



General Assembly

**Amendment**

February Session, 2000

LCO No. 4085

Offered by:

SEN. COLEMAN, 2nd Dist.

SEN. CAPPIELLO, 24th Dist.

SEN. MCDERMOTT, 34th 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) (a) Each municipality shall include a requirement  
4 in any collective bargaining agreement executed on or after the  
5 effective date of this act that all nonessential municipal offices shall be  
6 closed on any day designated as Martin Luther King Day pursuant to  
7 section 1-4 of the general statutes.

8 (b) Any municipality that did not observe the Martin Luther King  
9 Day legal holiday on January 17, 2000, by closing all nonessential  
10 municipal offices shall close all such nonessential municipal offices on  
11 any day designated as Martin Luther King Day pursuant to section 1-4  
12 of the general statutes.

13 Sec. 2. (NEW) Notwithstanding the provisions of the general

14 statutes, each municipal employer and each employee organization in  
15 a municipality that is required to close all nonessential municipal  
16 offices in observance of Martin Luther King Day pursuant to  
17 subsection (b) of section 1 of this act shall reopen each collective  
18 bargaining agreement approved in accordance with the provisions of  
19 sections 7-467 to 7-477, inclusive, of the general statutes for the sole  
20 purpose of negotiating compensation or exchange of benefits, if any,  
21 for the bargaining unit members covered by such agreement for  
22 observance of Martin Luther King Day.

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

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

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

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

46 (3) Within two days of receipt of such notification, the chief  
47 executive officer of the municipal employer and the executive head of  
48 the municipal employee organization each shall select one member of  
49 the arbitration panel. Within two days of their appointment, the two  
50 members of the arbitration panel shall select a third member, who shall  
51 be an impartial representative of the interest of the public in general  
52 and who shall be selected from the panel of neutral arbitrators  
53 appointed pursuant to subsection (a) of section 7-473c of the general  
54 statutes. Such third member shall be the chairman of the panel. In the  
55 event the municipal employer or the municipal employee organization  
56 have not selected their respective members of the arbitration panel or  
57 the two members of the panel have not selected the third member, the  
58 State Board of Mediation and Arbitration shall appoint such members  
59 as are needed to complete the panel, provided (A) the member or  
60 members so appointed are residents of this state, and (B) the selection  
61 of the third member of the panel by the State Board of Mediation and  
62 Arbitration shall be made at random from among the members of the  
63 panel of neutral arbitrators appointed pursuant to subsection (a) of  
64 section 7-473c of the general statutes.

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

78 (5) The panel shall conclude the hearing within fifteen days after its  
79 commencement. Within ten days after the hearing, the panel shall

80 issue, upon majority vote, and file with the State Board of Mediation  
81 and Arbitration its decision. The decision of the panel shall be final  
82 and binding upon the municipal employer and the municipal  
83 employee organization.

84 (6) In regard to all proceedings undertaken pursuant to this section  
85 the secretary of the State Board of Mediation and Arbitration shall  
86 serve as staff to the arbitration panel.

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

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

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

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

110 (4) Not later than December 15, 2000, after the completion of such

111 review, the arbitrators or single arbitrator shall render a written  
112 decision with respect to each rejected issue which shall be final and  
113 binding upon the municipal employer and the employee organization  
114 except that a motion to vacate or modify such award may be made in  
115 accordance with sections 52-418 and 52-419 of the general statutes. The  
116 decision of the arbitrators or single arbitrator shall be in writing and  
117 shall include specific reasons and standards used by each arbitrator in  
118 making a decision on each issue. The decision shall be filed with the  
119 parties. The reasonable costs of the arbitrators or single arbitrator and  
120 the cost of the transcript shall be paid by the legislative body. Where  
121 the legislative body of a municipal employer is the town meeting, the  
122 board of selectmen shall perform all of the duties and shall have all of  
123 the authority and responsibilities required of and granted to the  
124 legislative body under this subsection.

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

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