

Legislative History for Connecticut Act

PA 15-158

HB6707

House	7203-7206	3
Senate	3139, 3141-3143	4
Labor & Public Employees	1191, 1192, 1249-1253, 1267-1273, 1370-1373	18
		25

Transcripts from the Joint Standing Committee Public
Hearing(s) and/or Senate and House of Representatives
Proceedings

Connecticut State Library

Compiled 2017

H - 1222

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2015**

**VOL.58
PART 21
6944 - 7296**

/rc/ks/dm
HOUSE OF REPRESENTATIVES

429
June 1, 2015

and "B," in concurrence with the Senate

Total Number Voting	145
Necessary for Passage	73
Those voting Yea	145
Those voting Nay	0
Absent and not voting	6

SPEAKER SHARKEY:

The bill, as amended, is passed in
concurrence with the Senate. [gavel] Will the
Clerk please call Calendar 198.

CLERK:

On page 7, House Calendar 198, Favorable
Report of the Joint Standing Committee on Labor
and Public Employees, House Bill 6707, AN ACT
CONCERNING THE LOSS OF AN OPERATOR LICENSE DUE TO
A DRUG OR ALCOHOL TESTING PROGRAM AND UNEMPLOYMENT
BENEFITS.

SPEAKER SHARKEY:

Representative Tercyak, you have the floor.

REP. TERCYAK (26th):

Thank you very much, Mr. Speaker. I move for
acceptance of the Joint Committee's Favorable
Report and passage of the bill.

SPEAKER SHARKEY:

/rc/ks/dm
HOUSE OF REPRESENTATIVES

430
June 1, 2015

The question's on acceptance of the Joint Committee's Favorable Report and passage of the bill. Will you remark, sir?

REP. TERCYAK (26th):

Thank you very much. The law disqualifies a person from operating a commercial motor vehicle for one year if convicted of driving under the influence. This law will make sure that the employer is not punished by increasing their unemployment taxes to reflect the person being unable to do the job through no fault of the employer. Thank you very much, Mr. Speaker. I'm in favor of passage. Through you.

SPEAKER SHARKEY:

Thank you, sir. Would you care to remark further on the bill before us? Representative Rutigliano.

REP. RUTIGLIANO (123rd):

Thank you, Mr. Speaker. I wanted to urge my - let everybody know this is a very good bill and urge my colleagues to vote in the affirmative. Thank you very much.

SPEAKER SHARKEY:

Thank you, sir. Would you care to remark

/rc/ks/dm
HOUSE OF REPRESENTATIVES

431
June 1, 2015

further on the bill before us? If not, staff and guests to the Well of the House. Members take your seats. The machine will be opened.

CLERK:

[bell ringing] The House of Representatives is voting by roll. The House of Representatives is voting by roll. Will members please report to the Chamber immediately.

[pause]

SPEAKER SHARKEY:

Have all the members voted? Have all the members voted? Will members please check the board to make sure your vote is properly cast. If all the members have voted, the machine will be locked, and the Clerk will take a tally. [pause]

Will the Clerk please announce the tally.

CLERK:

House Bill 6707

Total Number Voting 145

Necessary for Passage 73

Those voting Yea 144

Those voting Nay 1

/rc/ks/dm
HOUSE OF REPRESENTATIVES

432
June 1, 2015

Absent and not voting 6

SPEAKER SHARKEY:

The bill, as amended, is passed. I'm sorry.
The bill is passed. [gavel] Are there any
announcements or introductions? Representative
Piscopo.

REP. PISCOPO (76th):

Thank you, Mr. Speaker. For Journal notation.

SPEAKER SHARKEY:

Please proceed, sir.

REP. PISCOPO (76th):

Thank you very much, Mr. Speaker. Will the
Journal please note that Representative Noujaim
missed votes due to illness; Representative
Floren, family business. Will the Transcript
please note that Representatives Klarides and
Rebimbas both missed votes - they were out of the
Chamber on legislative business. Thank you, Mr.
Speaker.

SPEAKER SHARKEY:

Thank you, sir. Further announcements?
Representative Verrengia.

REP. VERRENGIA (20th):

Mr. Speaker, I rise for the purpose of a

**S - 688
CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2015**

**VOL. 58
PART 10
2993 – 3245**

/t1
SENATE

153
June 2, 2015

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR DUFF:

Thank you, Madam President. I'd like to ask for suspension on Calendar Page 30, Calendar 642, House Bill 6707.

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR DUFF:

Thank you, Madam President. I'd like to place that item on the Consent Calendar.

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR DUFF:

Thank you, Madam President. And that is our Consent Calendar for the evening.

THE CHAIR:

Really? Okay - sorry? We're gonna take a few moments at this time to -

SENATOR DUFF:

Did I read quickly?

THE CHAIR:

Senator Duff. Do you have - okay. We're gonna take a few moments for them to put everything on. Now this is what I'm really excited about, clearin' out the Calendar.

[pause]

THE CHAIR:

/tl
SENATE

155
June 2, 2015

THE CLERK:

House Bill 6915. Page 4, Calendar 383 -

THE CHAIR:

Hold on a minute. Mr. Clerk, you're gonna have to use your microphone so we can hear you, please. I apologize. Thank you.

THE CLERK:

Page 4, Calendar 382, House Bill 6915. Page 4, Calendar 383, House Bill 6723. Page 5, Calendar 390, House Bill 6317. Page 5, Calendar 437, House Bill 6771. Page 5, 438, House Bill 6772. On Page 6, Calendar 439, House Bill 6259. On Page 8, Calendar 480, House Bill 6910.

On Page 8 also, Calendar 481, House Bill 6978, and on Page 9, Calendar 500, House Bill 6579. On Page 10, Calendar 502, House Bill 6868. Page 11, Calendar 511, House Bill 6937. Also on Page 11, Calendar 513, House Bill 6986, and on Page 12, Calendar 515, House Bill 6902.

Also on Page 12, Calendar 521, House Bill 6971. On Page 12 again, Calendar 522, House Bill 6834. Page 12, Calendar 518, House Bill 6770. On Page 13, Calendar 524, House Bill 6997. Also on Page 13, Calendar 525, House Bill 6984, and on Page 14, Calendar 530, House Bill 6977.

Also on Page 14, Calendar 531, House Bill 6994. Page 15, Calendar 535, House Bill 6730. Page 17, Calendar 552, House Bill 6884. Page 17, Calendar 557, House Bill 6155. On Page 18, Calendar 564, House Bill 7000. Page 18 again, 566, House Bill 6138. Also on Page 18, Calendar 571, House Bill 5092, and on Page 19, Calendar 577, House Bill 6853.

On Page 20, Calendar 585, House Bill 6571. Page 20, Calendar 578, House Bill 6852. On Page 23, Calendar 606, House Bill 5660, and on Page 24, Calendar 609, House Bill 5257. Page 24, Calendar 611, House Bill 7060. Page 24, Calendar 610, House Bill 7050. On Page 25, Calendar 617, House Bill 6020.

/tl
SENATE

156
June 2, 2015

On Page 26, Calendar 619, House Bill 6750. Also on Page 26, Calendar 620, House Bill 6745. Page 27, Calendar 627, House Bill 5101. Page 29, Calendar 635, House Bill 5110. Also on Page 29, Calendar 641, House Bill 6967. On Page 30, Calendar 645, House Bill 6943, and also on Page 30, Calendar 642, 6707.

THE CHAIR:

Thank you, Mr. Clerk. We're adding - we have to add one more. Hold on for one second, please.

[pause]

THE CLERK:

On - and the last item is on Page 19, Calendar 576, House Bill 6976.

THE CHAIR:

Mr. Clerk, will you call - hold on a minute. There's a question. Senator Kelly, you have a question? Senator Kelly.

SENATOR KELLY:

Thank you, Madam President. That last item on Page 19, the Clerk called 576, House Bill 6976. Was it supposed to be 57 - Calendar No. 575, 6975?

THE CHAIR:

Senator Duff.

SENATOR DUFF:

Thank you, Madam President. And thanks to Senator Kelly for the - catching that. Yes, it is Calendar 575, House Bill 6975.

THE CHAIR:

6975.

THE CLERK:

/tl
SENATE

157
June 2, 2015

And that is Page 19, Calendar 575, House Bill 6975.

THE CHAIR:

Are there any other corrections anybody has? If not, at this time, Mr. Clerk, will you please call for a roll call vote on the Consent Calendar. The machine is open.

THE CLERK:

Immediate roll call has been ordered in the Senate.
Immediate roll call on today's Consent Calendar has been ordered in the Senate.

[pause]

THE CHAIR:

If all members have voted, all members have voted. The machine will be closed. Mr. Clerk, please call a tally. You wanna call on the Consent Calendar? Yes, it's closed. It's closed on the machine here.

THE CLERK:

On today's Consent Calendar

Total Number Voting	36
Necessary for Passage	19
Those voting Yea	36
Those voting Nay	0
Absent/not voting	0

THE CHAIR:

The Consent Calendar passes. [gavel] Senator Duff.

SENATOR DUFF:

Thank you, Madam President. Before we adjourn, I'd like to yield for any points or announcements.

THE CHAIR:

**JOINT
STANDING
COMMITTEE
HEARINGS**

**LABOR AND
PUBLIC
EMPLOYEES
PART 3
983 – 1273**

2015

think there should be one method of looking at managers in the State of Connecticut. I think it makes a whole lot of sense and for what it may be worth, it takes a lot of courage to come up and speak for this because there can be retaliatory behavior that happens as a result of this and I applaud your courage.

SENATOR WINFIELD: Thank you. Are there others? If not, thank you very much.

ELLEN BLASCHINSKI: Thank you.

SENATOR WINFIELD: Thank you very much. Now it will be Lori Pelletier followed by Raphael Podolsky and then Eric Gjede unless Eric goes later.

HB6705 HB6707 LORI PELLETIER: Good afternoon to the Labor Committee and thank you for holding this public hearing. I'm Lori Pelletier. I'm the Chief Officer of the Connecticut AFLCIO. There are a number of bills on your agenda. We've submitted testimony on a number of them but I just want to touch on some of them.

HB6785 HB6787
HB6783

On Senate Bill 908, our concern is always with the pay being done with payroll cards is issues of fees and that collective bargaining agreements would be -- it would be up to the collective bargaining agreement whether or not to do that. Senate Bill 909, I don't think I can say anything better than the previous speaker who's testifying from the ground floor on this regarding managers of state service, we support that bill. Senate Bill 910, AN ACT CONCERNING THE INCLUSION OF THE HISTORY OF THE WORKER IN THE PUBLIC SCHOOL CURRICULUM, Senator Looney as always, does an amazing job with that.

My favorite example is that during the

revolution there were a number of skirmishes that were because the British crown was not paying the soldiers and so the soldiers would come and push whether it was rope makers or barrel makers out of their jobs and take over their jobs and when the workers would rise, they'd be shot. And that is the beginning of sort of labor history here in the United States.

On Senate Bill 6705 regarding prevailing wage, again the whole issue of prevailing wage and I know you had quite a hearing the other night in Middletown, is about using state tax dollars to help people here in the state and the idea that this money is being put out to quasi-public agencies, doesn't take it away from being tax dollars, it just is a way of getting around prevailing wages so we need to fix that as well.

House Bill 6707, we've tried to -- we have been working with those in the trucking industry. We understand the sensitivity of this. We also understand that alcoholism and drug addiction is an illness and so we've over the last couple of years worked together to try to move this bill forward.

The study of unionization of college athletes again, if they're producing an income for a university, they should be allowed the right to unionize.

House Bill 6785, again the issue of municipalities being able to save some money by pooling. We buy salt and sand and staplers, we should be able to buy colonoscopies for them.

And then House Bill 6787 regarding examinations, again, this is a bill has come up

So let's take a look at what can benefit both sides and please move the ball forward, I'm running out of time.

REP. RUTIGLIANO: I appreciate your testimony, sir, and I really do appreciate your answers and thank you for coming out today. And I would be willing and able to participate in that discussion on a compromise --

JAMES DUFFY: Thank you.

REP. RUTIGLIANO: -- on all these issues. So thank you very much for your time. Thank you, Mr. Chairman.

SENATOR WINFIELD: Are there other Members of the Committee with questions? If not, thank you very much, Mr. Duffy.

JAMES DUFFY: Thank you.

SENATOR WINFIELD: Ray Shea, Suzanne Bates, Ryan Henowitz.

RAY SHEA: Good late afternoon, Senator Winfield, Ranking Member Senator Hwang, my name is Ray Shea. I'm the permanent member of the State Board of Mediation and Arbitration and have been for quite a few years. I'm here to seek your support for House Bill 6707, AN ACT CONCERNING FILE FEE FOR THE STATE BOARD OF MEDIATION AND ARBITRATION.

I won't go into the reason why, because (inaudible) from the Labor Department and in the stead of the Labor Commissioner has endorsed the increase of filing fee from \$25 to \$50. A good part of that is it may, in all probability, present a privilege grievances from taking time up from a busy board who

handle grievances for people throughout the state in all counties of the State of Connecticut. With respect to this, it's a two-faceted bill. And the other is dealing with per diem for arbitrators. You have my testimony, and in trying to truncate my addressing all of that, I will just make some observations.

In 2006, per diem rates were at \$150 for all cases; initial and those continuing. Sometime subsequently to that, the \$150 was increased to \$225. And that is currently the per diem today, \$225. What happens is inequity arises if that initial hearing is continued for a second or third hearing. And that's contingent on the severity of the grievance, perhaps a termination case, or long duration.

We don't get the \$225 in the second or third hearing or any other continuing hearings. It's reduced by \$75 to \$150, that's a gross and grave inequity and certainly (inaudible). There have been complaints by a number of my colleagues, complaints by the Commissioners, and to no avail.

And I'm here today to respect -- respectfully request this Committee to take a good look at that, consider how it can be treated, and that all hearings from the initial hearing through all the other hearings which succeed the first. And that means having a level playing field for all hearings being paid per diem at \$225. It may sound like a lot of money, but it is not. These people drive from all eight counties of our -- of our state.

SENATOR WINFIELD: Thank you, Mr. Shea.

RAY SHEA: And that's the essence of it. You have my testimony and I just want to --

SENATOR WINFIELD: Thank you.

RAY SHEA: -- try to truncate this process so you don't have another hearing like the 24th in Middletown.

SENATOR WINFIELD: Are there questions from Members of the Committee? Representative Smith.

REP. SMITH: Thank you, Mr. Chairman and sir. So I'm not familiar with your hearings, but if I were to partake in one of your hearings, I understand you get 225 a day for the first time and then it goes down thereafter. But how long -- I mean, is that a full day hearing or are we talking about a four hour hearing process? I mean, give me -- on average -- I mean, I understand some may go the whole day -- but on average, what are you looking at?

RAY SHEA: The -- the time span is contingent on the gravity of the case, severity of the case. And prior to our beginning testimony, there's an exchange of exhibits; joint exhibits, town exhibits, city exhibits, that takes anywhere from hour to hour and a half.

Again, depending on the severity of the grievance, we may be confronted with a number of witnesses. The lesser number would be two or three and on occasion a half a dozen or eight. And so we can spend at least four hours a day on just a simple five day suspension.

REP. SMITH: Okay. So, I mean, I get the sense that perhaps out of an eight hour day, you know, most hearings won't go the full eight hours. But I don't want to -- that's the sense I'm

121
kc/mcr/gbr

LABOR AND PUBLIC
EMPLOYEES COMMITTEE

February 26, 2015
12:00 P.M.

getting. If I'm wrong in that sense, I'd like to know. I mean, personally speaking, I think 225 is actually low. Who pays for that? Is that each party split the cost of that or how is that paid?

RAY SHEA: Some of this comes from the -- from the filing fees. It -- it's like the government's lock box. The file fee, it's paid \$50 -- well, what's being proposed is \$50 for the employee and \$50 for the -- for the employer and that generates \$550. The -- the Board of Mediation and Arbitration has its own respective budget. An educated guess would tell me about \$350,000.

REP. SMITH: So I'll just use the private sector as an example. I mean, if we were to do a private mediation, I'll say whether it's a construction case or a personal injury claim or whatever you may want.

RAY SHEA: We have very few private cases, most of them are municipal. We do have teamsters, UAW has appeared before us, UE has appeared before us, but primarily municipalities.

REP. SMITH: Understood. What my point being that in those situations where it is private, the cost of those mediators tend to run easily a thousand or more and it's split by the parties, so I think your request is not unreasonable, I'm not sure why there's a sliding scale down. But it's all new to me, so I'm -- I'll look into it to see, you know, what the rationale is for the -- do you get any other compensation besides the 225?

RAY SHEA: No, no, no. This is not interest arbitration -- that's interest arbitration, this is completely different. The only way for a person to come or employee or employer to

come to the State Board of Mediation and Arbitration is through the filing fees. That's the only cost.

Now, it's a tri-part-time panel. There's the neutral, there's the management advocate, and the labor advocate, and there's no other cost. The only other cost that is inherited in the town is use of private attorneys. And some have human resources directors or personnel directors from my own -- from my own days, and but it doesn't mean that they represent, they hire private attorneys at a cost of the municipality.

REP. SMITH: So in your situation, it's three -- a three-party -- three person panel, each getting 225 for a day.

RAY SHEA: Correct.

REP. SMITH: All right. Thank you, Mr. Chairman.

SENATOR WINFIELD: Thank you. Any other questions? If not, thank you very much.

RAY SHEA: Thank you.

SENATOR WINFIELD: Next we will hear from Michael Riley, Cameron Champlin, Bill Ethier, and Jim Lohr.

CAMERON CHAMPLIN: I don't see Mike Riley, so I think I'm up.

SENATOR WINFIELD: That would be you.

CAMERON CHAMPLIN: All right. Senator Winfield, Representative Hwang, Representative Smith, thank you for your patience to be here and listen to me. My name is Cameron Champlin, I

SB910
HB6705

001267

136
kc/mcr/gbr

LABOR AND PUBLIC
EMPLOYEES COMMITTEE

February 26, 2015
12:00 P.M.

JIM LOHR: Yeah, you know, we'd have to run it by our leadership, you know, on both sides. It's one of those things that would have to get signed off by, you know.

REP. VAIL: Okay.

JIM LOHR: By both sides of our -- but, you know, be happy to look and see, you know, we're not going to rule out anything.

REP. VAIL: All right, thank you.

SENATOR WINFIELD: Are there others? If not, thank you very much.

JIM LOHR: Thank you.

SENATOR WINFIELD: Next we'll hear from Mike Riley.

MIKE RILEY: Thank you, Mr. Chairman, Members of the Committee, Mike Riley, Motor Transport Association of Connecticut, I have filed testimony but I just wanted to briefly make some remarks on Raised Bill 6707, AN ACT CONCERNING THE LOSS OF AN OPERATOR'S LICENSE DUE TO A DRUG OR ALCOHOL TESTING PROGRAM AND UNEMPLOYMENT BENEFITS.

This is the situation where if a truck driver is DUI'd in a truck, he loses his commercial driver's license, he loses his job, and under state law, he's disqualified --

REP. TERCYAK: Excuse me, I want to interrupt and I never really do this but the situation's worse than you're describing. Would you go -- this isn't where he loses his driver's license for driving the trunk -- the truck intoxicated?

MIKE RILEY: No.

137
kc/mcr/gbr

LABOR AND PUBLIC
EMPLOYEES COMMITTEE

February 26, 2015
12:00 P.M.

REP. TERCYAK: This is when he's on vacation in the family -- in the family Volkswagen and gets picked up for driving intoxicated, totally separate from work, which requires him to have an active CDL license.

MIKE RILEY: You're right, I was trying to compare the two. So if -- if it's in a truck, DUI'd, you lose your license, you lose your job, and you're disqualified from unemployment compensation.

If you're DUI'd in a car, you -- in as much it's not in the course of employment, you will lose your CDL because it's a federal law that requires that you lose your CDL, you lose your opportunity to do the work for which you were hired. But in as much as it's not in the course of employment, you're still eligible for unemployment compensation benefits.

Truck drivers are valuable employees, they have special skills, particularly when they -- they'll transport hazardous materials. We'd hate to lose one, but when a driver has this issue we have no option, we have to let the guy go because he lost his CDL for a year.

The problem that this bill solves is that under current law, the employer's experience is adversely affected by this claim. It's as if he laid him off, it's not accommodating the fact that he's complying with the law and doing the right thing.

So what this bill will do is create a no charge back to the employer under that set of facts and it's a rare circumstance, thanks (inaudible) to God. But when it happens, I can tell you that I've talked to employers who are

so disappointed with their driver that they lose them when they're good guys and then -- then all of a sudden their experience rating gets adjusted because of this -- this layoff. So this will fix this -- this problem.

You raised this bill last year, we thank you for that, it was combined with some other things. This year it's a stand-alone bill, I noted that the State Labor Council testified in support of the bill as it's written. We've talked to CBIA, we've talked to the Department, I don't think there's any issues with this bill on anybody's part we just have to get it passed and not let it get caught in a crunch at the end. So thank you for your time.

REP. TERCYAK: Thank you. Yes, Representative Vail.

REP. VAIL: Thank you, Mr. Chairman. So these operators with CDL license, their legal limit is .04; correct?

MIKE RILEY: It's .04 in a car. It's still .08 in -
- I'm sorry, it's .04 in a truck, it's .08 in a car.

REP. VAIL: Okay. If they're off duty or --

MIKE RILEY: It doesn't --

REP. VAIL: either or?

MIKE RILEY: It's the vehicle. There's a belief out there that a CDL driver is tested to a .04 in a car, that's not true.

REP. VAIL: That's not true.

MIKE RILEY: Only in the -- only in the truck.

REP. VAIL: Okay.

MIKE RILEY: But if he receives as DUI at .08 or over, that's it.

REP. VAIL: That's it.

MIKE RILEY: He loses his CDL.

REP. VAIL: But if he's .04, he loses his CDL if he's in a truck?

MIKE RILEY: Yeah and we don't want people to have that issue.

REP. VAIL: Yeah.

MIKE RILEY: Driving around with big trucks full of gasoline.

REP. VAIL: Absolutely. Exactly. All right, thank you for clarifying that.

REP. TERCYAK: Thank you very much. Representative Smith.

REP. SMITH: Thank you, Mr. Chair. So in your scenario where the guy is driving his car with a DUI, he -- he loses his job because he's over the limit, just by, I guess --

MIKE RILEY: Well, he loses his license.

REP. SMITH: He loses his license.

MIKE RILEY: He has to be adjudicated and the Motor Vehicle Department has to take his license.

REP. SMITH: All right. So let me just back up then. So he gets arrested for DUI.

MIKE RILEY: Yes.

REP. SMITH: Does he keep his job until the adjudication process is over?

MIKE RILEY: It's my understanding that he does.

REP. SMITH: Okay.

MIKE RILEY: Because he hadn't lost -- his license hasn't been removed.

REP. SMITH: But he'll get a notice. So if you're arrested in Connecticut for drinking and driving you'll get a notice from the Department of Motor Vehicles saying you've been arrested, you're over the limit, you have a -- your license will be suspended unless you contest that you have a right to have a hearing and so forth.

So during that period -- and we modified that last year, I think it's now six months -- but during that period before the license is suspended, you know, I suspect he's still able to drive not only his car but his truck because he still has his license; is that your understanding?

MIKE RILEY: That's right. He hasn't been convicted so they -- they haven't removed his license.

REP. SMITH: Okay. So let's assume he goes through the process, it is determined that he was drinking and driving, loses his license, therefore he loses his job and, well, he loses his ability to drive a truck, which what I would imagine would result in loss of a job. Is that aspect of it, that's Federal Law, is that what you were saying?

141
kc/mcr/gbr

LABOR AND PUBLIC
EMPLOYEES COMMITTEE

February 26, 2015
12:00 P.M.

MIKE RILEY: Yeah. It's a one-year suspension of the right to have a CDL license. Any DUI -- we have another problem, and I won't go into any great detail, but if you have a CDL license, you cannot avail yourself of the Alcohol Education Program that's available in the courts to other -- to car drivers.

It's -- it's really not a fair situation to a driver that that -- and it doesn't even have to be that he's an active driver, the fact that he as a CDL in his pocket because he used to have a CDL disqualifies him from that pretrial diversion program because federal law (inaudible) believes that masks a conviction and have threatened the State with the withholding of federal funds if that circumstance is corrected from our perspective. That's I'm on a tangent here.

REP. SMITH: No, I am too, and it's an interesting tangent and I'm probably bogging down the Committee and I apologize. So he's not eligible for the interlock device as well? So --

MIKE RILEY: I guess not. I'm not sure about that.

REP. SMITH: Okay. The one question I did have that's probably is relevant to what you've testified to is -- and I agree that the employer should not be charged back as a result of him losing the job because he was drinking and driving. Is he still eligible to receive the unemployment benefits however? It's just not charged back?

MIKE RILEY: Yeah. It's the issue of whether it's related to employment. In the course of employment is the truck, he's then disqualified from receiving benefits. In the car, it's not

in the course of employment and he's still eligible in Connecticut.

There was a big Supreme Court case a couple years ago that one of my members actually -- actually brought on this issue because he was of the opinion that since that guy lost his job, it didn't matter whether he lost it in the car -- because of the DUI in the car. He thought the guy should be disqualified from unemployment comp benefits, the Supreme Court did not agree with that, and so that brought us to this fairness resolution of at least once the court has decided that the guy shouldn't be charged for the experience.

REP. SMITH: All right. Thank you for clarifying that. Thank you, Mr. Chair.

MIKE RILEY: Thank you.

REP. TERCYAK: Thank you. Anybody else? Please people, I like hearings to go to 5:30 or 6:00 so I know people who get here after work if they wanted to. I guess we're done with you for now, Mike.

MIKE RILEY: Thank you.

REP. TERCYAK: Okay. With that, we have reached the end of the people who have signed up to speak at this Public Hearing. Is there anybody else who signed up and was missed or has not signed up who would like to speak at this Public Hearing? Is there anybody else who would like to speak for the third time? Anybody else? We're done, thank you.

**JOINT
STANDING
COMMITTEE
HEARINGS**

**LABOR AND
PUBLIC
EMPLOYEES
PART 4
1274 – 1713**

2015

Pg 15 line 16

MTAC MOTOR TRANSPORT ASSOCIATION OF CONNECTICUT, INC.

MICHAEL J. RILEY
PRESIDENT

**Statement of Michael J. Riley
President
Motor Transport Association of Connecticut
Before
The Joint Committee on Labor and Public Employees
February 26, 2015**

**Re: Raised Bill No 6707 AN ACT CONCERNING THE LOSS
OF AN OPERATOR LICENSE DUE TO A DRUG OR
ALCOHOL TESTING PROGRAM AND UNEMPLOYMENT
BENEFITS**

I am Michael J. Riley, President of Motor Transport Association of Connecticut (MTAC), a statewide trade association, which represents over 800 companies that operate commercial motor vehicles in and through the state of Connecticut. Our membership includes freight haulers, movers of household goods, construction companies, distributors, tank truck operators and hundreds of companies that use trucks in their business and firms that provide goods and services to truck owners.

MTAC supports this bill.

We would like to thank the Labor Committee for raising this bill again this year. Last year it was part of a bill with some controversial sections which died in the end of session log job. This year it's a stand along bill and we hope it can move out of this committee and to the floor for early action.

Our proposal, which covers a rare circumstance, is of great importance to those employers who must let a professional truck driver go, because that driver is convicted of driving under the influence in a passenger motor vehicle.



60 FOREST STREET • HARTFORD, CT 06106-3200 • TEL: (860) 520-4455 • FAX: (860) 520-4567



MTAC *MOTOR TRANSPORT ASSOCIATION OF CONNECTICUT, INC.*

MICHAEL J. RILEY
PRESIDENT

Under current law any holder of a commercial drivers license (CDL) convicted of driving under the influence of alcohol or drugs, **while operating a commercial motor vehicle**, loses his CDL. Under CGS Sec.31-236(a)14, inasmuch as the precipitating event occurred "in the course of employment", the claimant is disqualified from receiving unemployment compensation benefits.

Under Federal Law 49 CFR Part 383.51, if a person loses his passenger car license because he has been convicted of driving his automobile under the influence of alcohol or drugs, **he also loses his CDL**. Even though the person is unable to perform the work for which he was hired, inasmuch as the precipitating event was NOT "in the course of employment", the person is eligible to receive unemployment benefits.

The problem is that the employer's experience rate is adversely affected by the fact that the employer did what the law required. His UC Assessment goes up. The employer is, in effect, being punished for doing what the law requires.

A good safe professional truck driver is a valuable employee. This is especially true of those drivers who haul hazardous materials like petroleum products. They require special skills and must pass separate requirements for endorsements on their license. They are hard to find. They are hard to train. They are hard to replace. And, no company wants to lose a good one.

However, if that driver is convicted of DUI in a passenger car, he cannot drive a truck for at least a year. In this case, the employer is not firing the driver, he isn't laying him off for lack of work and he is not disciplining him. The company is following the letter of the law and letting the driver go. It's not right that that company's employment record should be adversely affected.

We have discussed this bill with the Department of Labor, The State Labor Council AFL-CIO, CBIA and other organizations that represent businesses that employ CDL drivers. We believe this is a fair and responsible way to comply with all of the provisions of the law without disadvantaging any Connecticut businesses which is just doing what the law requires.



60 FOREST STREET • HARTFORD, CT 06105-3200 • TEL: (860) 520-4466 • FAX: (860) 520-4587



MTAC MOTOR TRANSPORT ASSOCIATION OF CONNECTICUT, INC.MICHAEL J. RILEY
PRESIDENT

Because this is a rare occurrence, we believe that this bill would have a negligible impact on the total pool of employers whose assessments provide resources of the Unemployment Compensation Fund.

We respectfully request that the Labor Committee pass this bill, this session, so that the Department of Labor would not be required to charge back an employer for the benefits awarded to a CDL driver, who was disqualified because of a conviction of a DUI in a car.

Thank you





Testimony of the Connecticut AFL-CIO

Before the Labor and Public Employees Committee

February 26th, 2015

Senator Holder-Winfield, Representative Tercyak and members of the Labor and Public Employees Committee,

We submit this testimony on behalf of the 900 affiliated local unions who represent 200,000 working men and women from every city and town in our great state in support:

H.B. No. 6707 (RAISED) AN ACT CONCERNING THE LOSS OF AN OPERATOR LICENSE DUE TO A DRUG OR ALCOHOL TESTING PROGRAM AND UNEMPLOYMENT BENEFITS.

We understand the sensitivity of this issue, and we are keenly aware of the danger that DUI imposes, however, often times those who fail these drugs and alcohol tests have more going on in their lives, and the alcohol and drug abuse is a symptom of a larger problem, called addiction. Unemployment benefits are as much about supporting a family during a difficult time as they are supporting an individual. We support this bill as written though we will not support any amendments that disqualify employees from receiving unemployment benefits.

We thank the committee for holding this public hearing.

Respectfully Submitted,

Lori Pelletier

Executive Secretary Treasurer, Connecticut AFL-CIO