Legislative History for Connecticut Act

PA 80-158

Act Number:	158	**Year:**	1980
Bill Number:	HB 5015		
House Pages:	827-835		9
Senate Pages:	1711-1712, 1913		3
Committee:	**Labor**: 10, 27-28, 31-32, 36-38, 48-50, 53		12
		Page Total:	24

Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate and House of Representatives Proceedings

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CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS
1980

VOL. 23
PART 3
711-1069

SPEAKER ABATE:

Rep. Irving Stolberg.

REP. STOLBERG: (93rd)

Mr. Speaker, I did not press my button. Could I be recorded in the affirmative, please.

SPEAKER ABATE:

The Journal will so note. Rep. Stolberg has cast his vote in the affirmative.

Would the Clerk please announce the tally?

CLERK:

Motion to refer House Bill No. 5380 to the Committee on Environment.

Total number voting	145
Necessary for passage	73
Those voting yea	120
Those voting nay	25
Those absent and not voting	6

SPEAKER ABATE:

The motion passes. The bill is referred to the Committee on Environment.

Will the Clerk please return to the Call of the Calendar.

CLERK:

Calendar page 7, Calendar No. 91, File No 115, Substitute for House Bill No. 5015. AN ACT CONCERNING ACCESSIBILITY OF

PERSONNEL FILES TO EMPLOYEES. Favorable report of the Committee on Labor and Public Employees.

REP. BALDUCCI: (27th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Richard J. Balducci of the 27th Assembly District.

REP. BALDUCCI: (27th)

Thank you, Mr. Speaker. I move acceptance of the Joint Committee's favorable report and passage of the bill.

SPEAKER ABATE:

The question is on acceptance of the Joint Committee's favorable report and passage of the bill. Will you remark, Sir?

REP. BALDUCCI: (27th)

Yes, Mr. Speaker. The Clerk has an amendment LCO 2487.

SPEAKER ABATE:

The Clerk has in his possession an amendment LCO 2487, designated House Amendment Schedule "A"/

REP. BALDUCCI: (27th)

Would he call and allow me to summarize?

SPEAKER ABATE:

Would the Clerk please call the amendment?

CLERK:

LCO 2487, offered by Rep. Balducci of the 27th District.

SPEAKER ABATE:

The gentleman is seeking leave of the Chamber to summarize this amendment in lieu of Clerk's reading. Is there objection? Is there objection to summarization? Hearing none, it is so ordered. You may proceed to summarize this amendment, Rep. Balducci.

REP. BALDUCCI: (27th)

Thank you, Mr. Speaker. The amendment does two things. First of all, it removes some language that was a bit foggy in line 77 in dealing with shall and may as far as an employer goes, so that an employer must allow a physisian requested by an employee to see his medical records, and it also goes a bit further to help clear up the last sections of the new piece of legislation. It adds a part that says that the personnel files -- copies of personnel files shall be accessible by employees on or after July 1, 1981, so it extends for six months that period from January 1, 1981 to July 1, 1981. I move adoption of the amendment, Mr. Speaker.

SPEAKER ABATE:

The question is on adoption of House Amendment Schedule "A". Will you remark further on its adoption? Will you remark further on the adoption of House Amendment Schedule "A"? If not, all those in favor of its adoption, please indicate by saying, aye.

REPRESENTATIVES:

Aye.

SPEAKER ABATE:

All those opposed, nay.

REPRESENTATIVES:

Nay.

SPEAKER ABATE:

The ayes have it. The amendment is adopted, and it is ruled technical.

*****

House Amendment Schedule "A".

In line 77, delete the brackets around the word "shall" and strike out the words "MAY, AT THE OPTION OF THE EMPLOYER,"

In line 145, insert brackets before and after the words "This Act" and substitute the following in lieu thereof: "PUBLIC ACT 79-264"

In line 147, strike out the word "THIS" and insert in lieu thereof the word "SAID", and after "1981" and before the period insert the following: "AND SECTION 7 OF SAID ACT SHALL TAKE EFFECT JULY 1, 1981."

*****

SPEAKER ABATE:

Will you remark further on this bill as amended by House

Amendment Schedule "A".

REP. BALDUCCI: (27th)

Yes, Mr. Speaker. Last year, this House passed a piece of legislation which is probably a landmark in this State as far as personnel files. What we now allow people to do or will allow them to do, is to have access to their personnel files and their medical records with the help of a physician. What this bill did in the past was to say that it will take effect on January of this year. One of the main reasons for that belated date of Janaury 1, 1981 was to allow time for both labor and management people to go over the bill with a fine toothed comb and find any flaws that they felt were in this legislation prior to its effective date.

This bill today, that we have before us, seems to clarify many problems that both labor and management have had as far as the use of this particular bill would have upon the public. And I therefore move passage of thie bill.

SPEAKER ABATE:

Will you remark further on this bill? Will you remark further on the bill?

REP. HANLON: (70th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Neal Hanlon.

REP. HANLON: (70th)

Mr. Speaker, I note in examining the file copy of the bill that certain items that were not deemed to be personnel files under existing laws include items such as information relating to arrest, convictions of crimes, and I note under the definition of security files, the terms arrests and convictions of crimes are not included within the definitions of security files. And through you, Mr. Speaker, I'd like to pose a question to Rep. Balducci, if I may.

SPEAKER ABATE:

Proceed please, Sir.

REP. BALDUCCI: (27th)

My question, Representative, would be, would information relating to arrests and convictions now be deemed to be part of personnel files and therefore not disclosable without the employees consent?

SPEAKER ABATE:

Rep. Balducci, will you respond, Sir?

REP. BALDUCCI: (27th)

Mr. Speaker, the thrust of what that new section did supposedly and I hope it does and my reading of it is that it removed any question that may have arisen as far as an individual being arrested or under suspicion or under scrutiny for any possible misconduct. It does not mean a conviction. What we did

was to take language out of line 25-28 which seemed to pose a problem and adopted a new definition of security file which was more or less all encompassing according to the people who helped draft that particular definition, people from the Civil Liberties Union, people from labor and management. They worked on that definition and they felt it was the best protective type of definition that could be, and that eliminating it in the upper case in lines 25-27, they've contained it all in one particular file in the security file. So, that if somebody were arrested or under suspicion, no, it would not be available.

If they were convicted, yes. They would have -- I believe they would be able to have that type of information.

REP. HANLON: (70th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Hanlon.

REP. HANLON: (70th)

Mr. Speaker, if I may, through you, another question.

SPEAKER ABATE:

Proceed please, Sir.

REP. HANLON: (70th)

If I understand your answer, Rep. if I were an employee and I were arrested and convicted of a crime, would my employer be entitled to disclose that information to a third party without my consent?

SPEAKER ABATE:

Rep. Balducci will you respond?

REP. BALDUCCI: (27th)

Through you, Mr. Speaker. I would say, yes.

SPEAKER ABATE:

Rep. Hanlon.

REP. HANLON: (70th)

Mr. Speaker, I -- upon rather close examination of this file, I would have to respectfully disagree with Rep. Balducci. As I read the definition of security files, as submitted in the file copy of this bill, I don't believe it does specifically relate to arrest records and conviction records, and I think all of us know that the matter of disclosure of arrest and conviction records have been a matter of concern for this Assembly, at least for the five years that I have served here. I don't believe this was the intention of the Labor Committee in voting out the bill, and I am a member of the Committee, and frankly, this problem did not come to my attention until I was reviewing bills for consideration today. I do not believe it was the intention of the Labor Committee to exempt arrest and conviction records from disclosure. However, I think that is the net effect of this bill, and unless there is some amendment to the contrary, I would reluctantly have to oppose this bill.

SPEAKER ABATE:

Will you remark further? Will you remark further on this bill

as amended by House Amendment Schedule "A"? Will you remark further on this bill as amended. If not, would all the members please be seated? Would all staff and guests please come to the well of the House. The machine will be opened.

The House of Representatives is voting by roll at this time. Will the members please return to the Chamber immediately? The House of Representatives is voting by roll at this time. Would the members please return to the Chamber immediately?

Have all the members voted? Have all the members voted? Would the members please check the roll call machine to determine if their vote is properly recorded. The machine will be locked and the Clerk will take the tally.

Would the Clerk please announce the tally?

CLERK:

House Bill No. 5015 as amended by House Amendment Schedule "A".

Total number voting	144
Necessary for passage	73
Those voting yea	116
Those voting nay	28
Those absent and not voting	7

SPEAKER ABATE:

The bill as amended passes.

CLERK:

Calendar No. 92, File No. 103, Substitute for House Bill

S-162

CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
1980

VOL. 23
PART 6
1687-1914

SENATOR MURPHY:

Mr. President, I've been requested to mark that passed retained.

THE CHAIR:

Motion before the Chamber is to pass the item retaining its place. Is there objection to that motion. Hearing none, it is so ordered. The item is passed retaining its place. Proceed.

THE CLERK:

Moving to page 6 of the calendar. Page 6, Calendar No. 230, File 115, 288, Substitute for House Bill No. 5015. An Act Concerning Accessibility of Personnel Files to Employees. (As amended by House Amendment Schedule "A"), with a Favorable Report of the Committee on Labor and Public Employees.

SENATOR SKELLEY:

Mr. President.

THE CHAIR:

Senator Skelley.

SENATOR SKELLEY:

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

THE CHAIR:

Question's on acceptance and passage. Will you remark, Senator Skelley?

SENATOR SKELLEY:

Mr. President, this makes several changes in dealing with the

Personnel Bill that was passed last year. The changes make it easier for individuals to comply with the legislation. If there's no objection, I move that it be placed on the consent calendar.

THE CHAIR:

The question is on acceptance and passage. Will you remark with that motion? Hearing none, is there objection to placing the item on the consent calendar? Hearing none, it is so ordered. Proceed with the calendar please.

THE CLERK:

Calendar 247, File 121, House Bill No. 5181. An Act Concerning Scope of Limitations on Political Activities of Classified Municipal Employees, with a Favorable Report of the Committee on Labor and Public Employees.

SENATOR SKELLEY:

Mr. President.

THE CHAIR:

Senator Skelley.

SENATOR SKELLEY:

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

THE CHAIR:

Question's on acceptance and passage. Will you remark?

SENATOR SKELLEY:

Mr. President, this is merely a technical amendment that further clarifies a statute that was passed about classified employees of municipalities dealing with political activity. If there is no objection, I move that it be placed on the consent

Page 15, Calendar 428. Page 17, Calendar 440, 443, 445 and 446. Page 18, Calendar 449, 450, 451 and on page 36, Calendar 30. That concludes today's consent calendar.

THE CHAIR:

Announce an immediate roll call on the consent calendar, SB 361, HB 5015, SB 100, SB 24, SB 574, HB 5829, HB 5130, SB 533, SB 663, HB 5831, HB 5535, SB 417, SB 52, SB 321, SB 552, SB 67, SB 354, SB 424, SB 544, SB 694, SB 168, HB 5640, HB 5538, HB 5522, HB 5577, HB 5584, SB 163 please?

THE CLERK:

An immediate roll call has been called for in the Senate. Will all Senators please take their seats. An immediate roll call has been called for in the Senate. Will all Senators please be seated.

THE CHAIR:

Machine is open. Have all Senators voted? The machine is closed and the Clerk will take a tally. The vote is 34 yea, 0 nay, the consent calendar is passed. I understand the Clerk has two items to be tabled Senator prior to adjournment.

THE CLERK:

The Clerk has two items to be read into the calendar. Favorable Report of the Joint Standing Committee on Finance, Revenue and Bonding, Substitute for Senate Bill No. 736, An Act Concerning the Functions of Licensing Boards and Commissions.

THE CHAIR:

Table for the calendar and printing please.

THE CLERK:

Favorable Report of the Joint Standing Committee on Appropriations, Substitute for Senate Bill No. 641, An Act Con-

JOINT
STANDING
COMMITTEE
HEARINGS

LABOR &
PUBLIC
EMPLOYEES

1-296

1980
INDEX

MR. MOORE: (Continued)
I'm Executive Director of the Connecticut Construction Industries Association. I'd like to testify, first of all, on those Bills that are coming up for a hearing, this being the first time, and I'd like to mention four of those Bills; the first one being House Bill 5015, An Act Concerning Accessibility of Personnel Records. We'd like to recommend that on line 86, after the word employee, that we add the words or his physician, and I'll get into the reason for that in just a second, and on line 116, after the word his, add the word, in parenthesis, or his physicians at the option of the employer. I'll leave those changes with the Committee. Both of those are to be done so that an employer may make the selection as to when he feels the record--a medical record is so dangerous, potentially dangerous to an employee that a doctor has to be selected to review those records and can copy them and then can go back to his patient.

The second Bill I'd like to comment on is House Bill 5180, An Act Concerning Unfair Employment Practices. Most of our larger companies in this State--most of the larger companies in our State make it a practice to hire relatives, sons and daughters of current employees, but some of the smaller ones find it a problem, a personnel problem in which they have to discipline, in which they may have to discipline one family member and it infuriates the other. So they have a double personnel problem. We would recommend that this Bill be boxed and recommend that an employer be allowed to make that decision himself as to whether to hire a relative or not.

House Bill 5183, An Act Concerning Unemployment Compensation Disqualifications, the Construction Industry favors this Bill. The current statute allows for a disqualification of four weeks when someone who is seeking Unemployment Compensation refuses to accept suitable work. This proposed Bill is a good one. It would require that employee to earn ten times his benefit rate. We think that that's only equitable as he has refused to accept an offer of other suitable work and the fund should not be abused.

REP. BALDUCCI: (continued)
want to happen because if, let's say, we have a five percent situation right now of men and women out there who are unemployed or who are willing to try to find jobs through the new programs we have, I would hate to increase that to eight or ten or fifteen percent in the next five or ten or fifteen years.

And you don't really have to respond to that, but that's just how I feel about this particular thing.

MR. YESSIAN: O.K. Thank you.

REP. BALDUCCI: Mr. Carl Grey followed by Betty Tianti.

MR. CARL GREY: Mr. Chairman, members of the committee. We really want to reaffirm our position at the last public hearing in regards to Senate Bill 10 and House Bill 5091 to reaffirm the position that was taken by our Executive Director, Dominic Badolato, however, as directed is not clear.

In regards to Senate Bill 11, we want the committee to know that Council for ASME is in total support of the Legislative employees to form an organization and collectively bargain with their employer, the same rights that every other state employee has.

In regards to House Bill 5176, and the definition of supervisory employees, the Council for AFSCME is totally opposed to this bill because in our opinion, it represents an erosion of already existing collective bargaining units and flies in the face of the rulings made by the State Board of Mediation in regards to specifying what units and units should be concerned.

On House Bill 5183, we are opposed to the bill on the disqualification of someone who they say is not seeking suitable employment and disqualifying him immediately for all an eternity. We recognize the fact that a firing is an industrial execution, and that a quit, of course, is a voluntary part on the part of an employee. But the place that person who someone determines is not seeking suitable employment and deny him his benefits in the future, we believe is indecent and we're opposed to it.

As far as House Bill 5015, there's no files. It was my

MR. GREY: (continued)
understanding there was a bill passed last year that is to take effect January 1, 1981, and we are opposed to any change until that bill has had an opportunity to be tried. Thank you very much.

SEN. SKELLEY: Thank you. Betty Tianti followed by John Anderson.

MS. BETTY TIANTI: Thank you, Senator Skelley. Members of the Labor and Public Employees Committee, my name is Betty Tianti. I'm the Secretary-Treasurer of the Connecticut State Labor Council AFL-CIO. I figured out if I can just list all of the bills that we testified on at the last two hearings and give you my position, I can maybe get done in my three minutes. So, I'll try to do that, Mr. Chairman.

The State Labor Council, as you know, testified in behalf of Senate Bills 6, Senate Bill 7, Senate Bill 8, Senate Bill 9 Senate Bill 11, H.B. 5012, H.B. 5013, H.B. 5014, H.B. 5016, H.B. 5091. I think those are all of the bills that we testified in behalf of at the last two hearings. Mr. Chairman, I would ask that the testimony presented at those two hearings by incorporated in this one, and I don't have to repeat that.

I'd like to address a couple of the bills that are before you for the first time today, H.B. 5015 which is an act concerning the definition -- which is an act concerning the accessibility of personal files to employees. I wholeheartedly endorse the comments of Carl Grey. I think there was a lot of work done by a lot of people to come out with a bill last year which was acceptable to both management and to employees. I think it's unfortunate that we go back and tamper with that before the bill is even had a chance to prove itself or have any of the bugs show up. I would urge, Mr. Chairman and members of the committee, that H.B. 5015 be boxed and give the bill that was originally enacted in 1979 an opportunity to operate.

I would also address H.B.5176 which is an act concerning the definition of supervisory employees. State Labor Council would like to register its opposition to any fragmentation or any dilution of the existing bargaining units. I think that the historical reasons for the establishment of one unit in both police and fire is still applicable today, that it is a very close knit group and that to allow fragmentation, indeed, to encourage fragmentation, is to do serious damage to the morale of these safety employees.

MR. ANDERSON: (continued)
The first bill I'd like to address is House Bill 5183 which disqualifies individuals from unemployment compensation who refuse a suitable offer of work. We believe that refusal of a suitable offer of work is tantamount to voluntarily quitting a job and that individuals who refuse an offer of suitable work should be treated similarly to individuals who voluntarily quit a job.

This is a reform that was recommended in 1975 by the Legislature's program review committee, and we think it's time that it be enacted by this General Assembly. It is a high priority item in this year's CBIA Legislative Program, and I will follow this oral testimony with a written statement further supporting our position.

With respect to House Bill 5180 which would prohibit discrimination in hiring against family members, I would associate myself with the remarks of Mike Moore and the construction industry in opposition to that bill.

Now, I'd like to talk about House Bill 5015, an act concerning employee access to personnel files. Now, it's clear to me that the last two speakers have not really looked at the bill because sections of the bill, Section 5, for example, simply changes the bill so it conforms with currently existing federal and state law and permits the release of certain information that's required for the operation of our state and federal government. This proposed amendment is the product of the CBIA task force which was put together last summer of all interested CBIA members.

And our attempt was to make the bill workable without violating the principles of access, privacy, disclosure and right of correction on the part of the employee. I am willing to have Mr. John Morris from General Electric Company who testified on this bill last year -- and by the way, it was not a bill that management agreed with in its final form -- and also Jim Brown from the insurance association of Connecticut who participated in that CBIA task force. They are available to offer comments or answer questions you might have and we'll be as specific or as general as you might like to be about the proposed changes.

I would emphasize that the changes we're recommending are technical in nature and in no way undermine the valid principles upon which the act is based.

REP. BALDUCCI: Thank you, John. Are there any questions? Let me ask you one or two, John. On line 39, it deals with materials which are used by the employer to plan future operations. Can you explain that a bit more or --

MR. ANDERSON: That would be, as I understand it, things like succession sheets, which are highly speculative in nature. In this provision -- and Mr. Morris is more expert than I am in this area -- it seems to be consistent with the federal privacy commission recommendations and with most state statutes that have been enacted in this area to date. Maybe Mr. Morris would like to expound upon that.

MR. MORRIS: I would add to that. It would also include such things as proposed planned salary increases which really are not information that should be shared with an employee until such time as the individual does, in fact, receive the salary increase. Now, these are what if's or maybe's as compared with the historical information which can be found in a personnel file.

REP. BALDUCCI: O.K. then, and just prior to that, if you'll back up about eight lines, it talks about excluding stock options or management bonus plans. Could you just explain that, too, Mr. Morris?

MR. MORRIS: One of the --

REP. BALDUCCI; Why that is inserted there -- what you feel that will do.

MR. MORRIS: One of the employers that -- in CBIA had a particular problem. They had a bonus plan where an individual's records were put together in connection with a large managerial award, and they did not want -- did not feel, that until the individual, in fact, got the management award, that he should have access to this information that led to the award.

REP. BALDUCCI; Thank you. Any other questions? I have no more at this time. Thank you. Jim Brown followed by Merilee Millsteen.

MR. JIM BROWN: Good afternoon. Members of the Committee, my name is James Brown, and I'm Counsel to the Insurance Association of Connecticut. I'd like to speak for maybe two minutes in opposition to Raised Committee Bills No. 7 and 9 in their present form and strongly in opposition to Raised Committee

MS. MILLSTEIN: (Continued)
people on our organizing committee were terminated after they were out on Workmans Comp. We thought that it was a case of, a definite case of people being discriminated against for union activity and when we went to the Labor Board and the Labor Board researched it, processed our claim, they found out that it was not discrimination based on union activity that in fact, that hospital had had a history of always terminating people who were out on Compensation cases. So I think if you're going to be considering a Bill like this, it should be amended to say that no one should be fired for having been injured on the job.

We oppose House Bill 5015, the accessibility to personnel files. The Bill hasn't even gone into affect yet. It doesn't go into affect until next January. So I think that it should be given a chance to work.

We oppose 5182. I think that it's true that we need some kind of program for youth employment, but this is not the way to go. What it would do would be to encourage teenagers to drop out of school and employers can easily take advantage of young people and can undermine the employment of people that have been in the workforce for a while. We represent people who work in the nursing home industry and I see it happen all the time in that young people are, high school students, are hired and at minimum wage, and this would just further that kind of tactic. I think that you should recognize that economic times are hard and that it's very difficult for someone presently to stay in school when they see their families having a hard time making it financially. That what we should do is consider a program that people can learn skills and stay in school and get decent paying jobs when they get out.

We support 5091 and I think the Committee is aware that 1199 favors the right to strike and is against binding arbitration. We support the right to strike because when people join a union they do so that they can make choices and decisions about their working conditions and binding arbitration--

REP. BALDUCCI: I'm just asking you to please summarize because--

MS. MILLSTEIN: Okay. I'm almost through.

REP. BALDUCCI: But I have a question for you.

MS. MILLSTEIN: You haven't heard from me about that. That binding arbitration just takes the decision making power out of the employees' hands. Of course, the Committee should recognize that if the employees don't like the decision and aren't happy with the binding arbitration award, that there is still the possibility, if they're mad enough, that they will go out on strike. We think with Senate Bill 10 and the binding arbitration provisions in 5091 the time limits are much too long; that last year when 1199 was negotiating and we chose to go into fact finding, the procedure from beginning to end took a little over a month and I think that that kind of time frame is much more realistic. The way it is now, the shortest amount of time it would take would be 85 days and there is some room in the Bill the way it's written now, for even more time and that just drags it on too long. It's three months from the time you finish.

I just want to briefly say that we also support the right of part timers under 20 hours to be included. We had that experience when health care workers were covered under the State law and when we were transferred to the National Relations Act, there was a recognition that anyone who was regularly scheduled to work, shares a community of interest with other employees. Our contract limits the amount of part timers that the State can hire to 7 percent of the work force and when you really look at that, it takes away some of the flexibility the State has to schedule people and to fill in the health care field.

We also support the right of legislative employees to be included in the State Labor Relations Act.

REP. BALDUCCI: Thank you, Merilee. Just one question to you. It deals with 5015. Okay? One of the reasons we did not-- one of the reasons the legislation was passed and not taking affect for a period of time, was to just give everybody

REP. BALDUCCI: (Continued)
an opportunity to look over some possible changes that
Belt #6 might be able to be made to make the Bill better. I'm not saying that the Bill, with the changes are all good. I'm not saying that. But I think, you know, one of the reasons that the time extension was given and we felt in the Committee, that, you know, to give members of the Committee, members of business and labor, an opportunity to go over again and make it an even better Bill if possible. So I just don't want you to feel it hasn't had an opportunity to go, let's let it work. We know that. We want that to happen. When we can clear it up and make it an even better Bill now, we'd like to do that before it does take effect.

MS. MILLSTEIN: Well, it was my understanding that the Bill as it was drafted, did have labor and management input into it and if you are considering making it better, then the particular changes that are being proposed, I don't think are going to make it better. I think that they'll make it worse. Thank you.

REP. BALDUCCI: Betty Webber, followed by Ray Shea.

MS. BETTY WEBBER: I'm a Business Representative of District 91 International Association of Machinists and I would like to generalize on some of the Workmans Compensation Bills. I happen to specialize in Workmans Compensation from our local and have been before Commissioner Berte in excess of 238 times this year. And I've heard some of the testimony here today and they should be on the other end, the end of the employee. Occupational diseases are very hard to prove, especially when an employee does not know what he's working with. Many, many cases that I've brought before Commissioner Berte where employees have been maimed from solutions that they've been working with; that they're not even allowed to get a sample of. The doctor can't get a sample of to even see if it's an occupational disease and it becomes because they claim the employee has caused the disability himself; they don't know what he was injured with because they can't even get a copy of it. I think the listing of the different chemicals are essential

CHIEF PATTERSON: (Continued)
work together with them when they're in a separate bargaining unit. And it's to that extent, basically, is all that we're asking for.

SEN. SKELLEY: Thank you sir. I'd like to remind everyone, we're going to try to adhere to that three minute rule. I know that there's been some rather lengthy testimony here. William Olds and Mr. Ray Elling.

MR. WILLIAM OLDS: I'm William Olds, Executive Director of the Connecticut Civil Liberties Union. This is, I think, only the second time that I've felt compelled to testify before this particular Committee and I want to take the opportunity to commend the Committee for passing last year, An Act Concerning Accessibility of Personnel Files to Employees and I'm here to speak to the proposed Bill 5015, in that regard.

Essentially, I agree with the concerns of the unions who've already expressed their doubt as to the need of this Bill. I believe it's a step backwards and I have some specific recommendations to make in that regard. The language in the Bill seems to be fuzzy in terms of where you draw the line between what is a personnel record and what is a security file. Essentially, we believe that public and private employees should have access to information about themselves which is held by their employers. The language in the new Bill, we think would limit employees from gaining access to needed information.

Let me go into the specifics. The Bill would, for example, exclude employees from access to information about their alleged "misconduct or qualifications for positions of trust and confidence". That's on line 56. That kind of material apparently would now be placed into a security file and I have doubts that matters involving alleged misconduct or qualifications for positions of trust and confidence belongs there. It seems to me that really belongs in a personnel file. We believe that it's critically important for employees to have that access to such information since rumors, incomplete information, erroneous information can very often severely damage an employee's reputation and standing with an employer. If an employee cannot have the

MR. OLDS: (Continued)
opportunity to rebut his or her own record about trust and misconduct and lack of confidence, then injustices and misinformation can easily occur.

In Section 5 of this Bill, Bill 5015, employers are restricted in disclosing information in an employee's personnel file or medical records, except under narrow circumstances such as pursuant to a lawfully issued summons or a judicial order. However, then it sort of contradicts what it says by allowing for release of a personnel file on simple requests from a police officer. And public school students, private school students under the Federal Buckley Act have their privacy rights protected. An individual police officer cannot go into a school and simply, on simple request, ask for access to student records. They need a court order. They need a subpoena and likewise, the bank privacy act on the federal scale, requires banks not to release information unless it's demanded by a court order. And the banks have openly approved that and backed that concept. So I would say what is good for students and what is good for bank customers in terms of their privacy, should also be good for employees' personnel records.

There's another problem with this Bill too. Section 5 of the Act is removed and the present Act allows employees to submit a written explanation of something that they find wrong in their records. Employees have the right now, under the present law, to rebut what exists in their records. This Bill would remove that opportunity altogether. They couldn't place their version, what they feel are the facts, in their record.

The Bill also repeals section 7 of the Act which enables employees to obtain a copy of their personnel files and more importantly, the Bill could require a doctor to go to the person's place of business in order to examine medical records. Under the present Act, the employer on request of the employee, must mail the medical record to the individual M.D.that represents a particular employee. Under this Bill, the doctor would be required to go to the place of business and given the tremendous demands on the time of the average doctor today, I think that in effect, would mean that the

MR. OLDS: (Continued)
couldn't go and the effect is that the employee wouldn't
Belt #8 have access even through his or her individual doctor, the right to examine that medical record.

So for all those reasons, we have serious doubts about this particular Bill and we would suggest either those problems be overcome or that the Bill be boxed.

SEN. SKELLEY: Thank you very much. Ray Elling, followed by Mary Jane Ryan.

MR. RAY ELLING: Thank you Senator Skelley. I appreciate the opportunity to appear once more. I'm the Director of the New Directions Program for worker education and occupational safety and health and am a Professor in the Department of Community Medicine at the University of Connecticut Health Center in Farmington.

I'd like to ask that the testimony I gave earlier before this group, before these hearings were reset, be accepted in its entirety. I would make also the request that the whole testimony also of other people given on that occasion, be accepted, if necessary as an appendix, to my own testimony. The reason that I request it is that I find it extremely revealing of the emphasis, especially from industry spokesmen, on matters of cost, secrecy and questions of competition with other business and I'd like to point out that the kind of cost emphasis that is coming for also from some of the speakers today, is a very narrow conception of cost. It's costs usually to the company in terms of their profits and there's just not a very broad based cost benefit analysis ih which one would be examining what's happening to the workers, to their families, to the children; what's happening to the whole community. Now, if one took for example, just the lowest estimate of cancer related to work, that is say 20 percent instead of the top end of the official estimate of 38 percent and calculated out the kind of costs that are involved, one would probably arrive at something like $15 billion a year to our society. So when we're talking about costs, we ought to expand the notion of the cost to society of cancer coming from the workplace. I'd like generally to offer support for Raised

MS. RYAN: (Continued)
Association representing firms in Connecticut's construction industry.

On January 24, 1980, we testified as to our opposition to Senate Bills Nos. 6, 7, 8, 9 and House Bills Nos. 5014 and 5016. We would reiterate today,our position as then stated and express our firm view that no Bill increasing either directly or indirectly, the current level of worker's compensation benefits should be enacted without factual justification as to needs and without having first been subjected to detailed cost and actuarial analysis. Increased financial burdens upon Connecticut employers to the extent that they threaten to diminish our competitiveness with other states, should be avoided whenever possible.

In addition to reaffirming our position on those Bills concerning which we have given previous testimony, we offer the following:

House Bill 5015, we support the Bill with one proviso. The construction industry, by its nature, is one of casual employment and temporary job sites. The requirement that personnel files be made available at a location reasonably near the employee's place of employment can place a construction employer in an unworkable and unduly burdensome situation.

House Bill 5179, we oppose this legislation. It is our view that seniority rights are not on a par with life, liberty and the pursuit of happiness, but rather, or purely a product of a collective bargaining agreement, and should not be subject to legislative intermeddling. Furthermore, many apprenticeship, training and other requirements are on the job experienced based and credit cannot be given to those who have not fulfilled the requirements, whatever the reason.

House Bill 5180, we do believe that the Bill is basically absurd and would extend the fair employment concept far beyond its proper objectives. It should be within the employer's discretion to avoid the possible conflicts of interests that could result from the employment of members of the same family.