



General Assembly

February Session, 2002

**Raised Bill No. 5060**

LCO No. 469

Referred to Committee on Labor and Public Employees

Introduced by:  
(LAB)

**AN ACT CONCERNING MUNICIPAL BINDING ARBITRATION IN THE CITY OF WATERBURY.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 11 of special act 01-1 is amended  
2 to read as follows (*Effective from passage*):

3 (a) In carrying out the purposes of [this act] special act 01-1, the  
4 board shall have the following powers, duties and functions:

5 (1) Review and approve or disapprove the city's annual budget,  
6 including, but not limited to, the governmental funds, enterprise  
7 funds, and internal service funds, in accordance with the provisions of  
8 section 12 of [this act] special act 01-1;

9 (2) Review and approve or disapprove an initial financial plan of the  
10 city, in accordance with the provisions of section 12 of [this act] special  
11 act 01-1;

12 (3) Review and approve or disapprove the proposed terms of any  
13 deficit funding bonds or interim funding obligations pursuant to [this  
14 act] special act 01-1 or any other bonds, notes or other obligations of

15 the city;

16 (4) (A) Approve or reject all collective bargaining agreements for a  
17 new term, other than modifications, amendments or reopeners to an  
18 agreement, to be entered into by the city or any of its agencies or  
19 administrative units, including the board of education. If the board  
20 rejects a proposed collective bargaining agreement, the parties to the  
21 agreement will have ten days from the date of the board's rejection to  
22 consider the board's concerns. In rejecting an agreement, the board  
23 shall indicate the specific provisions of the proposed agreement which  
24 caused the rejection, as well as its rationale for the rejection. The board  
25 may, at its option, indicate the total cost impact or savings it would  
26 find acceptable in a new agreement. [After the expiration of such ten-  
27 day period, the board shall approve or reject any such agreement. If  
28 the parties have been unable to reach an agreement or the board rejects  
29 such agreement, the board shall set forth the terms of the agreement,  
30 which shall be binding upon the parties. In establishing the terms of  
31 the agreement, as well as in making a determination to reject a  
32 proposed agreement, the parties shall have an opportunity to make a  
33 presentation to the board. The board shall not be limited to  
34 consideration and inclusion in the collective bargaining agreement of  
35 matters raised or negotiated by the parties;] Notwithstanding the  
36 provisions of sections 7-473c, 7-474 and 10-153f of the general statutes,  
37 as amended, after the expiration of such ten-day period, if the parties  
38 are unable to reach an agreement, the parties shall be subject to  
39 binding and final arbitration. Such arbitration shall be conducted in  
40 accordance with this section by a panel of three arbitrators. (i) The  
41 arbitrators shall be chosen in accordance with section 7-473c of the  
42 general statutes or section 10-153f of the general statutes, as amended,  
43 whichever is appropriate. (ii) There shall be no presumption in favor of  
44 (I) retaining contract provisions agreed to by the city of Waterbury or  
45 the Waterbury Board of Education and the exclusive representative in  
46 prior negotiations or awarded by arbitrators in prior arbitration  
47 proceedings, or (II) continuing past employment practices of the city of  
48 Waterbury or the Waterbury Board of Education. (iii) The arbitrators

49 shall give the highest priority to the public interest and shall consider  
50 other factors pursuant to subdivision (9) of subsection (d) of section 7-  
51 473c of the general statutes or subdivision (4) of subsection (c) of  
52 section 10-153f of the general statutes, whichever is appropriate. (iv)  
53 The arbitrators shall not be limited to the last best offers of the parties  
54 on the issues in dispute. (v) The decision of the arbitrators shall not be  
55 subject to rejection by the Board of Aldermen;

56 [(B) Approve or reject all modifications, amendments or reopeners  
57 to collective bargaining agreements entered into by the city or any of  
58 its agencies or administrative units, including the board of education.  
59 If the board rejects a proposed amendment to a collective bargaining  
60 agreement, the parties to the agreement will have ten days from the  
61 date of the board's rejection to consider the board's concerns. In  
62 rejecting an amendment to an agreement, the board shall indicate the  
63 specific provisions of the proposed amendment which caused the  
64 rejection, as well as its rationale for the rejection. The board may, at its  
65 option, indicate the total cost impact or savings it would find  
66 acceptable in a new amendment. After the expiration of such ten-day  
67 period, the board shall approve or reject any revised amendment. If  
68 the parties have been unable to reach a revised amendment or the  
69 board rejects such revised amendment, the board shall set forth the  
70 terms of the new amendment, which shall be binding upon the parties.  
71 In establishing the terms of the new agreement, as well as in making a  
72 determination to reject a proposed amendment, the parties shall have  
73 an opportunity to make a presentation to the board;]

74 (B) Approve or reject all modifications, amendments or reopeners to  
75 collective bargaining agreements entered into by the city or any of its  
76 agencies or administrative units, including the board of education. If  
77 the board rejects a proposed modification, amendment or reopener to a  
78 collective bargaining agreement, the parties to the agreement shall  
79 have ten days from the date of the board's rejection to consider the  
80 board's concerns. In rejecting a modification, amendment or reopener  
81 to an agreement, the board shall indicate the specific provisions of the

82 proposed modification, amendment or reopener which caused the  
83 rejection, as well as its rationale for the rejection. The board may, at its  
84 option, indicate the total cost impact or savings it would find  
85 acceptable in a modification, amendment or reopener.  
86 Notwithstanding the provisions of sections 7-473c, 7-474 and 10-153f of  
87 the general statutes, as amended, after the expiration of such ten-day  
88 period, if the parties are unable to reach agreement on a modification,  
89 amendment or reopener, the parties shall be subject to binding and  
90 final arbitration. Such arbitration shall be conducted in accordance  
91 with this section by a panel of three arbitrators. (i) The arbitrators shall  
92 be chosen in accordance with section 7-473c of the general statutes or  
93 section 10-153f of the general statutes, as amended, whichever is  
94 appropriate. (ii) There shall be no presumption in favor of (I) retaining  
95 contract provisions agreed to by the city of Waterbury or the  
96 Waterbury Board of Education and the exclusive representative in  
97 prior negotiations or awarded by arbitrators in prior arbitration  
98 proceedings, or (II) continuing past employment practices of the city of  
99 Waterbury or the Waterbury Board of Education. (iii) The arbitrators  
100 shall give the highest priority to the public interest and shall consider  
101 other factors pursuant to subdivision (9) of subsection (d) of section 7-  
102 473c of the general statutes or subdivision (4) of subsection (c) of  
103 section 10-153f of the general statutes, whichever is appropriate. (iv)  
104 The arbitrators shall not be limited to the last best offers of the parties  
105 on the issues in dispute. (v) The decision of the arbitrators shall not be  
106 subject to rejection by the Board of Aldermen;

107 [(5) With respect to labor contracts in or subject to binding  
108 arbitration, serve as the binding arbitration panel. The board shall have  
109 the power to impose binding arbitration upon the parties any time  
110 after the seventy-fifth day following the commencement of  
111 negotiations. If, upon the effective date of this act, the parties are in  
112 binding arbitration, the board shall immediately replace any  
113 established binding arbitration panel. The time limits in the applicable  
114 provisions of the general statutes or any public or special acts  
115 governing binding arbitration shall be reduced by one-half. The board

116 shall not be limited to consideration and inclusion in the collective  
117 bargaining agreement of the last best offers or the matters raised by or  
118 negotiated by the parties;]

119 [(6)] (5) Review and approve or disapprove any contract and any  
120 renewal, extension or modification thereof not covered by collective  
121 bargaining contemplating the expenditure in either the current or any  
122 future fiscal year of more than fifty thousand dollars and shall have the  
123 power to set aside any contracts which have not been authorized in  
124 accordance with the requirements of any state or local law;

125 [(7)] (6) Review and approve all bond ordinances and bond  
126 resolutions of the city;

127 [(8)] (7) Approve transfers of appropriations made by the Board of  
128 Aldermen;

129 [(9)] (8) Appoint one or more independent auditors as such term is  
130 defined in section 7-391 of the general statutes for the purpose of  
131 meeting the requirements of chapter 111 of the general statutes;

132 [(10)] (9) Audit compliance with the financial plan and the annual  
133 budget in such areas as the board shall determine;

134 [(11)] (10) Require the city to implement such measures relating to  
135 the efficiency and productivity of the city's operations and  
136 management as the board deems appropriate to reduce costs and  
137 improve services so as to advance the purposes of [this act] special act  
138 01-1;

139 [(12)] (11) Obtain information on the financial condition and needs  
140 of the city, provided nothing in this subdivision shall diminish the  
141 powers of the mayor, the finance director, the Board of Aldermen or  
142 any other board, agency or authority of the city otherwise provided by  
143 law;

144 [(13)] (12) Monitor compliance with, require implementation or

145 implement the provisions governing revaluation set forth in section 12-  
146 62 of the general statutes;

147 [(14)] (13) Monitor the funding of pension contributions in  
148 accordance with actuarial recommendations;

149 [(15)] (14) Approve or disapprove the chief negotiator for the city for  
150 the purposes of collective bargaining and, in the case of disapproval,  
151 the board may appoint such negotiator;

152 [(16)] (15) Study the city's unfunded pension liability and, not later  
153 than two years from the effective date of [this act] special act 01-1,  
154 report to the Governor and the General Assembly recommendations  
155 on addressing the unfunded liability which report shall be in  
156 accordance with section 11-4a of the general statutes; and

157 [(17)] (16) Report to the Governor and the General Assembly on or  
158 before July 1, 2001, and every six months thereafter, regarding the  
159 fiscal condition of the city and compliance with [this act] special act 01-  
160 1, which report shall be in accordance with section 11-4a of the general  
161 statutes.

This act shall take effect as follows:	
Section 1	<i>from passage</i>

**Statement of Purpose:**

To return municipal binding arbitration to the city of Waterbury.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*