



General Assembly

February Session, 2000

**Amendment**

LCO No. 4074

Offered by:

SEN. COLEMAN, 2<sup>nd</sup> Dist.

REP. DAVIS, 50<sup>th</sup> Dist.

To: Subst. Senate Bill No. 311

File No. 162

Cal. No. 178

**"An Act Concerning Observance Of Martin Luther King Day."**

1 Strike out everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. (NEW) Any municipality that did not observe the Martin  
4 Luther King Day legal holiday on January 17, 2000, by closing all  
5 nonessential municipal offices shall close all such nonessential  
6 municipal offices on any day designated as Martin Luther King Day  
7 pursuant to section 1-4 of the general statutes.

8 Sec. 2. (NEW) Notwithstanding the provisions of the general  
9 statutes, each municipal employer and each employee organization in  
10 a municipality that is required to close all nonessential municipal  
11 offices in observance of Martin Luther King Day pursuant to section 1  
12 of this act shall reopen each collective bargaining agreement approved  
13 in accordance with the provisions of sections 7-467 to 7-477, inclusive,  
14 of the general statutes for the sole purpose of negotiating  
15 compensation or exchange of benefits, if any, for the bargaining unit

16 members covered by such agreement for observance of Martin Luther  
17 King Day.

18 Sec. 3. (NEW) Notwithstanding the provisions of section 7-473c of  
19 the general statutes, if any such municipal employer and any such  
20 employee organization are unable to resolve the compensation or  
21 exchange of benefits issue after reopening the agreement pursuant to  
22 section 2 of this act by May 31, 2000, the parties shall submit the issue  
23 to the State Board of Mediation and Arbitration, and said board shall  
24 make every effort to resolve the issue through mediation not later than  
25 June 30, 2000.

26 Sec. 4. (NEW) Notwithstanding the provisions of section 7-473c of  
27 the general statutes:

28 (1) If the parties are unable to resolve the compensation or exchange  
29 of benefits issue pursuant to section 3 of this act, by June 30, 2000, the  
30 parties shall submit the issue to said board for resolution through  
31 binding arbitration not later than July 15, 2000.

32 (2) If neither the municipal employer nor the municipal employee  
33 organization has submitted the issue to said board for resolution  
34 through binding arbitration by July 15, 2000, said board shall notify the  
35 municipal employer and municipal employee organization that  
36 binding and final arbitration is now imposed on them, and said board  
37 shall resolve the issue through binding arbitration not later than  
38 September 30, 2000. Written notification of such imposition shall be  
39 sent by registered mail or certified mail, return receipt requested, to  
40 each party.

41 (3) Within two days of receipt of such notification, the chief  
42 executive officer of the municipal employer and the executive head of  
43 the municipal employee organization each shall select one member of  
44 the arbitration panel. Within two days of their appointment, the two  
45 members of the arbitration panel shall select a third member, who shall  
46 be an impartial representative of the interest of the public in general  
47 and who shall be selected from the panel of neutral arbitrators

48 appointed pursuant to subsection (a) of section 7-473c of the general  
49 statutes. Such third member shall be the chairman of the panel. In the  
50 event the municipal employer or the municipal employee organization  
51 have not selected their respective members of the arbitration panel or  
52 the two members of the panel have not selected the third member, the  
53 State Board of Mediation and Arbitration shall appoint such members  
54 as are needed to complete the panel, provided (A) the member or  
55 members so appointed are residents of this state, and (B) the selection  
56 of the third member of the panel by the State Board of Mediation and  
57 Arbitration shall be made at random from among the members of the  
58 panel of neutral arbitrators appointed pursuant to subsection (a) of  
59 section 7-473c of the general statutes.

60 (4) The panel shall, within two days, by the call of its chairman, hold  
61 a hearing within the municipality involved. The chairman of the panel  
62 shall preside over such hearing. Any member of the panel shall have  
63 the power to take testimony, to administer oaths and to summon, by  
64 subpoena, any person whose testimony may be pertinent to the  
65 matters before said panel, together with any records or other  
66 documents relating to such matters. In the case of contumacy or refusal  
67 to obey a subpoena issued to any person, the Superior Court, upon  
68 application by the panel, shall have jurisdiction to order such person to  
69 appear before the panel to produce evidence or to give testimony  
70 touching the matter under investigation or in question, and any failure  
71 to obey such order may be punished by said court as a contempt  
72 thereof.

73 (5) The panel shall conclude the hearing within fifteen days after its  
74 commencement. Within ten days after the hearing, the panel shall  
75 issue, upon majority vote, and file with the State Board of Mediation  
76 and Arbitration its decision. The decision of the panel shall be final  
77 and binding upon the municipal employer and the municipal  
78 employee organization.

79 (6) In regard to all proceedings undertaken pursuant to this section  
80 the secretary of the State Board of Mediation and Arbitration shall

81 serve as staff to the arbitration panel.

82 Sec. 5. (NEW) Notwithstanding the provisions of section 7-473c of  
83 the general statutes:

84 (1) Not later than October 30, 2000, the legislative body of the  
85 municipal employer may reject the award of the arbitrators or single  
86 arbitrator issued pursuant to section 4 of this act by a two-thirds  
87 majority vote of the members of such legislative body present at a  
88 regular or special meeting called and convened for such purpose.

89 (2) Not later than November 10, 2000, the legislative body or its  
90 authorized representative shall be required to state, in writing, the  
91 reasons for such vote and shall submit such written statement to the  
92 State Board of Mediation and Arbitration and the municipal employee  
93 organization. Not later than November 20, 2000, the municipal  
94 employee organization shall prepare a written response to such  
95 rejection and shall submit it to the legislative body and the State Board  
96 of Mediation and Arbitration.

97 (3) Not later than November 20, 2000, the State Board of Mediation  
98 and Arbitration shall select a review panel of three arbitrators or, if the  
99 parties agree, a single arbitrator who are residents of Connecticut and  
100 labor relations arbitrators approved by the American Arbitration  
101 Association and not members of the panel who issued the rejected  
102 award. Such arbitrators or single arbitrator shall review the decision on  
103 each such rejected issue. Such review shall be completed not later than  
104 December 10, 2000.

105 (4) Not later than December 15, 2000, after the completion of such  
106 review, the arbitrators or single arbitrator shall render a written  
107 decision with respect to each rejected issue which shall be final and  
108 binding upon the municipal employer and the employee organization  
109 except that a motion to vacate or modify such award may be made in  
110 accordance with sections 52-418 and 52-419 of the general statutes. The  
111 decision of the arbitrators or single arbitrator shall be in writing and  
112 shall include specific reasons and standards used by each arbitrator in

113 making a decision on each issue. The decision shall be filed with the  
114 parties. The reasonable costs of the arbitrators or single arbitrator and  
115 the cost of the transcript shall be paid by the legislative body. Where  
116 the legislative body of a municipal employer is the town meeting, the  
117 board of selectmen shall perform all of the duties and shall have all of  
118 the authority and responsibilities required of and granted to the  
119 legislative body under this subsection.

120 (5) The cost of the arbitration panel shall be distributed among the  
121 parties in the following manner: (1) The municipal employer shall pay  
122 the costs of the arbitrator appointed by it, (2) the municipal employee  
123 organization shall pay the costs of the arbitrator appointed by it, (3) the  
124 municipal employer and the municipal employee organization shall  
125 equally divide and pay the cost of the chairman, and (4) the costs of  
126 any arbitrator appointed by the State Board of Mediation and  
127 Arbitration shall be paid by the party in whose absence the board  
128 appointed.

129 Sec. 6. This act shall take effect from its passage."