PA12-033

HB5312

House	2267-2620	354
Labor & Public Employees	1387, 1396	2
Senate	2733-2949	17
		373

H – 1129

CONNECTICUT
GENERAL ASSEMBLY
HOUSE

PROCEEDINGS
2012

VOL.55
PART 7
2096 – 2446

REP. SHARKEY (88th):

Good afternoon, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Good afternoon, sir.

REP. SHARKEY (88th):

I move that we waive the reading of the Senate favorable reports and the bills be tabled for the calendar.

DEPUTY SPEAKER GODFREY:

Without objection, so ordered.

We'll return to the call of the calendar. Would the Clerk please call Calendar No. 186.

THE CLERK:

On page 35, Calendar 186, Substitute for House Bill Number 5312, AN ACT ESTABLISHING A TASK FORCE TO STUDY THE EFFECT OF COLLECTIVE BARGAINING FOR CERTAIN STATE EMPLOYEES, favorable report by the Committee on Human Services.

DEPUTY SPEAKER GODFREY:

The distinguished Chairman of the Labor Committee, Representative Zalaski.

REP. ZALASKI (81st):

Thank you, Mr. Speaker.

Glad we're starting early today. Should be a

great day. I move for acceptance of the Joint Committee's favorable report and passage of the bill.

DEPUTY SPEAKER GODFREY:

Question is on acceptance of the Joint Committee's favorable report and passage of the bill.

Will you explain the bill please, sir?

REP. ZALASKI (81st):

Through you, Mr. Speaker, I would like to call an amendment.

DEPUTY SPEAKER GODFREY:

Proceed.

REP. ZALASKI (81st):

Amendment LCO Number 3596 and that I be granted leave of the Chamber to summarize.

DEPUTY SPEAKER GODFREY:

The Clerk is in possession of LCO No. 3596 which will be designated House Amendment Schedule A. Will the Clerk please call the amendment?

THE CLERK:

LCO 3596, House A, offered by Representative Zalaski and Senator Prague.

DEPUTY SPEAKER GODFREY:

Gentleman has asked leave of the Chamber to summarize. Is there objection?

Hearing none, Representative Zalaski.

REP. ZALASKI (81st):

Thank you, Mr. Speaker.

Mr. Speaker, this amendment is a strike everything amendment. This bill will allow personal care attendants who provide personal care services in our most vulnerable -- to our most vulnerable and in need populations, the elderly and disabled and certain family care work -- child -- family child care workers who provide child care services under the state's Care 4 Kids program to collectively bargain with the State of Connecticut.

Allowing these workers to collectively bargain will give these industries more stability and hopefully attract more people to work in this field. In many cases personal care attendants are underpaid, work limited hours and have no access to healthcare benefits. Giving them the ability to collectively bargain allows peace of mind to the consumer and their families.

I've heard from many consumers and workers about the need for this legislation. One consumer from Newington that testified during our public hearings is a -- says that she pays her outgoing PCAs to train new

hires becov -- because there are no paid training available. She hopes that giving these workers the -- to the -- the ability to collectively bargain would make PCA positions more attractive which would improve things for cust -- consumers.

Consumers deserve the ability to maintain independent lives and PCAs deserve to have a voice to improve their industry. This bill benefits both workers and consumers. The better trained workforce with less turnover means consumers can have a better quality of life and more consistency.

Collective bargaining will help stabilize these industries. Currently these industries have high turnover. Through providing a voice and increasing access to training and better pay, people will stay -- stay in the profession and actually make it a profession. This could make these jobs a career.

Collectively bargaining also helps consumers, parents and providers to harmonize their voices to suggest improvements in the programs. That has helped improved services in all the states where workers have a voice. These family child care provides, who are paid through child -- Care 4 Kids program, work very hard for very little pay. We're spending a lot of

money on family child care and the quality is not where it needs to be for our children to succeed in the future.

Child care providers in the Care 4 Kids program watch three or more children but only earn around $3 an hour. How many people here would work for $3 an hour I ask? This rep -- this bill represents a policy choice by the General Assembly that granting workers a voice will, in the long run, improve their lives and the lives of the people they serve.

Our state's desperate need for these workers will only continue to grow and unless we do something the supply of quality trained workers will only continue to shrink.

Okay -- oh -- I move passage of the -- yeah right -- I was so busy with that.

DEPUTY SPEAKER GODFREY:

I'm listening for the magic words thank you Mr. Speaker which is the cue for me to do something but at any rate --

REP. ZALASKI (81st):

Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Thank you, sir.

The distinguished Republican Leader, Representative Cafero.

REP. CAFERO (142nd):

Thank you, Mr. Speaker.

Speaker, Representative Zalaski just brought out what I understand is a 16 page bill with several sections and various important provisions and 449 lines and though I think Representative Zalaski summarized the intent of the bill, I'm not quite sure, and at least maybe I'll speak for myself, I understand how the bill works.

So through you, Mr. Speaker, I'd like to ask a series of questions to Representative Zalaski if I may.

DEPUTY SPEAKER GODFREY:

. Proceed, sir.

REP. CAFERO (142nd):

Thank you, Mr. Speaker.

Mr. Speaker, through you to Representative Zalaski, we have talked about consumers and caregivers. Can you describe for us the people who would be considered consumers with regard to this bill?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski do you care to respond?

REP. ZALASKI (81st):

Yes, Mr. Speaker.

The consumers are the people that hire the PCAs to work for them.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Cafero.

REP. CAFERO (142nd):

Thank you.

Through you, Mr. Speaker, does the provisions of this bill apply to the PCAs for all consumers and just certain consumers?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

The -- it represents the consumers that receive funding from the DSS or DDS for in-home services whether it be for physical disabilities or brain injury or for the elderly or developmental disabilities.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Cafero.

REP. CAFERO (142nd):

Thank you.

So through you, Mr. Speaker, we have citizens within our state who are disabled, as you have just described, or elderly who chose to care for themselves in their home but obviously are in need of assistance and I presume, based on some income eligibility or some other eligibility, are entitled to receive money -- state -- from the state or state assistance. Is that correct?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, that is correct.

DEPUTY SPEAKER GODFREY:

Representative Cafero.

REP. CAFERO (142nd):

Through you, Mr. Speaker, in -- once this individual -- this consumer as -- as you -- as we've just defined receives this money to care for themselves, is it up to them to seek out the PCAs who would be eligible to help them, whether it's with their personal care or in-home services or transportation services?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, yes the consumer gets to hire and fire their own employees.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Cafero.

REP. CAFERO (142nd):

Thank you.

Through you, Mr. Speaker, is there a -- a list of quote approved providers or does the consumer who's receiving state assistance have the ability to hire whomever they wish?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, right now they get to -- to pick anybody they wish to pick from and they will even after this bill is passed. But what the workforce council is going to be doing is getting together and starting a regis -- a registry so people can go right

to the registry and pick PCAs to do this type of work.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Cafero.

REP. CAFERO (142nd):

Thank you.

And through you, Mr. Speaker, do they have to pick from that list once it's established or will they still, as you indicated, be able to do what they do now which is to chose anyone they desire to help them with their needs?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, they will still get to pick anybody they so chose. They could go to Craigslist if they decide that's the way or get somebody they know from the area.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Cafero.

REP. CAFERO (142nd):

Through you, Mr. Speaker, would -- would -- is it

the case now and would it continue to be the case that an individual who's receiving money from the state to provide for their home care would they be able to hire someone to assist them who happens to be their own relative?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, yes they would.

DEPUTY SPEAKER GODFREY:

Representative Cafero.

REP. CAFERO (142nd):

Thank you.

And through you, Mr. Speaker, we've just been discussing home healthcare aids, PCAs if you will. Does this bill also pertain to daycare workers?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Yes, thank you, Mr. Speaker.

Yes this bill also covers family child care workers.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Cafero.

REP. CAFERO (142nd):

Now through you, Mr. Speaker, it's my understanding the genesis of this bill sort of had two separate tracks to it, one concerning PCAs, the other concerning daycare providers and it has been sort of merged into the bill or the amendment that's before us which will become the bill if approved.

Are the rules for both those PCAs and daycare providers the exact same?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Could you reframe -- could you refrain -- or reframe the question for me?

DEPUTY SPEAKER GODFREY:

Would you be so kind as to repeat question, Representative Cafero?

REP. CAFERO (142nd):

Sure, thank you, Mr. Speaker.

Through you, I assume there are certain

regulations and -- and guidelines and/or provisions within this bill that pertain to both daycare organizations and PCAs. Are all aspects of the bill identical to both those situations or are they separate?

For instance the bill deals with collective bargaining. If the daycare workers chose to unionize, are they doing so with the PCAs or is that separate?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, they have already decided to unionize and had a vote.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Cafero.

REP. CAFERO (142nd):

Through you, Mr. Speaker, to Representative Zalaski, who unionized?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, the child care advocates had a vote and -- I mean child care -- family child care workers and -- and the -- the PCAs have already had a vote to unionize.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Cafero.

REP. CAFERO (142nd):

Through you, Mr. Speaker, are they represented by the same people?

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, no they're -- they're represented by two different unions.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Cafero.

REP. CAFERO (142nd):

And through you, Mr. Speaker, do they negotiate with the same entity?

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, they both will be negotiating with OPM who does all the negotiations for the state.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Cafero.

REP. CAFERO (142nd):

Through you, Mr. Speaker, it was my understanding that one of the reasons for this bill is because of in -- in a typical situation where there's a group of workers working for an employer, if those union -- if those employees unionized, they would collectively bargain with that employer.

However, because of the unique circumstance of having home healthcare providers and daycare providers all over the state in small amounts, there was really no ability for these workers to get together and negotiate with an employer. And therefore this bill sort of creates an employer, if you will, or an entity by which with whom they can negotiate. Is that correct?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, yes that is correct.

DEPUTY SPEAKER GODFREY:

Representative Cafero.

REP. CAFERO (142nd):

And I guess, going back to my original question, is that entity with whom they negotiate the same for PCAs and child care workers?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, if you mean OPM for the state, yes they both negotiate with OPM through the state.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Cafero.

REP. CAFERO (142nd):

Thank you.

Through you, Mr. Speaker, I'm looking at the language here in the bill and it keeps referring to the Department of Social Services. For instance in line 81, it says if the organization representing family child

care providers and the Department of Social Services do not reach an agreement, it does not say the Office of Policy and Management. Am I misreading that and could you explain it?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, no you're not misreading that. What that section does is establishes the first steps of -- if they're -- if they come to an impasse and if that happens they'll have to select a neutral arbitrator at that time.

Through you, Mr. Speaker.

But I must say that most cases you -- these cases usually never go to arbitration.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Cafero.

REP. CAFERO (142nd):

Through you, Mr. Speaker, I then refer the gentleman to line 67, et cetera, wherein it says for purposes of the section the Department of Social Services shall be considered an executive branch

employer and an organization representing family child care providers. It seems like the entity, at least as dictated in that sentence, is the Department of Social Services and not the Office of Policy or -- and Management. Am I incorrect in that statement?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, I think the sections of 4-65a and 5-270 of the General Statutes is the part that covers that it's OPM that does the negotiations.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Cafero.

REP. CAFERO (142nd):

Well boy I'm really confused, Mr. Speaker, because this bill doesn't say that. I just read to you what it says and I read to this Chamber what it says and what it seems to say is that these family care providers are going to be represented by the Department of Social Services and these unions that we just spoke of that's who they're going to negotiate with.

Now if that's wrong and Representative Zalaski is

right and they're negotiating with OPM, then I would have expected it to say that in this bill but it doesn't say that in this bill and that's why I'm confused. So can you explain, through you, Mr. Speaker, what the role of the Department of Social Services has and how that is different from the Office of Policy and Management with regard to the provisions in this bill?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, the part that the Department of Social Services has is I think they have a part in the -- where you get the money from the -- the money from the -- the -- Care 4 Kids money comes from.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Cafero.

REP. CAFERO (142nd):

Through you, Mr. Speaker, going back to lines 81, et cetera, the language of the amendment before us references a situation wherein the organization

representing family child care providers and the Department of Social Services do not reach an agreement, what agreement are they referring to or contemplating that these parties may not reach in those lines?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, that section just covers the impasse procedure with the section on the neutral arbitrator.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Cafero.

REP. CAFERO (142nd):

Okay, my next question would be when the -- you've reported to the Chamber that I guess the family child care workers have already chosen a union representative. Is that correct?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Yes, through you, Mr. Speaker, that is correct under the Executive Order of 9 and 10 they have chosen the unions to represent them.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Cafero.

REP. CAFERO (142nd):

Thank you.

And through you, Mr. Speaker, how many of these -- how many family child care providers are there, the universe of those that would be subject to the provisions of this bill in the State of Connecticut?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, the only child care providers that the -- this bill really covers are the ones that receive Care 4 Kids money and the ones that Care 4 Kids money that actually got a mailing from the union were 7,200.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Cafero.

REP. CAFERO (142nd):

So 72 -- there's a universe of 7,200 people who are child care providers who receive money under the Care 4 Kids program, is that correct?

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

That is correct, through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Cafero.

REP. CAFERO (142nd):

And the bill also covers PCAs and -- and what is the universe of PCAs in the state that are covered by this bill?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, I think it was 6,200 receive ballots.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Cafero.

REP. CAFERO (142nd):

Now am I to presume, through you, Mr. Speaker, that in -- because they receive ballots that that is the entire universe of those PCAs that would be eligible to -- or -- or certainly fall under the provisions of this bill?.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, first I'd like to correct myself. It's in reverse order. PCAs are at 7,200 and there is 6,000 family child care workers.

Through you, Mr. Speaker, just correcting myself.

And could he repeat the question one more time please?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Cafero if you'd kindly repeat your last question.

REP. CAFERO (142nd):

Sure, with regard to the requirements within this bill, is it my understanding that the entire universe of people that could pos -- potentially be covered under this bill is, in the case of child care workers, 6,000?

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, that is the number that received checks in the last six months before they sent out the ballots from Care 4 Kids. Those were the only ones that were allowed to vote.

Through you -- if you receive -- if you didn't receive Care 4 Kids money than you -- you are not covered under this bill.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Cafero.

REP. CAFERO (142nd):

Thank you.

And through you, Mr. Speaker, if could explain how that works when you say if they -- if -- if you receive Care 4 Kids money. In other words, if I'm an entity that provides child care and I employ ten people -- I'll take that back, I employ two people and I have say six kids under my care and three of those kids qualify for Care 4 Kids money, where does the money get sent to, to the families of the kids so they can pay for the daycare or directly to the daycare to supplement the

cost of caring for those children?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, it goes directly to the caregiver.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Cafero.

REP. CAFERO (142nd):

And through you, Mr. Speaker, is that an individual caregiver or -- or an entity like -- that employs other caregivers?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, it's only an individual caregiver.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Cafero.

REP. CAFERO (142nd):

So there's 6,000 individual caregivers that receive all of their compensation from the state under this Care 4 Kids program or part of their compensation?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, they only -- there are -- in a case that somebody told me about in my own town, they receive part of their money from Care 4 Kids and other money from the parent themselves but there are also many -- during the public hearing we heard from many caregivers, child caregivers, that only receive the money from Care 4 Kids.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Cafero.

REP. CAFERO (142nd):

Thank you.

And through you, Mr. Speaker, is -- if that is their source of income, that money comes from -- well is -- does the amount they receive vary? In other words is there a set amount a caregiver receives per child under the program?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, it depends on how long they have the child and whether they are a licensed child care provider or a non-licensed child care provider.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Cafero.

REP. CAFERO (142nd):

So through you, Mr. Speaker, non-licensed child care providers receive state money from the Care 4 Kids program, is that correct?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

The unlicensed also receive. If -- if you take care of your kids from a neighbor or friend in the area, you are also able to receive money from the state and it's a different funding rate than it is for if you are licensed.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Cafero.

REP. CAFERO (142nd):

And through you, Mr. Speaker, Representative Zalaski, do you know the range of what the -- the range is of payment from those unlicensed child care providers to those who are licensed?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, we heard from some that said that they received as low as $40 in the unlicensed and the licensed received $99 per week.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Cafero.

REP. CAFERO (142nd):

Through you, Mr. Speaker, is that per child per week?

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, yes it is.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Cafero.

REP. CAFERO (142nd):

And through you, Mr. Speaker, who sets that rate -- where they come up with that? If -- if we, as a state, are paying the money, is it we the state who set that rate of $40 per week per child in one case or $99 per week per child in the other?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, yes the state sets the rates and the reason they give more to licensed is because there's more things that they have to do to become licensed.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Cafero.

REP. CAFERO (142nd):

Thank you.

So through you, Mr. Speaker, I just -- it's --

something just occurred to me. We, the State of Connecticut, set the rates to pay these child care providers and yet when Representative Zalaski brought out the bill he said these people are underpaid.

So we're going to give them the right to unionize to come back and negotiate with the state presumably so the state will pay them more money. I guess I would ask, through you, Mr. Speaker, do we have the ability just to pay them more money?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, they have -- Care 4 Kids has not gotten a raise in ten years.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Cafero.

REP. CAFERO (142nd):

Thank you.

And through you, Mr. Speaker, who made the determination they would not get that raise?

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, I've never been on Approps but I would guess that it was the Approps Committee.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Cafero.

REP. CAFERO (142nd):

And through you, Mr. Speaker, would the Appropriations Committee, after passing that, then include it as part of a budget to be voted on by this entire General Assembly?

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, yes we always get to vote on our old budgets.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Cafero.

REP. CAFERO (142nd):

Thank you.

See folks that's what I don't get. That's what I don't get. We want to give more money. We could do it

but we don't so now we say you can unionize to make us give you more money. That doesn't make sense. If we believe they should have more training and get more money, let's give more training and give more money. They work for us. They work for us. They receive money from us.

As a matter of fact, Representative Zalaski said some of them receive exclusively from us. So if we believe we have a problem in the State of Connecticut that the child care providers and the personal care assistants of this state are underpaid, and we're the ones that pay them, let's give them a raise. What have we got to do this for? I don't get it.

Also in Representative Zalaski's statement he indicated that some of these providers are taking care of neighbor's kids. They're taking care of neighbor's kids. And granted you can't do that for free so they get a stipend, if you will, or payment from the parent given by us.

And now all of a sudden we take in that neighbor who's helping out a neighbor and getting compensation that we set the rate for and now they're part of a union.

Through you, Mr. Speaker, it's my understanding

these child care providers number 6,000 and that's how many ballots went out. Do we know how many people actually voted?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Yes, Mr. Speaker, on the family child care workers, 1,603 voted yes for a union, 88 voted no. On the PCAs, 1,228 voted yes for a union, 365 voted no.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Cafero.

REP. CAFERO (142nd):

Thank you.

So on the PCAs, of which there are 7,200, approximately 1,600 people voted and of the 1,600, 1,228 voted to be represented by a union. Once that vote was tabulated, do the other 5,400 people who chose not to vote, are they part of that union as well?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, I would say -- well are they part of the union, yes I would guess they are but let's remember that when we're in our own elections at home how many people don't get to vote for us but we're all still up here.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Cafero.

REP. CAFERO (142nd):

Through you, Mr. Speaker, don't get to vote for us I don't think is accurate. See everyone got a chance to vote for us. They might not chose to vote for us but I might argue that historically the first Tuesday after the first Monday in November has always been election day for most, pretty common knowledge.

I'm not sure what the rules were or the balloting process or the notification process was that went out to 7,200 personal care assistants and 6,000 child care providers. But all I do know, by virtue of math, is that a small minority dictated to a vast majority how they would then be represented.

Now if the people who didn't vote, like that neighbor for instance that hypothetically you mentioned, doesn't want to be part of this union, are

they out of luck?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, anybody could -- well they -- now that they're in a union they can vote to decertify from a union as any other union member can.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Cafero.

REP. CAFERO (142nd):

And if that individual -- you mean individually?

Through you, Mr. Speaker, individually they could do so?

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

No, through you, Mr. Speaker, no they could get together and decide that they don't like the union that represents them, go to the State Labor Board here in Connecticut and go through the process to decertify if they don't want to be in a union.

And the union -- the members have to -- the

members themselves have to decide who will be in the union after and pay dues at some point after they democratically vote to do so.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Cafero.

REP. CAFERO (142nd):

Thank you.

See my concept, and it might be very naive and wrong, is when people work together like we do in this room over a period of time, you collectively sort of form opinions on what you think your working conditions should be, your wages should be and various other factors that surround the environment in which you work.

So you get together and say hey Joe did you see what the boss did the other day? I think it's unfair that we have to eat here. I think it's unsafe that we got to be here and you have that communication and you might decide, you know, it's about time we all got together and unionized.

Is there any mechanism, through you, Mr. Speaker, by way -- by which these public -- excuse me -- personal care assistants and/or child care providers

sort of communicate with each other as to what they would like now that they're part of this union?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, yes after this bill is passed they -- and we give them the right to collectively bargain, they will all get together, submit slips on what they would like to see in their next contract, and their first contract, and it will go from there and they will democratically decide what should be up in their contract and move ahead.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Cafero.

REP. CAFERO (142nd):

Through you, Mr. Speaker, in the case of a personal care assistant, I guess under this bill their employer is the State of Connecticut, right? That's who they're negotiating with through OPM, is that correct?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, no their -- the consumers are their employers.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Cafero.

REP. CAFERO (142nd):

Okay, through you, Mr. Speaker, in any negotiation it's a two-way street so on the one side you've got collective bargaining organization who, according to Representative Zalaski, has polled their membership to see what is it you'd like, what should I bring to the bargaining table, what points should I fight for, what should I lay back on, et cetera.

But on the other side of the table you've got the employer, the person with whom you're negotiating. But in this unique instance we don't have the actual employer because, as you indicated, the actual employer is the consumer for whom these personal care assistants do work for. Is there a mechanism by which the state, through OPM or the Department of Social Services, canvasses those that they represent to find out what they want at that negotiation table?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, you bring up a -- a great point and a point that I'll -- I would have to make on this bill as it is in line 8 -- 183 where it talks about the establishment of the Personal Care Attendant Workforce Council which will be -- the people that you see on that, nine of them are members of their -- consumer advocates, so we will -- they will get the input in for the PCAs.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Cafero.

REP. CAFERO (142nd):

Thank you.

And through you, Mr. Speaker, how would that work with regard to the child care providers, with regard to soliciting the opposite view, if you will, of what is going to take place in those negotiations?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, I think that the -- well the child care providers actually didn't ask for any kind of workforce committee. They never asked us -- or a workforce council during the -- our public hearings. So I think all the members will be contacted through mail to see what -- what they -- what -- what they want included in their contract.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Cafero.

REP. CAFERO (142nd):

And through you, Mr. Speaker, who would be doing that, the Department of Social Services?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, no that's what the union does.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Cafero.

REP. CAFERO (142nd):

But through you, Mr. Speaker, that's one side of the bargaining table. On the other side of the bargaining table the people -- the consumers I presume are being represented. Is that accurate?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, consumers are who hire and fire the PCAs. There -- the consumer -- there are no consumers when it comes to child care. It's -- they bargain with the state for better benefits or better training.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Cafero.

REP. CAFERO (142nd):

Thank you.

You mentioned training, Representative Zalaski, through you, Mr. Speaker, do we who pay the 6,000 child care providers do we provide training for them?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, there is no formalized training done by the state itself that I'm aware of.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Cafero.

REP. CAFERO (142nd):

So, through you, Mr. Speaker, do you foresee that maybe one of the conditions that comes about when these child care providers are able to collectively bargain is they will demand training from us?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, I -- I would hope that it would be the opposite. I think we should demand training for people that take care of our children.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Cafero.

REP. CAFERO (142nd):

Through you, Mr. Speaker, is there anything in our current law that would prevent us as a state of doing

exactly what you just said, Representative Zalaski, through you, Mr. Speaker, and that is to say we believe it's important to provide training for the children of this state who are being taken care of and, therefore, we shall do so? Is there anything that prevents us from doing that today?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, you bring up another good point and that is I guess we haven't had the will to do so. That's why this bill, which represents a pol -- a choice by the General Assembly to grant these workers the right to negotiate with the state to try to get these workers up to speed.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Mr. Speaker.

I thank the gentleman for his answers. I know there's many people on this side of the aisle that have far more detailed questions with regard to this bill.

But folks think about what we're doing here, think about it. We, as a state, pay for people to be personal care assistants to, in many cases, the most vulnerable of our citizens.

It's a good and right thing to do. We in this state pay child care providers to care for children. It is a good and right and decent thing that we do. But we've heard a ton of evidence that says we don't train them and we don't pay them enough. So instead of training them and paying them more, which is 1,000 percent under the jurisdiction of the very people in this Chamber, we go through this enormous process that has been so disruptive to so many people to authorize collective bargaining for those very people to come back to us and negotiate for training and more pay.

What is wrong with that picture? What is wrong with that? If they deserve more pay, let's pay them. Let's just pay them. If they deserve training, let's train them. God knows we train everyone else, let's train them.

We need to for -- I mean it's like we're arguing with ourselves here. These people deserve training and more money. Well why don't you give it to them, I don't know, but now they'll get it because they're

going to come back and fight us for us it.

How do you even negotiate that? It's embarrassing. This bill is embarrassing. Do these child care providers and personal care assistants provide a needed necessary service? You bet they do, you bet they do. And if we don't have the courage to recognize that and pay them appropriately and train them, shame on us.

So what are we doing with this bill? What are we doing with this bill? Isn't it ironic that if this bill passes there are going to be people that are going to come up and say thank you so much, thank you so much legislators, State of Connecticut, for giving us the right to come back and negotiate with you.

Thank you for doing it because, without that, you'll never give us any more money or training, thank you. Hello? Let's use our heads folks. If we believe it's right to pay more money, and it might very well be, then let's do that. We make those decisions every day. What is this, what is this?

Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Thank you, sir.

The question is on House Amendment Schedule A.

The distinguished ranking member of the Labor Committee, Representative Rigby.

REP. RIGBY (63rd):

Thank you, Mr. Speaker, good evening.

DEPUTY SPEAKER GODFREY:

Good evening.

REP. RIGBY (63rd):

It's always a challenge to speak after House Minority Leader Cafero but I'll do my best.

DEPUTY SPEAKER GODFREY:

No -- no one will argue.

REP. RIGBY (63rd):

Mr. Speaker, if I may, some questions for the distinguished House Chair of the Labor and Public Employees Committee.

DEPUTY SPEAKER GODFREY:

Proceed, sir.

REP. RIGBY (63rd):

Mr. Speaker, the Labor and Public Employees Committee took up -- looked at two measures over the course of this past year. One was Senate Bill 352, which looked to organize family child care providers, and then House Bill 5433, which looked at the personal care attendants.

Mr. Speaker, my question is, through you of course, what is different between the amendment before us today and the two measures considered by the Labor Committee but they never received an -- an up or down vote? What -- what things should we be looking for as a comparison measure?

DEPUTY SPEAKER GODFREY:

We're getting dangerously close to debating a bill that is not before us but Representative Zalaski do you care to respond?

REP. ZALASKI (81st):

Through you, Mr. Speaker, the only change you made is merged the two bills together.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Rigby.

REP. RIGBY (63rd):

Thank you, I appreciate the answer. Legislature has looked at similar measures in the past and last year I believe the Human Services Committee looked at the -- the matter of the personal care attendants and I believe the -- I'm -- I'm quite sure the Education Committee looked at the measure for family child care providers.

Through you, what were -- what was the outcome of those deliberations?

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, I -- I'm not on either of those committees so I really can't answer.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Rigby.

REP. RIGBY (63rd):

Thank you, Mr. Speaker.

The amendment before us has the language been reviewed by the Human Services Committee? Has it been -- has it been looked at and considered considering that it concerns both DDS and DSS?

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, not that I'm aware of.

Through you, Mr. Speaker.

REP. RIGBY (63rd):

Thank you.

Mr. Speaker, the amendment mentions Executive

Orders No. 9 and No. 10. Line 142 says that Executive Order No. 9 was considered in the creation of this amendment and on Line 427, Executive Order No. 10, was -- was used as a -- as a -- a driving force in the language that we see before us today.

Can Representative Zalaski explain what those Executive Orders do?

Through you.

REP. ZALASKI (81st):

Through you, Mr. Speaker, yes the Executive Board -- the Executive -- Executive Orders 9 and 10 were created to create two working groups to study and recommend how a collective bargaining process would best work in these two unique types of workforces. And it also set up a meet and confer process to allow workers to elect a majority representative group to talk to the administration but it gives it no right to negotiate any changes.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Rigby.

REP. RIGBY (63rd):

Thank you, I appreciate the answer. So the amendment before us would essentially create those

collective bargaining rights that result from the -- the creation of the unions themselves, is that correct?

Through you.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

I think that's correct, through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Rigby.

REP. RIGBY (63rd):

Mr. Speaker, in looking at Executive Order No. 9, and No. 10 has the same language, Section 3 talks about the election procedure. House Minority Leader Cafero mentioned it in his remarks as well but, you know, looking at the preliminary analysis that -- that came through just three -- three or four hours ago, there's 20,000 active personal care attendants listed with DSS at the present time.

And it -- if I'm correct 7,200 of those 20,000 received ballots. Can Representative Zalaski confirm that figure?

Through you.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, the Executive Orders 9 and 10 are not in this bill per se written out so I really can't, you know, speak to exactly the figures. I did give figures of 7,200 I think PCAs before that were allowed to vote.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Rigby.

REP. RIGBY (63rd):

Thank you.

My confusion comes and looking at the -- the registry that exists now, both home care program for the elderly and, you know, acquired brain injury, those that receive the PCA waiver is in excess of 20,000 members at the moment and Representative Zalaski was clear that 7,200 of those 20,000 individuals received ballots.

And then out of that 7,200, 1,228 voted in the affirmative and -- and voted in favor of the unionization move which is 6 percent of the population of personal care attendants. Do I have the figures correct?

Through you.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, the -- the figures of 7,200 were, as I stated before, the last six months before the vote was taken, they were names of people that had received money from the state. There could have been people that received money a year ago or two years ago that could be on that registry so that doesn't make them PCAs today.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Rigby.

REP. RIGBY (63rd):

Thank you.

Well if -- if -- let's say the 20,000 figure is over a 12 month period of -- of people that engaged in the -- the activity of serving as a personal care attendant and 7,200 is the correct number, if 1,228 voted yes on the union ballot, that -- that represents 17 percent. Is that correct?

Through you.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, I'd have to just figure that you did the math so I guess you're right. I don't have a calculator with me but I -- as I stated before to the -- the Minority Leader that many times less people vote for us included in this, many people decide they don't want to vote.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Rigby.

REP. RIGBY (63rd):

Well I -- I think that, you know, we're -- we're confirming the fact that many, many people didn't receive ballots. That was the overwhelming tone of the public hearing that was held for House Bill 5433 and Senate Bill 352. We had many people testify that they didn't get a ballot or I got a ballot but I chose not to fill it out, I didn't respond.

So the figures I believe that came on this preliminary analysis that was given to me this morning I believe are accurate.

You know moving on to a different topic, Line No. 8 on the amendment before us refers to state statute 17b-749. If -- if the Representative could be so kind

as to outline for the members of the Assembly what -- what that statute exactly covers. Which child -- family child care providers would fall under the amendment before us?

Through you.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, Line 8 in -- in that section that limits the members of the bargaining unit to those providing home daycare only not centers. It covers both licensed providers, those who are exempt from licensing and -- and because they -- and people that -- it covers both licensed and unlicensed providers because they have an exemption from licensing because they offer informal arrangements among neighbors and relatives at home.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Rigby.

REP. RIGBY (63rd):

Thank you.

So if a grandmother was to watch her two grandchildren and -- and take care of another child for

a neighbor up the street who was a recipient of the Care 4 Kids funds, that grandmother would fall under the provisions of this amendment. Is that correct?

Through you.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, yes that is correct.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Rigby.

REP. RIGBY (63rd):

Thank you.

Mr. Speaker, we -- we know that there's nothing in current statute that would prohibit, you know, family child care providers or personal care attendants from negotiating with the state, whether it be the Appropriations Committee, DSS, DDS, for -- for you know better wages, better training, better benefits but when you think about different business group that lobby here at the Capitol, you know the Package Store Association is one that -- that they're here year after year working for or against different measures whether it be Sunday sales or changes in the way we distribute

and tax alcohol, the Package Store Association does it without any kind of formal collective bargaining agreement.

But when we look at the amendment before us, it would almost seem that those types of -- those types of business organizations would be engaging in collective bargaining. I think that this measure, should it become law, would have an impact on other types of businesses as well. And currently there's -- there's different states throughout the union, and we heard testimony from people from the West Coast, I think we had people from Minnesota, Michigan, that testified that they were unionized as PCAs or child care workers and, through you to the Representative, what other states have implemented this measure successfully that he's aware of?

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, before I answer the question I would like to clarify. Number one neither of these groups can or -- can collectively bargain. Child care providers, home child care providers, are individual employers. They get 1099s so they are not

allowed to collectively bargain.

PCAs cannot bargain also under labor law because they have the right -- they can't bargain because consumers -- consumers need to have self-control and direction of their -- the people that work for them so neither of them can organize.

Through you, Mr. Speaker.

Could he repeat the other question, through you, Mr. Speaker?

DEPUTY SPEAKER GODFREY:

Representative Rigby could you kindly repreat -- repeat your last question.

REP. RIGBY (63rd):

Thank you.

The Representative actually answered both questions with -- you know I appreciate the response.

Is there any language, you know, through you, Mr. Speaker, is there any language in the amendment before us that would allow a personal care attendant or a family child care provider to opt out of the -- of the arrangement that's described in the amendment?

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, if you mean -- I'm not sure what you mean by opt out. You mean not be in the union?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Rigby.

REP. RIGBY (63rd):

Yes, through you, the question would be if I was a personal care attendant and I worked on my own as a 1099 subcontractor as you just described, could I chose not to participate in the -- in the -- the relationship outlined in the amendment?

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, the child care providers are 1099. The PCAs are W-2. There is a difference between them.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Rigby.

REP. RIGBY (63rd):

Mr. Speaker, during the public hearing that was conducted on House Bill 5433, we heard testimony from

personal care attendants that they were paid by an agency as 1099 subcontractors. They receive no health insurance. They receive no benefits and they would be called to work at random hours and they did not have an employee/employer relationship.

So could those 1099 subcontractors opt out of this arrangement?

Through you.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, you bring up a perfect point which I was going to touch on later but they are not covered under the bill at all. They're not union members because they're paid by an outside agency. You have to -- the key to this whole bill is that they have to receive money from the state.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Rigby.

REP. RIGBY (63rd):

Thank you.

That -- that actually helps clarify some of the figures that -- that I've been provided as to how many

personal care attendants are operating in the State of Connecticut. Many of the people that testified at the public hearing worked for an agency and felt that they were being mistreated, they were being underpaid and they weren't receiving their proper share of the waiver from, you know, DSS or DDS.

So those people would receive no benefits at all under this amendment, is that correct?

Through you.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, PCAs that are privately paid for and not with state money are not covered under the bill at all. Is that what the question was?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Rigby.

REP. RIGBY (63rd):

Mr. Speaker, if I may I'll start -- I'm going to describe the relationship again that -- that I understand to be very common throughout the state. There's a registry that exists and that registry collects -- creates a database, manages it, screens

people for employment and then would place those people with different, you know, clients.

And then the money would go -- the -- the client would then pay the agency who would then pay the personal care attendant but the money comes from the same place but it flows through an agency.

Would the people that work under that arrangement be -- be covered by the amendment before us?

Through you.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, no they're not.

DEPUTY SPEAKER GODFREY:

Representative Rigby.

REP. RIGBY (63rd):

Thank you.

That make -- that makes up I think quite a large pool of the personal care attendants in our state so again it -- it begs the question why -- why are we pursuing this legislation if it's only going to help, you know, a small -- or if it's only going to bestow the ability to -- to collectively bargain on a small group of personal care attendants?

When Representative Cafero, our House Minority Leader, was questioning Representative Zalaski, Representative Zalaski mentioned that a union had been designated. Which union did they select? When I say they I mean the child care -- family care providers and personal care attendants, which union was selected?

Through you.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

The child care people -- one of them had selected 1090 -- 1199 -- 1099 -- 1199. The other one selected SEIU.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Rigby.

REP. RIGBY (63rd):

Thank you.

Mr. Speaker, through you, 1199 is that affiliated with any national union organization?

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, yes they are. If you'd

hold on one second -- through you, Mr. Speaker, yes they're all under the umbrella organization CSEA.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Rigby.

REP. RIGBY (63rd):

Thank you, I appreciate the answer.

Mr. Speaker, through you, what is -- what does that acronym stand for?

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, I do not know.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Rigby.

REP. RIGBY (63rd):

Thank you.

I will look it up. Mr. Speaker, the last time I was able to look on our system here, look online, there was no fiscal note for the amendment itself, only one for the -- the underlying bill. What -- what would be the fiscal impact on our state should this amendment become the bill and should it become law?

Through you.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, we don't think there's any cost until they negotiate their first contract.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Rigby.

REP. RIGBY (63rd):

Thank you.

And once the first contract is negotiated, what -- what might be the fiscal impact on the state at that point?

Through you.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, I really can't tell you how much. You know I wouldn't be a -- a party to their negotiations.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Rigby.

REP. RIGBY (63rd):

Thank you.

Mr. Speaker, the effective date on the amendment before us is July 1st of this year, 2012. Would it be possible that an agreement could be reached, the General Assembly could be called into session, and essentially ratify whatever negotiated agreement is -- is presented? Would it -- could it change avail -- the appropriations for this fiscal year?

Through you.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, I would say that would be very improbable.

Thank you, through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Rigby.

REP. RIGBY (63rd):

Thank you.

So improbable but it -- but it could happen. Has the Appropriations Committee reviewed the amendment before us?

Through you.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, there's no money in it so they have not.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Rigby.

REP. RIGBY (63rd):

Mr. Speaker, the -- Representative Zalaski said that there is no -- there are no -- there is no money in the amendment before us. You know looking at testimony -- written testimony provided by DDS, the Department -- I'm going to paraphrase -- the Department has concerns about the resources and expertise of their -- of their office to perform some of the functions including collective bargaining.

Also they express concerns that they're responsible for collecting, distributing and -- and overall administration of the -- the dues themselves.

So, through you, there must be a cost associated with that operation. Do we have an estimate as to what that might be?

Through you.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, I have no cost estimate because I still believe there is no cost.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Rigby.

REP. RIGBY (63rd):

Thank you.

So is the good Representative stating that DDS and DSS are -- are fully equipped and capable of handling the processing of the features outlined in the amendment before us?

Through you.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, yes we believe they are.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Rigby.

REP. RIGBY (63rd):

Thank you.

Given that the State of Connecticut will be collecting the -- the dues on the side of the family child care providers as well as the personal care attendants, does the amendment identify the -- the mechanism and the processing of the -- collecting the dues?

Through you.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, there is a portion that talks about the dues in here but first of all you have to know that the members themselves democratically have to decide if they get -- what the dues will be and if they will pay dues.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Rigby.

REP. RIGBY (63rd):

Thank you.

I think it's perfectly reasonable to be concerned about, you know, the -- the administration of the -- the policy set forth in the amendment. You know even though there is no agreement -- there is -- there is no

agreement at the moment, the State of Connecticut is being tasked with the handling and essentially managing this -- all -- all the -- all the different language within the amendment.

I mean every -- every function here falls on the State of Connecticut. So if -- if the Representative would be so kind as to give me -- to just explain to me how the dues would be processed on a family child care worker -- or family child care provider who receives a Care 4 Kids waiver.

Through you.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

The dues, when they finally do take them out, will be no different than when they take your United Way out of your pay.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Rigby.

REP. RIGBY (63rd):

So the -- the State of Connecticut will forward the Care 4 Kids funds to the family child care provider less those union dues, is that correct?

Through you.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, yes that's correct.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Rigby.

REP. RIGBY (63rd):

Thank you.

And in the case of a personal care attendant, the waiver from DDS or DSS, the waiver, the funds themselves, get paid to the consumer. Is that correct?

Through you.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, could you repeat that question again? I'm sorry.

DEPUTY SPEAKER GODFREY:

Representative Rigby, would you kindly repeat the question?

REP. RIGBY (63rd):

For a consumer that has a personal care attendant

in -- in their employ, the -- the union dues would be deducted from the amount of the waiver they receive from the State of Connecticut. Is that correct?

Through you.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, yes.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Rigby.

REP. RIGBY (63rd):

Thank you, Mr. Speaker.

So essentially the State of Connecticut is -- is paying the dues, you know, through, you know, the available -- whatever appropriations are agreed to through -- through the amendment itself -- through the process outlined in the amendment.

So given that taxpayers' dollars are -- are being used to pay the dues for the two unions, 1199 and SEIU, are there any -- are there any kind of restrictions or limitations on what these dues can be used for?

Through you.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, again it's a democratic organization, as all union are, and they -- the members themselves decide what to do with their dues money.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Rigby.

REP. RIGBY (63rd):

So just so I'm -- just so I'm clear, the members have complete control over how those dues are spent?

Through you.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, when it comes to dues they do but as -- as I think I've said before if they chose not to be a member of the union, they could just pay agency fees.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Rigby.

REP. RIGBY (63rd):

Thank you.

Through you, Mr. Speaker, can Representative direct me to the language in the -- the amendment that describes the agency fees?

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Line 36 is one of them and line 3 -- 333 through 342.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Rigby.

REP. RIGBY (63rd):

Thank you.

Mr. Speaker the Representative is saying that as a family child care provider I don't have to pay union dues if I chose not to. Is that correct?

Through you.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, if you read on line 43 it says dues or fees may be charged.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Rigby.

REP. RIGBY (63rd):

Thank you, Mr. Speaker.

I may, with the Speaker's permission, revisit that at a later time because I -- I find the language unclear and -- and my -- my impression was that every member, whether they're a -- a personal care attendant or a family child care provider, was required to join the union and then, you know, pay dues as outlined in the amendment.

Mr. Speaker, in thinking about the union, SEIU, they -- they engage in different political activities. The union itself spent, you know, $85 million in the course of 2011 on political causes. Is there -- is there any possibility that the dues collected, as outlined in the amendment, could be used for -- for political activities?

Through you.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, I'm not in that union so I can't say what -- what they will spend their money on but I can say that the members have a vote on what they

spend their money on.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Rigby.

REP. RIGBY (63rd):

Thank you.

As a taxpayer who is, you know, supporting the, you know, DSS, DDS, if a taxpayer decided that they didn't want, you know, money to be directed towards a certain organization or political cause, is there any language in the amendment before us that would allow that person -- that -- that person to opt out or not have their money directed a certain way? Or is it simply at the discretion of the union themselves?

Through you.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, I think by federal law anybody could opt out and just pay the agency fees. I believe that's in all unions. It is in mine also.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Rigby.

REP. RIGBY (63rd):

Thank you.

Mr. Speaker, in the State of Minnesota the Governor issued an Executive Order, very similar to the one that we have, Executive Order 9, and early in the month of April the State Superior Court deemed that that Executive Order was unconstitutional, that it violated the separation of the branches, legislative and executive.

Has Representative Zalaski verified that we're not violating the state constitution with this piece of legislation before us today?

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, I can't say I know anything about the state you were just referring to but I can say that in Connecticut and other states governors deal with Executive Orders all the time with subjects that are related to bills pending in the General Assembly.

Governor Rell, our past Governor, for instance, set up her own contracting standards board after it was vetoed, after she vetoed the one passed by the General

Assembly. Later legislation that she signed replaced her board with a legislatively authorized one.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Rigby.

REP. RIGBY (63rd):

Mr. Speaker, I apologize. I missed the last half of that response. Would he -- he mind keeping it?

DEPUTY SPEAKER GODFREY:

Sure. Representative Zalaski could you repeat that part please?

REP. ZALASKI (81st):

Through you, Mr. Speaker, I'd be glad to speak it again. I don't think Governor Rell's name has been mentioned here lately so I would have to say -- in Connecticut and other states governors deal, by Executive Order, with subjects that are related to bills pending in the General Assembly. Jodi Rell herself, our past Governor, for instance, set up her own contracting standards board after vetoing the one -- the bill passed by the General Assembly. Later legislation that she signed replaced her board with a legislatively authorized one.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Rigby.

REP. RIGBY (63rd):

Thank you, Mr. Speaker.

The reason I -- I brought up the constitutional aspect of this amendment is that we spent many hours last year debating a bill that concerned, you know, captive audience. We found later that that bill did indeed violate the Constitution of the United States.

So, you know, given that the State of Minnesota, a lower court, found that this -- this type of legislation driven by Executive Order is unconstitutional, should we appeal to our -- our Attorney General to review the matter before we -- before we make a decision, before we call it for a vote?

Through you.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, well me personally I wouldn't want to do that because when I did do that bill I had a letter in my hand stating that the Attorney General thought it wasn't permissive subject -

- I mean a -- wasn't -- whatever you call it by -- by federal law and come to find out later on they decided it was so I -- I don't think that I would be submitting that to the Attorney General.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Rigby.

REP. RIGBY (63rd):

I do recall the letter and I -- I do recall the -- the conversation that happened a week -- a week after that where the opinion was reversed. You know we've looked at different figures, as a Committee, as to how many people might be impacted by this amendment.

Through you, how many personal care attendants and family child care providers might be included should this amendment, you know, become -- become law?

Through you.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, I can only guess by how many ballots they sent out and that would be family child care providers would be about 6,000 and PCAs would be about 7,200.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Rigby.

REP. RIGBY (63rd):

Thank you.

Mr. Speaker, this bill would become effective on July 1st of this year should it become law -- or the amendment. I'm going to offer a -- a situation for the Representative and see what the answer -- what the response might be. If -- if the union were to negotiate with the state, with the Department of Social Services, and find that there was no opportunity to increase the amount of the waiver received for personal care attendants, what would happen to the amendment and the union that was formed by Executive Order?

Through you.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, after explaining the bill and -- and many of you I'm sure have read, it says that if we -- if the General Assembly doesn't give more money to either the -- through the Department of Social Services or DSS -- DDS or DSS, then the P -- PCAs would

not receive any type of increase.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Rigby.

REP. RIGBY (63rd):

Through you, my -- my question concerns the -- the union itself and the -- the very organization that was created by the Executive Order. What would happen to the terms of the Executive Order -- well Executive Orders No. 9 and 10 should there not be an increase in appropriations?

Through you.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, this bill will come -- will end the Executive Orders because we're giving them the right to collective bargain.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Rigby.

REP. RIGBY (63rd):

Thank you.

At any point after this, should this bill become

law, is there a mechanism for the members to end the union itself?

Through you.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, yes, any union could end -- I mean any group could end their association with a union by going to the State Labor Board and getting the -- there's a system for it that they could decertify.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Rigby.

REP. RIGBY (63rd):

Thank you.

Mr. Speaker, could the -- could the Representative briefly explain what that -- what that process would be through the State Labor Board?

Through you.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, I just don't really have that knowledge. I've never been through a decert and I

don't -- I don't have that much knowledge of what the -- what they do over there.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Rigby.

REP. RIGBY (63rd):

Thank you.

Mr. Speaker, during the, you know, public hearing that -- that ran very late, it was many hours of -- of compelling stories from personal care attendants and family child care workers, we -- we learned that a lot of -- a lot of the personal care attendants in our state lack health insurance.

I pointed out before that there are some that work as subcontractors, 1099. Through you, if -- if the amount of the waiver through DSS or DDS was increased, would there be a chance for some of these personal care attendants to have health insurance benefits?

Through you.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, again that's -- they're a democratic organization and they get to vote and

decide which benefits they go after during negotiations. If that's one of them, I -- I would say they could.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Rigby.

REP. RIGBY (63rd):

Thank you.

I -- I appreciate the Representative's answers and his -- his patience. I'm trying to understand, we received the, you know, the amendment -- it's only 24 hours that we've had a chance to actually review it. I have deep concerns about the -- the scope, about the cost to our state.

Article in the Hartford Courant on Wednesday talks about an aerospace company that, you know, has a chance to -- to grow dramatically and instead of opening a new plant here in Connecticut they're going to open one in South Carolina, create 350 jobs in the southeast.

So you know I'm eager to hear the rest of the debate on this amendment and again I appreciate Representative Zalaski's answers.

Thank you.

DEPUTY SPEAKER GODFREY:

Thank you, sir.

Chairwoman from East Hampton, Representative Hamm.

REP. HAMM (34th):

Thank you, Mr. Speaker.

I rise in support of the amendment and I felt I had to come up and respond to some remarks made by the respectful Minority Leader. He asked a good question which is if we have it within our power to appropriate the funds, then let's just do it. The response is we don't, we won't and we haven't. I don't know about all of you but I have a constituency that likes to say to me about how the state screws up a lot.

In my district it's DEP and DOT that I hear the most about but my professional work is in representing those who need advocates. I work with DCF and a lot of DSS folks and that's what this amendment is all about the people who lack power and lack influence in our system and what I've told my constituents over the years is if we're screwing up and we haven't made a priority for something that you think we should, you've got three choices, lobbyist, litigation or labor.

Those, in my experience up here, are the ways to make priorities change when scarce resources are here and we have children, we have the elderly and the

disabled in this amendment, three of the most vulnerable populations that we should be protecting. We should be appropriating the dollars. We should be giving them the raise and we haven't and we don't and we won't until they have more power.

This is a way to give them that opportunity and I'm proud to support the amendment.

DEPUTY SPEAKER GODFREY:

Thank you, Madam.

Gentleman from Manchester, Representative Thompson.

REP. THOMPSON (13th):

Through -- through you, Mr. Speaker, may I direct a question to Representative Zalaski?

DEPUTY SPEAKER GODFREY:

Please proceed, sir.

REP. THOMPSON (13th):

Representative Zalaski you've been on your feet quite a while, you may sit if you want. You know I -- when I came to the Capitol today I did receive the flyer from the Service Employees International Union and I recognize the name of a person to contact on that so I did contact her.

We have -- I know her quite well. We worked

together. She's a disabled person and we worked together for -- on various issues. I was concerned because I had a different reading of the revised bill, the amendment, and so we discussed it. She did not back off, she stood by the fact that what she said was true but she I think opened the door a bit. She had talked to me about getting together and discussing this.

But in any event I would like to ask you a few questions. As I understood the amendment it seems to me you are securing the rights of the consumers in statute. Is that correct?

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, yes we are. The -- as a matter of fact the consumers will have more rights under this bill than they have now.

Through you, Mr. Speaker.

REP. THOMPSON (13th):

And I don't see a fiscal -- an immediate fiscal impact so this is not giving away the store, so to speak, is that correct?

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, no it's not giving away the store or anything else because there's no money involved in this bill as it stands.

Through you, Mr. Speaker.

REP. THOMPSON (13th):

And perhaps I'm reading more into it than I should but it seems to me what you've done with this legislation is provided a framework for the two sides to come together, the consumer, the parent, the employees -- or three sides I guess -- come together and work out some type of a agreement so that they can advance the -- the separate missions in a rapid and intelligent manner.

Is that -- is that overreaching calling it a framework?

REP. ZALASKI (81st):

Through you, Mr. Speaker, no as -- as a matter of fact I think when the Personal Care Attendance Workforce Council gets together and when they see how many of their advocates there will be in the bill, I think that they're going to be very happy. I think it's going to alleviate many of the -- the scares that

they've had through what people have told them about this bill.

Through you, Mr. Speaker.

REP. THOMPSON (13th):

Thank you, Representative.

Mr. Speaker, for many years I represented state employees in labor relations. I worked for the largest independent employer organization in representing Connecticut state employees. Prior to collective bargaining I can tell you that representatives of employees -- they were an international union, AFSCME. There was the CEA of course, CSEA and an independent union all representing state employees who met regularly with department heads, with the Governor and with other state officials to discuss employee relations, agreements were reached and worked on and so on.

This is all without collective bargaining. I'm suggesting that state employees had this long history of being represented in labor relations and when it came to making decisions about money and retirements and so on, they came right here to this General Assembly and did not negotiate it but presented their positions and, as you can well understand, they

advanced their positions through this process but still wanted to have -- be officially recognized through the collective bargaining process.

I was here when the collective bargaining law was passed by the General Assembly and I must say that our organization represented the vast majority of state employees but there were still other unions out there who were working just as hard and some -- some things have changed since I left some years ago.

Unions have come together, as SEIU as with CSEA and representing a particular group of employees. AFSCME continues in -- the independent continues and so on and they all participate and it is a more structured and, I would think, good process for the state, state government, for the employees and for the people we serve.

So I see this as a critical time, both in child care and in home care. We know that home care is -- I didn't say anything funny -- home care is being pushed as a great benefit to all of us. It's going to cost -- cut the cost of healthcare dramatically and we can't wait to get it organized and to move ahead and hospitals already are calling for more personal care attendants and so on and using home care and so forth.

So that's happening and with the economy coming back, we hope, there'll be more and more jobs for people and people will be going back to work and not sitting at home with their children and there'll be a great need for qualified trained attendants. So I see this as an opportunity. Maybe we have to quirk this bill a little bit but right now we should move forward and make sure that we have both sides, the consumer and the employee, the parents and the home care provider, the child care provider and so forth. We can't wait. We should make sure that we pull out all stops. This gives us an opportunity to work together and to do that.

So I'm speaking in favor of the bill. I think there are many people in this Legislature who would pitch right in and see that this would be under our radar for as long as necessary but we should move forward. It will not be a waste. We can -- we're not bound to do anything but we should be doing things. We should be sitting down with the people who are providing these services as the state government did all through the 40s and the 50s and the 60s and into the 70s.

And it's a good way to go and this will build a

framework for us to proceed and it may be that someday we will have a professional group of personal care attendants, a professional group of child care workers, as we do in many areas of the state but for this -- for the poorest of our people, those who depend upon us, who look to us for this kind of assistance and leadership we should move forward and work with this legislation as we go forward.

I don't believe we're overcommiting ourselves to any specific path. I believe there's the opportunity, through the bargaining process, through the negotiations, through meeting together across the table to get this -- these very important programs moving along and meeting the needs of people who really need their help.

Thank you.

DEPUTY SPEAKER GODFREY:

Thank you, sir.

Remark further on House Amendment Schedule A? Will you remark further on House 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.

REPRESENTATIVES:

Nay.

DEPUTY SPEAKER GODFREY:

The ayes have it. The amendment is adopted.

Will you remark on the bill as amended?

The gentleman from Southbury, Representative O'Neill.

REP. O'NEILL (69th):

Yes thank you, Mr. Speaker.

If I may a few questions for the proponent of the bill.

DEPUTY SPEAKER GODFREY:

Please proceed, sir.

REP. O'NEILL (69th):

In looking at section 3 of the amendment, now the bill, it contains some language that seems to provide for a limitation of liability on the part of the state with respect to certain kinds of events and the liability is not entirely clear to me what the cause or source of the liability is.

So I guess my first question would be could the gentleman explain the purpose of section 3.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, could you give me the line on that please?

REP. O'NEILL (69th):

Section 3 begins on line 140 -- I'm sorry -- yeah I believe it's 149.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through -- through you, Mr. Speaker, yes that prevents the state from being held liable for the actions of any parent or guardian.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Mr. Speaker.

And could the gentleman give me some examples of the kinds of actions that it is contemplated that might, but for this section, give rise to liability on the part of the state?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, I guess if the -- if -- if any of the child care providers feel that they were wronged by a parent or a child that they aren't allowed to sue the state.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Mr. Speaker.

Well I -- I do read in line 153 alleged wrong doing by parent or child and that arises in connection with Section 2 of the -- of the act but I'm -- I'm trying to envision what would be -- what would a child do to a -- a child care worker that might trigger liability on the part of the state but for this section.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, not being a lawyer I would say if you stomped on that person's foot maybe that would be a thing to do.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative O'Neill.

REP. O'NEILL (69th):

Okay so then what we're talking about are possible personal injuries then that the child would inflict on the -- the child care worker. Is -- is that what we're talking about?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, I'm speak -- the bill speaks to any wrong doing.

Through you, Mr. Speaker.

I just gave you an example.

DEPUTY SPEAKER GODFREY:

Representative Zalaski -- Representative O'Neill.

REP. O'NEILL (69th):

Oh thank you.

But besides the then -- besides -- the answers

indicated that personal injuries were covered as a form of wrong doing that was the -- aimed at -- that this section was aimed to deal with. The way it's phrased it says that any arb -- civil action, grievance, arbitration or any prohibited practice proceeding brought by an alleged wrong doing -- brought by the exclusive bargaining agent for such child care workers based on the alleged wrong doing of the parent.

For example if -- if a worker -- and -- and I'm not that familiar with how labor organizations would work and how a collective bargaining agent operates, but if -- if a -- an employee of the State of Connecticut were kicked by -- or punched by a -- by a patient or by a student in a school situation, would the collective bargaining agent be the one that would bring action on behalf of the worker in the normal course of events?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, the main part of this section is so that nobody could grieve -- there -- there will be -- it shows that there's no grievable --

no grievance procedure for these workers.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative O'Neill.

REP. O'NEILL (69th):

Okay so that this pro -- prevents a collective bargaining agent from bringing an action or a grievance against the state on behalf of the worker and what I guess I'm not clear about is what kinds of -- are there other actions besides those arising from wrong doing by parents and children that could be brought through arbitration, grievance or civil action by the collective bargaining agent?

Maybe looking at it from that direction, what's -- what's left for the agent to arbitrate or grieve?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, this covers everything so there will be no grievances.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative O'Neill.

REP. O'NEILL (69th):

Okay so then the -- the workers would have no ability to bring any kind of grievances against the state even though the -- the injury that they suffered -- the wrong doing they suffered was at the hands of someone other than a parent or a child. Is that correct?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, if that's what it says, that's what it means.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Mr. Speaker.

Well that -- that perhaps sometimes is the problem is that the language isn't entirely clear when someone is actually trying to apply it to specific cases. I -- I notice also that the language -- similar language to this appears in Section 8 of the -- now the bill -- the amendment that has become the bill and it applies to

wrong doing by a consumer or surrogate and again I would ask what kinds of wrong doing is contemplated by this? If I could have an example or two of the type of wrong doing by a surrogate or consumer of the personal care assistant services.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, could you provide the line that you're speaking to?

REP. O'NEILL (69th):

Ah yes, Mr. Speaker, I -- it starts on line 444 and runs through line 449.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, yes this section prevents the state from being held liable for the actions of any consumer or surrogate.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Mr. Speaker.

Again what this -- as -- as I read the section it seems to limit the ability of the collective bargaining agent to bring actions and arbitrations and grievances which presumably are being brought on behalf of a worker and I'm -- I'm trying to contemplate what the -- the injury to the worker might be -- that might be inflicted by a consumer or a surrogate. That is what is it that is being guarded against?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, you being a lawyer I would say that you know more about this section than I do and that you have to cover yourself on every base. That's the way we wrote that language for that exact case. They could bring a suit against you for any wrongful thing.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative O'Neill.

REP. O'NEILL (69th):

Okay, thank you, Mr. Speaker.

At -- at this point then I would, pursuant to Section 386 of Mason's, make a motion to refer this matter to the Judiciary Committee since it appears that what we have before us are two sections providing for immunity by the State of Connecticut against actions which, but for this section, the State of Connecticut would be liable for apparently.

DEPUTY SPEAKER GODFREY:

That was 324, did you say, Representative O'Neill?

REP. O'NEILL (69th):

No, it --

DEPUTY SPEAKER GODFREY:

I'm sorry.

REP. O'NEILL (69th):

Section 386 -- it starts on 381 -- actually it goes all the way back to Section 378, references to committee.

DEPUTY SPEAKER GODFREY:

House will stand at ease.

(Chamber at ease.)

DEPUTY SPEAKER GODFREY:

House will come back to order.

Motion is on referral.

Nice try -- there we go.

Motion is to refer. Is there objection?

Representative Sharkey.

REP. SHARKEY (88th):

Yes, Mr. Speaker, I object.

DEPUTY SPEAKER GODFREY:

Motion to refer, while it is debatable, can only be on the issue of referral. It cannot touch on the substance of the bill that's before us.

Is there -- do you care to remark on the motion to refer, Representative O'Neill?

REP. O'NEILL (69th):

Yes, Mr. Speaker, I -- I would. The cognizance of the Judiciary Committee includes authorizations to sue or appeal on claims against the state. This clearly limits the ability of people to sue or appeal or bring claims against the state on their own behalf and through the collective bargaining agent who would be representing potentially thousands of people.

This obviously constitutes a significant expansion of the state's immunity and in our normal immunity sections looking at Section 165-c, the kind of language

that's used is immunity of the state and its employees -- employees and agents no cause of action or liability shall arise against the state, its agencies or subdivisions. In Section 165, no state officer or employee shall be personally liable for damage in various kinds of conditions.

The exact kind of language whenever we create an immunity clause is to be found in the language that's before us in the amendment and those kinds of clauses are properly to be considered by the Judiciary Committee since they touch and concern the ability of the Judiciary to act on them -- act on actions as well as constitute what could be a claim against the state.

So I believe that the referral is properly in order and that the matter should be referred to the Judiciary Committee for its consideration.

DEPUTY SPEAKER GODFREY:

Thank you, sir.

Representative Sampson.

REP. SAMPSON (80th):

I was on the -- the bill, not the motion.

DEPUTY SPEAKER GODFREY:

If -- if you're not going to speak on the motion to refer could you please clear your names off the

board?

Representative Betts do you care to refer -- talk to speak -- no? Thank you very much.

Representative Sharkey.

REP. SHARKEY (88th):

Excuse me, thank you, Mr. Speaker.

Mr. Speaker, I would object to the motion to refer for one simple reason. I know Representative O'Neill did describe the circumstances under which perhaps a referral -- the cognizance of the Judiciary Committee but under our rules a referral to Judiciary is only required when there is a criminal penalty involved.

This is clearly not the case in this underlying bill and for that reason I would object to the referral.

Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Thank you, sir.

Will you remark further on the motion to refer?

If not, let me try your minds. All those in favor of the motion to refer the bill to the Judiciary Committee, please signify by saying, aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER GODFREY:

Opposed, nay.

REPRESENTATIVES:

Nay.

DEPUTY SPEAKER GODFREY:

The nays have it. The motion is defeated.

Will you remark further on the bill as amended?

Representative O'Neill have you finished? You have, thank you.

Gentleman from the 66th, Representative Miner.

REP. MINER (66th):

Thank you, Mr. Speaker.

I too have a few questions for the gentleman.

DEPUTY SPEAKER GODFREY:

Please proceed, sir.

REP. MINER (66th):

Thank you, Mr. Speaker.

Mr. Speaker, in -- in Section 1 -- excuse me Section 2 of the bill, on line 115 on through line 120, there's a process there by which an agreement would be approved by the General Assembly. It's my understanding that that would occur after the negotiation process had been completed.

Is that not correct, through you, Mr. Speaker?

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, could you repeat the question one more time, I'm sorry?

DEPUTY SPEAKER GODFREY:

Representative Miner could you kindly repeat the question?

REP. MINER (66th):

Yes, thank you, certainly, Mr. Speaker.

In Section 2 in and around lines 115 to 120 it appears that there's a legislative process by which this agreement, once ratified, would be approved by the Legislature. Is that the gentleman's understanding?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, yes it is.

DEPUTY SPEAKER GODFREY:

Representative Miner.

REP. MINER (66th):

Thank you, Mr. Speaker.

And if -- if I understand this correctly upon passage -- I guess signature, the effective date of this bill would be July 1, 2012. In a couple of the following sections there seems to be a process and so I thought I understood the gentleman in response to one of the questions asked by the Minority Leader earlier, the question being something along the lines of would this be a long drawn out process or would this be something where folks might reach some agreement. I think what the Minority Leader was trying to get at was what's the end date.

And so if the gentleman could help me. If you add up the possibilities in this bill in terms of the 150 days by which someone has to either reach or a decision or it goes to an arbiter, if he knows, at what date would this become theoretically before the Legislature?

Through you.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, it will go through the regular process of all -- all expenditures and go through the Appropriations Committee.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Miner.

REP. MINER (66th):

Thank you, Mr. Speaker.

So if there was an agreement reached in November of next year, am I correct that this piece of -- that agreement would have to come back to the Legislature for affirmative action if it required any funding not currently in the budget?

Through you.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, that is correct.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Miner.

REP. MINER (66th):

And on line 113 and 114 it speaks of the costs for the arbitrator and any fees associated with the arbitration process. Where would those fees come from?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, I would tell you that first of all, and I said it earlier, most cases do not go to arbitration but we had to have a piece in there in case it did. If -- if it does go to arbitration, they share -- the parties share the price of the arbiter.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Miner.

REP. MINER (66th):

And so understanding that they don't usually go but this one could go, from where in the state's current budget would those dollars come from?

Through you, please, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, normally an arbitration that -- that I have gone to costs about $2,000 so split that would be $1,000 apiece. I'm not sure that we need to look very hard to find it in this budget but I -- again it has to go through the process of -- the membership has to get together, decide what they want

in their contract. I don't if it would be, you know -- I honestly believe that nothing would happen this year, everything would happen at the -- by next year if they're lucky.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Miner.

REP. MINER (66th):

Thank you, Mr. Speaker.

And I thank the gentleman for his answers.

Mr. Speaker, the gentleman and I were in the same room at the time this public hearing was held and I think he knows, as I know, the anticipated process for this negotiation and agreement puts this squarely within the current budget cycle. So now the question becomes what's it going to cost?

There's no doubt in my mind, based on the way this is drafted, it can't cost the individual for whom the service is being provided. It's specifically restricted in this agreement. And the anticipation is that the negotiation process will benefit someone. That's the sole purpose for having a negotiation.

I cannot imagine that this piece of legislation that's before us anticipating a) that it's not going to

ignore some benefit to one of the people Representative Zalaski described earlier as being either a PCA or a child care provider. That is the whole purpose for doing this.

I would suggest to the Chamber that if they look in -- on line 77 and 78, 79 -- excuse me those aren't the lines. There -- there are lines in this piece of legislation that deals specifically with a process by which individuals will be trained. A process by which there'll be an opportunity to negotiate for benefits.

That's what this is all about. We heard Representative Hamm eloquently talk about our need to do this, to move this issue forward. Are we really here thinking that this isn't going to cost something?

As I look through this bill there are a number of what I would call almost inconsistencies, Mr. Speaker. If you look again in -- on line 119, it talks about this process to approve and the process to supersede any law. So I guess I'd ask you once this bill is passed, is it not a law? So through the negotiation process is it not conceivable that on line 23 someone might be eligible for state employee benefits? I think it's more than conceivable.

The drafting of this is very well done ladies and

gentlemen. It technically skirts the budget process for this fiscal year. Not only does it skirt the budget process it sets up this dynamic where were saying to the people that we're negotiating that have the ability -- would have the ability to negotiate through this bill you can ask us for more money, we can't agree to it, but we know we can't take it from the people that you're serving. I don't know how you actually do this without spending more money. Mathematically it's an impossibility.

It talks about affirmative legislative approval here and then if you go a little farther down into the next section it talks about affirmatively rejected by a majority of either House after 30 days of filing of the Clerk. So there are other provisions here that would have to be affirmatively rejected.

This has to have a fiscal note for this year. I do not understand how it could not.

Mr. Speaker, if the gentleman could help me understand how it is that someone through this process of negotiation would be eligible for healthcare benefits that won't have a cost.

Through you.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, I think if they negotiate and get healthcare I'm sure somebody would have to pay.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Miner.

REP. MINER (66th):

Thank you, Mr. Speaker.

And so if they negotiate through this process and reach an agreement in November and it included healthcare benefits or if included training, the cost of that would come within the current year's budget. Is that correct?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, again we, the General Assembly, would have to vote on that so there's no cost until we vote to give -- put money in the system to pay for these things.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Miner.

REP. MINER (66th):

And so if the gentleman could help us. Is it anticipated that on the day that we vote to authorize the agreement we would authorize the money?

Through you please, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, first of all, as I've stated before, the first part of this is the -- the people that have joined the union have to get together and decide what they want to negotiate for. That alone takes some time because they have to get together and have meetings and decide -- and submit what their requests are for themselves.

And the part that -- of the bill that the Rep -- the good Representative was talking about that 118, 119, 120, that part really is supersedence of any law or regulation shall take effect without affirmative. The only time we don't do affirmative legislative -- when we don't have to do affirmative like if a -- if that -- the PCA council -- the Personal Care Attendance

Workforce Council decided that they wanted to have a meeting every month. If they wanted to have a meeting every month, you're not going to bring it back to the Legislature for us to vote on that. That wouldn't cost anything so that would -- that's what that section is really speaking to.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Miner.

REP. MINER (66th):

Thank you, Mr. Speaker.

So it -- so theoretically I guess it wouldn't come back to us until they had a complete agreement. Is that what the gentleman is stating?

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, it wouldn't come back -- it could come back to us at any time but it necessarily wouldn't have to be voted for -- by us until there is some type of compensation, some money that the state has to expend.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Miner.

REP. MINER (66th):

And -- and if he could once more state those things that will not cost money that they would have to come back to us for?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Well as I stated if you're in the -- if you look at the section that talks about the Personal Care Attendant Workforce Council, if they chose to decide that we want to have a meeting every month and then change to I want to have it every two months, they don't have to come back to us to do that through legislation.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Miner.

REP. MINER (66th):

And -- and so what the gentleman is pointing out is that that could part of their agreement but not part of an agreement that actually includes the State of Connecticut.

Through you.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, it all includes the State of Connecticut because they're the sole bargaining agent for these workers. What I'm trying to point out is that if it doesn't cost any money it shouldn't have to come back before us.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Miner.

REP. MINER (66th):

Thank you, Mr. Speaker.

I -- I do thank the gentleman for his answers and I know on the day that we heard the testimony about this bill I think there was a fair amount of testimony on the part of some that spoke in favor of this legislation and others that spoke against it and that's not unusual.

I'd like to just say again that I think that this is a very convoluted way of trying to do what I think Representative Hamm was suggesting that we should do. Again she made a very compelling argument that we owe

employees or people who take care of our most needy a wage, perhaps even benefits.

But in this case we're trying to create an employee out of people who are not currently employees. They work for themselves in some cases. Some of them are family members. I think we've all gotten e-mails or phone calls that what this does is really blur the relationship between what we normally consider to be employees and employers. It actually even blurs the relationship that the state has with its employees.

The language in this bill actually allows us to change the language in the bill. There clearly are I would say more straight, more simple, more to the point ways to do what I think some people are trying to do here. But if we take action on this, let there not be any mistake, the cost of benefits are going to enure to the State of Connecticut. They can't come from anywhere else. The cost of anything else including increased wages, training, you name it, it's all going to come back to us.

I think there are questions about insurance, workers comp. I think there are questions about who insures these people for unemployment. It makes a very simple situation extremely complicated and at a time

when the state seems to be trying to unravel some of these relationships in terms of contractors and who's considered working in class and out of class, this bill is actually going to go in the exact opposite direction.

I feel bad for people who came and testified and said they don't have workers comp coverage. I feel bad for people who said they need to earn more money and if they're watching tonight they have to be saying what are we doing. We heard tonight there isn't any money in the budget because we don't know what it is, so that means whatever they're expecting it won't occur for a year at the very best.

I think this is a really bad way to go about this process, a really bad and complicated way to reach what is relatively simple and could be achieved through the budgetary process straight up, weigh this expense against everything else and that's the right way to do it, Mr. Speaker.

Thank you.

DEPUTY SPEAKER GODFREY:

Thank you, sir.

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, I would ask the Clerk to please call Amendment LCO 3624 and I be granted leave of the Chamber to summarize.

DEPUTY SPEAKER GODFREY:

Clerk is in possession of LCO No. 3624 which will be designated House Amendment Schedule B.

Mr. Clerk kindly call the amendment.

THE CLERK:

LCO 3624, House B, offered by Representative Zalaski.

DEPUTY SPEAKER GODFREY:

Gentleman has asked leave of the Chamber to summarize.

Is there objection?

Hearing none, Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, this is a very simple amendment. All it says is no dues or fees may be charged for the first 60 days of a family child care provider's participation in a child care subsidy program established pursuant to said section. And the other part is no dues or fees may be charged for the first 60 days of a personal care attendant's partic -- participation in a program covered by this section.

I move adoption.

DEPUTY SPEAKER GODFREY:

Question is on adoption. Would you remark, sir?

Would you remark, sir, or no?

REP. ZALASKI (81st):

No.

DEPUTY SPEAKER GODFREY:

Will you remark on House Amendment Schedule B. Will you remark on House Amendment Schedule B?

Representative Sampson.

Again if you're not going to remark on -- if you do not wish to speak on House Amendment Schedule B, please clear the -- the board please so the Chair has a hint as to who wants to speak on this amendment.

Representative Miller, do you wish to speak on House Amendment Schedule B? Would you clear the -- could you clear your board please?

Representative Betts on House Amendment B.

REP. BETTS (78th):

Thank you very much, Mr. Speaker.

Just a question, if I may, through you to the proponent of the amendment.

DEPUTY SPEAKER GODFREY:

Please proceed, sir.

REP. BETTS (78th):

I'm wondering how did we arrive at 60 days? Is there some specific reason for having the 60 days for waiving the fees or dues?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, yes we decided that 30 days wasn't good and 90 days wasn't good so we arrived at 60 days.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Betts.

REP. BETTS (78th):

And through you, Mr. Speaker, when you say we could you explain to me who we is or how this was arrived at by whom?

Through you, Mr. Speaker.

REP. ZALASKI (81st):

Through you, Mr. Speaker, I would say it was the -- I and Edith Prague, the chairs of the Labor Committee.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Betts.

REP. BETTS (78th):

Thank you very much.

Thank you very much and I will wait for anybody else to make comments on this.

Thank you.

DEPUTY SPEAKER GODFREY:

Thank you, sir.

On House Amendment Schedule B Representative Rebimbas of the 70th.

REP. REBIMBAS (70th):

Good evening, Mr. Speaker.

Through you, Mr. Speaker, to the proponent of the amendment please.

DEPUTY SPEAKER GODFREY:

Proceed, Madam.

REP. REBIMBAS (70th):

Thank you.

What is the purpose of this amendment in allowing 60 days of personal care attendants not having to pay the dues?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, I would guess that if -- if it's a new child care worker or a new PCA, we wanted to give them a chance to get their feet wet for 60 days before they started to be charged dues or fees.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker.

And through you, Mr. Speaker, what exactly do you mean about getting feet wet? I don't understand the purpose.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

We chose the -- that amount of days for them to get into their job and decide if they like it.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker.

Through you, Mr. Speaker, I don't think I quite understood the answer. My question was the inquiry regarding what exactly was meant by getting your feet wet not necessarily the time period. Thank you.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski, would you like to try again?

REP. ZALASKI (81st):

Through you, Mr. Speaker, that's a slang term that I use in my neighborhood back in Southington. I guess you may not know about it but the -- getting your feet wet just means that you're trying it out, like when you test the water with your foot.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker.

And I thank the Representative for his definition of what getting your feet wet and I'm very well aware of what getting your feet wet in many different contexts is. However I wasn't exactly sure how the

definition was in the context of this amendment and being the proponent of the amendment I thought it would be very useful to know exactly what we're voting on prior to voting on it.

Through you, Mr. Speaker, if you can please let me know what the fees and dues amounts would be that this amendment applies to.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, as I've said before the union members will have to vote on what the dues structure and fee structure will have to be at a later date. They set them up themselves. Unions are very democratic and that's what they do.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker.

And I want to thank the Representative for his responses. I think in order for us to properly know the value of an amendment or to know the value that

we're actually putting to dues and fees so people may know what their benefits are or exactly what's going to be taking place in getting the process of getting their feet wet for us to determine whether or not that's a process that would take less than 60 days or more than 60 days, I think this would be information that would be highly prudent for all the members of this Chamber before voting on an amendment.

So thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Thank you, Madam.

Representative Carter of the 2nd.

REP. CARTER (2nd):

Thank you very much, Mr. Speaker.

A couple of questions, through you, to the proponent of the amendment.

DEPUTY SPEAKER GODFREY:

Please proceed, sir.

REP. CARTER (2nd):

Thank you very much, Mr. Speaker.

I was wondering could you specifically tell me exactly what the non-member service fees are?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, no I can't because they haven't been democratically voted upon by the members.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Carter.

REP. CARTER (2nd):

So through you, Mr. Speaker, the way I understand this is we're going to have union members who are going to get involved in a democratic process to decide what the union fees are going to be for non-members of the union. Is that true?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, no they get to decide on what union members' dues will be for their union members.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Carter.

REP. CARTER (2nd):

Thank you, Mr. Speaker.

I'm just -- I guess I'm a little confused because it says the non-member service fees -- so -- so who in the -- who in the non-members are those? Are those people who are the patient care advocates, I -- I guess if I have that right the PCAs, who are not members of the union?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

No, through you, Mr. Speaker, what it means is people don't have to join the union but they will -- they may have to pay fees that will be decided by the union membership.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Carter.

REP. CARTER (2nd):

Okay, Mr. Speaker, I just want to make sure then we -- we -- we heard earlier that when they -- the -- the union member -- well the -- I -- I should say the potential union members were sent ballots, we had 1,200 out of 7,200 returned. So right there that says 1,200

people have already said they want to be in the union out of 7,200 who didn't decide.

So, through you, Mr. Speaker, that extra 6,000 people I would assume they're going to be non-members of the union probably?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, I'm not sure that has to do with the amendment as it's written.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Carter.

REP. CARTER (2nd):

Thank you very much, Mr. Speaker.

I just want to try to get a -- a real feeling with the amendment since the amendment is basically saying that we're going to let union members vote on fees that are going to be charged to non-union members. So I wanted to make sure I -- I understand this correctly.

Thank you.

Mr. Speaker, one more question, through you, to the proponent of the amendment.

The amendment talks about the child care subsidy program that was established in Section 17b-749. Is that the same as the -- the child care services account?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, I don't have that piece in front of me, 17b-749, but we could pull the book out and take a look at it if you so desire.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Carter.

REP. CARTER (2nd):

Thank you, Mr. Speaker.

I -- I guess I bring that up because as I went through and I looked through the fiscal analysis of the bill the amendment is -- is going to amend, they were talking about these ser -- the child care services account and there were $104 million in that account. I'm curious if it's the same one, then how much of that account would be going to pay these fees for the union members and the non-union members?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, fees usually are based upon the running of the organization. It's -- it's called the DREAM Act. That's really what this is referring to, the DREAM Act.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Carter.

REP. CARTER (2nd):

Thank you, Mr. Speaker.

And I -- I appreciate the comments of my colleague and I'll have to look up what the DREAM Act is. It's -- that's kind of new. But I -- I really would caution looking at this amendment and this whole concept that we -- we have now legislation that's going to take a union and they're going to vote by democratic process to charge non-union members fees.

I mean I think that should cause real -- real concern of the members of this Chamber as we move forward because I'm sure there a lot of folks out there right now who don't want to join a union and now we're

going to turn around and let the union members decide how much they've got to pay.

Of course it's going to be what, the lesser of the regular dues and fees assessments. Why should they be paying a dime I guess is what I'm saying?

I would urge every one of my colleagues and -- and the colleagues on the other side of the aisle to vote against this amendment.

Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Gentleman from the 14th, Representative Aman.

REP. AMAN (14th):

Good evening, Mr. Speaker.

Looking at the amendment and the questions I have deal with directly with the amendment that we have. In line 11 it calls for par -- participation in the child care subsidy program and, through you, Mr. Speaker, I pres -- I would like to make sure that it -- that is the Care 4 Kids program that we've been talking about on a continual basis.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, yes it is.

DEPUTY SPEAKER GODFREY:

Representative Aman.

REP. AMAN (14th):

Okay because we have all through our process talked about Care 4 Kids, I just wanted to make sure that I was referring to the same thing.

As I remember the discussions throughout the Committee process, one of the things that was said was that the charges that would be deducted from the payments to the child care provider would only occur when they had someone -- a child with Care 4 Kids in their care and were receiving payments.

Through you, Mr. Speaker, is that a correct understanding of the process?

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, yes any -- anybody that gets money from the state for Care 4 Kids would be included.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Aman.

REP. AMAN (14th):

Just to make sure that I understand if I have a child for one month from Care 4 Kids in my care I would pay one month's worth of whatever the dues that were voted in from the union. Is that correct?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, that would be up to the union membership to decide.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Aman.

REP. AMAN (14th):

Just -- I'm a little bit taken back a little bit by that answer. For instance if they decided that it was going to be arbitrarily $40 a month for each child care provider would be the correct union dues and I had a child for -- per month for a year, so I would have $480 in dues and I had a child for one month and that's all I had, $480 would be subtracted from my one month payment.

Through you, Mr. Speaker, is that a correct

understanding?

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, no I do not think it is. Number one the fee structure if -- if it's set up, is -- when a -- a member that would only pay for the parts directly dealing to collective bargaining. It's always less than a member -- a full -- a full member would pay and, if you had a -- a Care 4 Kids child for one month, you would pay whatever the monthly dues would be.

Through you, Mr. Speaker.

REP. AMAN (14th):

So you -- through you, Mr. Speaker, so you would pay if -- again just to make life easier if the yearly rate was $120 a year and you had a child for one month, you would have $10 subtracted from your check that you would receive from the State of Connecticut.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, normally dues are between 1 and 2 percent.

Through you, Mr. Speaker, of -- of the fee received through the state.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Aman.

REP. AMAN (14th):

To go back to that, it would be then equivalent to whatever the one month charge would be would be charged for that month.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, I think the -- you know the numbers that you're using if -- if a -- a worker only got paid $120 for the whole year, I'm not sure that we would charge them $10 for the month.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Aman.

REP. AMAN (14th):

Well I -- I don't know usually when the State of Connecticut does things, whether it's logical or not, it's what the law says, what the agreement says, and if it's nine cents for the month, they would subtract that

amount and send it from what I have seen of the State of Connecticut's bookkeeping. So I -- I don't know if I agree.

What I was getting -- what I was trying to get to and I believe the Chairman did say that you would pay equivalent to one month if you had a child for one month. If that is correct, regardless of the amount that has to be paid, this amendment also says that you don't have to pay for the first 60 days. So if I only had a child for one month, would I pay any dues?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, if the -- if it's in your first 60 days, then no.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Aman.

REP. AMAN (14th):

Okay, continuing on I have a child for the first month so it would be within the first 60 days and I wouldn't pay any fees. I now go two months without any child -- children for Care 4 Kids. In the fourth month

I receive a child for -- into my care that's under Care 4 Kids. Would that fall within the first 60 days or would that be starting the clock all over again?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

When you first get the check from the state for your first Care 4 Kids that starts the clock ticking.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Aman.

REP. AMAN (14th):

So it's my understanding, from what you say, if I receive a -- a child today for one month, I -- I have to -- the clock starts running and then a year later I receive a child for the -- what would be the equivalent of the second month but because the clock started a year ago, I would actually be paying dues on the second month that I had someone under Child 4 Care program.

Through you, Mr. Speaker, is that a correct interpretation of what the Chairman has said?

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, again that -- that is correct but we have to remember that dues are directly proportioned to the amount that somebody works.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Aman.

REP. AMAN (14th):

I -- I fully understand that but I also understand that we have 60 days and it's clear that it's a calendar 60 days not a Care 4 -- 4 Kids 60 days so you could actually have people in it for under it.

Since there's a 60 day delay I would presume that one of the reasons is because for the participation in the Child Care Subsidy Program and I would like to ask how is a -- a child care provider that has never had Care 4 Kids and an individual comes to him or her and says would you take my child. How do they find out that they're required not get the -- that they will not receive the amount of money that they expect, they'll receive the amount of money less the amount of union dues? How is that information going to be given to the child care provider since most of the parents that I know probably would be unaware of it?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, I would say that they would be notified from the union that -- at that point they had taken up union membership.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Aman.

REP. AMAN (14th):

And if the union for some reason takes 90 days to get around to notifying it, would the payments be subtracted before they were notified?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, with any -- with the state workers presently they -- they deduct dues every month so every month a -- the union organization knows about who has worked and who hasn't.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Aman.

REP. AMAN (14th):

Yes except these are not state employees. They're independent businesses. I think they operate a little bit different. Most state employees when you start you have an interview with personnel and they lay out all of the various conditions of employment.

When you bring someone in for Care 4 Kids, you're bringing in a parent that is saying and you'll get some of the money from me and some from the state. I think that is a very different situation that we have. I think all this does is point out to the many difficulties that I expect that the individuals who are trying to take care of these children are going to run into with trying to understand the program.

I know from talking to some of the people in my own area have already said I'm sorry I just can't deal with the state bureaucracy on this and I'm not going to take anymore Care 4 Kids children. And I think this -- this 60 days just is part of the problem that they're having looking at the type of regulations that they're running in.

So I will be voting against the amendment. Again I think it just adds to the confusion and points out to

the difficulties and the administration of this program and as we said earlier there is no cost. Well all of a sudden somebody in the bureaucracy of the State of Connecticut is going to have to be tracking when 60 days start and finish and I don't know anybody that works for the state that doesn't get paid.

So thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Thank you, sir.

Representative Sampson on House Amendment B.

REP. SAMPSON (80th):

Thank you, Mr. Speaker.

Just a couple of questions on the amendment to the proponent --

DEPUTY SPEAKER GODFREY:

Proceed.

REP. SAMPSON (80th):

-- through you, if I could.

DEPUTY SPEAKER GODFREY:

Proceed.

REP. SAMPSON (80th):

I -- I heard the question asked by a number of my colleagues the -- what is the reason for the 60 days. I did not hear what I would consider a satisfactory

answer. I -- I'm just hoping that the proponent can tell me what the reason for the 60 day delay is.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, I think that I've said what I felt the reason was. I'm sorry that he doesn't feel that it was adequate but that is my response.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Sampson.

REP. SAMPSON (80th):

Through you, Mr. Speaker, can the proponent please remind me what that answer was.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Oh I'm sorry, yes, through you, Mr. Speaker, could you ask that question again?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Sampson.

REP. SAMPSON (80th):

Through you, Mr. Speaker, I am asking what the reason and the purpose is for delaying 60 days for the charging of dues to new members of the union.

Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Yes through you, Mr. Speaker, I and the Chair -- and the Senate Chair, Senator Prague, had decided that maybe they needed some time in between to -- to get used to paying dues if that so comes about and learn more about the union for the first 60 days. We didn't think 30 days was enough and we thought 90 days was too much.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Sampson.

REP. SAMPSON (80th):

I -- thank you.

Through you, Mr. Speaker, I don't know if they would be getting used to paying dues seeing how they're not paying dues for the first 60 days but with regard to understanding what it's like to be in the union, I -- I don't know that they're going to enure any -- any

benefit whatsoever. I mean in what way would their experience change once they become a member of the union?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

It's a very good question. Thank you. Again we have to remember this bill presents a policy choice by the General Assembly. The choice is granting these workers a voice that, in the long run, will improve their lives and the lives of the people that they -- they serve.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Sampson.

REP. SAMPSON (80th):

Thank you, Mr. Speaker.

I would rather not have that discussion until we're actually on the bill but I -- I do look forward to having that debate with you when we get there.

I guess I'll move on for the -- the purpose of the 60 days. I -- I still am not satisfied that we have a good reason for why we would do this. I guess it goes

to my second question.

Through you, Mr. Speaker, is it a common practice for a union to offer some sort of 30, 60, 90 or what have you day period for someone to get their feet wet as part of the union?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, could you repeat that question one more time (inaudible)?

DEPUTY SPEAKER GODFREY:

Representative Sampson.

REP. SAMPSON (80th):

Thank you.

Through you, Mr. Speaker, I'm asking if it is a common practice for unions, and specifically I guess in this case I might be curious about a state employee union, whether or not it is a common practice for a union to offer a 60 day get your feet wet period to a new member of the union.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Yes through you, Mr. Speaker, yes my union where I work we get a 90 day probation period.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Sampson.

REP. SAMPSON (80th):

Okay, thank you for that answer. I heard it mentioned when the proponent was speaking with one of my colleagues that while everyone will be required to join the union -- oh I'm sorry they -- they may or may not be required to join the union but they may be required to pay dues and I would like to clarify to the proponent is the correct statement that they may or they will be required to pay union dues?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, I believe the bill says may.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Sampson.

REP. SAMPSON (80th):

Through you, Mr. Speaker, as far as I know Connecticut is not a right to work state which would mean that anyone would be required to pay fair share or agency fees if they chose not to be a member of the union but still participated in the same activity.

Through you, Mr. Speaker, is that correct?

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, I don't believe that's true because I -- I'm pretty sure I remember Pratt & Whitney was a open shop and some of those people didn't have to pay dues.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Sampson.

REP. SAMPSON (80th):

Thank you, Mr. Speaker.

I don't know I just think this is an issue we definitely ought to clear up. I'm mean we've got a election process that established a union and we have a provision for people to either be considered members or non-members and we have a provision to give people a

get -- get your feet wet period but I'd really like to know about people that chose to be non-members whether they're going to be required to pay dues or not.

It seems to me that that's something that should have been worked out either in the bill or this amendment. Is there anything more conclusive that you can tell me than we just don't know at this point?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, normally you do it when you belong to a union you usually do pay dues.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Sampson.

REP. SAMPSON (80th):

Thank you, Mr. Speaker.

I -- I'm going to move on to the -- to the next point which is that, you know, both of these industries, daycare providers and also personal care attendants, they deal with -- I don't know I guess their business is -- is not always a constant. You know in the case of daycare providers they might have a

-- a parent bring a child who is eligible for the subsidy one week but not the next week or maybe it will be some period and then it will go away.

And the same thing with personal care attendants, they may work for one person for a period of time and then take a break and so forth. So I'm wondering if, in our 60 day get your feet wet period, if we are adding up the time even if it is not all in one continuous stretch.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, as I told the previous speaker, the -- the clock starts tick -- ticking when you first take your first check from the state for Kids 4 Care.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Sampson.

REP. SAMPSON (80th):

Thank you, Mr. Speaker.

So if I have this correct, if I accept a child into my daycare, my individual small business that I

own, and that child is eligible for a Care 4 Kids subsidy and I have that child in my daycare for one day, I am now a member of the union. Is that true?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, it doesn't mean you're a member of the union if you decide to pay the fee. You'll be a fee agent.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Sampson.

REP. SAMPSON (80th):

Thank you, Mr. Speaker.

So did you just answer my prev -- previous question that would mean that you would still be required to pay the fee even if you were not a member of the union?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, you would have to pay a

fee if you didn't belong to the union if they democratically voted to do just that.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Sampson.

REP. SAMPSON (80th):

Thank you, Mr. Speaker.

So in other words you -- you feel that the -- it is going to be the democratically elected membership of the union that's going to make the decision whether non-members have to pay dues or not. Again I -- I will just reiterate that as far as I'm aware we are not a right to work state which would absolutely require non-members to pay dues.

And I real -- I'm not trying to -- to belabor this point I just -- I want to clarify it as much as possible. You are the Chairman of the Labor Committee. I would assume that you are very well versed in what right to work legislation would be and what are labor laws in Connecticut. So if you could please clarify that for me I would appreciate it.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, I'm not sure I understood the question. I know you proposed legislation to that affect. I don't know what that has to do with this bill.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Sampson.

REP. SAMPSON (80th):

Thank you, Mr. Speaker.

The legislation I proposed was to make Connecticut a state where you would not be required to pay dues if you were not a member of the union. But again that doesn't have anything to do with this bill either other than I'm asking what our current law is with respect to non-members of this union once established -- well -- is -- I'm sorry the union is now established but assuming a collective bargaining agreement was reached and a certain dues were specified for members of the union and there was a provision for people to elect not to be members of the union but still engaged in the ac -- same activity, collected Care 4 Kids for instance, they -- would they still be charged?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, well I'm of the opinion that if -- if the membership decides that they're going to charge dues and fees, if somebody is getting the benefit of getting increased benefits from the union negotiations, they should pay. That's what I believe.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Sampson.

REP. SAMPSON (80th):

Thank you for that answer. Please forgive me and I'm not trying to be difficult in any way. I -- I did not ask for what your opinion might be, I -- in fact, I disagree very much so.

What I'm asking is what the law would require. Would non-members be required to pay the same dues if they were participating in the Care 4 Kids program?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, I'll say again, and if

you want me to keep saying it, I will tell you that the -- the union members get to vote whether it's an open shop or closed shop and how much the fees will be.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Sampson.

REP. SAMPSON (80th):

Thank you, Mr. Speaker.

And I appreciate that answer and I know -- this is the clearest that you've said it to me and I will just say one last time I would like to know if it is your opinion that that decision can legitimately be made by that -- the members of the union and it is not already covered by our state law.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

In my opinion, through you, Mr. Speaker, in opinion I believe that the union members have the right to do that.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Sampson.

REP. SAMPSON (80th):

Through you, Mr. Speaker, members have the right to do what?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, the union members have a right to say that they want to charge you dues or you fees.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Sampson.

REP. SAMPSON (80th):

All right, thank you, Mr. Speaker.

I -- I will -- I will be satisfied with that answer that it's -- may or may not be required by state law but it would be up to the union to decide whether or not they were going to charge their members or non-members. I think that's what I've got from that.

A follow-up question. I'm curious to know if there is a cost to the state for this 60 day pa per -- get your feet wet period and -- and the reason why I ask is because is -- it appears to me that if this

money in the Care 4 Kids situation -- essentially the subsidy is going to be increased as a result of a union negotiation and a collective bargaining agreement but we are not going to be collecting the dues from these individuals for the first 60 days so it seems to me that this would be a cost to the taxpayers.

Is this correct, Mr. Speaker -- through you, Mr. Speaker, I'm sorry to the proponent.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, no.

Through you, Mr. Speaker.

REP. SAMPSON (80th):

Thank you for that answer. I'm not quite sure how. Maybe you can explain to me how we can manage to increase the subsidy that is being paid to a recipient of Care 4 Kids funds and not collect the dues. I -- I'm wondering where the money goes.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, could you repeat that

question again? I'm -- I'm not sure I understood it.

Through you.

DEPUTY SPEAKER GODFREY:

Representative Sampson.

REP. SAMPSON (80th):

Thank you, Mr. Speaker.

I guess what I'm saying is that if we go through this entire process and there is a collective bargaining agreement, it will no doubt result in an increase in the Care 4 Kids subsidy. And it seems to me that Care 4 Kids subsidy is going to be increased regardless of whether or not the participant is a new member or not a new member.

And, as a result, the taxpayers are -- are making the payment ultimately for whatever the Care 4 Kids subsidy is but that is in some way offset by the dues. So I'm wondering if we're not going to have this participant paying the dues, whether that's an additional cost to the taxpayer.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, no.

DEPUTY SPEAKER GODFREY:

Representative Sampson.

REP. SAMPSON (80th):

Thank you, Mr. Speaker.

I am not sure how and I will respect the proponent's response just the same and I guess I'll let this go until we get back to the bill.

Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Thank you, sir.

Gentleman from the 125th, Representative Hetherington.

REP. HETHERINGTON (125th):

Thank you, Mr. Speaker.

If I may a question through you to the proponent.

DEPUTY SPEAKER GODFREY:

Please proceed.

REP. HETHERINGTON (125th):

Through you, Mr. Speaker, the child care subsidy payments are made directly to the care provider. Is that correct?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, yes it is.

REP. HETHERINGTON (125th):

Okay and if -- if it is given to a provider who may have -- have hired an assistant, how is the assistant dealt with for these purposes? Is that a separate payment from the -- from the subsidy?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

I -- I'm hoping this will get sooner or later to the House Amendment B, Representative Hetherington.

REP. HETHERINGTON (125 th):

Yes it is.

DEPUTY SPEAKER GODFREY:

It is? Okay.

Representative Zalaski.

REP. ZALASKI (81st):

I -- I also, through you, Mr. Speaker, I'm not sure what this has to do with the amendment. Maybe you could sum that up.

DEPUTY SPEAKER GODFREY:

Representative Hetherington could you help us out?

REP. HETHERINGTON (125th):

Well yes I certainly understand the -- the Chair's

wish to have that and I -- I will go to that right now. I -- I want to determine how the payment to the provider is determined when a provider does not work every day or may indeed may not work for a month or two. How does the -- how is the payment determined whether not it should be made if -- if a provider does not work every day?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Yes, through you, Mr. Speaker, number one I -- you know people get money from Care 4 Kids already so they're being paid so we already have that down.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Hetherington.

REP. HETHERINGTON (125th):

Okay well, through you, Mr. Speaker, here's what I'm asking. If this 60 days hiatus is to apply before dues or fees may be collected and if the provider does not work every day or does not work for a month or two months, how do we measure the 60 days and that is connected to my original question and that is how does

the subsidy program know to pay a provider based on the provider working?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, I think Social Services has this down on how -- how to pay these providers.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Hetherington.

REP. HETHERINGTON (125th):

Well, through you, Mr. Speaker, that -- that really goes to this amendment. I mean because we've got to measure the 60 days. How do we measure the 60 days? Is it -- is it a 60 day period during which a provider works as a provider and -- and, if that's so, how do we know that the provider worked for 60 days?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, I -- I'm sure that the Department of Social Services and the state is well

aware of when somebody works and when they work the time clock starts. If they don't work again for 62 days but then start to collect money from the state again, then they are -- their choice is made.

Thank you, Mr. Speaker.

REP. HETHERINGTON (125th):

(Inaudible).

DEPUTY SPEAKER GODFREY:

Representative Hetherington.

REP. HETHERINGTON (125th):

Thank -- thank you. Well rather than an expression of faith could we determine how the state knows that the -- the -- that the provider has worked?

Through you, Mr. Speaker.

I mean is there -- is there a voucher that the provider turns in?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, I don't know.

REP. HETHERINGTON (125th):

Okay.

DEPUTY SPEAKER GODFREY:

Representative Hetherington.

REP. HETHERINGTON (125th):

Well -- I -- I appreciate -- I appreciate the proponent's candor.

But if we don't know then how do we measure the 60 days? Does the 60 days run whether or not the provider is providing child care services or does it -- is it 60 days based upon only the days during which the child care provider works as a child care provider?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Again, through you, Mr. Speaker, the first day they get a check from the state, the time clock starts. After 60 days if they receive a check again, then they have met their 60 day obligation.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Hetherington.

REP. HETHERINGTON (125th):

Through you, Mr. Speaker, so -- so that if -- if the child care provider gets a check on day one and then no check until the 60 days are up and then on the

60th day the child care provider gets another check, then does that satisfy the 60 days?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Number one I think the providers themselves bill DSS so DSS would know when the providers work and when they don't.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Hetherington.

REP. HETHERINGTON (125th):

I -- I -- I see. Thank you. That -- that's what I was trying to determine. And then my final question is then so is it 60 days worked by -- as evidenced by the billing to the -- to the program or it is 60 days whether or not there are any bills submitted to the program so that it doesn't matter whether it's 60 days of work or it's just 60 days on the calendar.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, it's 60 days on the calendar.

Through you, Mr. Speaker.

REP. HETHERINGTON (125th):

Okay.

DEPUTY SPEAKER GODFREY:

Representative Hetherington.

REP. HETHERINGTON (125th):

I -- thank you. I -- I thank the -- the proponent for his answers. I thank the Speaker for his indulgence.

Thank you.

DEPUTY SPEAKER GODFREY:

Thank you, sir.

Gentleman from the 21st, Representative Wadsworth.

REP. WADSWORTH (21st):

Thank you, Mr. Speaker.

Question to the proponent, through you.

DEPUTY SPEAKER GODFREY:

Proceed, sir.

REP. WADSWORTH (21st):

The event -- the global event that starts the 60 days, could you describe that and what it is and what it takes to get there please?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Well that's a good question. I would say, through you, Mr. Speaker, that the event, so to speak, is when they send in a voucher to the state and the state pays them a check and the event for PCAs is when they let their -- their consumer pays them.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Wadsworth.

REP. WADSWORTH (21st):

And to follow up on that, through you, Mr. Speaker, is there a typical timeframe based on -- on a passing of this bill through the House and through the Senate and the signature by the Governor that would start that, it would give some typical timeframe when all that would happen?

Through you.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, as I've said a few times

tonight, it is -- first the membership has to have meetings and decide what they want in their contract and how their dues structure and fee structure will work.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Wadsworth.

REP. WADSWORTH (21st):

And to continue, through you, Mr. Speaker, the members that -- that decide are they the members of the child care attendants and the personal care attendants of this particular union? Are they entire union membership of 1199 and SEIU?

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, I think it's the entire membership.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Wadsworth.

REP. WADSWORTH (21st):

And there was some representation, through you, Mr. Speaker, of dues being somewhere between 1 and 2

percent. Is there any representation of what the fees would be?

Through you.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, I'm told that it's between 60 and -- and 80 percent of the dues.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Wadsworth.

REP. WADSWORTH (21st):

Thank you, Mr. Speaker.

And just to follow up on the global impact of this, through you, Mr. Speaker, what is the total '12 '13 appropriation for the child care -- Care 4 Kids program?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, I'm not sure I understand the question. Could you rephrase it?

DEPUTY SPEAKER GODFREY:

Representative Wadsworth, could you rephrase the question?

REP. WADSWORTH (21st):

Through you, Mr. Speaker, the Care 4 Kids program is appropriated X dollars in fiscal 2013. Just trying to get an idea of what that appropria -- appropriations is.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, it's a great question and if anybody here is on Approps maybe they could answer it. I'm not and don't have the answer.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Wadsworth.

REP. WADSWORTH (21st):

And just to follow up, through you, Mr. Speaker, the total appropriations of the personal care attendants, the 7,200 members, what's the total appropriations year '12 '13 for that program.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, I don't believe I have the answer to that but again I would say there is -- there is not going to be a need for money in the -- in this year's budget because they haven't even met to start forming the package of what they want in their contract.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Wadsworth.

REP. WADSWORTH (21st):

I'd like to thank the proponent of the bill for his answers and thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Thank you, sir.

Representative Shaban of the 135th.

REP. SHABAN (135th):

Thank you, Mr. Speaker.

And through you a couple of quick questions to the proponent of the amendment please.

DEPUTY SPEAKER GODFREY:

Proceed, sir.

REP. SHABAN (135th):

Thank you.

I think I heard -- I had a couple of questions that I think I've heard answers to most of them. Question though if two daycare providers are working together in an office share arrangement and let's say they have two kids each, if one daycare provider has a kid who qualifies for the subsidy but the other one doesn't, are both daycare providers, if they just start the business up, are both of them going to be paying dues in 60 days?

Through you.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, it's who gets the check from the state.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Mr. Speaker.

And thanks for that response. All right so than it -- it -- so it follows the kid I guess and -- and through the -- through the child to the daycare

provider. What if that child is only with that daycare provider for 59 days? Forget that, how about just one day for whatever reason, you know, one or two days. Do you reset the clock or is, you know, once you get -- once you get penny one from a subsidy, the -- the clock starts running?

Through you.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, you don't reset the clock.

DEPUTY SPEAKER GODFREY:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Mr. Speaker.

All right so -- so it's -- it's from penny one 60 day clock starts then you start paying your dues. I think I understand that. Final question since we're just on the amendment, the provider bills DSS and -- and that was -- frankly that was a useful piece of information because that answered a lot of questions but with -- is there coordination between DSS and the Department of Labor or will there be with respect to a)

this amendment and b) I guess the underlying bill?

Through you.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, I'm not sure what you mean by coordination between Department of Labor.

Through you.

DEPUTY SPEAKER GODFREY:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Mr. Speaker.

Well if union dues and collective bargaining rights and all that other stuff are going to get -- well triggered right away but the dues -- dues part kicks in in 60 days under this amendment, I think the Department of Labor tracks that, enforces that, kind of keeps an eye on that. How does the Department of Labor know that my two hypothetical daycare workers have gone into business, started a daycare provider service and at least one of them have received at least one penny of subsidy money. How does the Department of Labor know that?

Through you.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, number one they don't start paying dues, again, until they have had a democratic, you know, democratically decided to set a dues and fees strucker -- structure.

Through you.

And until they receive their first contract.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Shaban.

REP. SHABAN (135th):

Thank you, all righty so let's assume that's happened. I -- I -- and I'm -- I'm really just trying to figure out how the two are going to work together because if the union part of the equation is triggered after 60 days of receiving that first nickel from DSS, how does -- how does Department of Labor find out or do they?

Through you.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

I don't really -- through you, Mr. Speaker, I'm not sure that I -- I see where Department of Labor has any cognizance in this.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Shaban.

REP. SHABAN (135th):

Alrighty, thank you.

And thank the gentleman for his response. It's curious because we're in the labor -- it came out of Labor Committee not Public Health. I -- I -- well I'll -- I'll drill down on this. Thank you, sir.

Thank you.

DEPUTY SPEAKER GODFREY:

Gentlewoman from the 143rd, Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you, Mr. Speaker, good evening.

DEPUTY SPEAKER GODFREY:

Good evening.

REP. LAVIELLE (143rd):

I have a few questions for the proponent of the bill.

DEPUTY SPEAKER GODFREY:

Please proceed.

REP. LAVIELLE (143rd):

Thank you so much.

And a good evening to the Representative, through you.

I had a -- I wanted to go back to the Representative's answer to the question of -- about the purpose of the amendment and I understood it was so that people could get their feet wet. There was a precision I was missing though. I was curious as to whether it was getting their feet wet as a paying union member or getting their feet wet in the job of provider in either of these sectors and receiving the state subsidy.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, it's a great question and I think that both are -- are applicable.

DEPUTY SPEAKER GODFREY:

Representative Lavielle.

REP. LAVIELLE (143rd):

I -- I thank you.

Through you, Mr. Speaker, I thank the Representative for his answer. Given that, and given that the provider would be getting his or her feet wet as a union member but not paying, if I understand properly, then what would change for that -- you -- or let me phrase this differently. Would then that provider be receiving all benefits attendant upon being a union member during those first 60 days and before paying any dues?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, number one they have to get their first contra -- that's if they receive a contract and if they receive any ray -- or wages or extra benefits or any new training.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you.

And through you, Mr. Speaker, do they not -- does not the 60 days begin counting from the time they ref -

H – 1130

CONNECTICUT
GENERAL ASSEMBLY
HOUSE

PROCEEDINGS
2012

VOL.55
PART 8
2447 – 2761

- receive or enroll for their first subsidy from the state?

Through you.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, yes it does.

DEPUTY SPEAKER GODFREY:

Representative Lavielle.

REP. LAVIELLE (143rd):

I see so I guess I don't understand what the good Representative just said a moment ago that they would have to have their contract or they would have to have other things kick in before they could receive any of the benefits or advantages of being a union member that -- that this wouldn't kick in automat -- I'm confused on that point.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

And -- and is there a question there, Representative Lavielle?

REP. LAVIELLE (143rd):

Yes there -- there -- thank you.

DEPUTY SPEAKER GODFREY:

I -- I didn't hear a question though, that'.

REP. LAVIELLE (143rd):

I'll do that -- I'll do that again. I appreciate it.

DEPUTY SPEAKER GODFREY:

Okay, thank you.

REP. LAVIELLE (143rd):

I -- I had understood from the good Representative that my -- I had asked whether all benefits and advantages, attendant upon being a union member, would be received from -- by the provider from the beginning of the 60 days and that the 60 days would begin counting from the moment that person enrolled in the subsidy program, whichever it may be, and then the Representative said no they would have to -- their contract would have to kick in. So I don't understand the difference between the contract kicking in and their signing up for one of the subsidy programs.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Well through you, Mr. Speaker, maybe I misunderstood her question. I thought her question was

aren't they receiving the benefits of the union in their first 60 days. If they haven't received a contract or any increases in benefits, they are not receiving any extra benefits from being a union member or being a fee payer.

But I'll tell you what happens in my union, as I said before, we spend 90 days getting used to where we work and whether we like working in a union atmosphere.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you, Mr. Speaker.

Then I -- I understand how getting their feet wet might apply to liking the job or getting used to the job but I'm not sure how it applies to getting their feet wet as a mun -- as a union member if they're not receiving any of the advantages of being a union member.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Well, through you, Mr. Speaker, I'm not sure there

was a question in there but the -- it seems to me that sometimes there's many people out there that say they don't want to -- they just don't like unions, don't want to belong to unions. Maybe that's what part of the 60 days or the 90 days, in my plant, have to cover.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you, Mr. Speaker.

Perhaps I could just phrase this a different way. What concretely would change for these people at the end of 60 days besides the fact that they would be paying dues?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

That's a great question, through you, Mr. Speaker, and the answer is they get a voice from where they work. Right now they don't have any voices. Either of these sets of workers have no voice with -- to try to get better benefits, to try to get -- make a better life for themselves and that's what this bill is all

about.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you.

So I understand that for the first 60 days they won't have that voice since they're not paying dues and, therefore, they can't -- they can't get their feet wet feeling what it's like to have the voice but I'll -- I'll move on from that a bit.

I actually would like to know if the good Representative could tell me whether there was a particular demand for this delay of 60 days. Was there something that provoked this?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, not that I'm aware of.

DEPUTY SPEAKER GODFREY:

Representative Lavielle.

REP. LAVIELLE (143rd):

Well thank you, Mr. Speaker.

And I thank the good Representative for his answers. I'll just make a couple of observations which will incline me not to support the amendment. The first is that it seems a bit arbitrary to be introducing this if there was no demand for it but the -- the greater reason is -- is that on top of that we are inviting people to get their feet wet in a job for 60 days for which we are providing them a state subsidy which is provided by taxpayer money so essentially we are paying for them to have a trial period to see whether they like what they're doing.

And the implication of that was actually not something that I had ever thought of in regard to those programs before and this amendment has certainly planted that thought in my mind and I find that quite troublesome. So I -- I will not be supporting the amendment and I -- I thank the Representative for his answers.

And thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Thank you, Madam.

Gentleman from the 35th, Representative Crawford, Representative Crawford.

REP. CRAWFORD (35th):

Thank you, Mr. Speaker.

A couple of questions for the proponent.

DEPUTY SPEAKER GODFREY:

Please proceed, sir.

REP. CRAWFORD (35th):

If I understand it correctly, the -- the agency fee term is the one that's applied to someone who is a non-member. Does that sound familiar?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, that is correct.

DEPUTY SPEAKER GODFREY:

Representative Crawford.

REP. CRAWFORD (35th):

And that by contract law it's my understanding that a certain percentage of the union dues is required of a non-member for contract maintenance. Does that sound correct?

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. CRAWFORD (35th):

Though you.

REP. ZALASKI (81st):

Through you, Mr. Speaker, I think you're speaking about the fees, yes.

DEPUTY SPEAKER GODFREY:

Representative Crawford.

REP. CRAWFORD (35th):

So the 60 day period that was established by this amendment is essentially a period of time if -- I'm thinking it is anyway, Mr. Speaker, that it's essentially a period of time where a new hire comes in or a new hire becomes part of the state -- state subsidy program and that it's designed to be sure that they want to remain part of this program and that a courtesy is being applied on the part of the union.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, yes that is correct.

DEPUTY SPEAKER GODFREY:

Representative Crawford.

REP. CRAWFORD (35th):

So there really is no -- there really is no penalty being applied to anyone who decides in that

first 60 day period whether or not they wish to join even though they may have certain privileges, i.e., they benefit by the salary agreement that was negotiated by the union.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, that is correct.

DEPUTY SPEAKER GODFREY:

Representative Crawford.

REP. CRAWFORD (35th):

Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Thank you, sir.

Gentleman from the 63rd, Representative Rigby.

REP. RIGBY (63rd):

Thank you, Mr. Speaker.

If I may, a question or two for the proponent of the amendment.

DEPUTY SPEAKER GODFREY:

Proceed, sir.

REP. RIGBY (63rd):

Mr. Speaker, line 10 of the amendment being

offered by Representative Zalaski states dues or fees may be charged only with respect to earnings from participation in the Child Care Subsidy Program established pursuant to Section 17b-749.

Then above that line 9 it -- it has the -- the phrase expenses incident to collective bargaining. Through you, what are -- what -- what are those -- what might those expenses be?

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, could you give me that line number again?

DEPUTY SPEAKER GODFREY:

Representative Rigby.

REP. RIGBY (63rd):

Of course, I actually -- I was incorrect. That phrase begins on line 8 and then ends on line 9, expenses incident to collective bargaining.

I'm wondering what those expenses might be. What an example of an expense might be.

Through you.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, it might be hiring a lawyer or renting a room. There's many expenses in negotiations.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Rigby.

REP. RIGBY (63rd):

Thank you.

So just so I'm clear, if -- the process of collective bargaining I'm sure there's many professionals involved in negotiating, trying to get the very best possible contract for the members so those -- those fees I'm sure could be substantial.

Would the fees be broken out equally among the members and non-members of the collective bargaining unit?

Through you.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, yes they are.

DEPUTY SPEAKER GODFREY:

Representative Rigby.

REP. RIGBY (63rd):

Thank you.

Mr. Speaker, I wonder if the 60 day period might afford agencies like DSS, DDS more time to put the mechanisms in place and the personnel to administrate the -- the complex web required to -- to collect, distribute, administrate the -- the dues themselves.

Might -- might the 60 days be useful in that respect?

Through you.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, the state is completely set up for taking dues out of pay so I don't think that they need the 60 day time period.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Rigby.

REP. RIGBY (63rd):

Thank you.

I thought I would take a -- a -- take a stab at trying to add some -- find some clarity in this amendment. It seems to make a -- a complex, difficult

to understand bill a little more convoluted so I urge rejection.

Thank you.

DEPUTY SPEAKER GODFREY:

Thank you, sir.

Gentleman from the 31st, Representative Srinivasan.

REP. SRINIVASAN (31st):

Good evening, Mr. Speaker.

Through you, Mr. Speaker, to the proponent of the amendment.

DEPUTY SPEAKER GODFREY:

Please proceed, sir.

REP. SRINIVASAN (31st):

Thank you, Mr. Speaker.

I see in the amendment we have the 60 day period for getting our feet wet. Is the 60 day applicable to everyone across the board who has -- who has -- who will be providing the services or is there these people who need -- need to have provided services for a certain period of time before they become eligible for the 60 day period?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, it's everyone.

DEPUTY SPEAKER GODFREY:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Mr. Speaker, much earlier in the day, probably it was afternoon at that time, we had talked about and -- yes it is -- I -- it will be a part of the amendment that is why I want to bring this up that there were about 20,000 people on the registry and from that 20,000 about 7,200 people were the ones that the ballots went to because they had rendered services for the last six months.

So would those remaining people, the people that -- to whom the ballots did not go to because they had not rendered for the six months, would they also be, in case they do render service now because it -- it is as we know a changing environment and we do not know who the provider is going to be, would they also qualify for this 60 day period?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, I would guess yes.

DEPUTY SPEAKER GODFREY:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Mr. Speaker, would that also apply not only to child care but in the -- but in situation of the personal care as well?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, I just wanted to clarify about the 20,000. You know as I've said before it's only people that get paid through the state programs.

Through you.

DEPUTY SPEAKER GODFREY:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Thank you, Mr. Speaker.

I'll want to make -- my question that I'd asked when he -- when the good Representative clarified was would that be applicable to the -- to the people who provide the personal care as well, the 60 day period,

even though they have not rendered it in the -- in the last say six months or nine months?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

If I understand the question correctly, I would say yes.

DEPUTY SPEAKER GODFREY:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Thank you, Mr. Speaker.

And thank you for the proponent of amendment for the answers.

DEPUTY SPEAKER GODFREY:

Thank you, sir.

Will you remark further on House Amendment Schedule B? Will you remark further on House Amendment Schedule B?

If not, let me try your minds. All those in favor signify by saying, aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER GODFREY:

Opposed, nay.

REPRESENTATIVES:

Nay.

DEPUTY SPEAKER GODFREY:

The ayes have it. The amendment is adopted.

Will you -- 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.

It seems there are people who came up on the board after I had called for the vote.

THE CLERK:

The House of Representatives is voting by roll

--

A VOICE: No wait.

(Chamber at ease.)

DEPUTY SPEAKER GODFREY:

The House will come back to order.

Clearly there were those who wish to speak

who didn't quite make getting their -- their names to my attention before I called for the vote. We understand that there are people who want to discuss this important bill and if there is no objection I'd be quite happy to clear the board and continue with debate.

Is there objection? Is there objection?

Hearing none, the board will be cleared and we will go back to the debate.

(Chamber at ease.)

DEPUTY SPEAKER GODFREY:

Please come back to order.

Will you remark further on the bill as amended?

Representative Sampson.

REP. SAMPSON (80th):

Thank you, Mr. Speaker.

The bill before us this evening is no doubt a very complicated bill. In fact I think it's 16 pages long and I got my first look at it yesterday and I took a considerable amount of time to go paragraph by paragraph so I had a good

understanding of what was happening here.

But more importantly this is just the second step in what I consider to be a three-step process. The first step was the Governor's Executive Orders establishing what are referred to as majority representatives which are the unions.

Mr. Speaker, could I have a little silence in the Chamber please?

DEPUTY SPEAKER GODFREY:

The gentleman has asked for quiet. Could you please provide it? Thank you.

Representative Sampson.

REP. SAMPSON (80th):

Thank you, Mr. Speaker, I appreciate that.

Trying to keep my thoughts collected here. The first step in this process was the establishment of the majority representatives through Governor Malloy's Executive Orders No. 9 and 10. For the benefit of the Chamber, the majority representatives essentially are the unions that would represent daycare providers in Executive Order No. 9 and personal care attendants in Executive Order No. 10.

That process has occurred. The Governor's Executive Orders laid out the plan for the process of

the unions to become the bargaining units through an election process laid out within those Executive Orders and this legislation that's before us takes the next step which is to provide those bargaining units with recognition by the state and also the ability to collectively bargain.

And this particular bill lays out the third step which would be a vote on a collective bargaining agreement which would ultimately go into effect. I'd like to ask the proponent of the bill a few questions with regarding -- with regard to how we got here if I may, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski please prepare yourself.

Representative Sampson.

REP. SAMPSON (80th):

Thank you, Mr. Speaker.

I -- I guess that's my first question. I would like the proponent of the bill, if you would be so kind, to let us know exactly we -- how we got to this point where we have majority representatives in place who are going to be granted, if this bill should pass, collective bargaining power with the State of Connecticut.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, yes the Executive Bor -- Orders did two things. They created two working groups to study and recommend how a collective bargaining process would best work in these two unique types of workforces. And second he set -- they set up a meet and confer process to allow workers to elect a majority representative group to talk to the administration but no right to negotiate any changes.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Sampson.

REP. SAMPSON (80th):

Thank you for that answer. Can I ask also, through you, Mr. Speaker, if the Executive Orders also contained one other item and that is the process for the elections that put each majority representative for each body, the daycare providers and the PCAs, in place? Is that correct?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, I don't have the Executive Orders in front of me but I know that Triple A did the election.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Sampson.

REP. SAMPSON (80th):

Thank you, Mr. Speaker.

Well I can assure everyone in this Chamber that the Executive Orders did, in fact, lay out the process for the election that put the majority representatives ultimately in place so that they could be before us, in this bill, looking for collective bargaining rights.

I also remind the Chamber that this same exact legislation that the Executive Orders covered, including the election process, was proposed in the Connecticut General Assembly three times in this -- in the -- that I'm aware of anyway -- maybe possibly even more than that within recent years, three times, and each time it failed to pass for a vote.

This most recent time the Governor took it upon himself to begin the process by establishing the two

majority representatives we just spoke about via Executive Order.

I'm wondering if the proponent of the bill feels that, like I do, that that election process should be something that the Legislature should have had an opportunity to vote on.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, no I do not.

DEPUTY SPEAKER GODFREY:

Representative Sampson.

REP. SAMPSON (80th):

Thank you, Mr. Speaker.

I appreciate that answer and the reason why I ask is I -- I think it's something I want to make clear that regardless of our political stripes in here I think that each one of us needs to pay very close attention to what happened with these Executive Orders. This is an instance where the Executive Branch stepped over its boundaries laid out in our Constitution to make law without our consent.

And the very fact that this has been attempted

numerous times by this Body should be clear evidence that it needed to and I would be shocked that anyone would think that the Governor should have the authority, regardless of what political party they're from, to make law without the consent of this Body and I would say that the Executive Orders containing the process to establish a majority representative, a union election in fact, certainly covers that.

So I'll move on to the bill. I said my peace about that. I'll also make a note that there are two pending lawsuits against the Governor for that exact issue, exceeding his executive authority and also some of the provisions provided in the Executive Orders I think, in my mind, are clear violations of national and state labor law.

I think it's also interesting that we are attempting to pass the next step in this process via this legislation when these lawsuits are pending. And I think if you look around the country you'll see that this process has been attempted in numerous states. And in the states where there has been objections by folks saying that the governors in those respective states have not had that authority and they were able to mount a legal challenge upfront and through vigorous

effort, that effort to put the unionization into effect has failed.

It is only in the cases where it happened quickly and without a vigorous opposition that is has succeeded and I am confident that in Connecticut we are going to be in the former situation and that the Executive Orders will be overturned and this legislation, regardless if it passes, will end up being moot.

The Governor has repeatedly stated that the Executive Orders that established the majority representatives were not binding in any way. So I have a question, Mr. Speaker, for the proponent.

The question -- I'm sorry the question, Mr. Speaker, is does this legislation before us not require that the majority representatives, the unions, are already in place before this legislation can take effect?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, yes from my understanding the unions are their representatives.

Through you, Mr. Speaker.

REP. SAMPSON (80th):

Thank you, Mr. Speaker. I appreciate that because that will no doubt help my legal case to make the point that you needed to have these majority representatives before this legislation can take effect and the Executive Orders, in fact, did do that.

So given that I want to talk directly about the language contained in the bill. In Section 2, lines 12 through 16, it says that a family child care provider shall not be considered a state employee. But in fact this bill essentially sets up a situation where the family child care providers are going to bargain with the state. Don't employees in most union situations bargain with their employer?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, in this case they -- they don't -- they are being paid by the state so being that they are paid by the state that's why they set this system up.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Sampson.

REP. SAMPSON (80th):

Thank you, Mr. Speaker.

In the following section it -- it -- there's a notation that family child care providers shall have the right to bargain collectively and shall have such other rights.

Through you, Mr. Speaker, what are those other rights?

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

The other rights could be many different things to the -- I would say rights as a -- when it comes to deciding who they -- what classes they may take or what education they may take.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Sampson.

REP. SAMPSON (80th):

Thank you, Mr. Speaker.

Forgive me, I don't know if that's -- what is meant by such other rights but I guess we'll -- we'll leave it like that because apparently I don't think

either one of us are -- are quite certain what might else be there, that doesn't mean that there isn't something.

I -- I -- let me move on to the next section which I found troubling because several times I have heard from proponents of this legislation that child care providers and PCAs are going to benefit greatly from this unionization in things other than, you know, monetary compensation and that other things would become available to them, health benefits and so forth.

But Section 20 -- Section 2-1, lines 22 through 27 lays out very simply the following shall be prohibited subjects of bargaining, the application of state employee benefits to family child care providers, including, but not limited to, and the very first thing that's mentioned is health benefits.

I wonder if the proponent of the bill can speak to how the members of the union that have been established are going to benefit as far as health benefits given this language within the bill.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, number one I -- I don't speak for the -- the members. They get to decide which benefits they may anticipate they would like. But I would say that number one the bill stipulates that they can't take this -- the state benefit, healthcare plan. Maybe they'll have their own type of healthcare plan like I have at my shop.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Sampson.

REP. SAMPSON (80th):

Thank you, Mr. Speaker.

So if I -- if I'm understanding you correctly this section pertains only to whether or not these members of the union are going to be able to benefit from state employee benefits?

Is that correct, Mr. Speaker?

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, Section 22 through 27 prohibits any bargaining proposal that would interfere with a parent's right to select, hire, fire and direct the providers of their choice. Also prohibits

grievance arbitration against any parent, guardian and any proposal that gives family care -- child care workers state employee benefits.

DEPUTY SPEAKER GODFREY:

Representative Sampson.

REP. SAMPSON (80th):

Thank you, Mr. Speaker.

I -- I'm speaking just about lines 22 through 24 in the bill where is says the following shall be prohibited subjects of bargaining and health benefits is listed.

Through you, Mr. Speaker.

REP. ZALASKI (81st):

Through you, Mr. Speaker, that's correct.

REP. SAMPSON (80th):

So just to be very clear, members of the union, the two unions, are not going be eligible for state employee health benefits or any of the other items mentioned in that same paragraph. Is that correct?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, that is correct.

REP. SAMPSON (80th):

Alright, thank you, Mr. Speaker. I appreciate that answer. In Section 5d, I think it's line starting 67, this is where the Department of Social Services becomes the executive branch employer representing family child care providers and it states that in this section that they will be the exclusive bargaining agent for family child care providers in Connecticut.

Through you, Mr. Speaker, does this mean that family child care providers, if they chose to collectively bargain in some other way or even group together as an association to maybe lobby the Legislature for additional funding for Care 4 Kids, something like that, would that prohibit that activity by stating, as it does in this bill, that DSS will be the exclusive bargaining agent?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, DSS, the Department of Social Services, is the one that pays these providers.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Sampson.

REP. SAMPSON (80th):

I -- I -- I'm sorry, Mr. Speaker, can you repeat that again?

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Yes, through you, Mr. Speaker, Social Services -- Department of Social Services is the one that provides the payment to these workers.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Sampson.

REP. SAMPSON (80th):

Thank you, Mr. Speaker.

The way I understand the process is that daycare providers in Connecticut are typically self-employed small business owners and that the payment that we're referring to may end up in their hands but it is not for them, it is for a subsidy given to a parent of a child that has applied for Care 4 Kids benefits.

I'm wondering how, if these people are self-employed business owners, how we could be putting them

-- treating them essentially as employees of someone else and specifically in this paragraph the Department of Social Services?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, yes again Care 4 Kids receive their payment from Department of Social Services.

DEPUTY SPEAKER GODFREY:

Representative Sampson.

REP. SAMPSON (80th):

Thank you, Mr. Speaker.

I -- I don't' know if that answers my question. What I'm -- what I'm saying is that the -- the people that are ultimately receiving the check are small business owners. They are not employees of the state. Yet we are putting them essentially into a state employee union and asking that they bargain with the state for the amount of that Care 4 Kids subsidy even though the Care 4 Kids subsidy is for a parent of a child that might visit that small business.

I'm trying to understand the logic behind how we

are treating one person who is a small business owner as if they were an employee of someone else for a check that doesn't benefit them.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, the check goes directly to the provider.

DEPUTY SPEAKER GODFREY:

Representative Sampson.

REP. SAMPSON (80th):

Through you, Mr. Speaker, so -- so what I'm being told is that because they are the ultimate recipient of the check they should be considered an employee of the state?

Is that correct, Mr. Speaker?

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, as you read in the bill they are not employees of the state.

DEPUTY SPEAKER GODFREY:

Representative Sampson.

REP. SAMPSON (80th):

Thank you, Mr. Speaker.

If they are not employees of the state, who does the bargaining unit negotiate with other than the state?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, they do negotiate with the state. They negotiate with the Secretary of OPM and the negotiations are conducted by the Office of Labor Relations which is a -- which occurs in all bargaining with state employees.

REP. SAMPSON (80th):

Thank you, Mr. Speaker.

This is the whole problem I'm having with this thing. It seems that we want to have this both ways. In some respects we're saying that these people are not state employees so they're not eligible for benefits of state employees. But another way we're saying that because they have to negotiate with the state they are state employees and we're going to set up essentially a shell organization because in fact these people are

self-employed businesses. They do not work for anyone else.

So we're going to say that they work for this imaginary organization. In the case of the PCAs we're setting up their Personal Care Attendants Workforce Council and in the case of the daycare workers I guess it's the DSS that ultimately ends up being their sudo employer -- employer.

It just seems to me that in every other circumstance that I could ever imagine in the case of a union is -- is the employees are unionizing to negotiate with their employer. So I'm trying to get as much clarification as I can on who employs these self-employed business people in the case of the daycare providers.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, in this bill it says that the state pays them. I know where I work at my shop the person that pays me is my employer.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Sampson.

REP. SAMPSON (80th):

Thank you, Mr. Speaker.

I'm going to move on to PCAs for a minute because we have a very similar situation there and that is in line 157 it says consumer. Consumer means a person who receives services from a personal care attendant under a state funded program and I take this to mean like in most cases the -- the consumer, I would assume from this paragraph and the wording, is -- is maybe a disabled person for instance that hires a PCA to help take care of their, you know, their daily business that sort of thing.

Is this consumer the same thing as the employer?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, the consumer gets to hire and fire their clients but they receive their checks, the money, from the state.

DEPUTY SPEAKER GODFREY:

Representative Sampson.

REP. SAMPSON (80th):

Thank you, Mr. Speaker.

I'm just trying to follow. So the consumer -- can we -- can I -- Mr. Speaker, can we, through the -- to the proponent, can we call this consumer the employer seeing how the personal care attendant works for them?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Yes I guess you could, through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Sampson.

REP. SAMPSON (80th):

Thank you, Mr. Speaker.

If that's the case, then why are the PCAs not negotiating with their employer, who we just established is the disabled person and instead negotiating with the state for their benefits?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, because they receive their benefits -- their -- their money from the state.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Sampson.

REP. SAMPSON (80th):

Thank you, Mr. Speaker.

The way I understand it is that the PCA ultimately receives a payment but that payment is from the disabled person who we're referring to as a consumer, and that we both agreed is their actual employer and there are several references in this bill that would absolutely prove that they are without anybody's doubt the a -- the true employer. Section 4-3, which is lines 174 to 176, says personal care attendants means persons employed by a consumer.

I mean, you know, if you're employed by someone I'm assuming you're employed by your employer.

So I want to thank you for your upfront response in saying these people are actually the employer. And this is -- this is the -- the major issue I have with this bill more than any other thing is that we are trying to play games with who employs who here and we're blurring the lines based on the way money circulates through the system.

The fact is that in the daycare side the state

does not trust the parent of the child to spend the money on the daycare so they send it to the daycare provider directly. But does that make the daycare provider an employee of the state? No not in any way shape or form. In fact they're a small business owner and they can charge whatever they want to their consumers.

If they want to charge $200 or $150 for a day's worth of daycare, they can chose to do that and if the subsidy is a certain amount, that gets deducted from that. But we're going to create a bill that essentially has these people put into a union that is going to negotiate the amount of that subsidy on their behalf. That subsidy shouldn't matter that much to them. The amount that matters to them is the amount they charge their customer. The amount of the subsidy is something that should matter to the parent

And in the case of the PCAs it's a very similar situation. We just established that it's the disabled person who is the actual employer and the person that is taking care of them, the PCA, receives their payment from that employer and it's because the disabled person receives a Medicaid waiver rather than being in some sort of institution, they get this benefit. It just so

happens that they pass that money on to the PCA but their employer is the disabled person and the beneficiary of the money is the disabled person and not the PCA.

Yet we are going to put the PCAs in the union as if they are employees of the state. It seems very fishy to me.

I'm going to move on just briefly here and I want to ask a couple of questions about the dues. We got into this a little bit on the amendment. Mr. Speaker, through you, I would like to ask the proponent how dues are going to be collected with respect to daycare providers.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, they will be deducted from the funds that they send to the provider.

DEPUTY SPEAKER GODFREY:

Representative Sampson.

REP. SAMPSON (80th):

Thank you, Mr. Speaker.

So let me pose a couple of instances to you. If

there is a certain amount that is deducted from the Care 4 Kids subsidy, which I hate to be redundant but I want to point out is not for the daycare provider, they're just the ultimate recipient of the money, if they have five kids that are in the Care 4 Kids program and the daycare down the street only has two kids, I'm going to assume that the person that has the five kids actually has more dues being taken out of their Care 4 Kids check than the other one.

Do -- does the one that's paying more in dues have more rights than the other within the union?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, no.

DEPUTY SPEAKER GODFREY:

Representative Sampson.

REP. SAMPSON (80th):

Thank you, Mr. Speaker.

You said during the amendment that you become a member of the union the first time you receive a Care 4 Kids subsidy. Can I ask if there is ever a point where you cease becoming a member of the union?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, yes when you don't receive any checks from the state.

DEPUTY SPEAKER GODFREY:

Representative Sampson.

REP. SAMPSON (80th):

Thank you, Mr. Speaker.

Well you may not receive checks from the state for some period of time. For instance you may have as the owner/operator of your own small business as a daycare operator you might have a Care 4 Kids subsidized child within your daycare at one point and then you may not for some period of time. Who knows it might be a week or a year. If it happens a year after the first time, I'm assuming that the subsidy will be taken out that very, very next time it happens. Is that correct?

I'm sorry the dues would be taken out of the check the next time. Is that true, Mr. Speaker?

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, again if the employees have negotiated that there is dues structure, yes they will.

DEPUTY SPEAKER GODFREY:

Representative Sampson.

REP. SAMPSON (80th):

Thank you, Mr. Speaker.

I just want to remind everyone that we just passed an amendment that established that we statutorily decided that they get a 60 day getting your feet wet period and that was -- had nothing to do with the determination of the union after an election.

So I just want to ask again if you are -- essentially you have your first Care 4 Kids check comes in, you're not responsible. On the 60th day, and we've already established through many of the questions on the amendment that there are numerous circumstances where you might have a Care 4 Kids child for one day and then not have another until the 61st day, and we're not really sure what's going to happen, but assuming that you have a Care 4 Kids child in your daycare today and you don't have another one for a year, you've obviously met that 60 days threshold so a year later you get another Care 4 Kids person in your daycare,

would the dues be taken out?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, I would guess, under your scenario, you would.

DEPUTY SPEAKER GODFREY:

Representative Sampson.

REP. SAMPSON (80th):

I'm -- I'm sorry you said you would or you wouldn't?

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, if you receive funds from the state, you have to pay dues if the union membership decides so.

DEPUTY SPEAKER GODFREY:

Representative Sampson.

REP. SAMPSON (80th):

Thank you, Mr. Speaker.

I -- the point I'm trying to make is that as far as I can tell once you are in this union by taking a

Care 4 Kids check, is that I think you are in this union forever.

Let me ask about the PCAs briefly and that is, through you, Mr. Speaker, can I ask the proponent how dues would be collected in the case of personal care attendants.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Yes, Mr. Speaker, through you, PCAs pay by a -- a fiscal agent on behalf of the consumer. Money comes from the state.

Through you.

So -- so it would come out that check.

DEPUTY SPEAKER GODFREY:

Representative Sampson.

REP. SAMPSON (80th):

Thank you, Mr. Speaker.

So -- so if I understand the proponent correctly, the elderly person, the consumer who we established is the true employer, receives a check and pays the PCA from that check the amount that they've agreed to pay them. I'm wondering where the dues comes into the

equation. The -- are the dues taken out of the check that goes to the consumer employer elderly person or disabled person or is it taken out by them before it gets to the PCA?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

The check actually goes to worker themselves.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Sampson.

REP. SAMPSON (80th):

Thank you, Mr. Speaker.

I understand there's this organization called Allied which essentially directs the payments from the consumer/employer to the PCA. Are they the ones taking out the dues?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, I would guess that is true.

DEPUTY SPEAKER GODFREY:

Representative Sampson.

REP. SAMPSON (80th):

So let me just follow-up with more or less the same question which is suppose I am a disabled person, a consumer/employer, and I hire a personal care attendant and they work for me for a short period of time, once the 60 days threshold is met they will be responsible for paying dues and that -- those dues would be taken out of the check that goes directly to the PCA per my request by Allied. Is that correct?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, first of all the membership has to vote to set up a dues structure and they have to get their first contract.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Sampson.

REP. SAMPSON (80th):

Thank you, Mr. Speaker.

I'm through with my questions for the proponent if

he wants to grab a break and take a seat.

Thank you very much, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Thank you, sir.

And on behalf of Representative, thank -- Zalaski thank you, sir.

REP. SAMPSON (80th):

Thank you. I -- I just want to end by saying that I ran for office for -- for one very simple reason. I mean obviously we all have our own reasons for wanting to be involved and work for our communities and so forth but my biggest one is that I want to make sure that the individual liberties that are guaranteed to each of us in our state and U.S. constitutions are protected.

And this is why I'm so adamantly against this bill. I feel that the Governor essentially overstepped his bounds and I'm not going to hammer this issue to death anymore, I promise you Mr. Speaker, but essentially put in a process without the consent of the Legislature, the people's representatives, which is why I said I think we should all be concerned about it regardless of whether we are Democrats or Republicans.

And that process essentially set up a situation

where many people's voice was not heard. I kept hearing tonight how we were concerned about how people's voices were heard and they needed to have their voice heard by the Legislature as far as how much Care 4 Kids money comes and so forth.

All that needs to happen is they need to ask and this Legislature needs to act. We do not need to establish a union majority representative to negotiate with the state on behalf of private citizens, individuals that run their own small businesses, because when we do that we are negating all of the people who did not chose to be part of this.

And those are the people I'm speaking for. There are some people that probably want the union to exist and I think they should absolutely have that option but I would feel a lot better about it if it came from them. The fact is that this process is occurring in many, many states throughout our country and in every case it is not happening because daycare providers or PCAs are suddenly banning together deciding that they need to unionize to lobby their states for more funding and it's happening because of a concerted effort from a top down initiative to create more dues paying members.

Ultimately the people involved didn't ask for this

and, as a result, I urge my colleagues to oppose this legislation and if they -- people involved, the daycare providers and the PCAs, want to unionize, let their voices be heard and not the Governor's voice or this Legislative Body's voice. Let those people ask us first.

Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Thank you, sir.

Gentleman from the 144th, Representative Molgano.

REP. MOLGANO (144th):

Thank you, Mr. Speaker. Good evening, sir.

DEPUTY SPEAKER GODFREY:

Good evening.

REP. MOLGANO (144th):

If I may ask a question, through you, to the proponent of the bill.

DEPUTY SPEAKER GODFREY:

You may but he's not here right now.

REP. MOLGANO (144th):

Oh could we remain at ease?

DEPUTY SPEAKER GODFREY:

No, you have the floor sir. What would you like to do?

REP. MOLGANO (144th):

Well I want to make sure I understood the good gentleman's statement earlier when the bill was brought out. I believe he made his statement that said that without this bill the PCA workforce could shrink and I wanted to just verify that I have that statement correct.

If I do, I wanted to bring to this Chamber a point that I don't think has been considered. We're not only talking about the shrinking of the PCA force, we could be looking at the increase of the customer base to the state. And the reason why I say that is because, and I'm going to speak for myself, I do use the services of personal care attendants and all the funds that I -- that are used to pay for them come out of my pocket. The reason for that is that because, on my legislative income, I exceed the waiver maximum for PCA services.

Now unfortunately I was laid off from my job years ago so I'm -- I'm job searching so this is my primary source of income. Now with this bill what's going to happen is that these PCAs that are going to be receiving benefits that are pretty enticing, in my opinion, are going to price me right out of being competitive with any -- with them which means that I

have to make a big decision in my life.

Do I go and become completely unemployed and go on state aid so therefore I could afford to have PCAs because without a PCA, I am stuck at home in my bed 24/7. So this bill is a very scary proposition to me and I know I'm not speaking for myself, I'm speaking for everyone who's in my situation.

So I, in all candor, could never support something like this that could actually hurt me personally and hurt other people in my situation.

So I wanted to make that clear to everyone here because I don't know if that's being thought of and we could actually be increasing costs to the state putting all these other folks who are now paying personal care attendants out of their own funds to have to rely on state funding.

If I -- may I ask another question, through you, Mr. Speaker?

DEPUTY SPEAKER GODFREY:

Proceed, sir.

REP. MOLGANO (144th):

Mr. Speaker, through you, to the proponent of the bill, can you please explain the training for the PCA programs? Who will be deciding what that training will

be?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, the workforce development committee is the one that will be setting up the training and in that -- if I can find the section -- oh right here -- Section 5, there's established a Personal Care Attendant Workforce Council. They're going to ensure that the long-term personal home care -- that -- they're setting up a council that would develop these procedures and things that PCAs will need.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Molgano.

REP. MOLGANO (144th):

I thank -- I thank the good sir for his answer. Would -- through you, Mr. Speaker, determine what the training will be specifically?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, that's a good question and the answer to it really comes from the Personal Care Workforce Council themselves. With the group that they put on that board, there are people that are -- that are people that are -- people that have to do with these disabilities and they're going to make the determination what kind of workforce they need in the future.

Through, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Molgano.

REP. MOLGANO (144th):

Thank you, Mr. Speaker.

And I thank the good gentleman for his answer. There is a major problem with any type of training that personal care attendants receive. You ask anyone who is disabled who hires a PCA, the first couple of weeks are breaking them of all the bad habits they were taught. No two people who have a disability require the same type of service and it is very, very bothersome to have to train somebody to take -- to undue all the bad training they received.

Each of us have our own habits, our own routines

that have -- that we have to train the PCAs to adhere to. So any type of training that they are receiving is actually a activity for -- for no benefit. So I just want to urge my colleagues here to consider that that any training they're going to be receiving is going to be money not well spent I'm telling you from experience.

So I wanted to share this with the Chambers and I hope that they will consider this when its -- this bill comes for a vote.

Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Thank you, sir.

Gentleman from the 135th, Representative Shaban.

REP. SHABAN (135th):

Thank you, Mr. Speaker.

Through you, a couple of questions to the proponent on the bill this time.

DEPUTY SPEAKER GODFREY:

Proceed, sir.

REP. SHABAN (135th):

Thank you, sir.

Sort of a high altitude general question. Going back to my two daycare worker ladies that I mentioned

earlier in a hypothetical, I -- I get a nickel from the state on a -- the child subsidy, 60 days later I'm in the union. I start paying dues, assuming, you know, that this progresses as planned. What do I get for that as a union member, what do I get?

Through you.

REP. ZALASKI (81st):

Well, through you, Mr. Speaker, what you get is a voice and you have to remember what this bill represents. It's a policy choice for the General Assembly because we'll be granting workers a voice which they don't have now.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Shaban.

REP. SHABAN (135th):

Thank you, sir.

Through you, well you know -- and it's funny because I've heard -- I've heard that mentioned a few times tonight and -- and I'm little tripped up by that because I'm looking at lines 17 through 27 with respect to family child care providers and in Section b, lines 17 through 21, it makes a grandiose statement, very good, family child care provider shall have the right

to bargain collectively and have -- shall have the rights that, almost all the rights anyway, that state employees have under Title 5.

But then immediately after that the following shall be prohibited subjects of a bargaining -- prohibited sub -- you can't even raise the subject. The application of state employees' benefits to family child care providers, including, but not limited to, health benefits and pensions.

So, through you, Mr. Speaker, through this bill, if my child care provider person gets a nickel of state aid, 60 days later they're paying union date -- union dues, their voice would not include the ability to negotiate health benefits and pensions. Is that correct?

Through you.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, no that is not correct. They still could, they just won't belong to the state pension and healthcare plan.

DEPUTY SPEAKER GODFREY:

Representative Shaban.

REP. SHABAN (135th):

Alrighty then, where would they get the health benefits and pensions from then if not from the state?

Through you.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, the same place I get mine insurance is you buy them from CMS, Blue Cross or Anthem.

DEPUTY SPEAKER GODFREY:

Representative Shaban.

REP. SHABAN (135th):

Is Blue Cross and Anthem subject to the collective bargaining strictures of either being a state employee or -- or under this bill?

Through you.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, no but anybody could negotiate anything they want when it comes to healthcare or pension benefits.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Shaban.

REP. SHABAN (135th):

Thank you, sir.

All right well -- all right so they're -- they're -- so they're left -- so they're in the exact same position they're in now and as they will be in six months from now or 60 days from now, i.e., you can go out and get your own insurance.

Continuing on, same section, it's a prohibited subject of bargaining to talk about a parent's right to recruit, select, direct the activities of or terminate the services of the family child care provider, i.e., you can't even talk about, in your collective bargaining, whether or not you're going to get hired or fired.

Am I reading that correctly or is that your understanding is a better question?

Through you.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through -- through you, Mr. Speaker, yes that is my understanding in that these people get to pick who

they want.

DEPUTY SPEAKER GODFREY:

Representative Shaban.

REP. SHABAN (135th):

Alrighty, continuing on. Got a nickel of state aid, 60 days later paying union wages so now I can't -- I don't get health benefits, can't talk about pensions, can't talk about hours, can't talk about my activities, can't talk about how I get hired and fired.

But for my -- let's continue. They also cannot talk about or absolutely prohibited from raising, a prohibited subject, a procedure for grievance arbitration against any parent, i.e., you have a problem with your real employer you've got bupkis. Is that your understanding?

Through you.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, you cannot grieve. That is true.

DEPUTY SPEAKER GODFREY:

Representative Shaban.

REP. SHABAN (135th):

All right. So I'm left in a bit of a quandary here. I'm a union member. I've got a nickel of state aid. I'm paying my dues. I don't have any rights to talk about benefits, pensions, hours, how I got fired, whether I got fired, what kind of hours I work, whether I have any grievance procedure against my actual employee. So I repeat the question: What do I get for my union dues? Through you, sir.

REP. ZALASKI (81st):

Again, through you, Mr. Speaker, you get a voice. You get a voice to bargain as a group. You may be able to get health care benefits. You may be able to get a pension depending on, of course, as I've stated already, all that will have to come back to the House or the Legislature for us to vote whether they get raises or not. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Shaban.

REP. SHABAN (135th):

Well, thank you, sir, thank you for the response. Is it your understanding that the union members after the 60 days -- or just the members

themselves, if this bill goes into effect, that the House will have the ability at some point to grant these -- the health care providers -- I'm sorry -- the family day care folks health benefits, pensions, that kind of stuff. Through you.

REP. ZALASKI (81st):

Through you, Mr. Speaker, again it comes to negotiations. That's what bargaining is all about. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Shaban.

REP. SHABAN (135th):

All right. Well, so it would be bargaining with the state concerning whether or not these folks are, in fact, going to be state -- they would have to be state employees to get that. Am I correct? Through you.

REP. ZALASKI (81st):

Through you, Mr. Speaker, the bill explicitly says that they're not state employees.

DEPUTY SPEAKER GODFREY:

Representative Shaban.

REP. SHABAN (135th):

Well, here we go again. Now, we're kind of going in circles. If they're not state employees, how are they going to be able to bargain for state benefits? Through you.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, they're not bargaining for state benefits. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Shaban.

REP. SHABAN (135th):

All righty. So again -- so they -- how are they in any better position, other than the voice -- I understand your position. You said they have a voice. But in terms of pensions and benefits and rights to negotiate how they work, when they work, their hours, whether they get fired and hired, how are they going to be in any better position if this bill gets passed than they are today. Through you.

REP. ZALASKI (81st):

Through you, Mr. Speaker, that's why they

call it bargaining because they expect to bargain with the state and try to get better benefits, pay, or whatever.

DEPUTY SPEAKER GODFREY:

Representative Shaban.

REP. SHABAN (135th):

Thank you, sir. I didn't -- I got a nod. I didn't see the "through." Well, I guess, again, we're going in circles here because they're not going to get benefits. They're not going to raise in pay. But let's go on to PCAs, if we could, lines 314 through 323, Section 6 of the bill, slightly different list of no-nos on the collective bargaining subject list, but sort of a similar result and this is more of a way of a statement than questions. I know the gentleman has been standing for a while. Again, we have a list of subjects that are absolutely prohibited from being subject of collective bargaining.

A consumer or surrogate's right to hire or refuse to hire, supervise, direct activities of, or terminate the employment of the personal care attendant. They can't talk about that. They can't bargain about that. So you're paying union

dues, what do you get? You can't talk about your hours. You can't talk about your conditions. You can't talk about your pensions. You can't talk about your pay. What do you get? I submit, sir, that you're not getting anything or you're not getting a whole lot of anything.

Section C, the same thing, well, through you, Mr. Speaker, a similar question -- a different question on the same bill. What happens if the executive orders that are subject -- there's two executive orders. I think it's, what, nine and ten -- what happens if they get overruled or struck down by the court. What happens to this bill, through you?

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, as I've said many times here in the long hours of debate I've had, I'm not a lawyer so I couldn't say.

REP. SHABAN (135th):

Well, how about let's -- let's forget about the executive orders for a second. Under this bill, can -- family -- day care workers or

personal care assistants, can they now go out and collectively organize and get a different -- join a different union than the ones we're using now, CEIU and the other one? Somebody else, can they get a different union, through you.

REP. ZALASKI (81st):

Through you, Mr. Speaker, any union could be certified through the State Labor Board here in Hartford. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Shaban.

REP. SHABAN (135th):

Thank you, sir.

Well, I understand they can be certified, but can they join a different union, an existing union or form a new union to represent themselves under this bill, through you.

REP. ZALASKI (81st):

Through you, Mr. Speaker, first they would have to decertify from the union they're already in.

DEPUTY SPEAKER GODFREY:

Representative Shaban.

REP. SHABAN (135th):

Ah, so they're already in this union by virtue of -- by virtue of what? The executive order or if the bill passes? Through you.

REP. ZALASKI (81st):

Through you, Mr. Speaker, by virtue of their vote.

REP. SHABAN (135th):

Right. Well, let's talk about that vote for a second, if I may. I just want to make sure that I have the numbers right. There were six -- approximately 6,000 ballots went out for family day care works. Was that the proper number? Did I get that one right?

REP. ZALASKI (81st):

6,000 family child care works.

REP. SHABAN (135th):

Okay. Now, did that go to individuals or to actual day care centers that may have more than one provider there, through you.

REP. ZALASKI (81st):

Day care centers are not covered under the bill.

REP. SHABAN (135th):

Well, this goes to my earlier hypothetical.

If two folks have two kids each, get together and want to call it, you know, Bob's Day Care, you know, something, ABC Day Care, would they have gotten two ballots or one ballot. Through you, sir.

REP. ZALASKI (81st):

Whoever gets the check gets the ballot. If they both get checks, they both gets ballots.

DEPUTY SPEAKER GODFREY:

Representative Shaban.

REP. SHABAN (135th):

So the -- thank you, and through you, of the 6,000 ballots that went out, there were about 1600 yes's and 88 no's, were those approximately the right numbers?

REP. ZALASKI (81st):

Through you, Mr. Speaker, that's correct.

REP. SHABAN (135th):

All right. So that's 28 percent of the polled day care workers who actually responded and a lower number that actually said yes, assuming my math is correct. A similar track of reasoning with the PCAs, it's about 7200 ballots went out. Is that correct?

REP. ZALASKI (81st):

Through you, Mr. Speaker, that's correct.

REP. SHABAN (135th):

And through you, I believe you said about 1200 or 1,228 or 6 or so said yes, and about 365 said no. Is that correct?

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, that's correct.

DEPUTY SPEAKER GODFREY:

Representative Shaban.

REP. SHABAN (135th):

Assuming my math is correct, that's about 22 percent response rate on the 7200 ballots. Do you know what the requirements are -- withdrawn.

Through you, Mr. Speaker, what are the requirements under Connecticut state law for union certification with a ballot initiative such as this? Let's say we started from scratch and I wanted to form a union for buggy whip makers. I wanted to just -- or buggy whip workers -- what is the percentage requirement of positive responses and/or any responses, frankly, for you

unionization under Connecticut law. Through you.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, it's 50 percent plus one.

DEPUTY SPEAKER GODFREY:

Representative Shaban.

REP. SHABAN (135th):

Well, I guess we fell short of the 50 percent plus one here. How did this union then became certified? Through you.

REP. ZALASKI (81st):

Through you, Mr. Speaker, I'm talking of the respondents. The people that sent back their ballots, as long as over 50 percent have signed ballots saying yes, then they have formed a union. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Shaban.

REP. SHABAN (135th):

So it's your understanding that it's 50 percent of the actual responses as opposed to 50 percent of the actual ballot pool. Is that --

through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, as I've said in the past, it's pretty much how we get elected and how many of -- when you have races in municipalities how few voters come out. It's a shame. I agree.

DEPUTY SPEAKER GODFREY:

Representative Shaban.

REP. SHABAN (135th):

All righty. Well, respectively, I think the labor law may differ with the election law on that front, but we'll leave for another forum. And I thank the gentleman for his responses. A quick statement and I'll let the gentleman relax. You know, I think that last Q and A, the last couple of minutes, really demonstrate some of the core problems with this bill. It's being touted as, you know, we're going to champion the rights and needs of this group of workers because they need our help. What are they getting help with? Hours? Nope. Hiring and firing? Nope. They can't talk about that. Pensions? Benefits?

Nope, not it.

The only thing they get the right to do is pay union dues. That's it. And then potentially, potentially, get more money the state in a subsidy. Okay. It goes back to the Q and A in the discussion we had hours ago. If it's more money from the state that is going to solve this problem, assuming there is one, then come to state and do it through the budget process. All this is is masking that potential need and routing it through a unionization process and a dues process that doesn't solve anybody's problem.

If this bill passes tonight and gets signed by the governor in the next week or two, family day care workers and PCAs are going to be in no better position than they are now with respect to their working conditions, their hours, pensions, health care benefits. I mean, I've got family members in unions. My wife is in a union. This isn't a good union. If I can't talk about hours, benefits, pensions, what are you getting for your money? You're getting nothing but the union is getting wages. So I think, you know, when you strip all of this of its rhetoric, it's plain to

see what it is and it is not, it is not, for the benefit of these worker.

Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Thank you, sir.

Gentleman from the 108th, Representative Smith.

REP. SMITH (108th):

Thank you, Mr. Speaker, and good evening.

DEPUTY SPEAKER GODFREY:

Good evening, sir.

REP. SMITH (108th):

If I may pose a few questions of the bill.

DEPUTY SPEAKER GODFREY:

Certainly, sir.

REP. SMITH (108th):

I'm not on the labor committee so I'm not familiar with a lot of the terms that are used in this bill so I'm going to ask a lot of questions about those as we go through it. I'm going to take it from the top and the very first thing I noticed is the title of the bill where it states it's a task force to study the effect of collective bargaining so my question to the

Representative is is this, in fact, a study or not?

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, no, it is not.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

Thank you. So the title of the bill is misleading at best. Is that fair to say? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

The Chair will note that the title is a ministerial act that is created by the Legislative Commissioner's office. The bill itself is the enacting clause and everything subject to that. So to strictly say that -- so strictly speaking, discussing the bill is only discussing the enacting clause and following that, not the title itself. We routinely do strike all amendments, as we have here, that change -- changes the bill. That's the will of the body. The title doesn't get changed until LCO, if the bill becomes an act,

is actually engrossed so perhaps, if we could deal with what follows the enacting clause and not what comes before it, Representative Smith.

REP. SMITH (108th):

Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

In short, the title is irrelevant and it's not a subject of debate because it's irrelevant.

REP. SMITH (108th):

Thank you. I think you said it all right there. So I'll move on to Section 1. Is the -- I guess, at least I understand now, the child care subsidy program is a state program. Is that correct? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, if they get Care for Kids, they get state money. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

And what are the qualifications for enrolling

the program? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, I think if you're a licensed day care, they have many rules on training and, I think, there are rules about being licensed and unlicensed only -- and you have to have background checks. For unlicensed, you just have to have a background check. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

Do the providers have any state benefits now? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, the providers get a check from the state which is our tax money so I would consider that a benefit. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

Thank you. Other than the check, are there any other benefits from the state to the providers. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, I don't believe so.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

And, as I understand it, the act also applies to the family child care providers who are not required to obtain a license. Is that accurate? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, yes, that is accurate.

REP. SMITH (108th):

And could you tell me, sir, which type of child care providers do not need a license.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Yes, I can. Through you, Mr. Speaker, they're informal arrangements among neighbors or relatives in their own homes. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

So those -- thank you, Mr. Speaker.

So those informal arrangements now would become under the umbrella of this act. Through you, Mr. Speaker, is that correct?

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, could you -- I'm not sure what you meant by the question.

DEPUTY SPEAKER GODFREY:

Representative Smith, could you rephrase the question.

REP. SMITH (108th):

I'd be happy to. The question was not well-drafted.

As I understand it now, these child care providers who do not have a license who have these informal arrangements with their neighbors now would come under the umbrella of this Act. Is that correct? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, yes. As a matter of fact, we had many of these people come to the public hearing and speak on how little money they got for -- you know, even when people talk about grandma. You know, even grandma getting 40 bucks for a week watching a kid is just -- a child is just not enough money to be able to make ends meet. There are people and neighbors that are missing work to take care of other children and those are the people that, you know, that are covered under this bill, yes.

REP. SMITH (108th):

Thank you. I think we've established that the family care providers are not considered state

employees. Is that correct? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, yes, I think we've made that quite clearn.

REP. SMITH (108th):

Thank you. And as such, they have no rights, privileges or obligations that other state employees would have. Is that correct? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, not that I'm aware of.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

And if they are not state employees and they have no rights or obligations that state employees do or other state employees do, my question is then why is the state getting involved with this

process. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Thank you, Mr. Speaker.

That is a great question. But what this bill really does is it represents a policy choice that we all going to get to make in the General Assembly and that is if we're going to give workers a voice. They would be able to improve lives and the lives of the people that they serve. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

Thank you, sir.

And do we need the state to actually make that policy decision or can this be done outside the purview of the state? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, we have made a

conscious decision to allow them to have collective bargaining and because they get money from the state, we have chosen that that's who they have to bargain with. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

Thank you, sir.

Are there any other persons or entities that receive money from the state who are not unionized? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, I think people that collect unemployment. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

Would there be anybody else? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, I'm sure there are. I just don't have them in my mind to recite them off right now. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

Would you agree with me, sir, that there are unions that exist now that do not fall under the umbrella of the state of Connecticut? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, my union doesn't, so I guess there are.

DEPUTY SPEAKER GODFREY:

Representative SMith.

REP. SMITH (108th):

So there is an ability to unionize without state involvement. Is that fair to say? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, yes, but not for these two sets of employees. They can't. Number one, the child care workers are independent contractors. They aren't allowed to organize -- to collectively bargain. And the PCAs under their structure under federal and state law they are not allowed to bargain because that takes away the rights of the consumers. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

Thank you, sir.

And are you aware of any other type of entities or persons who fit that same category? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, no, I'm not aware off hand.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

I'm looking at Section 2(b) Subsection 1 and that lists certain subject areas that are not subject to the collective bargaining under this particular act and my question is is the application of the state employees' wages subject to bargaining. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, as I've said more than once, these are not state employees.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

Is the application of wages subject to bargaining? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, if it's not listed in Line 22 through 27 I would say that they are allowed to bargain.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

Thank you. And if the wages do, in fact, go up, would that affect our state budget? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, again, everything that is an increase to these workers will have to go through the process of the General Assembly including going through the Appropriations Committee and be voted on by us. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

Is it fair to say that if the wages go up it could have an impact on our state budget? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, I guess anytime

that Appropriations decides to spend to more money, it has an effect, yes.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

Is there a right under Section 2.2(b) Subsection 1 of a parent to file a grievance against a family child care provider is that prohibited? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, what line are you speaking of?

REP. SMITH (108th):

I am looking at lines -- through you, Mr. Speaker, lines 22 to 27. And the question, again, is is there a right of a parent to file a grievance against a family child care provider? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, it prohibits

grievances or arbitrations against any parent or guardian. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

Yes, and my question is the reverse of that. Does the parent have the right to file a grievance? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, against who?

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

Against the health care provider. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, I believe not.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

So under this bargaining agreement then, the parents would have no right to file a grievance against the health care provider under this act? I just want to make sure I'm correct on that. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, yes, I think that's true.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

Do the parents have any rights at the bargaining table under this agreement? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, do the parents have any rights? They have -- they have a right to apply for the Care for Kids program, I think. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

Thank you, Mr. Speaker.

But again, the question is do they have any bargaining rights under this act. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, I guess parents can put a complaint into the licensing agency which is with the state. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

Through you, Mr. Speaker, so that's -- but that's not a bargaining right, is it? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, no, it's a right they have already.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

Okay. So it fair to say that parents have no rights under this bargaining agreement? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, the parents have all the rights. They have the right to choose where they go and choose -- choose what agency they go through. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

Thank you.

Again, but they have no rights under this agreement, as I understand it, is that accurate? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, but they also don't lose any rights that they already have.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

Thank you. So I'm going to conclude that your answer is yes, they do not have any rights, and if I'm wrong, I hope you would correct me. Through you, Mr. Speaker, who represents the parents at the bargaining table?

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, the parents are not in the negotiations. The bill says that the union negotiates with the State. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

Thank you. And is the theory then that the State is acting on behalf of the parents? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, no, the State is acting in the -- the State is acting for the State since they make the payments to the providers. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

Thank you. So just I'm clear and so I understand it, the parents who are integral part of this process in the sense that they're either receiving child care benefits or they have hired a health care provider are now being subject to a bargaining agreement of which they have no rights at the bargaining and they have no representation at the bargaining table and they have no right to actually be at the bargaining table and have to rely on the state of Connecticut to hopefully act on their behalf. Is that fair to say? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, no, it is not fair to say because what this is is the workers are

getting to bargain with the state to try to increase benefits. It has no effect on the parents. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

Well, shifting gears a little bit, we heard Representative Molgano talk about the needs that he has experienced and had to pay for over years from a PCA. And what rights would somebody like Representative Molgano or somebody in his situation have to be represented at the bargaining table? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, he'll have more rights and I think had cleared that up with him when I said that through the -- through the Personal Care Attendant Workforce Council, he will have people speaking there for him. He may even be a member. There is going to be three people from -- one appointed by the House Majority leader, one appointed by the Minority Leader, the

initial appointments to the council shall be made -- members of the council -- we went through this once before -- three -- three appointed by the Governor, one who shall be a member of an organization representing the interests of consumers with development disabilities, one who shall be a member of an organization representing the interests of consumers with physical disabilities and one who shall be a member of an organization representing the interests of elderly consumers. These are people that will be there for them and they'll have more rights than they did before. Before it wasn't in legislation what their rights were at all. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

Thank you, sir.

And if somebody who is being represented by these parties who you just mentioned is not in agreement with what they're proposing on his or her behalf, what say would that person have at the bargaining table if any? Through you, Mr.

Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, I guess that would be up to the Personal Care Attendant Workforce Council to judge those things. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

But there's nothing in the bill that would allow the individual to have a say at the bargaining table. Is that accurate? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, the bill is specific that people -- consumers get to hire, fire, decide what work they want people to do. They have all the rights written in this bill that they never had written before. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

Thank you. I'm not aware of any other rights that are written right now for the parties who are not being represented as part of this bargaining agreement. If -- again, but I'm not familiar with the labor laws so if you could point that out to me, I'm interested in hearing that. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, could you ask the question again.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

Yes. I'm not aware of any -- you mentioned that there is -- they have all the rights that are part of these other agreements that they currently may have and I'm not aware of any of the rights that somebody with a disability may have right now who has hired a health care provider to take of

him or her. And my question to you is if there are such agreements out there that they're already protected by, can you tell me what they are? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, what I said was there are no protections out there and this bill incorporates protections for them. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

This bill provides protection through -- for them through these parties that you've mentioned but not directly. Is that fair to say? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, no, the bill is clear is on what it allows them to -- allows them to hire, fire and self-determination. Through

you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

Looking at line -- let's start with line 28, which is 2(b)(2). It talks about that no provision of any agreement or award shall provide for a reduction in the services provided by the family health care providers. And my question is: If -- if there is a lack of funding or money to actually provide for the services and care that have been provided for in the past and there is no way to reduce the services and there is no money to pay for the services, how do we reconcile those two issues that confront each other? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, they -- none of these workers will get an increase of any kind unless the Legislature appropriates the money. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

And if the Legislature fails to appropriate the money and there is not enough money to render the services that are needed, can the services be reduced at that point. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, as I think I stated at the beginning of this debate, the Care for Kids people haven't gotten a raise in ten years, so with inflation, I think their pay rates are going down. So if the General Assembly doesn't decide to raise how much they give then the General Assembly can make cuts to them at any time I'm sure. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

Thank you. Line 30 references Connecticut General Statute 17(b)-749 and my question to you, sir, is are there any family child care providers who do not fall under 17(b)-749? Through you, Mr.

Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, I'm not a lawyer and I've said that more than once on the floor so I cannot answer that.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

Yeah. Thank you. I don't think it was a legal question. I'm just asking if you aware of any child care providers that do not fall under that section so if you're not aware of it, that's certainly welcomed. I'll take that answer, but if you are, then -- because it's not a legal question. I'd just like to hear it. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, I'm not.

REP. SMITH (108th):

Thank you. Looking at Section 2(b)

Subsection 3, which is lines 31 to 35, could you take a moment to look at that because I read it a few times and I'm not sure what it means and I'm just wondering if you could explain that to me. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, this subjects to any collective bargaining improvements to the budgetary approval by the General Assembly, which is what I've been saying all along. Anytime we give a raise or anything that's monetary to these workers, it has to go through the Appropriations and be voted on by the General Assembly. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

Thank you. And, you know, it's kind of what I interpreted, but I wanted to be sure. So as I understand it, if a bargained raise was approved at the union level, it would then have to come to the General Assembly for approval as I understand

it. What if they negotiated other benefits? Do we need to approve that as well? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, anything that has to do with monetary, yes, you do.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

Thank you. I'm looking at the amendment which is LCO Number 3264, and in line 3 on the amendment, it refences Connecticut General Statute Section 5280. Are you familiar with that statutory section? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, could you give me that line again?

REP. SMITH (108th):

It's on the amendment, line 3.

REP. ZALASKI (81st):

Through you, Mr. Speaker, no, I'm not.

REP. SMITH (108th):

Thank you. Nor am I so we'll -- I guess we'll share our knowledge once we find that out. In the amendment, which has been discussed at length here this evening, I gathered from the discussion earlier that the -- if the union, in fact, bargains that there will be dues collected and paid, who actually receives -- or takes in the dues? Is it the state of Connecticut or some other entity? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, the state is the one who pays these people. The state would just deduct it like they would if you joined -- wanted money taken out for the United Way. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

Thank you. So let's for discussion's sake, the dues are $50 month and deducted out of a

paycheck. Is there a fund established for that? Through you, Mr. Speaker.

REP. ZALASKI (81st):

Through you, Mr. Speaker, I think that the -- the people who work for the state in those capacities are used to taking dues out of many union members so I don't think there is going to be a problem at all. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

Thank you. So I understand your answer to be yes, it would be taken out and held in a separate account. Would there be a cost associated with that to the state of Connecticut? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, I don't believe it would be of any significance. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

But the question is would there be a cost to the state of Connecticut? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, not one that I'm aware of.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

And you're saying not one that you're aware of. Is it because you don't believe that there will be a cost or you just don't know if there will be or will not be a cost? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, as I've answered, I don't believe there will be. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

Thank you, sir. In Section 2(b)(5) -- this is back to the main bill -- it talks about Section 5-276(a) and 5-276(b), (b) to (g), and 5-278 do not apply to this Act. Do you know what those sections are and what they apply to? Through you, Mr. Speaker.

REP. ZALASKI (81st):

Through you, Mr. Speaker, could you tell me what lines you're speaking of?

REP. SMITH (108th):

Sure. It's Subsection 5 --

REP. ZALASKI (81st):

The lines, please.

REP. SMITH (108th):

I understand that. I'm going to get that for. It's line 46 through line 50.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, I believe that the 5-236(a) and (b), it just says that the -- I mean, I'm not completely positive of that means but I

was told that those have to do with collective bargaining through state employees. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

Thank you. Jumping down to line 49 in that same subsection, it states that any impasse between the parties shall be resolved and it goes on. Who are "parties" that it referred to in line 49? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, it would be the parties that are negotiating. It would be OPM or his designee at the table from the state and it would be the union, whoever they might be. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

So falling back on the prior questions that we exchanged, the parties would not include a

parent or an actual person who is need of, say, the health care provider. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, I don't think the parent would -- most of the time a parent if he could pay somebody more, he would so I would think that they would be happy to see their provider get more money or better benefits. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

Well, I'm not sure if a parent would be looking to pay more. I think most parents today, in fact, would be looking to pay as little as possible since every dollar is so valuable, but that's a discussion we can over lunch. I'm looking at Section 2(b)(8)(f), line 136, and the question I have is why is it limited to one exclusive bargaining unit? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, because those people chose to go through one union. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

Thank you. And were they given options to have more than union bargain on their behalf or no? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, anybody gets to choose what union they wish to have represent them.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

But it appears under that language, if I'm reading it correctly, that the only bargaining unit that's allowed is the one that's -- there's

only one bargaining allowed and I guess whoever they choose. So if you have, for instance, a group within the defined class that wants a particular bargaining unit to bargain on their behalf, that would not be allowed under this Act. Is that fair to say? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, I believe that each section in this bill has their own union. One is 1199 and the other is SEIU. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

Thank you. So forgetting the fact that there were two separate providers, so to speak, in this bill, if we just deal with one of the sections, the child care providers, they're only allowed, under this act, one particular bargaining unit. Is that correct? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, that is correct.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

Thank you. I'm going to jump down to Section 3 at line 149 and basically it states that the state is not liable for any action, grievance, arbitration, prohibited practice, et cetera, brought by a bargaining agent and my question to you is is the state potentially liable for an action brought by a parent or a child against a member of the bargaining unit. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, the language just says that it prevents the state from being held liable for actions for any parent or guardian. I'm sure being a lawyer, you may know that anybody could sue anybody at any time. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

I am aware of that. That is true. And that's what concerns me a little bit because I think the state is being dragged into potentially a whole host of liabilities since the state is bargaining on behalf of these different health care providers so I suspect that some day we may very well be sitting in the Judiciary Committee looking over claims that have been brought against the state of Connecticut even though we have this nice language in Subsection 3 of this act. So that is a concern I think everybody in the chamber should be aware of. Simply putting language in a bill does not in and of itself exclude one from liability so I think we should be aware of that.

If we look down to Section 5 of Subsection -- Section 5 Subsection (b) line 228, it states that the members of the PCA Workforce Council shall receive no compensation for their services, but shall be reimbursed for actual expenses. My question to you, sir, is who pays for those expenses? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

The -- I think that they would come up with -- since they're the Personal Care Attendant Workforce Council, they will come up with who pays for those. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

Is it fair to say that the state of Connecticut would be responsible for reimbursing those expenses? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, I believe that may be true because if you read line 230, the council shall be within the Department of Social Services for administration purposes.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

Thank you. So that being the case, and this being a cost to the state of Connecticut, will

that have an impact on the budget as we speak and budgets going forward? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, it may have on budgets going forward, but not the budget that we're speaking on or we may be speaking on this next couple of weeks. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

Thank you. Do you know what impact that would have on the future budgets? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, I think it will depend on what the IRS says what their reimbursement rate for mileage would be. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

Thank you. And I'm assuming that reimbursement would not be strictly limited to mileage because I don't see that in there. But if it they had other expenses, would those also be covered under this provision? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, again, I think that would be up to the counsel.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

I'm looking now at Section 5 Subsection (c) -- let me see if I can get you the line -- it's the same section, I guess, we were just talking about, which is line 232 to 248. It describes in that section the duties of the PCA Council and on line 247, it states that it supposed to establish standards for wages, benefits and conditions of employment for PCAs. Is that accurate? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, if you're reading directly from the bill, I guess, it is.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

Well, I summarized it. So I just wanted to make that we're on the same page. So taking me at my word, if look back at line 22 where it has some prohibitions as to what is -- can be part of the collective bargaining agreement. I'm just wondering how these two sections reconcile with each other if you can answer that for me. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, are you speaking now on line 22?

REP. SMITH (108th):

I -- if I can clarify for you, through you, Mr. Speaker, I'm -- I'm looking at the language of

lines at let's say 247 where it says "establish standards for wages, benefits and conditions of employment for personal care attendants" and these are some of the duties that are required of the Workforce Council. And when I read that language, I looked back Line 22 and I was wondering how I could reconcile the two since line 22 and subsequent seems to prohibit the collective bargaining for benefits and conditions of employment so I was little confused by the two sections. I can't seem to reconcile them and I could be misreading it, but I'm wondering if you could help me there. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, I'd love to help you on that. The beginning of the bill only speaks to family care -- family child care providers, which this section you're quoting on 22 is. The section that you're quoting down at 332 is about the Personal Care Attendant Workforce Council. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

Okay. I thought that was the case but then I looked at the end of the bill at lines 314 and it has a similar prohibition clause. If you look at line 322, it talks about employee benefits can not be part of the collective bargaining agreement so how can we reconcile lines 322 and 323 with the language that's set forth in the 232 to 248 subparagraph. Through you, Mr. Speaker.

REP. ZALASKI (81st):

Through you, Mr. Speaker, line 314 -- I'm glad you brought it up. There was a question asked earlier. This is actually the language that gives PCAs more than they ever had before. This actually says that any bargaining proposal that would interfere with the consumer or a surrogates right to select, hire and fire and direct the -- any of their choice. It also prohibits -- no -- that is the language that really gives PCAs some meat on what -- what they actually can -- you know, it gives it more than rights than they had before. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

Thank you for that clarification. But I don't think we addressed the question and the question is: . How does lines 322 and 323 reconcile with lines 247 and 248? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

322 and 323, you're saying? Those lines?

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

Yes, sir.

REP. ZALASKI (81st):

And what other lines?

REP. SMITH (108th):

247 and 248, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Establishing standards for wages, benefits and conditions of employment for personal care attendants -- and what was the other number?

REP. SMITH (108th):

So we jump from 247 and 248, which allows the Workforce Council to establish these standards for wages, benefits and conditions of employment for personal care attendants. We go from that clause over to line 322 and 323, which is part of the prohibition clause that prohibits the bargaining for state employee benefits to personal health care -- personal care attendants, including but limited to health benefits and pensions. So those two sections don't seem to reconcile in my mind and I'm wondering if I'm misreading it and if you can explain that to me. Through you, Mr. Speaker.

REP. ZALASKI (81st):

They seem to make perfect sense to me. I don't know how you could misread that. I mean, it's stated exactly what it says. "Application for state employee benefits to personal care attendant including but not limited health care benefits and pensions" meaning that they can't bargain for health -- for the health care and the benefits of state employees as they are now.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

Thank you. I guess my confusion is that it seems to prohibit the bargaining of these health care benefits and employee benefits in lines 214 to 323, but despite the prohibition, the Workforce Council has the right to establish standards for wages, benefits and conditions of employment. So on the one hand, it seems to prohibit it. On the other hand, it seems to allow it. So, again, I'm still confused and still looking for a clarification.

REP. ZALASKI (81st):

Through you, Mr. Speaker, line 247 is establishing standards that the Council -- that the Council is going to make themselves. That doesn't say that they bargain them. It just says they establish them. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. ZALASKI (81st):

It's two separate items.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

Okay. So let's play that out a little bit. So if they establish some standards, are the union members bound by the standards? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, no, they are not.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

Thank you.

I'm going to jump over to Section 5 Subsection (d), which is found on lines 249 to 255. It seems to state that the commissioners can make requests to OPM for budgetary financing or funding. And if the request is made and granted, will that impact the state's budget? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, again, any increases in any of their benefits have to come to

-- through the Legislature for a vote. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

Thank you, sir.

Looking at line 271 in that section there, it seems to be very clear that -- that the state's collective bargaining council cannot affect the right to -- of the consumer to fire. Is that accurate? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, "no provision of the agreement or award which may be reached pursuant to collective bargaining between the state and any organization representing personal care attendants shall interfere with the right of consumers or surrogate to hire or refuse to hire, supervise, direct the activities or terminate the employment." So I guess you are right. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

Thank you. So again, this seems to be a term of art, which you're probably more familiar with than I am, but these employees then would remain as -- well, you're going to say they aren't employees so I'm going to take it back and rephrase it.

These parties or representatives remain at will subject to being terminated at any time for any reason without cause. Is that fair to say? Through you, Mr. Speaker.

REP. ZALASKI (81st):

Through you, Mr. Speaker, I call them "workers" and yes, that is correct.

REP. SMITH (108th):

"Workers" is a good term and I'm glad you reminded me of that. Thank you.

I'm looking at line 277 and I'm wondering if you could tell me what the subsection (b) means. What is the intent of that section?

REP. ZALASKI (81st):

277?

REP. SMITH (108th):

Line 277, yes.

REP. ZALASKI (81st):

Through you, Mr. Speaker, specifically, this makes it clear that collective bargaining -- collective bargained improvements cannot be counted against individual budgets for consumers using the individual budget. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

And it's probably my -- being unfamiliar with the whole labor law area, but I'm just -- could you try that again or rephrase it because I'm just still confused at that. Thank you. Through you, Mr. Speaker.

REP. ZALASKI (81st):

Through you, Mr. Speaker, I could try it again. Specifically, this makes clear that collective bargained improvements cannot be counted against the individual's budget for consumer using the individual budget. Consumers have a budget and any raises that the -- any raises that they may attain from the Legislature

cannot be counted unless they -- the budget gets a raise, too. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

And if the budget does get raised and it can be accounted towards that. Is that accurate? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, if the individual's budget gets raised then the workers can get a raise. If not, it can't go back against the consumer. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

Thank you for clarifying that because I was somewhat confused there.

Section 6 Subsection (b)(2) which starts at line 324 -- actually, we talked about that already so I'm going to skip over that one.

Section 6 of Subsection (b)(6) lines 352 to

356 prohibits the striking by the PCAs and I noticed there was a similar provision of the health care providers -- family care providers. What is the purpose of that provision? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, so everybody knows that reads this bill that they have no right to strike. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

And what the reason be -- what would the reason be that we would want to eliminate the right to strike? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, if you talk to any of the consumers and you told them that they're PCA was going to strike them, I think that would strike fear in their hearts. Through you, Mr.

Speaker.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

Well, wouldn't the -- the provider have the ability to hire somebody else if they did, in fact, go on strike? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, as the bill -- as we've already spoken about in the bill, they have the right to hire and fire anybody they want. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

So the provision here that prevents the striking from -- by these unionized workers really doesn't add any benefit to the persons who received the services simply because they can go out and hire anybody else at any time regardless of whether they're on strike or not. Is that accurate? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, I can't -- I don't like to speak for a consumer because I'm not one, but if my PCA was in my house and said I'm going on strike, I'm leaving you now, good luck for you, and you have nobody else in the house, I think that would cause a problem. That's why we don't want them to strike. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

Thank you. And what happens if, in fact, they disregard the clear language of this act and do, in fact, go on strike. What would happen in that scenario? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, I imagine if they endangered the consumer that they -- I don't know what would happen to them to be honest. Through you, Mr. Speaker.

Deputy Speaker Ryan in the Chair.

DEPUTY SPEAKER RYAN:

Representative Smith.

REP. SMITH (108th):

Thank you, sir.

So I guess the underlying purpose of my question is if they chose to strike despite the language in the bill, would the state be forced to get involved with that strike or not. Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, I would guess that the National Labor Relations would be involved with that. Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Smith.

REP. SMITH (108th):

And would that be -- the National Labor Relations, is that a federal entity or a state entity? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, that's federal so maybe it would be the Connecticut Labor Relations Board. Through you, Mr. Speaker. That is here in Connecticut.

DEPUTY SPEAKER RYAN:

Representative Smith.

REP. SMITH (108th):

So if the Connecticut Labor Relations Board became involved in the strike as a result of a strike when it clearly states that they cannot strike would there then be a cost to the state of Connecticut if that were to occur? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, the bill says they can't strike. We don't think they should be able to strike. Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Smith.

REP. SMITH (108th):

You know, it's amazing how many times laws are broken people disregard them. In fact, it happens every day. That's why we have courts and criminal law and labor relations boards and all these other things. So my question, again, is if, in fact, they did strike and the Connecticut Labor Relations Board did get involved, would there be a cost to the state of Connecticut? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, I think you're asking me for my opinion. My opinion is that it won't happen. Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Smith.

REP. SMITH (108th):

The question I asked, sir, is whether there would be a cost to the state of Connecticut. Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, if I believe it would never happen, I can't see why there would be a cost to the state. Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Smith.

REP. SMITH (108th):

Thank you. I'm looking Section 6(c), which starts at line 357 and that's an arbitration clause. And my question initially is who are the parties to the arbitration? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, the union and the state. Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Smith.

REP. SMITH (108th):

And who would pay for the arbitration? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, it says in the bill that they split the price.

DEPUTY SPEAKER RYAN:

Representative Smith.

REP. SMITH (108th):

So some of the cost would be incurred by the state of Connecticut and some would be incurred by the union? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, that is correct.

DEPUTY SPEAKER RYAN:

Representative Smith.

REP. SMITH (108th):

And do we know what type of cost that the state of Connecticut would incur as a result of this? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, yes, maybe you don't remember. I had already said that I don't

believe it -- I don't believe those things will happen and I can only speak to what happens in my plant. If go to arbitration in my plant and it's cost us $2,000. We split it. It was $1,000 a piece. I can only speak to my own experience. Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Smith.

REP. SMITH (108th):

Thank you, Mr. Speaker. Well, I'll tell you from my experience I've been arbitration that has gone several days has cost several thousands of dollars because any time you have arbitration you have legal counsel for both parties and you have an arbitrator who is charging usually a couple thousand dollars a day actually, if not more. So I suspect that the -- the real cost to the state would be much more than say a thousand dollars as Representative Zalaski said. So I think the Chamber should be aware that, again, we're -- we're getting ourselves into an area where we will be incurring as the state of Connecticut despite the language of this bill, despite the good intentions of the Representative from Southington

-- I know I pass it every day on the way home -- but I think we have to be cognizant of that fact.

I just have a few random questions that came up throughout the discussion this evening and I apologize in advance if you're answered them. You've probably have hit most of them so I'm going to try not to ask those that I have written down that have been answered. But in terms of the ballots that create these unions, who sent those out? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Zalaski.

REP. ZALASKI (81st):

Thank you for that good question because it sounds like you've had some interaction with unions and arbitrations so you know what the AAA agency, the arbitrators for AAA, that's who ran the election. Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Smith.

REP. SMITH (108th):

And who would have paid for those mailings to go out? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, the union that now represents them has paid for the mailing. Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Smith.

REP. SMITH (108th):

Okay. I just have a few more questions. I really appreciate the gentleman's patience and answers and the Chamber, as well. I think it was stated earlier that once the contracts are negotiated -- until the contracts are negotiated there really going to be no cost to the state. I believe that was your position. Is that fair to say? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, yes, that's fair to say.

REP. SMITH (108th):

Okay.

DEPUTY SPEAKER RYAN:

Representative Smith.

REP. SMITH (108th):

And it is also fair to say that once the contracts are negotiated it's likely that there will be an increase in the cost to the state of Connecticut? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, only if the General Assembly so desires.

DEPUTY SPEAKER RYAN:

Representative Smith.

REP. SMITH (108th):

Thank you. So assuming the General Assembly -- let me withdraw that.

I guess hearing your answer I suspect then that the -- it is likely that the contract, once negotiated, will cause a rise in the cost to the state and the question then becomes will the General Assembly approve that raise or not. So there's no doubt, ladies and gentlemen, there will be a cost to the state of Connecticut that will eventually come before this chamber that we will

have to discuss and debate and determine whether or not we wish to fund it. As Representative Cafero started out, you know, many hours ago, it would be much easier if we just did that as opposed to going through this process. But being the case, I guess at some point we're going to get back to that very question of whether or not we have the financing, the funding the ability to actually do what these parties may negotiate and bargain for.

And I remind everyone that if we do not have the money now to allocate these -- these costs, I'm not sure where they're going to come from a year from now, two years from now, three years from now, as much as they may be needed. So we're all in tough times. These are difficult areas of concerns. I'm concerned about this bill which gives the parties in question no rights at the bargaining table, makes the state of Connecticut a party to the transaction when, in fact, they have no reason to be a party to the transaction and should not be a party to the transaction, that there are many unions out there that do not have state involvement. But nonetheless, we are here

tonight making the state a party to a contract, a party to an agreement, a party to a collective bargaining process that is unheard of, really unprecedented so I would urge my colleagues in the chamber to consider that, consider what we're doing this evening and take a step back and let us allocate the funding that may be needed for these programs through the proper channel. Thank you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

The gentleman from Norwalk, Representative Cafero.

REP. CAFERO (142nd):

Thank you, Mr. Speaker.

Ladies and Gentlemen of the chamber, we've been debating this bill for approximately five hours and we've learned a lot about this bill. We've learned some basic facts that I think are important for us to communicate to those back home. For instance, the subjects of our bill that is before us right now are child care providers and personal care assistants. We learned that there are 7,200 personal care assistants in the state of Connecticut that receive some form of

state money from the state of Connecticut. We've learned that there's approximately 6,000 child care providers in the state of Connecticut who receive subsidies or monies from the state of Connecticut.

And we were told that we have put this bill forward to give those people a voice, to give them representation. We learned, however, that they've already decided what unions are going to represent them. They did that by a voting process and of the 7200 personal care assistants, a total of 1593 took the vote. That's 22 percent, and of the 22 percent, 17 percent of the total of those personal care assistants voted to be represented by a union. In other words, 83 percent of the 7200 people decided that they either did not represented by a union or they did not care to vote and the result is all of them will be represented by a union. In the case of the child care providers, of the 6,000 only 1721 took the time to vote, which is 28 percent. Of 6,000 only 27 percent of them voted to approve a union. In other words, 73 percent of these 6,000 child care providers decided that they did not want to vote

or did not care to be represented by a union; however, because of those votes, because of those very small minority of votes, all of them are represented.

Now, what does that mean? You folks know the effects of this bill. The Governor set it in motion with two executive orders. Executive orders that to this day are being challenged in court. Executive orders very similar to the ones signed in Minnesota which were just ruled unconstitutional. You also know that during that union voting process you probably heard from many of your constituents and who are we talking about? We're talking about small, home daycare providers that have six or less kids. We're talking about neighbors helping neighbors out for child care. We're talking about sometimes aunts and uncles taking care of a poor unfortunate relative as a personal care assistant or somebody who would give somebody else a ride. The furthest thing from their mind was unionization, but all of a sudden they started getting calls and letters and knocks on their door. Some felt threatened, intimated, scared, confused. It's not what they signed up

for.

We had this whole process in this legislative session culminating in this day about a bill that has not left one committee. It was only in Labor and never got out of Labor. It should have been in Approps, never went there. Should be in Judiciary and never went there. There's a lot of money that went behind these bills, a lot of energy and resources that we put behind these bills, a lot of lawsuits that are either in the works or will be subject to this bill that's before us if we pass it. And then you have to ask the question: Why? Why are we doing it? And it goes back to something Representative Zalaski said when he brought out the bill. He said ladies and gentlemen, these are some of our most vulnerable employees. They don't make a lot of money. In some cases, they make 40 bucks a week per kid or in the best case scenario, 99 bucks a week. And this bill, said Representative Zalaski, will give them a voice, will give them a voice.

And then we discovered something. We discovered that they don't get paid a lot of money and they aren't -- they don't have training. And

we discovered that we're the ones that could have paid them more money and given them that training. In fact, some irony here that the Governor who started this process with his executive orders had he simply added within our $20 billion budget more money for these folks and training for these folks we might not be having this discussion. And I find it ironic that we would sit here in many cases in a very righteous way and say we want to give these people a voice. They need protection. They need more money. They do some of the jobs that very few people would like to do, and yet, all along we had and have the power to just that, but we chose not to do it.

Ironically, even simultaneously with this bill, simultaneously with this bill, we still didn't see fit to put in an extra nickel in our own budget for the very people now purport to protect. We did not put a nickel into the budget for the very people we purport to want to train. We didn't do it. The Governor didn't do it. The Governor presented us with a budget on February 9th, mid-term adjustments, not a nickel more went to these very people we want to protect.

So you know what folks? If we really want to help, if we really understand that the true problem here is how much money these folks make and the training that they currently do not have, well guess what? Let's do it.

Mr. Speaker, the Clerk has Amendment LCO Number 3674, may he call it and I be allowed to summarize.

DEPUTY SPEAKER RYAN:

Representative Cafero, could you repeat the number for me, please.

REP. CAFERO (142nd):

Yes. It's LCO Number 3674.

DEPUTY SPEAKER RYAN:

3674? Hold on.

The Clerk is in possession of LCO Number 3674, which will be designated House Amendment Schedule C.

Would the Clerk please call the amendment.

THE CLERK:

LCO Number 3674, House C, offered by Representative Cafero.

DEPUTY SPEAKER RYAN:

The gentleman has asked leave of the chamber

to summarize. Is there any objection?

Hearing none, Representative Cafero.

REP. CAFERO (142nd):

Thank you, Mr. Speaker.

Ladies and gentleman of the chamber, the budget that we passed -- the two-year budget we passed in June calls currently in Fiscal Year 2013, it points to the fact that we have a $455.8 million surplus. That is the latest iteration of our Fiscal 2013 budget. The bill that we have been debating commences at the start of Fiscal Year 2013 and the amendment that I put before you strikes everything. And says, you know what? Let's put our money where our mouth is. The entire current program for both child care providers and personal care assistants this state currently spends $135 million. This bill proposes to increase our state allocation to both of those entities proportionately by a total of $13 million, almost 10 percent. And on top of that, to take $2 million to be given to the Department of Social Services to establish training programs for our personal care assistants and our child care providers.

Ladies and gentleman, I move adoption.

DEPUTY SPEAKER RYAN:

The question is on adoption. Will you remark, Representative Cafero?

REP. CAFERO (142nd):

Yes. Ladies and gentlemen, let's put out money where our mouth is. We have a surplus in our budget, $455 million. We talk a good game. We want to protect those people who take care of our neediest and most vulnerable. We want to give them rights to come back to us and ask us for money. Think of that, folks. The whole purpose of the underlying bill is to give them the ability to come to us and ask us for more money. Well, I say we just give it to them now. We've got the money. Let's give it to them now. The fiscal note means it will cost $15 million, real simple, $13 million towards to the two programs and $2 million for training.

We can avoid all this hassle. No more court battles. They don't have to go through the negotiations. Just give them the money. I would urge adoption. And Mr. Speaker, I would ask that when the vote be taken, it be taken by roll.

DEPUTY SPEAKER RYAN:

The question is on a roll call vote. All those in favor signify by saying aye. It is clear to the Chair the 20 percent constitutional requirement has been met and there will be a roll call vote.

Will you remark further on House Amendment Schedule C? Will you remark further on House Amendment Schedule C?

Representative Sharkey.

REP. SHARKEY (88th):

That you for recognizing me, Mr. Speaker.

DEPUTY SPEAKER RYAN:

I've seen you before, sir. Thank you.

REP. SHARKEY (88th):

Mr. Speaker, I rise in opposition to this amendment. I understand the intent that the distinguished Minority Leader has and I think it's an argument that we've heard frequently over the course of the last five hours. But the reality is, we don't have the money right now in the current year. This is something that would have a huge impact on our budget, and frankly, it's also about a bigger issue, which is the policy behind

what we're trying to do with the underlying bill. I won't elaborate on that right now, but I would ask my colleagues to oppose this amendment.

Thank you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Thank you, sir.

Representative Betts.

REP. BETTS (78th):

Thank you very much, Mr. Speaker.

I rise in very strong support of this not only because I think it simplifies the process not only for us but obviously all the people who being impacted by this. My understanding is that we have a very substantial amount of money for the next fiscal year. That's what we just heard from Representative Cafero and I believe this program is schedules to start for July 1 beginning for the next year. I know it's been done for other programs. I know we all have the common goal of common goal of helping out these people. I don't see why we can't do it. This is something that I think we can all agree to and where there's a will, there's a way and I think this is a great solution so I strongly support this and I would

ask all my colleagues to really consider helping what I think is a good solution to this very serious problem.

Thank you very much, Mr. Speaker.

Deputy Speaker Godfrey in the Chair.

DEPUTY SPEAKER GODFREY:

Thank you, sir.

Will you remark further on House Amendment Schedule C? Will you remark further?

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

THE CLERK:

The House of Representatives is voting by roll call. All members to the chamber, please. The House of Representative is voting by roll call on House Amendment "C."

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 Clerk will announce the tally.

THE CLERK:

House Bill 5312 House "C."

Total Number Voting	137
Necessary for Adoption	69
Those voting Yea	48
Those voting Nay	89
Those absent and not voting	14

DEPUTY SPEAKER GODFREY:

The amendment fails.

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

Gentleman from the 78th, Representative Betts.

REP. BETTS (78th):

Thank you very much, Mr. Speaker.

A question, if I could, to the proponent of the bill.

DEPUTY SPEAKER GODFREY:

Please frame your question, sir.

REP. BETTS (78th):

To Representative Zalaski, as you know, I attended a meeting between the child care workers -- excuse me -- and the union representatives who

were trying to answer some of the questions that the child care workers had. One of the issues that was never resolved that they were very unhappy about had to do with the issue with dues and fees. And through you, Mr. Chair -- Mr. Speaker, I wonder if you could answer a couple of the questions that they raised.

The first question, if I may, Mr. Speaker.

Speaker Donovan in the Chair.

SPEAKER DONOVAN:

Please proceed.

REP. BETTS (78th):

Thank you.

Where do these dues and fees go? Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, first of all, there are no dues yet. First, they have to get their first contract and decide if they want to pay dues and how much those will bill. Through you, Mr.

Speaker.

SPEAKER DONOVAN:

Representative Betts.

REP. BETTS (78th):

No. I'm familiar with that. Let me -- for the sake of discussion, let's assume it does go through. Where do the dues and fees go? Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, I'm not a member of that union and I'm not sure where they send their dues if that's the question. Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Betts.

REP. BETTS (78th):

Okay. Let me try it this way: If I'm a member of a union and let's say I'm a member of the union you belong to, could you please tell me and explain to me if I were a union member where these dues and fees would go, please? Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Zalaski.

REP. ZALASKI (81st):

Sure I can. I can speak to my own union and my own union experience. My -- our dues money -- actually part goes to the international union because they do the research for us and provide us with lawyers and part of it is -- goes to the local to run our own office. Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Betts.

REP. BETTS (78th):

Thank you, Mr. Speaker.

Thank you, Mr. Chairman. Do union -- excuse me -- do union employees have the opportunity to look over the financial statements that explain where their dues and their finances go? Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, I only speak to my union. Every monthly meeting we read the complete

breakdown of all the money that comes in and out of the local union, yes. Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Betts.

REP. BETTS (78th):

Okay.. Well, thank you very much. I can see where this is going to go so let me just explain what really upset a lot of the people. Thank you. You don't -- I'm just going to commenting from this point on.

They are extremely upset because they feel if they're going to be part of a union that they had not voted into, they would like to know what happened to the money and they would like to be able to not say go to Michigan and try and find it, that it's hard to get. They would like to be able to have a financial statement much like what we release and review financial statements from our contributions or corporations through (inaudible). I think if I were a member of a union I would like to have that information and these folks were very, very upset that they did not think that they would get any information as

to where their money was going and how they would benefit from it.

I think it's extremely important for this membership to understand that there is a large group out there that has a lot of questions that weren't answered and they feel like they were really ignored and yet they're supposedly part of this union and I want to convey that because they are extremely upset. And I think a lot of people know why and I think in due process we need to answer those questions. And I'd like to address a question that was said before by Representative Molgano and I know not everybody here in the chamber. We've talked a lot about trying to help out the workers. I don't know if everyone heard what Representative Molgano said and I'm sure it's not something we all took into consideration but we should also think about the other players that are involved in this process; the disabled individuals, the children, the parents.

I wonder how much thought and consideration has gone into this. You know, for him to be able to have to go on state aid because of a situation like this, I can't imagine anybody would want him

or anybody else to be put in that position. That surely can't be the desired outcome or goal of this legislation so I urge people to really think long and hard about this. I was a strong supporter of the last one because it made it simple. It made it easy, less confusing and I thought we were all on the same page by doing that. So I agree with trying to help out the workers. I thought we were doing that in the last amendment, but please don't forget about the other people that are going to be impacted by this bill.

A lot of people have called me and e-mailed me. Believe me, there are a lot of people who don't know about this and when they hear about it, they're shocked. They are shocked and I don't think that's how we want to be viewed. So I thank you very much, Mr. Speaker, and I hope that you will think long and hard before voting on this. Thank you.

SPEAKER DONOVAN:

Thank you, Representative.

Representative Adinolfi.

REP. ADINOLFI (103rd):

Thank you, Mr. Speaker.

Just -- I have two questions through --

SPEAKER DONOVAN:

Please proceed, sir.

REP. ADINOLFI (103rd):

-- to the proponent of the bill.

Number one is you mentioned earlier -- through you, Mr. Speaker, to the proponent, you mentioned earlier that everyone did not have to join the union, the day care home providers and my question, through you, Mr. Speaker, is: Does that include a day care provider that is receiving Care for Kids money? They don't have to join also if they don't want to? Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Zalaski.

REP. ZALASKI (81st):

Through you, Mr. Speaker, number one, if you receive state money, you don't have to join the union. You pay an agency fee normally, but until they -- the workers get together and decide how much those fees will be and how much their dues will be nobody will be paying anything including they won't do -- they won't pay anything until they at least have their first contract. And when

it comes to speaking about my union and -- when I said that anybody could come to any meeting including these workers could go to the meetings for their unions and they could look at the sheets that shows where the money goes at any time.

As I said before, unions are the most democratic organizations there are. Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Adinolfi.

REP. ADINOLFI (103rd):

Thank you, Representative.

I'm pretty familiar with day cares. I have friends and family members that have been involved in the business for over 20-some-odd years and I think it's -- we've been a little bit misleading when we talk about the $40 payment. Care for Kids money that these day cares are paid is proportionate to the income that the user is making. Now, they may get $40 from the state, but they might get $150 from the individual that's putting that child in that day care. I don't think there's any Care for Kids money that is exactly the same for every parent. And that's

been misleading.

I attended a meeting a few weeks ago. There were 125 day care providers at the meeting, home day care providers. That's six children or less. And of the 125, only five of them said that they were contacted by the union so the question was asked well how much are receiving Care for Kids money and many of them in the room raised their hand, way more than five. They weren't contacted. It seems to me that once the union got enough people to sign up for this to make it go I don't believe the others -- I can't say that -- but that's the way it sounded from what I heard from the people. More than -- only five heard from the unions with questionnaires and they were questionnaires. They weren't even ballots that some of them received. There was: Would you like this or would like that as a benefit? But not actually a vote and that troubled me.

So that's my concern and I don't think we've been quite clear with everyone in the room how Care for Kids works. And like I said before, no two receive the same payment. It's all proportionate to what they make. Now, most of

these day cares are stay-at-home moms. They stay at home watching their own two kids. Okay. So a neighbor comes over that happens to be on Care for Kids and they take them in and watch their kids and make a few bucks for the week. Now, why do these people have to be part of the union or pay a fee. I just don't understand it, but I just wanted to make that point. Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative.

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. Good evening and just briefly.

SPEAKER DONOVAN:

Good evening, sir.

REP. CANDELORA (86th):

Thank you, Mr. Speaker.

I think one of the points about this bill and it's been said and I need to say it again is what we're forgetting here is about the recipient of these services. I have a constituent in my district. She's a single mother, two children

afflicted with Friedreich's ataxia. They are in wheelchairs. And there are programs in this state to assist them. She's raised her children. They've gone to college. One has graduated. The other is on her way to graduate. And when I met with them, their reaction to this bill is absolute fear because they don't know if they are going to be able to afford these services any longer with the way this is structured and I think if we're going to set this type of public policy we should be funding and I'm disappointed that that previous amendment failed. I'm not inclined right now to be advocating for more spending, but we need to fund these policies because when we talk about the safety net and protecting it, this bill does exactly the opposite.

It's ripping apart the safety net for these individuals. Now, these two people are graduating college. They have enough difficulty in being able to find a job with the struggles that they are in and to now be faced with a possibility that their PCAs will no longer become affordable to them any longer is just unconscionable. And so with that spirit, I just can't support this

legislation. Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative.

Representative and House Republic Leader Lawrence Cafero.

REP. CAFERO (142nd):

Thank you, Mr. Speaker.

Ladies and gentleman, for purposes of wrap-up, once again, I think at this stage of every debate we have to ponder what we just did and what we're about to do. There might be some people and that is your right that will pat themselves on the back for having made a little bit of history, for having given what many people have described as underpaid and overworked people a voice. I will not be one of those people patting myself on the back because you see there are so many people that we heard from, all of us heard from, who in many cases their life is being turned upside down because of this piece of legislation.

They never asked to be in a union. They didn't vote to be in a union. In fact, the vast majority in the case of the PCAs, 83 percent wanted no part of it. In the case of the child

care providers, 73 percent wanted no part of it. And yet, the Governor put into motion a year ago by his executive orders this process that we are going to claim is giving a voice to those who need one, giving them the ability to fight for higher wages, to fight for benefits and better working conditions, to fight for benefits and better working conditions, to fight for training. And once again, the ironies of ironies is that we had the ability to do that for them all along and we chose not to.

So don't strain too hard for anyone who might be anxious to pat themselves on the back because those very people would have the right to look us in the eye and say where have you been? Where have you been? There will be some irony if people get hugs and high fives from some of the workers that affected by this to the very people who year after year have underfunded them, who never provided them with training but always had the ability to do so.

And then there's the other part of this story, the part of the story that Representative Molgano had the courage to share with you.

People, real needy people, real needy people may be forced into a position that they never wanted to be in. They took pride in caring for themselves. They took pride for the having the resources to care for themselves. They ask help from no one and many of us who don't suffer from the same things can't even imagine what one day in their shoes is like and wouldn't it be a shame if for those very people who are at the core of what we do are hurt because of this bill when we, in this chamber, could have taken care of this situation had we so chose to. Wouldn't that be a shame?

Ladies and gentlemen, we're about to vote on a bill that went through no committees, none, zero, zippo, none. Didn't get out of Labor, never went to Approps, never went to Judiciary. In fact, it's my guess that we had a break for caucus today because a heck of a lot of people didn't even know what was in the bill and I'm not so sure we're clear about what is in it now, and yet, we're about to vote on it. A 16-page bill, 400-some-odd lines that changes the lives a lot of people. Oh, it does. And maybe some positively,

but a whole lot of people negatively. We didn't have to be here for that. We didn't have to do that.

Representative Zalaski said that unions are the most democratic organizations he's ever seen. You know, there should be one that's even more democratic. This one. This one. And sometimes I wonder. Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Sharkey.

REP. SHARKEY (88th):

Thank you, Mr. Speaker.

Where have we been? The Minority Leader in his closing remarks on this bill asked where we have been. Well, with all due respect, I would pose that same question because it seems to me that the very programs that are the subject of the workers that we're trying to protect in this bill are the very programs that are oftentimes the subject of the very cuts that are promoted by many people in this chamber. Cuts. Why? Well, because that's where the soft money is. That's where the money is to help us balance the budget.

Where have I been? Well, I've been trying to

balance budgets. Where have I been? I've been trying to protect those very people that are the subject of this bill. That's where I've been and I won't speak for anyone else here, but that's where I've been. This bill will not force anyone join a union. That's not the point of this bill. The point of this bill is that for the last ten years day care workers in this who participate in state-funded child care have not had a raise in ten years, ten years. Why is that? Lack of political will? Perhaps. Fiscal reality? Sure. But you know why it's really the case it's because the people who provide the service to run the programs we're asking them to run and provide the services that we're asking them to provide don't have a voice. They are the last people who have an opportunity to come to us and plead their case because they don't have that voice. All we are doing tonight is giving them that voice.

There are others in the state budget who have the ability to raise their voice, to speak out for what they feel they deserve for services that they provide to the people of the state of Connecticut, but not our day care workers, not our personal

care assistants and if you think that they don't deserve that voice, well, then let's go back to the point that Representative Candelora just made. This is a policy decision. We have made it a policy of the state of Connecticut to encourage our seniors and disabled to not go to nursing homes but to stay home. We do this because we know it will save us money as a state, but to carry out that policy, we need competent people who are paid what they deserve to be paid to help out with those people who we want to stay home and get those services.

Yet, we underfund them. Why do we underfund them? For the reasons I just described. They don't have a voice. They are not part of a process here in the state of Connecticut with our budgets that enable them to argue for the very funds and support that they need to provide the services. All we are doing here today is giving those providers who we rely on to carry out the policies of the state of Connecticut to have a voice in our budget and in our budgeting system. The private section, they can do what they want. If they're providing private services, they're not

involved with the state. This won't affect them. We are trying to give these people a voice.

This has become very personal for me because last weekend I had sad anniversary which was the anniversary of my mother's passing, and when I first heard about this initiative, what affected me the most and what I thought about first was the reality of what my family faced with my mother who after 92 years of tremendous health and tremendous accomplishment was suffering from advancing dementia and it was something that caught my six siblings and I completely by surprise and when I found out as we tried desperately -- particularly my sister and I -- to find care for my mother whose situation was deteriorating by the week was that the personal care attendants and assistants out there it's the wild west. We had people who we were desperate to try to get in to help my mother because in her advancing stages of dementia she was able less and less to care for herself. We needed people who had skills, who knew how to deal with these issues. Not just be babysitters, but be people who could work with her and we had a nightmare of an experience going from one agency,

one provide to the next.

There were no standards. There were no criteria and yet these people and the agencies that were providing them to us were under no obligation to demonstrate to us what their skill levels were. We were interviewing people trying -- - in desperate -- in a truly desperate situation, interviewing people and asking them the next day if they could be there to care for my mom because she was not able to care for herself. This is the situation we were in and what I realized from that experience was that we need to have a better system of providing care for people who are in my family's situation and my mother's situation.

What I hope we are getting out this bill today -- tonight is the recognition that these people need to be paid, yes, adequately. They need to have a voice to demand what they deserve in terms of pay, but they also need training. This was something that we talked about. Now, I don't think necessarily we, as a state, have made the decision that we rely on these folks but we have not provided the training. I'm not sure we should in the business of training health care

workers, but what I expect will come out of us is if they are bargaining for wages that we, as a state, in that collective bargaining process will also demand standards as part of that collective bargaining process and thereby raise the standards of all health care providers and day care providers and personal care assistants statewide. That's part of what we get in exchange for giving these folks a voice.

We don't have a system that works and we don't have a system that gives the people that we are relying on. As a major policy decision on the State's part, we don't have a system that enables us to provide the kind of services and care that we need to have for our young people, our disabled people and our elderly. It's as simple as that. That's what this bill is getting at. That's what we deserve as a state. That's what these providers deserve as a state and more importantly, most importantly that's what the people who they are caring for deserve. For that reason, Mr. Speaker, I urge adoption of this bill. Thank you.

SPEAKER DONOVAN:

Staff and guests come to the well of the

House, members take their seats. That machine will be open.

THE CLERK:

The House of Representatives is voting by roll call. All members to the chamber. The House of Representatives is voting by roll call. All members to the chamber.

SPEAKER DONOVAN:

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

Bill as amended is passed.

THE CLERK:

House Bill Number 5312 as amended by House Amendment Schedules "A" and "B."

Total Number Voting	141
Necessary for Adoption	71
Those voting Yea	84
Those voting Nay	57
Those absent and not voting	10

SPEAKER DONOVAN:

Bill as amended is passed.

S - 644

CONNECTICUT
GENERAL ASSEMBLY
SENATE

PROCEEDINGS
2012

VOL. 55
PART 9
2639 – 2991

THE CHAIR:

The Senate will stand at ease.

(CHAMBER AT EASE.)

The Senate will come back to order. Senator Looney.

SENATOR LOONEY:

Thank you, Madam President. Madam President, if the Clerk would call as the next item as order of the day, Calendar Page 16, Calendar 417 House Bill 5312.

THE CHAIR:

Mr. Clerk.

THE CLERK:

On Page 16, Calendar 417, Substitute for House Bill Number 5312 AN ACT CREATING A PROCESS FOR FAMILY CHILD CARE PROVIDERS AND PERSONAL CARE ATTENDANTS TO COLLECTIVELY BARGAIN WITH THE STATE, as amended by House Amendment Schedules "A" and "B", and it's a Favorable Report of the Committees on Labor and Public Employees and Human Services.

THE CHAIR:

Good afternoon, Senator Prague.

SENATOR PRAGUE:

Good afternoon, Madam President. Madam President, I move the Joint Committee's Favorable Report and passage of the bill as amended by House Amendments "A" and "B".

THE CHAIR:

The motion is on adoption, on acceptance and passage of the bill as amended. Will you remark?

SENATOR PRAGUE:

Yes, Madam President. Thank you. Madam President, this bill represents a policy choice by the General Assembly that granting these workers a voice will in the long run improve their lives and the lives of the people that they serve.

THE CHAIR:

Will you remark? Will you remark? Senator Welch.

SENATOR WELCH:

Thank you, Madam President. I stand in opposition to this bill and I do so for three overarching reasons, which really boil down to the process, the policy and then also the technical execution of the bill before us.

Let's start with process, Madam President. From the very beginning this concept came by with two Executive Orders, Executive Orders 9 and 10. They were done not in the usual process by which we put forth legislation here but in the back room, and I think some key stakeholders were missing. They weren't at the table.

In fact, one of the communities that is impacted by this legislation is one that has a saying, and that's nothing about us without us and I think it was a little shortsighted to not include them in those initial discussions.

And I think that's why we see a lot of grass roots opposition to the concepts before us today. I know that I did speak to one PCA who was in favor of this bill, and I understand that there are some legitimate concerns there, concerns I thought we'd hear a little bit about but I'm sure we'll hear more about later on tonight.

But then there are a lot of people who spoke out and have been speaking out against it. For instance, I have about, just the other day somebody dropped off in my office about 500 signatures, most of which are from the 31st District, saying, please don't vote for this bill.

A number of people from Waterbury and others as well

are included in here, and they also included some great pictures to encourage me to vote no.

But they, I think Madam President, felt that they have been left out of the process and haven't had their voice heard and so they're desperately trying to have it heard now.

I remember listening to the debate as well, talking about voices that didn't really have the ability to be heard in the process, listening to the debate down in the House and Representative Molgano spoke up and he brought, I think, an interesting perspective and raised some interesting points.

And the point that I think he made, which was very powerful to me, that he thinks that this bill will result in increasing the cost of his care, and might ultimately push him into Medicaid, push him to a point where he can't afford to pay his personal care attendants himself, and have to go onto state aid.

And I think that's consistent with some of the discussions that took place in those back rooms. I know DSS at one point expressed some concerns about the cost that it will, the cost impact to the state and that individuals with higher needs could be forced into nursing homes as a result of what it is we're trying to do here.

And so, Madam President, process is a big problem that I have with respect to how we got to where we are today, and one of the reasons why I will be standing in opposition, especially because I think there was an exclusion of a number of interested parties.

Also policy, Madam President. I'm not concerned, excuse me, I'm not convinced that this is exactly the right policy that we're looking for. This isn't your typical labor relationship as it were, Madam President.

I mean, this country, this part of the country in particular has a rich history with labor. A lot of the early trade unions started in this area of the country. In fact, I think back in 1765 we had the Daughters of Liberty in Massachusetts and they fought

very hard and rightfully so, to correct a lot of wrongs that were going on in the founding of our history.

But this isn't that kind of relationship. This isn't your typical employee/employer relationship, and Madam President, I see Senator Prague as standing. I don't have any questions for her at this point in time, so I'm just going to wax on and please have a seat and enjoy. You're welcome.

THE CHAIR:

Thank you, Senator (inaudible.)

SENATOR WELCH:

But this isn't that typical relationship. In fact, many of you may not know this. I used to be in a union at one point in time, and actually we struck, and so I know the process. I know the importance. I know the things they do and how good they are, but again, this is not that typical relationship. We're not talking about an employee/employer relationship.

In fact, this is more akin to me of private associations that would be needed, to address, I think, some of the concerns that have been raised here with respect to state costs.

I also now belong to a private association, the Connecticut Bar Association, and we've got lobbyists up here who work very hard to raise money for various interests that lawyers are concerned with. In fact, I think hopefully, later on we'll be seeing a bill that will increase fees to help pay for legal aid. So that's an example of an association trying to raise money as it were, increase state aid with respect to particular interests.

And I think that that is probably, with respect to policy where our efforts would be better placed. And I guess when it comes to policy, one of the things I scratch my head on the (inaudible) with respect to what we're doing here, because I kind of look at this as our job, Madam President.

If the interest is really raising more money in Care4Kids or if the interest is getting more funds to PCAs, well, that's where democracy comes into place and that's where I would expect our constituents to call us directly and say, hey, there's an issue here. Care4Kids isn't getting enough money. Therefore, family care providers are under-funded, or PCAs are under-funded, and then we should and ought to act. In fact, I think that's something we probably should be talking about rather than what we're talking about right now.

I think it's a little bit strange that instead of having that relationship, we're essentially saying to these communities, you know what? We can't handle it or we don't want to talk about it. We want you to talk to somebody else who's then going to come to us, and discuss that, and in fact, that person's going to be a member of a union or a union lobbyist.

So from a policy standpoint, from a process standpoint, I'm troubled by what we're doing and I would urge my colleagues to stand with me in opposition.

I also have some technical concerns with respect to the bill that is before us, and so if I may, through you, Madam President, ask Senator Prague some questions with respect to the language that is before us.

THE CHAIR:

Senator Kane, please proceed. Senator Prague.

SENATOR WELCH:

So as I understand the bill before us, Madam President, this is a bill that will allow collective bargaining, and who would that collective bargaining be with? Through you, Madam President.

THE CHAIR:

Senator Prague.

SENATOR PRAGUE:

Madam President, Senator Welch, the collective bargaining would be with the state, who pays these personal care attendants and the child care folks very low salaries. They don't to my knowledge, have any kind of benefits. It would allow them to bargain also for health benefits and any other benefits that they want to talk about, that they feel they need.

SENATOR WELCH:

Thank you, Madam President.

THE CHAIR:

I apologize.

SENATOR WELCH:

And I agree. Those are some very real concerns that need to be addressed, especially with respect to family are and the PCAs.

So am I correct, then, to understand, the language before us deals with Section 5 of our General Statutes, which is typically bargaining as an employer with the, excuse me, as an employee with the State of Connecticut as your employer, and so are these groups of, are the PCAs and family care providers, are they to be employees of the State of Connecticut? Through you, Madam President.

THE CHAIR:

Senator Prague.

SENATOR PRAGUE:

Madam President, Senator Welch, they are not state employees. They are paid under state programs that are also partially funded by the federal government, so they perform some of the toughest jobs that we have, taking care of disabled folks and elderly folks in their homes. You know that's tough work.

THE CHAIR:

Senator Welch.

SENATOR WELCH:

Thank you, Madam President. And I would agree. That is tough work, which I think would be a discussion that we should be able to have outside of collective bargaining and outside of unionization.

So they're not state employees. Are there any other situations, Madam President, through you, where unions are collectively bargaining on behalf of people who are not state employees with the State of Connecticut? Through you, Madam President.

THE CHAIR:

Senator Prague.

SENATOR PRAGUE:

You know through you, Madam President, just las6 night we did a PLA bill, which indirectly puts unions into the position of speaking to their members and bargaining for their members when it comes to building any kind of building that the state is putting up or the municipalities are putting up with state or federal money.

So there are many instances where unions will bargain for their members, and it collectively gives them a stronger voice. One by one these folks would not have any voice at all, but together they stand together, they will have a voice in what happens to them and they will be better served themselves and they will be better able to serve their clients.

THE CHAIR:

Senator Welch.

SENATOR WELCH:

Thank you, Madam President. I do remember that bill from last night. It was late last night. I actually supported that bill. I would say that that's not necessarily collective bargaining. It's a little bit

different than that, but I do have, I have yet to be able to find a circumstance where we have done something like this in the past in thee State of Connecticut.

So if at some point during the discussion that comes to your mind, Senator Prague, I would appreciate that.

Now, as I understand from the bill, there are really only limited amount of things that can be bargained for under this and the first is, state reimbursement rates.

The second seems to be benefits.

The third is payment procedures.

The fourth is contract grievances.

And then I think the last is training professionals, and that's in particular with respect to the family care.

Through you, Madam President, when we say we're going to collectively bargain with DSS or the State of Connecticut through DSS for benefits, who would be providing those benefits? Through you, Madam President.

THE CHAIR:

Senator Prague.

SENATOR PRAGUE:

Madam President, Senator Welch, ultimately the state would be providing those benefits. If they would not be state employees, they don't get the same healthcare benefits the state employees get, they would be developing their own healthcare benefits, but the state would be, they would be bargaining with the state because it is the state that pays their wages.

THE CHAIR:

Senator Welch.

SENATOR WELCH:

Thank you, Madam President. And Senator Prague just said something to me that I guess I'm a little bit confused on and that is that the state pays the wages.

As I understand the relationship, especially with the Care4Kids money, the state is actually paying the parents of the Care4Kids, children, and then that money would then be sent to the family care. Is that correct? Through you, Madam President.

SENATOR PRAGUE:

That's my understanding, through you, Madam President.

SENATOR WELCH:

Okay.

THE CHAIR:

Senator Prague, would you like to yield for a second to Senator Bye. She's standing.

SENATOR PRAGUE:

Yes, I'd be glad to yield to Senator Bye.

THE CHAIR:

Thank you. Thank you, Senator Prague. Senator Bye, will you accept the yield, please?

SENATOR BYE:

Yes. I thank the Senator for the yield. As I understand it, the Care4Kids payments go to the provider. So I'm a former provider and the parent, you know, signs off to the provider and the state pays the provider directly. Through you, Madam President.

THE CHAIR:

Senator Welch.

SENATOR WELCH:

Thank you, Madam President. Actually Senator Bye, if I may get just a little bit of clarification on that. So through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR WELCH:

The, so the check doesn't go, the check goes directly to the provider? There's no pass through? Is that how I'm understanding.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President, yes. If you'd like me to explain how it works from my understanding as a center provider of Care4Kids, I can do that and as I understand it, it works in a very similar way.

That the parent signs up that they have a particular provider. That provider documents that they've done the work and the hours that the child was there. The parent documents the hours they were working to assure that they were working while the child was there, and then those hours are submitted and the Department of Social Services sends a check to the provider. Through you, Madam President.

THE CHAIR:

Senator Welch.

SENATOR WELCH:

Thank you, Madam President. Thank you, Senator Bye. Appreciate that explanation.

So we have a limited scope of collective bargaining. It sounds like although essentially at the end of the day the provider will be the recipient. Essentially,

we're setting up a situation where you will be bargaining on behalf of the parents of the kids, although albeit I understand at the end of the day where the money goes.

This is a very different form of collective bargaining. This is a very different employee/employer relationship that we're creating here. It's one that I think we ought to tread carefully and lightly. It's one that I'm certainly not ready to embrace.

So, with that said, Madam President, I think there will be more to be said tonight. I think I probably will have more questions as time goes on and as the debate goes on, but for the purposes of the process, how we got here, Madam President, the policy ones that I struggle to find a way I can agree with at this point in time, and the technical execution of the bill, Madam President, I will be standing in opposition to this. Thank you for the time, Madam President. Thank you for the answers Senator Prague and Senator Bye. Appreciate that.

THE CHAIR:

Thank you. Will you remark? Will you remark? Senator Markley.

SENATOR MARKLEY:

Thank you, Madam President. I would yield to Senator Prague if she would like to say a word first.

SENATOR PRAGUE:

Through you, Madam President. Thank you, Senator Markley.

THE CHAIR:

Senator Prague. Sorry.

SENATOR PRAGUE:

I just wanted to tell Senator Welch that we had testimony at the public hearing where some of these

home care providers maybe make about $3 an hour. It's a pretty tough job an it's a big responsibility, taking care of other people's children, and the mothers of these children really have to go to work in order to continue getting their benefits.

And if they did not have a reliable place to leave their children, I doubt very much if they could go back to work.

So it's critical for these child care providers have the chance to get better wages for what they do.

THE CHAIR:

Senator Markley.

SENATOR MARKLEY:

Thank you, Madam President. I said last week when we were talking about the bus way that there have been three issues since I've been here that I felt I really dug my heels in on.

One never came up in the Senate, which was the utility, the electrical tax that I was involved in a lawsuit about last year, which to my delight was eventually rescinded, although in the midst of a tax increase of such a size that it rather destroyed my pleasure in that small victory.

The bus way was another one and there's a way in which the bus way is an impersonal issue for me. I think it's a large mistake but it's not a mistake that has a face to it to me, or one that affects people that I've come to know.

But this is the third, and this is the one that maybe has been most personal to me, and so I will start by speaking about my personal experience of this issue, which was very much accidental.

As a member of the Human Services Committee, the issue came to my attention last Session. A woman named Kathy Ludlum called my aide, who, my aide Pam Salamone who's wonderful and who knows what I want and need before I do, and said she'd like to speak to me. And

Pam said, I don't know who she is or where she's from but you've got to talk to her.

So Kathy came in early on in the Session last year to express her concern about a bill before Human Services, which would start the process of unionization of personal care attendants. And I guess I'd say, I certainly could say that Kathy Ludlum is the most remarkable person I've met since I've been back here in the Legislature.

She's, let's say she's by the standards of the world, severely disabled, but she is not, not only is she not disabled at all, but she is more able, more fully a human being, I think, than almost anybody I know.

She crystallized a thought for me, which is how much what we do and feel and experience in this world is purely dependent on our state of mind and not anything about our circumstances.

I think I had this experience. It's funny. I thought of this very much and of Kathy, a little while back when Whitney Houston died. I remember when Whitney Houston became a star thinking, there's a woman that has everything, everything that God could give a person, beauty and a voice and charisma and how sad her life has been. What she made of it, what happened to it.

And I felt like Kathy Ludlum in some way is a counter example of somebody who was given no advantages, I guess I'd say except a very loving mother, having read the book she wrote about her own story, but has made herself a person of great value.

I thought of it when the Session is over I want to talk to her about, she goes around the country and speaks to groups, but I'd love to bring her to students in Southington and in my district to let them think about what they can make of their lives, given what she has made of her own.

I think I see in the way a world of people who are sick for the lack of what Kathy Ludlum has, not what she has physically, but what she has spiritually, an instinct in her, I think, to grow and move toward the

light, to be positive in every way. A healthy intelligence and a generous spirit anyway.

Kathy came to me along with her personal care attendants, one by one. I didn't meet them all or a number of them at once until later on, to speak to me about this bill, and she said, I don't, I'm paid on a waiver because I can live independently at less cost to the state than I would live in an institution, and I can live independently with more fulfillment to myself by far, than I would find in an institution, and I would say she lives independently in a way, which allows her to contribute to the world infinitely more than she would if she were confined.

And she said, neither I nor my attendants want to have a union come between us. We have a good relationship. We work things out between ourselves. It simply isn't necessary and it didn't seem necessary to me.

She is sympathetic to her attendants. She believes that they should be paid more and she would be happy to see them receive everything I think that they could be given. I don't think that she would begrudge them anything. But she doesn't see the need to have a union stand between them.

I'll say another remarkable person that I met in the process of this bill last Session before Human Services is still sitting behind me here in the Chamber, Claude Holcomb, a man whose courage in overcoming a situation of almost nightmarish difficulty of being, in fact, confined, not being recognized for the intelligent and witty and charming man that he is, but not being able to communicate and struggling for years to communicate the fact of who he was to the people who were caring for him and not understanding.

Claude speaks only by spelling out letters on a board, except when he's at the computer and it takes patience to communicate with him, but I think how much more patience it takes for him to communicate with all of us.

And when Senator Prague says one by one these people have no voice, I would only disagree with her. I

think these people individually have a powerful and a beautiful voice, and I guess I would say that I believe the Human Services Committee heard that voice last Session, although the bill passed the Committee, it had opposition from both parties, and it had concern expressed, even from those who supported it and the bill disappeared into the process and did not become law.

And I think that the little coalition of the disabled and the personal care attendants working for them that came to me were able to find a voice and to be heard by the Legislators here, whose response was not to force on them something which they, themselves, desperately did not want us to do.

And I took that last year as being not even a small victory, but maybe the most satisfying victory that I witnessed or had any hand in, and I went to a meeting last summer of, concerning personal care attendants, with personal care attendants, with Kathy, with Claude and with some other people and was amazed to find them quite concerned about the idea that having beaten this proposal legislatively, that it would be put forward by means of Executive Orders without any act of the Legislature.

In fact, I remember sitting at the meeting and saying, it's not possible. The Governor has already, by submitting the bill to the Legislature, conceded that it is our authority to make this law, that it's not something that he can do as a single man by the stroke of a pen.

But they were right. I was wrong, and the Executive Orders were put into place, and I can hardly say how grave an error I believe those Executive Orders were.

First of all, leaving aside let's say what will be the topic of our conversation this evening, which is the wisdom of this unionization process, but more to the point the question of the authority of the Executive Branch and the prerogatives of our branch of the government, which I believe we have to jealously guard, and which I believe have been under assault. Assault is maybe a violent word for it, but subject to encroachment in the course of my time back here, in

various ways.

I thought it was a definite case of over-reach, and I also thought in terms of the question of whether people individually have a voice in this state, I thought it was a case of telling these very people, no, you do not have a voice. You can come to your Legislators and your Legislators can listen to you, and this bill can be rejected, but that's not the end of it. We will impose it on you anyway. Kathy Ludlum and Claude Holcomb, because we have the power, because the Executive Branch has the power to do it.

It also was a way of saying what I have heard throughout this debate this Session and what in some ways Senator Prague has said here tonight, which is, we will not listen. The problem is, we will not give the assistance that these people and their attendants need unless there's a union, to negotiate not really with us, but with the Executive Branch, cutting us out.

The relationship between the Legislature and the people that we are elected to represent, and the people of the state who we are charged with defending, is not sufficient. There has to be a union and there has to be an Executive Branch negotiator and that is how justice will be determined.

I don't believe it and I resolved at that point to fight it and I've tried to fight it and have, in the midst of fighting it through the court system. It's funny to find myself doing that having gone 55 blissful years without finding myself in any way in a court as a plaintiff, defendant, or any other role.

First, I've been there with the utility tax, then to be involved with an administrative procedure very much like it on the bus way, and now as part of the action that has been brought concerning these Executive Orders, challenging them both on the grounds of their constitutional appropriateness and their correspondence to existing labor law.

It was at the point that I started to pursue the lawsuit to put together a coalition of people on that, that I first became aware of the family day care

provider side of the equation or I was aware of it but I had not really entered into it and I had a second kind of revelation, similar to the one that I had when I met Kathy Ludlum and Claude Holcomb and that cohort.

I met a group of people, family day care providers in Southington, a woman named Maria Nelson and her friends, and they were outraged. These are not, I've done a certain amount of rabble rousing in my life, but I've never been able to stir up anybody that wasn't inclined to be stirred, and in this case I didn't have to do any rousing at all. They were angrier about it than I was.

And they were angry because they felt that they were independent business people, and not state employees, people working in their own homes, people not answering to any state authority, absolutely amazed that they could be subject to mandatory membership or payment to a state employees union.

Shortly after, those people started organizing, very effectively on their own, and brought me to a meeting in Bristol one night that Senator Welch also attended, where we had perhaps 75 of these family day care providers, these women, I might say, because I believe they may have been 100 percent women that were actually engaged in the business.

And that night when I came in a little late, as I often do, being a Senator, I was, when I got there I saw the union representatives already at the front of the room explaining the benefits they were going to receive and I thought well, this will be, they're going to hear about how good it's going to be and these union spokesmen have experience in speaking to groups and I'm sure they'll bring them along and I'll just sit here and watch them be converted.

What happened instead was these women, one by one, but finally en masse, started questioning, and I guess I would even say badgering the union representatives with no provocation from me. I was just sitting in the back of the room until such time as the union representatives left the room and the women took the meeting over.

And their message was, what do we do to stop this from happening? We simply don't want it.

So, I looked for a way to fight it through the courts, which I found in an action that was joined by myself and Representative Rob Sampson and a group of day care providers, Kathy Ludlum and a group, and her group and that action is pending in the courts, and I have looked forward to my chance to fight it here in the Legislature.

And you know, the history of the bill this Session. It wasn't brought back to the Human Services Committee, both the bill affecting the day care providers and the disabled and the personal care attendants, instead went to the Labor Committee and the Labor Committee failed to report it before their deadline, I thought with perhaps a certain lack of enthusiasm, although I shouldn't speak for anybody in it, and then it reappeared before us through a strike-all amendment and went to the House. It came through the House with some democratic votes against it, but not enough to prevent its progress until it stands before us here today.

And I will start maybe by taking a look at the bill itself. It attempts to ratify to my mind the Executive Orders as they were issued by the Governor last August and to move them to the next step in the process, what the Governor did not do by Executive Order, which is the giving the union representatives the right of collective bargaining.

One thing that Senator Bye said that I was, that interested me in terms of the payment was, as a member of, as a person who had operated a day care center, that state payments had come directly to the center, and I certainly will take her word for it that they come directly to the family day care providers.

But it is interesting to me in the bill first of all, to say that the affected party in this case, in Section 1 paragraph 2, family child care providers means persons who provide family care services under the Child Care Subsidy Program in a family day care home or in a home not requiring a license pursuant to the subdivision and et cetera.

I might start by asking Senator Bye a question, since I think she has the expertise in this, through you, Madam President.

THE CHAIR:

Senator Bye, will you respond to Senator Markley?

SENATOR BYE:

I'm happy to do my best, Madam President.

THE CHAIR:

Would you proceed, sir?

SENATOR MARKLEY:

Yes. Thank you very much. I would say, why do we make a distinction, since the funding in both cases for the centers, and this is not an area of my expertise, the divisions of these types of day care centers.

But if we have people who are funded in a family day care center by the state, who will thence become members of the state employees union, why don't the people who work in a larger day care center, which is also funded by the Care4Kids Program also become members of the state employees union? Through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Thank you, Madam President. This bill speaks directly to the Care4Kids home care program only. It does not address center-based care at all. It's about payments to individuals.

I think that the idea of the bill is that as individuals, there's no collective voice, whereas if a child care center or a collection of child care

centers for that matter, there are a number of teachers in one place. If they feel that they're being treated inappropriately, they have the right to form a union at any time in that child care enter. This is very specifically directed at people who the state pays and giving them a collective voice. Through you, Madam President.

THE CHAIR:

Senator Markley.

SENATOR MARKLEY:

Thank you. Thank you, Madam President. Thank you, Senator Bye. I would follow up, if I may, Madam President, by asking, if the point is in the end that the money has to come from the state for the child care center employees to form a union, still does not, it may give them negotiating power with their immediate employer at the child care center but it would not give them the power that state employee union membership would give for negotiations with the state.

It seems like they are being, if we assume that a benefit is being given to the family day care providers through this, wouldn't that benefit be beneficial for the center employees as well? Through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President. Though I understand Senator Markley's point, I don't agree with it. I think they're completely different situations. Through you.

THE CHAIR:

Senator Markley.

SENATOR MARKLEY:

Thank you very much. And thank you, Senator Bye. I believe it's a, it's not a line which is clear to me to draw and it's not a line that I necessarily believe will be respected indefinitely, should this particular, should this legislation and should this move for unionization go forward. My guess would be that it's the first step toward a further unionization.

And I guess I'll say something by way of an analogy while we're talking about this. It occurred to me when Senator Prague was talking about it.

Yes, indeed, we have people in the day care centers and more so in the world of the personal care attendants. The family day care providers may have only one child. They may have five children who receive Care4Kids benefits at any given time, but their income is likely to be, it's only likely to be a percentage of their total income that is coming from the state.

In the case of the personal care attendants, I would agree that indirectly all of the income is coming from the state. It's going through the disabled person who has a fiscal intermediary who runs the intake and the outgo of the money for them, to the attendants.

It seems to me that this is not unlike say, being a pharmacist that is dispensing medication that is covered by Medicaid or Medicare or what used to be CONNPace or any of these other programs, that a large percentage of the money that they're taking in is in fact coming from the state. I don't think that makes the person a candidate for membership in the state employees union.

But that's commentary on it and it was not in the form of a question, but I would be delighted to yield to Senator Prague if she would like to respond to it.

THE CHAIR:

Senator Prague, will you accept the yield, ma'am?

SENATOR PRAGUE:

I do. Thank you, Madam President, and through you to Senator Markley, Senator Markley, I too know Kathy Ludlum and Claude. You are right. Both of then are truly remarkable people, truly remarkable.

But I do want to tell you that we have a section in this bill, and I'd like to point out that section to you that clearly says, this does not affect their ability to direct their PCAs, to hire them or fire them or tell them what to do.

If you would look at lines, if you would just give a minute. It's important that I point this out to you because that is a very important issue, because this does not interfere with their right, as they have now. To control their own care.

It starts on, I thought it was 272, but I think I have, yes, 272 and it goes down to 277. I would ask you, through you, Madam President, to read that for your own information, Senator Markley, where it clearly says that the collective bargaining between the state and any organization representing the personal care attendants, it cannot interfere with the right of a consumer or surrogate to hire, refuse to hire, supervise, direct the activities of or terminate the employment of any personal care attendant.

That section is also very important to me as well as to you, Senator Markley, and I respect you for that.

Also, there is nothing in the bill that says these people have to join the union. It's voluntary. If they want to join for collective bargaining, it's their right to join or it's their right not to join.

If they feel it's in their own best interest to join and that their lot in life will be better because of it, then they would join, but it not, they don't have to. And they're not state employees. They don't join the state employees union. It's a separate entity altogether.

Anything that they bargain for, they collectively bargain for and agree to and are successful in getting, comes back to us for our approval. It just

doesn't go into effect without our approval.

But I'm going to just wave to Claude over there. Did he leave? He does struggle with that board that he has and he does a remarkable job on making himself, you know, making his wishes known. Incredible.

THE CHAIR: (SENATOR DUFF IN THE CHAIR.)

Senator Markley.

SENATOR MARKLEY:

Thank you, Mr. President. And thank you, Senator Prague. I will say that if you remember the day I was sworn in, I made reference to Senator Prague as somebody for whom I have as much esteem as anybody in this body for her sincere concern, I believe, for the people that she has worked for, for so many years.

I guess I said it because, well, after the election, but before I was sworn in, I saw her speak at a hearing and I thought, it's the same Edith Prague I remember from 25 years ago with a heart that doesn't stop.

And I guess I would say in that respect that it seems to me I want to encourage her and all the members of this circle to use their heart that way, to look at these people as individuals, and not, and which I know Senator Prague does, and not as counters within a system.

I believe this is one of the greatest challenges that we have in the world as it's organized now, and in the political life, which we live, which is, we create structures, and in those structures the identity, the individuality and the individual importance of people can be diminished.

And I think that's one of the reasons that Kathy Ludlum and her friends have opposed this bill so strenuously because whatever guarantees may be in it, they fear in the end that currently they relate as people to people, but in the end they will be governed by rules of human relations, rules of employer and employee relationships that will be a problem to them.

Going back to the bill for a moment, Mr. President, I will say that Senator Prague has pointed out that nobody will be forced to join a union and that's true but they will in any case, should the unionization take place, if a contract is arrived at, be forced, whether they want to or not, to pay a charge to the union for the representation they receive, which charge shall either be the regular union dues or the costs associated with the union negotiating on behalf of them, whichever is lower.

This falls into the category of things that strike me as a distinction without a difference, at the point of which you're paying for the union membership, whether you actually have the card or not seems to be, let's say for most people, the less important side of the matter.

Let me, let me ask, if I may, I will ask Senator Prague some questions, since she's kind of volunteered, if I may, Mr. President, through you.

THE CHAIR:

Please proceed, sir.

SENATOR MARKLEY:

Thank you very much. Senator Prague, in Section 2, paragraph 4 of the contract, of the legislation, line 43, it says, no dues or fees may be charged for the first 60 days of a family child care provider's participation in a child care subsidy program established pursuant to said section.

Through you, Mr. President, could you explain what the purpose is of that 60 day window, and is that a recurring window? In other words, if somebody only provides service to an eligible child intermittently, are they not charged for 60 days? And I guess I would, part of the question, if you care to put it that way, would be if somebody provided service only during the summer, would this exempt them from the union dues for the couple of months? Is that the intention of the legislation as you understand it? Through you, Mr. President.

THE CHAIR:

Senator Prague.

SENATOR PRAGUE:

Mr. President, to Senator Markley. There were some people who were concerned that there should be a period of time when members needed to take a look at themselves and their own situation and decide whether this would be in their best interest to join.

You're right. If somebody during the summer was not taking, was not a family child care provider, didn't feel they needed to join or wanted to join, they wouldn't have to and they could be, just, not for the first 60 days decide not to participate.

I always feel more comfortable when I am talking about these family child care providers to defer to Senator Bye, because she has been for many years involved in these situations with family child care providers. Senator Bye.

THE CHAIR:

Senator Bye, do you accept the yield?

SENATOR BYE:

Yes, thank you. Senator Prague, I think this is a very important provision in the bill and I can give you my understanding and I think Senator Prague did an excellent job.

I think first of all, it's important to know that it doesn't happen that this care is intermittent, that there's actually quite a process to go through of establishing the hours and getting the certificate, it's called a certificate and getting it approved.

But that said, any of us who started our child in any child care setting knows, that sometimes it's not a good match, and so this 60 day provision is very important to allow families to make sure it's an appropriate setting and the provider to make sure that

they're going to be able to care for that child before going through the process of entering the union. Through you. I hope that provides some more clarification. Through you, Mr. President.

THE CHAIR:

Senator Markley.

SENATOR MARKLEY:

Thank you, Mr. President. And thank you for the answers. If I may pursue this to either Senator who wishes to respond to it.

Also in the child care section, moving up on the page a little bit, we have in paragraph 2 and paragraph 3, lines 27 and 30 specifically. It says no provision of any agreement or award shall provide for a reduction in the services provided by family child care providers to children.

The next paragraph says, any provision which will require an additional appropriation in order to maintain the levels of services provided by existing appropriations, et cetera. I wanted to ask a little bit at the risk of sounding legalistic about the word services and the phrase levels of services.

Does that refer, when we say services, are we referring specifically to hours or are we talking about different kinds of care, which might be provided to the children involved in these programs? Through you, Mr. President.

THE CHAIR:

Senator Prague. You have the floor, madam, unless you'd like to yield.

SENATOR PRAGUE:

(Inaudible).

THE CHAIR:

Can you speak in the microphone, please?

SENATOR PRAGUE:

There, can you hear me better?

THE CHAIR:

Now we can hear you.

SENATOR PRAGUE:

Thank you, Mr. President. I will yield these questions on the child day care issues to Senator Bye.

THE CHAIR:

Senator Bye, do you accept the yield?

SENATOR BYE:

Yes.

THE CHAIR:

Senator Markley, please refer your questions to Senator Bye, then. Thank you.

SENATOR BYE:

Related to child care, thank you, Mr. President and thank you for the question, because it gives an important chance to explain why this is in here.

You may recall last year when we were debating this bill, Senator Markley, through you, Mr. President, that there were some concerns among other providers that if the Care4Kidds pool is a pool of dollars around $100 million, if I could speak about it that way, and a lot of children, particularly from low-income families, who this is designed to help get care and hopefully, high quality care.

So it's a pool of dollars. If, let's say the family child care, let's just say it's $40 million of that $100 million, and those providers collectively bargained for increased rates so that they made more than $3 to $7 an hour, made more like say, $5 to $9 an

hour, that the $100 million pool would be, would serve fewer people, and centers and other family child care providers were concerned about this impact.

And so, I think that this was added to say, if the family child care providers decide to yes, they vote yes, they choose to collectively bargain, that any increases that they are able to acquire through collective bargaining would need affirmative approval by the budget process, by the Appropriations Committee, by this body, in order for those to go through to assure that there are not fewer people served and that other, the rest of the pool, say th4 $70 million or whatever, I think I said 30, so $70 million would be preserved for the existing programs and the other families using the Care4Kids total pool of dollars. Through you, Mr. President.

THE CHAIR:

Senator Markley.

SENATOR MARKLEY:

Thank you, Mr. President, and thank you, Senator Bye. We continue with some questions on the child care portion. Let me ask, through you, Mr. President. I related my experience with the child, family care providers in Bristol and their consternation at finding that they were going to be included in a state employees union.

And I would ask, through you, if there has been an attempt to explain, I guess, well, let me ask the first question, which is, what kind of examination of the situation of family day care providers, in terms of a task force or an investigation or the Commission was done leading to this recommendation taking place? Through you, Mr. President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Mr. President. I'm sorry. I missed part

of the question as somebody was asking me another question, but I believe you're asking how did we get this in the bill?

This was done to assure that as a state we don't serve fewer children who need care because of this ability to collectively bargain on the part of family child care providers.

THE CHAIR:

Senator Markley.

SENATOR MARKLEY:

Thank you, Mr. President. Not exactly what I was after, Mr. President, so we'll get it this time. Thank you.

Through you, Mr. President, I was saying was the whole question of unionization, to what extent was that, what consideration had been given that led to this proposal coming to us last year? Was there a task force or a commission or anything like that which was formed?

Let me say, Mr. President, a legitimate question. I'm genuinely unsure of the answer.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Mr. President, I would say as a child care advocate for about 20 years in this building, it is a constant battle to increase the Care4Kids funds with ever-increasing children in poverty and parents who need help with child care to go to work.

And while the pool is at times increased, the reimbursement rates have not gone up to my recollection in over ten years, and so despite advocacy, despite early childhood advocates up here saying we really need to increase this, the fund has never gotten to the level where it's supporting a

living wage for people who work in child care, particularly those who work in family child care.

Additionally, over the past ten years it's become very clear in our understanding of early brain development, that those first three years are so important to a child's brain, and in Connecticut we've always invested a lot of our child care dollars in family child care settings without any quality controls, without a sense of who's providing what we call kith and kin care.

And so as we look at the achievement gap and we think about ways that we can support young brains, looking for ways to improve the quality of care, and so, the ability to organize this disparate workforce that's taking care of our youngest brains offers incredible opportunities in Connecticut and there's been some return on investment research in the New Haven area that's showing $15 for every dollar invested in helping family child care providers become licensed, bring them into the license system.

But the way that it's structured now, it's so disparate that it's hard to organize the family child care workers and really work systemically on improving the quality of care in those homes.

And so, with this proposal, I know that when I first read about what was going on in other states like Washington, as someone who's been an advocate and trying to reach those children in family child care homes, I saw a great opportunity through organizing, to be able to reach those providers and improve quality.

And I would also say, you know, early childhood wages, I first came to this building probably around 15 years ago with a group called Worthy Wages to say the child care wages are the lowest wages in any industry and wages are directly related to quality and who does the work and the kind of education our children get.

So I know in my work on this bill last year, I saw tremendous possibility for developing a system and improving quality and coupled with some of the research coming out of New Haven on the outcomes for

children and the outcomes actually for families as they set up business, I see a tremendous opportunity.

So as someone who is involved with this bill last year, that had a lot to do with my involvement with let's get people a living wage who are taking care of our youngest brains. Let's find ways to reach them and improve the quality and that's the genesis for me.

I'm sorry it was such a long answer, Mr. President, but this is something I'm passionate about. Women's work that is under paid and people who have no leverage in improving their wages and working conditions in the current system serving our most vulnerable children in Connecticut. Through you, Mr. President.

THE CHAIR:

Senator Markley.

SENATOR MARKLEY:

Thank you, Mr. President, and thank you Senator Bye. It was an excellent answer. You might forgive me for saying it's not, it might not be 100 percent responsive, but it was compendious.

One thing I would say in response to it is, it's strange to me to think that, to feel that at this point these people do not have advocates when they have such fine advocates as Senator Bye and Senator Prague actually serving here in this Chamber.

And I guess I would say that the entire process of this proposal has brought the issue very much to the attention of all of us. So myself and Senator Welch and Representative Sampson, Representative Betts and the others who have been involved with us down in the House not only have learned a lot about the issue, have taken the other side on the issue in terms of the unionization, but I think have been educated about the needs of the people providing these services and I certainly feel better disposed toward giving them assistance than we would have been absent the experience that we've had over the last year with it.

If I may continue with some questions, specifically on the bill. Again, some of these I will confess are rhetorical and some of them I've, are genuine, asked out of the genuine ignorance I so often find myself able to claim.

It's interesting to me that there's a structure, there's obviously a parallelism between the structures, which were created on one hand in the first part of the bill for the child care providers and in the second half of the bill for the personal care attendants.

And the parallelism let's say is the most challenged at the point at which the Executive Branch body, which is to be responsible, the responsible agency overseeing the actions is formulated.

In Section 2, paragraph d, which is around line 68, we have the Department of Social Services designated as an Executive Branch employer. The Department of Social Services shall be considered in the Executive Branch employer and an organization representing family care providers that has been designated will bargain for the state.

If we go to Section 9, paragraph c. It can't be Section 9. There is no Section 9 is there? Let me find it here.

It's going to be Section 5, well Section 5 generally. Oh, what line is it? That's a good question. Page 8 it says. Oh, here we go. Page 9, that's what I was looking for, line 257, for purposes of the sections, the Personal Care Attendant Workforce Council shall be within the Executive Branch of the state government. This is the council, which is set up and which I'll mention a little later on in the conversation, to deal with the personal care attendants.

And again, they will, it talks about an organization being set up to negotiate with the state. It seems to me like there's a parallelism in the structures, but not entirely so, in that the DSS in terms of the day care providers is designated as an Executive Branch employer. I assume this is in reference to the day care providers because they're obviously an Executive

Branch employer in terms of their own employees.

But the Personal Care Attendant Workforce Council receives no such designation. They're not designated as an employer for purposes of the personal care attendants, and in both cases we're told the union will be formed, which will bargain with the state, although we're not told specifically who in the state it would be bargaining with.

So I guess the question I would like to ask, through you, Mr. President, again, for the purpose of sincere clarification, is there something important about the distinction that is made in terms of one being an employer and one not being an employer, and in both cases, insofar as a negotiation will be carried out with the state, is that negotiation with DSS and the Personal Care Attendant Workforce Council or with some other state agency to be designated or one which would normally be designated? Through you, Mr. President.

THE CHAIR:

Senator Prague, you have the floor.

SENATOR PRAGUE:

Thank you, Mr. President. Mr. President, to Senator Markley. Senator Markley, the Personal Care Attendant Workforce Council is set up with representation from consumers like Kathy Ludlum and Claude. There's three consumers and there's three personal care attendants and the Commissioner of Social Services and the Commissioner of the Department of Developmental Services.

The Personal Care Workforce Council, Attendant Workforce Council shall establish a registry of all the personal care attendants that are available to work.

It also will offer people that you're concerned about like Kathy and Claude, if their PCA doesn't show up, they can call this PCA Workforce Council and get a substitute, which is something they don't have access to now.

It will deal with requests for, if the personal care attendants feel they need training.

It will deal with some of the requests that the personal care attendants make for training, see to it that they get this training and they will listen to the concerns of the consumers if there are any concerns that the consumers have.

I think this Workforce Council is a great part of the bill because it gives people who are affected representation in the government. It gives them representation. It gives them a voice. It gives everybody a voice.

THE CHAIR:

Senator Markley.

SENATOR MARKLEY:

Thank you, Mr. President, and thank you, Senator Prague. You know, you mentioned, I will be jumping around for a while, I suspect because there's a lot of things about this bill that I wish to discuss.

You mentioned the consumers. Let me say that I've been made aware of, let's say the discomfort which the disabled folks who employ personal care attendants have about this term consumer, at least the ones I've spoken to, and I think on legitimate grounds, for they consider themselves employers, and they consider themselves self-sufficient, and again, in my experience, the ones I have dealt with are very self-sufficient, very able to run their own lives.

In the cases in which they've had again, to take Kathy. Kathy has a stable of attendants that she works with and manages their time without needing another agency to provide additional support to her. And I think it's a point of pride with her that she does this on her own, as well it should be, and it's also a point of pride with her that she's an employer. She considers herself a small business woman herself in the sense that she runs this team of people who take care of her needs and allow her to contribute to us.

And I think that the very word consumer twists the relationship that these people have to the state and to their employees. I don't think they're consumers any more than let's say Wal-Mart is a consumer. Wal-Mart might be said to consume the services of the people which it employs, but really, we would call it an employer, and Kathy Ludlum again, consumes the services of the people she employs if you want to look at it that way. But I think Kathy Ludlum is an employer and the only reason she's not called an employer in this bill is because to call her an employer would ask, would be to beg the question then of why people are being unionized in relationship to the state when really it's Kathy Ludlum or Claude Holcomb or these other folks who are the ones that are, that they're working for.

Let me say a word about the Personal Care Attendants Workforce while we're on that topic. Some of you may have seen the correspondence with the ARC of Connecticut and with members of the PCA Workforce Council, which was established under the Governor's Executive Orders.

I won't go into the composition of the PCA Council, which is before you in the bill. It's interesting to me that it has been changed somewhat from the composition of the Council under the Executive Orders. I don't know under what reasoning exactly but it's not particularly relevant. It doesn't seem to me to be better or worse.

But it was brought up by the Council itself that they have a concern that as formed in the bill, the Council feels the composition of the Council, the Council itself feels that the composition of the Council as proposed should be comprised of a majority of consumers/persons with disabilities or elders.

Current language of the draft bill indicates that a potential member of a Council be a member of an organization representing the interests of the consumer. This falls back to some extent to my fear of systems. They point out themselves it does not indicate that the Council members be consumers themselves, and I feel like, I feel like we, they

should, I feel myself and I don't doubt that Senator Prague may agree with me, that they should be consumers themselves.

Certainly the Workforce Council itself feels that's the case. The ARC of Connecticut, which has come out against the bill also feels that it's the case, and I think that it comes into a cast of mind we have, which looks to the organizations and establishments for help rather than looking for the individuals who could serve on the Council.

I know that there, I will later in this discussion offer language as suggested by the Personal Care Task Force to configure the Council to require these consumers to be consumers rather than simply be members of a consumers task force. But it's another concern I have, and another way in which I think that the legislation perhaps because it didn't go through the normal legislative process but came to us as a strike-all amendment without hearings on the bill specifically, does not reflect the desires or to my mind, the needs of the people who are impacted by the bill.

Returning to the text of the, let me however return to the question that I had, which if there is an answer for it, which is, through you, Mr. President, to either Senator or any Senator who can illuminate me on this subject, who in fact would be the state negotiator for, in the two different instances, for the personal care attendants and for the family day care providers? Through you.

THE CHAIR:

Senator Prague.

SENATOR PRAGUE:

Mr. President. Senator Markley, the Personal Care Attendant Workforce Council will bargain for the PCAs. You know, I have a personal interest in this bill because it was many years ago when Mark Ryan was here as the Budget Director, that I started the personal care attendant system in this state.

He and I had this talk and he was always wonderful when it came to home care issues about the fact that there were not enough CNAs to go into the homes of people who needed care and that we ought to develop a system where people like Kathy and Claude, elderly people if they had family members or friends or neighbors who wanted to work and come in and take care of them, they could be their personal care attendant.

And we actually agreed to 100 person pilot program to get this idea off the ground, and here we are, many, many, many years later with a program like this that actually serves thousands of people in this state and saves us a great deal of money and keeps people where they want to be, in their homes.

So I shall always be grateful to Mark Ryan for his foresight and his integrity, and this Personal Care Attendant Workforce Council actually negotiates for the personal care attendants.

THE CHAIR:

Senator Markley.

SENATOR MARKLEY:

Thank you, Senator. Thank you, Mr. President, and thank you, Senator Prague for the answer. It's interesting in the world of, going back in history that I was in my previous stint here, similarly the thing I look back on with the most pride and certainly the main effort of my two years was the formation of the original waiver with the federal government for home care for the elderly, the pre-admission screening program for seniors at risk of nursing home care.

And again, I think that, it's generally agreed in this body that one of the smartest things that government has done has been to recognize the advantages both fiscally and shall be say quality of life, in keeping people in their homes and providing them the assistance that they need for that, and I think the state has kept that a priority for a couple of decades now and I don't think that there's danger that we will lose sight of that, of the importance and the significance of it.

I have some other questions on the bill, but I may defer them until such time as I introduce amendments, which are specific to the questions, which I will raise.

I do want to say that a concern that I have not alone, is that in negotiating higher benefits, the danger exists that, first of all, there certainly exists the cost will rise to the state. That may be no danger at all, but a benefit deserved by the people providing services.

The danger I guess is, that because we function under a waiver, it's required under the waiver in the case of the disabled, that the cost of their care be 60 percent or less than the cost would be for their institutional care, and I know there has, again, among the disabled community, Claude and I spoke specifically about it, the worry that were wages to go up and that 60 percent threshold to be broken, that the recipient of the assistance, the personal care attendants, the employer, if I may put it that way, could be forced into an institution rather than allowed to live independently.

And there was correspondence to this effect. Some of the folks that I've worked with in an FOI exchange, in an FOI request, receive information that had passed before the Executive Orders were put into place, between OPM and DSS and some of the folks involved in this part of state government.

And to quote from one of the ones, which was handed to me today from Susan Eckleston, who's at the Health and Human Services at OPM, she wrote, under the PCA waiver, depending on the individual's need, the cost of care cannot exceed 60 percent of the cost of nursing home care.

Thus, if wage and benefit increases occur and cost caps remain constant, some consumers will not have enough hours to stay in the community or under money it follow the person to transition to the community. In fact, individuals with higher need cold be forced into a nursing home. This will result in a greater cost to the state, not only due to the cost of the

nursing home placement but also because the slot under the PCA waiver will be refilled due to the program's waiting list.

I know Senator Prague is ready to answer me before I ask the question, through you, Mr. President, but let me say, what assurance or what procedure is in place to make sure that nobody would be forced, because of an increase in cost out of the waiver program altogether and into a nursing home at higher cost to the state, and unhappy consequences to themselves? Through you, Mr. President.

THE CHAIR:

Senator Prague.

SENATOR PRAGUE:

Mr. President, Senator Markley, you know, it's interesting how we become very innovative when we have to in order to meet the demands of the people in this state.

For instance, in the Money Follows the Person program, in order to get people out of nursing homes and into the community, the cost of the care cannot exceed a certain limit.

I know it may be 60 percent of the cost of nursing home care, and in order to do that, previously we were paying nurses to go in, sometimes four or five times a day to give medication to the person in the home who needed the medication.

So now we're looking at developing a system that has been put forth by OPM to have med techs, because the cost of having a registered nurse go into a home for a visit is something like $75 a visit. So the cost on a daily basis just to give medication was huge, and it was preventing people from participating in the Money Follows the Person Program because the cost in the community was going to exceed the limit that we were allowed under this federal program.

So now we'll be using med techs who will go in at a much lower cost and make sure that this person who

needs the care and who needs the medication gets the medication, gets the proper medication, gets it on time and the cost is nowhere near what it was when we were paying RNs to go in and do that kind of work.

So it's interesting how we become very innovative when we have to in order to adjust the way we're doing things to meet the cost of a program.

THE CHAIR:

Senator Markley.

SENATOR MARKLEY:

Thank you, Mr. President. And thank you, Senator Prague for that answer, and I think you're exactly right. Necessity is the mother of invention and when we have to figure things out we often do.

I have to say it does worry me that the federal government is not as patient necessarily as we would want them to be with a situations which might be created by changes in the system here in Connecticut.

And I'd say that one of the concerns, too, that I have about the bill, to return to it again for a moment, is that the last section of it, well, almost the last section of it, Section 7 specifies that Social Services and Developmental Services shall submit applications as necessary for a waiver.

I think that this is a case that we may be putting the cart before the horse in terms of moving forward with the process of unionization and the negotiation of contracts whose cost we don't know before a waiver is obtained from the federal government, which would assure us that we could continue to receive federal funding for them.

I think it's a legitimate concern and a serious concern, and I would ask, through you, Mr. President, if I, if Senator Bye, for instance, might have a way to assuage my concern.

THE CHAIR:

Senator Bye, do you care to respond?

SENATOR BYE:

Yes. Thank you, Mr. President, and I think that Senator Markley raises a really important point that the circle needs to pay attention to. It's very important that we keep these waiver programs so that our seniors can stay at home.

And as I'm listening to the conversation between Senator Prague and Senator Markley, who though they're taking different points on this bill, both really want the best for both seniors and children who are being taken care of.

Collective bargaining happens when there are two points of view, and this waiver process that we're talking about and need to keep costs under a certain percentage point to maintain the waiver, has to be less than a nursing home. I think Senator Markley said 60 percent, would certainly be something that would come up in collective bargaining and I think realistically people who are advocating for this need to understand that there would be, that would be a natural part of negotiations and a way that the state could say, we need to keep at home costs below a certain percentage in order to keep this waiver.

So one of the good things about collective bargaining is, there are two sides making their case, and that's exactly what it's supposed to be and I believe that Senator Markley has raised an important point that would be leverage for the state during negotiations. So, thank you, Mr. President.

THE CHAIR:

Senator Markley.

SENATOR MARKLEY:

Thank you, Mr. President. Thank you, Senator Bye. Just a couple more questions rather randomly about the general thrust of this legislation.

Certainly one of the points, which has most been made,

is not simply the wage level of the personal care attendants and the day care providers, but their need for health care coverage, worker's compensation and other benefits, which we all require.

It's interesting, I'll say in response to something Senator Prague said before. I'm not as concerned, if I may put it that way, about some of the other aspects of what this bill would provide.

Again, in conversation with Kathy Ludlum and others, the question of training for instance. Training is maybe more important in some situations than others, but the feeling that what I heard from that community was training was something that was best done by the employer himself or herself because the personal situations and the needs tended to be so different from case to case that it wasn't something that the state or that anybody could necessarily prepare somebody for.

In fact, in some ways it was better to bring in somebody who was just something of a (inaudible) that you could then train to one's own needs and desires, especially in a program, which is so personally, which touches people on such an intimate level and is so particular to the people involved as this PCA program is.

However, if we go back to the workman's compensation question, something that has come up repeatedly is that the PCA waiver limits people in time so that, or that, let's say that PCAs are limited in time so that they cannot qualify for workman's compensation.

However, it's my understanding and again, I ask sincerely for a correction or guidance or guidance on this that that is not the same for family day care providers, that their hours are not so limited.

And my question would be, is the limit on PCA hours a limit which is a result of the federal waiver or is that state policy to reduce hours, and can in fact family day care providers who receive, who work for more than I think it's 25 hours or roughly 25 hours a week, do they then automatically go into the workmen's compensation program so that complex question I throw

to the two gentle ladies, through you, Mr. President.

THE CHAIR:

Senator Bye, Senator Prague. Who would care to answer that? Senator Prague.

SENATOR PRAGUE:

Thank you, Mr. President. Senator Markley, you're right that particularly the Department of Developmental Services keeps their PCAs under 25 hours a week because over 25 hours a week, they have to provide workers' compensation.

I think it's imperative that these folks be covered by workers' compensation and I hope that will be one of the issues that they will collectively bargain for.

They, the PCAs, take care, well, you know how handicapped Claude and Kathy are and there are many people like Claude and Kathy and there are many elderly people who are also disabled, and I firmly believe that thee folks should be covered by workers' compensation and that should be an issue in collective bargaining.

THE CHAIR:

Senator Markley.

SENATOR MARKLEY:

Thank you, Mr. President, and thank you, Senator Prague. Well, I will conclude my comments for the moment on this bill until I return to it with some amendments, and I know I have colleagues from my caucus who want to comment on it as well.

And let me say, let me first thank Senator Prague and Senator Bye for their answers, and I have to say, except maybe for Professor Blocksome up at Williams College, I don't know two ladies I more would enjoy speaking with although these are formal circumstances, but I appreciate their interest and their care for this subject and their kind answers to me.

And let me say again what I said a minute ago, which is, it seems to me that in the end, these are all problems, which are going to come to the Legislature. Whatever bargain is made, the idea is that we are the ones that have to act on it, and it seems clear to me that we have the disposition here in this body, and even the expertise in this body to address these problems on our own without moving forward with a process, which has caused consternation among the people that are affected by it.

And I guess I'd say one thing as a general comment over these two Sessions, almost, that I've now been a part of, which is, it seems to me that we have gone forward on several different issues with things that we know have opposition from the general public, and I don't say that that's always a mistake. I think that's a very odd balance which we have to strike in our role as Legislators.

To what effect do we mirror what the people we represent want and to what extent do we have to come here and do what we know is, what we believe is right, whether the people are with us or not.

But as is the case with the teachers situation, not to open that can of worms, but I reached a point of feeling like, I don't want to vote for anything that every teacher I know tells me it's a mistake. I just don't want to do it, right, left or center.

I feel like the main reason, the main reason I'm opposed to this is nothing that I could say to you here today or that I could point to on a piece of paper, but the fact that the people who I know who came to me, who are affected by it, are so opposed to it. So opposed to it that even if it ought to happen it shouldn't happen until they have been brought on board with it.

And I feel like the state or the union or somebody may have failed in not bringing that progress, that process forward more before we took this step, before we're faced with this step of unionization, which is highly controversial in the community.

Obviously, we know there's been an election already,

but an election in which a fraction of the people involved voted and only a plurality of that fraction voted for a union representative. It isn't a process that I think any of us could satisfyingly say proved that a majority of the folks affected wanted what would happen if we passed this bill to happen.

And I guess I would say as I often say, conservative that I am, we would do well to wait. We would do well to wait until there's a consensus, until there's a conviction among those affected that the step we are taking is the proper step to take.

And I will return to the subject, but again, my thanks for the patient answers that I have received and for your patience, Mr. President, and I will urge the members of this Chamber from the bottom of my heart, to oppose this legislation. Thank you.

THE CHAIR:

Thank you, Senator. Will you remark further? Senator McLachlan.

SENATOR MCLACHLAN:

Thank you, Mr. President. I'd like to share a story of self-determination. We actually have a program in Connecticut known as Self-Determination and those of you who have been here at the State Capitol a lot longer than I are very familiar with this program. In fact, those in Human Services are intimately aware with the advantages of the program known as Self-Determination.

I tell this story because it's about a high school friend of mine. I attended school with Drusilla Sniffen from Danbury who was and is today a person with some disability.

However, Dru, as we call her, truly is a story of self-determination. She is a resident of Connecticut who is taking part I the program of Self-Determination and has at her disposal five employees that work for her in a very special way, as advocates, as surrogates.

Dru goes to work almost every day. In fact, when I was Chief of Staff to the Mayor of Danbury, Mayor Boughton, I convinced the Mayor to hire Dru as an intern in the Mayor's office, and today she still works there.

So Dru gets up every morning, walks, talks, works, interacts with her family in a very special way. She is the proud aunt of several nieces and nephews and now grandnieces and nephews and she has this unique quality, this unique ability to endear herself to everyone near her.

Now, I tell this story of self-determination because this program has been a true blessing to her and to her family, and I personally am grateful that it's been made available to her. For those who had the wisdom before me, some in this Chamber tonight who voted for that program many years ago, and I believe that she's been a participant in this program ten or more years.

This allows Dru to have a true sense of independence. Yes, she still lives with her parents who are in their mid-seventies, but this is a program that takes someone with challenges and allows them to live independently and in their own home at a very dramatically reduced cost to the taxpayers of the State of Connecticut.

So Self-Determination is a great thing. Not only is the program a great thing but what it does in providing self-determination to Dru and many of her friends who are also participants in the program, it is truly a blessing.

So Dru has several employees as I mentioned, all of whom have a friendship. They are employees but not in the typical sense of the word, not in the typical sense of the employee/employer relationship that somehow when I think of union intervention or union advocacy, it seems very different to me.

Unions have a place. I firmly agree that unions have been beneficial to the workforce of this country and have had a place. This is not the place for this arrangement. And here's why.

So we have five employees. They all work somewhere around five hours a week. Some not every week, and they have this relationship with Dru to be her job coach. They go to work with her. They might go to the movies with her. They may help her with her crafts. Dru is a very talented person and at the Christmas fairs in church it's not unusual to see Dru selling her crafts that she has spent much of the year preparing as her donation to the church.

And so her employees, her coaches, her friends, these are her friends, are with her during the year and celebrate her successes throughout the year.

Not once in all the years that I've known Dru, and I've known many of her employees, have I ever thought for a minute that there was an unhappy relationship between the employee and the employer.

Not once in all the years that I've know her have I ever thought that the employee felt more deserving in some way, shape or form or felt that the employee deserved more than what their arrangement was.

In fact, I can think of one particular employee who has since left the State of Connecticut to retire to Florida or to relocate to Florida, cost of living in Connecticut, who had such a great relationship with Dru it's almost as if it was a vocation. She really enjoyed going to work every day.

So I'm describing to you a situation, an experience, an arrangement, that has worked very, very well, and I'm perplexed in trying to grasp why the State of Connecticut, and especially why the Governor of the State of Connecticut has seen fit before today by way of Executive Order to insert government in the middle of this relationship.

Now, I understand the argument that many say, well, they're paid for by the government. I agree. I must say that I'm still a little confused about that process because it's my understanding that the check does not come from the State of Connecticut to the employee, that there is a fiduciary in between who works with the family to facilitate all of the

compliance requirements, that it's not state government directly that handles that. It is another, I believe a nonprofit organization that serves as this fiduciary, and that seems appropriate.

Because families like the Sniffens in Danbury, Connecticut, may not be qualified, if you will, to deal with all of the labor regulations and so it's good that they have this fiduciary in between.

But it still works well in that way. A time card arrangement. I can't get into all the specific details, but the time worked is reported to the fiduciary and the fiduciary pays the employee.

So please help me understand, and I'm listening intently to this debate, and I've listened intently to the incredible work done by Senator Markley and Representative Sampson and Senator Suzio, who has participated in this effort and listened to the advocates for the families and the PCAs who are all saying in unison, why?

I'm not hearing any employee, and I've spoken to many, who not only work for Dru but work for others across the State of Connecticut, I have yet to talk to one employee who said, this is a good idea.

Now, obviously there's some out there that think it's a good idea because I understand that a majority has voted in favor of unionization under Executive Orders 9 and 10 that facilitated a process to allow for unionization, what we know as collective bargaining.

But let me ask a question about that, if I may, and I'm not asking direct questions to Senator Prague or Senator Bye, who has been very helpful in responding to comments made by Senator Markley, but just a general question of thought for this circle to consider.

The Executive Orders 9 and 10 allowed for the unionization process to begin, the recruiting process, per se, to begin. And I'm a little familiar with how that works. Some would probably be surprised to hear that I was a member of a union once. When I was in college I drove a school bus and it was compulsory

membership in a union.

So I do understand a little bit how it works, just a little. But what I don't understand in this process that occurred from October of last year until fairly recently, is that Executive Orders from the Governor called for the union organizers to have access to the data base of these employees so that they could communicate with them, but the people who were opposed to the idea, it's my understanding still do not have access to that information.

Now that doesn't sound fair to me. It seems to me that if a group of people have organized only by word of mouth in opposition to the idea of unionization, and have effectively communicated by Face Book and e-mail and Twitter and had rallies and meetings, none of which I've been able to able to attend but Senator Markley indicated he attended one of these meetings, that it seems to me that if there was an organization of people who were interested in sharing their view on the idea with the same employees that the union was talking to, that to sort of level the playing field, so to speak, that they should have been granted access to this information. But as I understand, that didn't happen.

Now, I'm telling you this story because it is all secondary information. I didn't try to get the information. I just know that there are friends of mine who did and were unsuccessful.

So let me tell you another story about a union organizer, and here's the story of Brendan Sniffen, Sr., the father of Drucilla Sniffen, my friend, the person who I wanted to share of the story of self-determination.

Brendan Sniffen, Sr. is a Teamsters organizer. He was a truck driver, now retired, drove a fuel oil truck, tractor trailer. He organized for the Teamsters in Danbury, Connecticut, many, many, many years ago, and then organized for the Teamsters as I understand in Bridgeport and Stamford.

So Brendan Sniffen was a union organizer in his working career, and a truck driver. And yet, here is

a man who is beside himself, absolutely beside himself trying to understand what's going on with this organization effort.

Brendan Sniffen doesn't understand why the Governor would go around the Legislature when the Legislature did not choose to make this move last year. As I understand it, it had been discussed in prior years. I'm not a member of the Labor Committee or the Human Services Committee, so I wasn't, that wasn't as close on my radar screen.

But Brendan Sniffen wrote letters to the editor asking the question, why? Why are we doing this? This is a union organizer asking why are we organizing a union for people who don't want a union.

And one of the comments that they made, Brendan and his wife, Shirley was, they talked about the success of the Self-Determination Program and there it is. The answer to my question, how long has this been present was offered to them in 1996 and talks about the success of the program.
In fact, quote, she blossomed by having a say in how she lived her life.

He also says that we have never in all this time had a problem with any of the staff. So that confirms my observation that the Sniffen family had a good relationship with their employee/employer arrangement.

In another letter, Brendan Sniffen talks about his daughter, Drucilla, takes part in interviewing and hiring her staff and they have become like family, and says that the State of Connecticut has benefited and it has proven to be more cost effective.

Now, when he closes that letter, and this was one of two letters that he shared with me, letters sent to the Governor and to the editor, "our daughter doesn't need union organizers standing between her and her satisfied staff."

So I share this story of self-determination because the legislation before us does not seem to even closely, even remotely, compare to the experience of this relationship with this family in Danbury,

Connecticut.
Now, I suppose somewhere along the way there's difficult stories that everyone's not happy. I suppose that's possible. I don't dispute that. But it just seems that we as government are inserting ourselves in a far greater way into a process that is working now. It's working.

And why do we want to add layers of bureaucracy and advisory committees and new fees, agency fees and union
membership dues and why do we want to insert ourselves into this process? We have a program that's working.

Yesterday. I didn't realize they were coming here but a couple from Bethel were here and they were lobbying against this bill. It sort of caught me by surprise. I'm surprised they didn't call to tell me they were coming, but when I saw them I wasn't surprised that they had taken the time to be here.

Now, this is a family whose husband was out on disability for a period of time and the stay-at-home mom had created a nice child care business in their home. State licensed, all the requirements that are necessary for that purpose, and it's a small child care facility in their home.

I don't know all the details about it. I've visited their home at least a couple of times. I believe they have five children as their clients, so it's small.

But they were here yesterday saying, we have this small business. We're struggling. Child care is an expensive proposition for parents to pay for and we're struggling to pay our bills and keep working. I'm glad to hear that the husband in the family is back to work after a period of time of disability, but yet they took time out of their busy lives, with two children in high school, to come up here and talk to Senators and Representatives and say why.

What are we doing wrong that you want to insert yourselves into our little business in a far greater way than you already area?

Now in the child care business, rightfully so, there

is great oversight and there should be. There should be. The facility should be appropriately inspected and approved. The employees should be appropriately inspected and approved. I agree with all that.

But this is a small business. They only have five clients. How many employees could they have? But yet this legislation is inserting state government in a far greater way between this small business' employees and the employer.

So I'm going to listen more carefully to the debate and comments here tonight, but I am perplexed. I guess there's an old adage. If it works, don't fix it. And that's sort of what I'm seeing here.

Could things be better for some people in Connecticut? You betcha.. Are there PCAs that deserve to earn some more money? Absolutely. That's a tough job. That's a different job than the ones that I've just talked about, but that's a tough job.

But inserting state government in a now union organization into an already challenged system in a far greater way, I don't think that's the way to fix the problem.

If you have, as I've heard tonight and I've heard from other advocates of this proposal, under compensated employees that deserve more benefits well then state government should look at the way in which they are paid. But for state government to do that, they first have to figure out where's the money going to come from.

It's almost like the cart's before the horse. We're already saying that those benefits must be increased and that's another whole debate. I'm not going to dispute that today. If the experts say that's necessary, well then let's talk about it.

But the cart's before the horse because all of these government programs are scratching for survival. Someone said, I believe tonight, it may have been Senator Bye, that one of the programs that she had a personal experience with had not seen increases in their budgets in ten years.

Well, that's a problem, I guess. But now compound the problem by bringing in more bureaucracy, more demand for benefits, but you're not bringing in with it the resources to cover. Cart before the horse.

If that's going to be necessary, then so be it. But let's talk about that first. And I don't believe if that's the case, that we have to rely on a third party to tell us what it should be, because that's what we're doing. It's a third party that's going to tell us what state government has to do.

So why not do what we do so often here. We're unsure what's the best way to go. We're not real clear on what the benefits should be. You're hearing time and time again from the advocates if you're listening, which I know we all do desperately try to listen to everyone that contacts us, the advocates against this bill are saying, no.

So listen, please. Please. Listen to both sides of the story. And I think when we do that, then this will be one of those occasions where the Connecticut General Assembly says, study, task force. When we can't take action right now we study it.

When we don't have the money today, we study it. When we're a little unsure who's in favor and who's opposed, we study it. And maybe that's what should happen now. Maybe this is the right time for us to roll up our sleeves and look more carefully at this and study it.

But not just study the relationship between employer and employee, but consider in our study the impact of third parties on this relationship, and consider the reality of our current priority in budgeting.

Once again, if we are responsible, because these are state programs, for not providing appropriate benefits that are deserving of the employees that go to work and do a good job, then this legislative body should be real clear on what that number is, what those benefits should be, and what's the bottom line.

We don't have a bottom line, but we must have one, and

the reason why I know we don't have a bottom line is because I'm hearing that one of those precious programs hasn't had increase in ten years. That tells me that the program sort of got away from us.

It's one of those things in government that when we have something that works well, it sort of gets put over here and not intentionally, but it gets out of our eyesight, so to speak. It happens in private industry as well.

Sometimes the best things that we do get the lease amount of attention, and so if you think about Self-Determination, I come back to where I started, one of the best government supported, sponsored programs that I personally have witnessed that absolutely and positively means that an individual is living at home with her family and the state government is not paying the roof over her head. Paying certain supportive services, granted, but not paying for the roof over her head and the food in her mouth.

Obviously, much less expensive a cost to the state taxpayers, and we're not paying attention to it. Not only are we not paying attention to it, we may very well be sticking our finger in the eye of the beholder, so to speak, of how great this program is.

Many others have comments, questions, perhaps some amendments to offer and I'm listening intently. I must say that I'm very grateful to those in this body who have worked diligently for years to look after those less fortunate, but to look after my friend, Drucilla Sniffen.

But please, don't run down this road when you don't know what the consequences are at the end of the path. Thank you, Madam President.

THE CHAIR:

Thank you. Senator Prague.

SENATOR PRAGUE:

Thank you, Madam President. Senator McLachlan, I'm

wondering if your friend, Dru, has services from the Bureau of Rehab Services. Self-Determination, for people who are disabled, they provide them with all kinds of services and direction and help in getting better and we have one of the most, I call her, one of the most excellent counselors from the Bureau of Rehab Services sitting right up there. Wave your hand, Beth, who does that kind of work, and she probably put your friend Dru's services in place and the five or six employees that she has.

So we do have some excellent programs in this state for people who are disabled. I absolutely agree with you.

But for your friend's five or six employees that she has there, there is nothing in this bill that says they have to do anything that they don't want to do.

It's just like you, when you were a bus driver. You joined the union because you thought maybe there would be a better benefit for you. Maybe these PCAs need to have health care, and if they have health care coverage, that's a lot less expensive than going to the emergency rooms and hospitals when you're sick because you don't have health care and you can't go to your doctor because there's no way to pay the doctor.

So, you know, the system that we have in place is good, but it needs to be made, it needs to give the people who are making that a good system the opportunity for them to collectively bargain for better wages and benefits that they probably don't have now.

That's what the bill before us is going to do. And I Hear your sympathetic feelings in talking about your friend, your disabled friend and how she has something in place that's working for her.

This bill is not going to disrupt that. It's not in any way going to say you can't have what you have now. What it's going to do is give the people who are making her life comfortable an opportunity for them to have a little better in life. Maybe a better wage, maybe a health care benefit that they don't have now.

So, change is always difficult, you know. But if we never change, change is the catalyst in the process of growth, and we have to be able to grow as time goes on. When we see something that needs to be changed. We need to have the courage to change it.

So I listened very intently to what you had to say because I sense this very strong feeling that you have for this family that you care about, and that's important in people's lives, so thank you for sharing that.

THE CHAIR:

Thank you. Will you remark? Senator Boucher.

SENATOR BOUCHER:

Thank you, Madam President. Madam President, this particular bill coming before us seems to have elicited a great deal of emotion and advocacy, and it confuses me greatly because it appears that these are programs and individuals that currently get subsidy from the State of Connecticut and that the State of Connecticut is in full control of how much subsidy they get, whether they get less or more, and that it must be the fact, I can only surmise, because again, this bill and action was not initiated by those that are the recipients of the services, nor the individuals providing the services, which is usually the type of activity of a unionization effort that is prompted by those individuals working in that field.

So I am confused, because given the state of our economy, given the state of our budget, it appears that even if this bill were to go forward and the court cases were to be resolved, we would still be in a position where we would not be able to add more subsidy to the wages and benefits of the individuals this purports to help, because nowhere do I see here that it actually has anything to do with the recipients of the services.

And if, in fact, the state does not have the additional funding to be able to add more to the subsidies that are being given for this service, then where would the union dues come from? It would have

to come to the current funds that we are now sending to the individuals working there and it would mean that they would actually get less, not more, to do the job that they're doing.

So it is a very big concern to me about the financial condition that the state is in to entertain a bill like this at this point in time. If we were in a very surplus oriented and a robust economy, then we might have the funds to be able to say well, you know, you can bargain and the state is going to, without any question pass this through, particularly as it appears that in this bill that many of these contracts that are being negotiated or would be negotiated by these groups would still have to come before the Legislature to be approved.

It leads one to think that who is really the beneficiaries of this process? It must be those individuals that are getting some new union dues.

I have a wonderfully woman by the name of Maryann Lombardi in my district, who for the last ten years has been an incredibly outspoken advocate for children and adults with disabilities, and she's very concerned about this as almost anyone that I run into in my district that is either providing these services or receiving them.

And she has talked about the experiences of something like this being put in place in Michigan and other places where states have agreed to the unionization of direct care workers employed caring for people with disabilities in their homes. The disabled and their families she feels have suffered as a result of this change in policy.

She feels that disabled people and their families have lost thousands of dollars a year used to purchase this direct care to union dues and higher wages without the benefits of improved care or more care, but have been able to purchase fewer hours of care for the disabled loved ones with the same dollars as before.

I think that is the crux of the concern with this bill, is that the actual individuals, the disabled, the one who this program is for, would actually be

shortchanged and would receive less services.

She feels that it would provide no direct benefit or indirect benefit to the person with the disability, their direct care giver or family member who assists them in their daily life.

She feels, and I have to listen to her because she has a decades experience not only just for others but also within her own family and her own child. She feels that shifting these dollars away, one also has to look at how union members have behaved thus far in the process.

She recounts that her friend, Chris, has a son who is wheelchair bound and relies on his brother to assist him on a daily basis. This brother was at home in his own driveway washing his car when union members came without a call, without an appointment, to talk to him about supporting and joining the union.

Her friend was astonished that union members could just show up like that at her driveway. She wanted to know where they got her son's name from and why they would just show up at her home like that.

Her friend, Ellen, has a daughter who receives day programming only two days a week because of the severity of her disability. She lives in fear that her direct care worker, who is well trained, will no longer be able to provide service unless she joins the union.

She has a son with autism, development hypoxia and scoliosis and she knows how difficult it is just to get on from day to day and feels that how difficult it would be for her and make their dollars stretch to be able to do the thing that they need to have done to provide as normal a life as possible.

She feels very strongly that the last thing people with disabilities, their families and their direct care givers need is an organization which gets in the middle of that, which filters out dollars earmarked to assist people with disabilities to have a self-determined life. And I think she's expressing the concern that most of these individuals have

throughout the state.

I would maintain that instead of going through this process, adding more costs to the system, we as a state step up to the plate. We have it within our power to do so, and add the needed dollars, if necessary, to this program, provide the kind of training if necessary, to the program if they can't do it themselves. We have it in our ability to do so. We don't need to add another layer and another cost that may not at all add anything to the quality of life to the individuals that this program is geared to have. That is a tremendous concern.

I can understand the concern that union organizations would have in these days. There's no question that the movement has shifted. There's less union members in the private sector by a great percentage. The only growth area is in the government sector, and that they are a business as well. They have to exist. They have to continue their work and they have to add to their bottom line.

But I would maintain that there's a very important balance between that, their bottom line and the needs of the individuals and services that need to be provided, and I would hope that there would be other avenues other than to this particular population, which already works under tremendous pressure and has a great deal of challenges and that we, as I said, take it as a state to make it our responsibility to provide the benefits and wages necessary to keep this program going. Thank you, Madam President.

THE CHAIR:

Thank you, Senator. Will you remark? Senator Suzio.

SENATOR SUZIO:

Thank you, Madam President. It's good to see you this evening.

THE CHAIR:

Same here, sir.

SENATOR SUZIO"

It's my understanding that the proposed legislation has two primary purposes to it. One, to improve the quality of care for the beneficiaries, which are the people described as consumers in the legislation.

And two, is to improve the compensation of the personal care attendants themselves. And I have a series of questions I'd like to ask the proponent regarding those issues as well as the mechanics of the relationships should the bill pass, and so, through you, Madam President, I'd like to propose some questions.

THE CHAIR:

Senator Prague, prepare yourself. Senator Suzio, proceed, sir.

SENATOR SUZIO:

Thank you, Madam President. First of all, just again,, I would like to make sure that I'm on the right track. Again, I perceive that there's two general objectives to the legislation.

One is to improve the quality of care for the so-called consumers, and number two is to improve the compensation of the personal care attendants. Would that be an accurate description of the objectives of the legislation? Through you, Madam President.

THE CHAIR:

Senator Prague.

SENATOR PRAGUE:

Thank you, Madam President. Senator Suzio, the purpose of the legislation is to allow the folks who are involved in Care4Kids, the small home care providers of care for children, they're allowed to only have six children in this Care4Kids Program.

Senator McLachlan described, it's a small, home care business and the PCAs also are in homes taking care of

disabled people and elderly people who need home care. So for those two groups, the purpose of this legislation is to provide them an opportunity to have a voice in collective bargaining for themselves for wages and for benefits.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you. Through you, Madam President, what I heard the good Senator just express was that the purpose of the legislation was to provide a voice for wages and benefits, but I just want to make certain.

I thought also there was the intention in this legislation to somehow affect the quality of care for the people who are receiving it. Is that itself another purpose? Through you, Madam President.

THE CHAIR:

Senator Prague.

SENATOR PRAGUE:

Madam President, Senator Suzio, when the worker is being treated fairly, you know, they're conscientious about their job. They look forward to going to work, it does improve the quality of care for, I don't dare say consumer because Senator Markley doesn't agree with that, but for the person who's receiving services, and you certainly heard Senator Bye say how important it is to get good quality people doing the Care4Kids Program because these little children are in their formative stage and they need good people taking care of them, helping them develop and if you, if people are paid more to do a job, you attract more people who are better qualified.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you. And through you, Madam President, so if I hear you correctly, it sounds to me like you believe that the personal care attendants today are not being treated fairly because you said that they would be better, providers of better services if they were being treated fairly. Is that your understanding that they're not being treated fairly under the current conditions and that's why we're doing this?

THE CHAIR:

Senator Prague.

SENATOR PRAGUE:

Madam President, Senator Suzio, I don't think that people who do that tough work that they do should not for instance, have good health benefits and they don't get well paid. I think they should be well paid to do the kind of work they do and to assume the responsibility for somebody else's life, which is what they're doing.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you. And through you, Madam President, so are you aware, through you, Madam President, are you aware, Senator Prague of any widespread complaints or movement from the personal care attendants complaining about their current compensation, complaining about their lack of benefits? Has there been a manifestation of it in any way whatsoever on a widespread basis? Through you, Madam President.

THE CHAIR:

Senator Prague.

SENATOR PRAGUE:

Thank you, Madam President. It's my understanding, Senator Suzio, there wee about 6,000 PCAs who signed

the union cards saying they wanted to join the union because they thought they might be getting a better wage and perhaps better health benefits or some health benefits, anyway.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you. And through you, Madam President, but prior to the process being initiated, was there any kind of indication of widespread unrest or unhappiness or dissatisfaction among the PCAs clamoring for a change in current conditions? Through you, Madam President.

THE CHAIR:

Senator Prague.

SENATOR PRAGUE:

Madam President, Senator Suzio, they didn't have the opportunity to have a voice. This is giving them an opportunity that they have not had before.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you, and through you, Madam President, Senator Prague just mentioned that apparently about 6,000 PCAs signed the cards indicating they wanted to join the union. How many cards were circulated that were not returned or declined to join the union? Through you, Madam President.

THE CHAIR:

Senator Prague.

SENATOR PRAGUE:

Thank you, Madam President. Senator Suzio, I don't know the number of people who did not sign the cards. I do know that more, that the majority of people signed the cards and this is America. People can choose what they want to do. If you don't want to join, you don't join. Nobody's going to force you. Nobody has the right to force you and nobody intends to do that. You have the right to make that decision for yourself.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you. Through you, Madam President, just for the record, though, the Senator indicated that the majority of people signed the cards, but my understanding is far less than the majority signed the cards indicating they wanted to join the union, that many cards were not returned. Some were returned indicating they didn't want to, and then apparently about 6,000 were signed indicating they did want to.

But my understanding has been that far less than half of the potential people, PCAs who would join the union indicated they wanted to join. And if the good Senator can't confirm that, that's fine. Then that's perhaps a matter of disagreement among us, between us, I should say.

But I don't believe again, from what I've read that anything even close to the majority of PCAs indicated they wanted to join the union.

Moreover, I have seen no indication whatsoever that the, I'll call them the consumers for lack of a better word, that anything close to a majority, or even a small minority of them wanted this process to be enacted.

So it's somewhat surprising to me that we would have embarked on such an ambitious program when there was no widespread clamoring for this process either by the PCAs themselves or by the people who are described as the consumers in the legislation.

So many of us are wondering, well, what was the impetus for initiating such a major change in legislation pertaining to this industry.

Let me ask some questions if I might, relating to the mechanics of the arrangement, not necessarily in any particular order, but as Senator Bye said a short while ago when this process or this discussion began, there's a fixed amount of funds that are available for the programs that are related to this and approximately, my understanding is about $104 million was available in the Fiscal Year 13 budget.

And what I wondered is, would like to know is, if new compensation and benefits are negotiated by the union on behalf of the personal care attendants, which result in an increase in compensation and an increase in benefits, but the available money is not appropriated by the Legislature, what exactly happens at that point? Through you, Madam President.

THE CHAIR:

Senator Prague. Senator Prague. Senator Prague, would you like Senator Suzio to repeat his question to you.

SENATOR PRAGUE:

Thank you, Madam President.

THE CHAIR:

Senator Suzio, would you please?

SENATOR SUZIO:

Sure. I'd be very pleased to, Madam President.

THE CHAIR:

Thank you.

SENATOR SUZIO:

My question, through you, Madam President is, if the

union successfully negotiates on behalf of the PCAs an increase in their compensation and their benefits, and the money is not appropriated by the Legislature to cover those increased costs, what happens at that point in time? Through you, Madam President.

THE CHAIR:

Senator Prague.

SENATOR PRAGUE:

Madam President. Senator Suzio, you know that when we vote on issues up here we win some and we lose some. You serve on the Appropriations Committee as I do and the bills, many of the bill that come through us are funded and some are not. So it has to go through the process. We as a Legislature are going to make this final decision.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Again, through you, Madam President, then in the event that a contract or increase in compensation and benefits is negotiated and the Legislature does not approve an appropriation for it, is there an arbitration process or anything to resolve that or what exactly happens at that point in time? Through you, Madam President.

THE CHAIR:

Senator Prague. Senator Prague. There's a question from Senator Suzio, and I'll ask Senator Suzio to repeat that for you. Please, Senator Suzio.

SENATOR SUZIO:

Thank you, Madam President. Again, I would say that if a negotiation by the union on behalf of the PCAs results in an increase in their compensation and an increase in their benefits and the additional funds required to cover that are not appropriated or

approved by the Legislature, what happens under those conditions? Through you, Madam President.

THE CHAIR:

Senator Prague.

SENATOR PRAGUE:

Madam President. Senator Suzio, you know, if it's not appropriated, they don't get it. We, the Legislature have the final word.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you. And through you, Madam President, that means there's no other recourse for the PCAs or the union? There's no arbitration process or any other way to resolve the fact that they negotiated an increase in compensation and in benefits but the money is not there? Through you, Madam President.

THE CHAIR:

Senator Prague.

SENATOR PRAGUE:

Madam President. There is an arbitration process but that doesn't come into play when the Appropriations Committee votes down a bill.

The arbitration comes into play while they're negotiating benefits. You know, if there's no agreement then they go to arbitration, but after it's decided and it comes to us for a vote, that's it.

When you vote in Appropriations not to fund something, there's no appeal.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you, Madam President. Through you, again, Madam President, it's my understanding and perhaps I misinterpreted but the provision of the proposed bill requires the General Assembly to affirmatively reject by a majority of vote of either Chamber within 30 days after an agreement is agreed to.

If that's the case, in other words, the Legislature does not act, then I would assume that the agreement would be approved and that would obligate us to appropriate funds? Through you, Madam President.

THE CHAIR:

Senator Prague.

SENATOR PRAGUE:

Madam President. I'm sorry. I was just trying to get the air-conditioning turned down.

THE CHAIR:

That's a good idea to get the air-conditioning turned down. Senator Suzio had, usually in this room it's usually very hot but it's not tonight. Senator Suzio, would you repeat again your question to the Senator. Thank you.

SENATOR SUZIO:

I'd be very happy to do so, Madam President. Through you again, Madam President, if the General Assembly does not reject an agreement that's been negotiated by the union within 30 days after such agreement has been agreed to, would it be obligated to appropriate the funds for the agreement by virtue of its lack of rejecting the agreement? Through you, Madam President.

THE CHAIR:

Senator Prague.

SENATOR PRAGUE:

Madam President, the answer is no.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

All right. Then again, thank you, Madam President. Through you, Madam President, in a situation where we have thousands of PCAs who have been unionized, who are paying either union dues or non-membership fees and the union negotiates a contract, which can't be fulfilled because the Legislature's not appropriated the funds, what good is accomplished on behalf of the PCAs, who therefore won't receive any increase in compensation? And I'd be happy to defer the question to Senator Bye.

THE CHAIR:

Senator Bye, would you take on that question for Senator Suzio?

SENATOR BYE:

Yes, thank you, Madam President. And Senator Prague is going to get some dinner. I just had the good fortune of going to get dinner quickly and so I'm happy to take over.

SENATOR SUZIO:

I'm happy (inaudible.)

SENATOR BYE:

You're saying, if I understand the question right, through you, Madam President, the question is, if the Legislature doesn't approve the increase what good was the whole process? Through you, Madam President.

SENATOR SUZIO:

Well, not quite. My understanding is the bill does

not require approval of any contractual negotiations. It merely requires disapproval, quote, an affirmative rejection of that.

So my question is, if the Legislature does not affirmatively reject the contract, does it become obligated to appropriate the funds in the contract? Through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President, it is my understanding that in order for any increase to go into effect, the General Assembly through its appropriations process would need to approve an increase in funds affirmatively, otherwise it would not go forward. Through you, Madam President.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Well, if may, I'm just reading, I'm looking at the OLR bill analysis and as I look at the appropriate section related to this, if I may read it for a second, Madam President.

THE CHAIR:

Please do.

SENATOR SUZIO:

It just says, under the bill contract or award provisions that neither supersede existing laws nor regulations nor involve additional appropriations are automatically approved unless the General Assembly affirmative rejects them by a majority vote of either Chamber within 30 days. The General Assembly must be in Regular Session, et cetera.

So, this is involving non-appropriated costs associated with it because it says, nor involve additional appropriations are automatically approved. What about additional appropriations? Do we have to affirmatively approve a contract that requires additional money to be spent by the Legislature? Through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President, to the gentleman from Meriden, if when you're referring to the bill, if you wouldn't mind giving me a line number so I can read along because I was answering pretty specifically to Appropriations and I'm just about 100 percent clear and if you want to point me to lines that would say I'm not 100 percent clear, that would be good.

I'm just 100 percent clear that any increase in appropriations would need to be approved by this body. So, Madam President, to the gentleman from Meriden, if he wants to refer me to the line number I can do my best to answer his question.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

If I may ask that we stand at ease for a minute, Madam President.

THE CHAIR:

The Senate may stand at ease.

(Chamber at ease.)

The Senate will come back to order. Senator Suzio.

SENATOR SUZIO:

In Section 2 in lines 29 through 33, subsection 3, it says, any provision and any agreement or aware, which would require an additional appropriation in order to maintain the levels of services provided by existing appropriations shall be presented to the General Assembly for approval in accordance with the budgetary process set forth in subdivision 8 of subsection e of this section.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President, this particular section of the bill subjects any collective bargaining improvements to budgetary approval by the General Assembly. So I think it is exactly what I was saying, that any budgetary change would have to be approved by the General Assembly. Through you, Madam President.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

If I may, then, in the event that the General Assembly, through you, Madam President, in the event that the General Assembly dos not approve such appropriation, what are the consequences of that? Through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President, if the General Assembly does not approve increases, then nothing happens. The increases do not go through for the workers because it's clear in other sections of the bill as well, that nothing about any contract can reduce services.

So that is part, everyone understands at the outset,

we wanted to be very clear. This wasn't going to reduce services, so if it doesn't go through it doesn't go through. That's the final phase. Through you, Madam President.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you very much. Thank you very much, Senator Bye. I wanted to ask, if I can go back for a second if I can, to the process of determining whether the PCAs wanted to be unionized or not.

THE CHAIR:

Please proceed, sir.

SENATOR SUZIO:

If I may, through you, Madam President, my understanding is that when the cards or the documents were circulated to the PCAs about this process, that it required someone to return a card saying they did not want to join the union for it to be counted as a non-union vote, that non-return cards were assumed to be affirmative.

Can someone, or can the good Senator please describe for me exactly what the process and procedures were for determining whether a majority of the PCAs wanted to be part of the union process? Through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President, if the Senate can stand at ease while I look at that?

THE CHAIR:

Absolutely. The Senate will stand at ease.

(Chamber at ease.)

The Senate will come back to order. Senator Bye.

SENATOR BYE:

Through you, Madam President, and I appreciate the Chamber's indulgence and the time.

As I understand it, only votes that are cast count in the election and it has to reach a certain threshold, but a non-vote does not count as a vote toward yes, unionization.

THE CHAIR:

Or no.

SENATOR BYE:

Or no.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you, Madam President. I have questions related to the ongoing day-to-day duties of a PCA under the proposed arrangements and I would like to ask, through you, Madam President.

According to the OLR analysis,

THE CHAIR:

You meant through me, right? You're not asking me?

SENATOR SUZIO:

I'm sorry, no, no. Sorry. I know that you're all-knowing, however.

THE CHAIR:

Right.

SENATOR SUZIO:

There's a reference in the OLR summary that the bill prohibits the SBLR, the State Board of Labor Relations from deciding any complaints that a parent, consumer or surrogate committed an act prohibited by an employer. Could the good Senator explain what that means, to me? Through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Thank you, Madam President. If I could ask the gentleman to refer me to a line number in the bill or are you in the OLR report?

SENATOR SUZIO:

Well, I'm reading the OLR report. It's on page 3 under collective bargaining subjects in the second paragraph, the last sentence. If you would like, I could read it. Would that be permissible, Madam President?

THE CHAIR:

Oh please. Please proceed, sir.

SENATOR SUZIO:

Okay. This is again under the collective bargaining subjects. Under the bill, no provision in a contract or arbitration where it can reduce child care provider or PCA services. Any provision that would require an additional appropriation to maintain existing service levels must be affirmatively approved by the General Assembly.

The bill also prohibits the SBLR from deciding any complaints that a parent for child care providers, consumer or surrogate for PCAs committed an act

prohibited by an employer. That I the section or comments I'm referring to, Madam President.

THE CHAIR:

Thank you. Senator Bye.

SENATOR BYE:

Through you, Madam President, and your specific question is, and if you can tell me the page on the OLR report?

SENATOR SUZIO:

On my printout it's page 3 of 9 and it's under the topic Collective Bargaining Subjects.

THE CHAIR:

Senator Bye.

SENATOR BYE:

And the question is, through you, Madam President?

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you, Madam President. Through you, that last sentence in the second paragraph --

SENATOR BYE:

Twenty-three?

SENATOR SUZIO:

Right. The bill also prohibits the SBLR from deciding any complaints of a parent for child care provider, consumer or surrogate for PCAs committed an act prohibited by an employer. What does that mean? Through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President, if I may have a moment to read the paragraph carefully.

THE CHAIR:

The Senate will stand at ease.

(CHAMBER AT EASE.)

SENATOR BYE:

Okay. I'm ready, Madam President.

THE CHAIR:

The Senate will come back to order. Senator Bye.

SENATOR BYE:

Through you, Madam President, I think it does exactly what it says. It prohibits the Labor Relations Board from deciding about complaints that a parent, consumer or surrogate committed an act prohibited by an employer.

So you know, I think what the bill's trying to be very clear about is, it's limiting the negotiations to you know, between the state entity and the union that would be representing the PCAs. Through you, Madam President. It's trying to be very clear about that.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you. And through you, Madam President, so in the event that one of the consumers or surrogates does commit an act prohibited by an employer, what recourse does a PCA have under those circumstances?

Through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President.

I believe they'd be the same that they are today, which I'm not positive of, but this bill does not change anything about that.

Through you, Madam President.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you.

And, through you, Madam President, unlike most labor relations situations where you might have a company or a factory where there's hundreds of employees who are governed by the agreement, we are talking about a situation here where there's literally going to be thousands of locations with thousands of PCAs being covered under extremely different circumstances and conditions that they're operating.

And one of my concerns or questions is, exactly how does this work in a practical sense? Normally, union contracts negotiate the conditions of work and things of that nature, and provide for resolution of issues between management and employees and how, you know, when problems arise how they're going to be resolved.

I don't understand how, given the widely varied conditions and circumstances that we're talking about here, how one union can negotiate an arrangement for thousands of employees in thousands of different circumstances. And I wondered how the good Senator could explain to me how that might be worked out.

Through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President.

I believe, you know, what I found over the years is that everyone thinks that their work situation or workplace is very unique. And they are, in fact, and this is a unique situation. But an analogy I'd like to draw is that, recently, the State of Connecticut negotiated with SEBAC.

If you want to look at a variety of types of jobs, the number of types of jobs that state employees perform very widely, yet the State negotiated with SEBAC, a single entity, and those negotiations, you know, take into account the variability in the jobs. And there's no doubt it's complex.

I have to tell you, some of the smartest people I know are people who work in labor because they have to understand such complexity. And I have no doubt that this is quite possible for these employees who the state is indeed relying on to perform a vital service.

Through you, Madam President.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you.

Through you, Madam President.

I want to express my appreciation for the good senator's patience with my persistent questions. But let me just pursue this a little bit further. If -- if I'm a consumer and something happens where I'm very

unhappy with the PCA's services, maybe I feel he or she is negligent or even abusive or what have you, and I wanted to dismiss that personal care attendant, when there's a union contract, I presume it's going to prescribe or prohibit me from doing anything unilaterally without doing something through the union.

I wondered if the good senator could explain to me how under circumstances where the -- the services of a PCA might be terminated or complaints about how they're working with the consumer would be resolved under the arrangements that we're talking about.

Through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President.

I really appreciate the good senator's questions because they are helping us to be very clear here.

In this case, this bill goes out of its way to explain that the consumer is always in charge. The consumer can hire, fire. They are in charge of that PCA. This bill does not change anything about it and I think that's an important part of the bill.

Through you, Madam President.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you.

And through you, Madam President, then.

Basically, a PCA, as I understand it, as the good senator has explained it, is basically at the mercy of

the consumer. In other words, we -- we could be looking at someone who might be unreasonably demanding but they're free to let a PCA go at any time they want, under any circumstances, and hire a new PCA if they would so choose.

They don't have to explain to the union. They will not be subject to labor grievances of any sort, like in a typical employer relationship. Would that be a correct understanding of the arrangements?

Through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President.

Yes.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you.

And, through you, Madam President, the Office of Fiscal Analysis in its evaluation pointed out that it's really unknown how many, quote, eligible PCAs there might be, although they did point out that there were over 20,000 that were active in the directory under the Department of Social Services.

And they pointed out, furthermore, you know, what the average per diem compensation was, which was about $80 per day. My question is, given that, and the good Senator herself pointed out that the -- there was only a little over a hundred million dollars of funding available in the current fiscal year, I believe, for the programs that would be covered by this.

If, indeed, a small increase or improvement was

negotiated in the compensation or benefits for the PCAs -- and I did some calculations. I said, well, what if there were 20,000 PCAs covered and what if they got a very modest raise of 5 percent? Forget benefits. And -- and that -- the impact came out to $24 million a year. In other words, 24 percent of all the allocated funds would allow for only extremely small increase in the compensation.

I wondered if the good Senator would share with me her perspective on the fact that even a very modest increase in compensation to the PCAs could have a very disproportionate impact on the aggregate funds. And I wonder whether this is even a practical arrangement that we're talking about.

Through you, Madam President, if I could get the good senator's perspective on that.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President.

Just a point of clarification. When I was speaking of the approximate hundred million dollars that was related to the care for kids. I am not nearly as expert on the PCA, but there could be an increase of 5 percent, say, Senator Suzio, and that would need to be negotiated and would need to be approved by this body.

Through you, Madam President.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you.

And one thing I also understand, Madam President, is that most PCAs don't have any kind of benefit package.

They're paid a straight per diem or an hourly rate or something like that. And we know that any kind of a decent benefits package, typically -- I think in our own state government, we estimate that just, like, the healthcare benefits, I think, package is about 29 percent relative to compensation.

And if you have anything like retirement benefits, I think, when the comptroller or when people do their estimates, it's upwards of 60 percent of the compensation. So I'm -- I'm wondering and thinking to myself, well, if we're talking about -- if one of the primary goals of this legislation is to improve the compensation that PCAs, both in terms of what they get monetarily as well as benefits, we are talking about a -- an enormous potential increase in the cost.

And some of my -- the -- my colleagues who preceded me were asking questions about the timing of this and the practicality of this in light of the -- the budget conditions here at the State. And I'm wondering again -- that's why I was asking before about, well, what happens if -- if something is negotiated and the Legislature doesn't appropriate the funds for it. And I'm wondering about the practicality of this arrangement.

And since the good senator is much more familiar than I am with this, I would like to -- I would very much appreciate hearing her perspective on that, if I can ask, through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President.

I am -- I'm so glad the senator asked that question about the practicality here because in this building and in the State sometimes things come up that are urgent. For example, Sheff versus O'Neill. The practicality of the State having hundreds of millions of dollars to spend on new schools and increased reimbursement rates was not there. And for the past

ten to 12 years, practicality -- the practicality was that there's no more money to pay these childcare workers and these PCAs who are doing such important work.

Different budgets floated in this building, cut this line significantly for -- at least, for Care 4 Kids and said practically, we can't afford it. And that's exactly what happens when people don't have a voice. When Milo Sheff's mother stood up and said it's not right that my child's school is separate and unequal and went to court, the State had to find the money to provide a less separate and unequal school system.

I use that as an example not to inflame at all. I use it as an example because as someone who's been on a school board and struggled without ECS increasing and watching a whole other school district develop because of pressures, it makes you realize that, at different times, in this building different things are practical.

And what this bill does is allows a group of people who have been underpaid and underappreciated for 15 years to get together and say we're tired of it not be practical to pay us more. We need to get together and have a voice because individually, it's not working.

And even with all the advocacy about childcare and the importance of early childhood, guess what, we haven't increased care for kids significantly, no matter how much people think it might be a good idea to have better reimbursement rates and higher quality care. It hasn't been practical. It's always been a difficult time financially. The State always has strained resources.

So, you know, to Senator Suzio, it might not seem practical for this, but I think our children and also people who rely on PCAs need the best care possible. And I don't think there's a doubt that there is a link between compensation and quality and who's drawn to do what jobs based on compensation.

I know there have been some stories about people who work for the pay that they're getting now and are thrilled about what they're doing and love the people

they work with. And, frankly, as someone who's worked in child care, and subsidized working parents by taking lower wages pretty much my whole career, you know, I think we're taking advantage of people who deserve a better wage and better benefits.

And in -- just reply to the benefits question, as I see it, that has yet to evolve. It's very clear that they cannot get state benefits and they're not considered state employees. But maybe the way they'll get to better benefits is simply by being able to pool together. Because my guess is, right now, most of these family childcare providers and most of these PCAs are eligible for Husky. That would be my guess. Most of them are on public healthcare because they don't make enough money for benefits.

So I'm sorry. I shouldn't have gone on so long. I apologize, Madam President. And I -- my answer about what's practical, and my understanding and belief about what's practical may be different than Senator Suzio's. But I think it's time that we -- that we allow people to at least organize and make their case together, and then this body decide whether or not we should approve any increases.

Through you, Madam President.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you, Madam President.

And the good senator from New Britain have no need to -- not New Britain.

THE CHAIR:

West Hartford.

SENATOR SUZIO:

West Hartford. At least I didn't say Middletown.

I appreciate your -- your insights and that's why I was asking the -- the question. And you can elaborate as much as you want -- because -- as far as I'm concerned.

The -- the bill does provide that people who become unionized have a choice between paying union dues or paying nonmembership fees. And, given again that we're talking about people who are in a fairly low compensation range, I have no be immediate or recent experience with respect to this.

I wonder, through you, Madam President, if the good senator could give me an idea of what those fees might be like for someone who's making 10 or 12 dollars an hour or something along those lines.

Through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President.

As I understand, and again, I'm not an expert on collective bargaining. I've never been in a union and I've never been a supervisor of a union shop. But as I understand it, it's around two percent is typical for union dues.

Through you, Madam President.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you very much, Madam President.

And, through you, Madam President, in most collective bargaining arrangements, there is always a potential to decertify a union.
What would be the mechanics if overall PCAs in the

state, who are -- who are organized pursuant to this, if they decided they wanted to be decertified or wanted to change union representation?

Through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President.

As I understand it, if they choose not to be fully included in the union, they would have to pay the fees to still pay for the collective bargaining but they would pay around 60 percent of the total fees. They would not pay the whole thing.

Through you, Madam President.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you.

Through you, Madam President.

Though, my question is if the employees, the PCAs, decided they no longer wanted to be represented by a union, what is the process or procedures that would be required for them to undertake to remove the union representation?

Through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President.

As I understand it, it would be a similar sort of voting situation, where there's a process by which they could vote to have different representation.

And I -- I am not exactly sure, but -- but I hope I'll be corrected by someone around the circle if I am not -- but it is my -- certainly my guess that they could vote to not be represented at all if they chose to do that. Yes. I'm getting a yes.

SENATOR SUZIO:

Thank you.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Okay. I'm coming to near the end of my questions. I just want to ask --

THE CHAIR:

Thank you, Senator Suzio.

SENATOR SUZIO:

I'm certain you've been waiting with bated breath for this.

Again, we're talking about a union that's going to represent thousands of people in thousands of locations throughout the state. And what's a living wage, for example, in Fairfield County might be very different in northeastern Connecticut.

And I wonder -- and I'm somewhat skeptical about the efficacy of one organization representing, monolithically, a group of such diversified PCAs with different -- operating and living in different conditions with different costs of living.

I wonder if the good senator could explain to me how she might think that one unit representing all those

people in a monolithic way could represent their best interests in such diverse situations.

Through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Thank you, Madam President.

Through you, currently, and again, I hate to keep going back to only half, but I know Care 4 Kids is the best. Currently, the way that the Department of Social Services determines reimbursement is on a regional basis. And though it might be slightly more complex, I think it would be certainly doable in negotiations to negotiate by region to reflect the different costs. It costs significantly less -- significantly more in Fairfield County than maybe it would in Windham County.

But there's a structure in place now, and I -- I believe that that would simply be embellished or that would be the basis from which they would operate.

Through you, Madam President.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you, Madam President.

I don't have any more questions. I do -- just -- I'll make a statement or two, and then I'll listen with close attention to the remainder of the debate.

But, again, I go back to a statement one of my colleagues made before, something to the effect that, if it ain't broke don't fix it. And I -- and I look and I -- I don't see any evidence that there was a widespread clamoring, either by the PCAs themselves,

who are supposedly going to benefit from this, or the people whom they serve for this process to be initiated.

It's somewhat perplexing to me why we've reached this point for such a major change, at this point in time, without some indication of widespread support or requests for this kind of rearrangement of conditions.

I also look and I say, given the timing, and given the compassion that Senator Prague and Senator Bye have expressed for -- particularly for the PCAs and their desire to see them earn a better wage and to obtain better benefits, we know that when people are making 10 or 12 dollars an hour, if you really want to get to a decent wage and a living wage, if you will, and get reasonably good benefits, you're not talking about 4 or 5 percent increases. You're talking a very, very big increase in overall cost. I would speculate 50 or 60 percent.

And I don't see how, given that this is going to be paid for through state programs, I don't see how, particularly given the timing right now, where the State is in pretty difficult financial circumstances, and as far as I can see, those circumstances are going out for the next several years. They're not just financial problems for the moment. I just don't know if this is the right idea at the right time.

I think it could -- it could be an exercise in futility. It could put even more pressure on the State in terms of its financial problems. It could definitely result in the PCAs themselves being frustrated, because here they've been given the promise or the potential for a substantial amelioration of their compensation and their benefits, and yet, they may not be able to attain it because the money just isn't there.

So I applaud the compassion that's motivated people to support this, but I don't think it's a good thing to encourage people to believe that they're going to get a very big increase or a significant increase in their compensation and/or benefits when that's not realistic for the time being.

And I think in some ways it's doing a disservice to the -- to the intended beneficiaries, despite the best of intentions. And I say that with all respect for my colleagues who were advocating for this legislation.

So at this point, I'm going to listen a lot more closely to people, the questioning that will go around. And I'm listening more to both the proponents and those who are asking questions before I make my decision on this.

Thank you very much.

THE CHAIR:

Thank you, Senator Suzio.

Senator Kane.

SENATOR KANE:

Good evening, Madam President.

THE CHAIR:

Good evening, sir.

SENATOR KANE:

Through you, I have a number of questions to the proponent of the bill.

THE CHAIR:

Will you have it -- will you direct your questions to Senator Bye?

SENATOR KANE:

Yes. Oh, yes.

THE CHAIR:

Thank you.

SENATOR KANE:

Actually, my questions pertain to Care 4 Kids so I think I was looking for -- looking forward to talking to Senator Bye, actually, in regards to that.

Senator Bye, I don't expect you to have the budget in front of you but, hopefully, you can concur with me. The Care 4 Kids line item, is that described as childcare services TANF, CCDBG? Is that the line?

Through you.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Yes, Madam President. It is. It's about a hundred million dollars.

THE CHAIR:

Senator Kane.

SENATOR KANE:

That was going to be my next question. Actually, I don't know if it was going to be a question, but you're -- yes. I have -- I have it in front of me. And it looks like in -- in fiscal year '10, it was 93 million. And then, fiscal year '11 went up to 98. And this year, fiscal year '12, is ninety, seven, five. Do you have information in regards to that slight dip in this fiscal year?

Through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President.

None besides it's always a matter of competing for resources with multiple programs.

Through you, Madam President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

That's fair. Thank you, Madam President.

And then, in fiscal year '13, it's 104. So there's a huge jump between fiscal year '12 and fiscal year '13. Can you speak to that?

Through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President.

I believe I can. And -- and though my reasoning might not be perfect, I think it explains the bump up, from my perspective, which is that, as a State, our Governor is very committed to early childhood education as a way of closing the achievement gap, and with that comes additional school readiness slots.

And with additional school readiness slots comes additional need for Care 4 Kids because the way the programs get to the full cost of care is they combine the school readiness grant, which is either 6700 for schoolday, school year about 8500 for full-day, full-year. And then, for the wraparound, that is for the rest of the day for the, you know, for the summer, they also apply for Care 4 Kids. So, as you increase school readiness slots, you have the need for an increasing appropriation in Care 4 Kids.

Through you, Madam President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

Is Care 4 Kids the same as Birth to Three?

Through you.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President.

No.

THE CHAIR:

Senator Kane.

SENATOR KANE:

And, thank you, Madam President. And the slots that you mentioned would be in this program, Care 4 Kids, and not Birth to Three, or are there slots there as well?

Through you.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President.

There are a number -- sort of the nice thing about Care 4 Kids, I would say, and the plan in Connecticut is that you can use the dollars in many different ways. Because parents, especially in 2012, it's not a 9 to 5 day. They are very different situations. So it's sort of like a certificate that travels with the

parent. So if the parent has a family childcare provider, it's used for the family childcare provider. If the parent goes to a center, it can be used to reimburse the center.

Birth to Three is significantly different because Birth to Three is a program designed specifically for infants and toddlers who have special needs and that those special needs are sort of -- I don't know how to say it -- but are verified through a process, sort of like a PPT, but it's like an ISSP, or something like that.

SENATOR KANE:

That's fine.

SENATOR BYE:

So Birth to Three is -- is different and Care 4 Kids does not link with Birth to Three. That said, the highest reimbursement rate for Care 4 Kids is infant, toddler care. And the biggest shortage area in Connecticut is infant, toddler care. We estimate that we have one licensed slot for every eight children who need that.

Through you, Madam President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

And I appreciate the clarification. That was kind of an aside, actually. I just -- my mind went there for a minute and so I figured I'd ask you that.

My next question really is -- is where the money goes. So, from my understanding, there are -- well, I guess what would be constituted as family designation, partially licensed centers and then fully licensed centers. Is that your understanding?

Through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President.

I really appreciate the chance to clarify because it is -- it is complicated. That's why we need a unified system, I would say. But the way it works is we have something in Connecticut that we refer to as "kith and kin care," which is, sort of, relative or neighbor care, and then -- that's unlicensed.

And then we have licensed family child care homes, which are licensed by the Department of Public Health, and they are generally pretty small groups. Because once you get to eight children or more, you become a licensed group family child care home. And then after that, you get to a licensed family -- a licensed childcare center, which is for groups larger than 12.

Through you, Madam President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

And this unified system that you speak of, that's in the -- in the bill that we're talking about?

Through you.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President.

No. The bill really only refers to family child care homes where there's an individual provider, that -- that's what it's directed at.

Through you, Madam President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

So the partially licensed and the full centers would not be under this bill?

Through you.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President.

I don't think that the commissioner of public health would want me to talk about partially licensed, you know, programs, because they are still licensed. They just don't have to meet -- I understand what the Senator is saying, but they don't have to -- they don't have to meet the same criteria of a center.

But group family child care homes, I'm trying to -- I might need to stand at ease a minute to see if they fall under the bill. It's a very good question from the Senator?

THE CHAIR:

The Senate -- the Senate will stand at ease.

(Chamber at ease.)

SENATOR BYE:

Through you, Madam President.

THE CHAIR:

The Senate will come back to order.

Senator Bye.

SENATOR BYE:

I believe that if you look at line four of the bill, it says that family child care providers means persons who provide childcare service under the subsidy program in a family day care home, as defined in 19(a)-77 of the general statutes, or in a home not requiring a license.

So I'm going to -- while -- I'm going to ask our attorney if they can look up 19(a)-77 because I want to be a hundred percent sure of whether or not it includes those, sort of, group family childcare homes. They're very, very few of them in the state. I mean, my guess is they're less than a hundred, but I think it's an important clarification.

So if the Senate can stand at ease, we will look into it.

THE CHAIR:

We will stand at ease.

(Chamber at ease.)

THE CHAIR:

The Senate will come back to order.

Senator Bye.

SENATOR BYE:

Thank you, Madam President. I appreciate the patience

of the Chamber.

It refers to programs that are not childcare centers. So it would be family childcare homes and group family childcare homes.

Through you, Madam President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

And I appreciate that clarification. And my questions seem to go in a new direction. So these individuals that are part of the bill do not work for licensed daycare centers. They work for themselves. Correct?

Through you.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President.

Just to be very clear, because of the way licensing works. Some of them may work for a licensed family childcare home, which is something we hope there is more and more of with some of the work of the Governor's early childhood initiative. That a lot of the kith and kin care will move into the licensed system with some of the initiatives going on.

So they may be licensed, but they're licensed as family childcare home versus licensed as center care.

Through you, Madam President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

And what -- what are the requirements to receive this license?

Through you.

THE CHAIR:

Senator Bye.

SENATOR BYE:

To Senator Kane, how long do you have?

SENATOR KANE:

I've got all night.

SENATOR BYE:

Through -- through you, Madam President.

Connecticut has some of the most stringent childcare licensing regulations in the country. I can give you an overview of -- of what -- what I understand to be required in a family childcare home.

The -- the provider needs to have training in CPR and first aid. There needs to be space set aside for the children that is apart from things that are dangerous, like stoves. So they would need to have gates up. There needs to be appropriate square footage for the student -- for the children. There needs to be appropriate toys, nonchokeables. Having lived through many licensing visits, Madam President, they can find a lot of things.

So it's -- it's complicated. But it is important for the health and safety. But it is -- it is quite -- the guidelines and regulations are quite complex, but all related. Childcare licensing, if we think of it broadly, Senator Kane, through you, Madam President, is basic health and safety. It's not so focused on

educational criteria. It's basic health and safety to make sure that the children are safe.

Through you, Madam President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

I know Senator Bye's question was rhetorical, but I guess I have till midnight on May 9th.

SENATOR BYE:

I love talking about daycare.

SENATOR KANE:

That was -- that was a joke, Madam President.

THE CHAIR:

Thank you.

SENATOR KANE:

The -- but what asks me -- what -- what begs this question, I guess, is earlier you were talking about the Governor's initiative in closing the achievement gap. But yet, you just said this is not preparation for school. It's just about safety and security.

So how is this -- and I've supported the program. I do believe in Care 4 Kids. I've always supported it in the Appropriations Committee. But it just begged another question -- is -- is how is this, in -- in any way, moving us towards closing the achievement gap, when all it is is safety and security and keeping kids away from the stove and -- as -- as you just mentioned?

Through you.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President.

And -- and I -- to -- to the fine Senator's point, he has been a strong supporter of Care 4 Kids and programs for children's education.

The point I was making about improved quality is that the dollars are going to a very disparate group of providers across the state. And while childcare licensing may be focused on health and safety, a great number of these children we're talking about who are paid for by the childcare certificate program are not in licensed programs.

And even if they are, there's not training, for example, about the importance of early language, and maybe things like rhyming. We need children when they're young to start to recognize chunks, and rhyming is the best way to do that. Some of the early literacy items that early childhood educators are -- are expert in.

And I see one of the great advantages here is you have this -- we heard Senator Suzio talk about just this incredibly disperse workforce caring for all these young brains. And in other states, the collectively bargaining and joining a union has given the states a way to say, okay, if you want to increase your compensation, then you need to attend, for example, 20 hours of training about early literacy.

And so it gives the state a lever toward education in the negotiations. That's just as an example. But most importantly, it gives an organizing presence that some group is organizing these childcare providers. And so there's a way to get information out to them about best practices for young children.

Through you, Madam President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

I thank Senator Bye for that answer. I actually -- I apologize. I kind of got off on a tangent there. But the real basis for my question goes back to your original earlier answer about these family centers, for lack of a better term, if I can call them that. I'll use -- when you answer, I'll use the term you used -- but these family locations.

And I think you said that these individuals are self-employed. Some work for licensed providers, but some of them are self-employed. So by excluding the partially licensed -- and I know you didn't want me to use that term, but I can't think of it another way -- and the full centers, how are we creating that unified system through this bill that you speak of? Because I can understand your point about the unified system for care. So how are we doing that? By -- well, I'll let you answer that.

Through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President.

The childcare regulations for center-based care are actually quite different from family childcare homes. While health and safety is the focus, there also requirements for teachers to have at least 20 hours of training a year in early childhood. And when the licenser comes through, they're looking for evidence of some educational activities going on. Whereas, in family childcare, that is not the case in the same way. So that's -- I think it's an important difference.

And for the partially licensed or the group family daycare homes -- I have a hard time, Senator Kane, remembering exactly all the categories myself after 30 years -- but I believe they're called group family daycare homes.

Those are really a very rare animal and they meet the family childcare guidelines but they actually have more educational requirements. But they, again, they're -- they're very rare in the state. What we have for the vast, my guess is, 95 to 97 percent of children are either in center-based care or kith and kin care or family childcare versus a group daycare home.

Through you, Madam President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

And it's obvious Senator Bye is -- is well-versed in the subject, and I appreciate the back and forth we're having because you're certainly providing me with great detail, and I -- and thank you.

The -- I guess the question is, if we were -- because I tend to agree with you on this unified system. If we were moving in that direction, couldn't the Department of Public Health or the Department of Social Services, whoever it may be, couldn't they do that already? Couldn't they do that without this legislation?

Through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President.

The way that -- that my mind separates these things is that the Department of Public Health is there to license basic health and safety. The State Department of Education is there to oversee the educational curriculum. And the Department of Social Services sees their role as providing childcare so parents can work.

And by that, I don't mean any disrespect, because I believe the Department of Social Services has -- has spent probably tens of millions of dollars on something called "quality enhancement funds." But if you look at their primary responsibilities, they're very different in their gestalts, if you will.

So once we have a unified system, it would be my hope that when programs go for licensing, education is a bigger part of it. When family childcare providers apply for licensing, that education quality is a big part of it.

But I really see, and what's happened in other states is that the union has really been a part of professional development for the family childcare providers who tend to be dispersed -- much more dispersed than the center-based care.

Through you, Madam President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

And if I could just move to rather than the providers, but now that the kids, if I may? And you -- you -- I guess you spoke to this possibly already in -- in your discussion of the educational system and -- and closing the achievement gap, but -- and I will go somewhere with this, I promise.

But what -- what are the programs like?

Through you.

Are there -- are there specific programs that we offer or is it just basic daycare? And the reason I say that is, at some point, like I said, I'll get to the dollars and cents of it all. So I'm just wondering what the programs are that we do provide under this system.

Through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President.

Just two clarifying questions. I just want to be clear about who "we" is, and what the program is because it's -- it's all complicated. So I just want to be -- make sure I answer clearly.

Through you, Madam President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

I guess the Care 4 Kids program must have a guideline, a platform, a program that is set that says, okay, ABC Company, or just John Smith, you want to be a provider for our Care 4 Kids program. This is what we require of you. We want to do not just provide daycare for the child, but can you do this, this, this or this?

Do we have anything that -- that we have set guidelines for, whether it be the education of the child, the time we spend with the child, any activities we do with the child, that kind of thing, if -- if that's okay.

Through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President.

Yes, that was very clear and that -- that helps me a lot answer the question.

You have to think of the Care 4 Kids program as very simply a voucher for childcare so a low-income parent can work. There really are no stipulations --

SENATOR KANE:

Okay.

SENATOR BYE:

-- and for years there have been complaints about that. But I think it's easy for those of us on high to complain when we don't have to work third shift at a factory.

So I think our Department of Social Services has been very focused on just helping people get to work. I mean, that said, I will say that with the advent of school readiness and some of the focus there, the funds have certainly shifted from unlicensed kith and kin care over to school readiness. There's probably 50 percent more funds now going to support educational programs. But the Care 4 Kids dollars themselves are purely childcare, for work, with no stipulations about quality.

Through you, Madam President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

But see, you know -- thank you, Madam President. That's kind of interesting that you said that, those

stipulations of quality. Because, you know, when I -- with my two children -- they are in school-age now -- but we shopped daycares. And we looked at them. And we looked at, you know, the cleanliness of the facility, the safety that you spoke of, who's working there, what kind of activities they do with the children, all that stuff.

So are we selling these children short because they don't have the -- the means to -- to facilitate this on their own? Are you saying we -- we don't need quality controls because the person can't afford it?

Through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President.

We would love to have stipulations, but we're paying sometimes $3 an hour. And so it's hard to make demands about quality when we're paying so little for the service.

And, again, it goes to the purpose of these dollars which have been purely childcare. That said -- and I know, Senator Kane, you were a supporter of our work toward a systematization -- here we have a hundred million dollars that could be pumped into a system to support quality.

But, right now, because of the reimbursement rates, it's really just supporting very, very basic childcare. And -- and I would also say that my experience -- and it's fascinating. I think people in the suburbs might not be aware of this but some of the highest quality programs are actually in our urban centers because of the ongoing investment in school readiness.

And I've always worked in urban centers or in economically integrated programs. And I have found that rich or poor, parents are searching for the best

quality they can get, and I think you are agreeing with me. But for the fees that Care 4 Kids pays, it often doesn't support quality.

Through you, Madam President -- Mr. President.

THE CHAIR:

Senator Kane.

SENATOR BYE:

Mr. and Mrs. President.

SENATOR KANE:

Multiple presidents.

SENATOR BYE:

I didn't mean to imply you were married.

SENATOR KANE:

Thank you, Madam President.

SENATOR BYE:

Though, you make a lovely couple.

SENATOR KANE:

Thank you for that answer, Senator Bye.

I -- I do agree with you. I guess, at first blush, when you said it's not about quality, it's about a basic daycare, I -- I just was taken aside because I would not want to sell any child short, and would hope that the best centers are in the cities in the urban areas. I grew up in a city, so I would hope that's the case, and -- and I just wanted to make sure of that. But you certainly satisfied my -- my question to that effect.

You know, you've just mentioned that we're paying some of these people $3 an hour, and I think I heard that before. So how do -- who are we paying $3 an hour?

How do we pay anyone $3 an hour when we have a minimum wage in place?

Through you.

(Senator Duff in the Chair.)

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President. (sic)

And my -- the way that I do my math is that, in some cases, the maximum for a week for a child is $150. So if someone is a kith and kin provider and a parent works 40 hours a week and has to travel to work, you know, it's probably 50 hours a week at childcare for $150. That's how I got to $3 an hour.

Through you, Mr. President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Mr. President.

But, in reality, because I was speaking to OFA, we actually -- these individuals make 8 to 22 dollars an hour.

Through you, Madam -- Mr. President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Mr. President, I -- I would need further clarification

of that. I am -- perhaps if a -- if a family child care provider took three children at $150, that would bring them up to that rate. But I know that there are some who work for way less than minimum wage, even as it stands now in Connecticut.

Through you, Mr. President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Mr. President.

You know, that seems to be a question that I do have a little bit of concern, because it was mentioned already twice here tonight that individuals are paid $3 an hour.

And again, I spoke to OFA, and they said these individuals make between 8 and 22 dollars an hour. That's far different than $3 an hour, you know.

SENATOR BYE:

Let me --

SENATOR KANE:

-- that's maybe in China or somewhere. I -- I find it hard to believe that anyone -- the State of Connecticut would pay someone $3 an hour.

Through you, Mr. President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Mr. President.

The numbers you're talking about, I believe, refer to PCAs. The childcare is definitely significantly

less -- less than that. And -- and as I was explaining, maybe $3 an hour is a worst-case scenario. But even at 40 hours a week at $150, you're looking at less than $4 an hour.

Through you, Mr. President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Mr. President.

I guess, I still would want clarification on that and -- and maybe I'll come back to that. But in my discussion with OFA, they said they make between 8 and 22 dollars an hour.

But that aside, it was also stated earlier that 6,000 of these individuals voted in favor of unionization, and that was a majority. But is it not true that we have 20,000 of these individuals?

Through you, Mr. President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Mr. President.

I am not sure of the number. I'll take your word for it, Senator Kane.

THE CHAIR:

Senator Kane.

SENATOR KANE:

That's -- that's fine.

The reason for all my questions, Senator Bye, is I do

believe in the Care 4 Kids program, and we've already stated that. So I've also seen that we have increased the dollars. There was a slight little dip, as we already mentioned, in fiscal year 2012 but then, of course, it bumped up in fiscal year 2013.

I also believe that the argument I heard tonight from yourself and from Senator Prague is that these individuals need to make more money, and we need to pay them more. So if that's the case, then, and maybe -- and I apologize, Mr. President. This is not in the form of a question.

Senator Bye, thank you very much for answering all of my questions. You have been very helpful.

This is more of a statement than a question so -- -- but the argument, Mr. President, has been made that we need to pay these individuals more. And that's fine except that, if we do that, then we are taking money from somewhere else which would be the kids under this program.

So we either have to reduce services for these individuals -- and -- and I failed to ask Senator Bye this, but I believe it's 14,000 children that we serve in the State of Connecticut with this program -- but we're either going to have to reduce services to these individuals or reduce the number of individuals under the plan, or fund the program at a higher level.

So, in my mind, the math just doesn't add up. I'm curious -- and I -- and I -- and I will wait, Mr. President, for when Senator Prague reenters the Chamber. I -- I have some specific questions in regards to PCAs and -- and the unionization of them and how we would be funding these opportunities.

But I really do support the Care 4 Kids program and believe that this is not the way to go in order to fund this program. Because, I think, ultimately, we either are going to have to continue to find more money, because if the argument is we need to pay these individuals more, that means you're going to have to provide services to fewer.

Thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

Will you remark further?

Senator Frantz.

SENATOR FRANTZ:

Thank you, Mr. President.

I want to commend Senator Bye for her incredible knowledge of this area and for having come up with some pretty amazing answers, many off-the-cuff, which -- which are, I believe, accurate and had information ready to go, if she didn't know what the answer was, at her fingertips.

And at the same time, I admire what she's trying to do here because we all adore children and we all adore people who are in special need, and want them to be cared for at the highest possible level that we can afford and that we can provide.

But, Mr. President, sometimes I have to ask myself -- and I do this every once in a while in this Chamber -- what -- what -- what are we doing? What exactly are we doing? What are we creating? What sort of a precedent are we creating here in the State of Connecticut?

Nearly every day we get reports on the State of Connecticut, the State of the State, coming in from independent authorities, think tanks, groups that studied the 50 different states and they always include Connecticut. And I'll tell you, it's getting tiring getting these reports that say that Connecticut is amongst the ten worst, amongst the five worst, or the worst in whatever category you want to -- to think of.

There are some categories where we're absolutely the best. We're in the top five, or whatever. But there are too many, far too many, where we're in the bottom five or the bottom ten. And that's focusing on some

of the high-profile characteristics of the State of Connecticut, you know, the business environment, taxes, regulatory environment, pollution, energy costs, pics like that, some of the things that don't hit the radar screen such as PCAs and childcare assistance.

And that whole part of Connecticut life doesn't even hit the radar screen when they evaluate the State because it's more obscure. It doesn't necessarily involve a huge segment of the population. But the last thing in the world we want to do to an area that doesn't receive that kind of focus is harm it in any possible way.

What we're doing here is setting a precedent by allowing the government, whether it's through executive order or through the legislative body here -- and, incidentally, April 7th of 2012, the executive order in Ohio was shut down to call for the exact same thing. And I think there were one or two other decisions fairly recently that said an executive order isn't going to cut it on this issue.

So if we go ahead and we do this, and it's not a huge part of the population, as I said before, but there's no question that it does raise the cost. And when you raise costs, you either have to find the money to pay for those additional costs or you have to cut back on the program, suggesting that the capacity isn't quite there.

And in the case of personal care assistance or the case of childcare providers, there may be special relationships that, over the years, have started to build up, particularly with the PCAs. And if you start to introduce an institutional approach to providing this kind of care to the individuals who need it so desperately, you're probably going to introduce a certain amount of uncertainty in terms of who's going to be coming back tomorrow, who's going to be coming back for the six o'clock shift.

We all know people who have needed this kind of service. And we know that there will be others in the future. We want them to have the appropriate people for them. They may or may not be interested in

serving under these new circumstances that are -- that are called for in this today.

I think it's 13 or 14 states have -- have tried this. It always amazes me the states do these kind of things in lockstep. This is nothing new here in the State of Connecticut. For any of you that think this is groundbreaking, there are at least 12 to 13 states before us who have engaged in trying to go down this path.

And what's curious to me, because when the government gets involved in trying to create a union, whether it's forced or close to forced or whatever you what to call it -- forced is too strong a word -- but at the end of the day, that's kind of where -- where these efforts lead. You have to ask yourself, as a citizen, a voting citizen and a legislator, why is the government getting involved in this?

The whole idea of unions in the very beginning were to help coal miners under abusive conditions. I think we'd all agree to that wholeheartedly. At the time, there were wonderful, wonderful approaches to improving working conditions for people and making sure that people got paid enough money. They didn't get blown up in a coal mine or suffocate or get poisoned by carbon monoxide. There was a time and a place for them. But it appears that the concept may be coming back again, and -- and for some of the wrong -- wrong reasons.

I understand Senator Bye's answers to the questions before about how they're compensated and how they do deserve some more money. Well, you know, the free market can -- can certainly take care of that. And if the free market can't do that -- because we do care, we've got big hearts in the circle here in this Chamber -- we could come up with some are money to -- to pay these people.

But the way we're doing it now, what's happening is -- is the government is saying, this -- this Chamber tonight, if it's approved, is saying, we're going to hire or we're going to appoint a sub-representative group to deal with these people, with these issues, and with their -- their issues of not getting

compensated enough, we're not getting enough benefits, or whatever the case might be.

We don't know where that's going to lead to but we've -- we will be separating ourselves from that process and institutionalizing a process that we've seen before. And you have to ask yourself the question is that good?

I think, you know, we're all concerned about special interests here, and special interests gaining too much of an edge. And not so much in this case, but partially in this case, even more so because it sets a precedent that will undoubtedly be acted upon in the not-too-distant future.

Are we opening up the door to a group, a special interest, that will have an inordinate amount of power going forward, especially against the backdrop of a state that is, unfortunately, still in fiscal dire straits and may remain so for the near-term future? Is this something we can afford as taxpayers? Is it something that we can afford as a State?

Michigan did the exact same thing. They had an election. Again, there were not clear answers as to how the election worked. Was it, in fact, the majority of the people who would potentially belong to the union? There was no answer for that. It was the majority of the people who mailed in the responses. Clearly, they had a majority so, I guess, under those terms, it was a legitimate election, but we know it was a small minority of the people representing that group.

And they called for the establishment of a union. They did it. And since then, $30 million has been taken from them in the form of union dues going directly to the unions and taking it right, you know, from their pocketbook.

If, in fact, these personal care assistants are being paid $4 an hour, 150 bucks a week, and you start taking money away from that and you get down to $2 an hour, I think that's near blasphemy for those people who do work so hard.

And I believe you, Senator Bye and Senator Prague, when you say that these people do work hard and it's a difficult job. I know that. We've all seen situations like this.

But before you vote yes on this, or before you vote at all, I would ask everybody in the circle to ask themselves, you know, if we do this, what's next and can we afford it?

Thank you, Mr. President.

THE CHAIR:

Thank you, senator.

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

Senator Roraback.

SENATOR RORABACK:

Thank you, Mr. President.

And, through you, if I may, a few questions to Senator Bye.

THE CHAIR:

Please proceed, sir.

SENATOR RORABACK:

Thank you.

Senator Bye, through you, Mr. President, to Senator Bye.

This has been an interesting debate and, as always, my preference is to try to boil down what we're talking about to its essentials so that we can understand what we're doing, and perhaps the people that are watching at home on CT-T can understand, because it's a language unto itself.

But, through you, Mr. President, to Senator Bye, as I

understand it -- and if -- if my attempts at simplicity cause me to deviate from the facts, I'm counting on Senator Bye to bring me back to the facts -- but, through you, Mr. President, to Senator Bye, my understanding is that the State has a program called "Care 4 Kids" through which we rightfully try to give working families, low-income families, a helping hand with the cost of childcare expenses so that they might be able to enter the workforce and be productive workers.

Is that, speaking generally, what the Care 4 Kids program does?

Through you, Mr. President, to Senator Bye.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Mr. President.

Yes.

THE CHAIR:

Senator Roraback.

SENATOR RORABACK:

And the rules of that program, such as they are, allow a working family to choose someone who will provide that childcare, and that someone can be someone who is a member of their family. Is that correct?

Mr. President, through you, to Senator Bye.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Mr. President.

Yes.

THE CHAIR:

Senator Roraback.

SENATOR RORABACK:

So if I'm eligible for the program, I could ask my mother to watch my child and my mother would receive a subsidy through the Care 4 Kids program.

Mr. President, through you, to Senator Bye.

Is that correct?

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Mr. President.

Yes.

THE CHAIR:

Senator Roraback.

SENATOR RORABACK:

And the Care 4 Kids program is a -- is it entirely funded by state dollars or is it a combination of state and federal dollars?

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Mr. President --

SENATOR RORABACK:

Or is it just federal dollars? Option three.

THE CHAIR:

Senator Bye had the floor.

SENATOR RORABACK:

I'm sorry.

Through you, Mr. President.

SENATOR BYE:

Through you, Mr. President.

As I understand it, it is a combination. It's part of how we spend our childcare community block grant funds, what was passed by Senator Dodd, probably 20 years ago. CCDBG is how we refer to it. But I think the State does have -- is responsible for some of the appropriations.

THE CHAIR:

Senator Roraback.

SENATOR RORABACK:

And through you, Madam President (sic), to Senator Bye.

Does she know if there's a line item in our -- in our state budget, in the DSS budget, for this program which is above and beyond what the CCBG --

SENATOR BYE:

DBG, yeah. CCDBG.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President -- Mr. President, I'm very sorry.

Through you, Mr. President.

CCDBG finds come and the Department of Social Services gets to decide how it spends them to support child development. And one of the ways that it chooses to spend those is through -- is to use it for TANF childcare funds.

Through you, Mr. President.

THE CHAIR:

Senator Roraback.

SENATOR RORABACK:

Thank you, Mr. President.

And I understand that. I guess my question was, do we supplement the federal block grant dollars with state dollars as well, or is it exclusively a decision to allocate part of the block grant to this program and we rely entirely on the -- the federal dollars?

Through you, Mr. President to Senator Bye.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Mr. President.

I'd be lying if I was a hundred percent sure, but it's my understanding that it's a combination. Because I know each year here we struggle about what appropriations to put in Care 4 Kids. So deducing from that, I believe, it's a combination of both.

And I'm sorry, Mr. President. I don't have the answer exact.

THE CHAIR:

Senator Roraback.

SENATOR RORABACK:

Thank you, Mr. President.

And Senator Bye doesn't need to apologize. There's nobody in this building who knows more about the subject than her and never would I hold her to anything because I have such confidence in her truthfulness. And the fact that she admits that she might not be just right is further evidence of the competence that she has.

But the point I'm trying to make is, if -- if my mom is watching my kids and the State is sending a check for her to do that, through you, to Senator Bye, what's the difference between the State deciding we should pay my mom more, in kind of a pure, transparent priority-setting way, and what this bill does? Why -- why go through the machinations of this bill, when an option that could get us to the same place would be for us to say, this is what this program will include?

Through you, Mr. President, to Senator Bye.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Mr. President.

If I can extrapolate a bit, I believe that if, in this building, we had decided over the years to increase reimbursement rates from as low as $116 a week when a relative cares for an infant in their home, it -- it would have happened. But this body has not decided to do that over many years of the Care 4 Kids program, despite advocacy from many corners.

And so we continue, after more than ten years without a raise, to underpay these people doing vital work for the State. And so it's not happened. And I believe that this is a way for those providers to get together and have a voice, versus the State taking advantage of their lack of a voice.

And if I can just go a little further and say that, in most cases, when workers are underpaid over a longer period of time and they can't seem to get the increase, that's where unions come from. And they're doing important work but they can't get the compensation. They need to get together and say, enough, we need to be paid a living wage.

Through you, Mr. President.

THE CHAIR:

Senator Roraback.

SENATOR RORABACK:

Thank you, Mr. President.

And I, kind of, understand that answer, but I also, kind of, don't understand that answer. So -- so that I could better understand, through you, Mr. President, to Senator Bye, does Senator Bye think that power should be divested from elected officials who make priority decisions in terms of where we invest public dollars?

Through you, Mr. President.

Does she think that priority should be set other than by elected officials when it comes to where we invest scarce dollars?

Through you, Mr. President, to Senator Bye.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Mr. President.

I have a basic belief that workers should have the right to organize to improve their wages.

Through you, Mr. President.

THE CHAIR:

Senator Roraback.

SENATOR RORABACK:

And I think that whether one has that belief or doesn't have that belief, it's -- it's a -- and I know few that don't have that belief, but I think it's codified in both federal and state law that workers have the right to organize.

But the question I was trying to get an answer to was, if my mom is watching my kids, and the State is giving our money to do that, if Senator Bye or others think that my mom should get more money, we have a very easy way to do that, put more money in the budget and approve it.

And the fact that we haven't done that, I guess, Senator Bye says, democracy has failed us. The way we create a budget is imperfect. And the way we cure this flaw with democracy is to take the power away from we who have the power and shift it to people who are continuing to work under the conditions which we have set up.

THE CHAIR:

Is that a question, Senator?

SENATOR RORABACK:

Would Senator Bye agree that --

THE CHAIR:

Senator Roraback.

SENATOR RORABACK:

Thank you, Mr. President.

SENATOR BYE:

Through you, Mr. President --

THE CHAIR:

Senator Bye.

SENATOR BYE:

-- I mean, I believe -- I believe in the role of this building. And -- and, in fact, the way this bill works is that this General Assembly would have to approve any increases in the budget. And that -- that is democracy. And -- and I also believe part of democracy is people getting together and forming a collective voice to make change.

Through you, Mr. President.

THE CHAIR:

Senator Roraback.

SENATOR RORABACK:

Thank you, Mr. President.

And, I guess, what makes this situation unusual is that -- well, through you, to Senator Bye, is Senator Bye aware of any prohibition against these individuals availing themselves of their rights that was removed by the executive orders?

Through you, Mr. President, to Senator Bye.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Mr. President.

It's my understanding that, currently, they are prohibited from organizing this. The executive order, in combination with this bill, allows them to organize.

Through you, Mr. President.

THE CHAIR:

Senator Roraback.

SENATOR RORABACK:

So absent the executive order, through you, Mr. President, there would have been a prohibition against them organizing. And through you, Mr. President, does Senator Bye understand that prohibition to reside in state law or in federal, if she knows? And I don't know, but she may know. She probably does.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Mr. President.

If the Chamber could stand at ease for a minute while I review.

THE CHAIR:

The Senate will stand at ease.

(Chamber at ease.)

THE CHAIR:

The Senate will come back to order.

Senator Bye.

SENATOR BYE:

Through you, Mr. President.

Under current law, family childcare workers are not covered by federal or state labor laws because they are technically considered -- considered independent contractors. So this bill names them as folks who --

who now do have an ability to collectively bargain.

Through you, Mr. President.

THE CHAIR:

Senator Roraback.

SENATOR RORABACK:

Mr. President, I'm guessing that -- I understand that explanation. So current law says that when my mom watches my kids, she's an independent contractor, if the State pays her to do that. And the executive order and this bill have the effect of making her other than an independent contractor, rather. What is she now, if this bill passes, if she's not an independent contractor?

Through you, Mr. President, to Senator Bye.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Mr. President.

I believe, for purposes of taxes, she would still be in an independent contractor. But what this bill does is it would allow the childcare providers, the vast majority of whom are not family members, but does allow them to get together and work together to bargain for improved wages.

Through you, Mr. President.

THE CHAIR:

Senator Roraback.

SENATOR RORABACK:

Thank you, Mr. President.

My -- my take on this -- and -- and I would certainly

agree with Senator Bye in concluding that we ought to do better by individuals who are watching our kids. But I think we ought to have the guts, as a Legislature, if that's our belief, to make it a budget priority and to do what it takes to better the conditions or the pay that these individuals receive. Right now, that's what we do.

We decide how much we're going to pay and we own it. And for us to think, well, because we don't want to belly up to the bar and do the right thing, we can -- we can contort the process such that we're driven by external forces to do something that we ourselves wouldn't choose to do, to me, is a bit of a subversion of what we, as elected officials, should -- what our job should be.

And in this particular case, I think we're going to pretty extreme lengths to insulate ourselves from having to establish as our priority better pay before these individuals. So I don't think Senator Bye and I would disagree about the place we want to go. But I think there's a much healthier way to get there than through this process. And for that reason, Mr. President, I'll be opposing the bill.

Thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

Will you remark further?

Senator Fasano.

SENATOR FASANO:

Thank you, Mr. President.

Mr. President, I just want to first piggyback some of the things Senator Roraback said which is, I don't think you need to have an organized group to come in front of us to ask for more money. We've had lots of groups come in front of us which weren't unionized, but just collectively believed as a group, whether it's businesses who say we need to reduce taxes, or

consumer groups who say pass this regulation or do that particular item.

If there is a need for the personal care assistants who do a wonderful job, and you got to have it in your heart and soul to do these -- this job as a personal assistant because it takes a lot of effort and it takes a lot of time. But nothing prohibits them from doing whatever -- what all other groups do, which is to say we would like more money. We believe we deserve more money.

We take care of those people who need to be taken care of so some of them can have a working environment to -- to go to work, to go to school in, and some just need that provision of care for 24 hours. And it's our obligation, as a society, to ensure that they are paid accordingly. We could vote on that. We could vote on that today. The impact of the budget will be the same now as it will be in the future.

Because what you have to look at is, the federal government is a major player in this whole scheme. And they're a major player because they put caps. And they say, after a certain level, you have to put somebody in these community-care facilities because it's more cost effective. So they have the ultimate trigger.

So if you raise the wage, good or bad, raise the wage for someone who's being taken care of over a significant period of time they are going to be forced to go into a nursing care facility. That's not our law. That's the federal law. And we could take a look at that as a Legislature.

To Senator Bye, if I may, just a few questions? Senator Bye, as I understand the bill, please help me through this aspect of it.

Mr. President, through you, to Senator Bye.

If there is a cap on how much a personal care assistant for an individual can get before they go into the nursing home, and you raise the wage, if you had to stay under that cap on a mathematical formula, would it be not true that you -- the variable would be

reducing the amount of hours that person has to care for the individual, as a theoretical mathematical formula?

Through you, Mr. President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Mr. President.

And taking the totality of the bill into account, and my understanding of the bill, it's very clear that nothing in this bill says that -- it's actually pretty clear that you cannot reduce the services based on a collectively bargained agreement and so -- to increase the pay.

So I just -- I don't think that's possible, given the way this bill is structured. So we cannot reduce the services without this General Assembly approving increases. And I believe this General Assembly would take into account exactly what Senator Fasano is saying, the good point that he's making in approving any increase if they believed it was going to change the situation for our residents.

Through you, Mr. President.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

And I agree with the senator that the bill states that you won't lower services. So my mathematical equation, the board that I would have would be a constant -- is we're not going to reduce the services.

A constant is we're not going to increase the wage, because we have to stay under the constant which is the cap. Then what purpose would this bill serve if the argument is this gets them collectively to go

argue for a wage, but you can't reduce services, and those are all constant? Then I would ask what's the purpose of the bill?

Through you, Mr. President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Mr. President.

The purpose of the bill is to give these disparate providers a unified voice. That said, given the point that Senator Fasano is making, you know, a union might have to think hard about what they're going to collectively bargain for, given the complexity of this Medicare waiver.

Through you, Mr. President.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

So if I'm sort of reading between the lines there, if it is not wages, through you, Mr. President, what are the other things that you see in this bill that the union would be collectively bargaining for other than wages?

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Mr. President.

Well, I mean, Senator Fasano might -- and I might disagree about, you know, how much the wages can go up or can't up and affect that. But I think his point is well taken.

But that said, when groups get together and organize, for example, it's easier to get together and pool to get lower rates on personal health insurance and other items, that together they may be able to purchase. So, you know, the reasons for unions are complex. And members need to take that into account when they're voting, whether or not to join a union. Nothing about this bill makes a union happen. That has to happen by the PCAs or the childcare -- family childcare providers voting on it.

Through you, Mr. President.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Thank you, Mr. President.

Mr. President, nothing that I am reflecting is indicating that I don't believe unions are good or bad. I think the issue is with respect to this bill. If those constants occur, I'm just trying to think of why the bill is necessary, if the issue is that the wages have a cap, by virtue of the federal government, and you cap certain things.

Next question to the Senator, it's -- walk me through how this bill, in the event that they do unionize, and in the event there are membership dues or membership payments made, from what -- how -- are those paid out of the personal care assistant's pocket, from the State, or the Medicaid fund?

Through you, Mr. President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Mr. President.

I believe, that -- that the union -- that the members of the union decide how that happens. But most often how that happens, and as it is, I believe, most likely to happen in this case, is that because the payment comes from the State, that those dues would be automatically deducted from their reimbursement.

And -- and just to be clear, it is only those wages paid by the states that -- that state that is subject to those dues. So a family childcare provider might have one Care 4 Kids child and another child whose parent is paying full fee. Only the Care 4 Kids fees are subject to the union dues.

Through you, Mr. President.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

And through you, Mr. President.

If it is paid by virtue of the State, vis-a-vis the Medicaid program, would -- would you know whether or not you would need federal approval to use Medicaid dollars for that particular payment?

Through you, Mr. President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Mr. President.

I am not sure of that, Senator Fasano. I'm sorry.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

I thank Senator Bye for that answer. And I thank Senator Bye for the questions. Thank you very much.

Mr. President, it is my view that there are -- this is a complicated matter. But more importantly, I do believe that we need to look at personal-care assistants. And I do believe personal-care assistants may need a bump, given the circumstances for which they do. And that's easily remedied by simply having a bill in front of us that provides that we should do it.

I haven't seen a bill ever in the ten years I've been in front of this Legislature to say we need to give them a boost up. We've talked about doctors. We've talked about nurses' pay. But I haven't seen one bill in front of this Chamber that says anybody's who ever interested in doing that until it came time to throw it in after an executive order by the Governor to say we're going to let them unionize.

I could see if they came up here or there was a bill brought up here to increase wages and this Legislature said, no. And the House said, no. And it had no legs, no sympathy, no empathy and it went down in flames. Then I could understand perhaps this type of method. But that is not the case. That is not the case.

In addition, I am very confused, because the cap that put you into a community facility and nursing home is individually based. So how could you negotiate wages with everybody, if some would be over the cap and some would not be over the cap?

The whole purpose of PCAs is to allow people to have their individual care and direct their individual care. And this is doing the complete opposite. This is completely in the face of this individual care. It would not surprise me, if this goes forward, we'll be back taking everything we did back because it has violated federal law.

Mr. President, for those reasons, I'll be voting against the bill.

Thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

Will you remark further?

Senator McKinney.

SENATOR McKINNEY:

Thank you, Mr. President.

I think, the more time I spend learning about these issues in this bill the more confusing it can be. So you try to pull back and just try to see if you can simplify it. And -- and when I pull back, I remember a meeting -- I don't remember whether it was last year or two years ago -- when I met with a group downstairs in the second floor of family childcare providers, personal-care attendants, and had a conversation with them about what they do and what they get paid. And it is surprising and -- and unfortunate at some of the low wages that are paid.

And then you understand the importance of having a home care model. The importance, especially, of moving our seniors out of nursing homes into home-based community care. And if you don't have the work force to take care of them, you're not going to be able to have that model work.

So I -- I think there's a general agreement and understanding that the work that these people do is important. The wages that they tend to get paid are not good enough. And that that work force needs to be well trained and well paid to increase and take care of the demand that we have.

I think the issue became more political and more controversial, quite frankly, when the Governor signed Executive Orders 9 and 10. And reading e-mail exchanges between officials in DSS, including the commissioner and the deputy commissioner and the Governor's office and OPM and the Governor's office, I'm actually stunned that this Governor, whether he had the power to or not -- and I don't think he did --

but stunned that he would sign those executive orders rather than this legislation.

This legislation, as I read it, has a requirement that services cannot be cut. And I think Senator Bye has affirmed that in the debate tonight. Nowhere in the executive orders was that in there. And when you read what -- when you read what our DSS and the commissioner's office wrote about the executive order signed by the Governor in August, before he signed them in September, in one instance DSS wrote, I'm concerned that conceptually that this is impacting -- this being Executive Orders 9 and 10, which is what we are doing in this bill -- is impacting the employer authority inherent in self direction under the Medicaid waivers. If you don't have self direction, you don't have a Medicaid waiver.

Clients set the pay scale up to a maximum allowable, determined schedules and train PCAs on how they want things done. This order would seem to presume a number of conclusions that may not be supported by any evidence -- any evidence.

In a follow-up e-mail -- and maybe many of my colleagues have seen these e-mail exchanges. I don't believe the people at home I have. And so for those watching, I think it's important. In a follow-up order, the deputy commissioner of DSS said if the intent is to allow PCAs to unionize, and presumably bargain for higher wages and benefits -- and quite frankly, let's put the unionization piece away for now because that's not relevant. The relevance is if we're going to pay these people more with higher wages, should we not point out that this will have any impact on the amount of services the person with disabilities can receive? Our waiver has cost caps. Right?

So it is the conclusion of the Department of Social Services that if wages and benefits are raised for personal-care attendants, one of two things will happen as a result of the Governor signing the executive orders. And this is the advice and conclusion of DSS before he signed the executive orders. That people with disabilities who depend on PCA services to live successfully in the community

will get fewer hours of service within allowable waiver parameters. Or we'll have to increase Medicaid and general fund spending to account for higher wages, as well as maintain the same level of service to the clients.

And the last e-mail is interesting because it's from OPM. And OPM concludes the following: "If wage and benefit increases occur and cost caps remain constant, some consumers will not have enough hours to stay in the community. If wage and benefit increases -- increases occur, and cost caps remain constant, some consumers will not have enough hours to stay in the community."

Is that the result that we want? Or under Money Follows the Person, they won't have enough to transition to the community. Is that what we want?

OPM also talks about the Connecticut home-care program for elders, and says that there are about 240 individuals utilizing PCA under the Connecticut home-care program for the elders. Some -- they don't have a number -- but some will have fewer hours of care available to them as a result of an increased hourly PCA wage.

All of that information was given by the Department of Social services, including the commissioner and the deputy commissioner and OPM to the Governor. And he still went forward and signed the executive orders.

And then we look at the bill before us which, in many ways, codifies those executive orders, but has one important -- at least, I think, one very important change. It says you can't diminish services. It can't happen.

Well, as I understand it, we know that there is -- we know that there is one bar. And that if wages are increased and services can't be diminished, our entire program cannot cost more than our program for nursing homes, or these individuals would not be allowed to be cared for under the Medicaid waiver. They'd have to go back into a nursing home. But beyond that, we

measured on individual -- by individual and their needs.

So the question is, can we give these individuals, these personal care attendants and family childcare providers and the like, can we increase their pay? Can we increase their wages? We know we can, up to the point where the cost doesn't exceed that of the nursing home, if they're not part of a union. And the answer is, yes.

The next question is, well, why haven't we done that? And the answer to that question is why we're here. The answer to that question is why we're here. Why haven't we done that?

I watched the debate in the House. I've listened to the debate tonight. And I've heard members down in the House and members here say that, for years, we've been trying to get pay raises for childcare workers. For years we've been trying to do it. Governor Rowland didn't do it. Governor Rell didn't do it. Blame them. The Legislature didn't do it either. I'm part of that Legislature. I'll take the blame. Quite frankly, I point the blame at those in charge of the Legislature. Why haven't you done it?

And then we get to the answer, well, the reason why we haven't done this is because these people don't have a voice. They don't have a voice. What does that mean? Did we not know they existed? Of course we did. We've had members say they've been trying to get them raises for years. But the will of the Legislature was not there to give them a raise. Why?

So if this bill passes, and they collectively bargain and they ask for higher wages, that has to come back to the Legislature, and we have to approve of that contract. Why would we a year from now be willing to give them more money if we're not willing to do it now, or we're not willing to do it last year, or we weren't willing to do it here before? What is the difference between doing it right now and doing it a year from now?

I would submit to you, one, a year from now, they're part of a union. Today, they're not. How can you

stand up and say I'm not willing to give them money now, I wasn't willing to give them money last year, I haven't been willing to give them more money for the past 15 years, but a year from now, we're going to give them more money? That's exactly what we're saying in this bill.

They don't have a voice. What have the 36 of us been doing? They don't have a voice. What have the 151 members down in the House been doing?

Senator Bye said it, and I respect her and I appreciate it. Senator Fasano asked, what's the purpose of the bill? And I wrote it down word for word. Quote, the purpose of this bill is to give them a unified voice, unquote.

I don't have a problem with unions. I don't have a problem with collective bargaining. I want our teachers to have the rights to collective bargaining because I don't want them on the picket lines striking. But when we can give them a pay raise now, why don't we? Why are they more worthy of a pay raise when they have a unified voice, i.e., codeword, part of a union?

Legislators haven't gotten a pay raise in 20 years. Maybe we need to unionize, too, and we'll get a pay raise. Food for thought, quite frankly.

So, Madam President, let me be clear. The work that these people do is important and extraordinary. I have a 104-year-old grandmother. She has 24 hours, 7-day-a-week care at her house. It's not cheap. And her quality of life is extraordinary because of the work of those people. They've become part of her family. They've become part of our family. At some holidays, when we're all there, they're there.

I do have an amendment I want to offer, but I want to say one last thing to finish my evolution. Because when I talked about that meeting with some of the childcare workers and some of the personal care attendants and realizing the hard work that they do and the low wages that they get, I, quite frankly, didn't have any problem with the idea of them getting more wages.

And if the only way they could get more wages is to unionize, I don't know if that would be a mistake either, but it just doesn't make sense that that's the only reason why we'd have to give them more wage. But then I met people like Cathy Ludlum and the gentleman over in the corner. And every reason we were told we needed this bill, and every reason we were told we needed the executive orders, the individuals who need that care, who have that care, who rely on that care said that's wrong. That's wrong.

We were told we need this because we want these people to be trained. And Cathy Ludlum talked before the hearing and said, no, I like to train the people. We like to train the people. Oftentimes, the people that come trained before we get them aren't as good providers.

We were told that if you don't do this you might get larger turnover. And she said, that's not a problem for me with turnover. But I will tell you that these people become like family. It's a relationship. And for some people who have other opportunities to go on and do other things, she said, I tell them to go do it.

So it seems to me that here we are as government, saying to people like Cathy Ludlum, who are extraordinarily courageous people -- extraordinarily courageous people who have needs and things that need to be cared for. We're saying we know how to care for you better than you do. That's really what we're saying. And that struck me so amazing, that the person who we care about, the person who we want to have taken care of, that person with disabilities in a wheelchair, we're saying we know how to care for you better than you do.

Because to a person, they don't want this. Does that have any impact or mean anything to anyone? I -- for me, that trumps all else. When I met with some of these people, when I listen to Cathy and talked to them and they pleaded with me about how this was not the right way to care for them, how they liked the system the way it was, how it worked for them, that trumped everything else, and my entire position on

this changed.

And I can't believe we are here again, with good motives to get people who work hard and do important work more money, doing it in a way that goes directly against what the people who are cared for want.

Madam President, I believe the Clerk is in possession of an amendment, LCO Number 4626. I ask that he call the amendment.

(The President in the Chair.)

THE CHAIR:

Mr. Clerk, 4626, please. Would you call it?

SENATOR McKINNEY:

I'm sorry, Madam President.

4726.

THE CHAIR:

I'm sorry, 4726.

THE CLERK:

LCO Number 4726, Senate "A." It's offered by Senators McKinney and Fasano.

THE CHAIR:

Senator McKinney.

SENATOR McKINNEY:

Thank you, Madam President.

I move adoption of the amendment and seek leave to summarize.

THE CHAIR:

The motion is adoption.

Will you remark, sir?

SENATOR McKINNEY:

Thank you, Madam President.

Madam President, this amendment would appropriate the sum of $13 million to the Department of Social Services from the general fund for the fiscal year ending June 30, 2013, or another way of saying that is for the fiscal year beginning July 1, 2012, to increase the subsidy for family care providers providing childcare services under the childcare subsidy program.

It would also, Madam President, appropriate the sum of $2 million to the Department of Social Services to establish training programs for family childcare providers, personal care attendants.

Madam President, also, I fail to mention that the $13 million is not just for childcare providers. It also is for consumers receiving services from personal care attendants under a state-funded program.

Ladies and gentlemen, this amendment is exactly what Senator Bye said she's been trying to do for the last X number of years. This amendment is what many of the people in the House and others in the Senate have said they've been trying to do but couldn't do because they didn't have a voice or a unified voice.

Well, why don't we speak with a unified voice? Why don't we say that we believe that family childcare workers and personal-care attendants should be paid more?

As I understand the underlying bill, Madam President, what will happen is there will be a process of unionization. That union will represent them in collective bargaining. They will reach a collective bargaining agreement. The hope would be that collective bargaining agreement would increase wages for family childcare workers and personal care attendants. And then they will come to the

Legislature and say approve the wages.

So, we have two ways of doing this. Way number one, which is before us right now, says we're going to pay these workers more money. Way number two -- and we're going to pay them that money now, starting fiscal year 2013 which starts on July 1. So way number one, we're going to pay them more. We're going to pay them more starting right now.

Way number two is they're going to unionize. They're going to engage in collective bargaining. They're going to reach a deal which will have them get paid more. They will then come to the state and we will vote to approve that contract which pays them more.

Now, I don't think you need an advanced degree in mathematics or political science or any other subject matter to agree that way number one seems to be a lot quicker and a lot easier and more effective and more efficient.

I'm not sure I understand what the argument is going to be against my amendment. I'm sure there will be one made. But, Madam President, this is the easier way to do it. This is the right way to do it. And for all those who've said we've been trying to do this, then let's do it.

I don't -- I don't care what happened last year or the last ten years, the last 15 years. Blame whatever Governor you want. Blame whatever legislator or all of us you want. Who cares? We're here right now, May, 2012. Do you want to vote to give them more money now, or do you want to vote on the union process for collective bargaining where a year or so from now they come back and then we vote to give them more money?

So money now, we vote for it or we wait and they come back, collective bargaining a year from now and we vote for money for them. Either way, we're going to be in a position where we're voting for more money for them. The difference is we can do it right now. We have the money to do it. Yes, our budget situation is tenuous. Whether you want to call it a spending problem or a revenue problem, it doesn't matter. The

reality is, in the fiscal year to '13 budget, the money is there.

Madam President, with that, I would urge adoption of the amendment, and ask that when it be taken, it be taken by roll call. Thank you.

THE CHAIR:

Thank you.

Will you remark?

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, I would urge rejection of the amendment. I believe that the bill will provide more long-term benefits for the workers in this category rather than the short-term increase provided for by the amendment.

THE CHAIR:

Thank you.

Will you remark? Will you remark?

Senator Welch.

SENATOR WELCH:

Thank you, Madam President.

I rise in support of this amendment. I do want to thank Senator McKinney for his logical, passionate, moving argument. And I want to thank him for putting forward what I think, to me, at least seems to be the right solution.

This is democracy. Our constituents have spoken. We have listened. We don't need an intermediary or a mediator. We're responding. And with that, I would encourage the members of the circle to support this

amendment.

Thank you, Madam President.

THE CHAIR:

Thank you.

Will you remark?

Senator Boucher.

SENATOR BOUCHER:

Thank you very much, Madam President.

I rise to support the amendment. In fact, the amendment is right in line with my previous comments earlier this evening regarding this bill when we talked about the fact that the State of Connecticut is currently responsible for the -- the -- the amount of pay that we provide for those providing those services in the home or in locations where most vulnerable citizens reside.

And that it is completely in the purview of the State to do so, without adding another layer in that process that would actually take away and cost the individuals that are receiving those funds that are providing the care to our most vulnerable citizens.

So this makes perfect sense. It is putting our money where our mouth is, so to speak, and doing what we were charged to do to begin with, rather than again, creating another layer -- creating another intermediary between the State and the very program that the State is funding, that it created, because they saw a need that everyone supported and believes in and feels that it is the right thing to do.

This bill does then, essentially, give the State the responsibility, and it's a direct connection between those of us that are legislators that would have to approve this, in any event, but would take a great deal more time to provide more funding for those critical programs. This would shorten that process, would also be able to send the message that we have

the funds to do this, that we care to do it, and, in fact, this whole process of unionization was really not valid. That -- that, in fact, this is what the program was originally intended for and, in fact, should be done.

And so I strongly support this amendment. I think it is absolutely common-sense approach to it, and provides much-needed support to the very people that deserve that support and still allow them to have that close relationship between the provider and the individual that's receiving the services.

Thank you, Madam President.

THE CHAIR:

Thank you.

Will you remark? Will you remark?

Senator Frantz.

SENATOR FRANTZ:

Thank you, Mr. President.

I'll be honest with you and I'll admit to you I didn't know this amendment was coming up tonight.

I had referred to this in my previous remarks. I don't think you were here. But if we are genuine as a body, a legislative body, in terms of compensating people at a fair and appropriate levels for this kind of work, this amendment makes infinite sense.

I honestly didn't know it was coming up. And I am hopeful that in the one or two of the remaining 17 or 18 amendments, not all of which will get called, but there's another one that may be addresses some of the other concerns that have been voiced before by those in support of the underlying bill, which is to raise the standards of -- and the conditions under which these individuals work. And I'm hoping that that may be in our future.

This makes infinite sense because, if at the end of

the day our genuine concern is to make sure that we're compensating people at the appropriate levels to do this very difficult work and specialized work, this is one that achieves that. I want to thank Senator McKinney for bringing it out.

And thank you, Madam President.

THE CHAIR:

Thank you, Senator Frantz.

Will you remark?

Senator Fasano.

SENATOR FASANO:

Thank you, Madam President.

I want to support the amendment. In addition, I want to say, don't forget what this does provide is immediate relief, not contingent relief. Under the bill that's in front of us, it is contingent. It is, one, that the bill goes through; two, the Governor signs it; three, that there some sort of organization; four, there's bargaining unit negotiations; five, they agree to it; six, they come back to the Senate and the House to have us approve it and then it goes on from there.

That is something that's futuristic and unknown. But, however, right now today, this instance, this moment, we can deliver the relieve that is sought, paying these people more money.

Thank you, Madam President.

THE CHAIR:

Thank you.

Will you remark? Will you remark?

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

Briefly, I, too, rise in favor of this amendment. If you remember back in my comments or questions, actually, through you to Senator Bye, we talked about -- I think we disagreed actually, but we did talk about what we pay these individuals through these programs. And it was debated whether it was $3 an hour or $8 an hour or $22 an hour or whatever it may be. But, certainly, Senator Bye and Senator Prague both said that we need to give these individuals more money. I heard it over and over and over that we need to help these individuals make a better and more fair standard of living.

Well, I thank Senator McKinney for providing us this amendment because it does just that. So not to coin a corny phrase, but put our money where our mouth is, but this is certainly doing that by helping those individuals earn what the very body is claiming the underlying bill is to be for.

Thank you, Madam President.

THE CHAIR:

Thank you.

Will you remark?

Senator Suzio.

SENATOR SUZIO:

Thank you, Madam President.

I rise to support the bill, or the amendment, I should say. It does achieve what I think are the compassionate motives of the proponents of the bill, which is to enhance the compensation of the PCAs.

And I would suggest, since I heard Senator Looney express that he didn't think that the proposal would provide the same long-term benefits as in the underlying bill, that in the event that this amendment is not acceptable, that we develop an amendment that

would not only provide for enhanced compensation, as Senator McKinney has suggested, but also perhaps an amendment that would incorporate training, maybe provide for an office of advocacy for the PCAs, and the development of a PCA database, which would cover the other benefits which I perceive are intended with the bill.

And that would be totally comprehensive, something effective immediately, something that could be done for far less money than the cost of the underlying bill's benefits. So I hope that we will join in supporting and passing Senator McKinney's amendment. But if we should fail, then I think we -- we develop an amendment that will accomplish the long-term benefits that Senator Looney was referring to.

Thank you, Madam President.

THE CHAIR:

Will you remark? Will you remark?

Senator McKinney -- oops, I'm sorry. Senator Kelly.

SENATOR KELLY:

Thank you, Madam President. I have a couple questions, through you, to the proponent of the bill.

THE CHAIR:

We're on the amendment, sir.

SENATOR KELLY:

I understand, Madam President, but this is germane to the amendment and to the payment of the PCAs.

THE CHAIR:

And since -- with all due respect, right now, we do not have -- oh, we do have -- the proponent of the bill is not here, but will you accept Senator Bye as responding to --

SENATOR KELLY:

I certainly will.

THE CHAIR:

Senator Bye, the Senator Kelly has some questions that really are for the underlying bill, but are connected to the Senate Amendment "A" that's in front of us. Will you accept?

SENATOR BYE:

I would be pleased to. And I apologize for not being at my desk when you called me, Madam President.

THE CHAIR:

No problem, ma'am.

Senator Kelly, will you proceed, please?

SENATOR KELLY:

Thank you, Madam President.

And thank you, Senator Bye, for your explanation earlier. I've been listening to the answers to the questions and they've been very apt and to the point, and I hope it will continue right now.

The question I have is that we heard, in opposition to the amendment, that this is only for a quick fix but that there's long-term benefits going forward, and that the unionization of the PCA workers is going to help them earn a higher living going forward or get a pay increase.

Presently, there's a bill pending, Senate Bill 30, which deals with medication administration. And there's a $10 million savings with regards to permitting nurses to delegate that authority to unlicensed but trained personnel and, in this case, personal-care assistance. How is that going to increase their -- their pay?

Through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President.

I'm afraid -- but I have not run into that bill. Now, I've heard about it on the side talking to Anne Foley from OPM, but I'm not totally familiar with that bill.

Through you, Madam President.

THE CHAIR:

And Senator Kelly, can you hook that also? There is no answer at this time, but can you also hook it to the amendment, please?

SENATOR KELLY:

Sure. The next step, once again, what we're talking about is -- I heard Senator McKinney is talking about giving immediate relief to a class of employees today. We can do that. I heard the -- the opposition to that amendment, that there's some sort of long-term benefit that's going to purportedly come in the future.

There's another section to Senate Bill 30 where the Governor proposes a $10 million cut, which is 10 percent reduction in Medicaid reimbursement in the same program. And my question is, how can we promise future benefits to employees when we're cutting $20 million out of one area of the benefits that they'd be entitled to or they'd be trying to get? It seems inconsistent.

We could give them something today under Senator McKinney's amendment, but the opposition is saying that there's this benefit you're entitled to in the future, but there's a $20 million cut coming. It doesn't seem consistent.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President.

I don't believe that the question is related to the amendment, but I'm happy to answer questions related to the amendment if the Senator has those.

THE CHAIR:

I guess, Senator Kelly, if you can clarify again or try to clarify a little bit more how this relates to the amendment in front of us, sir, I'd appreciate it.

SENATOR KELLY:

Well, I'll just state my case and then we can move on.

THE CHAIR:

Thank you, Senator Kelly.

SENATOR KELLY:

Thank you, Madam President.

Many times when I'm in my district and community, people say to me where's the common sense? I hear it all the time. And we have an amendment before us that can give immediate relief for individuals, who I heard testimony and discussion this evening that needed this relief. That for the past 15 years have not received that benefit.

But it seems inconsistent, from where I'm sitting, with knowledge of -- of initiatives like Senate Bill 30, where we're looking to save money in the home-care program that Senator McKinney talked about, that we know the bill is going to increase costs, yet we're seeking savings of up to $20 million.

And part of the savings is to cut a Medicaid reimbursement rate of 10 percent. That's the line item that's going to be used to pay these individuals. So it seems inconsistent that we can give immediate relief today but we don't want to because tomorrow the

long-term benefit is going to be there.

But the knowledge that I have, not -- not being here for 15 years prior, so I can't speak to that but what I can speak to is the prior two years. And in the prior two years, the last two years, I've seen a constant reduction in home-care services. They're constantly under attack and threat.

You look at Alzheimer's respite, elderly nutrition. These programs, on a -- on a yearly basis, seem under attack. But we're saying, don't vote for this amendment and let's not give immediate relief to these individuals who -- who do fantastic work for our population doing a daunting task.

And were not going to give it to them today because there is the hope of long-term benefit. Well, I mean, I learned from my grandparents and my parents that a bird in the hand is worth two in the bush, and that's what we have before us. We have the bird in hand or tomorrow's two in the bush. I've been always taught to take the bird in the hand.

Thank you, Madam President.

THE CHAIR:

Thank you, Senator Kelly.

Senator McKinney.

SENATOR McKINNEY:

Thank you, Madam President.

Just in closing on the amendment, I wanted to respond to the objection by Senator Looney that this -- the underlying bill provides a better long-term solution because I think that brings up why we haven't given these workers pay raises in the past. And I guess his answer is it's going to be easier to give them pay raises in the future.

Now, you know, some would say, and I understand that the -- the membership in the union provides more than just wage increases. It's not necessarily free

because there's a due -- dues that would have to be paid, and the State will pay the dues for those who aren't members of the union. This bill does not force them to be part of that union. But there's a cost to the State for that, which means that there will be other things that we won't be able to afford.

But it brings up the point that year after year after year, we approve collective bargaining agreements by not voting on them. So I guess I would concede this one point to Senator Looney. That if it's easier to get pay raises -- that it is probably easier to get pay raises by not voting on something than it is to have to vote on it. And if that's what they could Senator meant, and it's my interpretation that this is longer-term, because this is a one-time shot for more money. And we would have to come back and vote again to give them more money when the time was appropriate versus, if they have collective bargaining, they reach an agreement and we never vote on it. That's what we do. Right? That's what we do.

When is the last time we voted on a collect -- we approve pay raises and other benefits through collective bargaining by not voting on them. That's how we operate. So I guess I would concede, when they good Senator says this is longer-term stability, I guess if you -- if you understand the way we operate, it's easier to approve of a pay raise by not voting for it. I'm only going to speak for myself because that's all I can do. I'm embarrassed that we do that.

The Governor stood before us when he was first elected and said you should be held accountable. You should vote for these things. Now, regrettably, he didn't live up to that when it came to the SEBAC deal, but he was right when he said it.

I've even heard as late as this past week -- not heard -- excuse me -- I've even seen reported in newspapers, as late as last week, colleagues in this Legislature talking about how we don't have the money to spend on other things because of some of the collective bargaining agreements.

We've seen controversy over whether certain state police and other union members should have gotten pay

raises, and how that may not be fair, and how that may limit our ability to spend money on other places. Because that's what we like to do, isn't it?

We like to say, I'm sorry, constituents. we can't afford that because of all these other contracts out there. I didn't negotiate them. I didn't even vote on them.

It is, again, my opinion, such a phony way of doing business. And so I would say to all of you, I don't know whether I'll be back here after the session. We all -- we -- none of us know that. And I don't know when, if this bill becomes law and there's a collective bargaining agreement and it comes before the Legislature, but if that is what happens I would say to you, please bring it up for a vote. Please bring it up for a vote, because that's the only difference between what we're talking about here.

This requires an affirmative vote for us to say we want to pay you more. And I, for the life of me, don't understand why that is so difficult. Why it is so hard, why we constantly shirk our responsibility, why we constantly don't want to hold ourselves accountable by voting for things.

One of the things that amazes me in other bodies around the state, a lot of my local communities too, if you go to a representative town meeting in Fairfield, they, you know, here it's yes or no. In local communities, it's, yes, no, abstentions. I've never figured that one out. I understand recusals, but I don't understand yes, no, I don't want to vote on it, you know, or yes, no, maybe. Or how many times have we heard in committee, I'll vote for this now or I'll vote for it because it's a work in prog -- no. You vote yes or you vote no. That's why you run for office. That's why we have a democracy and a Representative democracy. So people can elect their leaders and their leaders can go to their government and they can be held accountable to vote yes or no.

So our way, my way, the way I'm proposing is that we have a vote and we stand up and we say we want to vote to give them more money or we don't. And your way is let's have them come back later with a collective

bargaining agreement and we will not vote on it. We will not vote on it.

And when budget times get difficult and we can't afford to do some of the things we want to do, we will then blame that other agreement over there that we didn't negotiate and we didn't vote on.

Why do you run for office if you don't want to vote? That's what I ask myself all the time. So I don't believe that the underlying bill provides long-term benefits more than this does. If we, as a Legislature, are willing to stand up and say that childcare providers and personal-care attendants who are making 8 or 9 or 10 or 11 or 12 dollars an hour should get paid more for the very important work that they do.

For the fact that because they do what they do a lot of things happen to the betterment of society. First of all, our loved ones are cared for in home, in their community. That's better than in an institution or in a nursing home. No disrespect to that, but it's better for so many people. It provides us a benefit because, as we know, we get the federal Medicaid waiver because it's less expensive. And it's not often in government when you can actually do the right thing, the better thing, and it costs less money.

So if we all agree that they work hard and they provide a valuable important service to not just the people that they care for, but for all of us as well, as a society, why wouldn't we stand up and say let's pay them more? Why would we wait until some point in the future.

And if Senator Bye is correct, and I think she is, when she said this is about giving them a unified voice, I would argue that 36 state senators unified as a voice is pretty good.

Thank you, Madam President.

THE CHAIR:

Thank you, senator.

Will you remark? Will you remark?

If not, Mr. Clerk, will you call for a roll call vote and the machine will be open on Senate "A."

THE CLERK:

Immediate roll call has been ordered in the Senate. Senators please return to the Chamber. Immediate roll call has been ordered in the Senate.

THE CHAIR:

Have all members voted?

If all members have voted, the machine will be closed and the Clerk will call the tally.

THE CLERK:

Senate Amendment Schedule "A" for House Bill 5312.

Total Number voting	34
Necessary for adoption	18
Those voting Yea	14
Those voting Nay	20
Those absent and not voting	2

THE CHAIR:

The amendment fails.

Will you remark? Will you remark?

If not -- I'm sorry?

Oops, sorry, Senator Markley.

SENATOR MARKLEY:

Thank you, Madam President. No need to apologize.

Madam President, Senator McKinney's comments about the need to have positive legislative action lead to an amendment, which I believe the Clerk has. If he were to call LCO Number 4142.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO Number 4142, Senate Amendment Schedule "B," offered by Senator Markley.

THE CHAIR:

Senator Markley.

SENATOR MARKLEY:

Thank you, Madam President.

I move adoption of the amendment, ask that the reading the waived and beg leave to summarize.

THE CHAIR:

The motion is on -- on adoption.

Will you remark, sir?

SENATOR MARKLEY:

Thank you, Madam President.

As I said, Senator McKinney was mentioning in his comments that the importance, procedurally, of having positive action on the part of the Legislature. I'll say as a -- again, my occasional references to my previous life here, that I don't know if the law was actually different but we certainly voted on every union contract that came before us and pretty much approved every one of them, even with a large Republican majority. But it seems to me to be an act of legislative negligence not to do so.

So this amendment would say that rather than have the procedure that if no action is taken within 30 days, the contract is approved automatically, that the contract has to have a positive vote in order to be approved.

I think it's something that the Governor made an issue in his campaign and is something that the Legislature should be doing. I certainly feel myself that it's something we ought to be doing. And here, we have a chance to do it in reference to a particularly -- to a topic which the length and fervor of the discussion tonight has indicated is a -- is a topic of importance to us all.

So I would urge support from the body, and I would ask that the vote be taken by roll call.

THE CHAIR:

The vote will be taken by roll call.

Senator Suzio.

SENATOR SUZIO:

Thank you. Thank you, Madam President.

I rise in support of the amendment, though I do have a question for the proponent, if I may, madam, through you?

THE CHAIR:

Please proceed, sir.

Senator Markley.

SENATOR SUZIO:

Yes. Through you, Madam President.

Senator Markley, I understand in the original bill, basically, an action of either one of the houses that would decline the -- any kind of contractual arrangement would be sufficient in your proposal, if it were approved by one House and not by the other, would that -- what would the result be of that?

Through you, Madam President.

THE CHAIR:

Senator Markley.

SENATOR MARKLEY:

Thank you, Madam President.

I've found, previously, when questioned by Senator Suzio that one of the delights is I have no idea what he's going to ask me. And the problem is I'm not exactly sure what my answer should be.

I could, perhaps, answer that question if we could stand at ease for one moment.

THE CHAIR:

The Senate may stand at ease.

SENATOR MARKLEY:

Thank you. Thank you, Madam President.

(Chamber at ease.)

THE CHAIR:

The Senate will come back to order.

Senator Markley.

SENATOR MARKLEY:

Thank you, Madam President.

The answer suddenly has come to me. That it would have to be approved by both chambers for it to be deemed approved.

THE CHAIR:

Senator Suzio, is that the answer you wanted, sir?

SENATOR SUZIO:

Well, it was an answer.

THE CHAIR:

Thank you.

SENATOR MARKLEY:

I wasn't necessarily -- see, this just shows the public how intellectually honest these discussions are.

THE CHAIR:

No comment, sir.

Continue.

SENATOR SUZIO:

Well, again, I just want to say that I do -- I agree with the idea that we should be voting either in the affirmative or negative for any of these contracts, this one or any of the other contracts that we have with unions.

And I don't know why the Legislature has fallen into this habit of just letting things happen by being passive. But I think it's our responsibility to the public to either verify and ratify contracts that have been negotiated or reject them.

And so I strongly support Senator Markley's proposed amendment, and I hope that the Chamber and my colleagues will approve it.

Thank you very much, Madam President.

THE CHAIR:

Thank you, Senator Suzio.

Senator Bye.

SENATOR BYE:

Thank you, Madam President.

I appreciate the gentleman's work on this amendment. I urge rejection.

As I've stated several times, any change in appropriations needs to go through the legislative process, but not the other features. And I think that that's just fine. So I urge rejection.

Through you, Madam President.

THE CHAIR:

Thank you, Senator Bye.

Senator Roraback.

SENATOR RORABACK:

Thank you, Madam President.

I was confused by Senator Bye's answer. And through you, if I may, Madam President, to Senator Bye.

THE CHAIR:

Please proceed, sir.

SENATOR RORABACK:

Through you, I think I understood Senator Bye to say any change in the appropriations process has to go through the Legislature, but for us to vote up or down on a contract settlement isn't necessary.

And so I'm trying to understand, Madam President, if we -- my understanding is, when we let these things go, we kind of take away any ability we might have to factor in whether we can afford what's been agreed to.

And, through you, Madam President, to Senator Bye, does she has a different understanding of how this process works?

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President.

I was not as clear as I should have been in the interest of brevity, but I'll be more clear. So the section of the bill that this refers to, is stating that the -- so, basically, unlike other state employees' contracts, these contracts have special provisions in the case that it needs appropriations.

But the typical process, if it doesn't require appropriations, which is what this is referring to, those follow the typical state law and regulations. And they take effect unless rejected by the majority of either Chamber. So it's not entirely out of our hands. There is an opportunity to reject. So I apologize for my lack of clarity.

Through you, Madam President.

THE CHAIR:

Senator Roraback.

SENATOR RORABACK:

Thank you.

And I appreciate Senator Bye's answers. So the question I would have then is, why wouldn't we support this amendment? Because all this amendment does is require us to do our job.

Through you, Madam President, to Senator Bye.

What is it that would be objectionable about us taking ownership of the last stop in this process when the law says we can fudge and duck and hide or we can own it? And, through you, Madam President, to Senator Bye, what's the downside of us going on record, if she has an opinion on that question?

Through you, Madam President.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Through you, Madam President.

My answer to that is that there is established state laws around what happens after contracts are adopted. And in the case of these two PCAs and family childcare workers, there was great concern in hearings on these bills and from constituents that services would be reduced. And this Legislature said that is a legitimate concern. We don't want there to be fewer children served by childcare or we don't want reduced services for people who rely on PCAs.

So in the case of the appropriations, because we don't want to reduce services, we're going to make a special exception for them. But for the other parts of negotiations, we are going to follow the long-established process that we follow with contracts.

And so I -- my answer -- and it's not my amendment and the Senator is welcome to ask the proponent of the amendment if they have other questions about this amendment -- but my urging my colleagues to reject it is based on, we want to continue to work under established laws, except we also want to make sure that services aren't reduced. So I believe that, in its current form, the bill does those two things.

Through you, Madam President.

THE CHAIR:

Thank you.

Senator Roraback.

SENATOR RORABACK:

And, I guess, Madam President, if this -- if this process was borne of established state laws, there might be a (inaudible) argument why we should, at the end of the process, follow established state laws. But this process, at its inception, was anything other

than emanating from established state laws. It came from unprecedented executive orders that appear to have come out of the blue.

And much has been said, we're not attempting to make these individuals state employees, and yet, the argument against us going on record approving or disapproving whatever contract may come up is we want to treat these people exactly the way we treat contracts for state employees.

So I have a hard time squaring the circle, and I think this amendment is a good thing. Again, it's our job as legislators to have our fingerprints on public policy. And whether these contracts are good or bad, we won't know until we see them. But I think the public deserves for their elected officials to express an opinion, go on record, and I urge support of the amendment.

Thank you, Madam President.

THE CHAIR:

Thank you.

Will you remark? Will you remark?

If not, Mr. Clerk, will you call everybody for a roll call vote and the machine will be open on Senate Amendment "B."

THE CLERK:

There is an immediate roll call vote in the Senate. Immediate roll call vote in the Senate. All Senators please return to the Chamber.

THE CHAIR:

And he will also announce that there will be -- we're going to -- we have a few more amendments to go as quickly -- and we're going to quickly and we want to keep the machine open just for a short time. So please stay close to the Chamber. It's a request.

For those of you who did not hear the -- I'm going to

call the amendments as quickly -- and we're going to call votes as quickly as possible. So please stay close to the Chamber so that we can shut the machine down.

Thank you.

Have all members voted?

If all members voted, the machine will be close.

Mr. Clerk, will you please call the tally?

THE CLERK:

Senate Amendment "B."

Total Number voting	34
Necessary for passage	18
Those voting Yea	14
Those voting Nay	20
Those absent and not voting	2

THE CHAIR:

The amendment fails.

Will you remark? Will you remark? Will you remark?

Senator Markley.

SENATOR MARKLEY:

Thank you, Madam President.

On the -- continuing in the questions of the procedure involved in the approval of any contracts arrived at through the collective bargaining process in the underlying bill, one of the things that bill makes a particular point of is saying that any aspects of the contract once approved, in future contracts, no longer have to come before the Legislature, only the -- only the new sections or the changed sections would come back to the Legislature.

That's counterintuitive to me simply. It seems to me the contract, in each case, should be looked at as a

complete document. And certainly, if there's legislature -- legislative consent to the previous decision, there's no danger in bringing it before the Legislature intact with the earlier provisions included. And if there's any legislative concern, then the contract is, in its entirety, back before the Legislature where that concern can be expressed in debate or in a vote.

So I would ask the Clerk to call LCO Number 4143.

THE CHAIR:

Mr. Clerk, will you call 4143, please?

THE CLERK:

LCO Number 4143, Amendment Schedule "C," introduced by Senator Markley.

THE CHAIR:

Senator Markley.

SENATOR MARKLEY:

Thank you, Madam President.

I would move adoption the amendment, and ask that the reading be waived and beg leave to summarize.

THE CHAIR:

The motion is on adoption.

Will you remark, sir.

SENATOR MARKLEY:

Thank you, Madam President.

I accidentally already gave the -- the basis of my speech. But I guess I would conclude by saying, in response to the concern I've just cited, the fact that it seems to me preferable that the entire agreement be before the Legislature when it is voted on, this amendment would -- would make that stipulation, unlike

the underlying bill which only requires that changed sections come back before the Legislature.

I would move adoption of the amendment and ask that the vote be taken by roll call.

THE CHAIR:

A roll call vote will be had.

Will you remark further? Will you remark further?

If not, we will -- Mr. Clerk, will you call for a roll call vote and the machine will be open?

THE CLERK:

Immediate roll call vote in the Senate. Immediate roll call vote in the Senate. All Senators please return to the Chamber.

THE CHAIR:

If all members voted -- if all members voted, the machine will be closed.

Mr. Clerk, will you call the tally?

THE CLERK:

Senate Amendment Schedule "C."

Total Number voting	33
Necessary for adoption	18
Those voting Yea	14
Those voting Nay	19
Those absent and not voting	3

THE CHAIR:

The amendment fails.

Will you remark? Will you remark?

Senator Markley.

SENATOR MARKLEY:

Thank you, Madam President.

I have several amendments which concern -- those amendments both concern the relationship of the contracts to the Legislature. I would like to ask the Clerk to call LCO Number 4155, if you would.

THE CHAIR:

Mr. Clerk, will you call 4155, please.

THE CLERK:

LCO Number 4155, Senate Amendment Schedule "D," offered by Senator Markley.

THE CHAIR:

Senator Markley.

SENATOR MARKLEY:

Thank you, Madam President.

I move adoption of the amendment and ask that the reading be waived and beg leave to summarize.

THE CHAIR:

The motion is on adoption.

Will you remark, sir?

SENATOR MARKLEY:

Thank you.

Because of the executive orders, the union was created by a method unusual in -- which was by mail-in ballot -- mail-in request and a mail-in ballot both, not by in-person voting process.

That said, the union that was created, in a sense, was not a full union because it was not a union that had the right to collectively bargain for -- for its members. I won't say its employees, it's members.

And I think that in creating the full -- the full strength of collective bargaining for the union, it's proper that the procedure be the full procedure. So the amendment before us would make union elections for personal-care attendants and daycare providers by the normal statutory election process, which means an in-person vote as opposed to a mail-in vote.

And I think that it both encourages participation, it adds legitimacy to any organization which is thus formed. And I think it's a benefit both for the members, for the union itself, and for us, as legislators, to know that a full and transparent procedure has been used in the -- in the selection of the union. And I would move -- I would urge support of this amendment.

Thank you, Madam President.

THE CHAIR:

Will you remark? Will you remark?

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

Through you, a couple questions to the proponent of the amendment.

THE CHAIR:

Senator Markley, are you ready?

Senator Kane, proceed.

SENATOR KANE:

Thank you, Madam President.

Through you, to Senator Markley.

Earlier in the debate of the underlying bill, I think Senator Prague, in answering a question of Senator

Suzio, said that a majority of these individuals chose to unionize.

I guess my first question would be, do you know if that is the case?

Through you, Madam President.

THE CHAIR:

Senator Markley.

SENATOR MARKLEY:

Thank you, Madam President.

Senator Kane, I would say definitely is not the case. The number of -- the number of people voting was a small fraction of the total number of people even who were sent ballots. I guess I'd also add that the number of people that were sent ballots appeared to be a fraction of the number of people who were eligible for union representation.

But, in any case, when you take the number -- out of the ballots that went out, only -- only a small fraction of them were returned at all. Among those who voted, the vote was strongly for the union, but it still represented, I think, in -- in the case of the personal-care attendants, perhaps a little more than -- something near 20 percent of the -- of the total number who selected a union; for the family daycare providers, less than that.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

My understanding is that there would have been 20,000 potential participants and that 6,000 voted in favor. Is that your understanding as well?

Through you, Madam President.

THE CHAIR:

Senator Markley.

SENATOR MARKLEY:

You know, Senator Kane, I think there were -- I've seen the number of 20,000 for the total number of personal-care attendants. If I were to -- the best of my recollection, I believe something like 8,000 ballots went out. I think that less than 2,000 of those ballots were returned with either a yes or no on them.

So, at that point, you're talking of something less than 10 percent of the total number that the State itself suggested. In fact, it was in one of the LCO reports that the State itself suggested the total number of -- of people who would be unionized by this action, less than 10 percent of them voted at all, and a percentage of them voted against the representation.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

So, in the vote that took place, if a person does not vote at all, is their vote counted, or is it not counted or is it dismissed? Is it not included? How -- how did that work?

Through you, Madam President.

THE CHAIR:

Senator Markley.

SENATOR MARKLEY:

Thank you, Madam President, through you.

It's a two-step process in which the first step is

that a certain number of cards are returned in order to bring the election about. And that part of the process does require a threshold percentage of return.

It was the feeling of some of the people who received the ballots, that it was not clear to them that what they were being asked was whether they wanted to have an union election, but rather a more general question about their interest in participation in receiving benefits and so forth, but not necessarily unionization.

Once that threshold was made, ballots were then sent out. There was only one candidate for the representative union on the ballot. And so, essentially, any positive vote at that point would have been sufficient. So anybody who didn't vote simply wasn't participating, but it didn't -- they didn't -- they didn't count at all if they didn't vote. So even a very small number of returned ballots was sufficient to make the decision for the entire body.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

So your amendment, how does it change that process?

Through you, Madam President.

THE CHAIR:

Senator Markley.

SENATOR MARKLEY:

Well, through you, Madam President. Thank you.

It returns to the normal process which is required for unions in these cases, which is an actual in-person vote where, on a time certain, people in a -- in specific polling places show up like we all are

accustomed to.

And I think that it's -- it's a method which at least has the ratification of time and experience as being fair and open as a procedure. And, I think, also perhaps is more effective in terms of giving people a positive sense of what their choice is, including the ability to electioneer and discuss, to some extent.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you. Thank you, Madam President.

And is your amendment, the process by which you're suggesting, is that something that is in typical union bylaws or is that something in state law? Where -- where does that precedent in history come from?

Through you.

THE CHAIR:

Senator Markley.

SENATOR MARKLEY:

Thank you. Through you, Madam President, and thank you.

It is in state law, and I think has been long the way that state law required that a state employee union elections be conducted. I think there's been a move in recent years to do this mail-in kind of balloting. It's been a matter of controversy nationally.

And, in fact, this application, in the case of these two particular union elections, if I'm not mistaken -- and it certainly is not my area of legislative expertise, if, in fact, I have one -- but I think it's perhaps the first time that this has been put into effect in Connecticut.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

And when you say this is the first time that this process has been put into effect, is that something that would require legislation prior, or something that can be done without any input from the Legislature, or something even potentially against the current law?

Through you, Madam President.

THE CHAIR:

Senator Markley.

SENATOR MARKLEY:

Thank you, Madam President.

It's -- it's -- you bring me to an interesting point, Senator Kane, which is, in fact, it -- one would think it needed to be done by -- with legislative approval, but, of course, the entire process that we're discussing was done by executive order.

So the question of whether it was proper to be done by executive order is a part of the question of whether everything was done by executive order was, in fact, properly done. I would submit that it was not. And that one of the dangers of the executive order is the precedent of -- of method which was established in this particular election.

Through you, Madam President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

And I thank Senator Markley for his answers. Obviously, he has a great deal of knowledge on the subject, and I will be voting in favor of his amendment.

THE CHAIR:

Senator Markley.

SENATOR MARKLEY:

Madam President, may I ask that the vote be taken by roll call?

THE CHAIR:

A vote will be taken by roll call.

Will you remark? Will you remark?

If not, Mr. Clerk, will you call for a roll call vote and the machine will be open.

THE CLERK:

Immediate roll call has been ordered in the Senate. Senators please return to the Chamber. There's an immediate roll call in the Senate.

THE CHAIR:

If all members have voted -- if all members have voted the machine will be locked.

Mr. Clerk, will you call a tally, please.

THE CLERK:

Senate Amendment Schedule "D" for House Bill 5312.

Total Number voting	34
Necessary for adoption	18
Those voting Yea	15
Those voting Nay	19
Those absent and not voting	2

THE CHAIR:

Will you remark further?

Senator Markley.

SENATOR MARKLEY:

Thank you, Madam President.

THE CHAIR:

Oh, sorry. The amendment failed. Oops. Sorry. I forgot to mention that.

SENATOR MARKLEY:

Madam President, I -- your -- your sorrow is not apparent in your tone.

THE CHAIR:

You are correct, sir.

SENATOR MARKLEY:

Madam President, the Clerk is in possession of an amendment, LCO Number 4145.

THE CHAIR:

Mr. Clerk, will you call the amendment 4145, please.

THE CLERK:

LCO Number 4145, Senate "E," offered by Senator Markley.

THE CHAIR:

Senator Markley.

SENATOR MARKLEY:

Thank you, Madam President.

I move adoption of the amendment, ask the reading be

waived and beg leave to summarize.

THE CHAIR:

The motion is adoption.

Please remark, sir.

SENATOR MARKLEY:

Thank you very much, Madam President.

I'll also, as long as we're -- mention, I would ask that this vote be taken by roll call.

THE CHAIR:

So it will be taken by roll call, sir.

SENATOR MARKLEY:

Thank you.

Again, this is an amendment having to do with the relationship of -- of the workers to the union. And what it provides is that there be an election every three years to recertify the support of the workers for the union.

And let me say, this is prompted partly in relationship -- in response to an experience I had a couple months ago. After I became involved with this issue, I was approached by members of a state employees bargaining unit who had gone through the procedure which existed for them to ask for a new election -- to ask for a new election so they could choose a different representative.

And they felt that they had abided by the procedure specified for this. They had a window of time every August to do this. And they -- they came up in the month of August with the number of signatures that were required. But when they turned them in, they were told that because of the contract which was adopted, the SEBAC agreement, a change had been made which changed the deadline for the submission of these

names from the end of August to, I believe, it was the 22nd of August, which they were unaware of and, as a result, were unable to -- they were denied the opportunity to have a new election.

I always feel like there's nothing to be scared of about an election. Most of us that are here have won and lost them both and survived the experience. I was saying earlier this evening to Senator Gomes that I think I'm better off for having lost one some years ago, and maybe some others among us feel that way. Even a union might -- might benefit occasionally by the chastening that comes from defeat.

So this -- this amendment would hold that the union go to its members every three years and be given the opportunity -- those members be given the opportunity to pass judgment and the union be allowed the opportunity to make it's case to the people that represents, that it should go on representing them.

I can't see the danger of it, and I would urge adoption of it. And I thank you for the time.

THE CHAIR:

Thank you.

Will you remark? Will you remark?

Senator Bye.

SENATOR BYE:

Thank you, Madam President.

I appreciate the sentiment of the senator's amendment. What I would say is that, currently, a union can be decertified at any time if it's members contact the labor board, and then the labor board will assure that an election is held and majority vote holds. So it doesn't need to be every three years. It can be any time.

Thank you, Madam President.

For that reason, I urge rejection.

THE CHAIR:

Thank you.

Will you remark?

Senator Markley.

SENATOR MARKLEY:

Thank you, Madam President.

And briefly, in response to Senator Bye's comments. When I mentioned my involvement with this P4 bargaining unit, what alarmed me about it was that, in fact, I found myself before a -- a legal tribunal summoned by the labor board where -- with about 14 lawyers questioning me. I was talking before about the strange experience of being enmeshed in this legal process. I was questioned for two and half or three hours about the Legislature's understanding of the terms of the SEBAC agreement.

I answered almost no questions because virtually every question that was put to me was objected to by both employers and I felt very much like a spectator. Let me say, it was the kind of experience that eroded my confidence in the existing union procedure for reconsideration, and that -- that particular occasion is perhaps the motive for this amendment.

THE CHAIR:

Thank you.

Senator Suzio.

SENATOR SUZIO:

Thank you, Madam President.

I rise to support the amendment, and I think it addresses one of the issues that I had raised before in my dialogue with Senator Bye. And that is, how does a union situation like this get decertified?

And I agree with her that in the normal situation where workers are working in close proximity, usually in the same location, and if they, for whatever reason, become unhappy with their union, there's a natural proximity that promotes dialogue and discussion and organization to decertify the union.

But in this situation, we're not talking about anything that's even close to what a normal experience would be. We're talking about thousands of people working in thousands of locations that are not even close to one another sometimes. And so there won't be that normal communication that would occur by proximity. In fact, there may never be occasion for many if not most or all of these workers to talk with one another.

So I think, because of the extraordinary situation that we're talking about here, which is far from anything close to what a normal union situation would be, that some extraordinary procedures should be in place to, in effect, affirm that the union continues to represent the best interest of the PCAs and that they are in concurrence with that.

Otherwise, the process -- you can imagine how daunting the process would be if a PCA here or there felt very unhappy about the situation, but they become a captive of the situation because they have no means of ordinarily communicating with other PCAs who are fellow union members under the situation.

So, I think, because of the extraordinary circumstances that are involved here, that a procedure like this which would call for, in effect, affirmation of the fact that the union is representing the best interests of the PCAs and that they're -- they're in agreement on that, is an appropriate process to mandate here, and that it actually is in the best interests of the PCAs.

And from what I've heard of the proponents of this -- this underlying bill, that is their whole -- one of their major points. They want to serve the best interests of the PCAs. They want to make certain that they're well represented, that they have a voice. That's what I heard, that they're going to have a

voice. Well, it's pretty hard to have a voice if there's 20,000 of you spread throughout the State of Connecticut, one here, one there, one all over the place, and you have no means of getting together without extraordinary effort.

So let's give these people who will be union people, let's give them the opportunity to have a voice with respect to the union itself, and to confirm that the union is doing what it's supposed to be doing. And if it is, there's nothing to be afraid of. And if it isn't, then, again, the best interests of the PCAs, the people that we're advocating for here, would be served by having an affirmation process every three years.

So I hope that my colleagues around the circle and those on the other side of the aisle, so to speak, will be open-minded to this and recognize that union members do deserve an opportunity in a difficult situation to express their confirmation that the union is doing its job or not. And the extraordinary circumstances in this case warrant an extraordinary process.

So, again, I encourage my colleagues around the circle to vote for this amendment which will protect the rights of the union members, the PCA themselves.

Thank you very much, Madam President.

THE CHAIR:

Thank you.

Will you remark? Will you remark?

Senator Frantz.

SENATOR FRANTZ:

Thank you, Madam President. I stand in favor of the amendment and --

THE CHAIR:

Hold on a minute, Senator Frantz.

Are you on? Okay.

SENATOR FRANTZ:

I think so.

THE CHAIR:

Now I can hear you, sir.

SENATOR FRANTZ:

I stand in favor of the amendment. And the reason is that I think all of us can think of, in an instant, of numerous institutions, numerous programs, numerous other entities that cost money in the State of Connecticut that we would love to have either sun-setted or at least put up for a reevaluation.

As Senator Markley said before, there's nothing like total accountability, or also an election every so many years. We, as state senators, get the privilege of running every two years and -- as we do this year. And it is a wonderful, great thing because it keeps us all accountable. It keeps us communicative with the constituency that we are here to serve. And in the case of institutions, in the case of unions, in the case of any other program, it should have the same kind -- like, of accountability.

We know that we can't do that with the thousands of different programs that we have here in the State of Connecticut, but we can do it certainly would the most important and the largest ones that mean the most to Connecticut, particularly in the -- in the fiscal sense.

So, you know, using the logic of the underlying bill, we should see -- or could see someday doctors, because they accept Medicare members of a union. That's pretty frightening, in my judgment. We could see grocers, people who own grocery stores, either mom-and-pop grocery stores or large-scale chains, become members of a union because they accept food stamps.

Frighteningly, Madam President, we legislators, we state senators, because we accept public money, we could organize a union and be a member of that. I would certainly not be in favor of that, but if that did happen, I would be in favor of putting up not only each individual state senator every two years, I'd want to put up the whole concept of the -- of the State Senate being part of a union at least once a year, if not more often.

Thank you, Madam President.

THE CHAIR:

Thank you, Senator.

What about constitutional offices?

Will you remark? Will you remark?

If not, Mr. Clerk, will you call for a roll call vote and the machine will be open?

THE CLERK:

Immediate roll call has been ordered in the Senate. Senators please return to the Chamber. Immediate roll call ordered in the Senate.

THE CHAIR:

If all members have voted, the machine will be closed.

Mr. Clerk, will you call a tally?

THE CLERK:

Senate Bill Schedule "E" for House Bill 5312.

Total Number voting	33
Necessary for adoption	17
Those voting Yea	9
Those voting Nay	24
Those absent and not voting	3

THE CHAIR:

The amendment fails.

Now, Senator Markley.

SENATOR MARKLEY:

Thank you, Madam President.

The Clerk is in possession of an amendment, LCO Number 4233.

THE CHAIR:

Mr. Clerk, will you call 4243, please.

SENATOR MARKLEY:

Thirty-three.

THE CHAIR:

I'm sorry, 4233.

THE CLERK:

LCO Number 4233, Senate "F," offered by Senator Markley.

THE CHAIR:

Senator Markley.

SENATOR MARKLEY:

Thank you, Madam President.

I would move adoption of this amendment and ask the reading be waived and beg leave to summarize.

THE CHAIR:

The motion is adoption.

Will you remark, sir?

SENATOR MARKLEY:

Thank you, Madam President.

Let me mention while I have -- while I'm thinking of it too, that I ask again that this vote be by roll call.

THE CHAIR:

A roll call vote will be called, sir.

SENATOR MARKLEY:

Sometime I will have to ask, if I don't ask the reading to be waived, if indeed the poor Clerk has to read the amendment, something I've never witnessed.

THE CHAIR:

Yes, sir.

SENATOR MARKLEY:

This amendment has to do with the deduction of dues from the -- from the checks covering the various payments. And it would ask that -- it would stipulate that the dues could only be deducted from the state payment if that was agreed to in writing by the worker. Otherwise, it would be the union's obligation to collect from the union member directly.

And I think that there is a somewhat special situation in the case of these payments. After all, it's certainly -- in the case of the PCA, the check has not been paid directly by the state. Rather, it's a payment to the recipient of assistance, the employer of the personal-care attendant, to a fiscal intermediary who then passes the payment on to the PCA.

So it's not the typical situation where you have a corporation, say, cutting a check to an employee and - and deducting a union due as much -- dues much as they might deduct Social Security or any other payment. It's a different situation and I think it would suggest a different way of -- of removing the dues.

And in this case, again, as I said, it would say that

the deduction would be automatic only if the recipient specified in writing that it be deducted automatically.

So that is the gist of the amendment, Madam President, and I would ask the Chamber to support it.

THE CHAIR:

Thank you very much.

Will you remark? Will you remark?

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

A question or two to the proponent of the amendment.

THE CHAIR:

Please proceed, sir.

SENATOR KANE:

Thank you, Madam President.

Through you, to Senator Markley.

Is this amendment in regard to notification?

Through you.

THE CHAIR:

Senator Markley.

SENATOR MARKLEY:

No, Madam President. I would say it's -- the -- the purpose of the amendment would be to say that the worker would have to specify, in writing, that the deduction of dues from his paycheck be automatic, otherwise, there would be no deduction and the payment to the union would have to be made consciously by

the -- by the union member.

So it's not a matter of notification. It's a matter of whether the money has gone from your check before it reaches you.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

I understand now. So, basically, you're saying that you are, in writing, saying that you wished to have it taken out or that you wish to pay it on your own.

Through you.

THE CHAIR:

Senator Markley.

SENATOR MARKLEY:

Thank you, Madam President.

That's correct, and perhaps put better than I have managed to do in -- in my flailing.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

I thank Senator Markley for his answer. And I will be supporting the amendment.

THE CHAIR:

Will you remark? Will you remark?

If not, Mr. Clerk will you call for a roll call vote,

and the machine will be open.

THE CLERK:

Immediate roll call has been ordered in the Senate. Senators please return to the Chamber. Immediate roll call has been ordered in the Senate.

THE CHAIR:

Ladies and gentlemen -- ladies and gentlemen, if you could stay close to the Chamber. It is getting later and we'd like to keep the ball rolling.

If all members have voted -- all members voted, the machine will be locked.

Mr. Clerk, will you please call a tally?

THE CLERK:

Senate Bill Schedule "F" for House Bill 5312.

Total Number voting	34
Necessary for adoption	18
Those voting Yea	9
Those voting Nay	25
Those absent and not voting	2

THE CHAIR:

The amendment fails.

Will you remark?

Senator Markley.

SENATOR MARKLEY:

Thank you, Madam President. The Clerk is in possession of an amendment, LCO Number 4386.

THE CHAIR:

Mr. Clerk, 4386. Will you call it, please?

THE CLERK:

LCO Number 4386, Senate "G," offered by Senator Markley.

THE CHAIR:

Senator Markley.

SENATOR MARKLEY:

Thank you, Madam President.

I would move adoption of the amendment, ask that the reading be waived and beg leave to comment.

THE CHAIR:

The motion is on adoption of the amendment.

Will you -- will you remark, sir?

SENATOR MARKLEY:

Thank you, Madam President.

This amendment would stipulate that the dues be used to cover only the cost of negotiation and not other costs of the union. And let me say that I think there is a rationale for this, under the terms of the bill that we have before us, which so severely limits the scope of what the union can negotiate.

We're told very specifically in the bill that the union -- that these workers are not to be considered state employees, nor are they -- nor can the union negotiate on their behalf to receive state employee health benefits, state employee retirement benefits, or any other benefits that would accrue to a state employee.

A very specific, and to my mind, almost an odd and unnecessary carve-out, for -- for reasons which I've not fully understood but I haven't tried to question, nonetheless, it certainly limits severely the scope of the service that the union could provide to its employees.

I'd also say that there's evidence to say that the service that the union provides in a similar situation in other states has been very limited. Let me say, there's four states that have operated with personal-care attendants unionized and working with a workforce council along the lines that we have for five years or more.

And it's not clear in those states that the unionized employees have actually benefited from that experience. In California, the average wage is $9.98 an hour. In Massachusetts, slightly better than ours, at $12.48 an hour. In Michigan, quite poor, at $9.55 an hour. And that's with 2 and a half percent of the -- of the wages going to the union.

It's worth noting that, in Michigan, the union has been abolished for personal-care attendants. And in Oregon, $10.20, with an amount of money that has not been raised in five years. I think that, given the limited amount of benefit that I believe ultimately the unions can provide, holding the dues to the actual cost of the negotiation, the one service that they undeniably will perform, is fair and reasonable. And for that purpose -- for that reason I would urge support for this amendment.
Thank you.

THE CHAIR:

Will you remark? Will you remark?

Oh, Senator Boucher.

SENATOR BOUCHER:

Thank you. Thank you, Madam President.

Madam President, a question for the proponent of the amendment, if I can?

THE CHAIR:

Please proceed, sir -- ma'am.

SENATOR BOUCHER:

Yes. Thank -- thank you.

If -- if the good senator could -- a question was asked earlier this evening that did not get an answer. And the question was posed that -- is there any other state that has these kinds of unionized groups in the same way that Connecticut has? And the good senator alluded to Michigan.

Through you, if he would know the answer to that.

THE CHAIR:

Senator Markley.

SENATOR MARKLEY:

Yes. It's my understanding, Madam President, that Michigan is one of the four states I have in the information I have before me, which has had a workforce council and a union -- unionized employees for five years or more.

In Michigan, as I said, the -- the wage for personal-care attendants is $9.55 an hour. They pay 2 and a half percent of that to the union. They have no paid time off, no sick leave, no vacation time, no health insurance, and they receive no workers' compensation.

THE CHAIR:

Senator Boucher.

SENATOR BOUCHER:

Thank you for the answer, Madam President.

Well, it sounds like, from your calculations, that essentially they're making a minimum wage with the unionized structure that they have.

Through you, Madam President.

THE CHAIR:

Senator Markley.

SENATOR MARKLEY:

I feel they're making a very low wage, even lower than what is paid here in Connecticut. And I think it's because of that reason that they have done away with the union in Michigan.

THE CHAIR:

Senator Boucher.

SENATOR BOUCHER:

Thank you, Madam President.

And, through you, there was a clarification earlier that there was a $3 an hour wage statement and that was disproved. Am I correct in that?

Through you, Madam President.

THE CHAIR:

Senator Markley.

SENATOR MARKLEY:

Madam President, I'm afraid I can shed no light on that question.

THE CHAIR:

Senator Boucher.

SENATOR BOUCHER:

Thank you, Madam President.

I'm intrigued by your amendment. I think it is a reasonable one for us to support, and I hope others will give it due consideration. I plan to support the amendment. And I thank the good Senator for raising the issue.

THE CHAIR:

Thank you.

Will you remark? Will you remark?

If not, Mr. Clerk, will you call for a roll call vote. The machine is open.

THE CLERK:

Immediate roll call has been ordered in the Senate. Senators please return to the Chamber. Immediate roll call has been ordered in the Senate. Senators please return to the Chamber. Immediate roll call has been ordered in the Senate.

THE CHAIR:

Have all members voted? If all members have voted, the machine will be closed.

And, Mr. Clerk, will you please call a tally.

THE CLERK:

On House Amendment Schedule "G" -- and that's Senate Amendment Schedule "G."

Total Number voting	34
Necessary for adoption	18
Those voting Yea	12
Those voting Nay	22
Those absent and not voting	2

THE CHAIR:

The amendment fails.

Will you remark? Will you remark?

Senator Markley.

SENATOR MARKLEY:

Thank you, Madam President.

The Clerk is in possession of an amendment, LCO Number 4151.

THE CHAIR:

Mr. Clerk, 4151. Will you please call the amendment.

THE CLERK:

LCO Number 4151, Senate "H," offered by Senator Markley.

THE CHAIR:

Senator Markley.

SENATOR MARKLEY:

Madam President, I would move adoption of the amendment, ask that the reading be waived and beg leave to summarize.

THE CHAIR:

The motion is on adoption.

Will you remark?

SENATOR MARKLEY:

Yes, Madam President.

This amendment strikes at a different section of the bill which I also found troubling. In the -- in the process of arbitration to arrive at -- at wage decisions, a list of criteria to be taken into account by the arbitrator is specified.

And that list includes -- if I can find it -- factors spelled out concretely. The nature of needs of the family daycare program, the history of negotiations between the parties including those leading to the instant proceeding, the existing conditions of employment of similar groups of workers, changes in the cost of living, the interests and welfare of the covered family care -- day -- childcare providers, all legitimate interests to be considered in every -- in any negotiation.

The interesting factor, which is not included in that, is the financial health of the other party involved, which is the State of Connecticut. And this amendment would specify that the arbitrator also consider the ability of the state to come up with the cash to make the payments that are involved, not as a -- not as a factor which would prevent increases from being granted, but as one that had to be weighed in making any award.

And it seems to me a very reasonable criteria to add to that list, and I would urge the circle to support it.

Thank you.

THE CHAIR:

Will you remark? Will you remark?

If not, Mr. Clerk, will you call for a roll call vote, and the machine will be open?

THE CLERK:

Immediate roll call has been ordered in the Senate. Senators please return to the Chamber. Immediate roll call has been ordered in the Senate. Senators please return to the Chamber.

THE CHAIR:

Senator Harp.

Thank you. If all members have voted -- oh, Senator Meyer.

If all members have voted, the machine will be closed.

And, Mr. Clerk, will you call the tally?

THE CLERK:

Senate Amendment Schedule "H."

Total Number voting	34
Necessary for adoption	18

Those voting Yea 11
Those voting Nay 23
Those absent and not voting 2

THE CHAIR:

The amendment fails.

Will you remark? Will you remark?

Oh, Senator McKinney, sorry.

SENATOR McKINNEY:

Thank you, Madam President. Perhaps we thought we'd give Senator Markley a brief respite here. And I believe the Clerk is in possession of an amendment, LCO Number 4757. I ask that he call the amendment.

THE CHAIR:

Mr. Clerk, will you please call 4757.

THE CLERK:

LCO Number 4757, Senate Amendment Schedule "I," offered by Senator Markley.

THE CHAIR:

Senator McKinney.

SENATOR McKINNEY:

Thank you.

Madam President, I move adoption of the amendment and seek leave to summarize.

THE CHAIR:

Motion is on adoption.

Will you remark, sir?

SENATOR McKINNEY:

Thank you.

Madam President and members of the circle, I received an e-mail, as did, I believe, all of the Senate, dated May 3rd, from the chairwoman of the PCA Quality Home Care Workforce Council. Now, I think, as all of us know, that PCA Quality Home Care Workforce Council was established in Governor Malloy's Executive Order Number 10.

That council, in looking at the underlying bill before us, had some concerns and suggested language changes. The amendment that you have before you are the two suggestions from the council. And as indicated by the council chair, clearly, if you remember the e-mail -- I'll certainly remember -- remind you. The council chair was very clear that this was not an attempt to kill the bill, undermine the bill, or defeat the purpose of the bill, in any way, shape or form, obviously not. They are the chair of the council.

But the council did have concerns that, in Section 5, Madam President, that the composition of the council established in this bill was not comprised of employers or persons with disabilities in that. Although there are organizations to represent them, it is, in fact, very different to have an organization who represents the employers than having one of the employers themselves.

And, I think, the distinction is important and critical for us, in that we want to make sure that someone with disabilities is actually a member of the council, not a representative from an organization.

And as the chairwoman notes in her -- in her e-mail to us, that the underlying bill, in lines 196 through 219, Section 5, does not include that language. And that's why this language talks about the fact that the council membership should be comprised of a minimum of 51 percent employers of personal-care attendants or employers of direct care workers or surrogates of either group of employers.

Madam President, the other concern related by the council dealt with language in Section 7, which indicated their language, that we would include the

implementation of any collective bargaining agreement, must be contingent upon successful submission and approval of the DSS and DDS waiver amendments. That's an issue that we've already looked at through a different amendment tonight.

So what this amendment would do, just to summarize again, is to say that, as we establish a council, and a council important to this underlying bill, its functions, although advisory in nature, is extremely important. And we're basically saying that someone with disabilities, an employer, as they are, will be a member of the council, not some representative of an organization who represents them. That does not guarantee that, in fact, someone with disabilities would be on the council.

Madam President, I think this is actually an improvement on the underlying bill before us and would ask support. And ask that when the vote be taken, it be taken by roll call.

Thank you.

THE CHAIR:

A roll call vote will be taken.

Will you remark? Will you remark?

Senator Markley.

SENATOR MARKLEY:

Thank you, Madam President.

I simply want to rise and urge support for Senator McKinney's amendment. I think it gets to the heart of the slogan which I've heard over this last year that I've been involved -- nothing without us -- nothing about us without us. That it's important, not that people have a representative somewhere who worry about things for them, but that they, as individuals, have the chance to wrestle with their situation and make decisions which affect their own well-being, the very quality of their life.

And it was brought out not only by the -- by the employers themselves, the importance of their presence on this council but, as Senator McKinney has pointed out, suggested by the members of the council itself and further endorsed by the Connecticut ARC, which has strongly supported this position. I think that it's actually something that, I believe, if this bill is going to go forward, all the members of the circle actually believe would be better.

I believe the only reason that somebody would oppose it would be for fear of -- of sending the bill back downstairs, frankly. But if it is an improved bill, and if, in fact, there is support for it, there should be no fear in -- in making it as good as we possibly can make it in the time remaining to us.

And I would urge support for the amendment.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

I, too, rise in favor of this amendment. Very early on when we first began this debate many hours go, Senator Markley invoked the name of Cathy Ludlum. And I, too, sat on the Human Services Committee my first year here in 2008. I was made the ranking member of that committee.

And I remember then coming to our committee and speaking about this potential policy change that has been initiated by the administration. She said -- and she still says, to this day, because she is still very active on this bill, that they did not want this and that they had a good relationship with their providers. And many of the providers too came to the meeting since.

So I thank Senator McKinney for bringing this amendment forward, because I think these individuals should be placed on this council, as they are the ones being serviced and being the customers, if you will,

from these attendants that we speak of in the underlying bill.

So I thank Senator McKinney. I thank Senator Markley, and more importantly thank Cathy Ludlum for her advocacy.

Thank you.

THE CHAIR:

Thank you.

Will you remark? Will you remark?

If not --

Senator Bye. Senator Bye.

SENATOR BYE:

I urge rejection.

Through you, Madam President.

THE CHAIR:

Thank you.

Will you remark? Will you remark?

If not, Mr. Clerk, will you please call for a roll call vote, and the machine is open.

THE CLERK:

Immediate roll call has been ordered in the Senate. All senators please return to the Chamber. Immediate roll call has been ordered in the Senate.

THE CHAIR:

Senator Meyer.

Senator Cassano. Senator Cassano, please vote.

If all members have voted -- if all members voted, the

machine will be locked.

And, Mr. Clerk, will you please call the tally.

THE CLERK:

On Senate Amendment Schedule "I."

Total Number voting	34
Necessary for adoption	18
Those voting Yea	15
Those voting Nay	19
Those absent and not voting	2

THE CHAIR:

Will you remark? Will you remark?

Senator Markley.

SENATOR MARKLEY:

Thank you, Madam President.

THE CHAIR:

The amendment failed first.

Senator Markley.

SENATOR MARKLEY:

Thank you, Madam President.

The Clerk is in possession of an amendment, LCO Number 4764.

THE CHAIR:

Mr. Clerk, will you call 4764, please.

THE CLERK:

LCO Number 4764, Senate Amendment Schedule "J," offered by Representative Markley.

THE CHAIR:

Senator Markley.

SENATOR MARKLEY:

Thank you, Madam President.

I move adoption of the amendment, ask the reading the waived, and beg leave to summarize.

THE CHAIR:

Motion is on adoption.

Will you remark, sir?

SENATOR MARKLEY:

Yes, please, Madam President.

This also addresses a part of the bill which, I think, is very much in need of clarification and correction. I spoke before about it. Section 7 of the bill discusses the need to make waiver application. Because, after all, the funding on the personal-care attendants is coming from a Medicaid waiver, with federal funds taking half of the cost of the program and making it possible for -- for us to -- to offer it.

Under the terms of the bill as before us, negotiation would take place, an agreement would be made about the amount of reimbursement, and the Legislature would put it into effect, but the waiver application would follow that. The cart would proceed the horse, in my opinion.

And I think it would put us in danger of losing the Medicaid fund -- funding, which we depend on. And I think that we have to acknowledge the time that it takes for these waiver applications to be prepared and also for the federal government to make a judgment about them and to approve them.

So this would say we need to go with the waiver application before any of this would take effect, which seems to me to be a reasonable safety valve for

any proceedings which we undertake. And for that reason, I would urge that we adopt the amendment.

THE CHAIR:

Thank you.

Will you remark? Will you remark?

If not, Mr. Clerk, will you please call for a roll call vote, and the machine will be open?

THE CLERK:

Immediate roll call has been ordered in the Senate. All senators please return to the Chamber. Immediate roll call has been ordered in the Senate.

THE CHAIR:

Have all members voted?

If all members voted the machine will be closed.

And, Mr. Clerk, will you please call the tally.

THE CLERK:

Senate Amendment Schedule "J."

Total Number voting	34
Necessary for adoption	18
Those voting Yea	14
Those voting Nay	20
Those absent and not voting	2

THE CHAIR:

The amendment fails.

Will you remark?

Senator Markley.

SENATOR MARKLEY:

Thank you, Madam President.

The Clerk is in possession of an amendment, LCO Number 4152.

THE CHAIR:

Mr. Clerk, will you please call 4152.

THE CLERK:

LCO Number 4152, Senate "K," offered by Senator Markley.

THE CHAIR:

Senator Markley.

SENATOR MARKLEY:

Madam President, I would move adoption of the amendment, ask the reading be waived, and beg leave to summarize.

THE CHAIR:

The motion is on adoption.

Will you remark, sir?

SENATOR MARKLEY:

This final amendment, again, touches on a part of the bill that I think is -- well, a part of the situation that I think creates a problem. I discussed the executive orders before and the fact that there's legal action challenging them.

Should the executive orders themselves be found unconstitutional, or should any part of the labor agreement be found illegal under federal or state labor laws, I think it would create a state of confusion, in which parts of the statute might stand and others be struck and leave us with an unworkable kind of a program.

This amendment would simply say that if the executive orders are found to be unconstitutional, the bill

would become null and void, and we would be in a position to start from scratch.

I think, again, it's a safety provision from the point of view of the Legislature. I think it creates no barrier to the application of the bill should there be no legal fault found with it. And I would urge adoption of the amendment.

Thank you.

THE CHAIR:

Thank you.

Will you remark? Will you remark?

Senator McLachlan.

SENATOR McLACHLAN:

Thank you, Madam President. I stand for the purpose of a question to the proponent of the amendment.

THE CHAIR:

Please proceed, sir.

SENATOR McLACHLAN:

Thank you, Madam President.

Senator Markley, thank you for your work on this important topic. You've obviously dedicated a lot of hours and worked very closely with advocates and -- and our research staff to -- to inform all of us about some of the challenges that we may face with this particular issue.

You mentioned earlier about the union process in this particular case, where the use of mail-in ballots was employed. And I wonder if you might elaborate on -- is -- is that not a normal process for union organizing in the State of Connecticut?

Through you, Madam President.

THE CHAIR:

Senator Markley.

SENATOR MARKLEY:

Thank you, Madam President.

To -- to my knowledge and in my understanding, which is limited in matters of labor procedure, it's a unique -- it's a unique method in terms of state employees, as I understand it, Senator McLachlan.

THE CHAIR:

Senator McLachlan.

SENATOR McLACHLAN:

Thank you, Madam President.

And is it your understanding that there is state statute that describes what the process should be?

Through you, Madam President.

THE CHAIR:

Senator Markley.

SENATOR MARKLEY:

Yes. Thank you, Madam President.

Yes. One of my previous amendments, in fact, would strike the mail-in aspects -- would have strick -- would -- would have struck the mail-in aspects of the -- of the procedure, and simply dictated that normal state statutory processes be used for purposes of these union elections as well.

Through you, Madam President.

THE CHAIR:

Senator McLachlan.

SENATOR McLACHLAN:

Thank you, Madam President.

Then, if the court case should fall in favor of the petitioner, in that this process and the executive orders are struck down by the court, would that be reasonable to assume that a new process would have to occur even with this legislation before us today, a new process of union approval would have to occur as a result of this legislation and the court striking down Executive Orders 9 and 10?

Through you, Madam President.

THE CHAIR:

Senator Markley.

SENATOR MARKLEY:

Thank you, Madam President.

In fact, the uncertainty of that question is the cause of my offering this amendment. I believe that, effectively, the process would come to an end because the fundamental fact of the union representation would have been undercut.

At that point, I don't believe there would be any path forward in the legislation before us, even if it became law. It doesn't make any provision for recertification, reselection, of a -- of a union. And I think it would be wisest for us to start over, at that point, which is what this amendment would suggest.

THE CHAIR:

Senator McLachlan.

SENATOR McLACHLAN:

Thank you, Madam President.

And I think that that clarifies very clearly why this amendment makes perfect sense. I urge adoption.

Thank you, Madam President.

THE CHAIR:

Thank you.

Will you remark? Will you remark?

If not, Mr.Clerk, will you please call for a roll call vote. The machine will be open.

THE CLERK:

Immediate roll call has been ordered in the Senate. Senators please return to the Chamber. Immediate roll call has been ordered in the Senate.

THE CHAIR:

Will you -- everybody voted?

If all members have voted, the machine will be closed.

Mr. Clerk, will you please call the tally.

THE CLERK:

On Senate Amendment Schedule "K."

Total Number voting	35
Necessary for adoption	18
Those voting Yea	14
Those voting Nay	21
Those absent and not voting	1

THE CHAIR:

The amendment fails.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, speaking in support of the bill as

amended, first of all, wanted to commend Senator Prague and Senator Bye, in particular, for all of their -- their extraordinary work on this -- on this bill, shepherding it through the process, working with their counterparts in the -- in the House of Representatives also on this.

And we've had a very extensive debate this evening. And the question was raised, why is it so important that we should pass this bill and what will be the implications for the future.

And, I believe, Madam President, that the implications are that this will help us with meeting a significant need that will be growing in our state over the years and decades to come.

We know that there will be a tremendous demand for home care services in the next ten years as those of us in the baby boomer generation continue to age. And the move toward receiving services in the community is going to be even more and more pronounced.

And we also have, in this way, then, Madam President, to have a public policy that will encourage a workforce ready to meet this challenge. And I believe that continuing to have this kind of work performed primarily by lower paid workers with training that is inconsistent and inadequate is not the best way to plan for a need that will be much more of a pressing need as we go forward.

And we believe that by passing this bill, the benefits that will come in the future from collective bargaining and from the organized efforts to work together in a -- for representation, will raise the quality of the workforce, not just in terms of pay, overtime, but in terms of all the ancillary benefits that generally come with unionization. That has been our history in this country.

As we know, Madam President, that unionization, in many cases, has meant increased standards of living, increased amenities, and also increases in improvements in working conditions, and a general increase in overall standards that often have benefits that accrue and spill over, not only from those who

have bargained for those benefits, but to friends and colleagues and others in analogous fields as well.

So there will be a very significant number of ancillary effects that will be beneficial and positive to our society as we -- as we go forward.

One of the -- the key elements of that, Madam President, is this -- the creation of a Personal Care Attendant Quality Home Care Workforce Council, which is -- will be dedicated to improve the stability and training and quality of the workforce in this field.

And, Madam President, this is, in fact, already working in a number of the states that have preceded us in passing this -- this kind of legislation. That councils and other states and union have established registries and referral service, helping consumers to find background checked and trained workers, and overall, creating an enhanced field in which everyone can have more quality of the workforce, and also greater convenience for people bringing trained workers into their homes to treat and care for the vulnerable.

So this is, I think, a way of recognizing one of the steps we need to take to plan for a future. We know that we have more and more people aging in our society. That we have the fastest-growing segment of the population are those over the age of 80 or even 85, often living much longer, but also living with -- with severe health impairments and in -- increasing needs of care, but desperately anxious to remain in their own home as long as they possibly can and avoid nursing home care.

So this is a positive and responsible step that will help us to be better prepared for that eventuality and the demographics that follow with increasing numbers of frail and advanced elderly people.

So, again, Madam President, this is an important measure, not just for 2012, but for what -- what it will mean for the care and comfort of our people in 2020, 2025, and beyond.

Thank you, Madam President.

THE CHAIR:

Thank you, Senator Looney.

Will you remark?

Senator -- Senator Prague.

SENATOR PRAGUE:

Thank you, Madam President.

Madam President, first of all, I want to thank Senator Bye for the wonderful job she did in defending this piece of legislation. The ramifications of passing this bill are untold. Everybody around the circle knows that we have severe pockets of poverty in the state. Pockets of poverty that affect the lives of so many people, including children.

If we're worried about the achievement gap in our schools, passing this bill will be a tremendous factor in reducing the poverty in this state, and all of that -- what that means.

It will not only, as Senator Looney said, increase the workforce in our state, but it certainly will help the many children who are desperately in need of help. And, again, I want to thank Senator Bye for the tremendous job she did in defending this legislation. Thank you, Senator Bye.

And members of the circle, this piece of legislation is probably one of the most significant pieces of legislation that we have done this whole session.

Thank you.

THE CHAIR:

Thank you, Senator Prague.

Senator Bye.

SENATOR BYE:

Thank you, Madam President.

I know the hour is late, and I will make my comments very brief. And I apologize for following the Majority Leader. I only do it to thank Edith Prague and Senator Prague for her leadership on this bill. It was my honor, Senator Prague, to support you.

I have a friend who recently had a baby. She named her Edith. She works in this building -- or she did for years, she doesn't now. And she said I want to name my daughter Edith because I always say, what would Edith do? Because Edith gives a voice to those who don't have a voice. And if ever there was a bill that symbolized Senator Prague, you, and what you stand for here, in standing up for those who don't have a voice, this is it.

And Senator Markley said it in his comments, how much respect he has for you. And I think I speak for all the members of the circle. I was here for a few hours this evening, but you've been carrying this bill for months and through last year. And I was -- it was such an honor to be able to do a little bit of work on this bill to help -- to help complete it.

But I just rise to thank you, Senator Prague, for the role model that you are for all of us sitting around the circle standing up for others.

Thank you, Madam President.

THE CHAIR:

Thank you, Senator Bye.

Senator McKinney.

SENATOR McKINNEY:

Thank you, Madam President.

I, too, will be very brief in summation. I think this has been a really good debate tonight, and I thank all of the members of the circle for their participation, especially on our side, Senator Markley, who has been at the forefront of fighting against this bill.

I think we'll try to stand up for those we represent. And regardless of who you are or where you come from or what you do or what party you are, I think we all have a sense of trying to stand up for those who most need it, those with the softest voices.

I know Claude Holcomb has been with us in the circle all night tonight. Claude has been working the legislative halls all session, along with Cathy Ludlum and others, against the bill.

When you talk to them, I don't know if anybody cares for, respects, thanks, admires the personal-care attendants more than people like Claude. They believe they are part of their family. And they are the first ones who will tell you they are underpaid and they should get paid more. But they have come to ask us not to pass this bill because they don't believe it's right for them.

So we all have the people and the voices or the voiceless who we stand up for. Tonight, I'm going to stand up for Claude and for Cathy Ludlum, and others like them, in thanking and respecting and admiring and understanding the important work that personal-care attendants do now and the increased workload that they will have in the future as our society ages.

But there is a genuine disagreement as to whether or not this is the right way to do it. And I think we've been respectful about that disagreement within the circle. But I think, on our side, we want you to know that this isn't about being against something. It's about believing there's a different way to accomplish the same goal.

Thank you, Madam President.

THE CHAIR:

Thank you, senator.

Senator Williams.

SENATOR WILLIAMS:

Thank you, Madam President.

I rise to support this bill. I think it's really a story, and the debate here tonight has been a story about caring for humanity. And as we watch our parents, our grandparents, some of our children, those who we know and we love, and we want to help them maintain their independence to the maximum of their ability with the resources that we can provide, we know that we must not only maintain the high quality of care but we have to plan for the future so that we can grow and increase that quality of care. That's what this bill does, Madam President.

And I think the debate tonight is also a story of caring for humanity. And it's been said by others about Senator Edith Prague in bringing this bill forward and so many other bills that fight for working people and to elevate the conditions for all of us has been such a champion. Senator Prague, I thank you for your work on this bill and helping to keep so many folks independent in high-quality care today and in the future.

Senator Bye, when Senator Prague needed to eat dinner, sit down for a little bit because she's been on her feet all afternoon and evening, you stepped up in such a caring way, but also in such a professional way. And you were able to move this bill forward with your explanation. So Senator Prague, Senator Bye, thank you very much.

And Madam President, with that, I support this bill.

THE CHAIR:

Thank you.

Will you remark further?

If not, Mr. Clerk will you call for a roll call vote. And the machine will be open on the bill.

THE CLERK:

Immediate roll call has been ordered in the Senate. Will Senators please return to the Chamber. Immediate

roll call has been ordered in the Senate.

THE CHAIR:

If all members have voted -- all members voted. The machine will be closed.

Mr. Clerk, will you call the tally.

THE CLERK:

On House Bill 5312.

Total Number voting	36
Necessary for passage	19
Those voting Yea	22
Those voting Nay	14
Those absent and not voting	0

THE CHAIR:

The bill has passed.

Will you remark -- please -- please, in the audience. Thank you. Thank you very much.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, that will conclude our business for this evening, other than a vote on the consent calendar and from some earlier referrals.

Madam President, would -- we do have a couple of proposed referrals. First on calendar page 25, Calendar 176, Senate Bill 225, Madam President, move that that item be referred to the Committee on Finance, Revenue and Bonding.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

JOINT
STANDING
COMMITTEE
HEARINGS

LABOR AND
PUBLIC EMPLOYEES
PART 5
1280 – 1597

2012

CONNECTICUT AFL-CIO

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

30

Testimony of Lori Pelletier
Secretary-Treasurer Connecticut AFL-CIO
Before the Labor and Public Employees Committee

HB5400 HB5401
HB5402 HB5403

March 13, 2012

Good afternoon Senator Prague and Representative 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 who represent over 200,000 union members from all 169 cities and towns.

S.B. No. 352 (RAISED) AN ACT CREATING A PROCESS FOR FAMILY CHILD CARE PROVIDERS TO COLLECTIVELY BARGAIN WITH THE STATE.

We support this bill. These workers provide a necessary and important service, and the fact that they are being paid with tax dollars through Care4Kids program. As a state we should ensure that our children are able to have the best child care, and this is accomplished when these child care workers have a voice in their work place.

This bill will set the stage for a more stable workforce who receives better wages and benefits and has an opportunity to collectively work with the State to ensure the very best for our children.

H.B. No. 5311 (RAISED) AN ACT CONCERNING PUBLIC WORKS PROJECTS THAT ARE PRIVATELY FUNDED.
This bill is unnecessary, prevailing rate is clearly defined in statute and we are unaware of any confusion regarding this issue. We urge the committee to not act on this bill.

H.B. No. 5312 (RAISED) AN ACT CONCERNING STATE RETIREE HEALTH BENEFITS.
We oppose this bills drafted. Changes to collective bargaining agreements have always been handled codifications of the CBA not through separate bills.

H.B. No. 5399 (RAISED) AN ACT CONCERNING VOLUNTARY AGREEMENTS AND THE SECOND INJURY FUND.

PRESIDENT
John W Olsen

SECRETARY-TREASURER
Lori J Pelletier

EXECUTIVE VICE PRESIDENT
Salvatore Luciano

GENERAL VICE PRESIDENT
Thomas Wilkinson

EXECUTIVE SECRETARY
Leo Canty

1st VICE PRESIDENT
Sharon M Palmer

2nd VICE PRESIDENT
Mark A Espinosa

3rd VICE PRESIDENT
Benedict W Cozzi

4th VICE PRESIDENT
Jeffrey H Matchett

VICE PRESIDENTS
John Ahern
John A Alteri
Linda Armstrong
Tammie Botelho
Beverley Brakeman
Calvin Bunnell
Wayne J Burgess
Michael Calderon
Peter S Carozza, Jr
Peter Carroll
Carol Censki
Frank Cirillo
Everett C Corey
Kenneth DelaCruz
John H Dirzius
Alvin Douglas
Steven R Ferrucci III
Betty Gadson
John Gentile
Bill Henderson
Keri Hoehne
Kathleen S Jackson
Clarke King
Thomas Ledoux
Glenn Marshall
John McCarthy
Ronald McLellan
Jean Morningstar
James Parent
Warren Pepicelli
Melodie Peters
Michael Petosa
Ronald Petronella
Roberta Price
Robert Proto
Peter Reilly
Carmen Reyes
David Roche
Edward Sasso
Valerie Stewart
William Shortell
Ray Soucy
James R Wallace, Jr
Paul Wallace
Kurt Westby
Anthony Zona

AFT Connecticut
A Union of Professionals

AFT Connecticut
AFL-CIO

Healthcare
Higher Education
Public Employees
PSRP
Teachers

35 Marshall Road
Rocky Hill, CT 06067
860/257-9782
Fax 860/257-8214
Toll Free 888/398-3373
www.aftct.org

Sharon Palmer
PRESIDENT

Melodie Peters
FIRST VICE PRESIDENT

Leo Canty
SECOND VICE PRESIDENT

Charles Morrell
SECRETARY-TREASURER

VICE PRESIDENTS
John Altieri
Erin Benham
Dennis Boguski
Joanne Chapin
Ron Chvinski
David Cicarella
Patricia Fusco
Betty Gadson
David Hayes
Jan Hochadel
Andrea Johnson
Patricia Keaveny
Phyllis Kornfeld
Laila Mandour
Stephen McKeever
Patricia Mitchell
Jean Morningstar
Harry Rodriguez
Kathleen Sanner
John Satti
Andrea Shusas
Susan Trugio

Testimony

Labor and Public Employees Committee

Sharon M. Palmer

March 13, 2012

Good afternoon Senator Prague, Representative Zalaski and members of the Committee. I am Sharon Palmer, President, AFT Connecticut, a diverse 28,000 member AFL-CIO union

We wish to "weigh in" briefly on several bills before you today:

HB5312 - We urge you to support this bill. It implements parts of the recent SEBAC agreement.

HB5403 - We oppose this bill. State employee collective bargaining agreements often include negotiated provisions for union release time for officers and designated members to perform the work of the union. Most of this time is used during the workday to resolve labor/management issues. Some of this time is used to lobby regarding labor related issues. It is an appropriate use of release time. Please reject this bill.

SB352 and HB5433 - We support the right of these employees to collectively bargain. These two bills determine the process by which this may occur. It does not "force" anyone to join a union. Opting for unionization is done by a