



2018 Legislative Session Summary

PRELIMINARY

The 2018 CT Legislative Session adjourned on May 9th at midnight. The General Assembly in the early evening voted and passed on a bipartisan budget; that did not include the Republicans proposed anti-worker changes to collective bargaining. Below is a summary of the regular session outcomes that most significantly impact AFT Connecticut members:

Accomplishments

By far, our biggest and most important win was protecting collective bargaining and binding arbitration by defeating bills, amendments and budget proposals that sought to limit, repeal or weaken both, including:

- Enacting statutory changes eliminate collective bargaining for state employees;
- Eliminating overtime from state employee pension calculations;
- Expanding an irrebuttable presumption that a municipal budget reserve of fifteen percent or less is not available for payment for negotiations, as well as arbitration

Recommendation from the Commission on Fiscal Stability and Economic Growth to remove state employee pensions and healthcare from collective bargaining, cut \$1 billion in state spending and cut taxes for the wealthy was defeated.

HB 5177 Employee Notification of Freedom of Information Requests: Requires state employees to be notified if FOI requests are made requesting their personal information

SB 455 Minority Teacher Recruitment and Retention: This bill makes several changes in the teacher certification laws to make it easier, in certain areas, to obtain certification or cross endorsement. It also:

- requires the State Department of Education (SDE) to identify and utilize or support several practices and programs to boost minority teacher recruitment;
- requires SDE to develop or review and approve a new alternate route to certification (ARC) program for people in certain professions to be teachers, including paraeducators, charter school teachers, veterans, and others;
- adds a new member to the teacher Performance Evaluation Advisory Council (PEAC) and requires the council to work collaboratively with the Minority Teacher Recruitment Task Force;
- requires the State Board of Education's (SBE) five-year education plan to include a statement that the state's teacher workforce should reflect the racial and ethnic diversity of the state;
- requires SDE to enter into a memorandum of understanding (MOU) with teacher licensure test vendors to allow some test takers to get a free retake of the exam under certain conditions.

HB 5214 Medical Assistants Administering Vaccines: Would have allowed under certain conditions, medical assistants to administer vaccines or nebulizer treatments to adults (age 18 or older). This bill was defeated.

HB 5481 Changes to the State Personnel Act: This bill shortens certain deadlines related to open positions in the state employee classified service. It requires the Department of Administrative Services (DAS) commissioner to give public notice of exams for these positions at least six business days, rather than two weeks, in advance. It also removes a requirement for the commissioner to post the notice on a bulletin board

in or near DAS. Existing law, unchanged by the bill, requires the commissioner to post the notice on the department's website and submit it to the director of the state employment service. The bill also shortens the deadline by which applicants may appeal a rejection of their application for a classified service position. It requires them to appeal, in writing, to the DAS commissioner within six business days after the rejection was transmitted, rather than within 12 days after the rejection was mailed.

SB 453 Classroom Safety and Disruptive Behavior: This bill requires local and regional boards of education, as well as the State Department of Education (SDE), to address daily classroom safety in a manner like how they must address bullying and teen dating violence under current law. Under the bill, "daily classroom safety" means a classroom environment in which students and school employees are not physically injured by other students, school employees, or parents; or exposed to physical injury.

The bill makes the following changes to school safety and school climate laws:

1. requires boards of education to address daily classroom safety in their safe school climate plans;
2. requires boards of education to annually report to SDE instances of daily classroom safety violations;
3. allows teachers to refer out of their classroom students who commit daily classroom safety violations and sets standards for the student's return;
4. requires SDE to provide school districts with training and assistance;
5. expands the duties of school staff in safe school climate leadership positions to include daily classroom safety issues; and
6. expands the statutory definition of a "prevention and intervention strategy" used to address daily classroom safety violations.

SB 456 Assistance to School Districts that Enroll Students displaced by Hurricane Maria: For the school years commencing July 1, 2018, and July 1, 2019, a local or regional board of education may enter into a memorandum of understanding with the local or regional board of education for a surrounding town to share classrooms and other resources for the purpose of educating and supporting recently-enrolled students from Puerto Rico who have been displaced as a result of natural disasters in Puerto Rico.

HB 5383 Disputes between Health Carriers and Participating Providers that are Hospitals: This bill requires health carriers and hospitals to continue to abide by a contract's terms for 60 days following a nonrenewal or termination. Under the bill, a health carrier and a participating provider hospital (i.e., a hospital that contracts with the carrier to be "in network") or the hospital's parent corporation must continue to abide by the terms of a nonrenewed or terminated contract, including reimbursement terms, for at least 60 days after the contract ends. If the carrier and provider renew or enter into a new contract within the 60-day period, the bill requires the new contract's reimbursement terms to be retroactive to the date the original contract ended, unless the parties agree otherwise.

However, health carriers and participating provider hospitals that mutually agree in writing to not renew or terminate a contract may do so without meeting the 60-day requirement as long as they provide the statutory notification, which includes making a good faith effort to notify all impacted patients at least 30 days in advance of the nonrenewal or termination.

The contracting provisions apply to any contract entered into, renewed, amended, or continued on or after July 1, 2018. The bill also increases, from 60 to 90 days, the amount of advanced notice a health carrier and participating provider must provide each other before the carrier removes a provider from, or the provider leaves, the network.

HB 5446 Minor Revisions and Additions to the Education Statutes: delays, by one year, the transition of the Technical Education and Career System (TECS) (formerly known as the technical high school system) into an independent state agency, separate from the State Department of Education (SDE)

HB 5210 Putting federal health care protections into CT law: The bill requires certain health insurance policies to cover 10 "essential health benefits" and prohibits policies from including annual or lifetime limits on their

dollar value. “Essential health benefits” are health care services and benefits that fall within the following categories:

- ambulatory patient services;
- emergency services;
- hospitalization;
- maternity and newborn health care;
- mental health and substance use disorder services, including behavioral health treatment;
- prescription drugs;
- rehabilitative and habilitative services and devices;
- laboratory services;
- preventive and wellness services and chronic disease management; and
- pediatric services, including oral and vision care.

HB 5384 Addressing the rising cost of prescription drugs: This bill makes several changes related to prescription drugs, pharmacy benefit managers (PBMs), and health carriers (e.g., insurers and HMOs). Among other things, it requires:

- PBMs to report information about drug formulary rebates to the insurance commissioner, who must report aggregated data to the Insurance and Real Estate Committee;
- health carriers to submit to the insurance commissioner, and the commissioner to report to the Insurance and Real Estate Committee, information on covered outpatient prescription drugs, including the most frequently prescribed drugs and those provided at the greatest cost;
- health carriers to certify to the commissioner that they account for all rebates when calculating plan premiums;
- a prescription drug “sponsor” (i.e., the entity responsible for its clinical trials) to notify the Office of Health Strategy (OHS) when it files certain applications for new drugs; and
- OHS to annually identify up to 10 outpatient prescription drugs provided at substantial state cost or critical to public health and drug manufacturers to report information to OHS on those drugs.

HB 5386 Pay Equity: This bill prohibits employers, including the state and its political subdivisions, from asking, or directing a third-party to ask, about a prospective employee's wage and salary history. The prohibition does not apply (1) if the prospective employee voluntarily discloses his or her wage and salary history or (2) to any actions taken by an employer, employment agency, or its employees or agents under a federal or state law that specifically authorizes the disclosure or verification of salary history for employment purposes. The bill also allows an employer to ask about the other elements of a prospective employee's compensation structure (e.g., stock options), but the employer may not ask about their value.

The bill allows prospective employees to bring a lawsuit within two years after an alleged violation of the bill's prohibition on asking about salary histories. Employers can be found liable for compensatory damages, attorney's fees and costs, punitive damages, and any legal and equitable relief the court deems just and proper.

SB 4 Dreamers: This bill extends eligibility for institutional financial aid to attend a state public higher education institution (i.e., UConn and the Connecticut State Colleges and Universities) to certain students, including honorably discharged veterans, who lack legal immigration status. The bill extends eligibility for the aid to these students, to the extent allowed by federal law, if they (1) meet certain residency, age, and criminal history requirements and (2) file an affidavit about their intent to legalize their immigration status with the institution they are attending. Under the bill, veterans are eligible for institutional financial aid upon the bill's passage, while non-veterans are eligible on the earlier of January 1, 2020 or when Congress provides a “pathway to citizenship” for students without legal immigration status. The bill does not define “pathway to citizenship.”