

<b>Act Number:</b>	09-106	
<b>Bill Number:</b>	6186	
<b>Senate Pages:</b>	2637-2639, 2811-2813	<b>6</b>
<b>House Pages:</b>	1938-1941	<b>4</b>
<b>Committee:</b>	Labor: 130, 131, 219-220, 544-546	<b>7</b>

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**CONNECTICUT  
GENERAL ASSEMBLY  
SENATE**

**PROCEEDINGS  
2009**

**VOL. 52  
PART 9  
2637 - 2957**

ch/hal/dt  
SENATE

11  
May 20, 2009

Yes. Thank you, Mr. President. Mr. President, would like to -- to mark four items initially as orders of the day and will then go back and mark additional calendar items after that.

THE CHAIR:

Please proceed, sir.

SENATOR LOONEY:

Thank you, Mr. President. First is Calendar page 8, Calendar 537, House Bill 6186. The second is on Calendar page 20, Calendar 142, Senate Bill 365. Third one, Mr. President, is on Calendar page 38, Calendar 155, Senate Bill 451, and the next one is Calendar page 39, Calendar 371, Senate Bill 243.

THE CHAIR:

Thank you, sir.

Mr. Clerk.

THE CLERK:

Call from the Senate Calendar for Wednesday, May 20, 2009, favorable report to Calendar page 20 -- correction Calendar page 8. Order of the day, Calendar Number 537, File Number 272, Substitute for House Bill 6186, AN ACT PROTECTING THE INTEGRITY OF CONN-OSHA INVESTIGATIONS, favorable report of the Committee on Labor.

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SENATE

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May 20, 2009

THE CHAIR:

Senator Prague.

SENATOR PRAGUE:

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

THE CHAIR:

Acting on approval and passage of the bill, ma'am, would you remark further?

SENATOR PRAGUE:

Yes, thank you, Mr. President. I -- the bill itself protects people who report problems on a construction site. If there's safety problems, people can report them so that CONN-OSHA can come in and investigate them without having their names revealed. This protects their privacy, enables them to go and report these problems without having to worry that their names will be revealed and there will be repercussions. Thank you, Mr. President.

THE CHAIR:

Thank you ma'am.

Will you remark further on House Bill 6187?

Will you remark further?

SENATOR PRAGUE:

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If there's no objection, I'd like to move this to the Consent Calendar.

THE CHAIR:

There is a motion on the floor to place this item on Consent. Seeing no objection, so ordered.

SENATOR PRAGUE:

Thank you, Mr. President.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Calendar page 20, second order of the day, Calendar 142, File Number 79, Senate Bill Number 365 AN ACT CONCERNING CAPTIVE AUDIENCE MEETINGS, favorable report of the Committee on Labor, Judiciary and Appropriations. Clerk is in possession of amendments.

THE CHAIR:

Senator Prague.

SENATOR PRAGUE:

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

THE CHAIR:

Acting on approval and passage of the bill, ma'am, will you remark further?

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SENATOR LOONEY:

Thank you, Mr. President. Mr. President, I would yield the floor to any members who would be seeking recognition for purposes of announcements or points of personal privilege before making motion to adjourn for today.

THE CHAIR:

Are there announcements or points of personal privilege? Are there any announcements or points of personal privilege?

Senator Looney, do you wish -- Senator Looney, the Clerk confirms that there is a second agenda as well as a Consent Calendar on his desk.

SENATOR LOONEY:

Yes, that's right, Mr. President. Would ask for the Clerk to call the Consent Calendar at this time.

THE CHAIR:

Would the Clerk please call the Consent Calendar.

THE CLERK:

Mr. President, the items that have placed on the first Consent Calendar, there are three items beginning on Calendar page 8, Calendar 537, Substitute for House Bill 6186; Calendar page 38, Calendar Number 155, Substitute for Senate Bill 451; and Calendar page

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39, Calendar 371, Substitute for Senate Bill 243. Mr. President, that concludes those items placed on the Consent Calendar.

THE CHAIR:

Would the Clerk please announce that the Senate is voting on the Consent Calendar.

THE CLERK:

A roll call has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber. The Senate is now voting by roll call on the Consent Calendar. Will all Senators please return to the Chamber.

THE CHAIR:

Would all Senators please check the board to make certain that your vote is properly recorded. If all members have voted, the machine will be locked, and the Clerk will take a tally.

THE CLERK:

Motion is on adoption Consent Calendar Number 1.

Total Number Voting 34

Necessary for Adoption 18

Those voting Yea 34

Those voting Nay 0

Those absent not voting 2

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SENATE

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THE CHAIR:

The Senate Calendar is adopted.

Is there further business on the Clerk's desk?

THE CLERK:

Mr. President, the Clerk is in possession of Senate Agenda Number 2, dated Wednesday, May 20, 2009. Copies have been distributed.

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Mr. President, yes, thank you, Mr. President. Mr. President, I move all items on Senate Agenda Number 2, dated Wednesday, May 20, 2009, to be acted upon as indicated and that the Agenda be incorporated by reference into the Senate Journal and the Senate Transcript.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Yes, thank you, Mr. President. For a Journal notation. Mr. President, Senator Prague after the lengthy debate of a bill earlier today missed the call on the Consent Calendar because of an illness in her family. She had to leave to visit her daughter in the



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**CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE**

**PROCEEDINGS  
2009**

**VOL.52  
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1609 – 1946**

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HOUSE OF REPRESENTATIVES

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April 22, 2009

call. Members to the chamber. The House is taking a roll call vote. Members to the chamber, please.

SPEAKER DONOVAN:

Have all the members voted? Have all the members voted? Will the members please check the board to make sure your vote has been properly cast. If all the members have voted, the machine will be locked and the Clerk will please take a tally. Will the Clerk please announce the tally.

THE CLERK:

House Bill 5023.

Total Number Voting	142
Necessary for Passage	72
Those voting Yea	139
Those voting Nay	3
Those absent and not voting	9

SPEAKER DONOVAN:

The bill is passed.

Will the Clerk please call Calendar 149.

Will the Clerk please call Calendar 210.

THE CLERK:

On page 10, Calendar 210, substitute for House Bill number 6186, AN ACT PROTECTING THE INTEGRITY OF CONNECTICUT, OF CONN-OSHA INVESTIGATIONS, favorable

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HOUSE OF REPRESENTATIVES

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April 22, 2009

report by the Committee on Labor.

SPEAKER DONOVAN:

Representative Ryan.

REP. RYAN (139th):

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

SPEAKER DONOVAN:

The question is on acceptance of the joint committee's favorable report and passage of the bill.

Will you remark, sir?

REP. RYAN (139th):

Yes. Thank you, Mr. Speaker.

Through the Connecticut Occupational Safety and Health Act, the department enforces health and safety standards in the public sector and provides health and safety consultation in both the public and private sector. CONN-OSHA is covered by a federal/state agreement. A condition of the agreement is that Connecticut adopt all federal OSHA health and safety standards. We adopt these pursuant to Chapter 54 of the Connecticut regulatory process.

Federal law provides certain confidentiality protections to federal OSHA and its enforcement

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activity. These protections are provided by the federal FOI statute. And the bill will provide the same protections to CONN-OSHA enforcement activity and it will -- it is going to help enable the department to investigate complaints. Witnesses must be -- have -- be afforded to the same protection from the disclosure that the complainants already enjoy. So the bill will protect the integrity of occupational safety and health investigations by allowing additional witnessing employees to have confidential agreements, make confidential agreements to -- confidential statements, excuse me, to investigators without disclosing their identities for their protection. I move for adoption.

SPEAKER DONOVAN:

Thank you, Representative. Will you remark? Remark further on the bill? Remark further on the bill? If not, staff and guests please come to the well of the House. Members take their seats. The machine will be open.

THE CLERK:

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

SPEAKER DONOVAN:

Have all the members voted? Have all the members voted? If members have voted, please check the machine to make sure your vote has been properly cast. If all the members have voted, the machine will be locked and the Clerk will please take a tally. Will the Clerk please announce the tally.

THE CLERK:

House Bill 6186.	
Total Number Voting	141
Necessary for Passage	71
Those voting Yea	141
Those voting Nay	0
Those absent and not voting	10

SPEAKER DONOVAN:

The bill is passed.

Clerk, please call Calendar 222.

THE CLERK:

On page 11, Calendar 222, House Bill Number 6445,

AN ACT CONCERNING HOMEOWNERS INSURANCE POLICY PREMIUMS, favorable report by the Committee on Insurance.

SPEAKER DONOVAN:

Representative Fontana.

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**LABOR AND  
PUBLIC EMPLOYEES  
PART 1  
1 – 312**

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you.

REP. FONTANA: Thank you very much, Representative Ryan.

REP. RYAN: Thanks. Next is John McCarthy from the Department of Labor. He'll be followed by Theresa Younger.

JOHN MCCARTHY: Thank you very much. John HB 6186 HB 6190 SB 80  
McCarthy, Connecticut Labor Department. SB 223 HB 6334  
Thank you very much for raising four bills HB 6189 HB 5177  
for the Department and I would like to speak  
in favor of raised Bill 6184, preserving good  
cause for a late filing of certain  
unemployment appeals.

The Department has for many years provided a good cause for late filing in unemployment compensation law for claimants and for employers on any appeal that they might make. Recently, there have been a couple of Superior Court cases that question the good cause applying to 31-273, which is the section that has to do with overpayments. They questioned it because that particular section doesn't contain an explicit reference to good cause. So this bill would provide that reference, and we would continue to provide good cause for late filing for claimants and employers in all matters including those having to do with overpayments.

The second bill is raised Bill 6185, an act concerning penalties for violations of certain personnel file statutes. We ask favorable action on 6185.

We receive complaints from individuals alleging violations of the personnel file statute, which provides access to their personnel files.

This bill will allow us to apply a civil penalty to enforce the law in a timely fashion.

It's often very important that individuals apply a civil -- it's often important individuals gain access to their records in a timely fashion as the law provides. We believe the potential for civil penalty will help move these matters forward.

Also raised Bill 6186, an act protecting the integrity of Conn-OSHA investigations, we ask favorable action. The Connecticut Occupational Safety and Health Act enforces health and safety in the public sector and provides consultation in the public and private sector. We have a federal-state agreement under OSHA. And a condition of that agreement is that we adopt all federal OSHA standards, health and safety wise, which we do through Chapter 54 through the regular process of the regulations review committee.

Federal law provides confidentiality in federal OSHA investigations, under the federal FOI statute; therefore, they don't have a federal regulation or standard for us to adopt in Connecticut. What we are seeking is to have the some protections for investigations in Connecticut activity.

Witnesses must be afforded the same protection from disclosure as complainants already enjoy. If you file a complaint, you may choose to have your name kept confidential. If you add someone to the complaint, similarly, they may choose to be confidential, but often witnesses are brought to bear in a case and are afraid to come forward unless they also can exercise the right of confidentiality.



To: Rep. Kevin Ryan, House Chair and,  
 Sen. Edith Prague, Senate Chair

HB6190

SB80

SB223

From: John A. McCarthy, CTDOL

HB5177

HB6189

HB6334

Testimony for Public Hearing 2-17-09

CTDOL Bills approved by Governor's Office and OPM

We thank you for raising these department bills for public hearing and respectfully request favorable action on them.

R.B.# 6184, AA Preserving Good Cause for Late Filing of Certain Unemployment Appeals.

We respectfully request favorable action on RB# 6184.

The department has a long history of affording good cause for late appeals of unemployment decisions. ( good cause is defined in sec. 31-237g-15 of the Regulations of Connecticut State Agencies).

Specific authority for this regulation is contained in sec.31-249h of the Connecticut General Statutes.

This bill will ensure that good cause for late appeals is preserved.

Two Superior Court Decisions have questioned the application of good cause to appeals of overpayment decisions made pursuant to sec. 31-273.

This bill will ensure that appeals of overpayment decisions will continue to be afforded good cause for late filing.

R.B.# 6185, AAC Penalties for Violations of Certain Personnel Files Statutes.

We respectfully request favorable action on RB# 6185.

In some cases of complaints received by the department alleging violations of chapter 563a, Personnel Files, access to the files as provided by law was denied.

This bill will allow the department to apply a civil penalty to enforce the law in a timely fashion.

It is often important that individuals gain access to their files in a timely fashion, as chapter 563a provides.

The potential that civil penalties will be applied will cause the process to move more expeditiously.

R.B.# 6186, AA Protecting the Integrity of CONNOSHA Investigations.

We respectfully request favorable action on RB# 6186.

Through the Connecticut Occupational Safety and Health Act (CONNOSHA) the department enforces health and safety standards in the public sector and provides health and safety consultation in both the public and private sector.

CONNOSHA is governed by a federal state agreement.

A condition of the agreement is that Connecticut adopt all federal OSHA health and safety standards. We adopt these pursuant to chapter 54, the Connecticut regulatory process.

Federal law provides certain confidentiality protections to federal OHSA in it's enforcement activity.

These protections are provided by the federal FOI statute. The bill will provide the same protections to CONNOSHA enforcement activity. To be able to investigate complaints witnesses must be afforded the same protection from disclosure that complainants already enjoy.

R.B.# 6190, AAC Confidentiality of Certain Employer Data.

We respectfully request favorable action on RB# 6190.

By law the department maintains the confidentiality of specific employee and earnings data reported to us by employers.

Such data is generally only permitted to be shared with public employees in the performance of their public duties. Such sharing is contingent upon the execution of a confidentiality agreement with the public entity.

The USDOL has contracted with a non-public entity to administer, monitor, and do performance evaluation of certain federal grants.

This bill will allow the disclosure of data necessary for the effective administration, monitoring, and performance evaluation of such grants.

The confidentiality of such data will be maintained through the execution of a confidentiality agreement between the department and the entity with which the USDOL has contracted.

Other Bills being heard on 2-17-09

C.B.# 80, AAC Electronic Unemployment Payments

This bill would have a very limited effect.

Only about 200 employers between 100 and 249 file by paper.

If the bill were to proceed we ask that it's effective date be moved forward.

C.B.# 223, AAC the Labor Commissioner and Late Wage Report Penalties for Small Employers.

We respectfully request no action on this bill.

The department provides a variety of ways by which employers, especially small employers, may easily make their quarterly report reports on time and avoid a late filing fee.

These include two variations of Internet Filing; electronic filing; filing by tape or diskette; telephone filing of a "none return" (no wages -no employees for that quarter); filing through a payroll service; or filing a paper return.

The \$25 late fee was put in place:

- (1) to bring Connecticut into compliance with federal guidelines for timely reporting;
- (2) as a partial response to the serious under funding of the UI system by the USDOL and;
- (3) to ensure that our personnel are assigned to recover monies (often substantial) due the UC Trust Fund rather than checking on a non-reporting employer.
- (4) Approximately 93-95 percent of Connecticut's employers report timely each quarter.

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**LABOR AND  
PUBLIC EMPLOYEES  
PART 2  
313 - 632**

**2009**

**STATEMENT OF THE FREEDOM OF INFORMATION COMMISSION ON  
RAISED BILL 6186, AN ACT PROTECTING THE INTEGRITY OF CONN-OSHA  
INVESTIGATIONS**

**PRESENTED BY: COLLEEN MURPHY, EXECUTIVE DIRECTOR &  
GENERAL COUNSEL (860-566-5682)**

**February 23, 2009**

The Freedom of Information Commission would like to take this opportunity to comment on RB 6186, An Act Protecting the Integrity of Conn-OSHA Investigations.

The FOI Commission does not oppose the purpose of proposed new subsection (i) of RB 6186. As written, however, the proposed section is imprecise and will not achieve its intended goal of protecting confidential sources and encouraging cooperation in Conn-OSHA investigations. The FOI Commission brings the following concerns to the committee's attention:

- The proposed bill applies to "individuals involved in an occupational safety or health investigation or enforcement activity." To avoid confusion, the statute should expressly state whom the law protects, such as witnesses who provide information on a confidential basis.
- The proposed bill references the federal Freedom of Information Act, 5 USC 552(b)(7)(D), as a guide to the protection to be given to confidential sources in Conn-OSHA investigations. However, that exemption in the federal FOI law is not mandatory and does not apply to state records.
- Since the purpose of the proposed bill is to give parallel protection to confidential sources in Conn-OSHA investigations as are afforded to confidential sources in federal OSHA investigations, pursuant to 29 USC 651 et seq., it would be helpful to know whether 29 USC 651 et seq. explicitly protects such information, and precisely what information the federal statute protects.
- Current FOI law in Connecticut exempts from disclosure any information that is expressly confidential under federal law. If 29 USC 651 expressly protects the confidentiality of sources, then the information is already exempt from disclosure under Connecticut's current FOI Act, and subsection (i) is unnecessary.

The FOI Commission welcomes the opportunity to work with this committee and others to revise this section of the bill so that the new law will accomplish its intended purpose.



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KERRY R. CALLAHAN  
T: 860.548.2639  
F: 860.548.2680  
krcallahan@uks.com

 MERITAS LAW FIRMS WORLDWIDE

February 5, 2009

Re: Paid Sick Leave

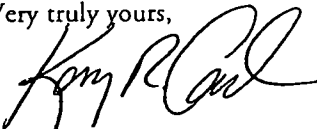
To Members of the Labor Committee

My name is Kerry R. Callahan, Principal and Chairman of the Litigation department at Updike, Kelly & Spellacy, P.C., located at One State Street, Hartford, Connecticut.

I am writing to voice my opposition to HB-6187, which would require Connecticut employers to provide paid sick leave. This proposal will substantially increase our costs and could force us to reevaluate the other benefits we provide our employees. We and many of our peers provide our employees with generous compensation, leave and benefits package. Yet, we need flexibility, not mandates, so that we, as business owners, can adjust costs in lean times.

We urge you to reject this proposal and work with the business community to control labor and workplace costs in Connecticut.

Very truly yours,



Kerry R. Callahan, Esq.

KRC/dln

534757-v1

**P&M INDUSTRIAL  
FINISHING COMPANY**

1891 WATERTOWN AVE WATERBURY CT 06708 \* (203)755-7212 \* FAX (203)573-8207 \*EMAIL PFINISHING@AOL.COM

February 5, 2009

To Members of the Labor Committee:

My Name is Cregg McWeeney, General Manager at the P&M Industrial Finishing Company a manufacturer in Waterbury Connecticut.

I am writing to voice my opposition to HB-6187, which would require Connecticut employers to provide paid sick leave. This proposal will substantially increase our business costs and could force us to reevaluate the other benefits we provide our employees

The proposed bill, if applied to smaller businesses would add approximately \$10,000 to our annual payroll cost which cannot be passed on to our customers.

We urge you to reject this proposal and work with the business community to control labor and workplace costs in Connecticut

Thank you,  
Cregg McWeeney