOR MURPHY:

Through you, Mr. President. I appreciate Senator Rome's concern for all of us, including myself. I feel that it does include only those that work, basically in the interior, but for the record, senator Rome, we can indicate that it

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was the Committee's intention and it is the intention of this body that when we are talking about domestic workers, we are not talking about those who work in the yard or outside of the building. The intent here is to exclude people that babysit, I think, likewise, indicates, as far as the legislative intent is concerned, <sup>that</sup> it is our further intention to exclude those who might do that type of a chore around the outside of one's home.

THE PRESIDENT:

Senator Johnson.

SENATOR JOHNSON: (6th)

Through you, Mr. President, according to my calculations here, you are only excluding people who work for fifty cents an hour. All babysitters I know get at least seventy-five cents an hour and many of them get a dollar or more. You can't get anyone to do any work in the yard for fifty cents an hour and eight hours or less a week for a-- and fifty dollars a quarter works out to fifty cents an hour.

THE PRESIDENT:

Senator Murphy.

SENATOR MURPHY:

Through you, Mr. President, this is only if they are on a continuing basis. The intent is really for someone who does not work, in eight hours which is the normal work day and for someone who earns fifty dollars or less in a quarter. It doesn't necessarily breakdown that it is going to be fifty

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cents an hour.

THE PRESIDENT:

Senator Johnson.

SENATOR JOHNSON:

Through you, Mr. President, many, many teen-agers babysit eight hours a week and those boys who do lawn work often do many more than eight hours a week, especially in good season, so that in one quarter, I suppose to over the year, they might very well earn a lot.

THE PRESIDENT:

Through you, Mr. President, that may well be true, but the amendment conforms this proposed legislation covering domestics with that which is the current federal legislation in this particular field.

THE PRESIDENT:

The motion is on the amendment. Senator Rome.

SENATOR ROME:

My question, through you to Senator Murphy, is it not possible for us to pass temporarily this bill and add specific language, a new section to the end of the bill to exclude babysitters and to exclude temporary help dealing with outside chores including lawn care and add snow removal?

THE PRESIDENT:

Senator Murphy.

SENATOR MURPHY:

Mr. President, I have no objection to the bill being passed temporarily if the minority leader wishes.

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years now since the original law was passed. The intent of this law would be to put a time limit on the date by which those prior attachments must be perfected or they would be of no effect forever. And I move passage of the law and if there is no objection, I move that it be placed on the Consent Calendar.

THE CHAIR:

Is there objection? Hearing none, the matter will be placed on Consent.

THE CLERK:

Turning to page five of the Calendar, middle of the page, Calendar 333, File 292, Favorable Report of the Joint Standing Committee on Insurance and Real Estate, Substitute for Senate Bill 803, AN ACT EXTENDING THE ORGANIZATION AND LICENSING TIME OF THE SECURITY CONNECTICUT INSURANCE CORPORATION.

SENATOR LIEBERMAN:

Mr. President, I'd ask that that matter be marked passed retaining. Mr. President, the previous matter I thought we had marked to take up - Calendar 328.

THE CLERK:

Going back to Calendar 328, File 246, Favorable Report of the Joint Standing Committee on Labor and Industrial Relations, Senate Bill 302, AN ACT CONCERNING THE MINIMUM WAGE.

THE CHAIR:

Senator Murphy.

SENATOR MURPHY:

Mr. President, I move acceptance of the Joint Committee's Favorable Report and passage of the Bill. I believe the Clerk has an Amendment.

THE CLERK:

The Clerk has, I believe, several Amendments.

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SENATOR MURPHY:

I think the one we're looking for is LCO 8035.

THE CLERK:

The Clerk has Senate Amendment, Schedule A, File 246, Senate Bill 302, LCO 8035, offered by Senator Murphy. Copies are being distributed now.

SENATOR MURPHY:

Mr. President, I move adoption of the Amendment. We discussed this Bill last week and this Amendment was drawn to take up and satisfy the problems that were raised and it limits it to domestic service as set forth in the Federal law and I move adoption of the Amendment.

THE CHAIR:

Are there further comments? Are you prepared to vote on the adoption of the Amendment? All in favor then, of Senate Amendment, Schedule A, please say aye. Opposed say nay. The ayes have it. The Amendment is adopted.

SENATOR MURPHY:

Mr. President, as I mentioned last week, this includes within the minimum wage law in Connecticut, those employed in domestic service and if there is no objection, I move this Bill, as amended, to the Consent Calendar.

THE CHAIR:

Hearing no objection, the matter will be placed on Consent. Senator Lieberman.

SENATOR LIEBERMAN:

By my calendar, the next item ready for business is Calendar 340, at the top of page six. I know that Senator Rome is interested in that Bill and I wonder if we might mark it passed temporarily while he is out discussing the other matter.

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THE CHAIR:

All right. Senator Rome.

SENATOR ROME:

In view of the fact that all those green lights are up there before the explanation, is it too late? Has the machine been locked?

THE CHAIR:

Proceed to vote please. The machine may be closed. The Clerk will please tally the vote. Senator Barry.

SENATOR BARRY:

Mr. President, may I be recorded in the affirmative on that vote?

THE CHAIR:

Thank you. Senator Barry will be recorded in the affirmative.

TOTAL VOTING	32
--------------	----

NECESSARY FOR PASSAGE	17
-----------------------	----

YEAS	32
------	----

NAYS	0
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The Bill is adopted.

THE CLERK:

Continuing on page 30 of the Calendar, bottom item on the page, Calendar 328, Files 246 and 6628, Favorable Report of the Joint Standing Committee on Labor and Industrial Relations, Senate Bill 302, AN ACT CONCERNING THE MINIMUM WAGE, as amended by Senate Amendment, Schedule A and House Amendment, Schedule B.

THE CHAIR:

Senator Lieberman.

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SENATOR LIEBERMAN:

Mr. President, I'd move for adoption of House Amendment, Schedule B.

THE CHAIR:

Motion is for the adoption of House Amendment, Schedule B. All those in favor signify by saying aye. Those opposed nay. The Amendment's adopted. Senator Lieberman.

SENATOR LIEBERMAN:

Mr. President, I would then, if there is no objection, move the matter to the Consent Calendar.

THE CHAIR:

Hearing no objection, so ordered.

THE CLERK:

Turning to page 31 of the Calendar, bottom item on the page, Calendar 381, File 300, FAVORABLE Report of the Joint Standing Committee on Judiciary, Substitute for Senate Bill 810, AN ACT CONCERNING CONTRIBUTORY NEGLIGENCE IN PRODUCTS LIABILITY CASES, as amended by House Amendment, Schedule A.

THE CHAIR:

Senator De Piano.

SENATOR DE PIANO:

Mr. President, I move acceptance of the Bill as amended by House Amendment, Schedule A.

THE CHAIR:

All those in favor, please signify by saying aye. Those opposed nay. The Amendment's adopted. Senator Ballen.

SENATOR BALLEEN:

Could we just have a brief explanation of House Amendment A please?

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REP. GEJDENSON: Thank you, Senator. Are there any further Senators or Representatives, Commissioners, who at this time want to testify? Not hearing any Senators or Commissioners,

UNIDENTIFIED SPEAKER: There is one back here.

REP. GEJDENSON: Would you come forward? (end of tape)

Susan Bucknell? You have with you-----

SAMUEL BREAZEALE: I'm Samuel Breazeale, I'm here to represent the Wethersfield Workshop for the Board of Education of the Blind.

REP. GEJDENSON: And you will speak---

SAMUEL BREAZEALE: Yes, I will,

SUSAN BUCKNELL: Okay, you want----to go before me, I don't mind, you were here first.

SAMUEL BREAZEALE: No, she can go first.

MS. BUCKNELL: Thank you. My name is Susan Bucknell, I'm Executive Director on the Commission on the Status of Women. For the past---and I'm testifying on behalf of that Commission.

For the past year, the Commission on the Status of Women, has made the economic situation of women, a top priority. The situation of women, often trying to support families on low incomes is difficult. I'm sure that you are aware of recent statistics which throw away the pin money theory. Over 70% of working women are either single, widowed or separated, or married to men earning under 10,000 a year. Many of these women are dependent on the minimum---on jobs in which the minimum wage is the base pay.

We've estimated that about 22% of all women workers are in fact, in these situations. Historically in fact, the minimum wage was first applied to women only, because it was women who were in minimum paying jobs. Today, I think it is still appropriate to think, to bear in mind, the positions of women when we're thinking about the minimum wage.

To be specific, the first bill I would like to recommend your support for, is Proposed Bill 302, an Act Concerning The Minimum Wage. The Commission on the Status of Women is recommending this to the Labor Committee and Senator Beck has also placed her name on this bill.

This bill would bring the State minimum wage law into conformance with the Federal Fair Labor Standards Act, by extending coverage to domestic workers. In 1974, the Federal Fair Labor Standards Act extended minimum wage and overtime provisions to domestic service workers. The term domestic service worker, applies to someone who works in or about the household, at housework on a regularly scheduled basis. It

MS. BUCKNELL continues: does not include casual baby sitters. The Commission on the Status of Women would like to note that the most recent census in Connecticut, that of 1970, revealed there were 11,762 domestic workers in the State. Of whom, 96.1% were women.

Minority women are over-represented in this job classification. Coverage under minimum wage laws, at the State level, is important to insure at least a basic wage level. In addition, coverage would also mean that Social Security will be more readily available as coverage will insure the reporting of wages.

Finally, coverage begins to change what is being treated as under the table employment for many women, into a regular job. Coverage at the State level moreover, we feel is crucial to allow State enforcement of minimum wage violations. Currently, although domestic workers who work in a, a rather private home, are covered by the Federal law, when they are not covered by the State law, it means that the State cannot enforce it, and the Federal people are even more understaffed on the State basis, then the State Labor Department is. Moreover, it entitles people to the 1% additional under minimum wage. So, we feel that it is important, it has been past practise in Connecticut to bring State minimum wage coverage into conformance with Federal coverage. We would like to suggest that it is time to follow this practice with regard to domestic workers and urge your Committee to give a joint favorable recommendation.

The second issue I would like to address, is an issue that the Commission is supporting. This is Senate Bill 746, which adheres to the removal of the gratuities allowance.

As I'm sure you know, the allowance is a special deduction which allows employers to pay so called, "tipped employees" in hotels, and hotel restaurants and other restaurants, deduction 35¢ an hour in those industries and 60¢ an hour in the restaurant industries as a whole.

The Commission feels strongly that the gratuities allowance does discriminate against women. Although mutual on its face, that it is applied equally to both men and women, it has a disproportionate impact on women, since the vast majority of employees in the industry are women. 90% of those affected by the gratuities deduction in hotels, in restaurants are women and 80% of those affected "fought" in hotels are women.

Anybody who disputes the disparate effects of the gratuities allowance on women, should consult the census and examine the Labor Force serving at tables in small and medium size restaurants which dominate the industries. It is primarily women who do this work, and it is primarily women who are affected by the deduction of the gratuities allowance.

I want to lay out to you 3 arguments why I think the gratui-

MS. LA PENTA continues: I don't know about other waitresses, but I've worked for at least 4 restaurants in the State of Connecticut, and I have always been asked, every week, to sign a document stating that I have made at least 60¢ an hour, in tips. And I believe that that's the law and I have always done it. And that's all I really have to say.

REP. GEJDENSON: Thank you. Would your opinion be any different, on these particular bills, if you were in some way, convinced that one's job would not be lost, or that, there wouldn't be any retaliation from the restaurant owners?

MS. LA PENTA: Well, it's not just the owners. First of all, if their labor costs are going to be increased, they're going to find some way to make more money, to cover these costs, that's a fact of business. I don't think anybody can doubt that. And one of the ways might be to cut down on the staff, another way might be to raise prices, somehow or another, it's going to affect us. I has to. I don't see any way where it can't and I don't think anyone can really convince us that something isn't going to happen, where it would endanger or jobs, or at least reduce our income.

REP. GEJDENSON: Thank you. The next speaker----(applause) The next speaker is Ann Tabor, Beverly Dutko, Silvestre---Thomas---O.K. Nesselroth---Frederica Grey, to be followed by Debbie Anderson.

FREDERIKA GREY: My name is Frederika Grey, I am the research analyst for the Permanent Commission on the Status of Women. The Commission has introduced bill number 302, to provide minimum wage coverage for domestic workers, because of nearly 12,000 domestic workers in Connecticut, 96% are women.

My testimony here today, however, is given as an individual. On behalf of my mother, and my grandmother who is sitting right here. Both of whom have worked as domestics. My mother held that position for over 20 years and my grandmother at 70 years of age, continues to add to the 55 years that she has already accumulated as a domestic worker. That's a total of 75 years of domestic work, and an estimated 225,000 hours. Not one of those hours was covered under the minimum wage laws of the State of Connecticut and this fact is a source of humiliation to both my mother, and my grandmother, and I assure you to others for whom domestic work is a means of economic survival.

It is humiliating, because the domestic worker is often at the mercy of an employer who may or may not agree to pay the minimum wage. So, the first and the most important issue, is an economic one.

The 1976 U.S. Labor Report states that the average annual salary for domestic workers during 1974 was \$2,676. It was the lowest salary of all occupational groups, except for certain farm occupations, it feel roughly \$3,000 below the national poverty level. Interestingly enough, an AFDC reci-



MR. WARD continues:

But chances are, it looks like an open door for other groups to take advantage of this, so, on that grounds, we're not in favor of them. We are in favor of Bill 746, and 1258, which are long overdue and they're well written, and I just asked why should anyone be penalized for good service, if it's rented. I tip for personal service myself.

On the minimum wage, Bill 302, we're in favor of. We're in favor of 1165 and 6331, which is a very human request, and 6659. This is long coming and will aid, on the bordering on edge of, keeping away from poverty; and tending to go to welfare.

And we in organized labor, have wages far above the minimum wage, and wish to aid people that are not. Cause human services are just as much a part of labor as labor is itself. For these people, they do pay the same price for a loaf of bread, as we do. Therefore, this is why our stand, takes this attitude.

REP. GEJDENSON: Thank you sir.

MR. WARD: Thank you.

REP. GEJDENSON: B. D. Waring? Maybe we should give those people a few minutes to come up. Is there anybody in the room who wishes to speak? Come sit in the chair and identify yourself.

ROGER BLUEN: Alright. My name is Roger Bluen, I'm a member of the National Federation of the Blind, I am definitely in favor of bill 1165, which is for the minimum wages for handicapped, blind people. I'd like to clear up something that was brought out earlier in the testimony, in regards to the U.S. Labor Department, looking into the sheltered workshops Of the BESB, which is the Blind Board of Education Services.

I was the guy that instituted that investigation by the U.S. Labor Department. They were not quite, found to be okay, in fact the U.S. Labor Department found them to be uncertified to run a sheltered workshop, because they never had certification and they were found to be in litigation of \$19,000; litigation was being brought against them. There was a recent case with the Supreme Court, dealing with the National Leagues of Cities, vs. Usury, and the results of that case, eliminated the U.S. Labor Department from having any jurisdiction over State Labor workers. Therefore, the investigation to that sheltered workshop had to be dropped. All litigation against them was dropped.

The State Labor Department, unfortunately, does not handle anything, or have anything to do with sheltered workshops in the State. The only thing that they do certify, would be a handicapped worker going into the normal labor market, which allows them to pay them 75% of the Federal minimum, -- or the State minimum wage.

REP. GEJDENSON: Thank you, sir. Any questions? Thank you very much. I might just point out at this time that if there are any individuals interested in speaking, that there are speaker's lists at the foot of the stairs, on the table, that are still available.

Our next speaker, who is with us for a second time today, our distinguished Senator from Finance, Senator Audrey Beck.

SENATOR AUDREY BECK: Mr. Chairman, very briefly, I've spoken on the 3 bills this afternoon, which I was co-sponsoring, but on behalf of Senator Hudson and myself, I did want to repeat to those members of the Committee, who were not here, particularly our support of--for the elimination of gratuity allowances from the minimum wage; my bill 746, provides this in one year, Senator Hudson, over a 3 years. And Mr. Chairman, I particularly wanted to stress aside from the other material we've presented this morning, that we do not expect that waitresses would lose their tips. Those tips are personal property, protected under our Common and our Statutory Law, but what it would permit, is that the Unemployment Compensation provided, would be raised, because tips would not be deducted from the minimum wage. So that it would both increase compensation to waitresses, secondly, decrease the required cost to the consumer, because it would only be for service rendered, and not as part of the wage. And thirdly, that it should not be taken from the waitresses, because this is their private property.

I think we expressed our basic, I don't want to take your time further, thank you.

REP. GEJDENSON: Thank you very much, Senator. Are there further members of the General Assembly, Commissioners, who wish to speak at this time, before I close the -- official period for testimony? Thank you.

Our first speaker then will be Fran Lemieux, to be followed by Carol Maurer.

MR. FRAN LEMIEUX: Mr. Chairman, members of the Committee, my name is Fran Lemieux. I am the President of the Connecticut State UAW-CAP Council.

I come before you this evening in support of proposed bill 302. It is our contention that one who's job demands the trust needed, as in the case of the domestic, should not be paid any less than the minimum wage.

We of the UAW would support proposed Draft 746 entitled, An Act Concerning Eliminating Gratuity Deductions From The Minimum Wage. We do not feel that the elimination of the gratuity allowance over a three year priod as propsed in Draft 1258 is warranted. The maount a waiter or waitress receives in gratuities is determined solely by the person being served. If that employee is both pleasant and efficient, he or she would probably receive a larger tip than