

Act Number:	09-087 Vetoed/Overturned	
Bill Number:	922	
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**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

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PART 5
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Thank you, Mr. President. Calendar 314, PR.

Calendar 320, completed earlier today.

Calendar 321, PR.

Calendar 323, PR.

Moving to calendar page 35, Calendar 327, dealt with earlier today.

Calendar 330, Senate Bill Number 954, Mr.

President, I move to place this item on the foot of the calendar.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President. Calendars 354 and 358 are marked PR.

Calendar page 35, Calendar 367, Senate Bill Number 785, Mr. President, I move to place this item on the Consent Calendar.

THE CHAIR:

Motion is on the floor for consent. Seeing no objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President. Calendar 370, Senate Bill Number 922, I move to place this item, Mr. President, on the Consent Calendar.

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Senate Bill 876.

Calendar page 25, Calendar 534, House Bill 6599.

Calendar page 26, Calendar Number 86, Substitute
for Senate Bill 458.

Calendar page 29, Calendar 166, Substitute for
Senate Bill 825.

Calendar page 31, Calendar 221, Substitute for
Senate Bill 893.

Calendar page 34, Calendar Number 320, Senate
Bill Number 256.

Calendar page 35, Calendar 370, Substitute for
Senate Bill 922.

Mr. President, I believe that completes those items previously placed on the Consent Calendar.

THE CHAIR:

(Inaudible) roll call vote, sir. The machine will be opened.

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:

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Have all Senators voted?

If all Senators have voted, please check the machine. 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, 36; those voting yea, 36; those voting nay, 0; those absent/not voting, 0.

THE CHAIR:

Consent Calendar Number 1 passes.

Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, I would move that all items referred to various committees from the chamber today be transmitted to those committees immediately.

THE CHAIR:

Without objection, so ordered, sir.

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, also, would announce that we will be convening tomorrow about -- at 11:30 a.m., it's our intention to pick up with bills that had previously been marked "go" today. So I would move that all items previously marked go

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09-87, substitute for Senate Bill 922, AN ACT
CONCERNING AFFIRMATIVE ACTION AND CONTRACTING
PROCEDURES FOR THE METROPOLITAN DISTRICT OF HARTFORD
COUNTY.

Mr. President, I was on the prevailing side of
this vote when it was passed in this chamber and would
move for reconsideration of that bill.

THE CHAIR:

There's a motion on the floor for reconsideration
of Senate Bill 922. I will try your minds. All those
in favor, please signify by saying, aye.

SENATORS:

Aye.

THE CHAIR:

Opposed, nay.

The ayes have it. The bill is before us for
reconsideration. Senator Looney.

SENATOR LOONEY:

Yes. Thank you, Mr. President.

Mr. President, I would yield to Senator Coleman
for the motion to repass the bill and for discussion
on that item.

THE CHAIR:

Mr. Clerk, why don't you call that bill first.

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Thank you.

THE CLERK:

Calling from today's Calendar, page 2, Senate Bill, substitute for Senate Bill Number 922, AN ACT CONCERNING AFFIRMATIVE ACTION AND CONTRACTING PROCEDURES FOR THE METROPOLITAN DISTRICT OF HARTFORD COUNTY.

THE CHAIR:

Thank you, sir.

Senator Coleman, do you accept the yield, sir?

SENATOR COLEMAN:

Thank you, Mr. President. I do accept the yield.

THE CHAIR:

Please proceed.

SENATOR COLEMAN:

Mr. President, I move repassage of the bill.

THE CHAIR:

There is a motion on the floor for repassage of Senate Bill 922. Without objection, please proceed, sir.

SENATOR COLEMAN:

Thank you, Mr. President. Mr. President, this bill, just to refresh recollections, would require the Metropolitan District Commission to file affirmative

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action plans with the Commission on Human Rights and opportunities and also would require the Metropolitan District Commission to comply with the regulations of the State Contracting Board.

I think it's an important bill, Mr. President. I urge the members of the Senate to override the Governor's veto. I think it's important because the Metropolitan District Commission was created by a special act of the Legislature in 1929. MDC is considered a not-for-profit municipal corporation. There are those who have criticized MDC, and MDC, to its credit, confesses and concedes that it has a negative history as far as equal opportunity in employment and contracting is concerned. MDC will also tell you that they're making progress in these areas and would like to afford -- be afforded an opportunity to continue that progress.

But the Planning and Development Committee has specific cognizance over the Metropolitan District Commission and this bill is not intended as an indictment of MDC, but rather as a tool for monitoring the efforts of MDC concerning equal employment opportunity and equal contracting opportunity. If in fact we find from the information that is yielded by

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the affirmative action plans and the compliance with contracting regulations that MDC is in fact making the progress that it professes to be making, then I'm sure that the members of the committee as well as the members of the community would be extremely pleased with that.

With that, Mr. President, I would urge the members of the Senate to override the Governor's veto on this bill. Thank you, Mr. President.

THE CHAIR:

Thank you, sir. Will you remark further on Senate Bill 922? Senator Debicella.

SENATOR DEBICELLA:

Thank you, Mr. President. Mr. President, through you, a few questions to the proponent of the override.

THE CHAIR:

Senator Coleman.

SENATOR DEBICELLA:

Through you, Mr. President, the Governor in her veto message actually does not disagree with anything that Senator Coleman just laid out. What she actually disagreed with was the method by which those ends are achieved. Specifically, declaring MDC a state agency for purposes of affirmative action. And she says in

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her veto message that this is a potentially dangerous precedent because any not-for-profit nonstate agency, which the MDC is a municipal cooperative agency -- if we don't like what they're doing, we can just declare them a state agency and apply our laws to them.

And whereas that might be beneficial in the case of the MDC, and indeed I voted for this bill on the original vote in the regular session, the Governor brings up a good point when she says this could be a dangerous precedent.

Through you, Mr. President to Senator Coleman, if he could just address that in terms of how this might have implications outside of the immediate case of the MDC.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Thank you, Mr. President. Mr. President, I don't think that this bill would have implications outside of the MDC, and I say that because MDC is a special creature.

As I indicated in my opening remarks, it is an entity that was created by a special act of the Legislature in 1929. It has -- the Legislature has

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granted specific cognizance over MDC to the Planning and Development Committee in its joint rules, and there are very few if any other entities that are out there that meet the same characteristics or possess the same characteristics that the MDC has. So I think that the MDC is certainly an entity in a category by itself, but it's an entity within the realm and the jurisdiction of the Legislature.

So the action that we're taking within this bill perhaps could be done another way, but I for one, have no difficulty or issue with the approach that is taken in this bill. Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Senator Debicella.

SENATOR DEBICELLA:

Thank you, Mr. President, and through you, just to be very clear for legislative intent. If I'm interpreting Senator Coleman correctly, is that because the MDC was created in a special act -- and I believe he said 1929 -- that this is a special creature of state statute and it would not apply to any other entity in terms of us having the right to declare them a state agency. And the claim is that

because they were created in state statute even though they are not a quasi-state agency, they are municipal agency. That is the defining characteristic that allows us to do this. Am I correct in that interpretation? Through you, Mr. President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Mr. President, through you to Senator DeBicella, I think that the Legislature -- and I would agree with the Governor. It would not be wise for the Legislature to do it, but I think the Legislature has the authority not to declare an entity a state agency, but to do as this bill says, to deem an identity to be treated as a state agency for a particular purpose, in this case, the particular purpose of requiring that the MDC must submit affirmative-action reports to the Commission on Human Rights and Opportunities and also to comply with contracting regulations of the Connecticut Contracting Standards Board.

The Legislature has the right to do that. I think in all likelihood in our collective wisdom, we would not take the same approach, and I offered the remarks that I offered to suggest that the MDC is

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indeed a particular -- particularly special entity within the realm of cognizance of the Legislature, and that would be justification in my mind for taking the approach that this bill takes and suggesting or intending that the MDC be treated as a state entity for the particular -- state agency for the particular purpose of requiring it to submit such plans and to require to comply with such regulations. Through you, Mr. President.

THE CHAIR:

Senator Debicella.

SENATOR DEBICELLA:

Thank you, Mr. President. And I thank Senator Coleman for the answers to those questions.

And Mr. President, I do find myself conflicted on this vote, because I think we all can agree with the ends that Senator Coleman has laid out to make sure that we have a diverse workforce throughout Connecticut, including in the MDC.

My worry here is that we are taking a dangerous step that Senator Coleman says, you know, in our wisdom, collective wisdom, we would not take again in the future. My question is, why do we need take this now?

In terms of calling something a state agency that is a municipal cooperative, I worry. I worry when we say something is a special case in this Chamber and come back to it three years from now and say, oh, remember what we did to the MDC? Now we're going to do it to X, Y and Z, because we don't like the policies they have.

I think the Governor, in her veto message, did lay out a better way to do this, that we could give specific goals and mandates particular to the MDC rather than just declaring it a state agency. I think the Governor has a very good point in her rationale for vetoing this bill.

So, Mr. President, while I'm still considering and will listen to the rest of the debate on what to do on this, I believe that there's an important distinction to be made here through the ends that we all share and the means and potentially harmful precedents we set through those means to get there. Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Will you remark further on the repassage of the bill? Senator Roraback.

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SENATOR RORABACK:

Thank you, Mr. President. Through you, if I may, a couple questions to Senator Coleman.

THE CHAIR:

Senator Coleman.

Senator Roraback.

SENATOR RORABACK:

Thank you, Mr. President. I, like Senator Debicella, have no quarrel with the effect of this bill should it be repassed, but I do have some concerns about the mechanism by which the goal is being achieved. And through you, Mr. President, to Senator Coleman, does Senator Coleman know whether the MDC board itself has made declarations as to its commitment to abide by affirmative action policies and fair hiring procedures and the like? Mr. President, through you to Senator Coleman.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Thank you, Mr. President, through you to Senator Roraback, I have not spoken with each and every individual member of the MDC Board of Commissioners. I have -- certainly had conversations with a handful

of them, and they've indicated, as I think most other organizations would, that they are an equal opportunity employer, that they value diversity in their workforce, and that they're taking measures in order to accomplish the objective of a diverse workforce.

There are, as well, commissioners who would represent that the MDC has fallen short of its objectives in those regards in past years. They are hopeful that there's progress that's going to be made in future. But there are again, members of a community who've complained to myself, and perhaps other Legislature -- Legislators, that there is a considerable amount of effort that is desired and needs to take place as far as equal opportunity in employment and contracting -- on the part of MDC is concerned.

Whether it's perception or whether it's reality, I think the way to address that is to make certain that there are statistics that are compiled and kept and reviewed and reacted to. If it bears out that MDC is making the progress that they claim to be making, then I think we'll all be happy. If it turns out, on the other hand, that those employees who are

complaining and those members of the community who are complaining -- I think the Planning and Development Committee and other interested Legislators and governmental officials would be better equipped to fashion whatever would be the response to MDC. Through you, Mr. President.

THE CHAIR:

Senator Roraback.

SENATOR RORABACK:

Thank you, Mr. President. I thank Senator Coleman for the answer. Mr. President, I was asking Senator Coleman the question because in my belief if the MDC has not adopted an affirmative policy statement as to its hiring goals and employment goals, then they have been remiss as a public body.

And I, like Governor Rell, believe that it would be entirely within the purview of this Legislature to prescribe -- because the MDC is a creature of the special act -- for us to prescribe goals and objectives for the MDC which parallel those which we hold out for state agencies.

But Mr. President, I'm not convinced that the -- treating the MDC as a state agency is the wisest way to achieve a goal which I think the MDC ought, on its

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own initiative to be achieving and ought to have affirmative policy statements with respect to -- and again, I'm not -- I don't have sufficient understanding of what the MDC is undertaking on its own initiative, but my hope would be that they would see the wisdom of getting their own house in order and, therefore, obviating the need for the Legislature to reach our long arm into their affairs, but if we are going to reach our long arm into their affairs, I think we ought to do it in a way that is specific to them and doesn't put the umbrella of a state agency over them.

So for that reason I'm inclined to vote to sustain the Governor's veto. Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Will you remark further on the repassage of Senate Bill 922? Senator McKinney.

SENATOR MCKINNEY:

Thank you, Mr. President. Mr. President, I think, you know, Senator Coleman in his initial remarks talked about how this was not an indictment on the MDC, but that this is a plan that they need to put

forth.

And I certainly don't represent any towns that are in the MDC. And so perhaps it's easier for me to say this is an indictment on the MDC and I don't know how it can't be, but why is it that we are being asked to take this extraordinary step to declare the MDC a state agency for purposes of affirmative action if the MDC isn't doing the right things with respect to affirmative action? It begs the question.

So I think it's a legitimate question to say, shame on the MDC, and why are they requiring us to do this, and why haven't they come forward to do it on their own. And everybody associated with the MDC should be held accountable and should stand up and answer the question, why haven't you come forward with your own plan? You said you want to do it. You've said let us deal with it. And you haven't done it.

I don't know who is on the MDC, but every single person on there should be held accountable. Every single person. Everyone who works there, every commissioner, everyone involved. Shame on all of them, that we have to take this extraordinary step to declare them a state agency. We are going to require the Department of Administrative Services to hire

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additional personnel -- by the way of that we have a hiring freeze and a budget deficit in case anybody had forgotten.

But DAS is going to have to hire additional personnel because the MDC can't get its own house in order and do the right thing. So the taxpayers of the state of Connecticut, people I represent, are now going to have to spend more of their money because the MDC can't do the right thing by affirmative action and get their house in order. That's pathetic. That's pathetic.

Now, the way this bill goes about it, I think could have been better. What we should do is sustain the Governor's veto, and then either in special session, and I will support it, or in next session, pass a bill specific to the MDC that wouldn't require DAS to investigate affirmative action complaints which wouldn't tax my constituents and everyone else's constituents who aren't part of the MDC.

We're all going to pay for the MDC's failure to do the right thing on affirmative action. All our constituents are going to pay more for the MDC's failure to do the right thing on affirmative action. Maybe what we ought to do is get rid of everybody

associated with the MDC had put in some new people.

Maybe that would be a better way of getting at this problem. And I know there have been some controversies, I guess, where they've tried to get rid of some of the people, but sort of the old cronyism and the old boy network at the MDC seems to be good and alive. So it takes the extraordinary step of this Legislature to require that they be called a state agency, to then override a gubernatorial veto all because people who run the MDC can't do the right thing.

I voted for this bill originally, Mr. President, because I agree with Senator Coleman and the goals of this. And he's right, but I cannot impose that burden on DAS and our state budget and my constituents given the fact that we don't have a budget, given the fact that we have a hiring freeze and given the fact that this is going to cost more money.

What we should do is find out who all these people are at the MDC who've resisted this affirmative action plan, who are not doing the right things, call on them to be held accountable or get rid of them and get some new people in there who can. That's the right thing to do. And with that, I would urge my

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colleagues to sustain the Governor's veto. Thank you.

THE CHAIR:

Thank you, sir.

Will you remark further on the repassage of Senate Bill 922? Will you remark further? Senator Looney.

SENATOR LOONEY:

Yes. Thank you, Mr. President. Just speaking briefly in support of the repassage of Senate Bill 922. Mr. President, certainly, Senator McKinney raises some good points that it is unfortunate that the state is in effect required to intervene here in a way of oversight of the management and compliant practices of the MDC.

But it is such an important issue for this very large agency, which is one of our most important regional entities in the state of Connecticut. And compliance with the affirmative action procedures are -- is so important that it is, I think, worthwhile to repass this bill, which again did pass unanimously by a vote of 36 to nothing here in the Senate on April 29th, as well as 139 to nothing in the House of Representatives on May 19th.

And it is of such great significance, and I think

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that is what accounts for the overwhelming unanimous vote originally and what makes it worth repassing today. Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Will you remark further? Senator Coleman for the second time.

SENATOR COLEMAN:

Mr. President, for the second time, I just wanted to briefly comment on semantics and splitting hairs and perhaps blowing things out of proportion. It would probably be semantics and splitting hairs for me to argue that this bill does not declare MDC to be a state agency, but merely suggests that MDC be treated the same as a state agency would be treated for purposes of requiring the submission of affirmative action reports and complying with contracting regulations.

And I think it's sort of splitting hairs for the Governor and others to suggest that we can do this another way. We probably can do it a variety of other ways, but the objective, which I think is admirable, can be accomplished in this way. And to argue that this is not the best way to do it is, in my view, to

paraphrase a pet saying of some of our colleagues, making the perfect the enemy of the good.

And we're blowing things out of proportion if we say that there is a big cost that is associated with this bill because of the role that DAS would be required to pay -- the role that DAS would be required to play.

DAS would only be involved in this scenario if the chief executive officer of MDC or the affirmative action officer of MDC would be accused of a discriminatory practice. If that is not the case, is that -- either those individuals are not the subject of a discriminatory complaint, then DAS would have no involvement in this scenario that would result as a result of the passage of this bill.

And the fiscal note on this said that there is only potential cost. It doesn't indicate that there would be the kind of costs that Senator McKinney sort of alluded to in his remarks. It wouldn't be anything monumental, and it would be only potential. As a matter of fact, in my view -- little likelihood that DAS would be involved and therefore, there be absolutely no cost to the state or anyone else as a result of this bill.

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This is, in my very considered opinion and as the Chair of the Planning and Development Committee, the committee that has cognizance over MDC, the right thing to do. Diversity and equal employment opportunities are the right goals to pursue. The override of the Governor's veto on this particular bill and this particular issue would also be the right thing to do. Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Will you remark further on the repassage of Senate Bill 922? Will you remark further? If not, Mr. Clerk, please call for a roll call vote. The machine will be open.

THE CLERK:

An immediate roll call vote has been ordered in the Senate. Will all Senators please return to the chamber. An immediate roll call vote has been ordered in the Senate. Will all Senators please return to the chamber.

THE CHAIR:

Have all Senators voted? Is all Senators have voted, please check your vote. The machine will be locked. The Clerk will call the tally.

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THE CLERK:

The motion is on repassage of Senate Bill 922.

Total Number Voting 36

Those voting Yea 24

Those voting Nay 12

Those absent and not voting 0

THE CHAIR:

The motion passes. Senator Looney.

SENATOR LOONEY:

Yes. Thank you, Mr. President.

Mr. President, would move for immediate transmittal to the House of Representatives under Joint Rule 14 of Public Act 09-87, substitute for Senate Bill 922.

THE CHAIR:

Without objection, so ordered, sir.

Senator Looney. "

SENATOR LOONEY:

Yes. Thank you, Mr. President. Before recessing to await additional business from the House of Representatives, would yield the floor to any members who had -- who would seek recognition for announcements or points of personal privilege.

THE CHAIR:

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DEPUTY SPEAKER MCCLUSKEY:

My apologies.

Will the Clerk please call Calendar Number 581.

THE CLERK:

On page 21, Calendar 581, Substitute for Senate Bill Number 922, AN ACT CONCERNING AFFIRMATIVE ACTION AND CONTRACTING PROCEDURES FOR THE METROPOLITAN DISTRICT OF HARTFORD COUNTY, favorable report by the Committee on Government Administration and Elections.

DEPUTY SPEAKER MCCLUSKEY:

The distinguished chair of the Planning and Development Committee, Representative Sharkey, you have the floor, sir.

REP. SHARKEY (88th):

Good afternoon, Mr. Speaker.

Mr. Speaker, I move in acceptance of the Joint Committee's favorable report and passage of the bill.

DEPUTY SPEAKER MCCLUSKEY:

Question before the chamber is acceptance of the Joint Committee's favorable report and passage of the bill.

Will you remark?

REP. SHARKEY (88th):

Yes, thank you, Mr. Speaker.

Mr. Speaker, this bill establishes, at the Metropolitan District Commission, shall behave and act like a state agency when it comes to equal protection laws and state contracting procedures. As you know, the MDC is a -- is a special act agency that was created in 1929, servicing the water and sewer needs of 29 towns in the Greater Hartford area. As such, it has adopted and established its own affirmative action procedures and contracting procedures and all this bill will do is pull the MDC under the state laws with regard to affirmative action and contracting so that it behaves more of along the lines of a state agency as opposed to an independent agency as it currently does.

So, through you, Mr. Speaker, I would -- I would recommend my colleagues' approval of this bill.

DEPUTY SPEAKER MCCLUSKEY:

Thank you, sir.

Remark further?

The honorable ranking of the Planning and Development Committee, Representative Aman, you have the floor, sir.

REP. AMAN (14th):

Thank you very much, Mr. Speaker.

I do have some questions regarding this. It is a

fundamental change and the way the MDC will be operating, and, so, for purposes of legislative intent and for knowledge of the chamber, I do have some questions for the proponent of the bill.

DEPUTY SPEAKER MCCLUSKEY:

Please, proceed Sir.

REP. AMAN (14th):

Thank you, Mr. Speaker.

Are any other government or semigovernment agencies such as the MDC, CRRA, or any municipalities, towns, or other entities, operating under the same sort of restrictions that we're planning on putting on the MDC that their procedures are not the ones to be followed, they must follow the procedures of the State?

Through you, Mr. Speaker.

DEPUTY SPEAKER MCCLUSKEY:

Representative Sharkey.

REP. SHARKEY (88th):

Through you, Mr. Speaker, I'm not personally aware of what the other affirmative action requirements are of other quasi-state agencies. I do know that full-state agencies, as we regulate and understand and know them, do have to follow these procedures. But I don't know, frankly, what the

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requirements are of other quasi-state agencies,
through you, Mr. Speaker.

DEPUTY SPEAKER MCCLUSKEY:

Representative Aman.

REP. AMAN (14th):

Yes. It's my understanding that currently CHRO
would be handling any complaints regarding affirmative
action or related problems that the MDC has and this
will be turned over to DAS. Is that a correct
understanding of the bill?

Mr. Speaker.

DEPUTY SPEAKER MCCLUSKEY:

Representative Sharkey.

REP. SHARKEY (88th):

Through you, Mr. Speaker.

Actually, could the gentleman repeat his
question?

Thank you, Mr. Speaker.

DEPUTY SPEAKER MCCLUSKEY:

Representative Aman, will you please repeat your
question, sir?

REP. AMAN (14th):

Yes. It's my understanding that, right now, if
someone had an affirmative-action type complaint, a
discrimination complaint, it would flow to CHRO and in

this case, because they're going to be equivalent to a state agency, the complaints will move towards DAS for the administrative procedures, through you, Mr. Speaker.

DEPUTY SPEAKER MCCLUSKEY:

Representative Sharkey.

REP. SHARKEY (88th):

Through you, Mr. Speaker, my understanding is that the -- that CHRO will be handling complaints for review. It's my understanding that under this bill, the officer -- the affirmative action officer who receives an affirmative action complaint will refer the complaint to CHRO for review and, if appropriate, CHRO will refer the complaint to DAS. That's my understanding of the way the bill will -- will play out.

Through you, Mr. Speaker.

DEPUTY SPEAKER MCCLUSKEY:

Representative Aman.

REP. AMAN (14th):

Yes. What I was trying to figure out there is, in the fiscal analysis, there's a \$75,000 additional cost to DAS. I did not see a savings to CHRO. Presuming that the number of complaints and difficulties stay about the same, I'm trying to

understand how there can be a cost to one agency if they're going to start doing some of the work and not an offsetting savings for another agency, through you, Mr. Speaker.

DEPUTY SPEAKER MCCLUSKEY:

Representative Sharkey.

REP. SHARKEY (88th):

Through you, Mr. Speaker, I don't know the answer to that either, through you, Mr. Speaker.

DEPUTY SPEAKER MCCLUSKEY:

Representative Aman.

REP. AMAN (14th):

Does the proponent of the bill have a number -- I was looking through the testimony, I didn't see, as far as the number of complaints or how severe the complaints were that have gone -- that would have gone either to CHRO or, in this case, in the future to DAS or combination thereof. Historywise, what has been the pattern of complaints?

Through you, Mr. Speaker.

DEPUTY SPEAKER MCCLUSKEY:

Representative Sharkey.

REP. SHARKEY (88th):

Through you, Mr. Speaker, my recollection -- I've looked through the testimony as well, as well as the

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JF report. My recollection of the public hearing was that there was more anecdotal information to suggest that the affirmative action complaints that were filed were not necessarily being handled as thoroughly as they would if it was handled under a state agency. So that, I think, was the intent of this bill, to fold MDC under. I don't think that we actually received -- I don't recall receiving testimony from the public on the number or quantity or quality of those complaints at the public hearing, through you, Mr. Speaker.

DEPUTY SPEAKER MCCLUSKEY:

Representative Aman.

REP. AMAN (14th):

Yes, my recollection of the public hearing was fairly similar that it was mostly anecdotal and not something that you could put a statistical chart up on saying one thing or the other.

Going on to the procurement procedures. It's going to be turned over to the State Contracting and Standards Board and, I guess, my question is has there been a problem with the MDC, who has its own set of procedures and standards for purchasing?

Through you, Mr. Speaker.

DEPUTY SPEAKER MCCLUSKEY:

Representative Sharkey.

REP. SHARKEY (88th):

Through you, Mr. Speaker.

I think -- I know we had a companion bill in the Planning and Developing Committee that looked at the question of minority hiring and contracting. That bill is not before us right now, but I think the intent of this bill is, again, to make the MDC compliant with the way other state agencies carry out their contracting procedures. If you look at line 137 and 138 of the bill, the last two lines of the bill under Section 2, we are calling upon the State Contracting Standards Board to adopt regulations for the MDC and do it in such way that takes in consideration the special circumstances and factors that the MDC faces that perhaps other state agencies might not, through you, Mr. Speaker.

DEPUTY SPEAKER MCCLUSKEY:

Representative Aman.

REP. AMAN (14th):

Yes. I'm aware of those couple of lines, and I probably would be much more advocating for the State Contracting Standard Board to take over if we had received testimony saying that the MDC was not having standards or that they had policies that were actually not beneficial to the MDC and the member towns.

In general, I don't have a major problem with this bill. It does take the MDC and put it under state agencies, state requirements. I think maybe a little bit more than their traditional independence. I don't -- again, the policies that we have regarding discrimination, et cetera, and contracting for the state agencies, I don't see any reason why the MDC should not have to follow the same ones.

I'm just wondering if the state, itself, is stepping into an area that it really doesn't have to get involved in, but I do know that several of the senators and representatives that work with the MDC are very much in favor of this bill so I will be supporting it when it comes to a vote.

Thank you, Mr. Speaker.

DEPUTY SPEAKER MCCLUSKEY:

Thank you, sir, for your remarks.

Will you remark further on the bill? Will you remark further on the bill?

If not, will staff and guests please come to the well of the House? Will the members please take your seats? The machine will be opened.

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 MCCLUSKEY:

Have all the members voted? Have all the members voted. Will the members please check the board to determine whether your vote is 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 that tally?

THE CLERK:

Senate Bill Number 922 in concurrence with the Senate

Total Number of Voting	139
Necessary for Passage	70
Those voting Yea	139
Those voting Nay	0
Those absent and not voting	12

DEPUTY SPEAKER MCCLUSKEY:

Bill passes in concurrence with the Senate.

Will the Clerk please call Calendar 74?

THE CLERK:

On page 2; Calendar 74, Substitute for House Bill Number 6279, AN ACT CONCERNING ACCELERATED BENEFITS OF LIFE INSURANCE POLICIES, favorable report of the Committee on Insurance and Real Estate.

DEPUTY SPEAKER MCCLUSKEY:

H – 1070

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GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
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**VETO
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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?

Please check the roll call board to make sure your vote has been properly cast. If all members have voted, the machine will be locked, and the Clerk will take a tally.

Will the Clerk please announce the tally.

THE CLERK:

House Bill 6649.

Total Number Voting	141
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Necessary for Passage	101
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Those Voting Yea	136
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Those Voting Nay	5
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Absent/Not Voting	10
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SPEAKER DONOVAN:

The bill is repassed.

Will the Clerk please call Senate Bill 922.

THE CLERK:

Substitute for Senate Bill Number 922, AN ACT

CONCERNING AFFIRMATIVE ACTION AND CONTRACTING

PROCEDURES FOR THE METROPOLITAN DISTRICT OF HARTFORD

COUNTY.

SPEAKER DONOVAN:

Representative Merrill.

REP. MERRILL (54th):

Yes, thank you, Mr. Speaker. I would move that we reconsider this item. And I would note, again, that I am on the prevailing side -- or was on the prevailing side in the original motion.

SPEAKER DONOVAN:

Question before the Chamber is on reconsideration of Senate Bill 922. For the benefit of the Chamber, Representative Merrill was on the prevailing side of this issue when we passed this measure on May 19, 2009, and is therefore an appropriate member to make the motion for reconsideration. Is there objection to the motion to reconsider? Is there objection?

Hearing none, the bill will be reconsidered.

Will you remark further on the bill?

Representative Sharkey.

REP. SHARKEY (88th):

Good afternoon, Mr. Speaker. Mr. Speaker, I move to repass the bill.

SPEAKER DONOVAN:

The question that is up before the Chamber is on

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repassage of the bill.

Representative Sharkey, you have the floor, sir.

REP. SHARKEY (88th):

Thank you, Mr. Speaker. Mr. Speaker, this is a Senate bill that came out of the Planning and Development Committee that requires the Metropolitan District Commission -- or otherwise known as the MDC -- to comply with state policies governing the hiring and promoting of people and procuring of goods and services, specifically, with regard to our human resource and affirmative action policies, as well as our contracting policies.

Mr. Speaker, this bill passed out of two committees, Planning and Development and GAE, unanimously; it also passed both houses, House and Senate, unanimously. And I move that we overturn the Governor's veto on this matter. Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative.

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Mr. Speaker. Mr. Speaker, a few questions, through you, to the proponent of the bill.

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SPEAKER DONOVAN:

Please proceed, sir.

REP. CAFERO (142nd):

Thank you, Mr. Speaker. Through you, is MDC a state agency? Through you, Mr. Speaker, to Representative Sharkey.

SPEAKER DONOVAN:

Representative Sharkey.

REP. SHARKEY (88th):

Through you, Mr. Speaker, technically MDC is not a state agency. Actually -- technically, it has the characteristics of a municipality in many respects. That's the reason why it currently doesn't fall under our state policies with regard to affirmative action and contracting. Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Cafero.

REP. CAFERO (142nd):

Through you, Mr. Speaker, are there any like agencies that are not state agencies that also fall under our regulations with regard to the subject matter of this bill? Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Sharkey.

REP. SHARKEY (88th):

Through you, Mr. Speaker, I don't know.

SPEAKER DONOVAN:

Representative Cafero.

REP. CAFERO (142nd):

Through you, Mr. Speaker, does this -- the Governor's veto message indicates it sets a precedent. Would that indicate to you that this would be the first nonstate agency that would be required to fall under these state regulations? Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Sharkey.

REP. SHARKEY (88th):

Through you, Mr. Speaker, I can't answer that question, because I don't know what other quasi-state agencies or other non -- commonly referred to state agencies are not already complying with the state's affirmative action laws and contracting procedures. Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Cafero.

REP. CAFERO (142nd):

Well, through you, Mr. Speaker, I appreciate that

answer. But let's make a distinction whether or not state -- other nonstate agencies are complying with state requirements voluntarily, that's one thing. This bill requires that MDC comply with our state regulations. That's a very big distinction because what that means is any agency that is not a state agency now, may at the whim of this Legislature, be asked to follow state procedures. That is a precedent. That is something that we have never done before -- not in 200-plus years of existence. This is a precedent. We are starting a precedent.

So nonprofits out there, beware. Regulated entities, beware. Municipal agencies, beware. Because if -- at the whim of this Legislature, using this bill as precedent, we can force you to follow state regulations. For that reason, Mr. Speaker, I will sustain -- vote to sustain the Governor's veto. Thank you.

SPEAKER DONOVAN:

Thank you, Representative.

Would you care to remark further on the bill?

Would care to 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. Members to the Chamber, please.

SPEAKER DONOVAN:

Have all the members voted? Have all the members voted? Please check the roll call board to make sure your votes were properly cast.

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

Will the Clerk please announce the tally.

THE CLERK:

Senate Bill 922, in concurrence with the Senate.

Total Number Voting	142
Necessary for Passage	101
Those Voting Yea	106
Those Voting Nay	38
Absent/Not Voting	9

SPEAKER DONOVAN:

The bill is repassed.

Will the Clerk please call Senate Bill 1078.

THE CLERK:

Senate Bill Number 1078, AN ACT ESTABLISHING A

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STANDING
COMMITTEE
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SENATOR COLEMAN: In Hartford?

SCOTT JELLISON: Correct.

SENATOR COLEMAN: Okay. Any other questions?
Seeing none, thank you for your testimony.

SCOTT JELLISON: Thank you.

SENATOR COLEMAN: Patricia Werbner, Doris Poma, and
Mike Jefferson.

PATRICIA WERBNER: Chairman Coleman, Sharkey and
members of the committee, my name is Patricia
Speicher Werbner. I am the Director of Human
Resources for The Metropolitan District, and
with me, is Michael Jefferson, Manager of
Diversity, and Doris Poma, the Acting Manager
of Employee Services and Diversity Officer for
the MDC. We are here today to provide
testimony on Raised Bill 922. We have copies
of our 2008 Affirmative Action Plan that we
will be submitting to you. And as a regional
municipal corporation we have chosen to follow
the federal guideline process for the
development and content of our plan. However,
you will see that the components or elements
of our plan closely mirror the State required
elements of a State Agency Affirmative Action
Plan.

In 2008, 50 percent of our new hires were
people of color or women. In 2007, 36 percent
of our new hires were individuals of color and
36 percent of our new hires were women. Bill
No. 922 proposes that if a discrimination
complaint is filed with CHRO or the Equal
Opportunity Commission, the Attorney General
or his designee shall represent the District
before CHRO and the Equal Opportunity

Commission. If approved, this bill will shift the burden of administrative and legal costs to the State.

Bill 922 proposes roles for the Commissioner of Administrative Services and Secretary of OPM and to ensure we follow the State Personnel Act and personnel regulations, and it also references collective bargaining.

The District as a municipality is not under the jurisdiction of the Department of the Administrative Services, Secretary of OPM or the State Personnel Act as with all municipalities. The District has its own personnel policies and procedures, hiring practices, benefit and retirement plans, classification and pay plans. The District has collective bargaining agreements with three separate AFSCME union locals. The process of collective bargaining is conducted independently of the state Office of Labor Relations. Labor and related legal costs are born exclusively by the District. No municipality is subject to the requirements proposed under this bill. While the District has no expectation that its plan would be disapproved by the Commission, if it was disapproved, the District could be barred from filling new positions or promoting existing staff. The District is engaged a multi-billion dollar CSO and Sanitary Sewer Overflow, and the imposition of a hiring and promotion freeze could gridlock this project and significantly impact the project schedule and budget.

Mike will not speak to other contracting programs.

MIKE JEFFERSON: Thank you very much. My name is

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Mike Jefferson. I'm the newly hired Diversity Manager for the Metropolitan District Commission, and I focus primarily on the project management unit for the Clean Water Fund Project.

The Clean Water Project is required to meet the state and federal goals for hiring of minority and women owned businesses to be eligible for Department of Environmental Protection, DEP, financing under the State Clean Water Fund. Those goals which were lowered from 6 percent to 2 percent MBE, and raised from 2.5 percent to 3 percent WBE in 2008 by DEP are required in all financing agreements. The District however chose not to lower the previous goal and maintains a 6 percent MBD and a 3 percent WBE requirement in all of its contracts.

The MDC is engaged in a disparity study being conducted by a national expert company, Miller3, to determine the capacity and availability of minority contractors ready and able to work on the project and to determine if any discriminatory rules or practices prevent their participation. Despite this effort, the MDC hired and directed me to enhance the opportunities and participation of minority businesses on our projects within the law. To that effort, we have entered into a memorandum of understanding with such agencies as the US Small Business Administration Hartford Office, the National US Minority Business Development Agency, a arm of the Department of Commerce, they fund a series of minority business enterprise centers which provide assistance in bonding, insurance, and financing, Hartford Economic Development Corporation, or HEDCO, and HEDCO's Business Resource Center, which is located at Lewis

Street in downtown Hartford, as well as the Connecticut Minority Supplier Development Council to establish a working support network for our Supplier Diversity Program on the Clean Water Project. Attached you will find the results of the joint efforts, events and services that have been created to enhance MBE and workforce opportunities on the project.

Also attached are the results of our joint efforts in three of the first actual Combined Sewer Overflow Abatement Projects of the Clean Water Project. In 2008, \$94 million was awarded for the planning, engineering, and design and initial construction of clean water projects, of that \$39 million or 33 percent was awarded to well over 50 minority or women owned businesses. One project, the Homestead Avenue interceptor, a \$22.5 million tunnel project was won by a Hispanic owned minority firm.

With regard to Section 2 of Raised Bill 922, be advised that last year Public Act 5800 provided the MDC the authority to change from its mandatory open competitive low-bid procedures for procurement of goods and services to allow for the adoptions of Federal Acquisition Regulatory Standards processes through District ordinance. A district-wide procurement reengineering process team is completing a six-month effort.

We thank you for the opportunity to speak.

SENATOR COLEMAN: Is there one other person that wanted to speak with your group?

MIKE JEFFERSON: No.

SENATOR COLEMAN: Okay. That's it. Any questions

for either Ms. Werbner or Mr. Jefferson. I've got a couple of questions. Ms. Werbner in your testimony you indicated that the bill would shift administrative and legal costs to the state.

PATRICIA WERBNER: Yes, sir.

SENATOR COLEMAN: If we were to correct that would have any problem with filing affirmative action reports with the Commission of Human Rights and Opportunities.

PATRICIA WERBER: Well, Sir, for the reasons that we provided you in writing and for our verbal testimony that we respectfully -- our position would be that we do not think that this bill is necessary.

SENATOR COLEMAN: Okay. And I understand that that's been the MDC's position throughout the years. And I understand that there also been a considerable amount of activity with respect to affirmative action efforts, much of which in all do respect have been cosmetic. And I'm not sure that there have been the kind of results that many people in the community are looking for coming out of MDC considering that MDC is a unique municipality. It's pretty much a quasi-public agency that is supported often times with public dollars as is the case with the Clean Water Project but also with fees collected from the customers of the MDC district.

PATRICIA WERBNER: This -- sir, I've been the Director of HR for a little over six years. One of the perceptions of the MDC is that we do a large volume of hiring. We -- since I've been there, we've hired anywhere from 17 people a year to I think last year -- we were

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high where we hired up over 40 people a year. But on a year to year basis, and prior to the long-term control plan, we do not generally have a lot of hiring. Based on our numbers of what we have done over the last several years, I think it shows our numbers have improved. We can provide that detail to your committee to show you the last six years. But I think we have made great strides in our number, and that they are more than, if you will cosmetic.

SENATOR COLEMAN: Okay. Well, I suppose that I and probably some others would respectively disagree with your assertions here. I'm not sure what your view is. You say you've been with MDC for how many years?

PATRICIA WERBNER: A little over six years.

SENATOR COLEMAN: A little over six years. I'm not sure if you had a chance to analyze the history of personnel hiring at MDC. I think in the opinion of a lot of folks, including, I think, some concessions on the part of officials at MDC that, that history is not a lot to be proud of, and that there is considerable room for improvement.

PATRICIA WERBNER: I agree there is always room for improvement, and I am aware that there were issues historically with the MDC. But I do think that the leadership of the MDC, this is a key goal for us, a value, and I do have the data for the last six years. I can speak to that.

SENATOR COLEMAN: Okay. For the last six years, but I guess my concern is in some respect, I'm not sure that the culture at the -- not withstanding your hiring and your involvement, I'm not sure that the culture at the MDC has

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changed significantly, and if I'm correct, wouldn't it be like asking the fox to guard the hen house on this particular issue of affirmative action.

PATRICIA WERBNER: Again, I -- the affirmative action plan process that we presently have is that we develop the affirmative action plan, it goes before a subcommittee -- actually it goes before our affirmative action advisory committee, which is an employee based committee that's very diverse and from all sections and levels of the organization. That plan then goes to the subcommittee of the district board where it is explained in detailed and reviewed by the subcommittee of the district board. And if they feel that it's appropriate to -- and then be ready to go to the full board, it goes to the full board for approval. So there are very significant levels of review. It's also that we want have to have the employees buy into this as well. When the plan is approved it's distributed to all managers and there's additional follow-up training in programs and the goals of the plan as well.

SENATOR COLEMAN: When an employee -- let's say an employee of color at MDC has a complaint about either terms and conditions of employment, or failure to promote, what process is available for that employee to make a complaint?

PATRICIA WERBNER: Internally they would file a complaint with our -- Doris Poma, who is here today as well. They would file that complaint internally with us, or they could go directly to CHRO, and that is in our plan as well.

SENATOR COLEMAN: Okay. And I think you had mentioned in your testimony that there was

little difference between the federal government requirements -- filing requirements, and the requirements of CHRO. Was that your testimony?

PATRICIA WERBNER: I said that our -- that components of our plan resemble very strongly that the elements with the table of compliance of a state plan. The primary difference between the federal process and the state process regarding the plans as the analysis and placement goals, and that the state conducts an analysis of the total workforce by both male and female, gender and race. The federal analysis concentrates solely on women and minorities as a group. That's the key fundamental difference.

SENATOR COLEMAN: One of the basis for your objection to Senate Bill 922, as you stated, if your plan is disapproved that MDC would be barred from hiring. Was that your testimony?

PATRICIA WERBNER: I said I believe it could be.

SENATOR COLEMAN: Okay. And in the event of disapproval, you are aware are you not, that the CHRO would be involved in the hiring process, and that you wouldn't be actually barred from hiring.

PATRICIA WERBNER: I believe the section that I thought I was familiar with was that CHRO does have the authority to freeze our hiring and our promotions.

SENATOR COLEMAN: Okay. And, I believe that means that MDC would not directly make the hiring -- hiring positions or decisions but that would have to be done in consultation with CHRO.

PATRICIA WERBNER: I would have to look in detail. I know which section 46a-68-67 of the affirmative action regulations for the Commission on Human Rights and Opportunities.

SENATOR COLEMAN: Okay. Well you can review that and we can discuss at some point subsequent to this public hearing. I also had a question for Mr. Jefferson.

PATRICIA WERBNER: Thank you.

MIKE JEFFERSON: Yes Senator.

SENATOR COLEMAN: You made reference to a disparity study that's being conducted in connection with the Clean Water Project. Is that -- well whose involved in the disparity study? Who's conducting the disparity study?

MIKE JEFFERSON: Well you have two primary entities, one is a group called Miller3, which is a national respected disparity study outfit. And by the way the reason why we are doing a disparity study is to make sure that whatever program we have lives as you're aware there's Crowson decision and other historical facts that have challenged these programs nationally. And then supporting Miller3, working directly for the MDC is an Attorney out of Washington, DC, both of whom I've known throughout my 22 years experience working nationally as well as my role a board member in northeast representative of National Association of Minority Contractors.

SENATOR COLEMAN: Refresh my recollection regarding the Attorney's name.

MIKE JEFFERSON: I didn't have it, Franklin Lee.

SENATOR COLEMAN: Franklin is the first name?

MIKE JEFFERSON: Franklin Lee, yes.

SENATOR COLEMAN: Lee?

MIKE JEFFERSON: Yes.

SENATOR COLEMAN: When did the disparity study
begin?

MIKE JEFFERSON: I believe in early 2008, or late
2007, I believe. I believe early 2008.

SENATOR COLEMAN: And for how long is it expected
or when is it expected --

MIKE JEFFERSON: In a matter of one, two or three
months. And the reason for that is we did a
three year kind of historical spend analysis
to see what happened over that three year
period and we wanted to include 2008
purchasing because that was primarily the
beginning of the Clean Water Fund Program.

SENATOR COLEMAN: Okay. Can you give me some idea
of approximately how many positions would be
filled with respect to the Clean Water
Project?

MIKE JEFFERSON: No. And I don't think anyone can.
I'll tell you why. I've been involved with
utility construction for a long, long time and
the good news for rate payers is that industry
is hungry. So you have contractors that are
bidding 20, 25 sometimes 30 percent lower than
our estimate so that goes out that window.
Then we also have contractors that are coming
in, it's called their employment or their
staffing plan, and they're coming in, you
know, 8 to 10, to 12, total employees per

contract. So outside of the major tunnel, we're seeing an average crew of 8 to 12 individuals and that includes truck drivers, and by the way all of our truck drivers are minority Hartford residents. None of the plumbing has started and that's probably 2 to 4 total, and the rest are P6 pipe layers that dig up the street and keep going. Then there's ancillary landscaping where you tear down the tree then put it back.

SENATOR COLEMAN: Is there training that's connected with this project?

MIKE JEFFERSON: There are training needs associated with this project, yes.

SENATOR COLEMAN: And how are those needs being addressed?

MIKE JEFFERSON: Currently, there is a RFP that we are going to be putting back on the street. And I think it's going to have a different twist to what's happened in the past, because the analysis that I performed, as well as others, is the need for on the job training. Again, you have responders to the RFP who pretty much exclusively focused on their P6 license, which is a form of a plumbers license which takes a year, which is a great because you can become a form of a plumber in less than a year. But it calls for 2000 on the job training hours, as well as 144 classroom hours. The difference is only a licensed contractor can register that apprentice with the state and therefore work.

So we retooled our RFP, and we're going to put it back on the street with an on the job training, OJT focus. And as a matter of fact,

we're partnered with the Department of Labor, who are offering the initial slots and we're also looking to do some other exciting things. But more importantly, what you'll find is the opportunity to get people placed due to the fact that we're in a recession, you know, our President Obama has a stimulus package. Well, there's nobody hiring, you know, these are all small local businesses and no one is hiring so we're looking at the OJT as kind of our own stimulus, as our own ignition to kick the ball up. Most of our subcontractors aren't talking about hiring. They're talking about the 20 guys they laid off, which would include minorities, as well as Hartford residents. So by focusing our attention and our contractors attention on getting people, Hartford residents and minorities, black, Hispanic, and everybody in between, trained in on the job from day one with that on the job focus. On the job training focus, is absolutely the way to go on this, and so that RFP will be back on the street and we're looking for a community based organization that partner with employers to get people on the job, boots on the ground, and ready to go with a paycheck.

SENATOR COLEMAN: Okay. Thank you. Are there questions for Mr. Jefferson? Seeing none, thank you both for your testimony.

MIKE JEFFERSON: Yes, sir. Thank you.

SENATOR COLEMAN: Martin Mador is next.

MARTIN MADOR: Good afternoon members of the committee, I'm Martin Mador. I am the Legislative and Political Chair for the Connecticut Sierra Club. It's a pleasure to be back before this committee, after an absence of I believe, three days.

SB1042
SB1043
HB1284



The Metropolitan District
water supply environmental services geographic information

My name is Patricia Speicher Werbner, Director of Human Resources and with me is Michael Jefferson, Manager of Diversity Programs and Doris Poma, Acting Manager of Employee Services and Diversity Officer for the Metropolitan District. We are here today to provide testimony on Raised Bill No. 922, **“An Act Concerning Affirmative Action and Contracting Procedures for the Metropolitan District of Hartford County”**. We welcome the opportunity to come before you today to provide an overview of some of our accomplishments and initiatives not only in the area of affirmative action but in the areas of diversity and inclusion.

Submitted for your review is a copy of the District’s 2008 Affirmative Action Plan. As a regional municipal corporation we have chosen to follow the Federal Guideline process for the development and content of the plan. However, you will see that the components or elements of our plan closely mirror the State required elements of a State Agency Affirmative Action Plan.

The District Affirmative Action Plan Policy Statement is included for approval with all Department of Public Health and Department of Environmental Protection applications for State Clean Water Fund and Drinking Water Fund financing of our water and sewer projects.

Over the past seven years the District hired an average of 27 individuals a year. We are pleased to report that in 2008, the District was able to achieve many hiring goals and action-oriented program goals identified in our 2007 Affirmative Action Plan. In 2008, the District hired 42 people with 21 or 50% being people of color or women with sixteen or thirty-eight percent (38%) of those new hires were people of color. In 2007, thirty-six

percent (36%) of new hires were individuals of color and thirty-six (36%) percent of new hires were women.

District Affirmative Action Plans are reviewed by the Affirmative Action Committee, an employee based group, the Diversity Sub-Committee of the District Board, and then submitted to the 29 member District Board for approval. The Affirmative Action Plan is reviewed, updated and approved annually. The Plan is distributed to all managers and supervisors and training is provided on an annual basis.

Affirmative Action and Diversity goals have been incorporated as core goals for all manager performance evaluations. Quarterly updates are provided to the Chief Executive Officer on matters of diversity, hiring goals and results. Recruitment activities have been expanded to historically black colleges and the Diversity Officer reviews all hiring practices.

Section 1. (6) Of Bill No.922 proposes that if a discrimination complaint is filed with CHRO or Equal Opportunity Commission the Attorney General or Attorney General's designee shall represent the District before CHRO or the Equal Opportunity Commission. Presently the District represents itself in discrimination complaints before the Commission of Human Rights and Opportunities and the equal Employment Opportunity Commission. If approved, this Bill will shift the burden of administrative and legal costs to the State.

Section 1. (6) (e) of Bill No.922 proposes that the Commissioner of Administrative Services and Secretary of OPM cooperate with CHRO to ensure that the State Personnel Act and personnel regulations are administered, and that the process of collective bargaining is conducted by all parties in a manner consistent with the affirmative action responsibilities of the state.

The District as a municipality is not under the jurisdiction of the Department of Administrative Services, Secretary of OPM or the State Personnel Act as with all municipalities. The District has its own personnel policies and procedures, hiring practices, benefit and retirement plans, classification and pay plan(s). The District has collective bargaining Agreements with three separate AFSCME union locals. The process of collective bargaining is conducted independently of the state Office of Labor Relations. Labor and related legal costs are borne exclusively the District. Labor related issues come under the review and jurisdiction of the Municipal Employees Relation Act. No municipality is subject to the requirements proposed under this Bill. While the District has no expectation that its Plan would be disapproved by the Commission on Human Rights and Opportunities, if it was disapproved, the District could be barred from filling new positions or promoting existing staff. The District is engaged in multi-billion dollar Combined Sewer Overflow and Sanitary Sewer Overflow abatement program required by the US Department of Justice, US Environmental Protection Agency, State Attorney General and the Department of Environmental Protection through consent decree and order. The imposition of a hiring and promotion freeze could gridlock this project and significantly impact the project schedule and budget.

Mike Jefferson, Manager of Diversity Programs will speak to our affirmative action programs relative to the inclusion of minority and Women Owned Businesses (MWBE) in the MDC's Clean Water Project.

The Clean Water Project is required to meet the state and federal goals for hiring of Minority and Women Owned Businesses to be eligible for Department of Environmental Protection (DEP) financing under the State Clean Water Fund. Those goals which were lowered from 6% to 2% MBE and raised from 2 ½ % to 3% WBE in 2008 by DEP are

required in all financing agreements. The District, however did not lower the previous goals and maintains a 6% MBE and 3% WBE requirement in all of its contracts.

MDC is engaged in a Disparity Study being conducted by a national expert company, Miller3 to determine the capacity and availability of minority contractors ready and able to work on the project and to determine if any discriminatory rules or practices prevent minority participation. Despite this effort the MDC hired and directed me to enhance the opportunities and participation of minority businesses on our projects within the law.

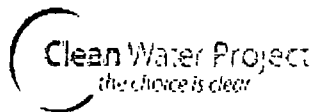
To that effort, we have entered into a memorandum of understanding with the US Small Business Administration (SBA), US Minority Business Development Agency (MBDA), Minority Business Enterprise Center Network (MBEC), Hartford Economic Business Development Corporation (HEDCO), HEDCO's Business Resource Center (BRC), and the Connecticut Minority Supplier Development Council (CMSDC) to establish a working support network for our Supplier Diversity Program for the Clean Water Project. Attached you will find the results of the joint efforts, events and services that have been created to enhance minority business and workforce opportunities.

Also attached are the results of our joint efforts in three (3) of the first actual Combined Sewer Overflow Abatement Projects of the Clean Water Project which are just starting construction this spring. In 2008, \$94 million was awarded for the planning, engineering, design and initial construction of clean water projects, of that \$39 million or 33% was awarded to 43 minority or women owned businesses. One project, the Homestead Avenue interceptor, a \$22.5 million tunneling project was won by an Hispanic owned firm.

With regard to Section 2 of Raised Bill 922, be advised that last year Public Act 5800 provided the MDC the authority to change from its mandatory open competitive low-bid procedures for procurement of goods and services to allow for the adoption of Federal

Acquisition Regulatory Standards processes through District ordinance. A district-wide procurement reengineering process team is completing a six month effort.

We thank you for the opportunity to speak on this Bill and express concern over the duplication, cost and possible disruption of our current efforts and actions.



Workforce and Supplier Diversity

Special Initiatives and Results

February 2009

Established a Memorandum of Understanding (MOU) in November 2008 to establish a working partnership of support organizations to assist the project's Supplier Diversity program in such areas as vendor outreach, MBE capacity building, certification, financial assistance and general business development. Together, the partners have established a Small Business and Supplier Diversity Opportunity Center, located at HEDCo's Business Resource Center, 15 Lewis Street, Hartford.

The partners include:

1. US Small Business Administration, Hartford Office (SBA)
2. US Minority Business Development Agency (MBDA)
3. Minority Business Enterprise Center Network (MBEC)
4. Hartford Economic Development Corporation (HEDCo)
5. HEDCo's Business Resource Center (BRC)
6. Connecticut Minority Supplier Development Council (CMSDC)

The Opportunity Center's services and initiatives include:

- Conducting Business to Buyer Match Makers (B2B's) to pair local firms with the General Contracting community to establish partnerships and business relationships. Held two to date with over 250 participants.
- Established a Vendor Registration system to catalogue the capacity of the local contracting community, including MBEs and WBEs.
- Conducting on-going Certification Enhancement services through the MBEC and the BRC for local contractors who are interested in applying for or expanding their certifications. We accept DAS or DOT certification.
- Implementing a Construction Careers in Action! Skill training and job placement initiative focused on local area residents by combining g apprentice and OJT strategies, partnering with the DOL and other agencies.
- Developing a MBE Capacity Building Initiative to identify and focus on improving and developing the back office capacity of firms through a series of courses and training efforts including topics ranging from Project Administration, Cost Control, Safety, HR, Purchasing, etc...

- Established a working relationship with a number of local workforce development organizations to establish a network of services, including Job Placement, Job Readiness programs, skill training, career counseling and employment outreach.
- Conducting outreach to local and regional MWBEs through tradeshow and other efforts in conjunction with the MOU partners.

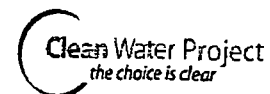
Results to date:

Total dollars awarded to date = \$94.6 million dollars in design, engineering and initial construction

M/WBE firms = 33% or \$39 million awarded to 43 MWBE firms!

Noteworthy achievements:

Homestead Avenue General Contractor is a Hispanic Owned firm who won the \$22.5 million dollar publicly bid contract, and has contracted a significant portion of work to area MBE and WBE subcontractors.



March 6, 2009

**Coastline Construction – General Contractor
Edgewood Street Sewer Separation Project - \$4,200,000
Clean Water Project**

Work Force:

Work force projections are for 18 total employees for all contractors—both prime and subcontractors—during the life of the project.

Work force projections – Edgewood Project

- 40 % Minority
- 11% Female
- 20-30% Hartford Resident
- Coastline Construction is committed to recruit and train 1-2 residents from the Edgewood Street neighborhood in a MDC sponsored Job Training Initiative. These trainees would increase the total employment on the project to 20.

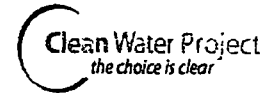
Subcontractors:

- Coastline hired 6% MBE and 3% WBE subcontractors as part of their bid requirement. They include:
 1. CT Paving – MBE paving services.
 2. J&P Construction – MBE install sidewalks and masonry
 3. Liberty Landscapes – WBE for planting and tree removal services
 4. Santoro, Inc. – WBE for pavement saw-cutting and concrete coring services
- Coastline participated in a MDC Business to Buyer Match Maker event in December at HEDCo's Business Resource Center. There they met with 14 Hartford based MBES. Five of these were hired for specific work related to the Edgewood project.
- Additional local Hartford MBES hired as a result of the Buyer Match Maker include:

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1. Harford Lumber, Albany Avenue - Lumber and related items
2. Star Hardware, Main Street - Project signage and miscellaneous items
3. Citgo Gas Station, Woodland Street- Diesel fuel for machinery and fleet
4. Long and Grier Trucking, Main Street - Debris hauling
5. Rental of property on Edgewood Street - For use as the project's formal Construction office



March 6, 2009

**Completion of Construction of Mid-Franklin Avenue Area Separation Project
Phase 2 - \$985,000
Albanese D & S, Inc. – General Contractor**

Work Force:

Work force projections are for 10-12 total employees for all contractors—both prime and subcontractors on the Mid-Franklin project. The project's construction period will last approximately 290 days and will have one steady crew to perform the work, including local small businesses; MBE and WBE trade contractors who will provide local workforce.

Work force projections – Mid-Franklin Avenue Area Separation Project

- 3 Hartford Residents
- 3 Minorities

This project will be staffed primarily from the local union hall, and additional workers will be requested from the appropriate union representative.

Subcontractors:

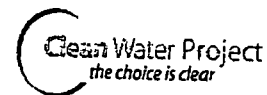
- Contractor to hire 6.09% MBE and 3.04% WBE subcontractors as part of their bid requirement. They include:
 1. CT Paving, LLC- MBE paving services
 2. Maralex Trucking, Inc.- WBE material hauler
 3. VIP Supply, Inc. – WBE supplier of pipes and fittings

Special Initiatives:

The project has agreed to participate in On the Job Training for truck drivers and project administration skills training for Hartford area residents and minorities. There will be a special outreach and mini job fair conducted in March 2009 where applicants will be reviewed and selected for these new jobs. Employer will be Maralex Construction Company – a Hartford area Minority/Women owned small business.

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March 6, 2009

Homestead Avenue Interceptor Extension Project - \$22,500,000
Northeast Remsco Construction, Inc. – General Contractor

Nationally Respected Hispanic owned General Contractor

Work Force:

On the Job Training (OJT) from Hartford based All Pro Connect and Maralex Construction. Northeast Remsco will also participate in OJT.

Sub-contractors:

Contractor hired 6 MBE and 2 WBE subcontractors as part of their bid requirement, totaling \$2.2 million. They include:

1. John Paul Garcia & Associates
 - Services: Surveying
 - Contract Dollar Amount: \$597,315.20
2. Bofam Sanitation, LLC
 - Services: Supply & Service Portable Toilet
 - Contract Dollar Amount: \$4,760.00
3. Diversified Specialty Services
 - Services: On-Site Trucking/Hauling
 - Contract Dollar Amount: \$472,430.00
4. Penney's Construction, Co, LLC
 - Services: Test Pits
 - Contract Dollar Amount: \$41,350.00
5. G.G. Construction, Inc.
 - Services: Operating Engineer Services
 - Contract Dollar Amount: \$125,400
6. Laydon Industries, LLC
 - Services: Milling & Paving, Curb, Sidewalk & Concrete Road Base Trucking/Hauling

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- Contract Dollar Amount: \$673,925.00
- 7. Addison Electrical Contr, LLC
 - Services: Electrical Work
 - Contract Dollar Amount: \$80,900.00
- 8. Maralex Trucking, Inc.
 - Services: Trucking & Delivery of Construction Aggregates
 - Contract Dollar Amount: \$237,813.50

Additional Contractor Participation:

Northeast Remsco participated in the MDC sponsored Business to Buyer Match Maker Conference in conjunction with the Hartford Economic Development Corporation's Business Resource Center, the US Minority Business Development Agency and the Greater New England Minority Supplier Development. In addition, Northeast Remsco interviewed numerous Hartford based firms, in which six were hired and four of the six are MBE/WBE's.

Northeast Remsco intends to do business with the following contracts as a result of the Business to Buyer Match Maker Conference:

1. All Pro Connect (MBE) – Clearing and landscaping
2. Penn Rents (DBE) – Small construction equipment rental and purchase
3. Airgas East (DBE) – Welding, burning equipment and materials and safety equipment
4. Hartford Lumber (MBE/WBE) – Lumber and general building materials
5. Star Hardware (MBE/WBE) – Hardware, plumbing and general safety supplies

Special Initiatives:

Northeast Remsco will commit to implement MDC sponsored Skill Training Programs in conjunction with the Department of Labor and Hartford's CT Works, which will be sponsored through MDC On the Job training grants. Planned participants include plumbing, back office skill training, safety coordinators, project administrator, office managers, truck driving, payroll and compliance.

Construction Start Date: Spring 2009