



General Assembly

January Session, 2003

Raised Bill No. 1068

LCO No. 3844

Referred to Committee on Labor and Public Employees

Introduced by:
(LAB)

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2 repealed and the following is substituted in lieu thereof (*Effective*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 between agricultural employers
6 and their employees or their employees' representatives, "board"
7 means the agricultural employment relations board established
8 pursuant to section 5 of this act.

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10 repealed and the following is substituted in lieu thereof (*Effective*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

12 (6) "Employee" includes, but shall not be restricted to, any
13 individual employed by a labor organization, any individual whose
14 employment has ceased as a consequence of, or in connection with,

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

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26 repealed and the following is substituted in lieu thereof (*Effective*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

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

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

45 (a) No employees of an employer licensed by the Department of
46 Public Health under section 19a-490, or their representatives, or any

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

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

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

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

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

94 (c) The offices of the board shall be in the Labor Department at
95 Wethersfield. The board may hold hearings or arbitrations at any place
96 in this state. Subject to the provisions of chapter 67 of the general
97 statutes, the board shall appoint such employees for such periods as
98 may be necessary to carry out the work of the board, the provisions of
99 chapter 561 of the general statutes as they apply to labor disputes
100 between agricultural employers and their employees or their
101 employees' representatives and the provisions of section 6 of this act
102 without undue delay. All files, records and documents accumulated by
103 the board shall be kept in offices provided by the department. All
104 decisions shall be made by a majority of the board not later than thirty
105 days after the hearing or arbitration is concluded and a copy of each
106 decision or award shall be filed with the Labor Commissioner. As
107 provided in section 4-60 of the general statutes and more frequently if
108 required by the Governor, the board shall make a written report to the
109 Governor, a copy of which shall be filed with both the Labor
110 Commissioner and the Commissioner of Agriculture.

111 (d) Whenever conditions warrant, the Labor Commissioner, the

112 Commissioner of Agriculture or the chairperson of the agricultural
113 employment relations board shall request the Governor to appoint,
114 and the Governor may appoint, alternate members of said board in
115 such numbers and for such periods of time as the Governor may
116 determine to be necessary but not longer than one year, in order that
117 said board may render efficient service in performing the duties
118 committed to it by statute. Any such alternate shall meet the same
119 qualifications and receive the same compensation as regular members
120 of the board. An alternate member shall serve in place of an absent
121 member of the board at any time when so directed by the board and
122 while so serving shall have all the powers of members of the board.
123 Alternate members so appointed shall have power to complete any
124 matter pending at the expiration of the term for which they were
125 appointed.

126 Sec. 6. (NEW) (*Effective October 1, 2003*) All impasses in collective
127 bargaining agreement negotiations between agricultural employers
128 and their employees or their employees' designated representatives
129 shall be submitted to the agricultural labor relations board established
130 pursuant to section 5 of this act not later than fourteen days after the
131 parties reach impasse. Not later than thirty days after the impasse
132 arbitration is concluded, the board shall issue a written arbitration
133 award, which shall be final and 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>
Sec. 6	<i>October 1, 2003</i>

Statement of Purpose:

To authorize certain agricultural workers to engage in collective bargaining.

[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.]