



Senate

General Assembly

File No. 365

January Session, 2003

Substitute Senate Bill No. 1068

Senate, April 15, 2003

The Committee on Labor and Public Employees reported through SEN. PRAGUE of the 19th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT ESTABLISHING COLLECTIVE BARGAINING RIGHTS FOR CERTAIN AGRICULTURAL WORKERS.

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

1 Section 1. Subdivision (2) of section 31-101 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2003*):

4 (2) "Board" means the labor relations board provided for in section
5 31-102, except that for labor disputes in the agricultural industry,
6 "board" means the agricultural employment relations board
7 established pursuant to section 5 of this act.

8 Sec. 2. Subdivision (6) of section 31-101 of the general statutes is
9 repealed and the following is substituted in lieu thereof (*Effective*
10 *October 1, 2003*):

11 (6) "Employee" includes, but shall not be restricted to, any

12 individual employed by a labor organization, any individual whose
13 employment has ceased as a consequence of, or in connection with,
14 any current labor dispute or because of any unfair labor practice, and
15 who has not obtained any other regular and substantially equivalent
16 employment, and shall not be limited to the employees of a particular
17 employer; but shall not include any individual employed by [his] a
18 parent or spouse or in the domestic service of any person in [his] the
19 individual's home, any individual employed only for the duration of a
20 labor dispute or any individual employed as an agricultural worker
21 (A) for less than six months during a twelve-month period, or (B) by a
22 person who employs less than fifty employees, excluding family
23 members.

24 Sec. 3. Subdivision (7) of section 31-101 of the general statutes is
25 repealed and the following is substituted in lieu thereof (*Effective*
26 *October 1, 2003*):

27 (7) "Employer" means any person acting directly or indirectly in the
28 interest of an employer in relation to an employee, but shall not
29 include any person engaged in farming who employs less than fifty
30 employees, excluding family members, or any person subject to the
31 provisions of the National Labor Relations Act, unless the National
32 Labor Relations Board has declined to assert jurisdiction over such
33 person, or any person subject to the provisions of the Federal Railway
34 Labor Act, or the state or any political or civil subdivision thereof or
35 any religious agency or corporation, or any labor organization, except
36 when acting as an employer, or any one acting as an officer or agent of
37 such labor organization. An employer licensed by the Department of
38 Public Health under section 19a-490 shall be subject to the provisions
39 of this chapter with respect to all its employees except those licensed
40 under chapters 370 and 379, unless such employer is the state or any
41 political subdivision thereof.

42 Sec. 4. Section 31-111a of the general statutes is repealed and the
43 following is substituted in lieu thereof (*Effective October 1, 2003*):

44 (a) No employees of an employer licensed by the Department of

45 Public Health under section 19a-490, or their representatives, or any
46 other persons shall engage in or induce or encourage, or attempt to
47 engage in or induce or encourage, any strike, work stoppage,
48 slowdown or withholding of goods or services by such employees or
49 other persons at the institution where they are employed, provided
50 nothing herein shall be construed to prohibit publicity, other than
51 picketing, for the purpose of truthfully advising the public that a
52 grievance or dispute, as defined by section 31-111b, exists at such
53 employer's [premise] premises, as long as such publicity does not have
54 the effect of inducing any persons to withhold goods or services at
55 such employer's [premise] premises. No employer licensed by the
56 Department of Public Health under said section 19a-490 shall institute,
57 declare or cause, or attempt to institute, declare or cause, any lockout
58 of the employees of such employer's [premise] premises.

59 (b) No employees of an employer engaged in farming, or their
60 representatives, or any other persons shall engage in or induce or
61 encourage, or attempt to engage in or induce or encourage, any strike,
62 work stoppage, slowdown or withholding of goods or services by such
63 employees or other persons upon the premises where they are
64 employed. No employer engaged in farming shall institute, declare or
65 cause, or attempt to institute, declare or cause, any lockout of the
66 employees on such employer's premises.

67 Sec. 5. (NEW) (*Effective October 1, 2003*) (a) There is established,
68 within the Labor Department, an agricultural employment relations
69 board which shall consist of seven members who shall serve for a term
70 of two years. Initial appointments to the board shall be made as
71 follows: (1) Three public members with knowledge of agriculture, one
72 each appointed by the Governor, the president pro tempore of the
73 Senate and the speaker of the House of Representatives; (2) two
74 members representing organized labor, one each appointed by the
75 majority leader of the Senate and the majority leader of the House of
76 Representatives; and (3) two members representing the agricultural
77 industry, one each appointed by the minority leader of the Senate and
78 the minority leader of the House of Representatives. The board shall

79 select a chairperson and may select other officers from its membership
80 and establish rules governing its internal procedures.

81 (b) On or before June first in the odd-numbered years, as the term of
82 each member expires, the Governor shall, with the advice and consent
83 of the General Assembly, appoint a successor to serve for a term of two
84 years. Each member so appointed shall have been an elector in this
85 state for at least one year next preceding such member's appointment.
86 Any member may be removed by the Governor for cause shown in a
87 public hearing after the accused has been given a copy of the charges
88 made and has had an opportunity to answer such charges. The
89 Governor shall fill any vacancy by appointment for the unexpired
90 term. No member shall receive a salary but each member shall be paid
91 one hundred fifty dollars in lieu of expenses for each day during which
92 the member is engaged in the duties of the board.

93 (c) The board shall carry out the provisions of chapter 561 of the
94 general statutes as they apply to labor disputes in the agricultural
95 industry, and the provisions of subsection (d) of this section without
96 undue delay. All decisions shall be made by a majority of the board
97 not later than thirty days after the hearing or arbitration is concluded
98 and a copy of each decision or award shall be filed with the Labor
99 Commissioner.

100 (d) All impasses in collective bargaining agreement negotiations
101 between agricultural employers and their employees or their
102 employees' designated representatives shall be submitted to the board
103 not later than fourteen days after the parties reach impasse. Not later
104 than thirty days after the impasse arbitration is concluded, the board
105 shall issue a written arbitration award, which shall be final and
106 binding on all parties.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>
Sec. 3	<i>October 1, 2003</i>

Sec. 4	<i>October 1, 2003</i>
Sec. 5	<i>October 1, 2003</i>

LAB *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Type	FY 04 \$	FY 05 \$
Department of Labor	GF - Cost	Less than \$75,000	Less than \$100,000
Comptroller's Miscellaneous Accounts (Fringe Benefits)	GF - Cost	\$11,330	\$32,310

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill adds certain agriculture workers as covered employees under some of the provisions of the state's labor relations act. In addition, the bill establishes a seven-member agriculture employment relations board to administer the act as it applies to agriculture. It is unknown the level of board activity that will result from the bill and therefore the cost associated with the board may vary. To the extent that an Assistant Labor Relations Agent and part-time clerical are needed (plus corresponding other expenses costs) to support the board, an annual cost of \$95,465 would be incurred by the Department of Labor (FY 04 \$71,590 reflecting 9 months). These costs would be supplemented by \$11,330 in FY 04 and \$32,310 in FY 05 in fringe benefit costs.¹ However, if the Labor Relations Division of the Department of Labor provided sufficient staff support than no

¹ The fringe benefit costs for state employees are budgeted centrally in the Miscellaneous Accounts administered by the Comptroller. The total fringe benefit reimbursement rate as a percentage of payroll is 40.21%, effective July 1, 2002. However, first year fringe benefit costs for new positions do not include pension costs lowering the rate to 18.81% in FY 04.

additional resources would be required for this purpose.

In addition, the bill establishes a fee of \$150 per member per day during which the member is engaged in the duties of the board. Although the level of service activity is unknown, one day of service for the board would result in \$1,050 with a monthly occurrence resulting in an annual cost of \$12,600 to the Department of Labor.

OLR Bill Analysis

sSB 1068

AN ACT ESTABLISHING COLLECTIVE BARGAINING RIGHTS FOR CERTAIN AGRICULTURAL WORKERS**SUMMARY:**

This bill allows certain agricultural workers to unionize and applies some of the provisions of the state's labor relations act to these workers and their employers.

The bill also establishes an agricultural employment relations board to administer its provisions and specifies the board's membership and powers.

EFFECTIVE DATE: October 1, 2003

COLLECTIVE BARGAINING IN AGRICULTURE***Applying the State Labor Relations Act***

The bill expands the definition of employee, for purposes of the state Labor Relations Act (LRA), to include agricultural workers (1) who are employed for at least six months in a 12-month period and (2) who work for those who employ at least 50 employees, not counting family members. The bill similarly expands the definition of employer for purposes of the act to include agricultural employers with at least 50 employees other than family members. By law, agricultural workers and farm workers have the same meaning.

Among other things, the LRA (1) allows employees to bargain collectively and unionize and (2) specifies how employees can form unions, what constitutes an unfair labor practice, and how allegations of such practices are resolved.

Strikes and Lockouts Prohibited

The bill prohibits farming employees, their representatives, or others from engaging in, inducing, or encouraging any strike or related activity on the premises where they are employed, or attempting to do

so. It prohibits employers engaged in farming from instituting, declaring, or causing a lockout, or attempting to do so.

AGRICULTURAL EMPLOYMENT RELATIONS BOARD

Powers

The bill gives the board the same powers with regard to agricultural employment that the State Board of Labor Relations has with regard to collective bargaining generally. These include the power to hear complaints of unfair labor practices, administer oaths, issue subpoenas, and seek court enforcement of its orders. Anyone who willfully interferes with a board member performing of his duties or who interferes with the employees' right to unionize is subject to a fine of up to \$300, imprisonment for up to six months, or both.

The board can implement the LRA as it applies to impasse resolution in farming. Impasses in collective bargaining agreement negotiations between agricultural employers and their employees or their unions must be submitted to the board within 14 days of the impasse.

The board's decisions must be made by a majority of its members within 30 days after a hearing or impasse arbitration is concluded. The award is final and binding on all parties and must be in writing. A copy of each award must be filed with the labor commissioner.

Membership

The bill establishes this seven-member board within the Department of Labor. Members serve two-year terms. The board initially consists of (1) three public members knowledgeable about agriculture, one each appointed by the governor, Senate president pro tempore, and House speaker; (2) two members representing organized labor, one each appointed by the House and Senate majority leaders; and (3) two members representing the agriculture industry, one each appointed by the House and Senate minority leaders. Board members select their own chairman and establish their own internal procedures.

By June 1 in the odd-numbered years in which the members' terms expire, the governor must appoint their successors, each of whom must have been a state resident for at least one year. The members must be confirmed by the legislature. Members are not paid but

receive \$150 in lieu of expenses for each day of service.

The governor must fill any vacancy for the unexpired term. He can remove a member only for cause shown in a public hearing where the member has been given a copy of the charges and an opportunity to answer them.

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable Substitute

Yea 8 Nay 4