



General Assembly

January Session, 2001

Amendment

LCO No. 7764

Offered by:

REP. PRELLI, 63rd 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. Subsection (b) of section 5-278 of the general statutes is
3 repealed and the following is substituted in lieu thereof:

4 (b) Any agreement reached by the negotiators shall be reduced to
5 writing. The agreement, together with a request for funds necessary to
6 fully implement such agreement and for approval of any provisions of
7 the agreement which are in conflict with any statute or any regulation
8 of any state agency, and any arbitration award, issued in accordance
9 with section 5-276a, together with a statement setting forth the amount
10 of funds necessary to implement such award, shall be filed by the
11 bargaining representative of the employer with the clerks of the House
12 of Representatives and the Senate within ten days after the date on
13 which such agreement is reached or such award is distributed. The
14 General Assembly may approve any such agreement as a whole by a
15 majority vote of each house or may reject such agreement as a whole

16 by a majority vote of either house. The General Assembly may reject
17 any such award as a whole by a two-thirds vote of either house if it
18 determines that there are insufficient funds for full implementation of
19 the award. If rejected, the matter shall be returned to the parties not
20 later than ten days after rejection for further bargaining. Once
21 approved by the General Assembly, any provision of an agreement or
22 award need not be resubmitted by the parties to such agreement or
23 award as part of a future contract approval process unless changes in
24 the language of such provision are negotiated by such parties. Any
25 supplemental understanding reached between such parties containing
26 provisions which would supersede any provision of the general
27 statutes or any regulation of any state agency or would require
28 additional state funding shall be submitted to the General Assembly
29 for approval in the same manner as agreements and awards. If the
30 General Assembly is in session, it shall vote to approve or reject such
31 agreement or award within thirty days after the date of filing. If the
32 General Assembly is not in session when such agreement or award is
33 filed, it shall be submitted to the General Assembly within ten days of
34 the first day of the next regular session or special session called for
35 such purpose. The agreement or award shall be deemed approved if
36 the General Assembly fails to vote to approve or reject such agreement
37 or award within thirty days after such filing or submission. The thirty-
38 day period shall not begin or expire unless the General Assembly is in
39 regular session. For the purpose of this subsection, any agreement or
40 award filed with the clerks within thirty days before the
41 commencement of a regular session of the General Assembly shall be
42 deemed to be filed on the first day of such session.

43 Sec. 4. Subsection (d) of section 7-473c of the general statutes is
44 repealed and the following is substituted in lieu thereof:

45 (d) (1) The hearing may, at the discretion of the panel, be continued
46 and shall be concluded [within] not later than twenty days after its
47 commencement. Not less than two days prior to the commencement of
48 the hearing, each party shall file with the chairperson of the panel, and
49 deliver to the other party, a proposed collective bargaining agreement,

50 in numbered paragraphs, which such party is willing to execute and
51 cost data for all provisions of such proposed agreement. At the
52 commencement of the hearing each party shall file with the panel a
53 reply setting forth (A) those paragraphs of the proposed agreement of
54 the other party which it is willing to accept, and (B) those paragraphs
55 of the proposed agreement of the other party which it is unwilling to
56 accept, together with any alternative contract language which such
57 party would accept in lieu of those paragraphs of the proposed
58 agreement of the other party which it is unwilling to accept. At any
59 time prior to the issuance of a decision by the panel, the parties may
60 jointly file with the panel stipulations setting forth the agreement
61 provisions which both parties have agreed to accept.

62 (2) Within five days after the conclusion of the taking of testimony,
63 the panel shall forward to each party an arbitration statement,
64 approved by a majority vote of the panel, setting forth all agreement
65 provisions agreed upon by both parties in the proposed agreements
66 and the replies, and in the stipulations, and stating, in numbered
67 paragraphs, those issues which are unresolved.

68 (3) [Within] Not later than ten days after the conclusion of the
69 taking of testimony, the parties shall file with the secretary of the State
70 Board of Mediation and Arbitration five copies of their statements of
71 last best offer setting forth, in numbered paragraphs corresponding to
72 the statement of unresolved issues contained in the arbitration
73 statement, the final agreement provisions proposed by such party.
74 Immediately upon receipt of both statement of last best offer or upon
75 the expiration of the time for filing such statements of last best offer,
76 whichever is sooner, said secretary shall distribute a copy of each such
77 statement of last best offer to the opposing party.

78 (4) Within seven days after the distribution of the statements of last
79 best offer or within seven days of the expiration of the time for filing
80 the statements of last best offer, whichever is sooner, the parties may
81 file with the secretary of the State Board of Mediation and Arbitration
82 five copies of their briefs on the unresolved issues. Immediately upon

83 receipt of both briefs or upon the expiration of the time for filing such
84 briefs, whichever is sooner, said secretary shall distribute a copy of
85 each such brief to the opposing party.

86 (5) Within five days after the distribution of the briefs on the
87 unresolved issues or within five days after the last day for filing such
88 briefs, whichever is sooner, each party may file with said secretary five
89 copies of a reply brief, responding to the briefs on the unresolved
90 issues. Immediately upon receipt of the reply briefs or upon the
91 expiration of the time for filing such reply briefs, whichever is sooner,
92 said secretary shall simultaneously distribute a copy of each such reply
93 brief to the opposing party.

94 (6) [Within] Not later than twenty days after the last day for filing
95 such reply briefs, the panel shall issue, upon majority vote, and file
96 with the State Board of Mediation and Arbitration its decision on all
97 unresolved issues set forth in the arbitration statement, and said
98 secretary shall immediately and simultaneously distribute a copy
99 [thereof] of the decision to each party. The panel shall treat each
100 unresolved issue set forth in the arbitration statement as a separate
101 question to be decided by it. In deciding each such question, the panel
102 agreement shall accept the final provision relating to such unresolved
103 issue as contained in the statement of last best offer of one party or the
104 other. As part of the arbitration decision, each member shall state the
105 specific reasons and standards used in making a choice on each
106 unresolved issue.

107 (7) The parties may jointly file with the panel stipulations
108 modifying, deferring or waiving any or all provisions of this
109 subsection.

110 (8) If the day for filing any document required or permitted to be
111 filed under this subsection falls on a day which is not a business day of
112 the State Board of Mediation and Arbitration then the time for such
113 filing shall be extended to the next business day of such board.

114 (9) In arriving at a decision, the arbitration panel shall give priority

115 to the public interest and the financial capability of the municipal
116 employer, including consideration of other demands on the financial
117 capability of the municipal employer. The panel shall further consider
118 the following factors in light of such financial capability: (A) The
119 negotiations between the parties prior to arbitration; (B) the interests
120 and welfare of the employee group; (C) changes in the cost of living;
121 (D) the existing conditions of employment of the employee group and
122 those of similar groups; and (E) the wages, salaries, fringe benefits, and
123 other conditions of employment prevailing in the labor market,
124 including developments in private sector wages and benefits.

125 (10) The decision of the panel and the resolved issues shall be final
126 and binding upon the municipal employer and the municipal
127 employee organization except as provided in subdivision (12) of this
128 subsection and, if such award is not rejected by the legislative body
129 pursuant to said subdivision, except that a motion to vacate or modify
130 such decision may be made in accordance with sections 52-418 and
131 52-419.

132 (11) In regard to all proceedings undertaken pursuant to this
133 subsection the secretary of the State Board of Mediation and
134 Arbitration shall serve as staff to the arbitration panel.

135 (12) [Within] Not later than twenty-five days of the receipt of an
136 arbitration award issued pursuant to this section, the legislative body
137 of the municipal employer may reject the award of the arbitrators or
138 single arbitrator by a two-thirds majority vote of the members of such
139 legislative body present at a regular or special meeting called and
140 convened for such purpose. If rejected, the matter shall be returned to
141 the parties not later than ten days after rejection for further bargaining.

142 [(13) Within ten days after such rejection, the legislative body or its
143 authorized representative shall be required to state, in writing, the
144 reasons for such vote and shall submit such written statement to the
145 State Board of Mediation and Arbitration and the municipal employee
146 organization. Within ten days after receipt of such notice, the

147 municipal employee organization shall prepare a written response to
148 such rejection and shall submit it to the legislative body and the State
149 Board of Mediation and Arbitration.

150 (14) Within ten days after receipt of such rejection notice, the State
151 Board of Mediation and Arbitration shall select a review panel of three
152 arbitrators or, if the parties agree, a single arbitrator who are residents
153 of Connecticut and labor relations arbitrators approved by the
154 American Arbitration Association and not members of the panel who
155 issued the rejected award. Such arbitrators or single arbitrator shall
156 review the decision on each such rejected issue. The review conducted
157 pursuant to this subdivision shall be limited to the record and briefs of
158 the hearing pursuant to subsection (c) of this section, the written
159 explanation of the reasons for the vote and a written response by either
160 party. In conducting such review, the arbitrators or single arbitrator
161 shall be limited to consideration of the criteria set forth in subdivision
162 (9) of this subsection. Such review shall be completed within twenty
163 days of the appointment of the arbitrators or single arbitrator. The
164 arbitrators or single arbitrator shall accept the last best offer of either of
165 the parties.

166 (15) Within five days after the completion of such review the
167 arbitrators or single arbitrator shall render a decision with respect to
168 each rejected issue which shall be final and binding upon the
169 municipal employer and the employee organization except that a
170 motion to vacate or modify such award may be made in accordance
171 with sections 52-418 and 52-419. The decision of the arbitrators or
172 single arbitrator shall be in writing and shall include specific reasons
173 and standards used by each arbitrator in making a decision on each
174 issue. The decision shall be filed with the parties. The reasonable costs
175 of the arbitrators or single arbitrator and the cost of the transcript shall
176 be paid by the legislative body. Where the legislative body of a
177 municipal employer is the town meeting, the board of selectmen shall
178 perform all of the duties and shall have all of the authority and
179 responsibilities required of and granted to the legislative body under
180 this subsection.]"