

PA 11-087

SB0936

House	9020-9034	15
Labor	427-431, 450, 451, 471, 474, 573-577, 579-582	18
<u>Senate</u>	<u>1999-2001, 3232-3241</u>	<u>13</u>
		46

**JOINT
STANDING
COMMITTEE
HEARINGS**

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

2011

SENATOR GOMES: All right.

CAROLYN SLUIS: But adjunct faculty are literally unemployed. We are seasonal (inaudible).

SENATOR GOMES: I understand your position.

CAROLYN SLUIS: Right. And I'm a teacher. That's what I do.

Now, if a full-time person wants to go paint houses in the summer, okay. If I tried that, I'd probably fall off the roof.

SENATOR PRAGUE: Me, too.

SENATOR GOMES: I'm not going to say nothing about your union. I'm just going to say, you need a union.

SENATOR PRAGUE: Thank you.

CAROLYN SLUIS: You're very welcome. Thank you for your time.

SENATOR PRAGUE: You're welcome.

CAROLYN SLUIS: I've been allowed to vent. I feel good. Thank you very much.

SENATOR PRAGUE: Our next speaker is George Wentworth.

GEORGE WENTWORTH: Good afternoon, Senator Prague and members of the Committee. My name is George Wentworth and I'm an attorney with the National Employment Law Project, which is a national nonprofit research organization based in New York City, and we advocate on behalf of federal and state policies that help unemployed and low-income workers.

SB 936

I'm here today to testify in support of Senate Bill 936 AN ACT TEMPORARILY EXTENDING THE LOOK BACK PERIOD TO DETERMINE ELIGIBILITY FOR UNEMPLOYMENT COMPENSATION.

This somewhat technical sounding bill is actually about a very important program of unemployment insurance known as extended benefits. Extended benefits is a program governed by federal and state law that provides either 13 or 20 weeks of additional unemployment benefits when the unemployment rate is high.

When the unemployment rate three-month average is over 6.5 percent or higher, it provides 13 weeks. When the three-month average is 8 percent it provides 20 weeks.

Right now there are about 15,000 unemployed Connecticut workers who are collecting benefits under the extended benefits program, or EB as it's known.

Normally, this is a 50/50 program in which half of the benefits are funded by the state's trust fund and half are funded by the federal government. However, under the Recovery Act, Congress fully funded the extended benefits program with federal funding.

The only exception is governmental workers who make up between one and two percent of all unemployed claimants.

Last year, a lot of states recognized that there was a problem with their extended benefits laws created by federal law, and in addition to the requirement of states having to be at either 6.5 or 8 percent, there was a provision in the extended benefits law, which basically said that

you have to be, your unemployment rate needs to be 110 percent of what it was for the corresponding three-month period in either of the two prior years.

Well, for those who are following the unemployment rate nationally, it's been over 9 percent for 21 consecutive months, and the result of that is that Connecticut, like a lot of other states, has plateaued at a very high rate. The unemployment rate is 9 percent now.

The result, the combination of that and this current, the 110 percent rule means that a lot of states are going to trigger off of the extended benefits program later this year.

If Connecticut's unemployment rate stays where it is right now, the extended benefits program will end around June of this year.

Very quickly, and the result would be about 15,000 unemployed workers would go off benefits automatically.

In December, Congress address this problem and basically gave the states the flexibility to fix this in their own laws, and the way they did it was a little bit complicated, but the bottom line is, Connecticut can amend its law around extended benefits and change that two-year look back to a three-year look back.

Meaning, as long as our unemployment rate is 110 percent of what it was three years ago, the program can stay triggered on.

So if this Committee recommends enactment of Senate Bill 936, the result is that the extended benefits program would stay in operation through the rest of calendar year 2011.

And at the same time that Congress did this, they also continued the full federal funding. So this is not a program that is costing Connecticut's employers any money, so it really is, I think, a very win-win kind of proposition for Connecticut and it will provide much needed financial protection for 15,000 unemployed workers and roughly 1,000 workers a week who are moving on to the extended benefits program.

I therefore urge that you recommend favorable disposition of this bill. Glad to answer any questions, and I've submitted written testimony as well.

SENATOR PRAGUE: Are there any questions? I have a couple questions I want to ask you, just so I can get this clear in my own mind.

This extended benefit issue will allow people who otherwise would be off of unemployment benefits to continue? For how long?

GEORGE WENTWORTH: For 20 additional weeks.

SENATOR PRAGUE: Right.

GEORGE WENTWORTH: Right now in Connecticut there's basically three programs. There's the basic state unemployment benefits. It's 26 weeks.

There is a federal program known as emergency unemployment comp, or EUC, which provides 53 weeks of benefits, and at the end of that is this extended benefits program, which currently provides 20 weeks.

Given the fact that more than 40 percent of all the unemployed in this country are out of work for more than a year, it's kind of an

unprecedented crisis of long-term unemployment, the extended benefits is critical.

Even now, with the potential for up to 99 weeks, every week there are about 900 workers falling off the end of that period of collecting.

SENATOR PRAGUE: So this doesn't extend the 99 weeks. It just gives more people the chance to stay on the 99 weeks.

GEORGE WENTWORTH: That's right. It just, the last 20 weeks it basically preserves that program through the end of the year. If you don't do it, those 20 weeks will disappear some time around June.

SENATOR PRAGUE: And those 20 weeks are funded by the federal government?

GEORGE WENTWORTH: By the federal government. That's right.

SENATOR PRAGUE: Okay. Thank you very much.

GEORGE WENTWORTH: Thank you.

SENATOR PRAGUE: The next speaker is M. E. Volemuns

MARY ELLEN VOLEMUNS: Thank you, Senator Prague and members of the Committee. I'm speaking regarding reasonable assurance on Bill 934.

My name is Mary Ellen Volemuns, and I've been teaching for the State of Connecticut for nearly 19 years. I'm currently an adjunct at Southern Connecticut State University and also at Housatonic Community College in Bridgeport. I've also taught at Norwalk Community College.

I'd like to clarify or maybe make it understood that part-time contingent and adjunct faculty are

LORI PELLETIER: Thank you, Senator Prague and members of the Labor and Public Employees Committee. I'm Lori Pelletier and I serve as the Secretary-Treasurer of the Connecticut AFL-CIO, and I'm here to testify on a few bills today.

SB936

Senate Bill 359 AN ACT CONCERNING EMPLOYER NOTICE TO EMPLOYEES REGARDING MANDATORY OVERTIME, we support this legislation. You know, workers have families, too, so the idea that an employer can come up and mandate overtime. We've seen this predominantly in the healthcare industry where nurses were forced to stay on the job past their shift because there was no one to fill in for them.

We just think that there needs to be some rules and regulations around that.

Senate Bill 361 AN ACT PREVENTING THE USE OF CREDIT SCORES BY CERTAIN EMPLOYERS IN HIRING DECISIONS. When this bill first came up a couple of years ago, it was a new concept that employers would even do this. Now we're seeing that it's done in most occasions where an employer is going to hire someone, and with this economic downturn that we've been experiencing since 2008, most people's credit scores if they get laid off take a certain hit.

So the idea that this is now going to be used against them when they're trying to find a job, and I'll remind the Committee that for every job available there are five people looking for it.

So if there have been people that are out for long term trying to find a job, and their credit history is being impacted, they should, there should not be a deterrent to them being hired.

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.

We understand the concern about the lack of causation between your credit report and your fitness for the job. We just don't want people to have no flexibility in assessing their prospective applicant.

936, ver6 briefly, adjust the temporary look back period for unemployment. That's a great idea. It gives a little bit of relief to employers in this state, who as you all know are the sole source of funding for the unemployment comp system.

Because the look back period would then be, as far as extended benefits, been paid for by the federal government. Anything that will alleviate the pressure on employers right now is a good thing. We urge you to support that.

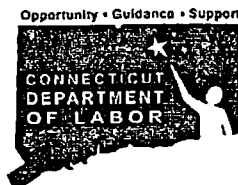
Yeah, I know. There's always just one. Just one, and I squeeze it in the middle so you don't notice it that much.

The breastfeeding bill, number 7 on your agenda, House Bill 5461. The law already allows for breastfeeding. As far as we know, most employers already accommodate that.

The law is very clear, that you have to accommodate it. You can't do it in the course of a toilet stall or toilet room. You have to be more comfortable than that. But it already allows and says that an employer should not discriminate against, discipline, or take any adverse employment action against someone who is expressing breast milk or breastfeeding.

So we don't really know why you need to codify that any further. The bill that's before you doesn't do anything that the law doesn't already

Connecticut Department of Labor



Dennis C. Murphy, Acting Commissioner

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

**Labor and Public Employees Committee
February 15, 2011**

Good Afternoon Senator Prágue, Representative Zalaski and members of the Labor and Public Employees Committee. Thank you for the opportunity to provide you with written testimony regarding Senate Bill 936 AA Temporarily Extending the Look-Back Period to Determine Eligibility for Unemployment Compensation. My name is Dennis C. Murphy and I am the Acting Commissioner of the Department of Labor (CTDOL).

The Department of Labor supports the concept of Senate Bill 936 and recommends adopting CTDOL's recommended changes (attached). As you are aware, Public Law 111-312, signed by the President on December 17, 2010, permits states to amend their laws by temporarily relaxing state law provisions pertaining to when Extended Benefits (EB) may be paid. Extended Benefits are generally only supposed to be payable during periods of high and *rising* unemployment. Right now, current state law mandates the Connecticut Department of Labor (CTDOL) to compare current unemployment rates to the unemployment rates for the corresponding period in the last two preceding years. This comparison is called a "look-back." The temporary modification permitted by the federal government through the passage of PL 111-312 would permit CTDOL to compare current unemployment rates to the unemployment rates for the corresponding period in the last *three* preceding years. This temporary modification applies only to weeks of unemployment beginning after December 17, 2010 (the date of the enactment of the Public Law) through the weeks of unemployment ending on or before December 31, 2011, unless Congress prior to that date extends the authorization further. Further, the temporary modification permitting a three-year "look-back" period would need to be enacted prior to the date that the state triggers "off" of EB.

With CTDOL'S recommended language, this bill would permit Connecticut to modify its Extended Benefits law to correspond to the temporary federal authorization to change the look-back period from two years to three years due to Congress' decision to also extend full federal sharing of EB through January 3, 2012. Because Connecticut has suffered sustained, as opposed to rising, high unemployment rates over the past two years, it is estimated that Connecticut will trigger "off" of EB in the fall of 2011. By temporarily modifying state law to permit a three-year "look-back," Connecticut would be able to ensure that, rather than the state triggering "off" Extended Benefits in the fall of 2011, thereby denying Unemployment Insurance claimants additional weeks of Extended Benefits, Connecticut would be able to delay the triggering "off" date to ensure that claimants could receive Extended Benefits through the end of December, 2011.

It is important to note that, should Congress not extend permission to utilize a three-year look back period beyond December 31, 2011, Connecticut will trigger "off" EB in early January 2012, and benefits will also end for claimants on EB at that time.

The language of Senate Bill 936, as drafted, would limit the continuance of the three year look-back to benefits for weeks of unemployment beginning after December 17, 2010, and ending on or before December 31, 2011 even if Congress extends its permission to continue the three year look-back with 100% federal sharing.

Rather than putting the burden on the state (and its employers) to pay for 50% of the amount of EB paid out to claimants through 2011, the federal government will continue to cover 100% of the costs of EB.

Therefore, CTDOOL favors adoption of its recommended language (attached) permitting a temporary three year look-back for the extended benefits program for the following reasons and continuing if the 100% federal sharing is also extended:

- PL 111-132 provides 100% reimbursement of Extended Benefits until the week ending January 3, 2012.
- There is no expense for private sector employers due to the full federal sharing provision. Although governmental entities are not covered by the full federal sharing provisions, it is expected that the impact on the State's General Fund will be minimal, since state and municipal employers comprise only about 5% of the total number of employers in Connecticut. Moreover, since approximately 27%, on average, of all claimants exhaust all twenty-six weeks of regular benefits, and then proceed to exhaust all Federal emergency programs (EUC), it can be estimated that the impact on the General Fund would be only \$135,000 through early 2012.
- Utilizing the optional authority to expand the "look-back" period to the three preceding years rather than the two preceding years would permit the state to stay on EB longer, allowing some Connecticut Unemployment Insurance claimants to potentially receive up to 20 additional weeks of benefits – i.e. potentially the full 99 weeks as opposed to 79 weeks.

Most, if not all, states appear to be proceeding on Congress' recommendation to modify their state laws to temporarily permit a three-year "look-back" period.

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

NEW HAVEN LEGAL ASSISTANCE ASSOCIATION, INC.

426 STATE STREET
NEW HAVEN, CONNECTICUT 06510
TELEPHONE: (203) 946-4811
FAX (203) 498-9271

WRITTEN TESTIMONY IN SUPPORT OF SB 936
AN ACT TEMPORARILY EXTENDING THE LOOK-BACK PERIOD
TO DETERMINE ELIGIBILITY FOR UNEMPLOYMENT COMPENSATION.

On behalf of the employment unit of Connecticut's legal aid programs, I am writing to express our support for SB 936. This temporary adjustment to General Statutes § 31-232b is needed so that Connecticut will continue to qualify for the Extended Benefits (EB) program through 2011. EB provides an additional 13-20 weeks of benefits to jobless workers who have maxed out the unemployment benefits normally available to them.

EB only comes into play during periods of high unemployment: states "trigger on" to EB when their unemployment rates reach the EB thresholds. States then "trigger off" once the required unemployment rates have not increased during either of the past two years. This is called the "look-back period". Although the cost of the EB is usually a 50-50 split between the state and federal government, Congress has been funding 100% of the cost during this recession.

With the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010, P.L. 111-312, Congress voted to continue fully funding the EB program through 2011, and they increased the EB "look-back" period to three years. The look-back period was increased because otherwise many states would "trigger off" the program before the end of 2011 and would not be able to take advantage of fully federally funded EB for the entire year. P.L. 111-312 allows states to amend their laws to temporarily change the EB "on" and "off" indicators.

SB 936 makes this temporary change that will enable Connecticut to stay on the EB program for longer than we otherwise would have. This will provide much-needed benefits to Connecticut's long-term unemployed through 2011, funded entirely by federal dollars. On behalf of our client community, we urge you take advantage of this opportunity to help many of Connecticut's unemployed residents at no cost to the state's unemployment trust fund.

Susan Nofi-Bendici
Deputy Director



TESTIMONY IN SUPPORT OF SENATE BILL SB 936

**AN ACT TEMPORARILY EXTENDING THE LOOK-BACK PERIOD
TO DETERMINE ELIGIBILITY FOR UNEMPLOYMENT COMPENSATION.**

My name is George Wentworth and I am an attorney with the National Employment Law Project (NELP), a national non-profit research organization based in New York City that advocates on behalf of federal and state policies that help unemployed and low-wage workers. I am here today to testify in support of Senate Bill 936, "An Act Temporarily Extending the Look-back Period to Determine Eligibility for Unemployment Compensation."

This somewhat technical bill relates to an unemployment insurance (UI) program known as "Extended Benefits" (EB). This program – which is governed by federal and state law - provides an additional 13 weeks of unemployment benefits when a state's average unemployment rate for the past 3 months has been 6.5% or higher, and provides 20 weeks of benefits when the 3-month average has been 8.0% or higher. Extended Benefits are normally funded equally by the state's unemployment trust fund and the federal government. However, under the American Recovery and Reinvestment Act (ARRA) enacted in February 2009, this program has been fully federally funded (with the exception of governmental employers who do not pay unemployment taxes but instead reimburse the cost of benefits for former employees.).

Last year many states recognized that there was a provision in their Extended Benefits law that threatened to shut down their EB programs. In addition to meeting the 3-month average unemployment rates of 6.5% or 8.0%, the federal law required states to "trigger off" Extended Benefits if the state's rate was not at least 110% of what it was for the same 3-month period in either of the prior 2 years. Because the national unemployment rate has been over 9.0% for a record 21 consecutive months, there are many states like Connecticut that have plateaued at a high level of unemployment for many months. Under current law, even assuming the state's unemployment rate stays the same, Connecticut likely have to cut off EB payments to long-term unemployed workers by June because it has not satisfied the 110% rule.

In December, Congress reauthorized full federal funding of the EB program through the end of 2011. At the same time, it gave states like Connecticut the authority to change their laws to avoid cutting off Extended Benefits while unemployment is still severe. This bill temporarily substitutes a 3-year look back period for the 2-year look back period currently applied to trigger on and off the program.

By enacting SB 936, the General Assembly will avert a triggering off of Extended Benefits at any point in 2011. This will provide much needed financial protection for the roughly 15,000 unemployed Connecticut workers currently covered by the program and the thousands more long-term unemployed who will need to apply for Extended Benefits over the rest of this year. Thank you.



CONNECTICUT BUSINESS & INDUSTRY ASSOCIATION

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

**S.B. 936 AA Temporarily Extending the Look-Back Period to Determine
Eligibility for Unemployment Compensation**

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.

S.B. 936 allows the state to temporarily change its look-back period for the purpose of determining if and when the state triggers onto Extended Benefits (EB) period under federal law. Currently, the look-back period is two years. That means that only the last two years are considered by the federal government in determining if and when Connecticut is eligible for extended benefits. In changing the look-back period to three years, S.B. 936 will allow Connecticut (and many other states) to remain on extended benefits for a longer period of time, thereby enabling the Connecticut Department of Labor to add a relatively good year of benefits activity to the EB computation. This change in state law was authorized by the federal law; P.L. 111-312.

S.B. 936 is an important step toward lessening the harsh blow of today's economy on our state unemployment trust fund because extended benefits are federally funded (often at 100%) rather than state-funded. Insofar as the unemployment compensation system is funded entirely by employers, any and all efforts to alleviate that pressure on Connecticut businesses should be welcomed.

For the above reasons, we support this legislation and we urge the committee to adopt S.B. 936.

Sec. 31-232b. Extended benefits: Definitions. As used in subsection (d) of section 31-222 and sections 31-231b, 31-232a to 31-232k, inclusive, 31-236(a)(8) and 31-250, unless the context clearly requires otherwise:

(a) (1) "Extended benefit period" means a period which (A) begins with the third week after a week for which there is a state "on" indicator; and (B) ends with either of the following weeks, whichever occurs later: (i) The third week after the first week for which there is a state "off" indicator; or (ii) the thirteenth consecutive week of such period; provided no extended benefit period may begin by reason of a state "on" indicator before the fourteenth week following the end of a prior extended benefit period which was in effect with respect to this state.

(2) With respect to benefits for weeks of unemployment beginning after September 26, 1982, there is a state "on" indicator for a week if, for the period consisting of such week and the immediately preceding twelve weeks, the rate of insured unemployment, as defined in subdivision [(4)] (5) of this subsection, (A) equaled or exceeded five per cent and equaled or exceeded one hundred twenty per cent of the average of such rates for the corresponding thirteen-week period ending in each of the preceding two calendar years, or (B) equaled or exceeded six per cent.

(3) With respect to benefits for weeks of unemployment beginning after June 23, 1993, there is a state "on" indicator for a week if the average rate of total unemployment in the state, as determined by the United States Secretary of Labor, for the period consisting of the most recent three months for which data for all states are published before the close of such week (A) equals or exceeds six and one-half per cent, and (B) equals or exceeds one hundred ten per cent of such average for either or both of the corresponding three-month periods ending in the two preceding calendar years.

(4) Notwithstanding the provisions of subdivision (2) and (3) of this subsection, with respect to benefits for weeks of unemployment beginning after December 17, 2010, and ending on or before December 31, 2011 or the date established in Federal law permitting this subdivision, for which there is 100 percent federal sharing authorized by federal law, whichever is later, there is a state "on" indicator for a week if the average rate of total unemployment in the state, as determined by the United States Secretary of Labor, for the period consisting of the most recent three months for which data for all states are published before the close of such week (A) equals or exceeds six and one-half per cent, and (B) equals or exceeds one hundred ten per cent of such average for any or all of the corresponding three-month periods ending in the three preceding calendar years.

[(4)] (5) There is a state "off" indicator for a week only if, for the period consisting of such week and the immediately preceding twelve weeks, none of the options specified in subdivisions (2) and (3) of this section result in an "on" indicator.

[(5)] (6) "Rate of insured unemployment", for the purposes of subdivisions (2) and (3) of this subsection, means the percentage derived by dividing (A) the average weekly number of individuals filing claims for regular benefits in this state for weeks of

unemployment with respect to the most recent thirteen-consecutive-week period, as determined by the administrator on the basis of his reports to the United States Secretary of Labor, by (B) the average monthly employment covered under the provisions of this chapter, for the first four of the most recent six completed calendar quarters ending before the end of such thirteen-week period.

[(6)] (7) "Regular benefits" means benefits payable to an individual under this chapter, or under any other state law, including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 USC Chapter 85, other than extended benefits and additional benefits.

[(7)] (8) "Extended benefits" means benefits, including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 USC Chapter 85, payable to an individual under the provisions of subsection (d) of section 31-222 and sections 31-231b, 31-232a to 31-232k, inclusive, 31-236(a)(8) and 31-250 for weeks of unemployment in his eligibility period.

[(8)] (9) "Additional benefits" means benefits payable to exhaustees by reason of conditions of high unemployment or by reason of other special factors under the provisions of section 31-232a.

[(9)] (10) "Eligibility period" of an individual means the period consisting of the weeks in his benefit year which begin in an extended benefit period and, if his benefit year ends within such extended benefit period, any weeks thereafter which begin in such period.

[(10)] (11) "Exhaustee" means an individual who, with respect to any week of unemployment in his eligibility period: (A) Has received, prior to such week, all of the regular benefits that were available to him under this chapter, or any other state law, including dependents' allowances and benefits payable to federal civilian employees and ex-servicemen under 5 USC Chapter 85, in his current benefit year that includes such week; provided, for the purposes of this subparagraph, an individual shall be deemed to have received all of the regular benefits that were available to him although, as a result of a pending appeal with respect to wages or employment or both that were not considered in the original monetary determination in his benefit year, he may subsequently be determined to be entitled to added regular benefits; or (B) his benefit year having expired prior to such week, has no, or insufficient, wages or employment or both on the basis of which he could establish a new benefit year that would include such week; and (C) (i) has no right to unemployment benefits or allowances, as the case may be, under the Railroad Unemployment Insurance Act, the Trade Expansion Act of 1962, the Automotive Products Trade Act of 1965 and such other federal laws as are specified in regulations issued by the United States Secretary of Labor; and (ii) has not received and is not seeking unemployment benefits under the unemployment compensation law of the Virgin Islands or of Canada, provided that the reference to the Virgin Islands shall be inapplicable effective on the day after the day on which the United States Secretary of Labor approves under Section 3304(a) of the Internal Revenue Code of 1986, or any

subsequent corresponding internal revenue code of the United States, as from time to time amended, an unemployment compensation law submitted to the Secretary by the Virgin Islands for approval; but, if he is seeking such benefits and the appropriate agency finally determines that he is not entitled to benefits under such law, he is considered an exhaustee.

[(11)] (12) "State law" means the unemployment insurance law of any state, approved by the United States Secretary of Labor under Section 3304 of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended.

[(12)] (13) "High unemployment period" means any period during which an extended benefit period would be in effect if subparagraph (A) of subdivision (3) of subsection (a) of this section were applied by substituting eight per cent for six and one-half per cent.

(b) "Wages" means all remuneration for employment as defined in subsection (b) of section 31-222.

(c) "Administrator" means the Labor Commissioner, as defined in subsection (c) of section 31-222.

H – 1118

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2011**

**VOL.54
PART 27
8965 – 9294**

The bill as amended has passed in concurrence with the Senate.

Will the Clerk please call Calendar 561.

THE CLERK:

On page 26, Calendar 561, Substitute for Senate Bill Number 936, An Act Extending the Look-Back Period to Determine Eligibility for Unemployment Compensation Extended Benefits, favorable report of the Committee on Appropriations.

DEPUTY SPEAKER GODFREY:

The Distinguished Vice chairman of the Labor Committee, Representative Santiago.

REP. SANTIAGO (130th):

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

DEPUTY SPEAKER GODFREY:

Question is on acceptance and passage. Explain the bill, please, sir.

REP. SANTIAGO (130th):

Thank you, Mr. Speaker.

Mr. Speaker, the Clerk is in possession of an Amendment LCO 5104. I would ask that the Clerk call the amendment and that I about granted leave from the chamber

to summarize.

DEPUTY SPEAKER GODFREY:

The Clerk is in possession of LCO Number 5104, previously designated Senate Amendment Schedule "A".

Mr. Clerk, will you please call the amendment.

THE CLERK:

LCO Number 5104, Senate "A", offered by Senator Prague and Representative Zalaski.

DEPUTY SPEAKER GODFREY:

The gentleman has asked leave of the chamber to summarize. Is there objection? Hearing none, Representative Santiago.

REP. SANTIAGO (130th):

Thank you, Mr. Speaker.

Mr. Speaker, this amendment is a strike-all amendment. Basically, this bill increases the availability of employment -- unemployment extended benefits for weeks 78 through 99 of unemployment by lengthening the look-back period from two to three years. That is used to determine when extended benefits are available.

Under the current two-year look-back, access to extended benefits is projected to end sometime this fall.

However, the longer look-back period will keep them

available through at least the end of 2011. The federal government fully funds these benefits for former private-sector employees under this bill.

The extended look-back period will remain in effect until December 1, 2011 or as long as the federal government continues to allow the extension and provide 100 percent of funding for it, whichever is longer.

This bill does not otherwise change the eligibility requirements or benefit amounts for individuals applying for extended benefits.

Senate Amendment "A", the amendment itself, is technical in nature and basically extends the look-back period for both methods that can be used to determine when extended benefits are available.

And I move its adoption.

DEPUTY SPEAKER GODFREY:

The question is on adoption. Will you remark further on Senate amendment Schedule "A"?

Distinguished Ranking Member of the Labor Committee, Representative Rigby.

REP. RIGBY (63rd):

Thank you. Good evening, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Good evening, sir.

REP. RIGBY (63rd):

Mr. Speaker, if I may, some questions for the Distinguished Vice Chair of the Labor Committee.

DEPUTY SPEAKER GODFREY:

Please proceed, sir.

REP. RIGBY (63rd):

Mr. Speaker, through you, are there any other states that have adopted such a change to their look-back from two years to three years?

Through you.

REP. SANTIAGO (130th):

Thank you. Through you, Mr. Speaker, yes, there are other states. I actually have a list here. There's 23 in all. If you'd like me to list them, I could, but there are 23 states that have done so.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Rigby.

REP. RIGBY (63rd):

Thank you, I appreciate the answer.

It's comforting to know that other states have implemented the same policy and have had good success with extending the unemployment extended benefit.

And, Mr. Speaker, through you, what would be the

impact on municipalities should this amendment pass?

DEPUTY SPEAKER GODFREY:

Representative Santiago.

REP. SANTIAGO (130th):

Thank you, Mr. Speaker.

Let me just check my notes here. The estimated impact on municipalities would be \$760,000, and that cost would be shared by every municipality throughout the state.

DEPUTY SPEAKER GODFREY:

Representative --

REP. SANTIAGO (130th):

Through you, Mr. Speaker.

REP. RIGBY (63rd):

Thank you.

And there is an impact on state employees, and the impact -- we've gotten various estimates.

Appropriations asserts the number is close to 800 or 850,000, but I think the most reasonable number is 500,000 on the state employee side.

And, Mr. Speaker, through you, does the Governor make provisions within his budget to cover that expenditure?

DEPUTY SPEAKER GODFREY:

Representative Santiago.

REP. SANTIAGO (130th):

Yes, actually, the budget implementer that was passed by this body yesterday included a \$700,000 of fringe benefits into the comptroller's account for this purpose.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Rigby.

REP. RIGBY (63rd):

Thank you. I appreciate the good Representative's answers, and I urge my colleagues to support this amendment and the underlying bill. It's going to be a valuable commodity for the business community as we go forward.

The federal government fully funds the unemployment extended benefits. I urge adoption.

DEPUTY SPEAKER GODFREY:

Thank you, sir.

REP. RIGBY (63rd):

Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

On Senate Amendment "A", Representative Hetherington.

REP. HETHERINGTON (125th):

Thank you, Mr. Speaker, a question for the proponent, please.

DEPUTY SPEAKER GODFREY:

Please proceed.

REP. HETHERINGTON (125th):

Through you, Mr. Speaker, it's my understanding that the unemployment compensation fund that Connecticut maintained has been insolvent for some time and relies upon federal funds which are supposed to be repaid with interest.

Is -- when we say that these extensions are fully paid by the federal government, do we mean paid by the federal government without recourse against Connecticut or are they, in effect, borrowed from the federal government for Connecticut to meet these additional extending claims?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Santiago.

REP. SANTIAGO (130th):

Through you, Mr. Speaker.

My understanding is that it is without consequence to the state. It is fully funded, 100 percent, by the federal government, and we are not responsible for reimbursement.

Through you.

DEPUTY SPEAKER GODFREY:

Representative Hetherington.

REP. HETHERINGTON (125th):

All right. I'm glad to hear that. Thank you.

I thank the proponent.

Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Thank you, sir.

Will you remark further on Senate Amendment Schedule
"A"?

The gentleman from New Fairfield, Representative
Smith.

REP. SMITH (108th):

Thank you, Mr. Speaker, and just a quick question.

In terms of the reimbursement, does that hold true
for the municipalities as well, the full reimbursement?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Santiago.

REP. SANTIAGO (130th):

Through you, Mr. Speaker. It does not. The
municipalities are 100 percent responsible for the -- for
the people that they have put on -- basically are on
unemployment, former municipal employees.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

Thank you.

And do you have an estimated cost what that might be to a municipality?

Through you, Mr. Speaker.

REP. SANTIAGO (130th):

The estimated cost is actually \$760,000 statewide, spread -- the cost would go through all municipalities, so that burden would be spread through the entire state, \$760,000.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Smith.

Thank you. And thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Thank you, sir.

Will you remark further on Senate Amendment Schedule "A"? Will you remark further on Senate Amendment Schedule "A"?

If not, let me try your minds.

All those in favor, signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER GODFREY:

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?

The gentlewoman from New Haven, Representative Dillon.

REP. DILLON (92nd):

Thank you, Mr. Speaker. I would rise in support of the bill as amended. It's very positive that we continue to maintain our participation in the federal program and that we continue to have a proactive strategy for the long-term unemployed.

Thank you very much to the leadership not only for getting this bill through but for taking this up tonight. It's one of the most important things we'll do.

Thank you.

DEPUTY SPEAKER GODFREY:

Thank you, madam.

Representative Aman.

REP. AMAN (14th):

Thank you, Mr. Speaker. Just a quick question to the proponent of the bill.

DEPUTY SPEAKER GODFREY:

Proceed.

REP. AMAN (14th):

Yes.

To the proponent, I'm confused on some of the money terms, because we've been talking about 100 percent refunded by the federal government. Then a -- but a cost of 700,000 to the municipalities, and then I'm looking at the OFA fiscal note, and it says various municipalities, state-mandated costs, fiscal year 12 potential.

And I'm trying to get to how you can have potential 700,000 and completely reimbursed. I'm sure it's an accounting numbers, and if someone could please explain it to me.

Thank you, Mr. Speaker. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Would that someone be Representative Santiago?

REP. AMAN (14th):

I sure hope so.

DEPUTY SPEAKER GODFREY:

What a good idea.

Representative Santiago, would you care to respond?

REP. SANTIAGO (130th):

Thank you. Through you, Mr. Speaker, the -- since the municipalities are self-funded, they are basically

liable, 100 percent liable for this -- this money.

And we're actually not sure whether all the people are going to use it or not, which is why the numbers do vary, and it's hard to get an exact total on there.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Aman.

REP. AMAN (14th):

Yes, I'm still trying to understand the difference between potential, and 700,000 and then the controller's account shows the 575 to 800,000, and you did say that was in the state budget.

So I'm just -- I guess it's a potential to the 700 -- does potential mean \$700,000?

Through you, Mr. Speaker.

REP. SANTIAGO (130th):

No, it could be a lot less than that. It really depends upon the amount of people that actually file claims and utilize the extended benefits.

REP. AMAN (14th):

I --

REP. SANTIAGO (130th):

Through you, Mr. Speaker.

REP. AMAN (14th):

I'm very glad the proponent did clarify, because when I look at a -- something marked potential cost, I put it down as a little bit of money, and I don't consider \$700,000 a small amount of money, so I do thank him for his explanation.

DEPUTY SPEAKER GODFREY:

Thank you, sir.

Representative Ackert.

REP. ACKERT (8th):

Thank you, Mr. Speaker. Just a quick question. This also affects -- I hear the term "municipality" quite often.

How does this affect private-sector businesses, sir?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Santiago.

REP. SANTIAGO (130th):

Through you, private-sector is basically fully funded by the -- by the federal government.

DEPUTY SPEAKER GODFREY:

Representative Ackert.

REP. ACKERT (8th):

Does it affect their multiplier for their input into the unemployment compensation fund negatively or

positively?

REP. SANTIAGO (130th):

Through you, Mr. Speaker. Neither.

REP. ACKERT (8th):

Thank you. Thank you, Mr. Speaker. Thank you to the proponent.

DEPUTY SPEAKER GODFREY:

Thank you, Representative Ackert.

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

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

THE CLERK:

The House of Representatives is voting by roll call.

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

Members to the chamber, please

DEPUTY SPEAKER GODFREY:

Have all the members voted? Have all the members voted? If so, the machine will be locked.

The Clerk will take a tally.

And, Mr. Clerk, will you kindly announce the tally.

THE CLERK:

Senate Bill 936 as amended by Senate "A", in

concurrence with the Senate.

Total Number Voting	144
Necessary for Passage	73
Those voting Yea	123
Those voting Nay	21
Absent not voting	7

DEPUTY SPEAKER GODFREY:

The bill as amended is passed in concurrence with the Senate.

Mr. Clerk, kindly call Calendar 509.

THE CLERK:

On page 20, Calendar 509, Substitute for Senate Bill Number 480, An Act Concerning Construction Safety Refresher Training Courses, favorable report of the Committee on General Law.

DEPUTY SPEAKER GODFREY:

The Distinguished Chairman of the Labor Committee, Representative "Ironman" Zalaski.

REP. ZALASKI (81st):

Thank you, Mr. Speaker. Wonderful to be up here again today.

I move acceptance of the Joint Committee's favorable report and passage of the bill in concurrence with the Senate.

S - 617

**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2011**

**VOL. 54
PART 6
1735- 2085**

mhr/gbr
SENATE

54
May 19, 2011

THE CHAIR:

We'll pass the bill temporarily.

And, Mr. Clerk, will you go to the next one,
please.

THE CLERK:

Calendar page 27, Calendar Number 75, File
Number 63, substitute for Senate Bill 936, AN ACT
EXTENDING THE LOOK-BACK PERIOD TO DETERMINE
ELIGIBILITY FOR UNEMPLOYMENT COMPENSATION EXTENDED
BENEFITS, Favorable Report of the Committee on Labor
and Public Employees, and Appropriations.

The Clerk is in possession of an amendment.

THE CHAIR:

Senator Prague. Yes, Senator Prague.

SENATOR PRAGUE:

Madam President, thank you.

THE CHAIR:

Thank you, Senator.

SENATOR PRAGUE:

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?

mhr/gbr
SENATE

55
May 19, 2011

Senator Prague.

SENATOR PRAGUE:

Madam President, this is a very important bill for people who are on Unemployment Compensation. This is a Labor Department's bill. There are 26 states that have high enough unemployment so that people on Unemployment benefits can get the extra emergency benefits, which is a 20 weeks' benefit of Unemployment Compensation payments. We are the only state out of those 26 that has not yet passed --

THE CHAIR:

Yes?

SENATOR PRAGUE:

Madam President, I yield to --

THE CHAIR:

Senator --

SENATOR PRAGUE:

-- Senator Looney.

THE CHAIR:

Thank you, Senator.

Senator Looney, will you accept the yield?

SENATOR LOONEY:

Yes, I do. Madam President, thank you.

And thank you, Senator Prague.

mhr/gbr
SENATE

56
May 19, 2011

Would ask that this item be passed temporarily.

And if the Clerk might return to an item previously passed temporarily, and that is on Calendar page 2, Calendar 505, House Joint Resolution Number 119.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Turning to Calendar page 2, Calendar Number 505, House Joint Resolution Number 119, RESOLUTION CONFIRMING THE NOMINATION OF JOSEPH J. KALIKO, OF GREENWICH, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CONNECTICUT LOTTERY CORPORATION, Favorable Report of the Committee on Executive and Legislative Nominations.

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, I move acceptance of the Joint Committee's Favorable Report and adoption of the resolution.

THE CHAIR:

S - 621

**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2011**

**VOL. 54
PART 10
2971 - 3322**

lxe/tmj/mb/gbr
SENATE

169
May 26, 2011

Thank you, Mr. President.

And the final item is on Calendar Page 47,
Calendar 267, Senate Bill 1170. Mr. President, move
to refer that item to the Committee on Government,
Administration and Elections.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY (11th):

Thank you, Mr. President.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Turning to the Calendar, Calendar Page 27,
Calendar Number 75, File Number 63, substitute for
Senate Bill 936, AN ACT EXTENDING THE LOOK BACK
PERIOD FOR DETERMINING THE ELIGIBILITY FOR
UNEMPLOYMENT COMPENSATION EXTENDED BENEFITS,
Favorably Reported, the Committee on Labor and
Public Employees and Appropriations.

THE CHAIR:

Senator Prague.

SENATOR PRAGUE (19th):

Mr. President, I move the Joint Committee's
Favorable Report and passage of the bill.

lxe/tmj/mb/gbr
SENATE

170
May 26, 2011

THE CHAIR:

On pass -- on acceptance and passage, will you remark?

SENATOR PRAGUE (19th):

Mr. President, before I remark about the bill I want to acknowledge the gentleman who works at our Department of Labor by the name of Carl Guzzardi who really is an expert in unemployment compensation and we are most fortunate to have him working here in our Connecticut Department of Labor.

Having said that, Mr. President, I have documentation from Mr. Guzzardi at the Department of Labor of what this look back period is all about and what it means to the state of Connecticut and to thousands of employees here, most of whom are in the private sector. As a matter of fact, 13,000 employees in the private sector are affected by this legislation.

26 states have the percentage of unemployment like we do, the percentage that's required for these extended benefits. 25 of those states have already passed similar legislation so that they can access the extended benefits for those folks on

lxe/tmj/mb/gbr
SENATE

171
May 26, 2011

unemployment compensation that would otherwise lose their benefits as of the beginning of November.

This extends those benefits to the end of January, no, to the beginning of January, excuse me.

What this bill does -- and it is a necessary piece of legislation -- in order to to access millions of dollars paid by the federal government for thousands and thousands of claimants who are currently on unemployment compensation who will be exhausting both the regular state benefits and the federal emergency unemployment compensation benefits by the beginning of November.

They would actually lose \$650 a week for each week that they lose their unemployment benefits. I urge this Chamber to support this legislation. There is no question that if we don't, we will be putting thousands of people in the private sector and a few hundred in the state employment sector in jeopardy.

Ladies and gentleman, the Clerk has an amendment. The amendment is LCO 5104 and I would ask him to call and I be allowed to summarize.

THE CHAIR:

Mr. Clerk.

lxe/tmj/mb/gbr
SENATE

172
May 26, 2011

THE CLERK:

LCO 5104, which will be designated Senate
Amendment Schedule "A." It's offered by Senator
Prague of the 19th district.

THE CHAIR:

Senator Prague.

SENATOR PRAGUE (19th):

Thank you, Mr. President. Mr. President, this
is an --

THE CHAIR:

Would you adopt the amendment, please, Senator
Prague?

SENATOR PRAGUE (19th):

I move the adoption. Thank you.

THE CHAIR:

On adoption. Will you remark?

SENATOR PRAGUE (19th):

Mr. President, this amendment was worked out
between the Department of Labor and CBIA. There is
no question that it is absolutely necessary to apply
for these extended benefits, which would begin after
December 17th and ending on or before December 31st.

There's a hundred percent reimbursement from
the federal government for these emergency benefits.

lxe/tmj/mb/gbr
SENATE

173
May 26, 2011

Let me see -- this is a very complicated unemployment compensation issue. But I can tell you from having read this legislation three or four times that if we don't do it, we'd be really foolish.

That the 13,000 employees in the private sector would be denied the extended benefits which don't cost us anything. The only extended benefits that would cost us something is for those state employees for whom we pay for the unemployment benefits. And some of the municipal employees that have to be paid for by the municipalities. The approximate total of that payment is almost \$500,000, but compared to the millions and millions of dollars that the state would be pouring in, that the feds would be pouring into our state for the 13,000 people to get those extended benefits is insignificant.

So having said that, mad -- I was going to call you Madam President, Mr. President. I move the adoption of this amendment.

THE CHAIR:

Thank you, Senator.

Will you remark further? Will you remark further?

lxe/tmj/mb/gbr
SENATE

174
May 26, 2011

Senator Kissel -- oh.

Will you remark further?

If not, I'll try your minds. Senator Prague.

SENATOR PRAGUE (19th):

It's okay.

THE CHAIR:

Okay, I'll try your minds. All those in favor of the amendment please signify by saying Aye.

SENATORS:

Aye.

THE CHAIR:

All those in favor (sic) saying nay. The ayes have it. The amendment is adopted.

Senator McKinney.

SENATOR MCKINNEY (28th):

Thank you, Mr. President. Mr. President, if I could, through you, a question or two to Senator Prague.

THE CHAIR:

Senator Prague.

SENATOR MCKINNEY (28th): .

Thank you, Mr. President. Senator Prague, in looking at the fiscal note, I think it describes a cost between \$500,000 or a little bit more of

lxe/tmj/mb/gbr
SENATE

175
May 26, 2011

\$500,000 in terms of the state cost. There is a cost to our municipalities, a mandate as well. Is the money for the state portion in the budget that we passed? Through you, Mr. President.

THE CHAIR:

Senator Prague.

SENATOR PRAGUE (19th):

Through you, Mr. President to Senator McKinney. Senator McKinney, I don't know. I do know that the \$500,000 -- that is nothing compared to the millions that the state would lose according to the state department of Labor and CBIA by not passing this legislation.

We would be the only state out of 26 that has not -- if we didn't pass it, we'd be the only state that didn't pass it. And the enormous amount of money that the feds are going to pay for these extended benefits is a big plus for us.

THE CHAIR:

Senator McKinney.

SENATOR MCKINNEY (28th):

Thank you and I have no quarrel with that. These extended benefits are helping people. They're paid for a hundred percent by the federal

lxe/tmj/mb/gbr
SENATE

176
May 26, 2011

government. We don't have to repay them. We know we already owe them a lot of money on the loan for the unemployment compensation fund. Experience ratings are not going to be increased. This would appear to be, you know, the proverbial, win-win-win situation.

But there is a cost. And there is some \$500,000 plus dollars that we're going to have to pay as a state. And my hope would be -- because I don't know that the money is in the budget -- but my hope would be we are going to be required before June 8th to pass legislation to fill the remaining hole in our budget. My hope would be that Senator Prague and others would make sure that the money for this is in the final version of the budget before we adjourn on June 8th.

There are a lot of things that, Senator Prague, that you and I and others in this Circle may want to do that cost money. But if it's not in the budget, how do we get the money to do them? So I don't oppose the legislation, but I'm troubled that we would pass something that costs \$500,000 and we have yet to identify where we're going to get that money

lxe/tmj/mb/gbr
SENATE

177
May 26, 2011

from. Because I think we need to get that money to do this. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

Will you remark further? Will you remark further?

Senator Prague.

SENATOR PRAGUE (19th):

Mr. President, if there is no objection, I'd ask that this be put on consent. But I can see Senator Kane out at the seat so I expect we better have a roll call vote.

THE CHAIR:

Seeing objection, I'll ask the Clerk to please announce the pendency of a roll call vote.

THE CLERK:

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

THE CHAIR:

Have all members voted? Have all members voted? Please make sure your vote has been

lxe/tmj/mb/gbr
SENATE

178
May 26, 2011

accurately recorded. If all members have voted, the machine will be locked and the Clerk will announce the tally.

THE CLERK:

The motion is on passage of Senate Bill 936 as amended by Senate Amendment Schedule "A."

Total Number Voting 34

Those voting Yea 34

Those voting Nay 0

Those absent or not voting 2.

THE CHAIR:

Bill passes.

Mr. Clerk.

THE CLERK:

Calendar Page 29, Calendar Number 156, File Number 209, substitute for Senate Bill 1075, AN ACT CONCERNING PUBLIC HOUSING GRIEVANCE PROCEDURES, Favorable Report, the Committee on Housing and Planning and Development. Clerk is in possession of amendments.

THE CHAIR:

Senate will stand at ease.

(Chamber at ease.)