

SA13-2

SB0188

House	3322-3337	16
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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2013**

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PART 10
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DEPUTY SPEAKER RITTER:

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

THE CLERK:

Madam Speaker, House Bill 6465 as amended by House A.

Total Number Voting	139
Necessary for Adoption	70
Those voting aye	98
Those voting nay	41
Absent and not voting	11

DEPUTY SPEAKER RITTER:

The bill as amended has passed.

Will the Clerk please call Calendar number 436.

THE CLERK:

Madam Speaker, House Calendar number 436, on page 25, substitute Senate Bill number 188, AN ACT CONCERNING PROFESSIONAL DEVELOPMENT, NEW BUSINESS DEVELOPMENT, AND UNEMPLOYMENT BENEFITS.

DEPUTY SPEAKER RITTER:

Representative Tercyak, you have the floor.

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REP. TERCYAK (106th):

Thank you very much, Madam Speaker. I appreciate this opportunity to bring forward this bill. I move for acceptance of the joint committee's favorable report and passage of the bill.

DEPUTY SPEAKER RITTER:

The question before the Chamber is acceptance of the joint committee's favorable report and passage of the bill. Representative Tercyak, you have the floor.

REP. TERCYAK (106th):

Thank you very much, Madam Speaker. I apologize to my -- to my colleagues but it's yet another study. There -- we were asked to -- to pass a law that would allow teachers who are pursuing further education while they're unemployed to be able to continue collecting unemployment benefits. There's questions about whether that should be allowed or not.

Unemployment is carefully prescribed by federal law. While this was being discussed however another issue was raised by the Ranking Member of the Committee who spoke about the folks who were unemployed and collecting benefits who would be interested in starting their own business which would benefit us all as a society. So that was also

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incorporated into this bill in the proposal for a study.

There is a couple good ideas here. I think we should let the Department of Labor take a look at them and see if we can make some progress that would not run afoul of federal law and I hope that everybody will vote for the bill. Thank you very much, Madam Speaker.

DEPUTY SPEAKER RITTER:

Will you remark further on the bill?

Representative Smith, you have the floor, Sir.

REP. SMITH (108th):

Thank you, Madam Speaker. I wanted to thank the Chairman of the Labor Committee on the -- on the democratic side to -- for working together with this, bringing this idea to the forefront.

Right now, Madam Speaker, it's a requirement both federally and in the State that an individual be able to work and be available for work any day of the week so that if you were trying to start a new business or if you were trying to get a certification as a teacher that in and of itself could be deemed well you're not looking for work, you're not available for work and you could be denied unemployment benefits.

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I think we should be encouraging those who are out of a job who are trying to improve themselves in various ways to get a new job or start a new business to continue to collect unemployment yet at the same time perhaps develop a new business or become better certified. So this is a good bill. It's a study right now. Hopefully we can do something with it next year. But I encourage my colleagues to vote in favor of it. Thank you, Madam Speaker.

DEPUTY SPEAKER RITTER:

Thank you, Representative Smith.

Representative Kokoruda, you have the floor, Ma'am.

REP. KOKORUDA (101st):

Thank you, Madam Chairman.

I stand in support of this bill. I'm a little disappointed it's just a study but I understand that's where we're going today. Just wanted to say that most of us are aware that small businesses create two out of every three jobs created in this country and that -- that more than one half of all working Americans -- Americans either work or own small businesses and I think this study is a first step to affect that. It's -- it's a study of common sense measures.

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How to bring really a better environment to the business world. We talk about jobs all the time in this Chamber. And I think this is at least a study to address that. And one of the things I discovered as I was looking at this issue is that the Small Business Administration and the Department of Labor actually has a website and I would hope that this study group would definitely consider it. And the website is -- it's helping states offer self-employment assistance to help create jobs. So again I support this bill and I urge my colleagues to do the same. Thank you, Madam Chairman.

DEPUTY SPEAKER RITTER:

Thank you, Representative.

Representative Noujaim, you have the floor please.

REP. NOUJAIM (74th):

Thank you, Madam Speaker. Good afternoon to you. Madam Speaker, through you, I do have a few questions to the proponent of the bill.

DEPUTY SPEAKER RITTER:

Please proceed.

REP. NOUJAIM (74th):

Thank you, Madam Speaker. To Representative

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Tercyak, this bill is a study so obviously it's going to be convened by a group of people and may I ask the identity of those people if it has been determined. Who would they be? Who heads it? Who pays for their costs and what type of program they would be instituting and when do they have to report and to whom? Through you, Madam Speaker.

DEPUTY SPEAKER RITTER:

Representative Tercyak, you may respond.

REP. TERCYAK (106th):

Thank you very much, Madam Speaker, and through you. The bill is going to require the Department of Labor to conduct this study. And it has no fiscal impact as -- as the Department of Labor will do it within available resources. And the study will be conducted by the Department of Labor. We're trusting them to assign the right experts to the study. Thank you very much. Through you, Madam Speaker.

DEPUTY SPEAKER RITTER:

Representative Noujaim, you have the floor.

REP. NOUJAIM. (74th):

Thank you, Madam Speaker. And through you, Madam Speaker. So am I to assume then that the work that they will be doing and I'm certain it will be good

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work and they will have a good analysis. Would it be done within the -- the duties of their day during their working hours? And if that is the case would it take away for some other duties that they must be performing during those days? Through you, Madam Speaker.

DEPUTY SPEAKER RITTER:

Representative Tercyak.

REP. TERCYAK (106th):

Thank you very much, Madam Speaker. I think that we recognize that long ago we stopped asking what was reasonable of State employees and asked them to take on ever more duties and this would fall under that rubric. Thank you. Through you, Madam Speaker.

DEPUTY SPEAKER RITTER:

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Madam Speaker. And through you, Madam Speaker, to Representative Tercyak. On line three of the legislation it speaks about to pursue certain certifications and so I am presuming that those unemployed teachers will be going through schooling to attain certifications. And obviously there is a cost associated with earning credit courses.

Would they be paying of their cost, from their own money or they would be qualifying for cost reimbursement programs either from the State of Connecticut or from the cities where they teach? Through you, Madam Speaker.

DEPUTY SPEAKER RITTER:

Representative Tercyak.

REP. TERCYAK (74th):

Yes, Madam Speaker. Thank you very much. This will not change the way certifications, credentials, endorsements, or specialized training are paid for in any way.

So should something be offered now that doesn't come out of the teacher's pocket, it will continue to not come out of the teacher's pocket should something -- should certification, training, endorsement or specialized training otherwise be paid for now by a teacher will continue to be paid for by the teacher.

That will not be changed at all under this bill which will be to ask the Department of Labor to determine whether these things could be used and it's still qualifying to collect unemployment benefits. Through you, Madam Speaker.

DEPUTY SPEAKER RITTER:

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Representative Noujaim.

REP. NOUJAIM (106th):

Thank you, Madam Speaker. And through you, Madam Speaker. I think there is a little bit of noise in the Chamber so I did hear --

DEPUTY SPEAKER RITTER:

If you would give me just a moment, Representative.

REP. NOUJAIM (106th):

Thank you, Madam Speaker.

DEPUTY SPEAKER RITTER:

Will members of the Chamber please do their best to take their conversations outside to the hall so that members present are able to listen to the conversation. Thank you.

Representative, please proceed.

REP. NOUJAIM (106th):

Thank you, Madam Speaker. I think I heard Representative Tercyak said that some school districts and or the State for that matter will refund the teachers for the courses that they would -- that they would be undertaking or perhaps sometimes there are some school districts which may also reimburse the student for the books and for -- for their travel. Is

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this the case in -- in this legislation? Through you,
Madam Speaker.

DEPUTY SPEAKER RITTER:

Representative Tercyak.

REP. TERCYAK (74th):

Through you, Madam Speaker. I'm sorry if I
wasn't clear earlier. The intent of the bill is not
in any way to change who pays for initially or may or
may not reimburse for certification, specialized
training or -- or other things that might be covered
as qualify -- as maintaining eligibility for
unemployment compensation.

I'd actually be surprised to see any jurisdiction
local, school board, or town eager to pay for
certification or advanced training or specialized
training or credentials or endorsements for somebody
who is not presently employed as a teacher because
this -- we are talking about unemployed people here.
But the essence is this bill does nothing to change
any of those -- any status that way for any
foundations or individuals who may want to be
providing training at no cost.

And changes nothing for any -- any unemployed
teacher who may be wishing to pursue credentialing or

an endorsement or a certification or specialized training on their own dime. This will allow the Department of Labor to determine whether under Connecticut and federal law we are able to say that while a person is pursuing these endeavors they qualify as meeting the requirements of still being eligible for employment and pursuing employment under today's Connecticut and federal unemployment compensation laws. Through you, Madam Speaker. I hope I was clearer. Thank you.

DEPUTY SPEAKER RITTER:

Representative Noujaim.

REP. NOUJAIM (106th):

Thank you, Madam Speaker. And through you, Madam Speaker. I am trying to -- to arrive to one point and one point that is very important that even though this piece of legislation does not address who pays for the courses or if the teachers are reimbursed for payments or for the credit earned. My questioning or my thought is the fact that if a school district reimburses those teachers they may be unemployed but yet they may be still be contracted to come back to a school.

They may be unemployed or terminated, laid off on

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a temporary basis on the premise that they will be recalled in the future. So if that is the case there is a possibility that the school district would pay for the courses that they are taking. My thought is if they are receiving some payments would this affect their ability to collect unemployment because now they are receiving some money and they have to report that money.

So would that -- will those funds be impacting their ability to collect unemployment? And this is a very important point that even though not addressed in this legislation it could very well impact whether they can do it or they will be able to do it or not. Through you, Madam Speaker.

DEPUTY SPEAKER RITTER:

Representative Tercyak, would -- did you understand the question?

REP. TERCYAK (74th):

I'm sorry. I didn't hear a question, Madam Speaker.

DEPUTY SPEAKER RITTER:

Representative Noujaim, would you care to rephrase your question?

REP. NOUJAIM (106th):

Of course. Definitely. I will repeat my question once again. Through you, Madam Speaker. What I was saying and leading to is the fact that some teachers might be unemployed on a temporary basis and they are going to be recalled.

So they are only receiving unemployment compensation on a temporary basis meaning the school district might very well pay for them to attend those courses so when they return they will be better qualified and equipped to perform their duties. So in this case, through you, Madam Speaker, I'll address the question to Representative Tercyak. By receiving reimbursement for their courses would that impact their unemployment compensation thus perhaps make them ineligible to receive compensation? Through you, Madam Speaker.

DEPUTY SPEAKER RITTER:

Representative Tercyak.

REP. TERCYAK (74th):

Thank you very much, Madam Speaker. I'm clear on the question now. And that is one of the things to be determined by the Department of Labor study that we are either going to authorize or not authorize through this bill. Thank you, Madam Speaker. Through you.

DEPUTY SPEAKER RITTER:

Representative Noujaim.

REP. NOUJAIM (106th):

Thank you, Madam Speaker. I do intend to support this piece of legislation but for legislative intent it is very good to raise those issues so if the Labor Department is listening and they will be placing some tasks and asking some individuals to work, these are the things that they must think about because it is important to -- to think about those issues as they go further into their study.

And the one other thing that is very important is if they intend to start a business to ensure that the business that they'll be starting -- and this would be mentioned in line seven of this legislation, A it does not compete or take away from their job because they may end up being successful sending products online and then they decide not to go back to being unemployed once they start making some money and making profits and earning profits or paying to become an LLC.

They may very well become disqualified from receiving unemployment compensation and this is a very important factor that -- that needs to be addressed

and needs to be known. So thank you so much, Madam Speaker, for allowing me to present these points and thank you to Representative Tercyak for listening to them. Thank you, Madam Speaker.

DEPUTY SPEAKER RITTER:

Thank you, Representative.

Will you remark further? Will you remark further on this bill? If not, will staff and guests please come to the well of the House. Will members please take your seats. The machine will be opened.

THE CLERK:

The House of Representatives is voting by roll.

The House of Representatives is voting by roll. Will members please come to the Chamber immediately.

DEPUTY SPEAKER RITTER:

Have all the members voted? Have all the members voted? Will the members please check the board to see that your vote is properly cast. If all the members have voted, the machine will be locked and the Clerk will take a tally. The Clerk will please announce the tally.

THE CLERK:

S.B. 188 in concurrence with the Senate.

Total Number Voting 140

Necessary for Adoption	70
Those voting aye	130
Those voting nay	10
Absent and not voting	10

DEPUTY SPEAKER RITTER:

The bill is passed in concurrence with the Senate. Will the Clerk please call Calendar 235.

THE CLERK:

Yes, Madame Speaker, on Page 11 of today's calendar, Calendar 235, favorable report of the Joint standing Committee on Public Health, House Bill 5727,
AN ACT CONCERNING TIME FOR PARENTAL NOTIFICATION WHEN
A CHILD IS ADMITTED TO A HOSPITAL FOR DIAGNOSIS OR
TREATMENT OF A MENTAL DISORDER.

DEPUTY SPEAKER RITTER:

Representative Becker, you have the floor, sir.

REP. BECKER (19th):

Good evening, Madame Speaker. Madame Speaker, I move for acceptance of the Joint Committee's favorable report and passage of the Bill.

DEPUTY SPEAKER RITTER:

The question before the chamber is on acceptance of the Joint Committee's favorable report and passage of the Bill. Representative Becker, you may proceed.

**JOINT
STANDING
COMMITTEE
HEARINGS**

**LABOR AND
PUBLIC EMPLOYEES
PART 2
365 - 714**

2013

2 February 19, 2013
 lw/mb/gbr LABOR AND PUBLIC EMPLOYEES 2:15 P.M.
 COMMITTEE

Hi, Sharon. Thank you.

And just also, we have a little of a procedural snafu. Due to an administrative error, and we're not even really going to identify where it comes from, but it was a procedural snafu, we'll be hearing and soliciting testimony for Senate Bill 864, 865, 866 and House Bill 6333, 6371 and 6372 today and at our next public hearing. Please be assured that your testimony today will be sufficient, and you will not need to appear at our next public hearing to speak on the same bill.

Thank you for your patience, and we apologize for the error.

REP. TERCYAK: At the next public hearing the bills will have the same titles they have today but they'll have different bill numbers, but don't be fooled by the bill numbers. If you testified on that title today, it will be recorded for that too. Thank you very much.

Welcome, Commissioner, it's great to see you. I apologize for the mix-up. Thank you for your understanding.

COMMISSIONER SHARON PALMER: Well, good afternoon, SB 344 SB 864
 and thank you for the public hearing. I'm SB 865 SB 866
 Sharon Palmer, Commissioner of Labor. We have
 several bills before you today. I'm going to HB 6145 HB 6333
 run through them all briefly and then welcome HB 6371 HB 6372
 questions on your behalf.

The first one is Senate Bill 188, concerning professional development unemployment benefits. Our unemployment compensation program is federally controlled by the -- excuse me. It's a federal/state partnership, and as such we

need to conform with Federal Law. So a question has been raised as to professional development for employees who are collecting unemployment compensation. And so the Federal Law does permit an individual to engage in approved training and waive the availability requirement while engaged in such approved training. The regulation for approved training is federal, not state, so we would have to comply with the Federal Regulations. However, that would provide an opportunity for someone who is unemployed to get some training, and I think that's something we would want to pursue, and I would encourage you to pass that bill.

And then we have Senate Bill 344, clarifying the definition of independent contractor. There's a very short paragraph in this bill, and we don't have a definition of independent contractor. We use what's called an ABC test to determine if an individual is an employee or an independent contractor. It's a long-standing three-prong test. We're unsure what the effect of this bill might have. We will look forward to a longer bill that would explain what the bill has in mind.

And we have 864, INCREASING PENALTIES FOR FALSE OR MISLEADING DECLARATION STATEMENTS or REPRESENTATIONS. That's increasing penalties for employers who failed to declare payment of wages in their payroll records in order to obtain, increase, prevent or decrease benefits. We're not going after somebody who makes a simple mistake. We're looking for the individuals who are willfully -- they're trying to cheat the state is what it amounts to.

All right, and on to 865, THE DEFINITION OF A NEW EMPLOYEE IN THE UNEMPLOYED ARMS FORCES MEMBERS. The bill we have for our what's

waiver for them to file for?

COMMISSIONER SHARON PALMER: I think we need to talk about it some more. We have computers in all of our job services offices that people can go in and use and there are library computers. Most everybody today has access to a computer. We'd like to get away from the hand filings, if we can. I think it's -- we need to talk about it some more and perhaps get some more feedback on it.

REP. ESPOSITO: All right. Thank you.

SENATOR OSTEN: Representative Smith. You'd be left out if you didn't ask a couple of questions.

REP. SMITH: Senator, it's always nice to see you, once again, and good afternoon, Commissioner.

COMMISSIONER SHARON PALMER: Hi, how are you, Representative.

REP. SMITH: I'm doing well. Thank you. I just have actually a few questions, and I'll kind of go in order as they're listed.

Senate Bill 188, which talks about the professional development. And I thought I heard you testify that currently because of some type of Federal Law that may be out there we're prohibited from doing this, or maybe if I could just have a clarification on that?

COMMISSIONER SHARON PALMER: We aren't prohibited. We have to follow the federal regulations, but there's nothing in Connecticut law that says we can do this. As it stands now people have to be available for work, and since professional development is not considered to be an exclusion, we need to make that exception, but

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it does have to conform with the federal regulations.

REP. SMITH: That makes sense to me now. So in other words, if I am a teacher and I'm at home looking for jobs and however I want to improve my status or my employment and certifications and I take a course or look to take a course, right now the Department of Labor will look upon that as not being available for employment, therefore it would become ineligible?

COMMISSIONER SHARON PALMER: That's correct, except that teachers don't collect unemployment in the summertime which is generally when they would collect. So it might apply -- well, if they've been laid off, yes, but not summertime because they don't collect in the summer.

REP. SMITH: Thank you. And jumping over to Senate Bill 344 which talks about this murky area of independent contractor versus, you know, an employee, I think it's time we actually did take a look at this because, you know, it's one of those areas of the law that, you know, maybe you don't know it until you see it type of deal. And the definition that's proposed in this bill, as we see it today, is that just a starting point, or are we looking to define it as we go forward?

COMMISSIONER SHARON PALMER: I don't know. It's not anything that we proposed. Currently there's no definition for independent contractor in the statute. There's a test that's applied by the Department of Labor that's been in place for a very long time. So we would need to see what the language looked like because there's never been a definition in the statute of independent contractor.



CONNECTICUT AFL-CIO

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Testimony of Lori Pelletier, Secretary-Treasurer Connecticut AFLCIO
before the Labor and Public Employees committee
February 19, 2013

Senator Osten and Representative Tercyak and members of the committee my name is Lori Pelletier and I am here to testify on behalf of the 900 affiliated local unions of the Connecticut AFLCIO. Before you today are a number of bills which we are here in support of. We appreciate the work of this committee and the number of issues you are addressing and offer our assistance in ensuring that the concepts/bills raised today will move through the process up to and including the Governor's signature.

Proposed S.B. No. 159 AN ACT CONCERNING EMPLOYEE PRIVACY. (LAB) We support. Workers should not be required to hand over personal passwords to PERSONAL accounts. Management can address the use of company computers and personal use another way.

Proposed S.B. No. 188 AN ACT CONCERNING PROFESSIONAL DEVELOPMENT AND UNEMPLOYMENT BENEFITS. (LAB) We support, any time we offer assistance to unemployed workers so they can utilize their skills to be "more employable" is a good policy.

Proposed S.B. No. 344 AN ACT CLARIFYING THE DEFINITION OF INDEPENDENT CONTRACTOR. (LAB) We support strong language when it comes to workers and misclassification abuses.

Proposed S.B. No. 349 AN ACT CONCERNING TEMPORARY EMPLOYMENT AGENCIES AND WRITTEN JOB ORDERS. (LAB) We support this if the idea behind it is to better clarify who the employee is working for and what their responsibilities are.

Proposed S.B. No. 704 AN ACT CONCERNING RETIREMENT DEFINITIONS OF MUNICIPALITIES AND PARTICIPATING MUNICIPALITIES RELATING TO THE MUNICIPAL EMPLOYEES' RETIREMENT FUND. (LAB) We support.

Proposed S.B. No. 732 AN ACT CONCERNING WORKFORCE DEVELOPMENT BOARDS AND THE CHRONICALLY UNEMPLOYED. (LAB) We support. Again we need to be proactive when it comes helping those unemployed gain employment.

S.B. No. 823 (RAISED) AN ACT CONCERNING SEVERE MENTAL OR EMOTIONAL IMPAIRMENT AND WORKERS' COMPENSATION COVERAGE. (LAB) We support and applaud the committee for this comprehensive review of how we protect those who by virtue of showing up for work are put into a life changing and horrific situation. This bill will provide peace of mind for the families of those workers effected, ad although they may never be able to put that horrific day behind them, the safety net know as workers compensation will be available to help.

Thank you to the committee for this public hearing opportunity.

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Testimony of Eric W. Gjede
Assistant Counsel, CBIA
Before the Committee on Labor and Public Employees
Hartford, CT
February 19, 2013

Testifying in Opposition to PSB 188 AAC Professional Development and Unemployment Benefits

Good Afternoon Senator Osten, Representative Tercyak, and members of the Labor and Public Employees Committee My name is Eric Gjede and I am assistant counsel at the Connecticut Business and Industry Association (CBIA) which represents more than 10,000 large and small companies throughout the state of Connecticut.

Although the language of PSB-188 is relatively vague, presumably it would allow unemployed teachers to continue to collective unemployment benefits while taking classes or pursuing additional certifications in lieu of searching for a new teaching position In order to receive unemployment benefits, you need to be available for work You also need to demonstrate that you are searching for a job. This bill would remove those requirements for unemployed teachers and provide no incentive for them to seek a new teaching position

Given how incredibly in debt the unemployment compensation trust fund is, it is imperative that we pursue legislation that helps create jobs and encourages the unemployed to return to work.

We encourage the committee to oppose PSB-188.

Public Hearing Testimony of
Sharon Palmer, Commissioner
Department of Labor
Labor and Public Employees Committee
February 19, 2013

Good Afternoon Senator Osten, Representative Tercyak, Senator Markley, Representative Smith and members of the Labor and Public Employees Committee. Thank you for the opportunity to provide you with testimony regarding Senate Bill No. 188, AAC Concerning Professional Development and Unemployment Benefits. My name is Sharon Palmer and I am the Labor Commissioner.

I would like to comment on this bill. A state's Unemployment Compensation Program is a federal-state partnership, which needs to conform to federal law. It is a requirement of federal and state Unemployment Compensation law that an individual be able to work and available for work for any week in which the claimant files for benefits. Federal law does permit, however, an individual engaged in "approved training" to waive the availability requirement while engaged in such approved training. Therefore, an individual's educational activities would be reviewed for compliance with Department regulations, prior to a determination of eligibility for unemployment benefits. It cannot be an automatic approval.

If the claimant's activities do not meet the definition of approved training, the Administrator will further seek to determine if the claimant's educational activities do not restrict the claimant's availability for work sufficient to meet the student availability requirements pursuant to section 31-235 of the general statutes and section 31-235-20 of the Department regulations.

Thank you for the opportunity to provide this testimony and I am available to answer any questions.

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**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

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2013**

**VOL. 56
PART 4
911 - 1212**

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SENATE

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April 24, 2013

Thank you, Madam President.

THE CHAIR:

Thank you, very much.

Will you remark further? Will you remark further?

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:

If all members have voted -- no. I'm sorry, Senator
Fasano. Oh, that really got me confused. Okay. If
all members have voted, if all members voted, the
machine will be locked.

Mr. Clerk, will you please call the tally.

THE CLERK:

Senate Bill 1002 as amended by Senate "A."

Total Number Voting	34
Those voting Yea	26
Those voting Nay	8
Absent and not voting	2

THE CHAIR:

Thank you. The bill passes.

Mr. Clerk.

THE CLERK:

On Page 18, Calendar 235, Substitute for Senate Bill
Number 188, AN ACT CONCERNING PROFESSIONAL
DEVELOPMENT, NEW BUSINESS DEVELOPMENT AND UNEMPLOYMENT

mhr/gbr

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SENATE

April 24, 2013

BENEFITS, Favorable Report of the Committee on Labor
and Public Employees.

THE CHAIR:

Senator Osten.

SENATOR OSTEN:

Thank you, Madam President.

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

THE CHAIR:

Motion is on passage. Will you remark?

SENATOR OSTEN:

This bill allows the -- for people to participate in
professional development or act on getting a new
business started and still collect Unemployment
benefits.

THE CHAIR:

Will you remark any further?

SENATOR OSTEN:

I -- no. And if -- seeing --

THE CHAIR:

No. No. No.

SENATOR OSTEN:

Guess I spoke too soon.

THE CHAIR:

Yes, you did.

SENATOR OSTEN:

mhr/gbr
SENATE
Or not quick enough.

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April 24, 2013

THE CHAIR:

Senator Welch.

SENATOR WELCH:

Thank you, Madam President.

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

THE CHAIR:

Please proceed, sir.

SENATOR WELCH:

And the issue of certification is narrowly tailored to teachers, if I'm reading the bill correctly. And if I may ask the question, did you give thought to other unemployed professionals that might seek additional certification, and if so, what thought was given to them?

Through you, Madam President.

THE CHAIR:

Senator Osten.

SENATOR OSTEN:

I can tell you that we did not give thought to other professions. Generally, they have more -- there are, for teachers there are specific things that they cannot do, so their professional development happens to be during their working hours, so that's why teachers were specifically named.

THE CHAIR:

Senator Welch.

SENATOR WELCH:

Thank you, Madam President.

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And then I guess to follow-up on what Senator Osten just said, I -- I guess I understood the bill to be a study to look at whether or not it would be appropriate to pay unemployed teachers Unemployment while they recertify. Is -- is that a correct understanding?

THE CHAIR:

Senator Osten.

SENATOR OSTEN:

Yeah, you're right. This is a -- a study, and it wouldn't be for recertification, more along the lines -- it may be for recertification but not that entirely -- it's also to participate in any specialized training and to allow them to increase their certifications.

THE CHAIR:

Senator Welch.

SENATOR WELCH:

Thank you, Madam President.

And then I guess with respect to Subsection (2), if -- if Senator Osten could just elaborate for me as to what -- what are we envisioning we would be looking into here, with respect to individuals who, I guess, would be receiving Unemployment at the time yet starting a business?

Through you, Madam President.

THE CHAIR:

Senator -- Senator Osten.

SENATOR OSTEN:

This piece of the bill was amended on the, on the -- as a, what I would term a "friendly" amendment by Representative Smith, and he asked that we allow this

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bill to also study a new business, any new business at all, if someone was trying to get it up off of the ground and give them some time when they may collect Unemployment and could prove that they were still working towards the establishment of any new business at all.

THE CHAIR:

Senator Welch.

SENATOR WELCH:

Thank you, Madam President.

And I -- I guess this -- this is where I -- I find some discomfort in the legislation that is before me or before us today. And -- and we are -- are essentially looking at some very small populations of -- of people in an economy which there are lots of different kinds of unemployed people, not just teachers, not just people maybe looking to -- to start a business.

And with respect to the issue of starting a business, I can imagine that there's a very, very gray line, one that's going to be very hard for any task force to decide as to when benefits should cease and -- and when actual employment in the new business begins. And I -- I struggle with the concept, albeit noble, I struggle with the concept of what we're doing here.

That's all I have; thank you, Madam President.

THE CHAIR:

Thank you, Senator Welch.

Will you remark further? Will you remark further?

If not, staff and guests -- Mr. Clerk, would you please call for a roll call vote, and the machine will be open.

THE CLERK:

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An immediate roll call vote has been ordered in the Senate. Immediate roll call vote in the Senate. All Senators, please return to the Chamber.

THE CHAIR:

If all members have voted, all members have voted, the machine will be closed.

Mr. Clerk, will you please call a tally.

THE CLERK:

Senate Bill Number 188.

Those Voting	34
Necessary for Passage	18
Voting Yea	33
Nay	1
Absent, not voting	2

THE CHAIR:

Bill passes.

Mr. Clerk.

THE CLERK:

On Calendar Page 18, Calendar Number 237, Substitute for Senate Bill Number 910, AN ACT CONCERNING EMPLOYEE ACCESS TO PERSONNEL FILES.

THE CHAIR:

Senator Osten.

SENATOR OSTEN:

Thank you, Madam President.

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

THE CHAIR:

Motion is on passage. Will you remark?