

PA 11-012

HB6176

House	685-688	4
Labor	384-386, 471, 475, 587-589	8
<u>Senate</u>	<u>1731-1734, 1941-1943</u>	<u>7</u>
		<b>19</b>

**H – 1093**

**CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE**

**PROCEEDINGS  
2011**

**VOL.54  
PART 2  
345 – 704**

rgd/gbr  
HOUSE OF REPRESENTATIVES

163  
March 16, 2011

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.

Will the Clerk please announce the tally.

THE CLERK:

House Bill 6096.

Total Number voting	143
Necessary for adoption	72
Those voting Yea	143
Those voting Nay	0
Those absent and not voting	7

SPEAKER DONOVAN:

The bill passes.

Will the Clerk please call Calendar Number 41.

THE CLERK:

On page 6, Calendar 41, House Bill Number 6176,  
AN ACT CONCERNING INCREASING PENALTIES FOR REPEAT  
VIOLATORS OF THE PERSONNEL FILES ACT, favorable report  
of the Committee on Labor and Public Employees.

SPEAKER DONOVAN:

Representative Zalaski, you have the floor, sir.

REP. ZALASKI (81st):

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HOUSE OF REPRESENTATIVES

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March 16, 2011

Thank you, Mr. Speaker.

I move for acceptance of the joint committee's favorable report and passage of the bill.

SPEAKER DONOVAN:

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

Will you remark, sir?

REP. ZALASKI (81st):

Thank you, Mr. Speaker.

This bill increases the fine for violating the personnel files act from \$300 to \$500 for the first violation and \$300 to a thousand dollars for any subsequent violations related to the same employee.

Upon a complaint from the labor commissioner the Attorney General must initiate a lawsuit in civil court to recover these penalties.

Deputy Speaker Altobello in the Chair.

DEPUTY SPEAKER ALTOBELLO:

Representative Rigby.

Representative Rigby, for the second time I'm calling on you. You didn't hear me evidentially.

REP. RIGBY (63rd):

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HOUSE OF REPRESENTATIVES

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March 16, 2011

I didn't.

DEPUTY SPEAKER ALTOBELLO:

Please proceed, sir.

REP. RIGBY (63rd):

Thank you, Mr. Speaker. My apologies for not acknowledging you the first time.

I rise to lend my support to this bill.

Increasing the fines on the personnel files act, we strengthen the deterrent aspect of the statute.

There's a slight revenue gain to the State under \$6,000.

I'd like to thank Representative Ritter and her constituent for bringing this matter to the attention of the Labor Committee and urge my colleagues to support the bill.

Thank you.

DEPUTY SPEAKER ALTOBELLO:

And I thank you, Representative Rigby.

Further on this bill? Further on this bill? If not, staff and guests please retire to the wall of the House. Members take your seats. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll call. Members to the Chamber. The House is voting by

rgd/gbr  
HOUSE OF REPRESENTATIVES

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March 16, 2011

roll call. Members to the Chamber, please.

DEPUTY SPEAKER ALTOBELLO:

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

THE CLERK:

House Bill 6176.	
Total Number voting	143
Necessary for adoption	72
Those voting Yea	143
Those voting Nay	0
Those absent and not voting	7

REP. ALTOBELLO (82nd):

The bill passes. Will the Clerk please call  
Calendar 38. Thirty-eight.

THE CLERK:

On page number 4, Calendar 38 -- I'm sorry. This  
page 5, Calendar 38, House Bill Number 5442, AN ACT  
CONCERNING HOMEOWNERS AND TENANTS INSURANCE  
UNDERWRITING BASED ON BREED OF DOG, favorable report  
of the Committee on Insurance and Real Estate.

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**LABOR AND  
PUBLIC EMPLOYEES  
PART 2  
377 – 705**

**2011**

I have with me Mr. Paul Lute, who is my constituent who brought this bill to me and he would like to use my time to testify.

PAUL LUTE: Madam Chair and members of the Committee, my name is Paul Lute. I am a resident of the Town of Waterford. I'm here today to speak on Proposed Bill 6176 AN ACT CONCERNING INCREASING PENALTIES FOR REPEAT VIOLATORS OF THE PERSONNEL FILES ACT.

While I am passionate about my support of four bills, 6176, I would like to recommend some enhancements.

I'm recommending that you make the civil penalties for violators based on a progressive scale that would start at a minimum of a \$500 fine for an employer with 100 employees or less.

For every additional 100 employees, the penalty should increase by \$200, capping out at \$2,500 for a company with 1,100 employees or more.

In addition, the original fine should be doubled for repeat offenders in Connecticut, and this is not in my testimony but it has been recommended to me that these fines should be placed on per diem. So it's also a consideration.

My justification for progressive scales is based on two reasons. The first is the number and size of many corporations doing business in the State of Connecticut. Many of these businesses are based in Connecticut are based in another state and are conducting business in multiple states.

These companies have hundreds to thousands of employees with substantial legal departments that

fully understand the statutes and laws of the State they are in.

If a company has made a decision to conduct themselves in a secretive, unethical manner paying a civil penalty of the current \$300 or the proposed flat penalty of \$500 is really of no consequence to that company. The current and proposed penalties make buying time very affordable to such companies.

My second reason is fiscal responsibility, the amount of unnecessary time and resources the Connecticut Department of Labor has to spend trying to retrieve personnel records. Once a complaint has been filed it has to be investigated and company representatives know time is on their side and would do whatever it takes to prolong the issue.

Some examples are company representatives becoming unavailable at the time the Connecticut Department of Labor attempts to make contact with them, pretends to be uninformed, or will at times try to partner with the state or federal regulating authorities and offer alternate suggestions and hopes to derail the original issue altogether.

Such companies treat the laws as if they are guidelines open for discussion. The laws are clear. Either you're in compliance or you're in violation, no in between.

Let me provide you with an example of some unethical behavior of avoiding a request. A formal written request for copies of personnel records as defined in Section 31-128 was refused by phone from an HR manager.

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pat/gbr LABOR AND PUBLIC EMPLOYEES  
COMMITTEE

February 15, 2011  
2:00 P.M.

The requester, however, refused to drop the issue, and I would like to directly quote the response of the human resources manager from Dominion Nuclear Connecticut at Millstone Nuclear Power Station.

She went on to say, "We are not aware of any such laws that HR is not in compliance with but we need to understand the purpose of the request. What purpose are you trying to accomplish by asking for them? You are welcome to come by HR and meet with me to discuss these matters."

This is the type of those laws don't apply to us mentality and both the requester and the Connecticut Department of Labor have to deal with it. This can go on for weeks, and as the case of the, at Millstone Nuclear Power Station has gone on for five months now and still is unresolved.

That's the end of my testimony. Do you have any questions for me?

SENATOR PRAGUE: Any questions from Committee members? No? Thank you very much, Mr. Lute. Thank you for coming in.

PAUL LUTE: Thank you for your time, ma'am.

REP. RITTER: Thank you for your time and consideration.

SENATOR PRAGUE: The second legislator is Matthew Lesser.

REP. LESSER: Good afternoon, Senator Prague, Vice-Chairman Gomes and honorable members of this Committee. I'm here to testify in support of Senate Bill 361 AN ACT PREVENTING THE USE OF CREDIT SCORES BY CERTAIN EMPLOYERS IN HIRING DECISIONS.

CHERI BRAGG: I'm not sure. I took a credit class. I think it's a couple of years, but I don't know for sure. I'm not sure.

SENATOR PRAGUE: You think it's a couple years?

CHERI BRAGG: I think it might be an average over the past year or couple of years, but I'm not sure.

SENATOR PRAGUE: Well, I think we ought to find out to know how long that credit history covers. Anyhow, thank you.

CHERI BRAGG: You're welcome.

SENATOR PRAGUE: With a promise of only using three minutes, we'll call Kia. Thank you very much.

KIA MORRELL: I waited a long time for my three minutes, so I'm going to use it.

SENATOR PRAGUE: Make the most of it.

SENATOR GOMES: (Inaudible.)

KIA MURRELL: No, I don't. I can't get to the sign up. I can't sleep out in the hallways the way some of the other advocates. I'm falling down on the job.

SB 361  
SB 936  
HB 5461  
HB 6176

Kia Murrell on behalf of CBIA. Thanks everyone for having me. I want to just kind of very briefly, I'm going to mention five bills on your agenda, so I'll just mention them in the number in which they appear, the first of which is number one on your agenda, which is Senate Bill 359. This is AN ACT CONCERNING EMPLOYER NOTICE TO EMPLOYEES REGARDING MANDATORY OVERTIME.

provide for, so we think it's unnecessary and we oppose it.

The last bill, 6176, the last item on your agenda, personnel files act violations. This bill or something like it has been before you before.

Unless there is a rash of people violating the personnel files act by preventing employers, employees, sorry, from looking at their personnel records, we don't know why you need to increase penalties.

Right now, people can't afford to pay any more than they already do for things like this. So again, unless there's some epidemic, we think that this is very simply put, unnecessary in today's tough economy, when so many employers are struggling to survive.

Sorry. Not the cleanest of testimonials, but I hope you get where I'm coming from.

SENATOR PRAGUE: Good job. Any questions? Thank you for your testimony.

KIA MURRELL: Thank you.

SENATOR PRAGUE: Senator Gomes has a question.

SENATOR GOMES: You're pretty swift and fast today.

KIA MURRELL: I try to be. I'm trying to get better because I know I talk too darned long.

SENATOR GOMES: I just have a couple of questions on our Bill 361. When you talked about employer assessing a new employee.

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State of Connecticut  
 HOUSE OF REPRESENTATIVES  
 STATE CAPITOL  
 HARTFORD, CONNECTICUT 06106-1591

REPRESENTATIVE ELIZABETH B. RITTER  
 THIRTY EIGHTH ASSEMBLY DISTRICT

LEGISLATIVE OFFICE BUILDING  
 ROOM 3004  
 HARTFORD, CT 06106-1591  
 HOME: (860) 444-1700  
 CAPITOL: (860) 240-8585  
 TOLL FREE: 1-800-842-8267

E-MAIL Elizabeth.Ritter@cga.ct.gov

CHAIRMAN  
 PUBLIC HEALTH COMMITTEE

MEMBER  
 APPROPRIATIONS COMMITTEE  
 ENERGY AND TECHNOLOGY COMMITTEE

TESTIMONY TO THE COMMITTEE ON LABOR AND PUBLIC EMPLOYEES  
HB 6176 AN ACT CONCERNING INCREASING PENALTIES FOR REPEAT VIOLATORS OF THE  
PERSONNEL FILES ACT  
 February 15, 2011

Good morning Senator Prague, Representative Zalaski, and members of the Committee on Labor and Public Employees. My name is Elizabeth Ritter and I represent the 38<sup>th</sup> House District.

I write in support of HB 6176 AN ACT CONCERNING INCREASING PENALTIES FOR REPEAT VIOLATORS OF THE PERSONNEL FILES ACT.

Thank you for agreeing to take up this bill. This issue came to my attention from a discussion with a constituent, Mr. Paul Lute, and complaints he had successfully pursued against his employer for violations of the Personnel Files Act. The current fine for these violations is \$300. The fine for a repeat violation is also \$300. Mr. Lute had two questions I was unable to answer. First, is the fine of \$300 in any way sufficient to cover the costs to the state of the investigation, levy, and collection; and second, does the size of the fine provide any incentive at all for the employer to change behavior and comply with the Act? I do not think either the initial or subsequent fines are sufficient encouragement for a large company to comply, or this proposal provides a stronger incentive.

Mr. Lute has come to testify in person, and I hope you will give him your consideration.

Thank you for your time. I am happy to answer any questions you might have at your convenience.

Representative Betsy Ritter  
 District 38



CONNECTICUT BUSINESS & INDUSTRY ASSOCIATION

**Testimony of Kia F. Murrell  
Assistant Counsel, CBIA  
Before the Committee on Labor and Public Employees  
February 15, 2011**

**H.B. 6176 AAC Increasing Penalties for Repeat Violators of the  
Personnel Files Act**

I am Kia Murrell, Assistant Counsel at the Connecticut Business and Industry Association (CBIA) which represents the interests of more than 10,000 companies across the state, the vast majority of which are businesses of 50 or fewer employees.

H.B. 6176 AAC Increasing Penalties for Repeat Violators of the Personnel Files Act amends the Connecticut Personnel Records Act to allow the Department of Labor to increase the penalty for violation of the personnel files to \$500 dollars per violation and \$1,000 for subsequent violations.

The Connecticut Personnel Records Act (C.G.S. §31-128a-h) grants employees the right to inspect their individual personnel records and employers must make those records available. The Act also prescribes the manner of personnel records inspection, the requirements for maintaining those records, the limited authorized disclosure of such records and the disposal of records.

Given the complexity of the Act and its dictates on employers, we are not aware of any pattern or practice by employers to thwart the law. However, in the event of violation, even an unintentional infraction of the law may lead employers to incur significant penalties under this legislation. At a time when many employers are struggling to compete in a difficult economic, legislative and regulatory environment, any legislation that increases business costs and administrative burdens is ill-advised.

Therefore, we oppose this legislation and its imposition of additional fines and penalties on employers.

For the aforementioned reasons, we urge the committee to Reject H.B. 6176.

Testimony on Proposed Bill 6176  
**AN ACT CONCERNING INCREASING PENALTIES FOR REPEAT VIOLATORS OF THE PERSONNEL  
FILES ACT**  
2/15/11

Mr. Chairman and members of the committee my name is Paul Lute. I am a resident from the town of Waterford. I am here today to speak on proposed Bill 6176, AN ACT CONCERNING INCREASING PENALTIES FOR REPEAT VIOLATORS OF THE PERSONNEL FILES ACT. While I am passionate about my support for BILL 6176, I would like to recommend enhancements. I am recommending that you make the civil penalties for violators based on a progressive scale that would start at a minimum of a \$500.00 fine for an employer with 100 employees or less. For every additional 100 employees the penalty should increase by \$200.00, capping out at \$2,500.00 for a company with 1,100 employees or more. In addition, the original fine should be doubled for repeat offenders in Connecticut.

My justification for a progressive scale is based two reasons; the first is on the number and size of many corporations doing business in the state of Connecticut. Many of these businesses are based in Connecticut or based in another state and are conducting business in multiple states. These companies have hundreds to thousands of employees with substantial legal departments that fully understand the statutes and laws of the state they are in. If a company has made the decision conduct itself in a secretive unethical manner, paying a civil penalty of the current \$300.00, or the proposed flat penalty of \$500.00, is of no consequence to that company. The current and proposed penalties make buying time very affordable to such companies.

My second reason is fiscal responsibility, the amount of unnecessary time and resources the Connecticut Department of Labor has to spend trying to retrieve personnel records. Once a complaint has been filed, it has to be investigated and company representatives know time is on their side and do whatever it takes to prolong the issue. Some examples are company representatives becoming unavailable at the time the Connecticut Department of Labor attempts to make contact with them, pretends to be uninformed and will at times try to partner with the state or federal regulating authority to offer alternative suggestions in hopes over time to derail the original issue all together. Such companies treat the laws as if they are guidelines open for discussion, the laws are clear either you're in compliance or in violation no in between.

Let me provide you with an example the unethical behavior of avoiding a request. A formal written request for copies of personnel records as defined in Section 31-128 was refused by phone from the HR manager. The requestor, however, refused to drop the issue. I would like to directly quote the response of the Human Resources' manager from Dominion Nuclear CT at Millstone Nuclear Power Station, "We are not aware of any such laws that HR is not in compliance with, but we need to understand the purpose of the request. What purpose are you trying to accomplish by asking for them? You are welcome to come by HR and meet with me to discuss these matters." This is the type of those laws don't apply to us mentality both the requestor and the Connecticut Department of Labor have to deal with. This can go on for weeks and the case at Millstone Nuclear Power Station has on for five months now, and still has not been resolved.

**Paul Lute**  
**3 Williamsburg Drive**  
**Waterford, CT 06385**

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**CONNECTICUT  
GENERAL ASSEMBLY  
SENATE**

**PROCEEDINGS  
2011**

**VOL. 54  
PART 5  
1390 - 1734**

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SENATE

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May 12, 2011

Madame President, calling from Calendar page 4,  
Calendar 102, House Bill 6176, AN ACT CONCERNING  
INCREASING PENALTIES FOR REPEAT VIOLATORS OF THE  
PERSONNEL FILES ACT, Favorable Report of the Labor  
Committee.

THE CHAIR:

Good afternoon. Senator Prague.

SENATOR PRAGUE:

Thank you, Madame President.

Madame President, I move the joint committee's  
Favorable Report and passage of the bill.

THE CHAIR:

Acting on approval of the bill, will you remark  
Senator?

SENATOR PRAGUE:

Thank you. The bill before us just increases the  
penalties for repeat violators of the Personnel  
Files Act, which means when somebody requests a copy  
of their personnel file and is refused, the employer  
who refuses will face an increase in the penalties. I  
move passage, Madame President.

THE CHAIR:

It's on passage of the bill, will you remark  
further? Will you remark further? Senator McKinney.

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SENATE

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SENATOR MCKINNEY:

Thank you, Madame President.

Through you a couple of questions, and I stand in support of the bill. So, Senator Prague doesn't have to arm herself or prepare herself.

THE CHAIR:

Please proceed, sir.

SENATOR MCKINNEY:

Thank you. And, unfortunately I'm not a member of the Labor Committee, but through you to Senator Prague, what is the current penalty and under this bill what would the new penalty be if passed? Through you, Madame President.

THE CHAIR:

Senator Prague.

SENATOR PRAGUE:

Through you, Madame President to Senator McKinney. The new penalty will be \$500 for the first violation and for any subsequent violation, the violation could be up to as much as \$1,000. The legislation doesn't say what the current penalty is, but it has to be less than \$500. So, through you, Madame President, thank you Senator McKinney for asking that.

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SENATE

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THE CHAIR:

Senator McKinney.

SENATOR MCKINNEY:

Thank you. And, through you, who determines 00 is it a Judge who determines on subsequent violation, A if there's a violation and B if the penalty should be more than \$500, obviously less than \$1,000? Through you, Madame President.

THE CHAIR:

Senator Prague.

SENATOR PRAGUE:

Through you, Madame President to Senator McKinney, I believe it's the Labor Department.

THE CHAIR:

Senator McKinney.

SENATOR MCKINNEY:

Thank you, Madame President. Thank you, Senator Prague.

THE CHAIR:

Thank you. Will you remark further? Will you remark further? Senator Prague.

SENATOR PRAGUE:

Madame President, if there's no objection, I'd like to place it on the Consent Calendar.

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SENATE

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THE CHAIR:

Seeing no objection, so ordered.

SENATOR PRAGUE:

Thank you.

THE CHAIR:

Thank you.

Mr. Clerk.

THE CLERK:

Madame President, from the top of page 5,  
Calendar 125, Senate Bill 153, AN ACT CONCERNING THE  
TIMING OF PRESCRIPTION DRUG REFILLS, Favorable Report  
of the Public Health and Insurance Committees.

THE CHAIR:

Senator Crisco.

SENATOR CRISCO:

Thank you, Madame President. Madame President I  
move for acceptance of joint committee's Favorable  
Report and passage of the bill.

THE CHAIR:

Acting on approval of the bill, will you remark  
further, sir?

SENATOR CRISCO:

Yes, Madame President. This is an issue that's  
been brought to our attention by Senator Doyle, a

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**CONNECTICUT  
GENERAL ASSEMBLY  
SENATE**

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the Clerk might call the items on the second Consent Calendar so that we might move for a vote on that second Consent Calendar.

THE CHAIR:

Mr. Clerk, please call the bills.

THE CLERK:

Madame President.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Starting on page 4, Calendar 102, page 5,  
Calendar 125, page 6, Calendar 191, page 7, Calendar  
104, page 9, Calendar 187, page 11, Calendar 287, page  
12, Calendar 240, page 12, Calendar 328, page 12,  
Calendar 334, page 14, Calendar 366, page 17, Calendar  
318, page 18, Calendar 338, page 24, Calendar 472,  
page 34, Calendar 176, page 37, Calendar 90, page 43,  
Calendar 197, page 46, Calendar 251. These are the  
items that the Clerk has on the second Consent  
Calendar.

HB6176

SB153

SB1078

SB1069

HB6445

HB6484

SB 38

HB6481

SB958

THE CHAIR:

Mr. Clerk will you now call for a roll call vote and the machine will be open on Consent Calendar two.

THE CLERK:

djp/gbr  
SENATE

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May 12, 2011

An immediate roll call vote on Consent Calendar two has been ordered in the Senate. Will all Senators please return to the Chamber? An immediate roll call vote on Consent Calendar two has been ordered in the Senate. Will all Senators please return to the Chamber?

THE CHAIR:

Mr. Clerk will you please call the roll call vote again, please?

THE CLERK:

An immediate roll call vote on the second Consent Calendar has been ordered in the Senate. Will all Senators please return to the Chamber? An immediate roll call vote on the second Consent Calendar has been ordered in the Senate. Will all Senators please return to the Chamber?

THE CHAIR:

Have all members voted? Have all members voted? The machine will be locked and the Clerk will call the tally.

Do you want to call it again and this time we'll all -- we're going to recall that vote.

THE CLERK:

An immediate roll vote call has been ordered in

the Senate. Will all Senators please return to the Chamber?

THE CHAIR:

The machine will be open.

Have all members voted? All the members voted the machine will be locked and will the Clerk please call the tally.

THE CLERK:

Madame President,

Total Number voting 34

Necessary for adoption 18

Those voting Yea 34

Those voting Nay 0

Those absent and not voting 2

THE CHAIR:

The Consent Calendar number two has been adopted.

Senator Looney.

SENATOR LOONEY:

Thank you, Madame President. Madame President that will conclude our business for today but at this point would yield the floor for any members for purposes of announcements of committee meetings or other points of personal privilege.

THE CHAIR: