PA10-101

SB330

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CONNECTICUT GENERAL ASSEMBLY HOUSE

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House Resolution Number 11.

Total number voting 148
Necessary for adoption 75
Those voting Yea 148
Those voting Nay 0

Those absent and not voting

DEPUTY SPEAKER O'CONNOR:

The resolution passes -- adopted.

Will the Clerk please call Calendar Number 492. THE CLERK:

On page 27, Calendar 492, Substitute for Senate

Bill Number 330, AN ACT CONCERNING STUDENT EMPLOYEES

AND WORKFORCE COMPETITIVENESS, favorable report of the

Committee on Labor and Public Employees.

DEPUTY SPEAKER O'CONNOR:

Representative Willis.

REP. WILLIS (64th):

Thank you very much Mr. Speaker. Good to see you up there. I miss you down here.

DEPUTY SPEAKER O'CONNOR:

Thank you, madam.

REP. WILLIS (64th):

It's not the same.

Mr. Speaker, I move for the acceptance of the

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joint committee's favorable report and passage of the bill.

DEPUTY SPEAKER O'CONNOR:

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

Representative Willis, you have the floor.

REP. WILLIS (64th):

DEPUTY SPEAKER O'CONNOR:

Thank you very much Mr. Speaker.

The Clerk has an amendment, LCO 5365. I move that the amendment be waived and I be allowed to summarize. This is a strike-all amendment.

*Will the Clerk please call LCO number 5365, which will be designated House Amendment Schedule "A."

THE CLERK:

LCO number 5365, House "A," offered by Representative Willis, Spallone and Sawyer.

DEPUTY SPEAKER O'CONNOR:

The Representative seeks leave of the chamber to summarize the amendment.

Is there objection to summarization? Is there objection?

Hearing none, Representative Willis, you have the floor.

REP. WILLIS (64th):

Thank you very much, Mr. Speaker.

This amendment simply conforms our state statutes to current practice and exempts student employees at public colleges and universities from state code of ethics definition of state employee.

I think we can all agree that the ethics code was never intended to subject student employees to the revolving door statute or gift limit provisions.

S.B. 330 makes it clear that students, who go on job interviews without being considered -- should not be concerned about gift limits or travel or violating the one year postemployment cooling off period.

I want to assure you that the student conduct is already closely regulated by the institutions of higher education. They have in place a student code of ethics and conduct to ensure integrity in both research and academic pursuits, to prohibit the misuse of university resources and to comply with confidentiality standards.

In fact, the penalties under the housecoat of ethics including sanctions like termination of employment, expulsion and suspension are actually much more severe than applying the state code of ethics to

our student workers, as was as an unintended consequences that should be remedied by passing this proposed bill.

Under current law, student employees at public colleges and universities, including students who have jobs, as part of their financial aid packages, are subject to the restrictions of the state code of ethics. This amendment makes it clear that our student employees at our public colleges of higher education can go on and seek employment without being concerned.

This amendment -- this exemption student
employees also covers -- ensures that
conflict-of-interest provisions are included.
Institutions have their own student code of conduct.
The code is subject to -- also to the students -- a
citizens advisory ethics advisory board for review and
approval to ensure the appropriate safeguards are in
place to prohibit improper conduct. I move adoption,
sir.

DEPUTY SPEAKER O'CONNOR:

The question before the Chamber is on adoption of House Amendment Schedule "A."

Will you remark further on the amendment?

Representative Sawyer.

REP. SAWYER (55th):

Thank you, Mr. Speaker.

If you have ever talked with a student that has gotten a job at one of our state universities or colleges, they're very, very proud of the work that they're doing. Sometimes it's work that involves research. Sometimes it's work that involves development of materials for a book. Sometimes it's scientific in nature.

But what we have found, Mr. Speaker, is that these students, who have acquired these positions, who are getting paid and is helping to offset their incredible costs for their education, suddenly have found that they fallen under the code of ethics as a state employee. Well, if you think of a student, who is trying to finish their degree, we're talking about a master's degree here, we're talking about perhaps a PhD, they're trying to move on with her professional life. They've chosen a field in which they believe this degree will help them move on. And they might, Mr. Speaker, through their work find a company that is very interested in hiring them right out of college because of their experience.

Well, one of the things we don't want to see happen, Mr. Speaker, to some of our best and brightest who have put so much effort into their coursework is to not be able to take that job because the code of ethics would -- if this is not passed, includes them under the state employee part of the statute. And that would hold them under the revolving door statute so that they couldn't take the job for a year and that's a real problem, Mr. Speaker.

This particular bill, when it came out, we heard testimony and I would like to thank the chairwoman for her work on. She has brought in the department — the commission here in the state. We have talked about ethics with the ethics commission. We've talked it over with each of the university constituent units, whether it's UConn, CSU and the community colleges and worked through all of the questions that they all had on how to do this and how to do this correctly.

It took a bit of work to make this amendment run smoothly and to satisfy everyone's interest in it, but what I can tell you is this particular amendment is in the best interest in and our students.

I would like to, again, thank the people who are involved in trying to make this work as we are trying

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to keep those young people, who have spent their time being educated here and with great hope they will stay here and get wonderful job. This is about jobs, too, Mr. Speaker. Thank you very much for your help on this.

DEPUTY SPEAKER O'CONNOR:

Thank you, madam.

The gentleman from Centerbrook, you have the floor.

REP. SPALLONE (36th):

Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the amendment.

I endorse the remarks of Representative Willis, the distinguished chairman of the Higher Education

Committee and Representative Sawyer.

And would say that the amendment before us is a compromise reflected among legislators and also between the Office of State Ethics and the University of Connecticut. And that it is a good product that recognizes the unique circumstance of students, the fact that universities and colleges in the state system have strict codes of ethics regarding student employment, but also recognizes the interest in the Office of State Ethics in making sure that state

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employees abide by conflicts of interest standards.

So overall, this is a good compromise and I urge passage of the amendment and the bill. Thank you, Mr. Speaker.

DEPUTY SPEAKER O'CONNOR:

Thank you, sir.

Representative Floren.

REP. FLOREN (149th):

Thank you, Mr. Speaker. You know, it's good to see you out there. You and I entered as freshmen and it's nice to see that you got to the head of the class.

DEPUTY SPEAKER O'CONNOR:

Thank you.

REP. FLOREN (149th):

I rise to support this amendment. I think it is a very good commonsense measure and I would like to associate my comments with those of Representative Spallone and on behalf of the GAE Committee.

DEPUTY SPEAKER O'CONNOR:

Thank you, madam.

Will you remark further on the amendment? Will you remark further on the amendment before us?

If not, let me try your minds.

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All those in favor, please signify by saying, aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER O'CONNOR:

All those opposed, nay.

The ayes have it. The amendment is adopted.

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

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

THE CLERK:

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

Will the Clerk please announce the tally.

THE CLERK:

DEPUTY SPEAKER O'CONNOR:

Senate Bill Number 330 as amended by House "A."

Total number voting 148

Necessary for adoption 75

Those voting Yea 147

Those voting Nay 1

rgd/mb/gbr HOUSE OF REPRESENTATIVES 122 May 4, 2010

Those absent and not voting

DEPUTY SPEAKER O'CONNOR:

The bill as amended is passed.

Will the Clerk please call Calendar Number 50.

THE CLERK:

On page 36, Calendar 50, House Bill Number 5251,
AN ACT CONCERNING PAYMENT OF THE COSTS OF FORENSIC
SEXUAL ASSAULT EXAMINATIONS, favorable report of the
Committee on Judiciary.

DEPUTY SPEAKER O'CONNOR:

Representative Lawlor.

REP. LAWLOR (99th):

Thank you, Mr. Speaker. Good afternoon.

Mr. Speaker, I move for acceptance of the joint committee's favorable report and passage of the bill in concurrence with the Senate.

DEPUTY SPEAKER O'CONNOR:

The question is acceptance of the joint committee's favorable report and passage of the bill in concurrence with the Senate.

Will you remark?

REP. LAWLOR (99th):

Thank you, Mr. Speaker.

The underlying bill was passed here in the House

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tmj/gbr SENATE

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And, Mr. President, then several items to place on the consent calendar and then we will be adding a few more, also.

Calendar page 24, Calendar 104, Senate Bill 45,

Mr. President, move to place that item on the consent

calendar.

THE CHAIR:

Is there objection?

Seeing no objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President. Calendar page 25, Cal. 128, Senate Bill 330, move to place this item on the consent calendar.

THE CHAIR:

Hearing and seeing no objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President. Also Calendar page 25, Cal 125, Senate Bill 316, move to place that item on the consent calendar.

THE CHAIR:

Is there objection?

Hearing and seeing no objection, so ordered.

SENATOR LOONEY:

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for Senate Bill 176.

Calendar page 5, Calendar Number 242,

Substitute for Senate Bill 403.

Calendar page 14, Calendar Number 472,

Substitute for House Bill 5539.

Calendar page 23, Calendar Number 63, Senate
Bill 185.

Calendar 68, Substitute for Senate Bill 221.

Calendar page 24, Calendar 104, Substitute

for Senate Bill 45.

Calendar page 25, Calendar 125, Substitute for Senate Bill 316.

Calendar 128, Substitute for Senate Bill 330.

Calendar page 26, Calendar 141, Substitute

for Senate Bill 188.

for Senate Bill 412.

Calendar page 30, Calendar Number 212,

Substitute for Senate Bill 13.

Calendar page 31, Calendar 213, Substitute for Senate Bill 93.

Calendar 214, Substitute for Senate Bill

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192.

Calendar 219, Substitute for Senate Bill

402.

Calendar 220, Substitute for Senate Bill

325.

Calendar page 32, Calendar 234, <u>Substitute</u> for Senate Bill 167.

Calendar page 35, Calendar Number 278, Senate Bill Number 400.

Mr. President, that completes the items placed on consent calendar number 2.

THE CHAIR:

Thank you, Mr. Clerk, the machine will be open.

THE CLERK:

Mr. President, there's one correction.

Calendar page 2, Calendar 118 was not placed on consent, that was referred to Finance, Revenue and Bonding.

THE CHAIR:

Thank you, Mr. Clerk.

Senator Fasano.

Have all members voted? Have all members

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voted?

Please check the board to make sure your votes are properly recorded? Have all members voted?

The clerk will announce the tally.

THE CLERK:

The motion is on adoption of the consent calendar number 2.

Total	number	Votir	ng			32
Those	voting	Yea			•	32
Those	voting	Nay				0
Those	absent	and r	not	votin	g	4

THE CHAIR:

The consent calendar passes

Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, I believe the clerk is now in possession of Senate Agenda Number 5 for today's session.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Mr. President, Clerk is in possession of

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Seeing no objection, so ordered.

SENATOR LOONEY:

Mr. President, in addition there is an item on Senate Agenda Number 2 and that is on Senate Agenda Number 2 under disagreeing actions, substitute Senate Bill Number 330. Mr. President, I would move to place this item on the consent calendar.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, we might stand at ease for just a moment.

THE CHAIR:

The Senate will stand at ease.

(Chamber at ease.)

THE CHAIR:

The Senate will come back to order. Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President.

Some additional markings for the consent

would ask the Clerk to call the consent calendar at this time. Thank you, Mr. President.

THE CHAIR:

Very good. Mr. Clerk.

THE CLERK:

Immediate roll call has been ordered in the

Senate on the consent calendar. Will all Senators

please return to the chamber. Immediate roll call has

been ordered in the Senate on the consent calendar.

Will all Senators please return to the chamber.

Mr. President, the items placed on Consent Calendar Number 2 from Senate Agenda Number 2,

Substitute for Senate Bill 330. Calling from the calendar. Calendar page 2, Calendar 114 -
THE CHAIR:

Some of the members of the chamber are trying to listen to the consent calendar. If you have conversation to be had, please take it outside. I know we're all excited. Thank you.

Mr. Clerk, please proceed.

THE CLERK:

Returning to calendar page 2, Calendar 114,

<u>Substitute for Senate Bill 214;</u> Calendar 144,

<u>Substitute for Senate Bill 253;</u> Calendar 157, <u>Senate</u>

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Bill 121; calendar page 7, Calendar 377, Substitute for House Bill 5291; Calendar page 8, Calendar 398, Substitute for Senate Bill 231; calendar page 9, Calendar 442, Substitute for House Bill 5141; calendar page 10, Calendar 449, House Bill 5495; calendar page 11, Calendar 451, Substitute for House Bill 5535; Calendar 465, Substitute for House Bill 44 -- 5448; calendar page 12, Calendar 466, Substitute for House Bill 5289; Calendar 473, Substitute for House Bill 5059; Calendar 476, Substitute for House Bill 5117; calendar page 13. Calendar 47.8, House Bill 5290; Calendar 481, Substitute for House Bill 5119; Calendar 482, Substitute for House Bill 5120; calendar page 15, Calendar 492, Substitute for House Bill 5446; Calendar 494, House Bill 5315; Calendar 504, Substitute for House Bill 5306; calendar page 20, Calendar 532, Substitute for House Bill 5033; calendar page 21, Calendar 534, Substitute for House Bill 5543; Calendar 539, Substitute for House Bill 5350; calendar page 25, Calendar 561, Substitute for House Bill 5419; calendar page 36, Calendar 374, Substitute for House Bill 5225; calendar page 37, Calendar 415, House Bill 5131; calendar page 38, Calendar 454, Substitute for House Bill 5526.

Mr. President, that completes the items placed on Consent Calendar Number 2.

THE CHAIR:

Please call for a roll call vote. The machine will be open.

THE CLERK:

The Senate is now voting by roll on the consent calendar. Will all Senators please return to the chamber. Senate is voting by roll on the consent calendar. Will all Senators please return to the chamber.

THE CHAIR:

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

THE CLERK:

Motion is adoption of Consent Calendar Number 2.

Total number voting

35

Necessary for Adoption	18	
Those voting Yea	35	
Those voting Nay	0	
Those absent and not voting	1	•

THE CHAIR:

Consent calendar Number 2 passes.

Senator Looney.

SENATOR LOONEY:

Yes, thank you, Mr. President.

Mr. President, I would move that any items on the consent calendar requires additional action by the House of Representatives be immediately transmitted to that chamber.

THE CHAIR:

Without objection, so ordered, sir.

SENATOR LOONEY:

And also any other items acted upon today, not on the consent calendar requiring action by the House of Representatives. Also would move that those items be immediately transmitted.

THE CHAIR:

Seeing no objection, sir, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, I would yield to any members seeking recognition for announcements or points of personal privilege.

THE CHAIR:

At this time, I will entertain any points of

JOINT STANDING COMMITTEE HEARINGS

HIGHER EDUCATION AND EMPLOYMENT ADVANCEMENT PART 2 306 - 617

2010

- REP. WILLIS: I want to thank you for coming here today and testifying it's most appreciated, and helpful.
- WALTER HARRISON: Thank you. Thank you for listening.
- REP. WILLIS: We will go back to the official list and Nancy Bull is here from the University of Connecticut.
- NANCY BULL: (Inaudible) at the University of Connecticut. And joining with me today is Rachel Rubin, our Director of Compliance and Executive Secretary to the board of trustees. We have submitted written comments to the committee. We thank you for the opportunity to testify on Raised Bill 330, and at the very end of our testimony, I would also like to comment on Raised Bill 136, to follow the Commissioners comments.

This bill Raised Bill 330, first of all, thank you very much for putting it on the table for us to discuss today. This concerns student, employees and workforce competition. The current ethics code identifies our students who work on campus, receive work study money and work on campus or serve as graduate students and either teach or work in research labs, they are all classified as qualifying under the ethics code. And so, all of our subjects -- all of students are subject to the provisions of the code, which includes gift limitation as well as post-employment restrictions.

Now, let me just give you an example of what this could mean for one of our students. For example, if we had an accounting major student, who, as part of his or her work study, worked

in the library, worked in dining services, any place on campus. And then goes out for a job interview, for a post-graduation employment, and that job interview is with a company that's a registered lobbyist in the state of Connecticut, as the majority of our large corporations are. As part of the interview process, the student is asked to join the folks for a lunch as part of the interview. student has to mindful of the meal cost regulations, if the meal is paid for by the company.

The company happens to be impressed by the student, and wants to employ the student, perhaps wants to even send the student to their corporate headquarters in another state, and pay for the travel of that as they would for any new employee. Our student could not accept that gift. This would perhaps cause some companies to not to want to hire our students. Our students are being treated differently than if they were graduates of perhaps a private institution in the state, and it creates a mirror of documentation and regulation which with our students have to deal.

Our students are covered by our code of conduct for all of our students. Our faculty who do research are covered by research ethic regulations. We monitor behavior. We monitor all travel outside of the state for all employees and our student groups.

The code of ethics is critical for us as full-time employees as part-time employees, it challenges us from the standpoint of student employees. Our universities are designed for learning opportunities for students. Our students are out in the communities and in business, on internships, on job-training

situations. They are -- when they're on campus and their working, our students are temporary, nonexempt hourly workers. They do not receive benefits. It's very unfortunate that they are subject to the same employment restrictions as what I would term as regular employees.

Our student workers are subject to the student-employee handbook. They must abide by university policies and procedures. That means they can not sign off on behalf of an employee of the university. They do not make financial decisions. Our students also have a code of conduct that is perhaps more stringent, than the state code of ethics. The university jurisdiction for our student conduct is not only on campus, but its also in their work and internships and study abroad programs as they represent the university in a related area.

The student conduct code says they must obey federal, state and local laws. Our division of student affairs has a hearing process and penalties range anywhere from requiring counseling to termination of student employment to eventually being removed from student housing or dismissal from the university. Therefore we have restrictions in place on our students, putting them under the state code of conduct -- of ethics is unnecessary. them at a competitive disadvantage when they seek employment in the state of Connecticut, and we submit that -- applying the state code of ethics to student workers is really an unintended consequence that should be remediated by passing this proposed bill. we hope that you will act favorably on this legislation and we thank you for that support.

I want to just briefly comment on the <u>Raised</u>
<u>Bill 136</u>, which the Commissioner spoke on the

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act on the new and revised academic programs for nonprofit independent institutions. ask, and we have -- our Provost Peter Nicholls has submitted written testimony, we ask that you are cognizant of the importance of a level playing field, to allow private institutions to be treated differently from public institutions, we would propose puts us at a disadvantage as a public institution.

Thank you.

REP. WILLIS: That -- that prompted some questions.

Representative Candelaria.

REP. CANDELARIA: Good morning.

NANCY BULL: Good morning.

REP. CANDELARIA: Quick question. To your knowledge, how many students have lost -- have left the state or lost a job opportunity because of this statute?

NANCY BULL: I am unaware of that situation. We see it though as a potential. You, I know are well aware of the university's increasing research agenda. We now are encouraging every graduate student to have an assistantship either to teach or to do research. We are continuing the growth of our student interns working out in business and communities, and so while we may not have had the issue in the past, we see it as rapidly evolving. And certainly our concern is for a strong workforce in Connecticut and for the ability of graduates from public institutions to equally compete for jobs for which they are qualified with students -graduates of private institutions or students coming from the outside.

Somewhere over 70 percent of our graduates of the University of Connecticut stay within the state and seek employment and work within the state, and we would not want to put any barriers in their way at all.

REP. CANDELARIA: Thank you. And I do agree with you, this is a barrier for them, definitely this is a good bill, and hopefully we'll be able to get something accomplished. Thank you.

NANCY BULL: Thank you.

REP. WILLIS: Senator Handley, did you have a question?

SENATOR HANDLEY: I -- I just wanted to ask if Rachel Rubin would like to make a comment. She and I worked together on an ethics bill a long time ago, and I'd be interested to hear what you have to say.

RACHEL RUBIN: I'm actually the person who identified the issue, so -- and at the university, we have engaged in an activity and we train all our employees annually, it's mandatory training on the state code of ethics.

And it occurred to me that based on prior advice we have received from the office of state ethics that our students are likewise subject to the code and so we have approximately 8,000 student workers, and so that, you know, creates an extra burden on my staff to do all the training. We do have notice of this code provisions in our student employment handbook, and I believe that the large majority of our students just don't understand the code, or even that it even applies and I think there's a general

unawareness by the community that the ethics code applies to them, and I think there's -- could be inadvertent violations of the code because simply of they're not aware that it applies to them.

SENATOR HANDLEY: Thank you.

I -- I just have one other kind of thought as I looked at this. Who's employment is derived -- a student at a public institution who's employment is derived from such student status as a student, would that include -- for example, I taught part-time at the University of Connecticut and was a graduate student. Those two I -- I would say as independent, not one -- did not -- did not rely on this -- on the others -- other position.

RACHEL RUBIN: Right.

SENATOR HANDLEY: How do you -- what do you think about that -- those kinds of situations?

RACHEL RUBIN: Well, we try to suggest language so that it would only apply to students who come through our student employment office, and only get the job because of their status as a student. So, if I happen -- I'm full-time employee at the University, if I happen to take a class, I'm a student, but I would not be exempt from the code.

NANCY BULL: However, if I may add to that, our graduate students are -- we're moving more and more toward their full-time graduate student status and the majority, vast majority of them, do have assistantships to either teach or do research.

REP. WILLIS: Thank you.

March 9, 2010 cj/gbr HIGHER EDUCATION AND 10:30 A.M. EMPLOYMENT ADVANCEMENT COMMITTEE

Hearing no other questions, just a comment, certainly the code of ethics applied to these students seems counterintuitive. It would seem that this is exactly what we want students to do to have this experience, and to put barriers in front of them is -- is clearly -- yeah, does not make any sense.

So thank you very much and hopefully we can clarify this this session.

NANCY BULL: Thank you very much.

RACHEL RUBIN: Thank you.

REP. WILLIS: Mark Scheinberg.

A VOICE: (Inaudible.)

REP. WILLIS: Judy, I didn't hear you.

A VOICE: He has a NEASC accreditation, he'll be right back.

SENATOR HANDLEY: Well we better go on without him.

REP. WILLIS: Yes.

Neal Solonen. I'm sure I'm saying that wrong, I apologize.

NEIL ALBERT SOLONEN: Solonen is a very common Finnish name, somehow my grandparents decided to pronounce is Solonen. You're more correct than my grandparents were.

REP. WILLIS: I know how that is.

NEIL ALBERT SOLONEN: Senator Handley, Representative Will, members of the committee,

<u>9B136</u>



STATE OF CONNECTICUT OFFICE OF STATE ETHICS

OFFICE OF STATE ETHICS'-STATEMENT IN OPPOSITION TO RAISED BILL No. 330 AN ACT CONCERNING STUDENT EMPLOYEES AND WORKFORCE COMPETITIVENESS

The Office of State Ethics ("OSE") opposes passage of Raised Bill No. 5403 in its current form, and respectfully requests that the following comments be considered. The primary purpose of this bill is to ensure that student employees at public institutions of higher education do not leave Connecticut to work outside this state because they are classified as state employees and subject to the post-state employment rules set forth in the Code of Ethics for Public Officials ("Code of Ethics"). Officials at Connecticut institutions of higher education are concerned that the application of the Code of Ethics to students who are employed by state institutions imposes excessive restrictions on such students' post-graduate job recruitment and precludes them from pursuing incentives to remain in Connecticut upon graduation from college or graduate school. Although the OSE appreciates the policy goals behind the proposed bill, the current language is too broad in its reach. The language in its current form essentially exempts all students at public institutions of higher education from the jurisdiction of the Code of Ethics when such students are engaged in state employment associated with the institution which they attend as students. The OSE opposes any broad or wholesale exemption of a group or class of individuals from the jurisdiction of the Codes of Ethics, as such an approach ultimately leads to the weakening of the law and its effectiveness. The OSE strongly believes that the proponents of the bill can achieve their policy goals with a narrow exception for students. A specific exception for recruitment purposes could achieve the same goals without diluting the current reach of the Code of Ethics.

<u>For further information please contact</u>: Carol Carson, Executive Director, Office of State Ethics, or Peter Lewandowski, Staff Counsel, Office of State Ethics, at 860-263-2400; 860-263-2402 (fax).



Written-Testimony
by Chancellor David Carter
Connecticut State University System
Before the Higher Education and
Employment Advancement Committee
March 9, 2010

Good morning, Senator Handley, Representative Willis and members of the Higher Education and Employment Advancement Committee. Due to previous commitments, I am unable to appear before you today, but I wanted to submit comments for your consideration in support of Senate Bill 330, "An Act Concerning Student Employees and Workforce Competitiveness."

State employees, both full and part-time, are subject to the State Code of Ethics. Based on advisory opinions from the Office of State Ethics, student workers at the Connecticut State University System, which includes Central, Eastern, Southern and Western Connecticut State Universities, are deemed part-time state employees and subject to the Code. Such student workers include those who seek part-time jobs in various offices on campus, receive work-study jobs as part of their financial aid packages, and graduate assistants. There are approximately 1423 of these student workers in the Connecticut State University System and they are subject to the Code provisions, such as gift limits and post-employment restrictions.

Our Universities have a Student Code of Conduct to ensure integrity in both academic and research pursuits, to prohibit misuse of a university's resources and to comply with its confidentiality standards. We are particularly concerned about unintentionally limiting the opportunity of our graduates to accept employment in their chosen fields IN CONNECTICUT upon graduation, since 86% of our graduates remain in the state after graduation.

Your consideration of this testimony is greatly appreciated. I would respectfully ask that if this bill moves forward, you give special consideration to the needs of the public higher education system.

Please feel free to contact Jill E. Ferraiolo, Associate Vice Chancellor for Government Relations/ Communications, should you require any additional information or have any questions regarding these matters.



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Testimony

By

Nancy H. Bull

Vice-Provost for Academic Administration

Higher Education and Workforce Advancement Committee Public Hearing

March 9, 2010

Co-Chairs, Ranking Members and Members of the Committee, I am Dr. Nancy Bull, Vice Provost for Academic Administration at the University of Connecticut. Joining me is Rachel Rubin, our Director of Compliance and Executive Secretary to the Board of Trustees. Thank you for allowing me to testify today in support of Raised Bill 330, An Act Concerning Student Employees and Workforce Competitiveness.

State employees, both full and part-time, are subject to the State Code of Ethics. Based on an advisory opinion from the Office of State Ethics (see attached), student workers at the University are deemed part-time state employees and subject to this Code. Such student workers include those who seek part-time jobs in various offices on campus, receive work-study jobs as part of their financial aid packages, and graduate assistants

There are approximately 2,200 graduate students (full and part time individuals) plus about 5,500 total students of which about 2,000 are work study recipients and 3,500 are undergraduate students workers at UConn. This number includes students who must work as part of their financial aid package. Many of the more than 6,000 Storrs-based non-professional school graduate students receive stipends from the University in exchange for research or teaching activities. All of these students are subject to code provisions such as the gift limits, as well as the post-employment restrictions.

How does this affect our students? Imagine you are an accounting major and have a work-study job working in the library. A job you have no choice but to take as part of your financial aid package. You are asked to go on a job interview and the company is a registered client lobbyist. As part of the interview process, you are asked to lunch with a group from the hiring department. You must be mindful of the gift limits for food. You have impressed them and now they want to pay for your travel expenses to visit the home office. The student may not be able to participate in this home office visit because he or she cannot accept such a gift from a lobbyist but also cannot personally afford the cost involved. In fact, if such companies are aware of the restrictions, they may be more hesitant to select our students for such interviews and/or will treat students from public institutions differently than those from private institutions. Since every major corporation in Connecticut is registered as a lobbyist, this may cause a chilling effect on

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Inlegation (2003) Any-2015. Facintific (2004) at 1-2015. Anti-preference form out a long-end. our students' ability to seek and retain jobs in Connecticut. Our students should not be disadvantaged in this way.

Another example, concerns our students who are provided opportunities to work on research grants in collaboration with private entities. The student has done outstanding work and upon graduation, the private entity would like to employ the student in its own lab to continue the work in collaboration with the University. The student may not be able to accept the position because he or she must worry about the revolving door law that will prohibit the student from appearing before his former colleagues at the University for one year after graduation. (Note: It is important to point out that University faculty work to protect the integrity of all research activities. Student research efforts, for federal and private grants, are monitored by faculty members whose reputation and future grants are at risk if the reliability of the research is questioned.)

The University promises its students a great education and we want to provide them a full range of work experiences and research opportunities. All this is intended to put them in the best position possible to compete for the best jobs upon graduation. Unnecessary restrictions that will cause our students to be at a disadvantage or that will cause them to want to leave our state to seek employment should be removed.

It is not that we do not support the vital public policy reasons or the importance of the Code of Ethics for our state workforce. However, we do not think the State Code was intended to apply to students whose primary purpose in attending our University is to learn, as opposed to individuals whose primary purpose to come to our University is to work. Students on both the Student Labor and Work-Study payrolls are considered temporary, non-exempt hourly workers. Students under these payrolls do not receive benefits such as holiday pay or sick leave. It is unfair to require them to be subject to the same employment restrictions as the non-student workforce.

I want to assure you that our students will still be subject to work rules that require integrity, honesty and recognition of the University's best interests. According to the University's student employment handbook, student workers must adhere to departmental policies and procedures. They are subject to evaluations. Our student workforce, including work-study, research and grad assistants, is closely supervised. Such students are not provided with any real or apparent authority to represent the University or make financial decisions.

But more importantly, all students are also covered by the University's Student Code of Conduct that is in many respects more stringent than the State Code of Ethics. It is a code that makes sense for students and is similar to codes to those which university students across the country are subject. University jurisdiction is generally limited to student conduct on campus but also extends to off-campus internships and study abroad programs. It may also be applied to misconduct that has a direct and distinct adverse impact on the University community. In addition, pursuant to this Student Code, they must obey federal, state, and local laws, as well as observe all University policies and procedures. These University policies include strict guidelines and protocols regarding academic integrity in both undergraduate and graduate education and research, protecting the privacy, security, retention and disposal of government

records and data under our control, as well as rules regarding misuse of University resources, including acceptable use of computers and other technology. Alleged violations are taken to the Division of Student Affairs where the student may be subject to an evidentiary hearing process. Penalties range from requiring counseling, termination from work, being removed from campus housing, University probation, to dismissal from the University. As you can see, these penalties can be harsher and more effective than the civil penalties assessed by the Office of State Ethics.

In summary, the restrictions placed on our students pursuant to the State Code of Ethics is unnecessary and puts our students in a competitive disadvantage while seeking employment in the state of Connecticut. The University's Student Code of Conduct is already in place to ensure integrity in both research and academic pursuits, to prohibit misuse of university resources and to comply with our confidentiality standards. I submit that applying the State Code of Ethics to our student workers was an unintended consequence that should be remedied by passing this proposed bill.

We hope that the Committee will act favorably on this legislation and thank you for your time and consideration of this issue. Please know that we appreciate your continued support of the University of Connecticut.

Advisory Opinion No. 1995-16

Application Of The Code To Students Employed By A State College

The Director of Employee Relations and Counsel for the Board of Trustees of Community-Technical Colleges, Jackson W. Foley, Jr., has asked whether students employed by a state college are subject to the provisions of the Code of Ethics for Public Officials, Chapter 10, Part I, Connecticut General Statutes. Mr. Foley has stated that students may be employed either through the college work study program or as student workers.

The work study student is paid as part of the financial aid program offered by the college. This program is funded with federal monies. The student worker is paid with state personnel funds which are allocated to the college through the state budgeting process. Although the source of the funds are different, in either case it is the college and/or a department within the college system which receives and then controls how such funds are spent.

The Code, in pertinent part, defines the term "state employee" to include any employee in the executive branch of state government, whether in the classified or unclassified service and whether full or part-time. Conn. Gen. Stat. §1-79(m). (Compare to Conn. Gen. Stat. §5-196(i) in the State Personnel Act which uses this term primarily for the purpose of determining eligibility for state benefits). The underlying principal of the Ethics Code is that public office is a public trust which should not be used for private financial gain.

Consequently, the definition of state employee in the Code is utilized to prevent any person from using a State position, or confidential information gained in and by virtue of that State position, for private financial benefit. See Sections 1-84 through 1-86, Connecticut General Statutes.

A student worker may be privy to the same information as a nonstudent worker and may hold an equivalent position. In fact, students work with and are supervised by other state workers. Any employee of the college who occupies a position whose duties and responsibilities implement state action or functions is a state employee for purposes of the Code. CF Ethics Commission Advisory Opinion No. 94-13, "Application of Code of Ethics for Public Officials to Individuals Hired Through Special Payroll Account or Under Personal Services Agreement", 56 Conn. L.J. No. 4, p. 1C (7/26/94). Neither the source of the funds used by the college to pay these workers nor their status as students is relevant to this conclusion. Therefore, student workers, whether part of the work study program or not, are subject to the Code of Ethics.

By order of the Commission,

David T. Nassef Chairperson