



General Assembly

**Amendment**

January Session, 2001

LCO No. 7715

Offered by:

REP. SAWYER, 55<sup>th</sup> Dist.  
REP. BELDEN, 113<sup>th</sup> Dist.  
REP. PRELLI, 63<sup>rd</sup> Dist.  
REP. POWERS, 151<sup>st</sup> Dist.

To: Subst. Senate Bill No. 1034

File No. 527

Cal. No. 567

**"AN ACT ESTABLISHING COLLECTIVE BARGAINING RIGHTS  
FOR DEPARTMENT OF CORRECTION OFFICERS."**

1 After line 45, insert the following:

2 "Sec. 3. Subdivision (4) of subsection (e) of section 5-276a of the  
3 general statutes is repealed and the following is substituted in lieu  
4 thereof:

5 (4) Within twenty days after the last day for filing reply briefs, the  
6 arbitrator shall file with the secretary of the State Board of Mediation  
7 and Arbitration the award on each unresolved issue as well as the  
8 issues resolved by the parties during the arbitration proceedings. The  
9 arbitrator shall immediately and simultaneously distribute a copy  
10 thereof to each party. [In making such award, the arbitrator shall select  
11 the more reasonable last best offer proposal on each of the disputed  
12 issues based on the factors in subdivision (5) of this subsection.] The

13 arbitrator (A) shall give a decision as to each disputed issue  
14 considered, (B) shall state with particularity the basis for such decision  
15 as to each disputed issue and the manner in which the factors  
16 enumerated in subdivision (5) of this subsection were considered in  
17 arriving at such decision, (C) shall confine the award to the issues  
18 submitted and shall not make observations or declarations of opinion  
19 which are not directly essential in reaching a determination, and (D)  
20 shall not affect the rights accorded to either party by law or by any  
21 collective bargaining agreement nor in any manner, either by drawing  
22 inferences or otherwise, modify, add to, subtract from or alter such  
23 provisions of law or agreement. If the day for filing any document  
24 under this subsection falls on a day which is not a business day of the  
25 State Board of Mediation and Arbitration, then the time for filing shall  
26 be extended to the next business day of the board.

27 Sec. 4. Subdivision (14) of subsection (d) of section 7-473c of the  
28 general statutes is repealed and the following is substituted in lieu  
29 thereof:

30 (14) Within ten days after receipt of such rejection notice, the State  
31 Board of Mediation and Arbitration shall select a review panel of three  
32 arbitrators or, if the parties agree, a single arbitrator who are residents  
33 of Connecticut and labor relations arbitrators approved by the  
34 American Arbitration Association and not members of the panel who  
35 issued the rejected award. Such arbitrators or single arbitrator shall  
36 review the decision on each such rejected issue. The review conducted  
37 pursuant to this subdivision shall be limited to the record and briefs of  
38 the hearing pursuant to subsection (c) of this section, the written  
39 explanation of the reasons for the vote and a written response by either  
40 party. In conducting such review, the arbitrators or single arbitrator  
41 shall be limited to consideration of the criteria set forth in subdivision  
42 (9) of this subsection. Such review shall be completed within twenty  
43 days of the appointment of the arbitrators or single arbitrator. [The  
44 arbitrators or single arbitrator shall accept the last best offer of either of  
45 the parties.]

46 Sec. 5. Subdivision (7) of subsection (c) of section 10-153f of the  
47 general statutes is repealed and the following is substituted in lieu  
48 thereof:

49 (7) The award of the arbitrators or single arbitrator may be rejected  
50 by the legislative body of the local school district or, in the case of a  
51 regional school district, by the legislative bodies of the participating  
52 towns. Such rejection shall be by a two-thirds majority vote of the  
53 members of such legislative body or, in the case of a regional school  
54 district, the legislative body of each participating town, present at a  
55 regular or special meeting called and convened for such purpose  
56 within twenty-five days of the receipt of the award. If the legislative  
57 body or legislative bodies, as appropriate, reject any such award, they  
58 shall notify, within ten days after the vote to reject, the commissioner  
59 and the exclusive representative for the teachers' or administrators'  
60 unit of such vote and submit to them a written explanation of the  
61 reasons for the vote. Within ten days after receipt of such notice, the  
62 exclusive representative of the teachers' or administrators' unit shall  
63 prepare, and the board of education may prepare, a written response  
64 to such rejection and shall submit it to such legislative body or  
65 legislative bodies, as appropriate, and the commissioner. Within ten  
66 days after the commissioner has been notified of the vote to reject, (A)  
67 the commissioner shall select a review panel of three arbitrators or, if  
68 the parties agree, a single arbitrator, who are residents of Connecticut  
69 and labor relations arbitrators approved by the American Arbitration  
70 Association and not members of the panel who issued the rejected  
71 award, and (B) such arbitrators or single arbitrator shall review the  
72 decision on each rejected issue. The review conducted pursuant to this  
73 subdivision shall be limited to the record and briefs of the hearing  
74 pursuant to subdivision (2) of this subsection, the written explanation  
75 of the reasons for the vote and a written response by either party. In  
76 conducting such review, the arbitrators or single arbitrator shall be  
77 limited to consideration of the criteria set forth in subdivision (4) of  
78 this subsection. Such review shall be completed within twenty days of  
79 the appointment of the arbitrators or single arbitrator. [The arbitrators

80 or single arbitrator shall accept the last best offer of either of the  
81 parties.] Within five days after the completion of such review, the  
82 arbitrators or single arbitrator shall render a final and binding award  
83 with respect to each rejected issue. The decision of the arbitrators or  
84 single arbitrator shall be in writing and shall include the specific  
85 reasons and standards used by each arbitrator in making [his] a  
86 decision on each issue. The decision shall be filed with the parties. The  
87 reasonable costs of the arbitrators or single arbitrator and the cost of  
88 the transcript shall be paid by the legislative body or legislative bodies,  
89 as appropriate. Where the legislative body of the school district is the  
90 town meeting, the board of selectmen shall have all of the authority  
91 and responsibilities required of and granted to the legislative body  
92 under this subdivision."