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CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
1982

VOL. 25
PART 2
326-586

1982 GENERAL ASSEMBLY

SENATE

TECHNICAL SESSION
Thursday, March 18, 1982

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Finance, Revenue and Bonding. House Bill 5772.
AN ACT CONCERNING AUTHORIZATION OF BONDS OF THE STATE
FOR COMMUNITY-BASED FACILITIES UNDER THE DEPARTMENT OF
MENTAL RETARDATION.

Insurance and Real Estate. Substitute House
Bill 5115. AN ACT CONCERNING COMPREHENSIVE REHABILITATION
SERVICES, as amended by House Amendment Schedule A.

Judiciary. Substitute House Bill 5038. AN
ACT CONCERNING ACCESS TO JUVENILE YOUTHFUL OFFENDER
RECORDS BY VICTIMS, as amended by House Amendment Schedule
A.

FAVORABLE CHANGES of REFERENCE, HOUSE BILLS - Referred
to Committees Indicated

Labor and Public Employees. Substitute House
Bill 5542. AN ACT PROTECTING EMPLOYEES WHO DISCLOSE
THEIR EMPLOYER'S ILLEGAL ACTIVITIES. Referred to
Committee on Judiciary.

Environment. Substitute House Bill 5895. AN ACT
CONCERNING AN INCREASE IN CONSERVATION AND RECREATION
FEES. Referred to Committee on Finance, Revenue and
Bonding.

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if there is no objection, that it be placed on Consent.

THE CHAIR:

The matter is moved to Consent Calendar. Hearing none,
so ordered.

THE CLERK:

Calendar 527, File 549, Substitute for House Bill 5542,
AN ACT PROTECTING EMPLOYEES WHO DISCLOSE THEIR EMPLOYERS
ILLEGAL ACTIVITIES, with a Favorable Report of the Committee
on Judiciary and the Clerk has an Amendment.

THE CHAIR:

Senator Owens.

SENATOR OWENS:

Yes. I move acceptance of the Joint Committee's Favor-
able Report and passage of the Bill.

THE CHAIR:

Will you remark, Senator Owens?

SENATOR OWENS:

I believe there's an Amendment by Senator Murphy.

THE CHAIR:

There is. Read the Amendment please. Would you call the
Amendment.

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THE CLERK:

The Clerk has Senate Amendment, Schedule A, LCO 3388, offered by Senator Murphy. That's LCO 3388.

THE CHAIR:

Senator Murphy.

SENATOR MURPHY:

Mr. President, I move adoption of the Amendment and ask that the reading be waived.

THE CHAIR:

So ordered. Proceed.

SENATOR MURPHY:

Mr. President, very briefly, this Amendment just changes one word in the statute. It changes city to town and what the present law requires is that the Workman's Compensation Commissioner for the Second Congressional District have an office in the City of Norwich. The Commissioner is moving to new quarters which are in the town. The government of Norwich is two taxing districts; one is a city consolidated district and the other is a town. The address that we want to move to is in the town taxing district and the attorney general has indicated there's a problem in approving the

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lease arrangement without this change in the statute and as I indicated before, I move its adoption.

THE CHAIR:

Thank you Senator. Further remarks on Senate Amendment, Schedule A? Hearing none, all in favor of Senate Amendment Schedule A signify by saying aye. Opposed? Senate Amendment Schedule A is adopted. Senator Owens.

SENATOR OWENS:

On the Bill, the Bill would prohibit private sector municipal employers from discouraging or discriminating against an employee who reports to a federal agency a violation or suspected violation of any state, federal or municipal law or regulation. And any rights granted by the collective bargaining agreement would not be diminished by the Bill's provisions. I'd move if there is no objection that the Bill as amended by Senate Amendment A be transferred to the Consent Calendar.

THE CHAIR:

Is there any objection to moving this to the Consent Calendar? Senator Matthews.

SENATOR MATTHEWS:

Mr. President, I'd like to ask a question through you.

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THE CHAIR:

Proceed Senator Matthews.

SENATOR MATTHEWS:

Through you Mr. President, to Senator Owens. I am concerned about this Bill in certain ways and I would like to identify those. One is how is it possible in this Bill to verify information as to whether or not an employee disclosed employer misconduct? How is this going to be verified?

THE CHAIR:

Senator Owens if you care to respond.

SENATOR OWENS:

It seems to me that there is a full investigating hearing or inquiry held by the particular agency involved and I would point out to Senator Matthews that this Bill emanated in the Committee on Labor and Public Employees Committee and went to the Committee on Judiciary.

THE CHAIR:

Senator Matthews.

SENATOR MATTHEWS:

Yes, thank you Mr. President. I know that it originated in Labor, Senator Owens. The question is still in my mind as

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to--whether they held a hearing is one thing but the question comes up as to how and whether or not the verification of the information could be identified by a hearing only on the basis of people who may or may not have seen something or have heard something. It--to my mind, it can be very difficult to verify that the rumor is of trouble and not some kind of actual factual information.

I also am concerned about the distribution of the information. Who and under what controls is the distribution of the information going to be retained--control or distributed? I feel that I understand the philosophy and the meaning behind the Bill and I think it is meaningful to us to have some control because--that there is need to protect employees that disclose employers' misconduct but I just feel that there's so much nebulous factor involved in this as opposed to what is actual fact, even though there may be a hearing; that there can be all kinds of rumors that somebody says well, this is what happened and somebody else says that happened and pretty soon you really don't know what happened, although you can have your hearing and discuss it, interview it, question it and so forth. Do you have any response to

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those comments?

THE CHAIR:

Senator Owens, do you care to respond?

SENATOR OWENS:

Yeah. As I--through you Mr. President, I'm sure that I will attest to the fact that nothing is perfect. There are review proceedings. They would have hearings. They would have a right to review under the Administrative Procedures Act. I really, as I said before, there's nothing perfect. Nothing can be in stone. There's a right to a review. There's the right to cross examine at the hearing and so forth. I suggest if you are opposed to the Bill that we call it for a Roll Call but I don't think that extended debate is going to do us a lot of good here on this.

THE CHAIR:

Senator Matthews.

SENATOR MATTHEWS:

I agree. I was asking questions to try to define my own thinking process on circumstances involved. I would not oppose the Bill because I think it has merit, but I am concerned about it.

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THE CHAIR:

Thank you Senator Matthews. The matter has been moved to the Consent Calendar. Anyone opposed to moving this to Consent? Hearing none, so ordered.

THE CLERK:

Calendar 529, File 516, House Bill 5761, AN ACT ELIMINATING THE MANDATORY RETIREMENT AGE FOR PUBLIC DEFENDERS, with a Favorable Report of the Committee on Judiciary.

THE CHAIR:

Senator Owens.

SENATOR OWENS:

Before I start this Bill I wanted to apologize to Senator Matthews. I didn't mean to be short on the last Bill, except it did come from another Committee and I was really, as a matter of courtesy, taking it out for them and I did not mean to cut you off and I apologize to you, Senator.

THE CHAIR:

Thank you Senator Owens.

SENATOR OWENS:

On this Bill I move acceptance of the Joint Committee's Favorable Report and passage of the Bill.

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HB 5056, HB 5127, HB 5131, HB 5406, HB 5457, HB 5459,
HB 5542, HB 5761, HB 5800, HB 5821, HB 5864, 387
HB 5896, HB 5920, SB 644, SB 43, SB 352, LFU
HB 5572, HB 5931, HB 5932, HB 5680, HB 5738,
HB 5035, HB 5124, HB 5136, HB 5641, HB 5401, HB 5672,

567, 568 and 569. On page 19, Calendar 570, 572, 573 and
574. On page 20, Calendar 575, 578. Page 21, Calendar
580, 581, and 582. And that concludes the call of today's
Consent Calendar. HB 5647, HB 5648, HB 5649, HB 5876, HB 5657, HB 5851,
HB 5426, HB 5418, HB 5463, HB 5164, HB 5733, HB 5604,

THE CHAIR:

HB 5722, HB 5780, HB 5782, HB 5815, HB 5957, HB 5578,
HB 5032, HB 5133, HB 5682, HB 5822, HB 5888, HB 5798,

Senator Robertson.

HB 5955, HB 5960, HB 5397, HB 5744, HB 5626,
HB 5902, HB 5615, HB 5736, HB 5125, HB 5452,

SENATOR ROBERTSON:

HB 5488, HB 5767, SB 634, SB 382, HB 5640,
HB 5834, HB 5412, HB 5504, HB 5737, HB 5586,

Mr. President, I would like to request that Calendar
481, File 694, Senate Bill 634, AN ACT DEFERRING FOR ONE
YEAR ADOPTION OF NEW BUDGET REQUIREMENTS FOR PROGRAMS AND
SUBMISSION OF A TASK FORCE REPORT CONCERNING THE EFFECTIVE
NESS OF PROGRAM. I'd ask that be removed from the Consent
Calendar and PR'd for tomorrow. HB 5087, HB 5091, HB 5727,
HB 5976, HB 5153, HB 5536.

THE CHAIR:

Well, it will be removed from the Consent Calendar for
now. We'll discuss the PR after the Consent Calendar. ARE
there any other questions, comments on any item on the
Consent Calendar or requests to remove from the Consent
Calendar? If not, the machine is open for the Consent Cal-
endar. Is Senator Skowronski still here?

The machine will be closed and locked.

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TOTAL VOTING 36

THOSE VOTING YEA 36

The Consent Calendar is adopted. Senator Schneller.

SENATOR SCHNELLER:

Mr. President, I would move for suspension of the rules for immediate transmittal of the following items to the House. Calendar 438, Bill 5578; Calendar 475, House Bill 5736; Calendar 477, House Bill 5452; Calendar 479, Bill 5767; Calendar 486, Senate Bill 382; Calendar 527, Bill 5542; Calendar 545, Bill 352.

THE CHAIR:

Is there any objection to the motion? Hearing none, the rules are suspended as to those items only. What is your pleasure in reference to Calendar 481 which was removed from the Consent Calendar and has been moved for adoption? Senator Schneller.

SENATOR SCHNELLER:

I would move that it be passed retained.

THE CHAIR:

Is there any objection to pass retaining Calendar 481? Hearing none, it's passed retained. Senator Schneller.

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House of Representatives

Wednesday, March 17, 1982

TEFLON BULLETS. The Committee recommends the bill be referred to the Committee on Judiciary.

SPEAKER ABATE:

Referred to the Committee on Judiciary.

CLERK:

Favorable Report of the Joint Standing Committee on Public Safety, House Bill No. 5736, AN ACT CONCERNING THE COMMISSION ON DEMOLITION. The Committee recommends the bill be referred to the Committee on Government Administration and Elections.

SPEAKER ABATE:

Referred to the Committee on Government Administration and Elections.

CLERK:

Favorable Report of the Joint Standing Committee on Public Safety, House Bill No. 5025, AN ACT MAKING AN APPROPRIATION TO THE UNITED STATES COAST GUARD AUXILIARIES. The Committee recommends the bill be referred to the Committee on Appropriations.

SPEAKER ABATE:

Referred to the Committee on Appropriations.

CLERK:

Favorable Report of the Joint Standing Committee on Labor and Public Employees, House Bill No. 5542, AN ACT

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PROTECTING EMPLOYERS WHO DISCLOSE THEIR EMPLOYER'S ILLEGAL ACTIVITIES. The Committee recommends the bill be referred to the Committee on Judiciary.

SPEAKER ABATE:

Referred to the Committee on Judiciary.

CLERK:

Business from the Senate, Change of Reference.

Favorable Report of the Joint Standing Committee on Transportation, Senate Bill No. 42, AN ACT CONCERNING CHILD PASSENGER RESTRAINT SYSTEMS. The Committee recommends the bill be referred to the Committee on Judiciary.

SPEAKER ABATE:

Referred to the Committee on Judiciary.

CLERK:

Favorable Report of the Joint Standing Committee on Transportation, Senate Bill No. 289, AN ACT CONCERNING STATE-OWNED RETAIL SERVICE STATIONS. The Committee recommends the bill be referred to the Committee on General Law.

SPEAKER ABATE:

Referred to the Committee on General Law.

CLERK:

Favorable Report of the Joint Standing Committee on Public Safety, Senate Bill No. 357, AN ACT CONCERNING

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House of Representatives

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

Would the Clerk please announce the tally.

CLERK:

House Bill No. 5575, as amended by House Amendment Schedule "A".

Total number voting	144
Necessary for passage	73
Those voting yea	143
Those voting nay	1
Those absent and not voting	7

SPEAKER ABATE:

The bill as amended passes.

CLERK:

Calendar No. 402, Substitute for House Bill No. 5542, AN ACT PROTECTING EMPLOYEES WHO DISCLOSE THEIR EMPLOYER'S ILLEGAL ACTIVITIES. Favorable Report of the Committee on Judiciary.

REP. ONORATO: (97th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Al Onorato.

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REP. ONORATO: (97th)

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. ONORATO: (97th)

Yes, thank you, Mr. Speaker. Mr. Speaker, this bill is known as a whistle blower's bill on the municipal level. We did one last week or earlier this week that had to do with state employees on the state level. This bill would seek to impose, to protect the employee from dismissal, or any kind of a penalization, for doing the same thing on a municipal or local level. It would subject the employees also to the same penalty if they knowingly or wilfully made false charges.

It would give them appeal periods. It would give them the opportunity to have their pay reinstated if they were improperly discharged. It would provide for employees further not to be subject to disciplinary, they would also, rather, be subject to disciplinary action up to and including dismissal. If they have

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any collective bargaining agreements, then that would control whatever appeals that they may have.

Basically this is the same bill that we passed earlier only this deals with the municipalities and the local level seeking to do the same type of thing that we've done on the state level with the whistle blower's bill and I would urge passage of this bill.

SPEAKER ABATE:

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

All the members please be seated. Staff and guests please, 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. Would 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?

Would the members please check the roll call machine. Would the members please check the roll call

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machine to determine if their vote is properly recorded.

The machine will be locked. The Clerk will take the tally.

Would the Clerk please announce the tally.

CLERK:

House Bill 5542.

Total number voting	131
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Necessary for passage	66
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Those voting yea	131
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Those voting nay	0
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Those absent and not voting	20
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SPEAKER ABATE:

The bill passes.

CLERK:

Calendar page 12, Calendar No. 391, Substitute for House Bill No. 5457, AN ACT CONCERNING VISITATION RIGHTS OF PARENTS REMOVED AS GUARDIANS. Favorable Report of the Committee on Judiciary.

REP. TULISANO: (29th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Richard Tulisano.

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SPEAKER ABATE:

The bill as amended passes.

CLERK:

Calendar No. 402. Substitute for House Bill No. 5542, AN ACT PROTECTING EMPLOYEES WHO DISCLOSE THEIR EMPLOYER'S ILLEGAL ACTIVITIES. (As amended by Senate Amendment Schedule "A") Favorable report of the Committee on Judiciary.

REP. TULISANO: (29th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Tulisano.

REP. TULISANO: (29th)

I move acceptance of the Joint Committee's favorable report and passage of the bill in concurrence with the Senate.

SPEAKER ABATE:

The question is on acceptance and passage in concurrence. Will you remark, sir?

REP. TULISANO: (29th)

Mr. Speaker, the Clerk has an amendment, Senate "A".

LCO No. 3388.

SPEAKER ABATE:

The Clerk has in his possession an amendment. The

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Chair will observe that the amendment is identified as Senate "A", and it bears LCO No. 3388. Would the Clerk please call the amendment?

CLERK:

LCO No. 3388 offered by Sen. Murphy of the 19th District.

SPEAKER ABATE:

Is there objection to summarization? Hearing none, you may proceed to do so. Rep. Tulisano.

REP. TULISANO: (29th)

Mr. Speaker, the amendment only changes from the word "city" to the word "town" of Norwich to the location of, I think it's the unemployment compensation commission. I move its adoption.

SPEAKER ABATE:

The question is on adoption of Senate "A". Will you remark further on the adoption of Senate "A". All those in favor, please indicate by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER ABATE:

All those opposed, nay.

REPRESENTATIVES:

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SPEAKER ABATE:

The ayes have it. The amendment is adopted and ruled technical. All the members please be seated.

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. Would 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 and is your vote properly cast? If so, the machine will be locked and the Clerk will take the tally.

REP. MEYER: (135th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Meyer.

REP. MEYER: (135th)

In the affirmative, please.

SPEAKER ABATE:

The Journal will so note.

Would the Clerk please announce the tally?

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CLERK:

House Bill No. ⁵⁵⁴²~~5942~~ as amended by Senate Amendment
Schedule "A".

Total number voting	133
Necessary for passage	67
Those voting yea	133
Those voting nay	0
Those absent and not voting	11

SPEAKER ABATE:

The bill as amended passes.

CLERK:

Calendar No. 413. Substitute for Senate Bill No.

538. AN ACT CONCERNING THE POSSESSION OF PETS IN
ELDERLY HOUSING PROJECTS. (As amended by Senate Amendment
Schedule "A" and House Amendment Schedule "C"). The
Senate rejected House Amendment Schedule "C" on April 26.

REP. MOYNIHAN: (10th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Timothy Moynihan.

REP. MOYNIHAN: (10th)

Mr. Speaker, based on the rather considerable
difference of opinion between the House and Senate on this
matter, I would move that this be recommitted to the Committee

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MR. COFFEY: (continued)

it would be wise to complete those negotiations and have some experience with the new classification plan before we undertake another evaluation study.

REP. KINER: Thank you, sir. Joe Crisco. Senate Bill 295 and bill calls, etc.

JOE CRISCO: Mr. Chairman, members of the Committee. My name is Joseph Crisco, the Corporate Coordinator of Governmental Relations for United Technologies Corporation. I appear before you once again today to present UTC's opposition to Senate Bill 203, An Act Concerning Limitations on Overtime Work, Senate Bill 295, An Act Concerning Maximum and Minimum Benefit Rates under Unemployment Compensation, and 5542, An Act Protecting Employees who Disclose Employer Misconduct.

Mr. Chairman and members of the Committee. The State of Connecticut's business climate is seriously being threatened by continuing negative legislative proposals. United Technologies has been encouraged in the last few years by the trend at the state level towards better conditions for investment and job creating facilities in Connecticut. In keeping with this growing confidence UTC has invested \$700 million in 1980 and 1981 for facilities and equipment in Connecticut. Adoption of legislation such as Senate Bill 203, Senate Bill 295 and 5542 will have a very adverse effect on decisions concerning location of equipment, facilities and jobs. Their enactment will be a signal to the business community that the state is reversing a trend to enhance the business climate in Connecticut.

Specifically, referring to Senate Bill 295, An Act Concerning Maximum and Minimum Benefits Rates on Employment Compensation, let us not forget and please remember that Connecticut unemployment compensation system has experienced some very tragic times in recent years. Primarily as the result of liberalization of unemployment benefits in the late 1960's. At that time, it was made very easy to qualify for benefits. The benefits were established at high levels in relationship to other states. And the unemployment compensation fund became insolvent and we had to borrow a substantial amount of money. Senate Bill 295 will establish Connecticut at the highest total benefit level in the country. (inaudible) present economic conditions

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MR. CRISCO: (continued)

Senate Bill 295 could disappear the surplus experience in 1981. If this happens, Connecticut may find it necessary once again to borrow from the federal government and employees once again will be penalized. We cannot afford the risk at this time of adding to our present debt of \$321 million. A debt which is being paid by the employers of the state at very great annual expense.

As the state's largest employer, the state unemployment tax is a major tax burden on our operations here in Connecticut. UTC urges you not to make the same mistake that was made in the 60's. Please do not adopt the major increase in unemployment benefits inherent in Senate Bill 295.

In regard to Senate Bill 203, An Act Concerning Limitations on Overtime Work. United Technologies is unequivocally opposed to any legislation that prohibits a corporation from having the flexibility to meet our production and servicing schedules that are so badly needed during these economic trying times. Schedule of overtime work is necessary because the company needs to supply engines. To overhaul is to perform other critical services to satisfy the requirements of commercial customers or the federal government. It's imperative that particular employees be scheduled for overtime because their function or expertise is critically needed.

Consequently, the entire production line or overhaul program may be disrupted if a specific employee is not available for work. As essential throughout the of contracts and our ability to compete for new contracts which are very badly needed for maintaining our work force. That we have the flexibility to require overtime. We believe it is to provide with managers to schedule overtime and other exceptions should be accomplished at the bargaining table. In addition, let us not forget that overtime is the method that UTC uses to maintain as much as possible a stable work force. Overtime scheduling allows us to meet peaks of production and servicing schedules. In regard to bill 5542, An Act Protecting Employees who Disclose Employer Misconduct. We ask that you look at this bill carefully. In most cases, employees are covered by the present laws. It's a very new concept. Presently there
Cass. 2 is litigation in this area. Also, one of the problems

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MR. CRISCO: (continued)

seem to be in the public sector. But this is a problem the public sector, please address the public sector. We feel that the negative climate and we ask that you not report this bill out.

In conclusion, please keep in mind the present economic situation in the airline industry. We are doing everything possible to maintain our work force. Additional tax burdens and state interference in operations throughout the cities will make Connecticut definitely a less attractive and more costly place of doing business. Thank you.

REP. KINER: Joe, two questions come to mind. Referring back to Bill 203, the overtime work bill. What policy does UTC have if an employee refuses to take on overtime?

MR. CRISCO: Let me answer this as I tried to in 1979 when this was before the Committee. Speaking overall and not specifically for the many departments we have in our (inaudible) throughout Connecticut. Our present policy now is to offer overtime on a voluntary basis based on seniority. If no one accepts, then we go to the bottom of the list and require people to work. That's our basic policy.

REP. KINER: And what if they refuse, Joe. Is there a misconduct --

MR. CRISCO: I think it depends upon the issue at the time, the agreements in the collective bargaining agreement with the unions. I again, when I made a statement in 1979, the machinists (inaudible) on a personal grievance because of some statement I made and let me say that from my own personal memory of the circumstances that something happens. You have to remember that just last week, the we had another added chance and it just me to think that we will be in legislation that when, you know, customers, such as United or American, needs work, particularly overhaul work to do and I say that we can't that we are unable to do it because certain employees would not be there.

Also, I found that many employees are looking for as much overtime as possible.

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REP. KINER: Joe, referring to 5542 for a moment. I can just give you the history of the bill and perhaps you are already aware of it. This goes back to our session a year ago, I guess, when a fellow who worked for Amtrak, a gentleman by the name of Dan Burosovich, I believe, wrote a letter to the editor of the Hartford Courant explaining where he felt taxpayers are in being misused. He was fired by Amtrak for doing this because it brought ill will upon Amtrak for doing this because it brought ill will or some ridiculous thing like that upon Amtrak. They don't need something like that to bring ill will upon them, they do it very well themselves. It was a man who was in his early 60's, his pension is going to be affected now and the Committee saw fit to raise this bill for a public hearing knowing full well there was a problem in the public sector, but also wanting to find out if it would be any kind of problem in the private sector as well.

MR. CRISCO: We can appreciate that, Mr. Chairman. I know that through your wisdom that you would give a careful analysis and make an appropriate decision.

SEN. SKELLEY: Yea, Joe. I expected the dialogue of this thing of similar testimony on the other two bills, but I was surprised to hear it on 5542 also. I really don't see that, to use an overworked cliché, as an anti-business environment bill. If we are talking about, if we have a situation where an industry is dumping illegally and an employee knows that, I think that is the responsibility under the General Statutes to make sure that the health and welfare of this state is maintained without being penalized. Unless there is some other reason that you -- I heard your testimony, but I really can't seem to put my finger on the reason why you are so vehemently opposed to that bill.

MR. CRISCO: Senator Skelley, thank you. And I can appreciate what you're concerned about. Basically, we're saying that it's a very new concept and there could be some very great, some very great problems. How would you implement it? I mean, what are the facts? Presently, you know, we are researching this whole issue. As I said before, there is litigation in the State of Connecticut on this. And all we are asking is for the Committee to take its time to analyze the situation to see what's happening before a judgement is made that will have some very negative

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MR. CRISCO: (continued)

effects. I wish I could give you an answer and I would be only too happy in the future as we look at it more closely to sit down with the Chairmen of the Committee and to give a more detailed analysis of the problem. The potential problems. And the way it could be used. In regards to , you know, unfortunately, we wish we didn't have to speak to you to say. We keep getting the impression that before the ball game even starts, we will be behind 100 to nothing. So do you understand why we are here?

REP. KINER: Thank you, Joe. Greg Berg, CCM.

GREG BERG: Mr. Chairman, members of the Committee. My name is Greg Berg and I am the Director of Management Services for the Connecticut Conference of Municipalities. Today, I'm going to give you some testimony on four bills before you. Two of the bills I think are, the questions that I have are somewhat technical in nature. First, Senate bill 294, An Act Concerning Reopener Clauses in Municipal Collective Bargaining Agreements. I believe that this bill has the unintended affect as drafted to eliminate the mediation and fact-finding steps in the impasse procedures on reopener clauses. And I would urge you to amend that bill to eliminate that problem.

Secondly, with respect to Senate Bill 345, An Act Requiring the Provision of Insurance Coverage and Employee Welfare Payments While Collecting Workers Compensation. You heard earlier, Chairman Arcudi say that the need for this bill arose out of a clear position that said that the federal ERISA Act preempts the state section 3151H. As I'm sure you know, the federal ERISA stat sheet does not cover public sector employers, does not cover the state and it does not cover municipalities. Therefore, Section 3151H has not been preempted for municipalities and I believe that, therefore, the bill, Senate Bill 345 should not necessarily cover municipal employers.

With respect to Senate Bill 241, An Act Including Part-Time Municipal Employees Within Collective Bargaining. The Connecticut Conference of Municipalities is opposed to this bill. We believe that part-time employees have always been excluded from the Connecticut act because they do not share a community of interest with other full-time

MR. ANDERSON: (continued)

problems with this bill within the small business sector. I've only been available to the -- this bill's only been available to the public for a week or so, and it is, I think, a new debate in the state of Connecticut. But we've had several calls from small employers complaining that the provisions of this legislation would really kill them. And those are quotes. That they need the ability to require overtime to meet routine operational problems such as absenteeism, vacation schedules, rush orders, etc. But we would be strongly opposed to Senate Bill 203.

I'd like to speak to two other bills that puzzle me, and I'm happy that there has been no positive testimony on their behalf, and I hope that's indicative of - I hope that reflects zero public support. One is Senate Bill 204 which, by title, prevents age discrimination in the writing of certain insurance coverages. Both state and federal age discrimination statutes permit this type of coverage reduction or benefit reduction. When you're rating insurance around or on top of an entitlement program such as Medicare. For those of you who understand Medicare you know it's an extraordinary benefit, and to require duplicate coverage, both private - private coverage on top of this federal entitlement would seem to be a massive and unnecessary waste of our resources - of our premium dollars.

Obviously what would happen is the cost of the duplicate coverage would be passed on to other insureds, as is the case with all insurance coverage increases. So I hope that the fact that there's been no positive support for this bill indicates that there is not deep support for it out there. And again, I hope my comments on it are unnecessary.

Another bill that puzzles me is House Bill 5542 which excludes from the definition of wages holiday pay for purposes of determining an individual's unemployment benefit. It typically happens that workers are, for one reason or another, eligible for unemployment benefits during the period of a plant shutdown, and now many companies in Connecticut are routinely shutting down in the week between Christmas and New Years. What this bill would do is it would say that holiday pay that may be given to employees who are otherwise eligible would be on top of the UC benefit. And to me, all it would do is

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MR. ANDERSON: (continued)

provide a major disincentive for companies to make holiday pay available to their employees, and in the long run would be to the - not in the interests, in fact, against the interests of the worker. Again, on this bill too I'm noting zero support for it so far in this hearing. I again hope my comments are unnecessary.

On House Bill 5483 which is the unemployment compensation benefit bill, I'd prefer to hold off comment on this bill. I anticipate that there will be another opportunity to talk -- to address this community on the entire issue of unemployment compensation, both benefit levels and tax levels, and I would withhold comment on this particular bill pending that other opportunity. I do commend to you the Labor Department booklet that Betty brought forward in the course of her testimony. I think it is a good job. It has many interesting statistics in there in addition to the ones that she cited, and I do commend the Department for putting it together and commend it to each and every one of you.

s. 4 And I can't leave the subject without responding to Betty's comment that in 1973 when benefit ratio was embraced as our financing vehicle that the intent was to keep the fund broke or in bankruptcy. You'd have a hard time telling the employers around the state - the ten thousand of employers around the state who pay 1.5% of their taxable payroll and never have layoffs or separations, you'd have a hard time persuading them that they're participating in a system that was designed to be broke. What our system is designed to do - it is designed basically to pay dollar in dollar out benefit to people who are out of work through no fault of their own. Regrettably in the 70's many of those benefits were not charged to individual employers, but rather pooled, and that is the primary reason that the fund is in the situation it finds itself in today.

Finally, on the whistle blowing concept, House Bill 5542. What troubles me about the bill is the generalness and the broadness of the language. Malfeasance on matters of general public concern. I can't disagree with the idea that employees should avoid being punished for blowing the whistle on illegal dumping. I can't disagree with that concept. In the law now, regarding the private sector, there's a provision against discharge or discipline if an individual filed an OSHA complaint. So if you're talking about targeted situations, and Chairman Kiner is probably

MR. ANDERSON: (continued)

aware of his obligation to blow the whistle as a teacher when he suspects child abuse. There are specific situations that have been identified and addressed in the law regarding specific industries, specific types of situations that could be brought validly to the public's attention. So I would agree with Joe Crisco that this is - this bill is one that deserves a great deal of deliberation, and that the - those deliberations should define as the objective a narrow targeting of this type of approach. Those are my comments.

SEN. SKELLY: Thank you. John, just to point out one thing - he likes to blow scuba horns too. John, on Senate Bill 204, the comments you made, of course, are one of the reasons that the bill was raised by this Committee, that an individual that does reach 65 years of age, does go on Medicare, but there's some inconsistencies here, at least the way I see them. One of them is is that at 64 years of age, and you're working full time or part time, that you're entitled to all the benefits that every other employee gets. At 65, while the status of your employment may not have changed, you're automatically - automatically you could be dropped off all your health plans. And one - Medicare does not pick up all the -- in fact, the Medicare plan may be worse than the one that is currently being provided by the employer.

And two, there seems to be a - even though the feds and the states have allowed for it - there seems to be an area of discrimination here.

MR. ANDERSON: Are you saying that there may be a narrow window of lack of coverage or inferior coverage or ...?

SEN. SKELLY: Well, I think it's trying to be consistent in saying if you can perform the duties of that particular job, you're entitled to the same benefits that every other employee is, regardless of age, sex, whatever.

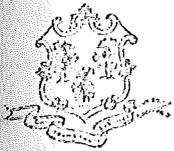
MR. ANDERSON: My concern is - I'm sympathetic with that and theoretically and in principle I have to agree. My concern is that when you double cover, particularly with the extent of an entitlement program of the breadth of Medicare, which I consider to be a tremendously generous benefit, that what you do is you build costs into the system that everybody shares. And if you can reduce costs without

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- MR. FERRUCCI: (continued)
the hands of both parties. And maybe put some safeguards in it to provide for reasonable career paths. One final bill which I don't have any comment on except that our organization clearly supports the passage of House Bill 5540, which is the objective job study for judicial department employees. Mr. Scavazzo who is working with that group has stated the position of the organization. I just want to make sure that you know that Council 4 is 4 square behind it.
- REP. KINER: Mike, on Senate Bill 294. You realize the fact-finding mediation is not in there. Am I to assume that you want to keep that out or to put it back in.
- MR. FERRUCCI: No. Clearly, the reopener scenario should be no different than any other impasse situation mediation, fact-finding, binding arb.
- REP. KINER: Okay. Mike, can you just send to the Committee any kind of documentation you have regarding improprieties in state merit system.
- MR. FERRUCCI: My research department tells me that this Friday I should have both the part-time and the promotional data.
- REP. KINER: We would appreciate that, Mike. One final speaker, Phil Murphy.
- PHIL MURPHY: Representative Kiner, members of the Committee. My name is Phillip Murphy. I am Counsel for the State Commission on Human Rights and Opportunities. I'd like to address three bills that, in view of the hour, very shortly. The first bill involves employer misconduct. It's 5542. Just on that point, I would just like to point out to the Committee that the Judiciary Committee is also considering a bill covering only state employees. On disclosure of information, the so-called whistle blowing bill. And members of the Committee may wish to look at the action that the Judiciary Committee has taken on their bill in terms of your action.
- REP. KINER: What's the bill number, Phil? Do you have that?
- MR. MURPHY: I don't have the Judiciary Bill. I can get it for you. The second one is 5487, An Act Concerning Spouse



STATE OF CONNECTICUT
STATE ETHICS COMMISSION

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Statement of the
State Ethics Commission
on
Raised Committee Bill No. 5542

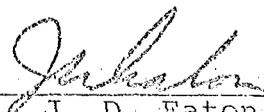
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The Ethics Commission supports the concept of protecting a State employee from retaliation by superiors because the employee has revealed instances of malfeasance which affect State interests.

House Bill 5542 is a useful and proper expansion of §4-61dd(b), General Statutes. That provision appears overly narrow in two respects. It protects State employees only from retaliation by appointing authorities. They should be protected from retaliation by any superior. Additionally, it protects only those who disclose information to the Attorney General.

The Ethics Commission believes that persons who perform a public service by reporting violations of the two statutes it administers should be protected from retaliation. It therefore recommends enactment of House Bill No. 5542, provided:

- (a) "publicly disclosed" includes disclosures to the State Ethics Commission whether by the filing of a complaint or in a less formal manner, and
- (b) "malfeasance on matters of general public concern" includes violations of Chapter 10, General Statutes, which contains the two codes of ethics administered by the Ethics Commission.



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