

# Legislative History for Connecticut Act

## PA 16-153

SB21

Senate 2423, 2441-2442 3

Veterans' Affairs 7-8, 10-13, 54-61, 109, 111-112, 116, 117 19

House Transcripts have not been received. They are available on CGA website, but are not the Official copy. Contact House Clerk for assistance (860) 240-0400 **22**

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

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**CONNECTICUT  
GENERAL ASSEMBLY  
SENATE**

**PROCEEDINGS  
2016**

**VOL. 59  
PART 8  
2400 – 2750**

/je  
SENATE

317  
May 2, 2016

On Calendar Page 42, Calendar 275, Senate bill 19,  
I'd like to mark that PT.

On Calendar page 27, Calendar 534, House Bill 5621,  
I'd like to mark that PT.

On Calendar page 9, Calendar 399, Senate Bill 18,  
I'd like to mark that PT.

On Calendar page 38, Calendar 125, Senate Bill 21,  
I'd like to mark that item on our Consent Calendar,  
please. Place that item on our Consent Calendar  
please.

THE CHAIR:

No objections, so ordered sir.

SENATOR DUFF (25TH):

Thank you, Madam President.

THE CHAIR:

Mr. Clerk.

On page 41, it is Calendar 269, Substitute for  
Senate Bill Number 371, AN ACT CONCERNING THE USE OF  
EXPERIMENTAL DRUGS.

THE CHAIR:

Senator Crisco. Good morning, sir.

SENATOR CRISCO (17TH):

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SENATE

335  
May 2, 2016

If the Clerk can now call the items on the Consent Calendar and then followed by a vote, please.

THE CHAIR:

Mr. Clerk.

THE CLERK:

On page 10, 10 409, Senate Bill 458; page 12, Calendar 426, Senate Bill 453; page 23, Calendar 508, Senate Bill 461; page 38, Calendar 125, Senate Bill 21; on page 41, Calendar 269, Senate Bill 371.

THE CHAIR:

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

THE CHAIR:

All members have voted? All members have voted?  
The machine will be closed. Mr. Clerk, will you please call the tally.

THE CLERK:

On today's Consent Calendar,

Total Number Voting

36

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SENATE

336  
May 2, 2016

Those voting Yea	36
Those voting Nay	0
Absent and not voting	0

THE CHAIR:

The Consent Calendar passes. Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. I move that all items that need action by the House be immediately transmitted.

THE CHAIR:

So ordered, sir.

SENATOR DUFF (25TH):

Thank you, Madam President. Is Senate Agenda Number 2 on the Clerk's desk?

THE CHAIR:

Mr. Clerk.

THE CLERK:

The Clerk is in possession of Senate Agenda Number 2. It's dated Monday, May 2, 2016.

THE CHAIR:

Senator Duff.

SENATOR DUFF (25TH):

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**VETERANS'  
AFFAIRS**

**1 – 293**

**2016  
INDEX**

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2  
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VETERANS' AFFAIRS COMMITTEE

February 23, 2016

1:00 P.M.

COLONEL TOMCHO: Actually, it's Brigadier General Russo.

UNIDENTIFIED SPEAKER: General Russo. He's coming on behalf of another --

REP. HENNESSY (127TH): Okay. Thank you, Brigadier General.

BRIGADIER GENERAL RUSSO: Senator Flexer, Representative Hennessy, on behalf of General Martin, who cannot be here today, I'm grateful to appear and testify on important military legislation pending before you. I believe you have a letter -- a copy of a letter from General Martin in front of you.

I'm General Russo, Assistant Adjutant General, Army, for the state of Connecticut; 41 years of grateful service to our nation and our state; both active duty and Guard, again, representing our agency and General Martin.

I'm accompanied by -- I'm sure you know Lieutenant Colonel Tomcho, our judge advocate and the legislative liaison.

HB 5360

SB 207

HB 5358

HB 5359

SB 204

SB 206

There's really six bills identified in a letter -- in the letter representing priorities for the adjutant general. They accomplish items that we feel will benefit the citizens of Connecticut, and the Military Departments, state of Connecticut.

The S.B. 217 the Governor's non-discrimination bill really updates the statutes and conforms to current policies and practices of our military and -- and -- in a way that we already kind of manage our -- our

military.

H.B. 5360 ensures that whoever the adjutant general is has Guard experience ensuring expert knowledge advising the Governor on matters integrating our federal forces and assets in times of emergencies to help save life and limb.

S.B. 207 allowing the Connecticut medal of merit to be presented to our militia, along with other services in recognition of superior state military service.

And H.B. 5358 further contributes our -- our militia's financial independence by expanding the pool of possible tenants and directs those dollars back to the horse Guard.

And H.B. 5359 allows our state contracting officer flexibility to expend up to \$2 million in -- in-house -- in-house construction.

And a repeal of S.B. 204 which conflicts -- currently conflicts with federal law prohibiting simultaneous -- simultaneous membership in the United States Reserves and the Governor's Guard.

And finally, just a note on S.B. 206, we would just ask the Committee to delay until we can coordinate the bill with -- with the proper authorities involved.

Now I'd like to thank the Veterans' Affairs Committee and offer to answer any questions that you may have. Thank you.

REP. HENNESSY (127TH): Thank you, General. Are there any questions? Senator.



BRIGADIER GENERAL RUSSO: Yeah, so the -- the Guard is unique. We have both the state and federal mission. And integrating our federal forces and dual status commanders at a time for domestic emergencies, leveraging government federal assets to state requirements really requires that whoever is adjutant general be experienced in those processes, so you're not learning on the run.

We've witnessed other states that have had this issue. We certainly don't want to have this issue in Connecticut, I would think.

SENATOR FLEXER (29TH): Thank you. That's very helpful. Could you actually -- and you don't -- if you don't off the top of your head, that's okay. But if you could get us the list of those other states, I think that would be really helpful in the -- the work of the Committee going forward.

BRIGADIER GENERAL RUSSO: Sure. Some of them are past adjutant generals, if that's okay?

SENATOR FLEXER (29TH): Yeah, that's absolutely acceptable. Great. Thank you very much. Thank you, Mr. Chair.

REP. HENNESSY (127TH): Thank you. Any other questions? Go ahead, David.

REP. YACCARINO (87TH): Thank you, Mr. Chair. Thank you for your testimony and your service to our country.

On S.B. 21, you had mentioned it updates the statute,

it conforms, so that's -- is it what's being currently done? Is there anything new in this language that we're not doing?

BRIGADIER GENERAL RUSSO: Yeah, so we're currently under the Army and Air, National Guard currently operate under Army and Air regulatory guidance, which the state of Connecticut probably needs to catch up with. So, it expands the list of protected people, minorities, et cetera.

REP. YACCARINO (87TH): It expands in language or -- I would hope it's -- they're already being protected, so they're --

BRIGADIER GENERAL RUSSO: Yeah, so --

REP. YACCARINO (87TH): -- not being protected?

BRIGADIER GENERAL RUSSO: So, in Connecticut, because we're Army and Air Guard, and we operate under federal guidance from the Army and Air, they're currently protected, your current statutes need to catch up.

REP. YACCARINO (87TH): Okay, thank you. And on -- on the construction, I think it makes sense, but what's the process you have to go for construction projects? In front of DAS; and are they on board with this?

BRIGADIER GENERAL RUSSO: I -- I believe they're on board with it, but yes. So, anything that exceeds that limit, we have to go through construction services. The -- recently the federal government has increased the amount, so that if we increase -- expand our -- our capability, we can act in a much more efficient, faster manner.

REP. YACCARINO (87TH): Efficiency is good. So you would have to come up with drawings, renderings, and show DS -- DAS if this was to pass? Which I think it makes sense, I'm just trying to get a better understanding. All right.

COLONEL TOMCHO: Currently we're limited to \$500,000 that we --

REP. YACCARINO (87TH): Right.

COLONEL TOMCHO: -- can do in-house. That's one of the reasons why we give you our armory construction and purchase program report annually to show you the ability of the Military Department to execute military construction projects that we extend.

Our ability extends to our USPFO where we can do federal contracting and we've done facilities in the range of 40 to \$50 million in-house. By -- this bill would give us the ability to contract through our state contracting office projects up to \$2 million. We have in-house draft purses (phonetic), we have the ability to execute, we have a contracting officer representative, we have our facilities management office; so we are unique in our ability to execute projects.

I think the only other agencies in the state are the higher education at UConn and I think also the General Assembly has a special authority, that's big projects over the \$500,000 limit.

REP. YACCARINO (87TH): Thank you, it makes sense, and I do have total faith that you -- you'll do a great

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8

February 23, 2016

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VETERANS' AFFAIRS COMMITTEE

1:00 P.M.

job, because I know what you can do and I know as military can go, but I just want to get that on the record just so we're on the same page. Thank you.

Thank you, Mr. Chair.

REP. HENNESSY (127TH): Thank you. Any other questions? Thank you. Seeing none; thank you very much for your testimony, gentlemen.

BRIGADIER GENERAL RUSSO: Thank you.

REP. HENNESSY (127TH): Next up, Representative Berger.

REP. BERGER (73RD): Madam, Chairwoman -- Mr. Chairman. If I could to expedite the process, if I could bring up Mr. Nolan and his daughter to consolidate our testimony?

REP. HENNESSY (127TH): Yes, please.

REP. BERGER (73RD): Would that be okay?

REP. HENNESSY (127TH): Thank you.

REP. BERGER (73RD): Thank you.

I'll have some brief opening remarks for the Committee and then Mr. Nolan has some background information in reference to the bill so that before -- the bill before the Committee that we're testifying for, which is Bill No. 199, AN ACT CONCERNING THE OBSERVANCE OF VETERANS' DAY.

Chairman Hennessy, Chairwoman Flexer and Members of

and you may not be able to answer this, it says -- it speaks only to a fee not to -- the fee to -- for each registrant certificate issued under this subsection except that no such fee shall be charged to a veteran. It's a \$25 fee that is to the State Treasurer. Is that the only fee that you were -- because you're talking about \$100 to a -- to a \$300 fee.

ETHAN RUBY: There is a \$100 registration fee every year for your card. As a medical marijuana patient, if you -- if your doctor certifies you as someone who can benefit from the medicine, regardless of your condition, you have to go get re-certified every year. So even if you have a permanent condition, you still have to go back to the doctor every single year and pay \$100 fee to the state to be registered.

REP. STANESKI (119TH): Okay. Thank you. Thank you very much for your testimony.

REP. HENNESSY (127TH): Thank you. Any other questions? Seeing none, thank you very much for your testimony.

ETHAN RUBY: Appreciate the opportunity, thanks.

REP. HENNESSY (127TH): Absolutely. So -- so we're alternating now between elected officials and general public. And next up is Michael Roberts.

MICHAEL ROBERTS: Good afternoon, Senator Flexer, Representative Hennessy, Senator Martin and Representative Yaccarino. My name is Michael Roberts. I'm an attorney at the CHRO, the Commission on Human Rights and Opportunities; which is the state agency that enforces Connecticut's civil rights and anti-

SB 197  
SB 21

discrimination statutes.

Thank you for the opportunity to testify today. I'm testifying and giving the CHRO's support of two bills; S.B. 197, AN ACT CONCERNING VETERANS, DISCRIMINATORY PRACTICES AND THE COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES, and S.B. 21, AN ACT CONCERNING THE MILITARY DEPARTMENT'S NONDISCRIMINATION LAWS.

State Bill 197, this bill seeks to add veteran status as a protected class under Connecticut's anti-discrimination statutes. As I'm sure the Members of the Committee are aware, many times veterans who are returning from active duty and seeking to transition to civilian life face various forms of discrimination; whether it be the belief that they're going to be called back to active duty, or ideas about PTSD or other related disabilities, for veterans who have been on frontline or combat duty.

These assumptions are generalizations that veterans face; prevent many veterans from having the full access to the opportunities that their service in part makes possible. Right now under federal law, the USERRA law, veterans are protected from discrimination when they try to seek employment, but we don't have that kind of protection on a state level. S.B. 197, if it's enacted, will open that door for veterans who are victims of discrimination to utilize venues like the CHRO complaint process, it'll also afford veterans who are the victims of discrimination to access remedies like compensatory damages such as attorney's fees.

This will erase some of the burden for veterans who bring complaints of discrimination and will deter such

discrimination from occurring in the future. The CHRO public hearing officers already award compensatory damages in the cases like housing, public accommodations; this would allow these damages to be awarded in employment cases.

The CHRO, we want to point out, a slight drafting error in Section 13(b) of S.B. 197 that relates to General Statute Section 46a-86. The language in there is a little off based on -- on where that section falls in the overall statutes, so attached to my testimony I have provided what the current version is versus what's perhaps it -- it should -- it should read.

In terms of S.B. 21, this is about prohibiting discrimination in the Connecticut Military Department. This is following on an announcement in December by Secretary of Defense Ash Carter to open the doors to women to serve in all combat roles, and this kind of updates as -- as you heard in testimony before from the Brigadier General, it updates the statutes in relation to people seeking to join the National Guard or in the ways that they are accommodated in their units and their assignments to add some more protected classes to -- to those statutes.

The CHRO would suggest respectfully that S.B. 21 go a step further. There are certain protected classes that S.B. 21 would add, but it does not add age or any form of disability. As I am sure you are aware, the military has its restrictions in terms of age for enlistment, or physical or medical requirements that must be met, but outside of that, our thought is that age and disability should be included in the protected classes for S.B. 21.

So, aside from the -- this concern and the drafting points about S.B. 197, we would otherwise urge the Committee to favorably report these bills and I welcome any questions that the Committee may have.

REP. HENNESSY (127TH): Thank you very much for your testimony. Representative Alexander.

REP. ALEXANDER (58TH): Thank you, Mr. Chair. And thank you for your testimony. I think it's a very important issue that we're talking about with this.

My only concern on the first bill, S.B. 197, is that it might not be constitutional to make veterans a protected class. U.S. Supreme Court usually deals and determines that on case law. And religion, national origin, color, race, sex, gender and identity expression, sexual orientation; all have been deemed by the U.S. Supreme Court as a protected class, but the lawyer in me would say that this might not jive with -- with constitutional case law. That might need to be examined, and maybe if we mirrored the bill on the federal Uniformed Services Employment and Reemployment Rights Act, we might be constitutional doing right by our veterans.

So that's something I would just throw out there. And then secondly, I think the second bill, S.B. 21 is -- is -- is a common sense bill; especially with don't ask/don't tell being lifted. This makes sure that we're complying with the federal government on that, and -- and the federal military now in Connecticut in the state, and also with MOSSs, combat MOSSs, combat arms MOSSs being opened up, it makes sense that we would have this in statute, so that if a female wants



an infantry slot, she can't be discriminated from getting that, and then having a slot there to pursue that, so.

I thank you for bringing that, and I just -- just question the constitutionality of the first one.

SB197

MICHAEL ROBERTS: Sure, on that point, I respectfully I think that the state protected classes can be different than the federal protected classes. For example, we've had sexual orientation as a protected class in Connecticut since 1991, but on the federal level it's still not recognized.

The Supreme Court recognizes different levels of -- of scrutiny in terms of equal protection doctrine for different classes; even strict scrutiny for race, intermediate scrutiny for gender, rational basis for most others. But it's -- in terms of statute, it's the Congress that decides on the federal level what some protected classes are going to be; race, gender, disability in the ADA. And then Connecticut has usually been above and beyond what the -- the federal statutes are, and continues to be in terms of protecting gender identity and expression, and -- and certain other areas.

So I think these -- the veteran status can be added as a protected class without running into any federal constitutional issues.

REP. ALEXANDER (58TH): No, I appreciate that. It's been a couple years since I studied constitutional law as a lawyer. I mean I'm not practicing at the moment, so I appreciate you enlightening me on that. And if we can do it constitutionality -- and I should know

that some of these protected classes aren't in the -- in the U.S. Supreme Court and federal level; I should have known that. But it's been a couple years.

So I appreciate that. If we can do it, we should do it, I think it's a good bill then and I appreciate it. Thank you, Mr. Chair.

REP. HENNESSY (127TH): Thank you. Any other questions, comments? Seeing none, thank you very -- oh, Senator Gomes.

SENATOR GOMES (23RD): I remember a long time ago -- I say long time ago, but I -- I remember when -- back when they had the draft and people were drafted, I don't know if it came under this protection rights and so on and so forth, but when you were drafted and you served in the service, when you came back to the plant where you worked or whatever, they had to offer you -- offer you an opportunity for a job. In other words, they had to offer you a job. You might not go to that same job, but you were offered an opportunity to be employed as soon as you came back.

I don't know if it still exists, do you know?

MICHAEL ROBERTS: I believe that USERRA, the Uniformed Services Employment and --

SENATOR GOMES (23RD): Reemployment?

MICHAEL ROBERTS: -- Reemployment Rights Act --

SENATOR GOMES (23RD): Yeah.

MICHAEL ROBERTS: -- on the federal level it -- it

does protect your -- your ability to come back into your position.

This bill is more about if veterans are coming back, not in their specific job -- although I think theoretically it could potentially do that, although it doesn't secure the position in the same way that USERRA does.

SENATOR GOMES (23RD): And that being because you might come back to a -- a job that has a union and they have a contract and so on and so forth, and different things have -- bumping rights and so on and so forth were mixed in there, but you had a -- have a right to be employed at least by that company that you left.

MICHAEL ROBERTS: M-hum.

SENATOR GOMES (23RD): That's the way it used to be. All right. I didn't know if it still existed or not.

MICHAEL ROBERTS: I think USERRA does continue to -- to do that.

SENATOR FLEXER (29TH): Thank you. And thank you again very much for your testimony and we look forward to working with you on these pieces of legislation.

MICHAEL ROBERTS: Sure, thank you.

SENATOR FLEXER (29TH): Next is David McGuire followed by Paul Scappaticci.

DAVID MCGUIRE: Good afternoon, Senator Flexer and Members of the Committee. My name is David McGuire;

SB 21  
SB 197

000061

56

February 23, 2016

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VETERANS' AFFAIRS COMMITTEE

1:00 P.M.

I'm the Legislative and Policy Director for the American Civil Liberties Union on Connecticut.

I'm here today to testify in support of S.B. 21, AN ACT CONCERNING THE MILITARY DEPARTMENT'S NONDISCRIMINATION LAWS, and also in support of S.B. 197, AN ACT CONCERNING VETERANS, DISCRIMINATORY PRACTICES AND THE COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES.

These are the bills that Attorney Roberts just spoke to, and -- and both of them go to -- to fairness and equality; both with people that want to serve in the military, as well as people that have served in the military. I'll first address S.B. 21; that's the Governor's bill that has to do with updating our Military Department's nondiscrimination code.

I think a lot of people would be shocked to learn, and I was myself, that the last time our Connecticut military code was updated in terms of discriminatory practices and classes, was 1949. Currently only race, religion and creed are protected.

This bill is a common sense bill that would update our military's nondiscrimination laws to come in line with the Department of Defense. It's absolutely clear that people should be able to serve in the military regardless of their heritage, beliefs or who they love.

The second bill that I'm going to speak to is S.B. 197. This is an equally important bill for the reasons that Attorney Roberts just spoke of. There -- there is discrimination against veterans happening in Connecticut today. Again, most people would be



## STATE OF CONNECTICUT

MILITARY DEPARTMENT  
 WILLIAM A. O'NEILL ARMORY  
 360 BROAD STREET  
 HARTFORD, CONNECTICUT 06105-3795

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February 23, 2016

Honorable Mae Flexer, State Senator  
 Honorable John "Jack" F. Hennessy, State Representative  
 Co-Chairs, Veterans' Affairs Committee  
 Hartford, CT 06106

**IN RE Proposed Bills:**

**SB 21, "AAC Military Department's Nondiscrimination Laws"**

**SB 204, "AAE Simultaneous Membership in Multiple Units of State Military"**

**SB 207, "AAC Award of the Medal of Achievement"**

**HB 5358, "AAC Leasing of Military Facilities"**

**HB 5359, "AAC State Military Construction Projects"**

**HB 5360, "AAC the Military Department"**

I write to express the Military Department's support for the above-noted bills.

**S.B. 21** revises Section 27-59 of the general statutes to ensure that Connecticut citizens may serve in the armed forces of the state without discrimination based on religion, national origin, color, race, sex, gender identity or expression or sexual orientation. This legislation aligns the state law concerning nondiscrimination in Connecticut's armed forces with federal law and policies of the United States armed forces. This legislation makes important revisions to the state statute at a time when we are seeing major shifts in policy at the national level. The privilege to serve in the armed forces is an important aspect of citizenship, which should not be denied based on archaic discriminatory rationales. Enactment of this bill will be an important step in the fight against discrimination.

**SB 204** repeals Section 27-56 of the general statutes to eliminate a provision of state law that conflicts with federal law (32 USC 109 (e)). The federal law prohibits simultaneous membership in a unit of the United States Reserve, which includes the National Guard, and in a unit of a state defense force, such as the Governor's Guards. The statute also creates a conflict with state strength accountability, where a member who is in two units may be counted twice in the calculation of the strength of Connecticut's armed forces. Additionally, it potentially conflicts with other provisions of law, including section 27-20, which charges the Adjutant General with the duty of recruiting and managing the state's armed forces. I ask for the repeal of section.

**SB 207** revises Section 27-73g of the general statutes to expand the eligibility for the award of the Connecticut medal of achievement. This revision will permit members of the armed forces of the United States and members of all state armed forces, including members of the Governor's Guards, to receive the medal for outstanding achievement or meritorious service during the performance of state military service. This expansion permits Connecticut the opportunity to recognize the service of not only the members of our own armed forces but the members of all armed forces for state military service.

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Testimony of  
 Permanent Commission on the Status of Women  
 Submitted to the  
 Veteran's Affairs Committee  
 February 23, 2016

Re: S.B. 21, AN ACT CONCERNING THE MILITARY DEPARTMENT'S  
 NONDISCRIMINATION LAWS

S.B. 205, AN ACT CONCERNING WOMEN VETERANS

Senators Flexer and Henri and Representatives Hennessey and Yaccarino, and distinguished members of the Veterans Affairs Committee, thank you for the opportunity to provide testimony on behalf of the Permanent Commission on the Status of Women (PCSW) in support of S.B. 21, An Act Concerning the Military Department's Nondiscrimination Laws and S.B. 205, An Act Concerning Women Veterans.

The number of women in the military today continues to rise and women's roles in our national defense are constantly evolving. Today, women constitute approximately 20 percent of new recruits, 14.5 percent of the 1.4 million active duty component and 18 percent of the 850,000 reserve component. While the number of male veterans is expected to decline by 2020, the number of female veterans is expected to grow dramatically, to 11 percent of the overall veteran population.<sup>1</sup>

S.B. 21, AN ACT CONCERNING THE MILITARY DEPARTMENT'S  
 NONDISCRIMINATION LAWS

In December of last year, Defense Secretary Ashton Carter announced that the United States military had opened all combat roles to women. Many female service members have been serving in combat zones but have been officially denied membership in infantry positions. S.B. 21, An Act Concerning the Military Department's Nondiscrimination Laws, is one way Connecticut can apply the goals of the Defense Secretary's announcement by ensuring that Connecticut service members who serve in the National Guard are protected from discrimination.

S.B. 21 inserts the Connecticut Commission on Human Rights and Opportunities (CHRO) anti-discrimination guidelines into the Military Department's statutes, making it illegal for the Connecticut

<sup>1</sup> Women Veterans: The Long Journey Home

National Guard to discriminate based on religion, national origin, color, race, sex, gender identity or expression, and sexual orientation. This is a long overdue change and one the PCSW heartily endorses.

### S.B. 205, AN ACT CONCERNING WOMEN VETERANS

Women represent the fastest growing group of veterans who are enrolling in VA healthcare and yet a third of VA medical centers do not have a gynecologist on staff. In a 2015 report commissioned by Disabled American Veterans (DAV), serious gaps were identified in every aspect of the programs that serve women, including healthcare, employment, finance, housing, social issues and the eradication of sexual assault.<sup>2</sup> Women have differing needs from their male veteran counterparts and programs must adapt and change to meet those needs.

During the 2015 legislative session, Connecticut lawmakers passed Public Act 15-8, which charged the Department of Veteran's Affairs with establishing a women's veteran's program. Among other things, the program was asked to submit recommendations for improving benefits and services available to women veterans. S.B. 205, An Act Concerning Women Veterans seeks to enact many of the recommendations made in that report including a woman's veterans' coordinator to provide centralized administrative support, a quick reference guide for female veterans, training, public service announcements, and a website dedicated to matters of concern for women veterans.

The PCSW appreciates this committee and the legislature's support of women veterans. Women who have served our country deserve consistent access to a full range of gender-sensitive benefits and services. We are hopeful that this legislation sets us on a path to do just that.

Thank you for your consideration of this important issue.

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<sup>2</sup> <https://www.dav.org/wp-content/uploads/women-veterans-study.pdf>



9

State of Connecticut  
**COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES**

Central Office - 25 Sigourney Street, Hartford, CT 06106

*Promoting Equality and Justice for all People*

**Testimony to the Committee on Veterans' Affairs  
Tuesday, February 23, 2016**

**SB-197, AN ACT CONCERNING VETERANS, DISCRIMINATORY PRACTICES AND THE  
COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES.**

&

**SB-21, AN ACT CONCERNING THE MILITARY DEPARTMENT'S NONDISCRIMINATION  
LAWS.**

Good afternoon Senator Flexer, Representative Hennessy, Senator Martin, Representative Yaccarino, and members of the Committee on Veterans' Affairs. My name is Michael Roberts, and I am an attorney at the Commission on Human Rights and Opportunities (CHRO). I am here to state the CHRO's **support** of SB-197 and SB-21.

SB-197 seeks to add veteran status as a protected class under Connecticut's anti-discrimination statutes.<sup>1</sup> As the members of this Committee are well aware, veterans seeking to transition into civilian life often face discrimination in employment, housing, and other areas. An employer or housing provider may incorrectly believe that a veteran could be called back to active duty soon after starting a job or signing a lease. Others may have concerns with regard to posttraumatic stress disorder (PTSD) for veterans returning from front-line or combat service. Discrimination based on these assumptions and generalizations prevents many veterans from having full access to the opportunities made possible in part by their service.

While the federal Uniform Services Employment and Reemployment Rights Act (USERRA) already prohibits discrimination on the basis of military service, SB-197, if enacted, will open the door for veterans who are victims of discrimination to utilize additional venues of action, such as the CHRO complaint process. SB-197 will also afford veterans who are victims of discrimination the ability to obtain the various remedies authorized by Connecticut's civil rights statutes. With that in mind, SB-197 allows CHRO public hearing officers to award compensatory damages such as attorney's fees in cases where the Referee determines that unlawful discriminatory practices have occurred. Such authority will ease some of the burden for veterans who bring complaints of discrimination and deter discrimination from occurring. CHRO public hearing officers can already award compensatory damages in housing, whistleblowing, and public accommodations cases.

The CHRO would point out, however, a slight drafting error in the way that Section 13(b) of SB-197 would change Conn. Gen. Stat. § 46a-86. Specifically, some of the language that would be inserted is improperly placed in that section. We have attached a suggested change to the language to my testimony.

The CHRO therefore urges the Committee to **favorably report** SB-197.

A "veteran" is defined in Conn. Gen. Stat. § 27-103(a) as "any person honorably discharged from, or released under honorable conditions from active service in, the armed forces". While the CHRO would support expanding the proposed protections to include active and reserve duty personnel, that is a decision for the committee.





**State of Connecticut**  
**COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES**

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*Promoting Equality and Justice for all People*

**Testimony (Cont'd)**

SB-21, meanwhile, prohibits discrimination in the Connecticut Military Department with regard to membership, units, duties, and accommodations on the basis of religion, national origin, color, race, sex, gender identity or expression, and sexual orientation. This follows closely on the heels of the announcement in December that the federal Department of Defense would open all combat roles to women for the first time.

The CHRO is firmly committed to the belief that no one should be prevented from realizing their full potential on the basis of an immutable characteristic. On front lines and assembly lines, in boardrooms as well as classrooms, the doors should be open for everyone to have an equal role in shaping the future of our nation. No one should be prevented from doing so by obsolete notions of what they can do.

To that end, the CHRO would respectfully suggest that SB-21 go further. As written, SB-21 does not include age or any form of disability in its list of protected classes. It is true that there are age restrictions on enlistment and certain physical and medical requirements. SB-21 provides a caveat for those situations covered by federal law, regulation, or policy. Outside of those situations, however, there is no reason why age or disability should not be protected. We would therefore ask that the Committee consider including age as well as mental, intellectual, learning, and physical disability in the enumerated protected classes in SB-21.

With this concern in mind, the CHRO otherwise urges the Committee to **favorably report** SB-21.

I will be happy to answer any questions you may have.