

Legislative History for Connecticut Act

HB 51075 P.A. 1994 1994

Sen: 3023, 3050-3051 (3)

House 1923, 3854-3892 (50)

Children: 499, 531-535, 546, 576-579 (11)

**LAW/LEGISLATIVE REFERENCE
DO NOT REMOVE FROM LIBRARY**

(64p)

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

Connecticut State Library

Compiled 2014

S-368

CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
1994

VOL. 37
PART 9
MAY 6
SPECIAL
SESSION
2955-3354

WEDNESDAY
May 4, 1994

003023
304
tcc

We will attempt to articulate additions to the Consent Calendar.

THE CHAIR:

All right, sounds good. Now, all parties that are interested in that, listen up.

SENATOR DIBELLA:

On Page 5, Calendar Item 413, Substitute for House Bill No. 5675, I'd move to the Consent Calendar.

THE CHAIR:

Is there any objection to placing Senate Calendar 413, Substitute for House Bill 5675, on the Consent Calendar? Is there any objection? A objection, Hearing none, so ordered.

SENATOR DIBELLA:

On Page 6, Calendar Item No. 425, Substitute for House Bill No. 5482, I would move to the Consent Calendar.

THE CHAIR:

Is there any objection to placing Senate Calendar 425, Substitute for House Bill 5482, on the Consent Calendar? Yes.

SENATOR KISSEL:

Madam President, I have an amendment on 425.

THE CHAIR:

Thank you ver_ much. It will not go on Consent.

WEDNESDAY
May 4, 1994

003050

331
tcc

Thank you, Madam President. Could you please call the Consent Calendar?

THE CHAIR:

Mr. Clerk, Consent Calendar # 2 for today, Wednesday, May 4th. Would you make the necessary announcement, please?

THE CLERK:

Immediate roll call has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber. Immediate roll call has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber.

THE CHAIR:

Thank you very much, Mr. Clerk. The issue before the Chamber is Consent Calendar #2 for today, Wednesday, May 4th. Would you read the items that have been placed on the Consent Calendar, please?

THE CLERK:

Second Consent Calendar begins on Calendar Page 5, Calendar No. 413, Substitute HB5675. Calendar Page 8, Calendar No. 452, Substitute HB5801. Calendar Page 10, Calendar No. 461, Substitute HB5827.

Calendar Page 14, Calendar No. 480, Substitute HB5569. Calendar Page 17, Calendar No. 272, Substitute HB5127.

WEDNESDAY
May 4, 1994

003051
332
tcc

Madam President, that completes the Second Consent Calendar.

THE CHAIR:

Thank you very much. You've heard the items that have been placed on Consent Calendar #2. The machine is on. You may record your vote.

Senator Maloney. Senator Jepsen. Have all Senators voted and are your votes properly recorded? Have all Senators voted and are your votes properly recorded? The machine is closed.

The result of the vote:

| | |
|----|--------|
| 36 | Yea |
| 0 | Nay |
| 0 | Absent |

Consent Calendar #2 has been adopted.

Senator Sullivan. Senator Sullivan.

SENATOR SULLIVAN:

Thank you, Madam President. The next item that we would like to take up is on Page 22, under Unfavorable Reports, Calendar No. 315.

THE CHAIR:

Thank you very much, Mr. Clerk.

THE CLERK:

Calendar Page 22, Unfavorable Reports, Resolutions, Calendar No. 315, File No. 489, Senate Resolution 18, RESOLUTION

H-697

CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS
1994

VOL. 37
PART 6
1866-2214

001923

kfh

37

House of Representatives

Saturday, April 16, 1994

Committee on Planning and Development.

SPEAKER RITTER:

Without objection so ordered.

CLERK:

Calendar 340, Substitute for House Bill 5611, AN
ACT CONCERNING ALTERNATIVE SANCTIONS AND THE JUDICIAL
DATA PROCESSING REVOLVING FUND.

SPEAKER RITTER:

Representative Luby.

REP. LUBY: (82nd)

I move that that matter be referred to the
Committee on Appropriations.

SPEAKER RITTER:

Without objection so ordered.

CLERK:

Calendar 344, Substitute for House Bill 5675, AN
ACT CONCERNING FAMILY LEAVE.

SPEAKER RITTER:

Representative Luby.

REP. LUBY: (82nd)

I move that that matter be referred to the
Committee on Labor.

SPEAKER RITTER:

Without objection so ordered.

CLERK:

H-702

CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS
1994

VOL. 37
PART 11
3687-4034

003854

168

tcc

House of Representatives

Monday, April 25, 1994

REP. NORTON: (48th)

Representative Brian Flaherty.

DEPUTY SPEAKER LYONS:

Thank you, sir. The transcript will so note. Are there any other announcements or points? Hearing none, the Clerk will please return to the call of the Calendar.

CLERK:

The bottom of Page 25. Calendar 344. Substitute for House Bill 5675, AN ACT CONCERNING FAMILY LEAVE. Favorable report of the Committee on Labor and Public Employees.

DEPUTY SPEAKER LYONS:

Representative Lawlor.

REP. LAWLOR: (99th)

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

DEPUTY SPEAKER LYONS:

The question before the chamber is on acceptance and passage. Will you remark?

REP. LAWLOR: (99th)

Thank you, Madam Speaker. I will. The Clerk has LC0916. I would ask that the Clerk call and I be permitted to summarize.

003855

tcc

169

House of Representatives

Monday, April 25, 1994

DEPUTY SPEAKER LYONS:

The Clerk has in his possession LCO916 which will be designated House "A". Would the Clerk please call and the Representative has asked leave to summarize.

CLERK:

LCO916, House "A" offered by Representative Lawlor.

DEPUTY SPEAKER LYONS:

Hearing no objection to summarization, please proceed, Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Madam Speaker. This amendment strikes everything after the enacting clause and substitutes additional language which is the result of a good deal of discussion among state agencies, some of the labor unions involved and other individuals who are state employees and who take advantage of voluntary schedule reduction program.

The Voluntary Schedule Reduction Program was initially instituted in 1991 during the well known income tax session of the General Assembly where a good number of state employee give backs were agreed to by the coalition bargaining process.

One of them was the Voluntary Schedule Reduction Program and whereby state employees are allowed to request that their schedules be reduced, in effect,

003856

tcc

170

House of Representatives

Monday, April 25, 1994

taking a day off a week or a half a day off a week or every other week or whatever that case may be. Taking these days off without pay and thereby allowing for a savings to the state on the personal services account for that agency and at the same time, providing state employees with time, for example, to spend time with children or ailing parents or whatever the case may be.

The continuation of the program became something of a problem for many state employees who are attempting to plan into the future. For some bargaining units, the program was being continued only in a three or six month increment and some state workers complained that they just weren't able to plan for the future.

One case a state employee was deciding whether or not to have a child and wasn't sure that the family, the Schedule Reduction Program would be in the distance, in a year or so and was unsure whether or not to go forward and have a larger family.

In any event, Madam Speaker, this amendment seeks to deal with some of the concerns raised by the unions. An original version of this bill took this process completely out of collective bargaining. Instead, this language allows the program to become permanent and every employee would be entitled to take voluntary schedule reduction, assuming their supervisor or their

003857

tcc

171

House of Representatives

Monday, April 25, 1994

appointing authority agreed to that schedule reduction.

It does allow this to be collectively bargained. It is conceivable that if a contract came before this General Assembly eliminating the Voluntary Schedule Reduction Program for a particular bargaining unit, by approval of this assembly, that, in effect, could take place.

But otherwise, the Voluntary Schedule Reduction Program would become permanent. We have achieved considerable savings over time and we would hope that those savings would continue and that every state worker would have the opportunity to take advantage of this program.

At this point, Madam Speaker, I would like to yield to Representative Andrews.

DEPUTY SPEAKER LYONS:

Representative Andrews, do you accept the yield, sir?

REP. ANDREWS: (87th)

Yes, Madam Speaker. Thank you. Just from our side of the aisle, I just wanted to say that this is a bill that we have watched very carefully and is very much approved of by the Republican side of the Labor Committee and urge its adoption.

Thank you.

003858

tcc

172

House of Representatives

Monday, April 25, 1994

DEPUTY SPEAKER LYONS:

Thank you, sir. Will you remark further on the amendment that is before us? Representative Belden.

REP. BELDEN: (113th)

Thank you, Madam Speaker. I don't have any problem with the concept here, but just so I can understand a little better, what I am really trying to get at, ultimately will be if this is unpaid leave, is this leave that is accumulated on the books that normally would be paid for at the time the employee retired or terminated service and if so, through you, Madam Speaker, if it is taken at this point in the individual's career, how is it treated for IRS purposes? Through you, Madam Speaker.

DEPUTY SPEAKER LYONS:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Madam Speaker. I am not sure how it is treated for IRS purposes. It simply is unpaid leave. You do continue to receive whatever credit to the retirement system, etc. In all other respects, it is as if you continue to be full time employee, however, your bi-weekly pay would be adjusted for whatever hours you are not working.

003859

173

tcc

House of Representatives

Monday, April 25, 1994

DEPUTY SPEAKER LYONS:

Representative Belden.

REP. BELDEN: (113th)

Thank you. Through you, Madam Speaker. Let me perhaps frame the question in another way. If an individual asked to have every Monday off for the next six weeks and it was called unpaid leave, would that mean that it does not involve comp time or it does not involve any accrued sick leave on the record or anything like that? Would it be pure time off without, forgetting about the benefits, without the actual dollars in the paycheck? Through you, Madam Speaker.

DEPUTY SPEAKER LYONS:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Madam Speaker. Yes, it is in effect, pure time off. But it is important to keep in mind this is only if both the appointing authority and the affected supervisor and the employee agree. If either of the two chooses not to continue with it, then it would end. And I think this is distinct from taking comp time or something. Because this presumably would continue over an extended period of time, say six months or a year, maybe one day a week, maybe two afternoons a week. Something like that where an

003860

174

tcc

House of Representatives

Monday, April 25, 1994

employee can plan ahead of time that their schedule would be reduced.

I would point out that I have talked to a good number of state employees who contacted the committee after they saw some reporting of this in the papers to indicate that they do take advantage. It is some financial sacrifice to them, but it is - they consider it a very fair tradeoff for the quality time, I guess you would say, that they spend with their children.

DEPUTY SPEAKER LYONS:

Representative Belden.

REP. BELDEN: (113th)

Through you, Madam Speaker. One more question. If in fact, an individual were to go on a "four-day work week" for a year, for whatever reason and it was agreed to, would that individual receive full benefits, in terms of sick leave, in terms of retirement benefits, etc? As if they had worked a full work week? So, would they receive 80% of those benefits? Through you, Madam Speaker.

DEPUTY SPEAKER LYONS:

Representative Lawlor.

REP. LAWLOR: (99th)

Through you, Madam Speaker. Yes, they retain full benefits throughout the time. Yes.

003861

tcc

175

House of Representatives

Monday, April 25, 1994

DEPUTY SPEAKER LYONS:

Representative Belden, you have the floor.

REP. BELDEN: (113th)

Madam Speaker, I am just talking aloud then. If we have a part time employee and they work less than 20 hours, they get reduced benefits or prorated benefits, but we are now going to go from the 35-hour work week backwards. I could understand on a very short period, tied in with some family leave or some personal problem, but perhaps it might be a good policy of the state in an effort to try to work with its employees to be able to match their personal needs. On an extended long term policy though, it looks like you are authorizing or could be authorizing, part time work and still paying full time benefits.

And I have got to be perfectly honest with you. I think that could be an unfair advantage for people who perhaps who are working in areas where the supervisor could say, okay, you can do this for the next six months, work only four days a week. And other areas it might be possible. I think we are really getting into a very gray area when we extend full time benefits for an agreed to less than full time work.

Through you, Madam Speaker, is there any limit to how long -- to the gentleman, is there any limit to how

003862

tcc

176

House of Representatives

Monday, April 25, 1994

long a person could be allowed to work this less than a full work week? Through you, Madam Speaker.

DEPUTY SPEAKER LYONS:

Representative Lawlor.

REP. LAWLOR: (99th)

Through you, Madam Speaker. Technically, there is no limit in the bill, itself. Under the regulations which are already in effect in some agencies, there is a practical limit, I believe, of a total six months continuous leave. But I would point out that we have -- this bill only talks about days or partial days. It doesn't talk about extended periods of time to deal with that particular concern.

We already have the family and medical leave program which is identical in all respects, in effect you do have time off without pay while retaining your benefits. This is more the case of an afternoon off, once a week or a day off, once a week. That type of thing. A preschedule, partial or total days off. Not extended periods of time.

REP. BELDEN: (113th)

Thank you, Madam Speaker.

DEPUTY SPEAKER LYONS:

Thank you, sir. Representative Winkler.

003863

tcc

177

House of Representatives

Monday, April 25, 1994

REP. WINKLER: (41st)

Thank you. Madam Speaker, a question, through you to Representative Lawlor.

DEPUTY SPEAKER LYONS:

Please frame your question, Madam.

REP. WINKLER: (41st)

Thank you. Representative Lawlor, how does a state employee accrue sick leave and vacation leave? It is so many hours per week on the number of hours they work?

DEPUTY SPEAKER LYONS:

Representative Lawlor.

REP. LAWLOR: (99th)

As I recall back from my days as a state employee eight years ago, I think it is one and one-half or one and one-quarter days per month for every month worked for vacation and I think the sick time is a similar process and I think the personal days, I don't know whether they are three or four a year, something like that.

DEPUTY SPEAKER LYONS:

Representative Winkler.

REP. WINKLER: (41st)

Thank you. Through you, Madam Speaker. I am just trying to put this into perspective as to the way we,

003864

tcc

178

House of Representatives

Monday, April 25, 1994

as members of the CSFT earn sick time and vacation time. We refer to it as PTO time, paid time off. And we receive so many hours per week for the number of hours we work. And I am wondering how this is going to -- are these individuals going to accrue hours or time based on say, if they worked 35 hours, are they going to -- even though they cut back one day, so they would be working 28 hours. Are they going to accrue time based on 35 hours, under this proposal?

DEPUTY SPEAKER LYONS:

Representative Lawlor.

REP. LAWLOR: (99th)

Through you, Madam Speaker. Yes.

DEPUTY SPEAKER LYONS:

Representative Winkler.

REP. WINKLER: (41st)

I find that unbelievable. We are trying to get a cost handle on cost of running this state. We are going to be paying state employees for time they do not work? I don't have a problem with them keeping their longevity, their retirement, their seniority, but I have a problem paying them sick leave and for vacation time that they are not actually working and spending time in their job. Am I correct in understanding of what you have said?

003865

tcc

179

House of Representatives

Monday, April 25, 1994

DEPUTY SPEAKER LYONS:

Representative Lawlor.

REP. LAWLOR: (99th)

Through you, Madam Speaker. Yes, that is correct, but keep in mind, I think the state has saved a total of something in the order of \$15 million since this program was put into effect in 1991 and it happens in a purely voluntary basis, under the regulations, the Department of Administrative Services or the individual agency, could disallow it if they think it is advantageous to the state. This is simply a money savings program.

DEPUTY SPEAKER LYONS:

Representative Winkler.

REP. WINKLER: (41st)

Thank you, Madam Speaker. Through you, I don't see this as a money saving program when we are giving state employees time that they did not earn. I would almost like to have us PT the bill so that would could draft an amendment to separate these two factors and with these two areas in the legislation, I can't support it. What we are doing is paying state employees time that they did not earn and it is not a cost savings measure, from what I can see. I would urge the chamber not to support it.

003866

180

tcc

House of Representatives

Monday, April 25, 1994

DEPUTY SPEAKER LYONS:

Thank you Madam. Will you remark further?

Representative Ward.

REP. WARD: (86th)

Thank you, Madam Speaker. Madam Speaker, I believe that this bill, in its current form, is the same as the PILOT program which resulted in a savings to the state of \$3 million and it was sort of a win-win. It provided substantial savings to the State of Connecticut in its first year of operations and provided substantial flexibility to some of our state employees. Those employees being primarily women with young children. So it was helping them deal with the issue of when a new baby was born or having a young child and trying to balance that and maintaining their profession and career.

In fact, I was distressed when the bill died in the GAE Committee and I am glad to see it revived here and I am very supportive of it. But just to try to clarify a couple of the other issues that were raised. If I may, Madam Speaker, through you, to Representative Lawlor.

DEPUTY SPEAKER LYONS:

Please frame your question, sir.

003867

tcc

181

House of Representatives

Monday, April 25, 1994

REP. WARD: (86th)

Through you. Representative Lawlor is it correct that with regard to the benefits that be given if we call this a benefit, that it is the same in this bill as it was in the PILOT program which has been in place for the past, I believe, one or two years? Through you, Madam Speaker.

DEPUTY SPEAKER LYONS:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Madam Speaker. Through you, I believe in addition to the language that is in the bill, under the PILOT program, individual employees were allowed to take what is called Voluntary Schedule Reduction, but what in effect, an unpaid leave of absence of up to 24 continuous weeks. So, that is not permitted here.

Under the PILOT program, as you point out, some of the estimated savings were about \$5.5 million per year. In the budget estimates, which accompanied the budget adjustments that we approved in the chamber last week, there was \$2.8 million in savings attributed to the upcoming fiscal year to this program, which was only in effect in some, but not all state agencies.

DEPUTY SPEAKER LYONS:

Representative Ward.

003868

182

tcc

House of Representatives

Monday, April 25, 1994

REP. WARD: (86th)

Thank you. Through you, Madam Speaker. Thank you. The one issue that I am just trying to pin down. A couple of questions were related to the accrual of days off, etc. Is it correct that there is nothing different about those items in this bill before us than were in the PILOT program? Through you, Madam Speaker.

DEPUTY SPEAKER LYONS:

Representative Lawlor.

REP. LAWLOR: (99th)

Through you, Madam Speaker. Yes, that is correct.

DEPUTY SPEAKER LYONS:

Representative Ward.

REP. WARD: (86th)

Thank you. I think with that it would appear that besides the Fiscal Analysis estimate of \$2.8 million in savings, that in fact, over the two year prior period, the savings were even greater than that, as Representative Lawlor just indicated.

So although one piece of the program might have appear to give a benefit, one might somehow define as undeserved, in fact, if you look at the totality of this, it is a savings to the State, but I think a more important reason, even if it was a break even to the State, I would support it because it is providing

003869

tcc

183

House of Representatives

Monday, April 25, 1994

employees with flexibility and Management with flexibility. They don't have to give this to every employee on every occasion, but in fact, give it where they think the work can be completed appropriately. You can keep a valued employee that you might otherwise lose. You can let that employee balance his or her family duties with their jobs and as a bonus, save the taxpayers of the State of Connecticut money.

So, I really urge the chamber to support this amendment. I think it would be a mistake to reverse this policy. There was some talk about it being collectively bargained. As I understood it, the original bill lost in GAE because some of the State employees did not, employee unions, did not want this set in statute and instead, wanted to be able to have to negotiate for it.

Frankly, the problem I had with that is since the State saved \$3 million, it might say that if you have to negotiate it for a benefit, give us the \$3 million savings in order to give that benefit to an employee. I think it is better for us to be able to take the savings and then if they wish to negotiate something further, they are open to do that on both sides. But at this point, we are saying to the employees, you get the benefits. We are saying to the taxpayers, you get

003870

tcc

184

House of Representatives

Monday, April 25, 1994

the savings. This is a win-win. I urge the members to support it.

DEPUTY SPEAKER LYONS:

Thank you, sir. Representative Jones.

REP. JONES: (141st)

Thank you, Madam Speaker. Through you, a clarifying question to Representative Lawlor.

DEPUTY SPEAKER LYONS:

Please frame your question.

REP. JONES: (141st)

I believe I heard you say that this schedule reduction would be subject to collective bargaining? Through you, Madam Speaker.

DEPUTY SPEAKER LYONS:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Madam Speaker. Yes, it is not prohibited to bargain over this topic. If this bill passes and takes effect, it will become a permanent program. However, this General Assembly could make an exception to that for a particular bargaining unit. If a contract comes before this assembly and part of the provisions of that contract in some way, eliminates or modifies the Voluntary Reduction Schedule Program.

So, in other words, if this were to become law, it

003871

tcc

185

House of Representatives

Monday, April 25, 1994

actually turns the tables. Right now, it is purely at the initiative of the unit. What we are doing is we are making it permanent, subject to subsequent collective bargaining where it is conceivable. For example, the Department of Corrections, or the Department of Mental Retardation where it would be extremely difficult to implement a program of this type because the overtime problems. Our statute could be superseded by a subsequent agreement with a bargaining unit where they, in some way, modified this program or in effect, eliminated it for some or all of their employees.

DEPUTY SPEAKER LYONS:

Representative Jones.

REP. JONES: (141st)

I am not sure, Madam Speaker, that the arguments just given, justify our policy position. I am concerned about -- this has been represented as a very good idea. A good idea for employees and a good idea for employers. If it is a good idea, it seems to me it should be provided to our state employees uniformly, regardless of what bargaining unit they are in. I can't imagine that a subsequent collectively bargained agreement with one of twenty nine unions would deny certain employees what ever other employee has by

003872

tcc

186

House of Representatives

Monday, April 25, 1994

statute.

I believe, furthermore, that there is very little reason with a program that has such apparent merit, not to make it a statutory provision and thus, not bargainable. So that everyone is treated equally. Everyone has the same opportunities in their agencies and unless there is some emergency need, I assume an employee could take advantage of it.

It seems to me that when we pass a statutory provision for the benefit of our agencies and our employees, to then say, well you go bargain this with your unions, is frankly, a contradiction that we should not support.

The bill has many advantages to it. And while I think Representative Winkler makes a good point on accruing benefits, it is probably not significant enough to defeat the bill over. But the issue of collective bargaining, I think is, from a policy perspective.

Thank you.

DEPUTY SPEAKER LYONS:

Thank you, sir. Will you remark further on the amendment that is before us? Will you remark? If not, -- oh, I am sorry. Representative Rapoport.

003873

tcc

187

House of Representatives

Monday, April 25, 1994

REP. RAPOPORT: (18th)

Madam Speaker, I may have a question for Representative Lawlor, as well. But I do want to respond to Representative Jones' comments on this bill.

I think it is very important for the members of the chamber to go back a little bit in history to the origins of this program before we make the case that since it is a good program, why should we bargain it? This program was initiated in 1991 as a position brought forward by the State Employees unions during the bargaining over the wage concessions that were necessary to balance the 1991 budget.

This was a union proposal. This was an idea that was brought forward. A creative idea. A cost savings idea. An idea that was a benefit to the employees and to the state taxpayers, brought forward precisely through the process of collective bargaining. I think it is a serious mistake made if we say that what collective bargaining is is a way of hampering the ability of the State to move forward on creative and cost savings ventures.

In fact, it was precisely the collective bargaining process that brought this position forward. So, it seems to me that if Representative Jones' logic were followed, any idea that a collective bargaining unit in

003874

tcc

188

House of Representatives

Monday, April 25, 1994

the State brings forward to save the State money to do something good for employees would be negated because the minute they bring it forward, we will seize upon it and eliminate it from collective bargaining. What kind of incentive is that for that process to proceed?

This bill was voted down in GAE precisely because of the issue of the removal from collective bargaining. I think this amendment, in restoring that, keeps it. So I would urge, I guess to people, to support it. Based on the fact that it is going to be collective bargaining.

If I just can make sure that I understand -- if I could have, Madam Speaker, one question to Representative Lawlor.

DEPUTY SPEAKER LYONS:

Please frame your question, sir.

REP. RAPOPORT: (18th)

Just to walk me through the process so that I understand that the preservation that you have indicated of the collective bargaining process.

If a department decided to go ahead and initiate this program and did it in such a way that it was a serious -- there were serious flaws in it and the collective bargaining unit that represented the employees in that department pointed out those flaws

003875

tcc

189

House of Representatives

Monday, April 25, 1994

and wanted to do it in a different way, what would be the process that would happen and would the department be able to go ahead and implement it in its own way regardless of that?

REP. LAWLOR: (99th)

Thank you, Madam Speaker. Through you, the process would be -- first of all, if this takes effect, it is not if -- it is when all state agencies adopt regulations governing the Voluntary Schedule Reduction Program for their agency. If there was a concern about that in some fashion, that could be collectively bargained and if an agreement were reached or if it was an arbitrary agreement, that agreement would have to come before the Legislature for approval. As much as we do with specific parts of many agreements, if we approve an agreement, then that act of the Legislature supersedes any statute to the contrary, notwithstanding.

So, in effect, if there were a problem and then if that was resolved by agreement between the union involved and the agency involved, and it was presented to us in the form of an agreement or an award, then by our approval of that, we could supersede the statute. So, theoretically, it is possible that either the Voluntary Schedule Reduction Program could be

003876

tcc

190

House of Representatives

Monday, April 25, 1994

eliminated or suspended for a particular bargaining unit or the rules could be somewhat different than those set forth in statute. Although the ones in statute, the proposed statute, are relatively minimal to start with.

DEPUTY SPEAKER LYONS:

Representative Rapoport.

REP. RAPOPORT: (18th)

Thank you, Madam Speaker.

DEPUTY SPEAKER LYONS:

Thank you, sir. Will you remark further on the amendment that is -- Representative Andrews.

REP. ANDREWS: (87th)

Thank you, Madam Speaker. If I may, a question through you to Representative Lawlor just for clarification. For argument sake, if an employee were to work four days a week, and it was agreed to by the supervisor that the employee was going to work Tuesday through Friday, for a period of six months, nine months or what have you. And then came a one week vacation. Is it your understanding that the vacation time would be paid on the 30 hours or 35 hours if this were to pass and if it were done under the Voluntary Leave? Through you, Madam Speaker.

003877

tcc

191

House of Representatives

Monday, April 25, 1994

DEPUTY SPEAKER LYONS:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Madam Speaker. As I understand it, you accrue vacation time. For every month you work, you get additional vacation time. I think you accrue it at a rate of a day and one-half or a day and one-quarter per month you actually work, regardless of how many hours you are working.

So if you are working 40 hours of overtime, on top of a 35 hour week, which is the norm in many cases in the Department of Corrections and elsewhere, you are still only earning vacation time at the rate of one and one-half days a month. You are not getting extra vacation time for overtime. So, this is just what is good for the goose is good for the gander. And so, to answer your question, for every month worked, you would accrue the normal period of vacation time except you may be working less than 35 hours per week.

REP. ANDREWS: (87th)

Through you, Madam Speaker. Just to clarify. What would that vacation pay be? Would your pay for that vacation be based on 35 hours or 30 hours if, in the preceding year, for example, you only worked 30 hours a week? Through you, Madam Speaker.

003878

tcc

192

House of Representatives

Monday, April 25, 1994

DEPUTY SPEAKER LYONS:

Representative Lawlor.

REP. LAWLOR: (99th)

That is a good question. I don't know.

DEPUTY SPEAKER LYONS:

Representative Andrews.

REP. LAWLOR: (99th)

I will find out.

REP. ANDREWS: (87th)

Okay. I just want to -- there has been an awful lot of discussion about this and I just want to make sure that people understand what is going on with this amendment.

First of all, there are a number of state employees who are female that ask to have this bill come forward and made permanent because they are working mothers and having a difficult time in meeting schedules, etc. This would allow some flexibility for working mothers and fathers to still be fathers and mothers and still provide the service to the State of Connecticut.

This is an opportunity for us to rank right up there for working parents, but it is also an opportunity for the state to be caring for our employees and also to save some money. People are not getting paid for working full time if they aren't

003879

tcc

193

House of Representatives

Monday, April 25, 1994

working full time. It also has to be approved by the supervisor and ultimately, by the State of Connecticut, on top of that.

So, it is nothing that is going to -- we are not going to run into State departments that are going to be empty because everybody is going to be out on Voluntary Leave. It has to be approved by supervisors. We are not going to be short staffed. It is a good idea. It is not a wholesale thing to allow people to work part time and be paid full time. It is a way for us to be employee friendly, but also save some money and I urge adoption.

Thank you, Madam Speaker.

DEPUTY SPEAKER LYONS:

Thank you, sir. Representative Maddox.

REP. MADDOX: (66th)

Thank you, Madam Speaker. I just have one question, through you, to the proponent, if I may.

DEPUTY SPEAKER LYONS:

Please frame your question, sir.

REP. MADDOX: (66th)

Yes. Representative Lawlor, I am wondering in the language in this, it says reduction. Could this allow for what I would call flex time scheduling? Most state employees now work five days a week. Do you see that

003880

tcc

194

House of Representatives

Monday, April 25, 1994

this would allow that maybe a schedule could be redone to allow those employees -- they may work the same amount of hours or almost the same amount of hours, but do it over four days as opposed to over five? Could that be considered part of the reduction in work?

Through you, Madam Speaker.

DEPUTY SPEAKER LYONS:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Madam Speaker. It is my understanding -- I think that already goes on especially in the Department of Corrections, I think there is a lot of that going on. Work four days on. Four days off. That type of thing. I think they actually work 36 and one-half hours a week in the Department of Corrections or something like that.

DEPUTY SPEAKER LYONS:

Representative Maddox, through the Chair, please.

REP. MADDOX: (66th)

Thank you. I understand that. But I am more interested if this is going to pertain to all state employees, certain agencies have not yet engaged in that, so would this allow that to be done? Through you, Madam Speaker.

003881

tcc

195

House of Representatives

Monday, April 25, 1994

DEPUTY SPEAKER LYONS:

Representative Lawlor.

REP. LAWLOR: (99th)

Could you repeat the question? I didn't hear it.

DEPUTY SPEAKER LYONS:

If you would repeat, please sir.

REP. MADDOX: (66th)

Yes. You mentioned the Department of Corrections. I understand it is done. I also understand the Department of Mental Retardation sometimes does some programs like that. But this statute is going to pertain to all state employees for all state agencies. So could that be done in -- I guess our own Office of Legislative Management or over in the Secretary of State's office or wherever? Through you, Madam Speaker.

DEPUTY SPEAKER LYONS:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Madam Speaker. I believe in our own, the non-partisan employees of the Office of Legislative Management already take advantage of the Voluntary Schedule Reduction program.

DEPUTY SPEAKER LYONS:

Representative Maddox.

003882

tcc

196

House of Representatives

Monday, April 25, 1994

REP. MADDOX: (66th)

Okay. But my question is -- what I am interested in is if we wanted to move people from working five days, thirty-five hours to working four days, say thirty-five hours or thirty-four and three-quarters hours, or whatever, could that be considered a reduction? Because they did work five and now they work four? Through you, Madam Speaker.

DEPUTY SPEAKER LYONS:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Madam Speaker. Through you, I believe the answer is no.

DEPUTY SPEAKER LYONS:

Representative Maddox.

REP. MADDOX: (66th)

Thank you, Madam Speaker.

DEPUTY SPEAKER LYONS:

Thank you, sir. Will you remark further on the amendment that is before us? Representative Jones for the second time, I believe.

REP. JONES: (141st)

Yes. That is correct, Madam Speaker. A question, through you, to Representative Lawlor.

003883

197

tcc

House of Representatives

Monday, April 25, 1994

DEPUTY SPEAKER LYONS:

Please frame your question, sir.

REP. JONES: (141st)

In considering the collective bargaining aspects of this, did you give any consideration to making such bargaining a requirement with CBAC, rather than with individual unions? Again, as you understand, I am concerned about uneven application among all our employees and agencies of what we are trying to do for the benefit of all. Through you, Madam Speaker.

DEPUTY SPEAKER LYONS:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Madam Speaker. No, we did not consider that.

DEPUTY SPEAKER LYONS:

Representative Jones.

REP. JONES: (141st)

Through you, Madam Speaker. Don't you think that would be a good idea so that we don't get 27 different unit agreements on how to implement this?

DEPUTY SPEAKER LYONS:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Madam Speaker. I don't think -- through

003884

tcc

198

House of Representatives

Monday, April 25, 1994

you, I don't think there would be 27 different agreements. The amendment directs the Department of Administrative Services to adopt the regulations which by the way, they already have for the trial program. It is conceivable that those could be geared somewhat differently by the individual supervisor and perhaps in the case that I gave you before, the Department of Corrections where it is highly unlikely that Voluntary Schedule Reduction would be agreed to, for example, for corrections officers because of the overtime problem. I can imagine some practices in individual agencies that might vary or be above and beyond those outlined in the regulations for the program.

So I think it is good to have a uniform policy for all state employees and I assume there will be special situations which will be dealt with by special rules in the various agencies. Keep in mind, it is completely voluntary from the start, so as a practical matter, the rules will be set in the individual work place.

DEPUTY SPEAKER LYONS:

Representative Jones.

REP. JONES: (141st)

Thank you, Madam Speaker.

DEPUTY SPEAKER LYONS:

Thank you, sir. Will you remark further?

003885

199

tcc

House of Representatives

Monday, April 25, 1994

Representative Buonocore.

REP. BUONOCORE: (102nd)

Thank you, Madam Speaker. A question, through the chair, to Mike Lawlor, please.

DEPUTY SPEAKER LYONS:

Please frame your question, sir.

REP. BUONOCORE: (102nd)

Mike, are there any statistics or experiences collected relative to this particular plan has how many will take advantage or any sense in that direction?

DEPUTY SPEAKER LYONS:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Madam Speaker. In the fiscal note to the file copy, there are outlined, the estimated savings to date. I think it is approximately \$5.5 million per year for the first few years of the program and as I pointed out, the Governor actually included \$2.8 million in his estimate of savings in his budget adjustments for the current year.

It is somewhat hard to calculate. I can tell you that extensive meetings, the Office of Fiscal Analysis in trying to get a firm number, taking into account a variety of variables. But I think by anyone's calculation, it is a significant amount of money and I

003886

tcc

200

House of Representatives

Monday, April 25, 1994

think if it were encouraged, and made essentially permanent, then we would probably realize even greater savings over time.

DEPUTY SPEAKER LYONS:

Representative Buonocore.

REP. BUONOCORE: (102nd)

Another question to Representative Lawlor, through the Chair. Mike -- Representative Lawlor, do these calculations on savings reflect the cost to the retirement system?

DEPUTY SPEAKER LYONS:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Madam Speaker. I believe they do. I believe they have been factored in.

REP. BUONOCORE: (102nd)

They include the retirement extra cost to handle this as well as the savings for individuals for not showing up?

DEPUTY SPEAKER LYONS:

Through the chair, sir.

REP. BUONOCORE: (102nd)

Through the Chair.

DEPUTY SPEAKER LYONS:

Representative Lawlor.

003887

tcc

201

House of Representatives

Monday, April 25, 1994

REP. LAWLOR: (99th)

Through you, Madam Speaker. I am not sure there are extra costs associated with this. There would be the costs that would normally be paid into the system. The only difference is the amount of money that is actually coming out of the state employee's pay is not being paid in as a result of their being paid less per week.

REP. BUONOCORE: (102nd)

Through the Chair, Madam Speaker. A question. Part of the calculation of retirement is your time in service and if the time in service is going to include a full week, then there should be a cost if a person is not there a full week. Is that true, sir?

DEPUTY SPEAKER LYONS:

Representative Lawlor.

REP. LAWLOR: (99th)

Sorry. Could I get that question, one more time, Madam Speaker?

DEPUTY SPEAKER LYONS:

Yes. If you would reframe your question, please sir.

REP. BUONOCORE: (102nd)

In calculating the retirement pay, one of the factors is time in service. Therefore, if you allow a

003888

tcc

202

House of Representatives

Monday, April 25, 1994

person to be compensated in time in service, for instance allowing them a full week credit when they work four days, there is going to be a cost factor to the retirement system. I know. I am a state retiree. So, on that premise, has that cost been calculated in your estimate?

DEPUTY SPEAKER LYONS:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Madam Speaker. I believe it has.

REP. BUONOCORE: (102nd)

Thank you, Madam Speaker.

DEPUTY SPEAKER LYONS:

Thank you, sir. Will you remark further?

Representative Tercyak.

REP. TERCYAK: (26th)

Thank you, Madam Speaker. Madam Speaker, there is an aspect of this bill that we are neglecting in this debate and that is that humanitarian aspect. There are -- which is aimed, principally, at those employees whose presence with children and children with special needs. That has to be addressed.

These are parents, our state employees, whose morale we certainly want to maintain, who are needed to take their parents or children for medical or

003889

tcc

203

House of Representatives

Monday, April 25, 1994

psychological services. Now, I think that this is an area that certainly is as least as important as all of the financial aspects of this bill that we are talking about.

So, I would support this bill, Madam Speaker.
Thank you.

DEPUTY SPEAKER LYONS:

Thank you, sir for your remarks. Will you remark further on the amendment that is before us? Will you remark? If not, let me try your minds. All those in favor, please signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER LYONS:

Those opposed, nay.

REPRESENTATIVES:

No.

DEPUTY SPEAKER LYONS:

The ayes have it. The amendment is adopted and ruled technical. Will you remark further on the bill, as amended? Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Madam Speaker. Just in conclusion, I hope -- this is a good idea we borrowed from the private sector. Flex time and voluntary schedule

003890

tcc

204

House of Representatives

Monday, April 25, 1994

reduction have long been practiced in the private sector. To the credit of the various state employee unions involved negotiations which did devise this idea, I hope, from this point forward, whatever savings are attributable to this program are credited to those various bargaining units as they negotiate contracts and raises, etc. It will be a shame for them to lose that credit because they suggested an idea which turned out to save the State money and make life easier and a better quality for many state workers.

Having spoken to many people who take advantage of this program, both men and women, young and old, parents and non-parents, it is very important to them that this program becomes permanent and I think it is a tribute to the State employees which really are the backbone of our state's government that they can take advantage of this in a responsible way and make their work places function better.

I would urge passage of the bill, Madam Speaker.

DEPUTY SPEAKER LYONS:

Thank you, sir. Will you remark further on the bill, as amended? Representative Thompson.

REP. THOMPSON: (13th)

Yes, Madam Speaker. May I briefly remark in favor of the bill and identify myself with remarks made by

003891

tcc

205

House of Representatives

Monday, April 25, 1994

Representative Tavegia. The bill originally came out of our Committee on Children. It was much more expansive than the bill you have before you this afternoon. But I think it is much more effectively addressing the needs of the problem brought to our attention by the parents, state employee parents of children with continuing chronic disabilities and serious episodic needs to be addressed. This will allow an employee to make an arrangement with their agency to take unpaid leave to meet the needs of those children.

So, I urge support of the bill. Thank you, Madam Speaker.

DEPUTY SPEAKER LYONS:

Thank you, sir. Will you remark further on the bill, as amended? Will you remark further on the bill, as amended? If not, will staff and guests please come to the well? Will members take their seats? The machine will be opened.

CLERK:

The House of Representatives is voting by roll call. Members to the chamber, please. The House is voting by roll call. Members to the chamber.

DEPUTY SPEAKER LYONS:

Have all the members voted? Would the members

003892

tcc

206

House of Representatives

Monday, April 25, 1994

please check the board to make sure that your vote is properly recorded? The machine is still open.

If all the members have voted, the machine will be locked and the Clerk will take a tally. The Clerk will please announce the tally.

CLERK:

House Bill 5675, as amended by House "A"

Total number Voting 145

Necessary for Passage 73

Those voting Yea 138

Those voting Nay 7

Those absent and not voting 6

DEPUTY SPEAKER LYONS:

The bill, as amended, passes. Are there announcements or points of personal privilege?

Representative Luby.

REP. LUBY: (82nd)

Thank you. Madam Speaker, it is our intention to recess shortly until 7:00 P.M. this evening. I would ask all members to return promptly at 7:00 P.M. for the start of business and I would note for the rest of the week, our plan is to go each day this week starting at 11:00 A.M. and if necessary, continue to 11:00 P.M. So we are really 11:00 to 11:00 for the rest of the week as long as we have work to do.

JOINT
STANDING
COMMITTEE
HEARINGS

SELECT
COMMITTEE
ON
CHILDREN
PART 2
308-614

1994

000499

66
kay

CHILDREN

March 8, 1994

country, we singled them out and made a special thing. Just listen to her and that's what I think this particular law would do. That's all my comments.

REP. THOMPSON: Thank you. Are there questions? Thank you very much and thank you for waiting. Pat Lockey to be followed by Lucille Collette to be followed by Ruth Dick to be followed by Elaine Alson to be followed by Susan Marland and I think we need another sheet.

PATRICIA LOCKEY: My name is Pat Lockey. I've come before you to talk for about four different bills, but three of them are very short and direct and I haven't heard anyone talk against them, so I'll just be for them.

HB5675, speaking to the care and custody of the minor child and the family leave act. I support both of those, basically on the care and custody of the child, because it concerns the best interest of the child, which has been my focus and which is this committee's focus. And I hope it's the Legislature's focus. The best interest of the child should be the main point.

In family leave, I assume that we closed the loophole by adding that you can take time off for children with disabilities or mental retardation and you can also take time off when an employee himself is sick. I support the family leave.

On the newborn screening, my only concern was the consent of the mother. When a mother has to be in a hospital any length of time, she may be leaving other children at home. So with the consent of the mother, to stay in the hospital longer than 24 hours, whatever the act concerns now. Other than that, I support the act. HB 5676

Concerning the act of liability for foster parents, I've heard no dissension on the act and I think that's really important, coming from the Attorney General and coming from the department and coming from our foster parents. We're all involved in providing care for children and I am a foster parent, so I can personally attest to the fact that that's scary at times. But if this can hold us HB 5680

REP. LOCKTON: And so there's a big decision here because with our state employee new negotiated contract, many state employees, particularly in some parts of the state like Fairfield County don't have any doctors, so this is an any willing provider bill for clinics for HMOs.

: It's not

REP. THOMPSON: You're going to have to turn, you can talk to Representative Lockton after.

REP. LOCKTON: Okay, we have a vote to take, I'll talk to you later.

REP. THOMPSON: We're going to recess the committee at this time and we'll convene as a Committee in five minutes.

REP. THOMPSON: Karen King, is Karen King here? We have another list, Karen King? Judy Blei. Steven Eppler-Epstein, I knew you were here Steve, to be followed by Raphael Podolsky to be followed by Terry Eddlestein to be followed by Betsy Gara to be followed by Cindy Stearns. We need a microphone on the, Steve maybe you could sit at that there. May I have the Committee's attention please. Mr. Epstein is going to testify. Thank you for waiting Steve.

ATTY. STEVEN EPPLER-EPSTEIN: Thank you. Senator Mustone Representative Thompson and members of the Committee, my name is Steve Eppler-Epstein, I'm an attorney specializing in family law and welfare law with the Meriden office of Connecticut Legal Services, which represents low income people around the state.

I am testifying today regarding Section 1, HB5675 AN ACT CONCERNING THE CUSTODY AND CARE OF MINOR CHILDREN AND FAMILY LEAVE. Section 1 of that bill would require judges when considering the best interests of children, in custody and visitation cases, to consider domestic violence by a party or any other adult household member as a factor in the decision.

000532

99
kay

CHILDREN

March 8, 1994

I am pleased to see that the Committee is interested in thinking through the impact of domestic violence on children. Historically the courts have viewed the abuse of women as being of questionable relevance to custody and visitation arrangements. I think everyone can now clearly agree, however, that it is not good for a little boy or girl to see his or her mother beaten by the father.

I am concerned, however, that there are many question that you or I may have regarding this legislation for which I cannot give you answers today. For example, a number of states have statutes which establish a variety of different types of rules of how and when domestic violence should intersect with custody and visitation decisions.

But I have not had an opportunity in the short time since I saw this bill to contact legal services or domestic violence shelter advocates in the other states to find out what their experience has been. So I don't know in those states how custody and visitation decisions have been affected. I don't know whether there's been a backlash from other interest groups in those states.

I'm concerned that certain statutory changes might end up hurting battered women and their children. I also wonder whether there should be, as I believe there are in some other states, different standards of relevance when considering visitation, as opposed to considering custody decisions.

And I also don't know how effective these kinds of changes in the legal standards are when compared to judicial training and public education efforts. Even more specifically in this particular bill the proposal that violence by any other household member be considered by the judge could be quite dangerous. Because this language could result in certain cases by blaming the victim of domestic violence.

For example, a women who has custody or visitation with her children after the break up of a marriage who subsequently remarries and is abused by the new husband would, that situation would invite the

000533

100
kay

CHILDREN

March 8, 1994

father of the children to come into court and say that the woman should loose visitation or should loose custody because she has been subjected to violence by the other household member, the new husband.

I don't believe that, that would be a good idea to raise that as a new possibility and take the current discretion away from the judge in those cases and I would not guess that, that was intended by the Committee. As a result of the unanswered questions I'm urging you today to establish a process for further study of the issue, rather than passing legislation this session.

In saying this I would note that I have not always been so patient in my advocacy on issues relating to domestic violence. I've represented battered women in court for 10 years, I spent five years as a volunteer child advocate at the New Haven Battered Women Project, I've been on the board of the Connecticut Against Domestic Violence. And I've often been in the position of saying, more should be done, and more quickly.

But, in this case I am concerned that there needs to be more discussion about the possible ramifications and outcomes of taking the discretion away from the judge and specifying what should be considered. For example, in the late 1980's Washington State passed a law that mandated the arrest of the primary aggressor in domestic violence cases. And by using that primary aggressor language they intended to say we'll get the one who's really violent so there won't be arrests of both parties in domestic violence cases.

But what happened was, there was huge increase in the number of arrests of battered women in Washington State because if the woman happened to be the first to strike, even if the man's actions were much more severe, it was the woman who ended up getting arrested.

So I'm concerned that the legislation in these kinds of cases does not always have completely predictable results. I would note that the Connecticut Supreme Court last March spoke to this issue and found that abuse by one parent of another

000534

101
kay

CHILDREN

March 8, 1994

is relevant or may be relevant to custody determinations. Even after the couple has broken up, that was the Knock vs Knock case last March.

Before taking further steps it seems to me worth observing what impact the Knock case has on custody determination. And finally, it seems to me inevitable that establishing domestic violence is a factor to be considered in establishing custody and visitation orders will inevitably prompt other groups, other people to come in, and suggesting other kinds of standards that should be added, other specifics in the list of considerations that the judge should look at.

That is not necessarily a bad thing, but we shouldn't start on that path without being certain that the steps we are taking are important enough to get into those kinds of detailed considerations. So I'm asking you to delay the legislation this year and instead establish a process for thinking through the issue more thoroughly by bringing together experts and citizens with expertise in the area and more time for discussion and research.

Particularly into what other states have seen.
Thank you.

REP. THOMPSON: I think the proposed legislation is taken from New Jersey and perhaps one other state. And it was brought to our attention by an attorney who had been, also, as you are Steven representing parents. We are happy to take your recommendation under advisement. I wonder if we might not, since this will be going to judiciary, there may be the opportunity to straighten out or at least amend to the study route.

So at this point, we'll take that under advisement. So if you want to take a look at the New Jersey law or talk to Dan Shapiro who I think drafted the final version.

ATTY. STEVEN EPPLER-EPSTEIN: And Dan Shapiro is?

REP. THOMPSON: He's our council, he's not here right now, he's in the Legislative Commissioner's office.

000535

102
kay

CHILDREN

March 8, 1994

ATTY. STEVEN EPPLER-EPSTEIN: I would urge the committee though if you are going to JF the bill with some kind of specific language to consider deleting the, other adult household member language, because I do think that is really quite loaded. Who else gets brought into this.

REP. THOMPSON: Okay.

ATTY. STEVEN EPPLER-EPSTEIN: Who else gets brought into this.

REP. THOMPSON: Okay.

ATTY. STEVEN EPPLER-EPSTEIN: Thank you very much.

REP. THOMPSON: Looks like you and I in Canada. Judy Blei and then Raphael Podolsky and Terry Edelstein, Terry was here a minute ago.

JUDY BLEI: Representative Thompson and Representative Lockton.

REP. THOMPSON: Good evening.

JUDY BLEI: I'm Judy Blei and I'm speaking on behalf of the American Academy of Pediatrics. Because the hour is late, I'll just summarize my testimony. It relates to HB5673, AN ACT CONCERNING EMERGENCY MEDICAL SERVICES FOR CHILDREN. And we, while we applaud the intent of the bill, we are submitting substitute language because we have strong objection to the composition of the advisory board as spelled out in the proposed legislation.

There are great deficiencies in our state in emergency medical services for children. And these deficiencies range from inappropriately sized blood pressure cups on ambulances, inadequate assessment skills taught to EMTs and lack of pediatric control to the in the field teams. There is no established referral network of protocols in this state that would guarantee that our most severely ill and injured children would receive optimal timely emergency stabilization and treatment.

000546

113
kay

CHILDREN

March 8, 1994

RAPHAEL PODOLSKY: And finally, the very last bill is HB5675 which deals with custody, modification of custody and visitation orders. That's the bill that Attorney Eppler-Epstein spoke about just a few minutes before I came on. And there I would, essentially I would just second the things he said and I think that in its present form it creates some problems.

One of the things that I'm a little bit concerned about in general is, if we are going to start listing individual factors, that should be considered in deciding the best interest of the child, I think it makes more sense to try to be comprehensive than to hit or miss pick out one factor or another factor and raise it up above everything else.

To me that's one argument why you may want to push this over to interim study, to look at if we are going to give directions to the court beyond the broad statement, make your custody visitation orders in the best interest of the child. What is it that we should highlight? And I mean, one approach is to do it comprehensively and the other is well if someone comes in with a particular factor that we think is important we just stick it in and we wait and see if anybody else comes in with another factor at some other time.

But, to me at least it's more sensible to try and approach it comprehensively. In any event I think it becomes an argument for simply for giving more thought to it.

REP. THOMPSON: Thank you Raph, Senator Harp has question.

SEN. HARP: Yes, on HB5681, and understanding that the bill really doesn't go as far as you thought that it did, it's merely a check off. What I want to understand, and perhaps I should discuss it with you after the meeting, but you're the second attorney who's come to us and said that the ability to deny an occupational license should be something that occurs through a contempt degree, I believe you said or and through a court matter.

000576

Tape 2, Side A,
Page 1, line 2
5675

PATRICIA LOCKEY MSW
Speaking for the Act Concerning the Custody and Care of Minor Childrer
and the Family Leave Act

HB5675

I support the Custody and Care portion because I see the Best Interest of the Child defined and specific and that what behaviors can and will be considered in the decision making of who will get custody of minor children in court actions. And I believe this decision making needs to be spelled on and be clear to help those who need to make decisions and do not always have the time or resources to conduct their own private studies. But the BEST INTEREST of the CHILD must always be the focal point.

FAMILY LEAVE

As a parent I support family leave when children are adopted as well as for those who are born into a family. I also support Family Leave for parents of children with disabilities who may need an extensive length of time to care for their children. I also support the inclusion of leave for sickness of an employee so when they are well they can return to employment and regain their lives as productive people if that is how they define themselves.

000577

Legal Assistance Resource Center
◆ of Connecticut, Inc. ◆

80 Jefferson Street ◆ Hartford, Connecticut 06106
(203) 278-5688 ◆ FAX (203) 278-2957

March 8, 1994

H.B. 5675 -- Custody and visitation
Children's Committee Public Hearing

Recommended Committee action: DELETION OR MODIFICATION OF §1

This bill combines two apparently unrelated proposals. This testimony is directed only to §1 of the bill.

Section 1 requires Superior Court judges to consider a history of domestic violence or of abusive conduct by the parents or any other adult household member in modifying custody and visitation orders. Such factors already are considered. As a result, this change is unnecessary. A history of domestic violence, of course, is not the only element which goes into a court's custody and visitation decisions. There is a danger that the highlighting of one factor without highlighting other important factors may have the effect of devaluing the unlisted factors. If the Committee wants to amend C.G.S. §46b-56 to itemize particular elements which should carry extra weight when a court modifies custody or visitation, it would be better to take the time systematically to identify the more and less important factors, rather than choosing factors on a piecemeal basis.

If the Committee nevertheless wants to make domestic violence a specific factor, then the reference to "any other adult household member" should be deleted. The section is appropriate only in regard to a history of violence by one parent against the other. Giving special statutory weight to allegations of abuse by someone else (typically by a boyfriend against the mother) would place undue importance on claims about that parent's present relationship with someone else. This is not to deny that such relationships may be relevant to what is best for the child. It is just to state that they are not routinely central to the issue of custody or visitation between parents and therefore should not be given more weight than other factors. In contrast, a history of domestic violence by one party against the other is quite important in making decisions about custody and visitation. If this section remains in the bill, it should be modified to focus on the behavior of the parents, not of third persons who are not party to the proceeding.

-- Prepared by Raphael L. Podolsky

000578

Tape 3, Side A
Page 2, final



Connecticut Legal Services, Inc.

3 Colony St. • Meriden, Connecticut 06451 • Telephone (203) 235-2571 • Fax (203) 630-3051

MANAGING ATTORNEY
NEIL BROCKWEHL

ATTORNEYS-AT-LAW
STEVEN D. EPPLER-EPSTEIN

PARALEGALS
KAREN D. BURDACKI
JENNY CUBANO

SECRETARY
MILAGRO RODRIGUEZ

JOHN PALUMBO
Chairman

NORMAN K. JANES
Executive Director

DOUGLAS M. CROCKETT
DENNIS J. O'BRIEN
Chief Counsel

ADMINISTRATIVE OFFICE

425 MAIN STREET
MIDDLETOWN, CT 06457

LAW OFFICES

1 LAFAYETTE CIRCLE
BRIDGEPORT, CT 06604

175 TRIANGLE STREET
DANBURY, CT 06239

112 MAIN STREET
DANIELSON, CT 06239

425 MAIN STREET
MIDDLETOWN, CT 06457

587 MAIN STREET
NEW BRITAIN, CT 06051

153 WILLIAMS STREET
NEW LONDON, CT 06320

9 ELM STREET
ROCKVILLE, CT 06066

98 SOUTH MAIN STREET
SOUTH NORWALK, CT 06854

20 SUMMER STREET
STAMFORD, CT 06901

32 CITY HALL AVENUE
TORRINGTON, CT 06790

85 CENTRAL AVENUE
WATERBURY, CT 06722

872 MAIN STREET
WALLMANTIC, CT 06228



March 8, 1994

Before the COMMITTEE ON CHILDREN

Testimony of: **Steven D. Eppler-Epstein**
Staff Attorney
Connecticut Legal Services

re: H.B. 5675: An Act Concerning The Custody And Care Of Minor Children
And Family Leave

Position: Section 1 should be modified or deleted

Senator Mustone, Representative Thompson, and members of the Committee:

My name is Steve Eppler-Epstein. I am an attorney, specializing in family law and welfare law, with the Meriden office of Connecticut Legal Services, which represents low-income people around the state.

I am testifying today regarding Section 1 of H.B. 5675: An Act Concerning The Custody And Care Of Minor Children And Family Leave. Section 1 would require judges, when considering the best interests of children in custody and visitation cases, to consider domestic violence by a party or other adult household member as a factor in the decision.

I am excited to see that the Committee is interested in thinking through the impact of domestic violence on children. Historically, the courts viewed the abuse of women as being of questionable relevance to custody and visitation arrangements. I think everyone can now clearly agree, however, that it is not good for a little boy or girl to see his or her mother beaten by his father.

I am troubled, however, that there are many questions you may have regarding this legislation for which I cannot give you answers. For example, a number of states have statutes which establish different types of rules for how and when domestic violence should intersect with custody and visitation decisions. But I have not had an opportunity to contact legal services or domestic violence shelter advocates in those states, to learn their experience with those statutes. How have custody and visitation decisions been affected? Has there been a backlash? Can the statutory change end up hurting battered women and their children? Should there be a different standard of relevance when considering visitation, as opposed to custody? How effective are changes in legal standards compared to judicial training and public education efforts?

000579

page 2
March 8, 1994

Even more specifically, the proposal that violence by "any other adult household member" be considered is quite dangerous, because this language would result in blaming the victim in many cases. For example, a woman who re-marries, and is physically abused by her new husband, would be at risk of losing custody or visitation -- even though the abuse is beyond her control.

As a result of the unanswered questions, I am urging you today to establish a process for further study of this issue, rather than hurriedly passing legislation. In saying this, I would note that I have not always been so patient in my advocacy on issues relating to domestic violence. I have represented battered women in court for ten years. For five years, I volunteered to work with children staying with their mothers at the New Haven Domestic Violence Program's shelter. I served for a number of years on the Board of Directors of the Connecticut Coalition Against Domestic Violence. And often in these endeavors, I sought more response, and quickly.

But over time I have also learned the value of dialogue, and the importance of caution. For example, in the late 1980's Washington state passed a law mandating the arrest of the "primary aggressor" in domestic violence cases, only to see a huge upsurge in the numbers of battered women being arrested. Cases like this have made it painfully clear that laws regarding domestic violence can be passed with the best of intentions, but the results are not always predictable.

The Connecticut Supreme Court already clarified last March that abuse of one parent by another may be relevant to custody determinations, "even after their separation." Knock v. Knock, 224 Conn. 776 (March 2, 1993). Before taking further steps, it seems to me worth observing what impact Knock has on custody determinations.

Finally, it seems to me inevitable that establishing domestic violence as a factor to be considered in establishing custody and visitation orders will inevitably prompt myriad other proposals for additional factors. Connecticut should not embark on this course without being certain that we have carefully studied and thought through all the questions.

I urge you to delay this legislation this year, and instead establish a process for thinking through this important issue more thoroughly, and for bringing experts and citizens together with more time for discussion and research.