



General Assembly

February Session, 2000

Amendment

LCO No. 4093

Offered by:
SEN. COLEMAN, 2nd Dist.
REP. DAVIS, 50th 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 (7) The cost of the arbitration panel shall be distributed among the
83 parties in the following manner: (1) The municipal employer shall pay
84 the costs of the arbitrator appointed by it, (2) the municipal employee
85 organization shall pay the costs of the arbitrator appointed by it, (3) the
86 municipal employer and the municipal employee organization shall
87 equally divide and pay the cost of the chairman, and (4) the costs of
88 any arbitrator appointed by the State Board of Mediation and
89 Arbitration shall be paid by the party in whose absence the board
90 appointed.

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

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

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

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

113 December 10, 2000.

114 (4) Not later than December 15, 2000, after the completion of such
115 review, the arbitrators or single arbitrator shall render a written
116 decision with respect to each rejected issue which shall be final and
117 binding upon the municipal employer and the employee organization
118 except that a motion to vacate or modify such award may be made in
119 accordance with sections 52-418 and 52-419 of the general statutes. The
120 decision of the arbitrators or single arbitrator shall be in writing and
121 shall include specific reasons and standards used by each arbitrator in
122 making a decision on each issue. The decision shall be filed with the
123 parties. The reasonable costs of the arbitrators or single arbitrator and
124 the cost of the transcript shall be paid by the legislative body. Where
125 the legislative body of a municipal employer is the town meeting, the
126 board of selectmen shall perform all of the duties and shall have all of
127 the authority and responsibilities required of and granted to the
128 legislative body under this subsection.

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