

**Act Number:** 09-033

**Bill Number:** 6190

**Senate Pages:** 1897-1898, 1934, 1937-1938

**5**

**House Pages:** 1603, 1849-1852

**5**

**Committee:** Labor: 130, 132, 219, 220

**4**

**Page Total:**

**14**

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**CONNECTICUT  
GENERAL ASSEMBLY  
SENATE**

**PROCEEDINGS  
2009**

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ch/rgd/md  
SENATE

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on Planning and Development.

THE CHAIR:

Motion is to refer item to Planning and  
Development.

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President. Calendar 436 is marked  
go.

Calendar 441, Senate Bill Number 1145, Mr.  
President, I move to place this item on the foot of  
the calendar.

THE CHAIR:

Seeing no objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President. Calendar 442, PR.  
Calendar 446, Senate Bill Number 1155,  
Mr. President, I move to place this item on the foot  
of the calendar.

THE CHAIR:

Seeing no objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President. Calendar 452, House  
Bill Number 6190, Mr. President, I move to place that  
item on the Consent Calendar.

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THE CHAIR:

Motion is to place item on consent.

Seeing no objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President. Calendar 453, House Bill Number 6661, Mr. President, I move to place that item on the foot of the calendar.

THE CHAIR:

Seeing no objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President. Calendar 455 is PR.

Calendar 456, PR.

Calendar 458, PR.

Calendar 466 is marked go.

Calendar 467, PR.

Calendar 468 is marked go.

Moving to calendar page 11, Calendar 478, PR.

Calendar 479, Senate Bill Number 349, Mr.

President, I move to refer this item to the Committee on Finance, Revenue, and Bonding.

THE CHAIR:

Motion is to refer item.

Seeing no objection, so ordered.

SENATOR LOONEY:

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Will you remark further on Senate Bill 949 as amended by Senate A?

If not, there is a motion on the floor to place the item on Consent.

Seeing no objections, Senator Duff, the item will be placed on Consent. Thank you, sir.

Senator Looney.

SENATOR LOONEY:

Yes, thank you, Mr. President. If we might call for a vote now on the Consent Calendar. The Clerk might call the items then we might vote on the calendar.

THE CHAIR:

Mr. Clerk, if you could please call the Consent Calendar, please.

THE CLERK:

Mr. President, those items placed on the first Consent Calendar begin on Calendar page 1, Calendar Number 127, Senate Joint Resolution Number 69.

Calendar page 7, Calendar Number 398, Substitute for House Bill 5694.

Calendar page 9, Calendar Number 452, Substitute for House Bill 6190.

Calendar page 14, Calendar Number 535, Substitute

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items placed on the first Consent Calendar.

THE CHAIR:

Thank you. Clerk, if you could please call for a roll call vote, I will open the machine.

THE CLERK:

The Senate is now voting by roll call on the Consent Calendar, will all Senators please return to the chamber. The Senate is now voting by roll on the Consent Calendar, will all Senators please return to the chamber.

THE CHAIR:

Have all Senators voted? If all Senators have voted, please check your vote. The machine will be locked.

Mr. Clerk, please call the tally.

THE CLERK:

The motion is on adoption of Consent Calendar  
Number 1:

Total Number Voting	36
Necessary for Adoption	19
Those Voting Yea	36
Those Voting Nay	0
Those Absent/Not Voting	0

THE CHAIR:

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Consent Calendar Number 1 passes.

Senator Looney.

SENATOR LOONEY:

Thank you. Thank you, Mr. President. Mr. President, I would move for suspension for immediate transmittal to the House of Representatives of item on calendar page 42, Calendar 519, Senate Bill 1092, An Act Concerning the Client's Security Fund, that was included in the immediately preceding vote on the Consent Calendar.

THE CHAIR:

Motion is to suspend down to the House Calendar 519.

Without objection, so ordered, sir.

SENATOR LOONEY:

Yes, thank you, Mr. President. Mr. President, as the second order of the day, I would ask the Clerk to call the item on calendar page 22, Calendar 595, Substitute for House Bill 6648.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Turning to calendar page 22, a matter marked second order of the day, Calendar Number 595, File

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**CONNECTICUT  
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HOUSE OF REPRESENTATIVES

28  
April 14, 2009

SPEAKER DONOVAN:

Representative Olson.

REP. OLSON (46th):

Good afternoon, Mr. Speaker.

SPEAKER DONOVAN:

Good afternoon.

REP. OLSON (46th):

We are going to be moving some items to the consent calendar: Calendar Numbers 144, 366, 372, and 384. Thank you, Mr. Speaker.

HB 6537  
HB 6190  
HB 6406  
HB 6661

SPEAKER DONOVAN:

The motion before us is to place the following items on the consent calendar for action later in the day. They are Calendar Numbers 144, 366, 372, 384.

Is there objection to the motion? Is there objection?

Hearing none, those items are placed on the consent calendar for action later today.

Representative Hewett.

REP. HEWETT (39th):

Mr. Speaker, in a moment I will be making a motion for referrals of a number of bills to various committees. All the referrals are listed on today's go list.

I am now going to read the calendar numbers and

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Bill as amended is passed.

We're going to try this by machine one more time.  
Will Clerk please call Calendar 144.

THE CLERK:

On page 5, Calendar 144, substitute for House  
Bill Number 6537, AN ACT CONCERNING THE LEGISLATIVE  
COMMISSIONERS' RECOMMENDATIONS FOR TECHNICAL REVISIONS  
TO THE PUBLIC HEALTH STATUTES, favorable report of the  
Committee on Public Health.

SPEAKER DONOVAN:

Representative Olson.

REP. OLSON (46th):

Thank you, Mr. Speaker. We're about to go  
today's consent calendar. We put items previously on  
the consent Calendars Numbers 144 -- Calendar Numbers  
144, 366, 372, 384, and I move passage of the bills on  
the consent calendar. Thank you, Mr. Speaker.

HB6537  
HB6190  
HB6406  
HB6661

SPEAKER DONOVAN:

The question before us is passage of the bills on  
today's consent calendar. Representative Genga. No.  
Okay. Fine.

Will you remark? Will you remark? If not, staff  
and guests 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 voting today's consent calendar by roll call. Members to the chamber.

SPEAKER DONOVAN:

Have all the members voted? Have all the members voted? Members please check the board and make sure your vote has been properly cast. If all members voted, if all members have voted -- hold on. If all members voted, the machine will be locked and the Clerk will take a tally. Clerk -- Representative Miller. Representative Miller, for what reason do you stand? Representative Miller.

REP. MILLER (145th):

My vote didn't register.

SPEAKER DONOVAN:

Okay. And how would you like to be registered, Representative?

REP. MILLER (145th):

Yes.

SPEAKER DONOVAN:

Representative Miller, in the affirmative.

Representative Gonzalez. You're all set.

Representative Geragosian, for what reason do you stand?

REP. GERAGOSIAN (25th):

To be recorded in the affirmative, Mr. Speaker.

SPEAKER DONOVAN:

Representative Geragosian in the affirmative.

Representative Kehoe.

REP. KEHOE (31st):

Thank you, Mr. Speaker. I wish to record my vote in the affirmative as well, please.

SPEAKER DONOVAN:

Representative Kehoe, in the affirmative.

Representative Christopher Wright.

REP. WRIGHT (77th):

Mr. Speaker, I wish to cast my vote in the affirmative.

SPEAKER DONOVAN:

Christopher Wright in the affirmative.

Representative Elissa Wright.

REP. WRIGHT (41st):

Mr. Speaker, I wish to cast my vote in the affirmative.

SPEAKER DONOVAN:

Two Wrights make an affirmative. Is there any --

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Representative Gonzalez, you're all set, right?

Clerk, please announce the tally.

THE CLERK:

On today's consent calendar.

Total Number Voting 131

Necessary for Passage 66

Those voting Yea 131

Those voting Nay 0

Those absent and not voting 0

SPEAKER DONOVAN:

Consent calendar passes. Any announcements or introductions? Representative Tallarita.

REP. TALLARITA (58th):

Thank you, Mr. Speaker. For a journal notation.

SPEAKER DONOVAN:

Please proceed, madam.

REP. TALLARITA (58th):

Representative Dargan missed votes today due to family business outside the state; Representative Roldan, due to a memorial service for a family member; Representative Roy, out-of-state; and Representative Villano, due to illness.

And for a transcript notation, Representative Boukus, Aldarondo, Bartlett, Kehoe, Giannaros, Genga,

**JOINT  
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**LABOR AND  
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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.



So, the fourth one is an act concerning confidentiality of certain employer data. The U.S. Department of Labor has hired a private contractor to do performance measurements and review certain federal grants. The Labor Department in Connecticut is the subject of one of those reviews. We are part of a grant. And, under the present law, we cannot give data to a nonpublic entity. We can give specific data to a public entity with a confidentiality agreement, and we would like to extend this right when the United States Department of Labor contracts to see how programs are working so that we can exercise our rights and protect the data with a confidentiality agreement and allow them to gain the information they need to see whether their program is working properly or not. So we would ask 6190, please, go forward.

Quickly on a couple of other bills, Senate Bill 80, at the present time, is just about 200 employers, who would be in this category so I'm not sure if we want to go forward just for 200 out of 100,000.

The second one, 223, late reporting, we provide a whole different array of means by which employers, especially, small employers, can make their report reports on time. These are the quarterly reports they make. We have two ways to do it on the Internet. We have electronic filing, filing by tape or diskette. We have a telephone number, free telephone number, for those who are reporting no activity during the quarter. And, of course, many file their reports through a payroll service. And they can file a paper return.

The \$25 fee for being late was put in place for a couple reasons. One was to bring us

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.