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CONNECTICUT
GENERAL ASSEMBLY
HOUSE

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DEPUTY SPEAKER RYAN:

Please proceed.

REP. FRITZ (90th):

Thank you, sir.

In the well of the House today several people have come to join us to welcome the Huskies. We have J.J. Mishkin and her son Jeff from Sudbury, Massachusetts. J.J. grew up in Woodbridge. And guess who knows her family very well? Our friend, Themis.

Also we have our friend Dick Rizzo from Wallingford.

And then we have my long-suffering husband, Bill, who is in the well of the House, too, and one of my nine grandsons Jack McDonald.

Please give them a warm welcome.

DEPUTY SPEAKER RYAN:

I welcome you all to our chamber. And I certainly agree with Representative Fritz on one more occasion with what she just stated.

Will the Clerk please call Calendar 84.

THE CLERK:

On page 1, Calendar 84, House Bill Number 6370, AN ACT CONCERNING COORDINATION OF THE ENFORCEMENT AND INVESTIGATION RESPONSIBILITIES OF THE LABOR

DEPARTMENT, favorable report of the Committee on Labor and Public Employees.

DEPUTY SPEAKER RYAN:

Representative Olson of the 46th.

REP. OLSON (46th):

Thank you, Mr. Speaker.

Ladies and gentlemen, we are about to vote on today's consent calendar. The items that have been moved to the consent calendar are: Calendar Number 84, House Bill 6370; Calendar Number 151, House Bill 6275; and Calendar 62, House Bill 5021.

I move passage.

Thank you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

The question before us is on the passage of the bills on today's consent calendar. Will you remark? Will you remark? If not, will the staff and guests please come to the well of the House. Will the members please take their seats. The machine will be open.

THE CLERK:

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

(Speaker Donovan in the Chair.)

SPEAKER DONOVAN:

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

Will the Clerk please announce the tally.

THE CLERK:

On today's consent calendar.

Total Number voting	145
Necessary for adoption	73
Those voting Yea	145
Those voting Nay	0
Those absent and not voting	6

SPEAKER DONOVAN:

The consent calendar passes.

The Clerk please call Calendar Number 159.

THE CLERK:

On page 11, Calendar 159, Substitute for House Bill Number 6461, AN ACT CONCERNING THE SELECTION OF TENANT COMMISSIONERS, favorable report of the

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-- I know it was similar, but I wanted to know if it was your bill. And I think your bill is a good bill too.

REP. CANDELARIA: Thank you, Senator.

REP. ZALASKI: Are there any other questions?

Well, I hope we're going to be able to do something with this bill. Believe me. Thank you, Juan, for coming in.

REP. CANDELARIA: Thank you for the opportunity.

REP. ZALASKI: Appreciate it.

Okay.

That is -- we're going to the public and Lori Pelletier is first in line.

A VOICE: Not here.

REP. ZALASKI: Okay. Cameron Champlin.

A VOICE: (Inaudible).

REP. ZALASKI: Cammy, let's party.

A VOICE: (Inaudible).

A VOICE: I know.

CAMERON CHAMPLIN: Thank you.

REP. ZALASKI: Thank you.

CAMERON CHAMPLIN: Senator Prague, Representative Zalaski, members of the committee, my name is Cameron Champlin. I represent Plumbers and Pipe Fitters Local Union 777. I am here to speak in favor of H.B. 6370.

I have been a member of the State of Connecticut Heating and Cooling Piping born since -- I'm sorry -- not born -- board, since 1988. During that -- during that time that committee, and also the other boards, have tried to get more enforcement and that's never happened. It's always said, you know, there's no -- no money in the budget. There's no money from DCP.

Well, now that we have a new Governor, a new Department of Consumer Protection Commissioner, and a new Department of Labor Commissioner, perhaps there can be some dialogue between them to devise a plan that could combine duties of inspectors to include inspections of related issues by one inspector.

For instance, at the present time there are inspectors that visit job sites and only look for violations for their specific department. If inspectors could be used for enforcement of apprenticeship, wage and hour, and license violations, which are very closely related, one inspector could now be doing the job in one visit rather than what now takes three.

This would result in a more efficient system to produce revenue for the state from fines levied on violators, and at the same time help level the playing field for our good law-abiding contractors who have to bid against these cheaters.

The system for citing violators should also be streamlined. Under the current system when a violation occurs, it is incumbent on the inspector to write a comprehensive report on the reason for the citation. If the system would allow an inspector to issue a ticket, just like the State Police do for traffic violations, then it would be incumbent on the violator to either

pay the appropriate fine or contest the citation, which when this took place, the instructor would only have to compile a lengthy report for that reason.

Anyone wish -- that would be for anyone wishing to have a hearing. When this process is completed, there shouldn't be any reduction in fines. It should be a mandatory fine for each specific violation. And the reason I'm saying that is right now I know that if DCP levies a fine, then they deal with the violator and they might say you owe a $1,000, but we'll take $500.

Now I don't think that's right, and they're -- they're doing that every day. It used to be that the boards would get involved with this with the hearings and then the Commissioner -- once he made a stipulation, or his people made a stipulation, it would come back to the board, and it would be voted on by the boards before the Commissioner moved forward with that. Now that doesn't happen.

Anyway, thank you very much for the opportunity to testify today, and I'd like to answer any questions.

REP. ZALASKI: Representative Aman has a question.

REP. AMAN: I just -- reading through the bill very quickly in front of me, it seems like what the bill is asking to be done, or supporting to be done, could be done by either the Governor's office by executive order or by the Labor Department on the Commissioner's request.

I'm --I'm a little confused as to why we need legislation to tell them to do this. Unless I'm missing -- I must be missing something in reading the bill.

CAMERON CHAMPLIN: I believe, Representative Aman, what the problem is -- that I don't think a lot of people in that department think it's important enough to follow through with these fines and violations. In all the time I've been over there -- at one time, like I said, the boards would -- would be the ones that had the hearing. Now it's done in-house.

And we -- when -- now with the information that the boards get back is that they tell the name of the contractor, or of the violator, and then it'll say what happened, and, you know, it was either -- either they were found guilty, or whatever, and then they'll say on the side maybe they agreed to a stipulation. But we don't know what the charge was, we don't, you know, what the violation was, we don't know if they had one employee or one hundred employees that were in violation. So the system is broke down.

Like I said, hopefully with the new Commissioner -- Commissioners, and -- and the new Governor, maybe we can get somebody to put this together so that we have -- if we could have a central enforcement agency, and have some teeth in it where they can't say, well, you know, Senator Guglielmo, you're a great guy -- you know what -- you owe us $1000; let's go for $200. I think there should be mandatory fines, period.

REP. AMAN: If the Labor Commissioner wanted to do this today, or the appropriate Commissioners, under current law could they do everything that you're telling them -- that you're requesting?

CAMERON CHAMPLIN: I -- I don't know if they could come up with that central enforcement -- whether you're -- I'm not saying it's an agency, but there was a central enforcement where whether you're from DCP or you're from the Labor Department -- where they intermingle -- with as

far as the -- what the jurisdiction would be over licensing, apprenticeship, wage an hour, that's all -- that's all connected.

One guy could just do the whole thing if we could get all of them to talk. And I -- I know what you're saying, Representative, and I don't know why they don't.

REP. AMAN: I think you just gave a great reason why we need consolidation.

CAMERON CHAMPLIN: Well, yeah -- well, that's -- but that's something that we can work on even if it's consolidated and there's two different departments still -- they could still work on enforcement together, I think.

REP. AMAN: Okay. Thank you very much.

A VOICE: Cammy, I have a --

REP. ZALASKI: Senator Gomes has a question. Go ahead.

SENATOR GOMES: In your testimony here you say that we all feel that additional inspectors would more than offset the initial cost through fines which should be imposed on violators of these statutes. Are you saying that there is a shortage of inspectors?

CAMERON CHAMPLIN: As far as I -- yes. Right now there's --

SENATOR GOMES: And if you had more inspectors that would catch these people in the -- in the violation they have, the money that you would get through the fines would offset the claims that they can't put on more.

CAMERON CHAMPLIN: Correct.

SENATOR GOMES: Interesting. It looks like a Catch-22 here. In other words, you can't have -- you can't have them because you don't have the money, but they won't put them on where you can raise the money.

CAMERON CHAMPLIN: Right.

SENATOR GOMES: And very interesting. I just wanted to --

CAMERON CHAMPLIN: I just --

SENATOR GOMES: -- wanted to know if I caught that right --

CAMERON CHAMPLIN: Yes.

SENATOR GOMES: -- the right way.

CAMERON CHAMPLIN: I just believe that if there were more inspectors they would catch more of these people. And I don't know what is -- I really honestly don't know how much each inspector brings in now, but I know that if the job was done the way I think it should be done, and it was more efficient, that the amount of fines that were brought in by somebody -- just -- just say it's $100,000 a year to put somebody on with, you know, all the benefits and so forth -- I'll bet they could get more than $100,000 a year from each inspector that's out there doing the job.

Because right now, when they have to write a report, if I go out and catch you on a job doing something wrong, now I've got to come back to the office, and I've got to have a report on what happened, you know, a comprehensive report on what action was taken -- what I saw you doing.

And, again, I think, if I could just hand you a citation and say, you know what, you're wrong. I saw you putting that piece of pipe up. You don't have a license. It's going to cost you $1000. Stop right now and this is, you know, this is your ticket, just as if you got a speeding ticket.

Now it's up to you to say I'm not guilty, so now I want to go to the hearing. Then you'd have -- then the inspector would have to come up with all of that detailed information. I think it's a waste of time the way it's done right now.

SENATOR GOMES: Thank you.

REP. ZALASKI: I have a question, Cammy. And I don't know if you can answer it, but you probably can. That is that there's all different inspectors you said --

CAMERON CHAMPLIN: Correct.

REP. ZALASKI: -- in your testimony. Are -- Are those inspectors covered by collective bargaining? All separate collective --

CAMERON CHAMPLIN: Yes.

REP. ZALASKI: -- bargaining --

CAMERON CHAMPLIN: Yes.

REP. ZALASKI: -- agreements?

CAMERON CHAMPLIN: I -- I honestly can't -- I would say yes only because I know some are in the Labor Department, some are in the DCP, so I'm sure there's different collective bargaining agreements for each one. But, again, I'm saying if the -- if the agencies could work together, I don't care what bargaining union you're under, if

you're out there doing one thing, why can't you do three. I mean, I think that could be done.

REP. ZALASKI: Okay. Thank you. Is there any other discussion? No. Thanks, Cammy. Appreciate it.

SENATOR PRAGUE: We're going to send your testimony over to the new Commissioner at the Department of Labor.

REP. ZALASKI: Right

CAMERON CHAMPLIN: Good idea. Thank you, Senator.

A VOICE: (Inaudible).

A VOICE: (Inaudible).

CAMERON CHAMPLIN: I gave it to him. Thank -- thank you for your time.

REP. ZALASKI: Okay. Joyce --

SENATOR PRAGUE: Lori.

REP. ZALASKI: Huh?

SENATOR PRAGUE: Lori.

REP. ZALASKI: Oh. You keep pointing to her. (Inaudible).

SENATOR PRAGUE: Lori.

REP. ZALASKI: Lori, go ahead.

LORI PELLETIER: I don't want to break any rules.

REP. ZALASKI: You already did. You were late.

LORI PELLETIER: I know. (Inaudible). Thank you for pointing that out, Mr. Chairman.

Good afternoon, committee. I'm Lori Pelletier, and I serve as the Secretary-Treasurer of the Connecticut AFL-CIO. And I'm here today in support of the bills raised before this committee. Clearly, in this time of economic crisis, we need to look at efficiencies and so just generally we need to balance those efficiencies with service.

To the previous speaker's point about enforcement -- again, if -- if we diminish our enforcement of state laws and state statutes, if we didn't have the proper police out on the roads, it really wouldn't matter what the speed limit is because people would ignore it. But the idea that someone is out there and going to enforce it, is what keeps many of us in the -- keeps many of us under the speed limit.

So, again, I appreciate all the work that this committee does, and if you have any questions, I'd be glad to answer them.

REP. ZALASKI: Thank you, Lori. So I must have missed something when you were speaking. So that -- the bill that Cammy was just talking about -- 6370 --

LORI PELLETIER: Yep.

REP. ZALASKI: Do you know anything about those -- you know -- who does that enforcement or?

LORI PELLETIER: Well, I mean, each of the agencies has their -- their enforcement personnel. I think that they are all covered by one collective bargaining unit. They just happen to work in different agencies. There may be a few that are -- that are out that are -- that are in different, but I think for the most part they are covered by a collective bargaining agreement.

But, again, you know, the idea that the, you know, the administration is talking with the state employee unions about a number of things and it just seems to me that there isn't -- there isn't a union member out there that -- that isn't looking at efficiencies and trying to make -- whether it's government or private sector -- work better.

REP. ZALASKI: So you're in favor that -- if they could work something out then --

LORI PELLETIER: If they can work something out, then we -- we need to look at that.

REP. ZALASKI: Okay. Are there any other questions from the committee?

Thank you, Lori.

LORI PELLETIER: Thank you.

REP. ZALASKI: Joyce.

SENATOR PRAGUE: Wojtas.

REP. ZALASKI: Joyce Wojtas.

A VOICE: (Inaudible).

REP. ZALASKI: I'm sorry. Could you pronounce your name for us?

JOYCE WOJTAS: Wojtas.

REP. ZALASKI: Wojtas.

SENATOR PRAGUE: Wojtas. (Inaudible).

JOYCE WOJTAS: Good afternoon --

REP. ZALASKI: Good afternoon.

JOYCE WOJTAS: Senator Prague, Representative Zolaski. My name is Joyce Wojtas, and I'm here representing the Mechanical Contractors Association of Connecticut, and I also work for the Plumbers and Pipe Fitters Union, and I want to speak in favor of House Bill 6370.

Now the -- the bill in normal times probably would not be necessary, but these are not normal times. And we all know that the staff of every agency has been cut over the years with the budget problems we've had. And it was thought that if we could really make everyone get the Legislators to understand that we are very concerned about the enforcement activity from the Labor Department, the Department of Consumer Protection -- we've also got people going out from the Department of Revenue Services. We have people from Public Safety on certain like (inaudible) licensing and all that.

And it's a general feeling -- I've been with the construction industry for 30 years --26 of them with a major construction association representing all aspects and disciplines and now with the mechanicals and the plumbers and pipe fitters. And it's -- everyone knows that Connecticut is kind of open and that's why we have a lot of violators, and it's not -- it's not a problem of the people that are working there, it's a problem of the fact that there's too much for them to handle in order to do it effectively.

What this bill is trying to do is to see if we can't get -- and I talked to the new Commissioner, Glenn Marshall about it, and, of course, he's very much aware of the problem, especially in the construction industry. I'm not saying it doesn't occur in other industries, but because of the fact that people are in and out -- in jobs and out of jobs, and moving kind of

quickly in some cases, I think it's more predominant in the -- in our industry with all the prevailing wage requirements and the other labor standards that have to be complied with.

And the problem is the complying contractors suffer because of it because they're trying to competitively bid a job, and the cheater underbids and then knows he can get away with it. And in looking through the statutes involving enforcement and investigations and all, I found some things that were, like, so outdated, and the fines are minimal in some cases. So it pays for a contractor to -- you know, he figures, hey, he can go in and get this job done and get out of town before anybody even knows he's around.

I mean, even on your -- your preference legislation the -- we have resident preference in Connecticut -- in the statutes -- in Section 3152 and 3152A. The fine for that is $200 a week per employee. Now depending on the type of job, someone who can come in and just as soon pay that $200 and use -- you know, and not comply.

But we also know that if someone is violating the prevailing wage statute, or a licensing law, and they're -- or they're using -- they're misclassifying employees and using independent contractors, there are probably a bunch of things that they're doing wrong.

And all this is trying to do is say let's sit down and talk about it and see if possibly some of the people that are in the field can check -- in other words, they're targeting this site because they've gotten a complaint or something, so they're going to check on the prevailing wage, they're going to check on the licenses, they're going to check on the apprenticeship and all. And at the same time there would be coordination

amongst those agencies rather than physically moving people around.

You've got an inspector going out in the field -- you know, let's -- if they found this, this, and this, well, let's make certain they notified the Labor Department because there doesn't seem to have been any of that going on for a long time. That's all we're saying.

I hope you can support this bill, because if it goes in the form of a public act, it becomes much more important. And I -- you know, I just think it -- good things can be accomplished.

SENATOR PRAGUE: Joyce, in your testimony you reference the resident preference?

JOYCE WOJTAS: Oh, yes.

SENATOR PRAGUE: What is that?

JOYCE WOJTAS: It's Section 3152; that's for public buildings. And 3152-A is for other public facilities. And there's also a municipal resident preference; Section 7-112.

SENATOR PRAGUE: And what does that do -- the preference?

JOYCE WOJTAS: It says that in employment of these people that there shall be given to the citizens of the state preference, and if it cannot be -- if they cannot be obtained in sufficient numbers, then to citizens of the United States.

SENATOR PRAGUE: This is statutory language --

JOYCE WOJTAS: Yes.

SENATOR PRAGUE: -- that's already on the books.

JOYCE WOJTAS: Now, I don't know about the -- I don't see (inaudible), but I don't know about the constitutional questions about these particular statutes, but they are on our books.

A VOICE: They don't (inaudible).

JOYCE WOJTAS: You can't enforce it?

A VOICE: (Inaudible)

JOYCE WOJTAS: Violation of the -- the Commerce Clause of the U.S. Constitution. But why are they -- then why do we have them on the books?

SENATOR PRAGUE: Good question.

A VOICE: (Inaudible).

JOYCE WOJTAS: We have -- we have a statute on the books -- when I was going through all the different enforcement investigations -- it requires a certain number of toilets for employees in a factory. It goes back to 1940-something. I mean, we have building codes now. We have fire safety codes now. I mean, does the Labor Department have to require toilets?

I mean -- I mean, but -- I just think it -- it's a good time to look at this stuff. And before I officially, officially retire from the industry, you know, I just think we can accomplish a lot and maybe solve some of the industry's problems and in turn help the employees, and in turn help the department. Because I know they're -- they're understaffed.

SENATOR PRAGUE: Yep.

JOYCE WOJTAS: And --

SENATOR PRAGUE: Thank you.

JOYCE WOJTAS: That's it.

SENATOR PRAGUE: Thank you very much.

JOYCE WOJTAS: You're welcome.

REP. ZALASKI: Thank you. But I know we can't reduce the amount of bathrooms in any of these buildings.

A VOICE: Okay. Thank you.

JOYCE WOJTAS: I think -- I think the building code requires more than what's in the statute.

A VOICE: Okay.

JOYCE WOJTAS: Thank you.

A VOICE: Susan.

SENATOR PRAGUE: Who do we have?

Susan Nofi.

A VOICE: Susan?

SUSAN NOFI-BENDICI: Good afternoon --

A VOICE: Good afternoon.

SUSAN NOFI-BENDICI: -- afternoon, Senator Prague and --

REP. ZALASKI: You sure you're not a doctor instead of a lawyer? We're having a hard time reading your writing.

SB988

SUSAN NOFI-BENDICI: You're not the first person to ask me that, Representative Zalaski.

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PART 7
1980 - 2242

2011

CONNECTICUT AFL-CIO

56 Town Line Road, Rocky Hill, CT 06067
860-571-6191 fax: 860-571-6190

PS/L 1

Testimony of Lori Pelletier, Secretary-Treasurer

Connecticut AFL-CIO

Before the Labor and Public Employees Committee

March 3, 2011

Senators Prague and Representatives Zalaski and members of the Labor and Public Employees Committee, my name is Lori Pelletier and I serve as the Secretary-Treasurer of the Connecticut AFL-CIO and I am here to testify on behalf of our 900 affiliated local unions representing 220,000 members who reside in all 169 of our cities and towns.

I am here to testify in favor of the following proposed bills:

S.B. No. 984 (RAISED) AN ACT CONCERNING THE ENHANCEMENT OF SERVICES AT THE LABOR DEPARTMENT. We understand the importance of how we spend tax payer dollars, that's why we support efforts to make State government more efficient. The Department of Labor plays a vital role for our residents and we must ensure the balance between money savings and service quality.

S.B. No. 988 (RAISED) AN ACT CONCERNING THE SOLVENCY OF THE UNEMPLOYMENT COMPENSATION TRUST FUND. This legislation puts in place safe guards to our Unemployment system for the next recession. By enacting these common sense changes Connecticut can be compliant with Federal law including the sanctity of the fund from any chance of being swept into the General Fund. It protects workers and business.

H.B. No. 6347 (RAISED) AN ACT CONCERNING THE ENFORCEMENT OF THE FAMILY AND MEDICAL LEAVE ACT FOR STATE EMPLOYEES. When FMLA was passed for State employees it was the right thing to do. Now we have had experience in the mechanics of how it works within the State government. This bill provides for a remedy that is fair to both the State and the workers when an issue arises. FMLA has helped many families and this bill will allow it to help in a more efficient manner.

H.B. No. 6370 (RAISED) AN ACT CONCERNING COORDINATION OF THE ENFORCEMENT AND INVESTIGATION RESPONSIBILITIES OF THE LABOR DEPARTMENT. The Department of Labor has a track record of resolving issues of enforcement that is second to none. The Department staff is always looking for ways to increase efficiencies and we applaud their efforts. Again, however efficiency sometimes means some upfront investments, so we ask the committee and the general assembly to weigh these with the overall success of the proposed changes.

We appreciate the committee holding this very important public hearing and we look forward to working with this General Assembly to get this bill passed and signed into law.

PRESIDENT
John W Olsen

SECRETARY-TREASURER
Lori J Pelletier

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Anthony Zona

LABOR and PUBLIC EMPLOYEES COMMITTEE
PUBLIC HEARING 3/3/11

PH/L1

Senator Prague Representative Zalaski and members of the committee, my name is Cameron Champlin and I represent Plumbers and Pipe Fitters Local Union 777. I am here to speak in favor of HB-6370.

I have been a member of the State of Connecticut Heating and Cooling Piping Board since 1988. That board and the other Occupational Licensing Boards have all been seeking to increase the number of inspectors since I have been there. There was always the argument that the cost for this was not in the budget of the Department of Consumer Protection. We all feel that additional inspectors would more than offset the initial cost through fines which should be imposed on violators of these statues. I don't believe there has ever been a study to determine if this would be a viable solution.

Now that we have a new Governor , a new Department of Consumer Protection Commissioner and a new Department of Labor Commissioner perhaps there can be some dialogue between them to devise a plan that would combine the duties of inspectors to include inspections of related issues by one inspector. At the present time there are inspectors that visit jobsites and only look for violations for their specific department. For instance if inspectors could be used for enforcement of Apprenticeship, Wage and Hour, and License violations, which are very closely related, one inspector would now be doing in one visit what now takes three. This would result in a more efficient system to produce revenue for the state from fines levied on violators and at the same time help level the playing field for our good law abiding contractors who have to bid against these cheaters.

The system for citing violators should also be streamlined. Under the current system when a violation occurs it is incumbent on the inspector to write a comprehensive report on the reason for the citation. If the system would allow an inspector to issue a ticket, just like the State Police do for traffic violations, then it would be incumbent on the violator to either pay the appropriate fine or contest the citation. With this in place the inspector would only have to compile a lengthy report for anyone wishing to have a hearing on the matter. When this process is completed there shouldn't be any reduction in fines, it should be a mandatory fine for each specific violation.

Thank you for the opportunity to testify today. If any of the committee wishes to discuss this further I can be reached at camc@att.net or cell (860) 287-0020.

Testimony of Frank J. DaCato
In Support to
HB 6370

Senator Prague, Representative Zalaski, members of the Labor and Public Employees Committee, first I would like to thank you for taking the time to review my written testimony. My Name is Frank DaCato and I am the training coordinator for Plumbers and Pipefitters Local 777. I am also a member of the State Plumbing Board and Apprenticeship Council. I am here today to speak in support of bill #6370, "An Act Concerning Coordination of the Enforcement and Investigation Responsibilities of the Labor Department".

Connecticut is losing tax dollars because of individuals and companies that do not follow our laws. Companies that hand out 1099's so that they show no employees and not pay taxes on them and companies who mislabel their employees on Davis Bacon projects and paying them less thereby paying less taxes are costing the state a fortune in revenues.

As a person who works with the DOL on issues such as apprenticeship, safety and certified payrolls, I believe that it is imperative that our new commissioner be given the tools to be able to investigate those people and companies that do not follow Connecticut's statutes. Requiring that a plan

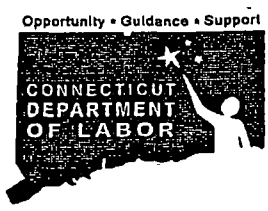
be developed by the Commissioner of Labor should go a long way to stop these companies from cheating.

I cannot help but wonder what the effect on our current financial situation would have been if these individuals paid their fair share to our state to begin with. Penalties should be severe enough to include not only what is owed but also to cover all cost of an investigation. This may sound harsh but in the long run if people and companies see what the penalties are they will think twice about cheating our citizens.

I urge you to vote in favor of HB 6370

Respectfully Submitted:
Frank J. DaCato
2011 March 03

Connecticut Department of Labor



Glenn Marshall, Commissioner

Public Hearing Written Testimony of Glenn Marshall, Commissioner

Labor and Public Employees Committee March 3, 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 **House Bill 6370 AAC Coordination of the Enforcement and Investigation Responsibilities of the Labor Department.** My name is Glenn Marshall and I am the Commissioner of the Department of Labor.

The bill requires the Labor Commissioner to submit a plan to consolidate and enhance efficiencies of the investigative and enforcement provisions of Chapters 556 through 573 of the general statutes. (The Department does not have jurisdiction over the investigative and enforcement provisions of chapter 568 of the general statutes, Workers' Compensation Act.)

As the newly appointed Commissioner, I intend to examine the processes of the entire Department. This assessment will include efficiencies associated with wage and hour issues, employee classification, apprenticeship requirements, unemployment compensation and safety and health standards. The proposed bill also requires recommendations concerning the coordination of enforcement activities with other state agencies having similar concerns. I am pleased to inform the Labor Committee that I have been involved in just such a collaborative effort between agencies. The Employee Misclassification Advisory Board, of which I am a member, worked in partnership with the Joint Enforcement Commission on Employee Misclassification and various state agencies to review the problem of employee misclassification by employers for the purposes of avoiding their obligations under state and federal labor, employment and tax laws. As a result of this partnership, a streamlined process was developed to investigate employers that may be misclassifying their employees and enforce the available penalties. I look forward to even more collaboration in the future.

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

200 Folly Brook Boulevard, Wethersfield, CT 06109

TESTIMONY – LABOR COMMITTEE MARCH 3, 2011

RE: HB 6370 AAC COORDINATION OF THE ENFORCEMENT AND INVESTIGATION RESPONSIBILITIES OF THE LABOR DEPARTMENT

PS/LS

Presented by: Joyce A. Wojtas, Lobbyist jawojtas@myway.com
Mechanical Contractors Association of CT (MCAC) and
UA Plumbers and Pipefitters Local 777

The Mechanical Contractors Association of CT and Local 777 support HB 6370 as a first step in improving enforcement of the numerous labor laws and standards and other laws and standards being investigated and enforced by other agencies that affect the construction industry and many other industries.

During these hard economic times, budget deficits and hiring freezes have resulted in reduced staff in all agencies. We believe that these hard economic times have also caused a dramatic increase in violations that are not discovered, especially in the construction industry. This is not the fault of the staff trying to keep up with the various inspections, investigations, complaints, etc., it is the fault of a system that has to be updated in order to meet the demands of the current times.

Now is the time to review all enforcement activity, including those that require lengthy investigation and try to determine if duties of the field inspectors can be combined or better coordinated to effectively address those employers who violate the laws and regulations. In the construction industry, the non-compliant contractors often end up being the low bidders on construction projects.

It is well known in the construction industry that a contractor who misclassifies employees, probably also violates one or more of the following: wage and hour standards, prevailing wage requirements, licensing and apprenticeship requirements, unemployment and workers' compensation requirements and safety and health standards and tax laws.

The big question is: How many inspectors are required in the field to uncover these violations and is it possible for one or two inspectors to thoroughly check for all possible violations? Is it possible to have inspection units in each agency coordinate their work in a more efficient manner and communicate with each other when violations are discovered.

In developing a plan, it would also be a good time to review the penalties for violations of the laws. Repeat offenders often just pay the fines and continue on because the fines cost less than compliance with the law would cost.

As stated, this bill is a beginning, but MCAC and Local 777 believe it is in the best interest of the employees and the compliant employers in the state of Connecticut. Please support HB6370.

Thank you for your consideration in this matter.

P6/L3

CBIA

CONNECTICUT BUSINESS & INDUSTRY ASSOCIATION

Testimony of Kia F. Murrell
Assistant Counsel, CBIA
Before the Committee on Labor and Public Employees
March 3, 2011

S.B. 6370 AAC Coordination of the Enforcement and Investigation Responsibilities of the Labor Department

I am Kia Murrell, Assistant Counsel for Labor and Employment matters at the Connecticut Business and Industry Association (CBIA). CBIA 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. 6370 would require the Labor Commissioner to submit a plan to the General Assembly regarding consolidating and promoting efficiency in its investigative and enforcement functions.

Specifically, the plan would include recommendations for creating efficiencies in the investigation and enforcement of (1) wage and hour standards, (2) employee classification, (3) licensing and apprenticeship requirements, (4) unemployment compensation and worker's compensation requirements and payments, and (5) safety and health standards.

CBIA generally supports legislation that decreases the costs of doing business in the state, makes government agencies and processes more efficient and save taxpayer dollars. Insofar as this legislation seeks to address all of these objectives we believe that it is a positive step in the right direction and we support it.

For the aforementioned reasons, we urge the committee to approve **H.B. 6370**.

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CONNECTICUT
GENERAL ASSEMBLY
SENATE

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to place that item on the Consent Calendar.

THE CHAIR:

Seeing no objection, so ordered.

SENATOR LOONEY:

Thank you, Madame President.

Moving to Calendar page 15, Calendar 407, Senate Bill 1209, Madame President move to place that item on the Consent Calendar.

THE CHAIR:

Seeing no objection, so ordered.

SENATOR LOONEY:

Thank you, Madame President.

Madame President, moving to Calendar page 16, Calendar 411, House Bill 6370, move to place this on the Consent Calendar.

THE CHAIR:

Seeing no objection, so ordered.

SENATOR LOONEY:

Thank you, Madame President.

Moving to Calendar page 17, Calendar 415, House Bill 6275, move to place this item on the Consent Calendar.

THE CHAIR:

Seeing no objection, so ordered.

before doing that and before voting on that Consent Calendar, we have one additional item to add which is Calendar page 40, Calendar 327, House Bill 6330.

THE CHAIR:

Seeing no objection, so ordered.

SENATOR LOONEY:

Thank you, Madame President. Now if the Clerk might call all of the items on the Consent Calendar before calling for a vote on that Consent Calendar.

THE CHAIR:

Mr. Clerk will you please call the bills?

THE CLERK:

From Calendar page 1, Calendar 489, Senate Joint Resolution 47; Calendar page 8, Calendar 226 substitute for Senate Bill 1153; Calendar page 9, Calendar 233, substitute for Senate Bill 1064; Calendar page 9, Calendar 248, Senate Bill 1150; Calendar page 11, Calendar 301, substitute of Senate Bill 518; Calendar page 12, Calendar 332, House Bill 6444; Calendar page 15, Calendar 407, substitute of Senate Bill 1209; Calendar page 16, Calendar 411, House Bill 6370; Calendar page 17, Calendar 415, House Bill 6275; Calendar page 17, Calendar 418, House Bill 6276; Calendar page 18, Calendar 424, House Bill 6270;

Calendar page 21, Calendar 453, substitute for House Bill 6279; Calendar page 28, Calendar 49, substitute for Senate Bill 480; Calendar page 34, Calendar 173, Senate Bill 1047; Calendar page 36, Calendar 232, Senate Bill 835; Calendar page 37, Calendar 238, substitute for Senate Bill 1062; Calendar page 39, Calendar 302, Senate Bill 737; Calendar page 42, Calendar 384, substitute for Senate Bill 377.

That completes the items previously placed on the Consent Calendar.

Madame President, I am told that there is one more item to place. Page 40, Calendar 327. HB6330

And, one other correction, Madame President. On page 39, Calendar 302, that was voted on previously, SB737 so we take that off the Consent Calendar.

That should complete the first Consent Calendar.

THE CHAIR:

Thank you. At this time I would ask you to call for a roll call vote and I will open the machine.

THE CLERK:

The Senate is voting on the first Consent Calendar. Would all Senators please return to the Chamber? The Senate is voting on the first Consent Calendar. Will all Senators please return to the

Chamber?

THE CHAIR:

Have all members voted? Have all members voted? If all members have voted the machine will be locked and Mr. Clerk, will you tell the tally?

THE CLERK:

Madame President

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

THE CHAIR:

The Consent Calendar 1 has passed, is adopted.

The Senate will stand at ease for a moment, please.

(Chamber at ease)

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

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