

PA 11-036

HB6096

House	682-685	4
Labor	92, 94-95, 201, 375-376	6
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		<b>21</b>

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**CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE**

**PROCEEDINGS  
2011**

**VOL.54  
PART 2  
345 – 704**

rgd/gbr  
HOUSE OF REPRESENTATIVES

160  
March 16, 2011

Representative Sharkey.

REP. SHARKEY (88th):

Mr. Speaker, I would go for suspension of our  
rules for immediate transmittal of the previous item  
to the Governor.

SPEAKER DONOVAN:

The motion is for suspension of the rules for immediate transmittal to the Governor. Is there any objection? Any objection? Hearing none, the bill is immediately transmitted to the Governor.

Will the Clerk please call Calendar Number 40.

THE CLERK:

On page 6, Calendar 40, House Bill Number 6096,  
AN ACT PRESERVING GOOD CAUSE FOR LATE FILING OF CERTAIN  
UNEMPLOYMENT COMPENSATION APPEALS, favorable report of  
the Committee on Labor and Public Employees.

SPEAKER DONOVAN:

The Chair of the Labor Committee, Representative  
Zalaski, you have the floor, sir.

REP. ZALASKI (81st):

Thank you, Mr. Speaker.

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

SPEAKER DONOVAN:

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March 16, 2011

The question is acceptance of the joint committee's favorable report and passage of the bill. Will you remark, sir?

REP. ZALASKI (81st):

Yes. This bill extends the deadline to appeal certain unemployment compensation decisions if the appealing party can show good cause for the delay in appealing or has an appeal filed by mail postmarked prior to the deadline. The extension applies to decisions finding overpayment of unemployment, benefits or receipt of such benefits through fraud or false claims for benefits.

This legislation proposal, as testified by the acting labor commissioner, is a long-standing interpretation which has been upheld by the Connecticut courts that the General Assembly's intent was to ensure that all decisions arising under an unemployment compensation act may be appealed. It merely codifies the department's long-standing interpretation.

SPEAKER DONOVAN:

Thank you, Representative.

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

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Representative Rigby.

REP. RIGBY (63rd):

Thank you, Mr. Speaker.

I rise in support of this bill.

Representative -- Chairman Zalaski did an excellent job summarizing it for the Chamber. Extending the deadline to appeal certain unemployment compensation claims makes good sound sense in these tough economic times.

OFA has determined that there's no fiscal cost to our State and it's not going to result in an increase in the number of appeals. I urge my colleagues on both sides of the aisle to support this measure.

Thank you.

SPEAKER DONOVAN:

Thank you, Representative.

Would you care to remark further on the bill?

Would you care to remark further on the bill? If not, staff and guests come to the well of the House. Members take their seats. The machine will be open.

THE CLERK:

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

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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):

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**LABOR AND  
PUBLIC EMPLOYEES  
PART 1  
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**2011  
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February 10, 2011  
LABOR AND PUBLIC EMPLOYEES 2:00 P.M.  
COMMITTEE

of them when they had seizures. That is very stressful, you know, and then you have all the things that happen all the time. You have autistic children or whatever. They're so many special needs. There's a lot of loving people, and I'm included in that, that do these jobs.

SENATOR PRAGUE: Yes.

Thank you very much. Thank you.

Next person to testify is -- now, I don't want to skip anybody.

We have several people signed up for 480. There's -- I think we should do Kia first.

Where are you, Kia?

You know, I would let Kia go last but legitimately she's --

That means you have to hurry up, Kia.

A VOICE: Take your time.

KIA MURRELL: Okay. I got all night if you got all night. Okay.

SB 23 SB 97  
SB 798 HB 6096  
HB 5460

Kia Murrell on behalf of CBIA. Thank you to the chairs and members of the committee for having me, as always. I'll give you my stock line because it applies to everything I'm going to say. We represent 10,000 or so businesses across the state. They are a diverse group of businesses; they range from the smallest in the state to the largest and everything in between.

We, generally, do not support any public policy or labor legislation that would increase the cost of hiring workers, growing jobs, growing

or you are some way denied a driver's permit, obviously, you are not able to perform the essential functions of your job, and, therefore, you should not be able to collect benefits. We urge you to support this legislature.

SENATOR PRAGUE: Did you hear the bell? Thank you, Kia.

KIA MURRELL: Oh, sorry. No, I'm not done that's why I'm talking so fast -- sorry about that.

Number 5 on your agenda --

SENATOR PRAGUE: You have a minute left.

KIA MURRELL: Number 5 is 798. It would require double damages to be awarded against employers in civil actions where a plaintiff is victorious in collecting unpaid wages. The law already provides for discretion by the final arbiter of such an action. We don't see any reason to disturb that discretion. Every case should be taken on a case-by-case basis according to the individual circumstances that the case presents.

If you change the law to remove that discretion, one simple word change but it's significant, you change it from "they may" award double damages to "they shall" award double damages, you are necessarily going to increase the litigation cost for every employer that's dragged into court in such cases so, therefore, we urge rejection of that.

Number 11 on your agenda is House Bill 6096, AN ACT PRESERVING GOOD CAUSE FOR LATE FILING OF CERTAIN UNEMPLOYMENT COMP APPEALS. I testified on this, I think, last year and the year before

probably as well. It's a good idea. I don't know why it wasn't done last year so I will just say if you're going to extend the time line for someone to appeal an unemployment comp case beyond the 21 days, as long as they have demonstrated good cause, it seems like it would be fair, no reason for us to oppose it. We urge you to adopt it.

Number 8 on your agenda is the last and, quite frankly, the most important bill. I'm sure you all know that's really why I'm up here. The other stuff is just to get to this.

HB 5460

Captive audience meetings, we've heard from several members of the organized labor community about the importance of this bill for them, and we understand that but what we really are concerned more about is the impact, the import of this bill on the employers. The employers, regardless of their size, regardless of their industry, regardless of their workforce, need to be able to speak freely with those employees. Captive audience legislation, like this, drastically restricts their ability to communicate in the most easy, practical way that they have. That's a mandatory staff meeting. That's where they talk about safety issues; that's where they talk about government contracts that may impact their ability to hold on to the very workers that they're communicating with. This is where they talk about their charitable campaigns, such as the United Way drives, their Red Cross drives, their canned food drives, and the like.

This is an important part of managing your workforce, and when you have a legislation, like this, that takes a litany, a litany of topics off of the table because the legislation deems them to be political, whether they



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**POSITION STATEMENT OF THE CONNECTICUT TRIAL LAWYERS ASSOCIATION  
IN SUPPORT OF R.B. 798 AMENDING CONNECTICUT'S  
WAGE STATUTE TO REQUIRE THE AWARDING OF DOUBLE DAMAGES IN CIVIL  
ACTIONS TO COLLECT WAGES AND R.B.6096 AN ACT PRESERVING GOOD  
CAUSE EXTENSIONS FOR FILING IN CERTAIN UNEMPLOYMENT  
COMPENSATION APPEALS**

The Connecticut Trial Lawyers support passage of R.B. 798, which would make the award of double damages mandatory, rather than discretionary, when an individual prevails in a civil action to collect wages. This amendment will strengthen the existing law in a manner that will protect workers who have been wrongfully denied wages by their employer and thus supports Connecticut's strong public policy against the withholding of wages under any circumstances. The mandatory double damage punitive award will serve as an additional deterrent against employers who do not pay their employees or attempt to withhold their wages. It will be a strong disincentive to employers from taking advantage of their employees by withholding wages during difficult economic times.

The Connecticut trial lawyers also support R.B. 6096, which will provide for a good cause extension for persons who miss certain filing deadlines in certain unemployment compensation appeal. In these difficult economic times, unemployment compensation benefits can be indispensable for many families. Most individuals involved in unemployment claims are unrepresented, and are facing many pressures due to their unemployment. This bill sensibly recognizes this, and provides for a more flexible standard. No family in need of unemployment benefits should be denied them purely on a technical reason, such as a deadline missed in good faith.



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CONNECTICUT BUSINESS & INDUSTRY ASSOCIATION

**Testimony of Kia F. Murrell  
Assistant Counsel, CBIA  
Before the Committee on Labor and Public Employees  
Hartford, CT  
February 10, 2011**

**H.B. 6096 AA Preserving Good Cause for Late Filing of Certain  
Unemployment Compensation Appeals**

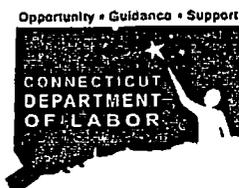
Good Afternoon Senator Prague, Representative Zalaski and other members of the Committee. My name is Kia Murrell and I am Assistant Counsel at the Connecticut Business and Industry Association (CBIA). CBIA representing more than 10,000 companies throughout the state of Connecticut, but most of our members are small businesses of 50 or fewer employees.

H.B. 6096 seeks to clarify the unemployment compensation appeals process by allowing claimants to appeal after the twenty-one-day deadline, provided they can demonstrate good cause for the late filing appeal. Similar measures have been proposed in the past but for reasons unknown failed to become enacted. Insofar as CBIA can anticipate little to no fiscal impact on the unemployment appeals process and the clarification is applied even-handedly to the benefit of both employers and employees alike, we can find no reason not to support this legislations.

Therefore, we urge the Committee to adopt H.B. 6096.

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Connecticut Department of Labor



Dennis C. Murphy, Acting Commissioner

**Public Hearing Written Testimony of  
Dennis C. Murphy, Acting Labor Commissioner**

**Labor and Public Employees Committee  
February 10, 2011**

Good Afternoon Senator Prague, Representative Zalaski and members of the Labor and Public Employees Committee. Thank you for the opportunity to provide you with written testimony regarding **H.B. #6096 An Act Concerning Preserving Good Cause for Late Filing of Certain Unemployment Compensation Appeals** on your public hearing agenda today. My name is Dennis Murphy and I am the Acting Commissioner of the Department of Labor.

I respectfully request that you vote favorably upon House Bill 6096. This bill is technical in nature and carries no fiscal impact to the state general fund.

Under current law, an unemployment compensation claimant has 21 days to appeal a decision that he or she received either (1) an overpayment of benefits or (2) benefits through fraud. This bill allows appeals after 21 days of either type of decision if the claimant shows good cause for the late filing. Under law and unchanged by the bill, the 21 days for appeal begins when the decision notice is mailed to the claimant. The bill also permits an appeal or motion to be timely within the 21-day period if it bears a U. S. Postal Service postmark indicating it was mailed within 21 days. It specifies that appeals with postmarks from private postage meters are not timely if received after the 21 days. *This legislative proposal provides no new rights to appellants, but merely codifies the Department's long-standing interpretation, which has been upheld by Connecticut courts, that the General Assembly's intent was to ensure that all decisions arising under the Unemployment Compensation Act may be appealed, including those pertaining to CGS 31-273.*

During the 2010 regular session, this bill received unanimous support in this Committee and the State Senate. However, the Legislative Session adjourned before a vote was taken in the House of Representatives.

Thank you for the opportunity to provide this testimony. Please feel free to contact me or my staff if you need additional information.

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**CONNECTICUT  
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SENATE**

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SENATE

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May 19, 2011

Mr. Clerk.

THE CLERK:

Calendar page 4, Favorable Reports. Calendar Number 101, File Number 34, House Bill Number 6096, AN ACT PRESERVING GOOD CAUSE FOR LATE FILING OF CERTAIN UNEMPLOYMENT COMPENSATION APPEALS, Favorable Report of the Committee on Labor and Public Employees.

The Clerk is in possession of two amendments.

THE CHAIR:

Senator Prague.

SENATOR PRAGUE:

Thank you, Madam President.

THE CHAIR:

Good afternoon.

SENATOR PRAGUE:

Madam 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 further?

Senator Prague.

SENATOR PRAGUE:

The underlying bill, Madam President, allows good cause to have -- to appeal a determination. If you

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have good cause and you're late in filing your appeal, this bill allows you to do that. All you have now is 21 days, and if there was a mistake and overpayment of your Unemployment Compensation or if it's got -- so your payment was incorrect for some reason, this allows you additional time to file for an appeal.

The Clerk has two amendments. One amendment, Madam President, is LCO 6184.

THE CHAIR:

Mr. Clerk, will you call that --

SENATOR PRAGUE:

Would he call, please, and I be allowed to summarize?

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO 6184, to be designated Senate Amendment Schedule "A"; it's offered by Senator Witkos of the 8th District.

THE CHAIR:

Senator Prague.

SENATOR PRAGUE:

Madam President, I don't see Senator Witkos in the Chamber.

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THE CHAIR:

All right. Do you want to stand --

SENATOR PRAGUE:

This --

THE CHAIR:

-- at ease for a moment; you do?

SENATOR PRAGUE:

Yes, please.

THE CHAIR:

Let's stand at ease for a moment, please.

(Chamber at ease.)

SENATOR LOONEY:

Madam President?

THE CHAIR:

Yes, sir.

SENATOR LOONEY:

Yes. Madam President, if we might just pass that bill temporarily.

THE CHAIR:

Okay, sir.

SENATOR LOONEY:

Thank you.

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**CONNECTICUT  
GENERAL ASSEMBLY  
SENATE**

**PROCEEDINGS  
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2086- 2336**

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May 20, 2011

THE CLERK:

Calendar page 3, Calendar Number 101, File Number 34, House Bill 6096, AN ACT PRESERVING GOOD CAUSE FOR LATE FILING OF CERTAIN UNEMPLOYMENT COMPENSATION APPEALS, favorable report by the Committee on Labor and Public Employees. When the bill was last before us LCO 6184 was called a designated Senate Amendment Schedule "A."

THE CHAIR:

Senator Prague.

SENATOR PRAGUE:

Thank you, Madam President.

Madam President, I move adoption of the joint committee's favorable report and passage of the bill in concurrence with the House.

THE CHAIR:

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

SENATOR PRAGUE:

Just for the Chamber's information this bill passed the House 143 to 0. And what it does is right now somebody has 21 days to file for an appeal to the unemployment compensation division of the Labor Department. If somebody has received a

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payment that was not right, it was an overpayment or an underpayment they can file for an appeal and they have 21 days within which to file that appeal.

The bill gives people who are either sick or perhaps they moved and they didn't get their mail on time, whatever, if you have good cause for the late filing of certain unemployment compensation appeals, this bill allows that to happen.

And I move passage.

THE CHAIR:

Senator, I know the board is on passage now, but Senator, you had -- Senate "A" was called at the last -- are we recalling it? Or --

SENATOR PRAGUE:

No. We're not going to deal with that.

THE CHAIR:

You need to withdraw the amendment then, Senator. If you would do that please.

SENATOR PRAGUE:

Madam President, may I ask the Chamber to stand at ease for a moment?

THE CHAIR:

Stand at ease.

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(Chamber at ease.)

SENATOR PRAGUE:

Madam President, if we could come back to order.

THE CHAIR:

The Senate is back in order.

SENATOR PRAGUE:

Thank you. Yes. I will withdraw that amendment.

THE CHAIR:

Any objections on withdrawing Senate "A?"  
Seeing none, so ordered.

SENATOR PRAGUE:

Thank you.

THE CHAIR:

Thank you, Senator.

Will you remark further on the bill? Will you remark further on the bill? If not, Senator Prague.

SENATOR PRAGUE:

Thank you, Madam President.

I move to put this on the consent calendar.

THE CHAIR:

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Seeing no objection, so ordered.

SENATOR PRAGUE:

Thank you.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Madam President, that completes those items previously marked go.

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, I have two additional items to mark as go at this time. First is calendar page 28, Calendar 108, Senate Bill 1039, and the second is calendar page 29, Calendar 113, Senate Bill 867.

THE CHAIR:

Thank you, Senator Looney.

SENATOR LOONEY:

And also madam President, a couple of items to refer at this time, items on our calendar. Calendar page 35, Calendar 258, Senate Bill Number 1, would refer that item to the Committee on

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Number 5558, Madam President, move to place that item on the foot of the calendar.

THE CHAIR:

So ordered.

SENATOR LOONEY:

And one additional item, Madam President, calendar page 45, Calendar 452, Senate Bill Number 1059, Madam President, move to refer that item to the Appropriations Committee.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Madam President.

And Madam President, if the Clerk would call the second consent calendar.

THE CHAIR:

Mr. Clerk.

SENATOR LOONEY:

One additional item. Excuse me. And one additional item, Madam President, to place on the consent calendar. Madam President, that is calendar page 14, Calendar 432, Senate Bill 1192, would also move to place that item on the consent calendar.

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THE CHAIR:

Thank you.

Mr. Clerk, would you read the bill.

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.

Madam President, the items placed on Consent Calendar Number 2 begin on calendar page 3, Calendar 101, House Bill 6096; calendar page 6, Calendar 229, Substitute for Senate Bill 205; calendar page 9, Calendar 330, House Bill 6373; calendar page 14, Calendar Number 432; Calendar page 20, Calendar 483, Substitute for House Bill 5045.

Calendar page 26, Calendar 51, Substitute for Senate Bill 852; calendar page 28, Calendar 108, Substitute for Senate Bill 1039; calendar page 29, Calendar 122, Substitute for Senate Bill 844; and calendar page 36, calendar 273, substitute for Senate Bill 1115.

SB1192

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Madam President, I believe that completes those items placed on Consent Calendar Number 2.

THE CHAIR:

Thank you, sir.

Will you once again announce the roll call vote. And the machine will be open.

THE CLERK:

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

THE CHAIR:

All members have voted. All members have voted. The machine will be locked. Mr. Clerk, will you call the tally.

THE CLERK:

Motion is on adoption of Consent Calendar Number 2.

Total Number voting	36
Necessary for adoption	19
Those voting Yea	36
Those voting Nay	0
Those absent and not voting	0

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THE CHAIR:

The consent calendar has been adopted, Consent  
Calendar Number 2.

Senator Looney.

SENATOR LOONEY:

Yes. Thank you, Madam President.

Madam President, an additional item to mark go  
at the present time, calendar page 34, Calendar  
242, Senate Bill 1173.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Calendar page 34, Calendar 242, File Number  
433 Senate Bill 1173, AN ACT CONCERNING QUALIFIED  
PRIVATE INVESTMENTS FOR CONNECTICUT INNOVATIONS,  
INCORPORATED'S PRESEED PROGRAM, favorable report of  
the Committee on Commerce and Export, Higher  
Education and Appropriations.

THE CHAIR:

Senator LeBeau.

SENATOR LeBEAU:

Good afternoon, Madam President. How are you  
today?

THE CHAIR: