

Act Number:	09-070	
Bill Number:	710	
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SENATE**

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SENATOR PRAGUE:

No, it applies to the underlying bill.

THE CHAIR:

Senator Gaffey.

SENATOR GAFFEY:

Thank you, Mr. President. Mr. President, may we pass temp -- pass this bill temporarily, please?

THE CHAIR:

The motion is to pass temporarily. Is there objection? Is there objection? Seeing none, this item will be passed temporarily.

Mr. Clerk, please return to the call of the calendar.

THE CLERK:,

Thank you, Mr. President. Turning to page 17 of today's calendar, Calendar Number 102, substitute for Senate Bill Number 710, AN ACT CONCERNING UPDATES TO THE FAMILY AND MEDICAL LEAVE ACT, favorable report of LAB and PS Committee and the Clerk has an amendment.

THE CHAIR:

Senator Prague.

SENATOR PRAGUE:

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Thank you, Mr. President. Mr. President, can we just be in -- I just need to find my file, Mr. President. So if we could --

THE CHAIR:

Take your time.

SENATOR PRAGUE:

Let me tell you what the bill does. It just makes the state of Connecticut's FMLA conform with the new federal FMLA that deals with veterans. And if somebody from the military comes home and needs care, any family member can take the FMLA leave of 26 weeks to care for the injured veteran, whether it's any family member can do that. It's not just restricted to parents or spouses. And I move adoption.

THE CHAIR:

You want to move acceptance and passage, Senator.

SENATOR PRAGUE:

Yes I do.

THE CHAIR:

The question before the chamber is acceptance and passage of the bill. Will you remark further? Senator McKinney.

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SENATOR MCKINNEY:

Thank you, Mr. President. Mr. President, I just wanted to rise and, in support of the bill, and thank Senator Prague for her work on it. And urge adoption. Thank you.

THE CHAIR:

Thank you, Senator. Will you remark further.

SENATOR PRAGUE:

Mr. President.

THE CHAIR:

Senator Prague.

SENATOR PRAGUE:

In order to make this very clear that this concerns military people only, we have an amendment and the LCO is 5754. Would the Clerk please call and I be allowed to summarize?

THE CHAIR:

Would the Clerk please call LCO 5754.

THE CLERK:

Mr. President, Clerk is in possession of LCO 5754 which shall be designated Senate Amendment A, introduced by Senator Prague of the 19th district and Representative Ryan of the 139th district.

THE CHAIR:

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Senator Prague has requested permission to summarize the amendment. Is there objection? Is there objection? Seeing none, please proceed, Senator Prague.

SENATOR PRAGUE:

What this amendment does is to specifically deal with the military issue that the federal FMLA now has addressed. Again, I will say that any military person coming home who needs care can be cared for by any family member and can take the full 26 weeks of FMLA and I urge adoption.

THE CHAIR:

The question before the chamber is adoption of Senate A. Will you remark further? Will you remark further? If not, the Chair will try your minds on Senate A. All in favor, please indicate by saying, aye.

SENATORS:

Aye.

THE CHAIR:

All those opposed say, nay.

The ayes have it. Senate A is adopted.

SENATOR PRAGUE:

Senate A, Mr. President, becomes the bill.

THE CHAIR:

Will you remark further on the bill as amended? Will you remark further on that as amended?

SENATOR PRAGUE:

Mr. President, if there's no objection, I'd like to move this to consent.

THE CHAIR:

The motion is to place this item on the consent calendar. Is there objection? Is there objection? Seeing none, this item will be placed on our consent calendar.

Would the Clerk please return to the call of the calendar.

THE CLERK:

Calendar page 18, Calendar 118, File Number 54, Senate Bill Number 749, AN ACT CONCERNING THE INCLUSION OF THE CHILDREN'S TRUST FUND IN THE EARLY CHILDHOOD EDUCATION CABINET, favorable report of the Committee on Children, Human Services and Education.

THE CHAIR:

Senator Musto.

SENATOR MUSTO:

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Senator Looney.

SENATOR LOONEY:

Yes. Mr. President, that item might be marked passed, retaining its place on the calendar.

THE CHAIR:

Without objection, so ordered, sir. Senator Looney.

SENATOR LOONEY:

Yes. Mr. President, if the remaining items that we had marked earlier, Calendar page 28, Calendar 367; Calendar page 29, Calendar 415; might also be marked passed, retaining their place on the calendar. And if the Clerk might proceed to vote on the consent calendar.

THE CHAIR:

Mr. Clerk, please call consent calendar.

THE CLERK:

Roll call has been ordered in the Senate on the consent calendar. Will all senators please return to the chamber. Roll call has been ordered in the Senate on the consent calendar. Will all senators please return to the chamber.

Mr. President, before voting on the consent calendar, those items placed on the consent

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calendar began on calendar page 3, Calendar Number 165, substitute for Senate Bill 781; Calendar page 4, Calendar 208, substitute for Senate Bill 881; Calendar 244, House Bill 6263; Calendar page 7, Calendar 394, substitute for House Bill 5834; Calendar page 17, Calendar Number 102, substitute for Senate Bill 710; Calendar page 19, Calendar 145, Senate Bill 974; Calendar page 20, Calendar 155, substitute for Senate Bill 451; Calendar page 22, Calendar 198, Senate Bill 989; Calendar page 23, Calendar 222, substitute for Senate Bill 957; Calendar page 28, Calendar Number 354, substitute for Senate Bill 499. Mr. President, I believe that completes those items previously placed on the consent calendar.

THE CHAIR:

Okay. The Clerk, please call the consent calendar for a roll call. The machine will be open.

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

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has been ordered in the Senate 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. The Clerk will call the tally.

THE CLERK:

Motion is on adoption of Consent Calendar Number 1.

Total Number Voting	35
Those voting Yea	35
Those voting Nay	0
Those absent and not voting	1

THE CHAIR:

The consent calendar passes.

Senator Looney.

SENATOR LOONEY:

Yes. Thank you, Mr. President.
Mr. President, I believe the Clerk is in possession of Senate Agendas 1 and 2.

THE CHAIR:

Mr. Clerk.

THE CLERK:

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On page 23, Calendar 592, Substitute for Senate Bill Number 710, An Act Concerning Updates to the Family and Medical Leave Act, favorable report of the Committee on Public Safety and Security.

DEPUTY SPEAKER ALTOBELLO:

Representative Ryan of the 139th, you have the floor, sir.

REP. RYAN (139th):

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

DEPUTY SPEAKER ALTOBELLO:

Question before the chamber is acceptance of the Joint Committee's -- Joint Committee's favorable report, passage of the bill in concurrence with the Senate.

Please proceed, sir.

REP. RYAN (139th):

Thank you, Mr. Speaker. The Clerk has Senate Amendment A, LCO 5754, (inaudible) he call it and I be allowed to summarize.

DEPUTY SPEAKER ALTOBELLO:

And would the Clerk please call LCO 5754, previously designated Senate A?

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THE CLERK:

LCO Number 5754 Senate A, offered by Senator
Prague and Representative Ryan.

DEPUTY SPEAKER ALTOBELLO:

Representative Ryan.

REP. RYAN (139th):

Thank you, Mr. Speaker. . What this -- well what the bill did and now the amendment, which is a strike all amendment does, it's a bill that permits employees to take up to 26 weeks in unpaid leave from work under the State Family and Medical Leave Act. And it acts to help care for an immediate family member or next to kin who is a current member of the U.S. Armed Forces, National Guard, or the military services and is undergoing medical treatment, recuperation, or therapy or otherwise is in outpatient status or on a temporary disability retired list for a serious injury or illness.

The National Defense Authorization Act of 2008 amended the federal FML Act to allow eligible employees to take up to 26 weeks of job-protected leave in a single 12-month period to care for the covered service member with a serious injury or ailment. The law covers both -- this law will cover

both the private and public sectors.

We all know that more seriously injured soldiers are surviving due to the improvements in battlefield medicine and body armor and they're returning, and when they do return they need very extensive care. It is appropriate for the State to help support families that wish to take time to care for the soldiers who have risked their lives for our country.

We support this update which makes our laws comparable to those at the federal level, and it's an update to help protect the privacy of employees by preventing supervisors from viewing employee medical records as well. So what the amendment does -- it specifies the employees' rights eligible for leave must be related to a current member of the armed forces; specifies the armed forces member's serious illness or injury must be incurred in the line of duty; specifies the 26 weeks of leave is a one-time benefit for each armed force member per serious injury or illness; it provides a definition of son or daughter; it deletes a provision that allows human resources personnel to be informed of work restrictions or combinations for an employee instead of supervisors; and it makes some other conforming

changes to federal law. I move for adoption.

DEPUTY SPEAKER ALTOBELLO:

The question for chamber is adoption of Senate A.

Will you remark further?

Representative Noujaim of the 74th District, you have the floor, sir.

REP. NOUJAIM (74th):

Good Evening, Mr. Speaker. How are you today?

DEPUTY SPEAKER ALTOBELLO:

Terrific.

REP. NOUJAIM (74th):

It is evening, Mr. Speaker. Mr. Speaker, through you, I do have some questions to pose to the proponent of the bill, the Chairman of my committee, Representative Ryan, through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Please proceed, sir.

REP. NOUJAIM (74th):

To Representative Ryan -- Representative Ryan, from what I understand, this bill initially was a bill that will -- add the private sector to make it more consistent with the new changes in the federal law regarding the military -- the military leave -- the military family leave. So what you are doing here,

through you, Mr. Speaker, we are bringing the military conditions under -- military reforms into our private sector of the state of Connecticut. Through you, Mr. Speaker, is that true, to Representative Ryan.

DEPUTY SPEAKER ALTOBELLO:

Representative Ryan.

REP. RYAN (139th):

Yes, that is it -- to the private sector as well as to the public sector.

DEPUTY SPEAKER ALTOBELLO:

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker. And through you, Mr. Speaker, I would like to ask the question of Mr. Ryan about the -- Representative Ryan, I apologize -- about the fact that this bill in line -- as amended by LCO 5754, in Line 6 and 7, specifies that it will be 16 work weeks of leave during any 12-month period -- 24-month period. Which really in my opinion, if I add it up would be three months, which means it's month and a half a year for a person to take a leave to care for a loved one.

Through you, Mr. Speaker, and -- and I like to ask from a -- from a practical perspective, if we have

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a company, and let us say there is a company that has 100 employees and these employees are working on an assembly line and that assembly line is going from one person to one person to one person to one person to one person during the assembly, and all of a sudden there is one person missing into that assembly. Would -- would the Representative know or have an appreciation on what happened to that company if there is a gap in the floor where the work can not be continuing just because a person is not there, is missing, not able to do his or her own job in the manufacturing facility, through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Ryan.

REP. RYAN (139th):

Yes, through you, Mr. Speaker, the section that the good Representative cited is current law and it is really not changed by this effect in the bill as you will note. But what will be changing is allowing someone who is going to help a service member 26 weeks of leave in a 12-month period -- got to make sure I get this right -- a 12-month period in the private sector, a 24-month period in the public sector. That period this -- the section cited deals -- is current

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law for what we use -- currently use federal medical
leave for.

DEPUTY SPEAKER ALTOBELLO:

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker. And through you, Mr.
Speaker, just to make sure that I understand, I ask
Representative Ryan from his experience. I am seeing
this Senate Bill 7105, Number 24, Calendar Number 102,
which is LCO 5754, it says a "strike all." To me it
means that all of a sudden now we have a new rules in
the book. We have new programs, new things that
probably we are modifying from the past. So this
would make it up for a discussion, is that not true?
Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Ryan.

REP. RYAN (139th):

Yeah, through you, Mr. Speaker, as we often see
in these bills that we have before us, LCO individuals
include current law to help integrate what they're
going to be changing. And for the -- because of the
fact they had to add the underlined section as amended
by this act to this particular piece of legislation to

include those -- that part dealing with military personnel. They included that language in here, but as I stated earlier, the part we're talking about in this bill that's actually going to be changed is a 26-week period for the individuals who want to take care of a loved one who is a military personnel who has been injured in the line of duty.

DEPUTY SPEAKER ALTOBELLO:

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker. And through you, Mr. Speaker, it is my understanding also, that this bill is making the State of Connecticut family medical leave conforming to the federal medical leave for service men and women returning from combat. And through you, Mr. Speaker, wouldn't this make it new territory up for conversation and discussion and debate? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Ryan.

REP. RYAN (139th):

Yes, through you, Mr. Speaker, obviously since it is something that's been changed at the federal level, the law was passed in 2008, we're just making our law

conform with the federal law. And in that -- in that aspect, what they did for the private sector, since we're better conforming our law to also do it for the -- for both the private and the public sectors to better work with our current law.

DEPUTY SPEAKER ALTOBELLO:

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker. And through you, Mr. Speaker to my Chairman, the good Representative, Representative Ryan, I would like him to take a look at Line Number 20 on the -- on the amendment LCO 5754. And I would like the good Representative to tell me if this is new language or if this is existing language in the law, through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Ryan.

REP. RYAN (139th):

Through you, Mr. Speaker, that is what's currently in the law. What is a little different is when we go over to line, I think 135, where we kind of describe the next of kin, we kind of talk about those individuals and more clearly delineate what we mean by next of kin, but the particular part that he cited is

current law.

DEPUTY SPEAKER ALTOBELLO:

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker. And I am really glad that I received that answer, because that's exactly what I was looking for. So now if I may ask, the next of kin, and I will take that from Line 135 which I -- 125 which I have it highlighted and I will take it back to Line 20, which I also have highlighted and it says, upon the birth of a son or a daughter of the employee. So that would immediately, kind of, like, induces me to ask the question is, are we talking an employee who is a male or female? Through you, Mr. Speaker.

And if I may clarify too, through you, Mr. Speaker, are we saying in (inaudible) of this amendment that a man who has a child is also entitled to 26 weeks of family leave within a 24-month period or just a lady who bore a child to have 24 weeks within -- within a two-year period, through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Ryan.

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REP. RYAN (139th):

I believe both those circumstances would be covered by this bill, sir.

DEPUTY SPEAKER ALTOBELLO:

Representative Noujaim.

REP. NOUJAIM (74th): Thank you, Mr. Speaker. Mr. Speaker --

DEPUTY SPEAKER ALTOBELLO:

You're up next.

REP. NOUJAIM (74th):

-- if I continue -- if I can continue to ask another question, and I do have in Section (e), which is Lines 63 to 67, talking about -- and this is underlined and amended language, so this is a new language, and it says, if an employer provides paid leave for fewer than 16 weeks, the additional weeks of leave necessary to obtain the 16 work weeks of leave required under the section as amended by this act includes and it may be provided without compensation. So I understand and this is amended by this act that this -- this leave would be going without compensation to the employee. The question that I have is if somebody is on a leave of absence, what type of benefits, under this bill, the employee is entitled to

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receive from the employer? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Ryan.

REP. RYAN (139th):

Through you, Mr. Speaker, what that would -- what that section is saying is for those circumstances where it's for a military personnel it would be up to 26 weeks rather than 16 weeks and the same benefits would apply that would have applied under the current Family Medical Leave Act that would be in place under those circumstances. All this does is extend it from 16 to 26 weeks for when that employee is taking time off to take care of a loved one who's been injured in combat.

DEPUTY SPEAKER ALTOBELLO:

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker. And through you, Mr. Speaker, just as a synopsis let us say that the employer has a 401(k) plan and the employer was contributing or matching, for a -- for an explanation let us say that an employee is putting every week two percent of his or her pay toward a 401(k) plan. And then this employee leaves the employer to go on the

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medical leave, so now in this case how would the 401(k) plan continue and would the employer still be liable or responsible to match what the employee is putting in or a portion of what the employee is putting in every week? Through you, Mr. Speaker.

Representative Ryan left the building?

DEPUTY SPEAKER ALTOBELLO:

Representative Ryan.

REP. RYAN (139th):

Thank you, Mr. Speaker. I did not leave the building, I am here trying to get an answer to your question. And the answer I got for your question, through you, Mr. Speaker, is we believe that the law is silent on that particular issue.

DEPUTY SPEAKER ALTOBELLO:

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker. So essentially -- essentially an employee who is completely contributing to a 401(k) plan now is no longer contributing to the 401(k) plan, because obviously he or she is no longer earning any -- any money or any pay for their work. Does this mean, through you, Mr. Speaker, that the employer will no longer contribute the match to that

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401(k) plan? And what would happen to that 401 --
401(k) plan in that instance during this 26-week
period? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Ryan.

REP. RYAN (139th):

Through you, Mr. Speaker, I believe that it's
totally up to the employer whether he wants to pay
benefits or not while someone's on -- on leave. But
since they are on leave, the employer isn't required
to pay the benefits which would include a payment into
a 401(k), but if they did so choose to do, they could.
I think in our own case we passed a bill which said
for state employees that went to war in Iraq we were
going to continue with the benefits for those folks
while they were gone, but we made that choice but --
on our level, but companies don't necessarily have to
do that.

DEPUTY SPEAKER ALTOBELLO:

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker. And -- and I appreciate
Representative Ryan's answer, but from what I know
about the 401(k) law is that -- that it is not

contributed only by one party, it should be contributed by both parties at the same time. So -- and we are not talking about the state now, we are talking about private employers. Then if the employee is no longer contributing, would that private employer be obligated to contribute and how would he or she be able to do that if there is no matching from the part of the employee? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Ryan.

REP. RYAN (139th):

Through you, Mr. Speaker, I believe I answered this, but I think they are not required to provide them but are required to provide them when the individual returns to work at the same level he had before he left or he or she left work to take care of the individual. But during that time period, again, it's up to the employee -- employer, excuse me, whether or not he wants to provide those benefits.

DEPUTY SPEAKER ALTOBELLO:

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker. And through you, Mr. Speaker, what about the health care benefits such as

dental, medical, prescription, life insurance, workers' compensation, unemployment compensation, and the list goes on and on, and you know that Connecticut is one of the most expensive states in which to do business, would that have to be continuing, through you, Mr. Speaker, during the absence?

DEPUTY SPEAKER ALTOBELLO:

Representative Ryan.

REP. RYAN (139th):

Through you, Mr. Speaker, it's the same answer as before, keeping in mind that this bill makes no changes in those regards. All it does is take our current family medical leave laws and apply them to individuals that take the time off to care for injured combat veteran.

DEPUTY SPEAKER ALTOBELLO:

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker. But -- but if I am looking at this, Lines 66 and 67, it is underlined and it is an amended language, so it is new language in the bill, am I correct? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Ryan.

REP. RYAN (139th):

Through you, Mr. Speaker, it is just so it includes these new -- this new category of individuals who can take time off. So they're included, those individuals who take time off, 26 weeks -- up to 26 weeks off, to care for a loved one who's in -- a combat veteran who is returned and needs to recuperate.

DEPUTY SPEAKER ALTOBELLO:

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker. And through you, Mr. Speaker, if I may inquire about which is the new language in the amendment that was amended at up in the upper of chamber, Lines 117 to 119. What they read is -- it reads about in a case of a husband and wife working for the same employer and taking time off, and basically it says they would be limited to 26 work weeks during any 12-month period. What this means, through you, Mr. Speaker, that they could take it concurrently or at the same time or how this would be taken? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Ryan.

REP. RYAN (139th):

Yes, what that section means, through you, Mr. Speaker, if there is a husband and wife who work for the same employer, that together they can only take 26 weeks. One person could take 13 weeks, the mother could take 13 weeks, the father could take 13 weeks, but together the combination of the two of them could not be for more than 26 weeks.

DEPUTY SPEAKER ALTOBELLO:

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker. And I appreciate the answer, but through you, Mr. Speaker, just one further question on this very same note. Would they must -- must they take the leave at the same time or they would take it one after another, concurrently? This was not addressed in the amendment, through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Ryan.

REP. RYAN (139th):

Through you, Mr. Speaker, it appears to me as I read the language that it doesn't really say whether it could be concurrent or consecutive, as long as the

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total between the two of them isn't more than 26 weeks.

DEPUTY SPEAKER ALTOBELLO:

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker, so they can take them together then? Which is -- thank you, Mr. Speaker, you make me laugh. Mr. Speaker, through you, Mr. Speaker, if I go to Line 320, which is also new language that is amended by the bill in the upper chamber, it says "next of kin," and I would like to ask Representative Ryan, through you, Mr. Speaker, to give me an indication of the next of kin. I know probably it is mentioned in one of the -- one of the lines someplace, through you, Mr. Speaker, to Representative Ryan -- the definition of the "next of kin."

DEPUTY SPEAKER ALTOBELLO:

Representative Ryan.

REP. RYAN (139th):

Through you, Mr. Speaker, as required under federal law and I think it's quite -- quite honestly, it's explained in the following lines, it includes blood relatives who have been granted legal custody of

the armed forces member by court decree or statutory provisions; brothers, sisters, grandparents, aunt, uncles, and first cousins, unless the armed forced individual has declared somebody else to be their nearest blood relative.

DEPUTY SPEAKER ALTOBELLO:

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker. And through you, Mr. Speaker, I would like to inquire for a second too, about the fiscal note that is associated with this bill. I am looking at the OFA analysis and it says, "minimal." It says "potential minimal," page one of one in the Office of Fiscal Analysis. My Question to Representative Ryan is on Line -- 554, and I am sorry, on Line 305 it specifically says that the state shall pay for the continuation of health insurance benefits for the employee during any leave of absence taken pursuant to this section. So if we have, let us say during one year, feasibly, we could have 3,000 employees taking this kind of leave and -- well it could be, right, Mr. Speaker -- so if you have 3,000 -- or even one employee taking advantage of this benefit, wouldn't we have to (inaudible) to have an

impact on a fiscal note on this bill, on this amendment? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Ryan.

REP. RYAN (139th):

Thank you, Mr. Speaker. That's current law and I guess what they're trying to say there is whether the -- if the individual worked during that time or period we'd be paying for their health care benefits. If they're not working during that time period, we're still working -- paying for their health care benefits, so the bottom line is the cost is the same either way, which I think was to reflected in the OFA note.

DEPUTY SPEAKER ALTOBELLO:

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker, I truly apologize, but I missed this altogether. May I ask, through you, Mr. Speaker, Representative Ryan to repeat this.

DEPUTY SPEAKER ALTOBELLO:

Representative Ryan.

REP. RYAN (139th):

Thank you, Mr. Speaker, I'd be happy to repeat

it. I think what the fiscal note says is if an individual worked during that period, in other words did not take leave to go take care of anyone, we would be paying for their health care costs. If they aren't here, we're still paying for the health care costs, so the net sum is the same. We're paying for it the same in either case, so there's really no difference and I think that's what the OFA note is reflecting.

DEPUTY SPEAKER ALTOBELLO:

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker. It's a good explanation and I really appreciate that, but I'm a manufacturer, and when somebody is not working it's costing the company money. In this case, if a person who works for the State of Connecticut is not working, obviously that person is not productive and somebody must have to pick up that gap and do the job that the person is not doing.

So unfortunately, I still see it that it's just going to have a fiscal impact on the state of Connecticut, also on the employers. And Mr. Speaker, during the debate on this bill -- first, I would like to extend a gratitude to Representative Ryan for his

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diligence in allowing me to ask all these questions and answering them so precisely, but I'd also like to say that during the debate we had many, many of those questions that were discussed. We talked about them, we asked them, we posed the question, we listened to public hearings, and truly, to my surprise, the Department of Administrative Services and the Department of Labor came in in support of this bill and (inaudible). And then to my bigger surprise, we had private corporations that came in also and -- and spoke in its support.

Based on that, and during -- during the public hearings and the committee meetings, even though we asked them our questions, I did support the bill, I voted in its -- in the positive for it and I intend to do the same this evening. I do intend to support it, my only concern is Connecticut is a very expensive state in which to business. If you have a line of -- of workers working and they said that in the beginning, Mr. Speaker, if you have 100 people and all of them are in the assembly line and one person is missing, somebody has to come in and do the work, do that work to replace him or her.

Honestly, right now we run in a very, very lean

environment, I'm sure, Mr. Speaker, you know and you understand what the "lean environment" mean. Every company works very, very lean, runs very lean. You don't have people sitting just on the side waiting to fill that gap. Everybody has a job, everybody is doing their job and everybody's trying to be as productive as possible, so that you can meet all the expenses that are imposed on us as manufactures, as employers, as retailers in the state of Connecticut.

So whenever you have one person who is missing, it just puts a gap -- it puts a big, big gap in your productivity and you have to go back and try to fix it somehow and that's going to be a burden, I see this bill to be a burden on employers. I intend to support it, I have supported it, but I still say that it is going to have a bad impact on employer and I hope that someday we are not going to have some bad, negative impact from passing this bill. Thank you, Mr. Speaker, I appreciate your very pleasant nature out on the dais.

DEPUTY SPEAKER ALTOBELLO:

And I, yours, Representative Noujaim. Thank you.
Further on Senate A? Further on Senate A?
If not, I'll try your minds. All those in favor

please signify by saying, aye.

VOICES:

Aye.

DEPUTY SPEAKER ALTOBELLO:

Opposed --

Hearing none, the ayes have it, the amendment is
adopted.

On the bill as amended? On the bill as amended?

Any further on the bill as amended?

If not, staff and guests please retire to the
well of the House.

Members take your 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 by
roll call, members to the chamber.

DEPUTY SPEAKER ALTOBELLO:

Have all the members voted? Have all the members
voted?

If so, the machine will be locked.

The Clerk will take a tally and the Clerk will
announce the tally.

THE CLERK:

hal/md/pat
HOUSE OF REPRESENTATIVES

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May 14, 2009

Senate Bill 710 as amended by Senate A in
concurrence with the Senate.

Total Number Voting	133
Necessary for Passage	67
Those Voting Yea	133
Those Voting Nay	0
Those Absent/Not Voting	18

DEPUTY SPEAKER GODFREY:

Bill as amended is passed in concurrence.

Will the Clerk please call Calendar 546.

THE CLERK:

On page 18, Calendar 546, Senate Bill Number 873,
An Act Concerning State Chartered Banks, favorable
report of the Committee on Banks.

DEPUTY SPEAKER GODFREY:

The distinguished Chairman of the Banks
Committee, Representative Barry.

REP. BARRY (12th):

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

DEPUTY SPEAKER GODFREY:

Question is on acceptance and passage.

Will you explain the bill, please, sir.

**JOINT
STANDING
COMMITTEE
HEARINGS**

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

**2009
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Additionally, Council 4 ASFCME also supports House Bill 6191, an act concerning impact statements from major layoffs or dismissals of state employees. There were several horrendous decisions on layoffs that cost the State revenue and endangered public safety in 2003. This included laying off state tax auditors whose collection yield exceeded many times their cost in revenue. State truck inspectors were laid off so that dangerous trucks that couldn't -- that should have been inspected and kept off the highways weren't.

To summarize, the impact of layoffs should be assessed, and this bill would help protect the public from any danger due to a poorly thought out layoff.

REP. RYAN: Thank you, Brian.

Do we have any questions for Mr. Anderson?
Thank you for a very --

BRIAN ANDERSON: Thanks.

REP. RYAN: -- a very good testimony.

Next we have Lori Pelletier. She'll be followed by Kia Murrell. Do you want to come up together?

LORI PELLETIER: I'm all right with that.

Good afternoon, Senator Prague, and Representative Ryan, and members of the Labor and Public Employees Committee. My name is Lori Pelletier, and I serve as the secretary treasurer of the Connecticut AFL-CIO, representing men and women in the workforce here in Connecticut in every one of the 169 towns in the state.

SB 710 SB 711
SB 714 SB 716
HB 6188 HB 6191

I am here to testify on a number of bills. I have submitted written testimony in support of bills -- Senate Bill 710, an act concerning the updates of the Family Medical Leave Act. Again, with the previous comments, you know the issue of family medical leave is one that is, personally, near and dear to my heart. When it was first passed and I was a shop steward at Pratt and Whitney, we had a number of people be able to take advantage of that and trying to work through that. So it's time to dust this off and add these additional protections for workers. And, if you're not in a union shop, you're an at-will employee, and the employer can fire you as they so choose.

Senate Bill 711, an act concerning the elimination of state financial assistance for companies that reduce retirement benefits. Again, we support this legislation. In this today's day and age, as the previous speaker addressed, the issue that pensions are part of the financial security of retirement. Maybe we should rename them, golden parachutes, and then people would be okay with protecting them.

A pension is a worker's entitlement at the end of the time that they have worked. They have oftentimes given up pay raises and other such things during their contract to get a pension, so we support that legislation.

Senate Bill 714, an act concerning retaliation for use of paid sick leave. Again, the whole issue if you have paid sick leave and need to take it, you should be able without retribution from your employer.

Right now we have Kia Murrel, followed by Bob Kehmna.

KIA MURRELL: Good afternoon, all.

REP. RYAN: Good afternoon.

KIA MURRELL: I'm Kia Murrell from CBIA, which I'm sure you know represents more than 10,000 companies throughout the state, large and small, but the vast majority of which are, actually very small, 50 employees or less.

I'm here today to speak on a variety of SB 711 SB 714
bills. To make it easier, let me just say, SB 715 SB 716
I'd like to comment on every bill you have other than Number 6 on the agenda and Number 8 on the agenda. We did submit testimony on Number 7, but 1 through 5, I'd like to speak on briefly.

I'll just follow up as a basic premise. We like the FLMA bill, which is Senate Bill 710. We think that any changes that are made to the state law to make it more congruent with the federal law are positive. Positive in the sense that they help and make it easier for employees to understand the laws that they are expected to comply with.

Most of you may already know that the federal laws were precipitated by years of misunderstandings and ambiguities in the employer community. And the federal legislature understood that, the Department of Labor understood it and, therefore, issued regulations recently to try to clarify some things so that people could understand what the law was and what it was meant to do

before they ended up on the other side of it.

We, particularly, like the aggregated total leave amounts for married spouses. We think that's very good for employers so that if they do employ married spouses they don't have to worry about the spouses stacking the leave time. That can be cumbersome for employees -- for employers that have to make production and other operational deadlines, and expectations -- do you, guys, see all my stuff?

The next one is 711? Okay. On Senate Bill 711, the elimination of state financial assistance for companies that reduce retirement benefits, unfortunately, unlike the previous bill, we oppose this one. I've come before you every year that you've introduced it, and I'll say the same thing I've said in past years. This is a bill that would discourage companies from becoming state contractors, because it basically penalizes them for any action that they take that inadvertently negatively impacts their retirees' funds. We think that in this day and age, companies need to maintain the utmost flexibility to manage their retirement accounts in the way they see best, whether that is on purpose, or some inadvertent action that ultimately affects the retirement funds. We would love for companies to be able to do what they need to do without worrying about additional state mandates and penalties.

Senate Bill 714, retaliation for the use of paid sick leave. Simply put, we are strongly opposed to this bill. We think that the way it's written would basically tie the hands of employers that seek to make any disciplinary



165 Capitol Avenue
Hartford, CT 06106-1658

Raised Bill 710
An Act Concerning Updates to the Family and Medical Leave Act

Labor & Public Employees Committee
February 10, 2009

DAS appreciates the opportunity to offer the following comments to the Labor & Public Employees Committee on Raised Bill 710.

Raised Bill 710 proposes to amend the Connecticut law governing family and medical leave for employees in our private sector (C.G.S. § 31-511). Essentially, the bill changes the private-sector leave law to make it consistent with new changes in federal law regarding Military Family Leave.

The federal government recently amended the Family Medical Leave Act ("FMLA") to incorporate Military Family Leave provisions. The Military Family Leave provisions provide eligible employees with 26 workweeks in a 12 month period to care for a spouse, son, daughter, parent or next of kin of a service member who becomes seriously injured or ill in the line of duty of active duty. Raised Bill 710 seeks to extend these provisions to individuals who work for Connecticut businesses in the private sector.

DAS agrees that incorporating the federal Military Family Leave provisions into state law makes sense. We respectfully submit that, if the legislature moves forward with this proposal, that it consider also amending C.G.S. § 5-248a, the family/medical leave statute that affects state employees.

DAS supports amending 5-248a to incorporate the federal Military Family Leave provisions for the following reasons:

- Amending § 5-248a would prevent anomalous results:
 - An employee whose spouse is injured or ill in the line of duty can take state family/medical leave of 24 weeks in a 2-year period to care for that spouse. Because state law allows an employee time to care for a spouse, the state leave would run concurrently with the federal law. The employee would then get an additional 2 weeks of federal leave time to care for the spouse (26 weeks - 24 weeks).

- Currently, however, that same employee could take 26 weeks of federal leave to care for a cousin injured in the Armed Services. Because state law does not currently recognize this leave, the employee would have an additional 24 weeks of state leave to care for an ill spouse.
- Amending § 5-248a would promote the state's interest in equality and non-discrimination against individuals in same-sex marriages or civil unions
 - Federal law does not recognize members of a civil union or same-sex marriage as a "spouse," therefore individuals in these relationships are not currently able to use FMLA to care for partners injured in the Armed Services.
- Amending § 5-248a would streamline leave management for state agencies
 - To the extent that federal and state laws provide the same leave, they can run concurrently. Applying different rules under state and federal law is complicated and results in errors.

We thank the Committee for considering these recommendations, and would be happy to meet with you at any time to discuss language or other concerns regarding this bill.

To: Rep. Kevin Ryan, House Chair and
Sen. Edith Prague, Senate Chair
Labor and Public Employees Committee
From: John A. McCarthy, Connecticut Labor Department

Testimony for Public Hearing, 2-10-09

RB #710, AAC Updates to the Family Medical Leave Act
The department administers Connecticut's private sector FMLA and were full participants in formulating the accommodation between the Connecticut FMLA and the federal FMLA, both in law and regulation.
We would like to work with the Committee in crafting the appropriate response to the federal military leave changes should this bill go forward.

CBIA

Connecticut Business & Industry Association

Testimony of Kia F. Murrell
Assistant Counsel, CBIA
Before the Committee on Labor and Public Employees
Hartford, CT
February 10, 2009

S.B. 710 AAC Updates to the Family and Medical Leave Act

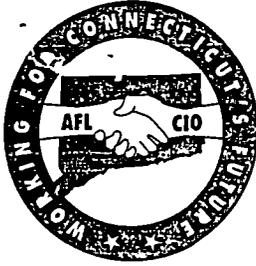
Good Afternoon Senator Prague, Representative Ryan and other members of the Committee. My name is Kia Murrell, Assistant Counsel for Labor & Employment matters at the Connecticut Business and Industry Association (CBIA). CBIA represents more than 10,000 companies throughout the state of Connecticut, but the vast majority of our companies of 50 or fewer employees.

S.B. 710 updates the Connecticut Family and Medical Leave Act (CFMLA) to reflect some federal FMLA changes. Specifically, S.B. 710 revises CFMLA to:

- Allow up to 26 weeks family and medical leave for the care of military personnel;
- Aggregate the total amount of leave that can be taken by spouses working for the same employer;
- Restrict the review of FMLA medical records to human resources personnel and managers.

The new provision regarding aggregate leave time for spouses employed by the same company is a positive one, because it lessens the burden on employers who employ spouses. However, we caution the committee not to propose additional changes to the CFMLA without first considering their impact on employers, because now more than ever, employers need public policy that makes it easier for them to manage employees on FMLA leave. In recognition of this fact, the federal government recently revised its FMLA regulations to clarify ambiguities which made it difficult for employers to understand, implement and manage their employees' use of FMLA leave time.

Insofar as SB 710 creates more congruence between the state and federal legislation and ultimately makes it easier for employers to manage their employees use of the CFMLA, we support this legislation.



CONNECTICUT AFL-CIO

56 Town Line Road, Rocky Hill, CT 06067
860-571-6191 fax 860-571-6190

SB 716 HB 6188

HB 6191

Testimony before the Labor and Public Employees Committee Tuesday, February 10, 2009

Senator Prague, Representative Ryan and members of the Labor and Public employees committee, my name is Lori Pelletier and I am the Secretary-Treasurer of the Connecticut AFL-CIO. I am here on behalf of the 211,000 union men and women from all across this state to testify in support of the following raised bills.

Support: S.B. 710 (Raised) AN ACT CONCERNING UPDATES TO THE FAMILY AND MEDICAL LEAVE ACT – This raised bill offers an important update by extending support to families of members of the Armed forces who are undergoing medical treatment or recuperation. As we all know, more seriously injured soldiers are surviving due to improvements in battlefield medicine and body armor but are returning with need for extensive care. It is appropriate for the state to support families that wish to take time to care for soldiers who have risked their lives for our country. We also support the update to protect the privacy of employees by preventing supervisors from viewing employee medical records.

Support: S.B. 711 (Raised) AN ACT CONCERNING THE ELIMINATION OF STATE FINANCIAL ASSISTANCE FOR COMPANIES THAT REDUCE RETIREMENT BENEFITS – Retirement benefits should be considered as deferred income to which an employee is entitled. The state should require that those companies receiving state financial assistance follow through on their obligations to the employees to pay retirement benefits.

Support: S.B. 714 (Raised) AN ACT CONCERNING RETALIATION FOR USE OF PAID SICK LEAVE –No employee should be harassed or intimidated by their employer when they use sick leave. This is a common sense bill that would protect employees who use their defined sick leave benefit and that would promote healthy workplaces.

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TESTIMONY OF

SB 711

*THE CONNECTICUT MESSENGER COURIER ASSOCIATION
 THE CONNECTICUT COALITION OF PROPERTY OWNERS
 THE GREATER DANBURY CHAMBER OF COMMERCE
 THE LUMBER DEALERS' ASSOCIATION OF CONNECTICUT
 THE MILFORD CHAMBER OF COMMERCE
 THE NORTHWEST CONNECTICUT CHAMBER OF COMMERCE*

BEFORE THE
 LEGISLATURE'S LABOR & PUBLIC EMPLOYEES COMMITTEE
 30:00 PM, TUESDAY, FEBRUARY 10, 2009
 ROOM 2B, LEGISLATIVE OFFICE BUILDING

Good morning. My name is Marshall R. Collins. I am appearing in my capacity as Counsel for Government Relations for the aforementioned six organizations (the "Organizations"). Collectively they represent more than 4,000 employers of approximately 130,000 men and women in Connecticut.

SB 710 AAC Updates To The Family And Medical Leave Act. This proposal appears to make reasonable changes to the Family and Medical Leave Act to allow family members additional time to care for injured soldiers. The Organizations do not oppose the changes.

SB 714 AAC Retaliation For Use Of Paid Sick Leave. The Organizations cannot support this proposal. The use in Section 1(a) of overly broad and unclear language such as "or in any manner discriminate ..." is a trap for the unsophisticated employer. When deciding where to locate, grow or maintain operations, employers will be less likely to choose Connecticut and to subject themselves to such unnecessary exposure.

SB 715 AA Requiring Employers To Cite A Reason For Termination Of Their Employees. This proposal would subject employers to \$300 fines for not giving written reasons for terminating an employee. This would place an additional and unnecessary burden on employers. It is one more unnecessary and anticompetitive measure that would make Connecticut a less desirable place to do business. The Organizations oppose this proposal.

SB 711 AAC The Elimination Of State Financial Assistance for Companies That Reduce Retirement Benefits. This proposal would subject struggling companies to penalties in the event that they had to take difficult but necessary actions to survive. No company that wishes to attract good employees needs to be told that it should not reduce retirement benefits. However, when a company is fighting to survive in these extraordinarily difficult economic times, such reduction might be one of the few options to bankruptcy or closure. To penalize companies which have received loans, grants, guarantees or tax abatements from the State of Connecticut, that make such a decision, virtually amounts to beating the proverbial "dead horse." Passage of this measure would send a worldwide message that Connecticut is not a good place to do business.

While **SB 710** appears to be a reasonable attempt to assist those who have served their country, collectively, **Senate Bills 711, 714 and 715** send a powerful negative message. The message is that Connecticut is a not a good place to do business in these difficult economic times. The provisions of these three proposals are unnecessary. Consequently, the Organizations oppose their passage.

This completes my testimony. Thank you for your consideration.