



General Assembly

January Session, 2005

**Committee Bill No. 6447**

LCO No. 4715

\*04715HB06447PD\_\*

Referred to Committee on Planning and Development

Introduced by:  
(PD)

**AN ACT CONCERNING FACTORS CONSIDERED BY AN  
ARBITRATION PANEL IN MUNICIPAL BINDING ARBITRATION.**

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

1 Section 1. Subsection (d) of section 7-473c of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2005*):

4 (d) (1) The hearing may, at the discretion of the panel, be continued  
5 and shall be concluded [within] not later than twenty days after its  
6 commencement. Not less than two days prior to the commencement of  
7 the hearing, each party shall file with the chairperson of the panel, and  
8 deliver to the other party, a proposed collective bargaining agreement,  
9 in numbered paragraphs, which such party is willing to execute and  
10 cost data for all provisions of such proposed agreement. At the  
11 commencement of the hearing each party shall file with the panel a  
12 reply setting forth (A) those paragraphs of the proposed agreement of  
13 the other party which it is willing to accept, and (B) those paragraphs  
14 of the proposed agreement of the other party which it is unwilling to  
15 accept, together with any alternative contract language which such  
16 party would accept in lieu of those paragraphs of the proposed

17 agreement of the other party which it is unwilling to accept. At any  
18 time prior to the issuance of a decision by the panel, the parties may  
19 jointly file with the panel stipulations setting forth the agreement  
20 provisions which both parties have agreed to accept.

21 (2) [Within] Not later than five days after the conclusion of the  
22 taking of testimony, the panel shall forward to each party an  
23 arbitration statement, approved by a majority vote of the panel, setting  
24 forth all agreement provisions agreed upon by both parties in the  
25 proposed agreements and the replies, and in the stipulations, and  
26 stating, in numbered paragraphs, those issues which are unresolved.

27 (3) [Within] Not later than ten days after the conclusion of the  
28 taking of testimony, the parties shall file with the secretary of the State  
29 Board of Mediation and Arbitration five copies of their statements of  
30 last best offer setting forth, in numbered paragraphs corresponding to  
31 the statement of unresolved issues contained in the arbitration  
32 statement, the final agreement provisions proposed by such party.  
33 Immediately upon receipt of both statement of last best offer or upon  
34 the expiration of the time for filing such statements of last best offer,  
35 whichever is sooner, said secretary shall distribute a copy of each such  
36 statement of last best offer to the opposing party.

37 (4) [Within] Not later than seven days after the distribution of the  
38 statements of last best offer or [within] not later than seven days [of]  
39 after the expiration of the time for filing the statements of last best  
40 offer, whichever is sooner, the parties may file with the secretary of the  
41 State Board of Mediation and Arbitration five copies of their briefs on  
42 the unresolved issues. Immediately upon receipt of both briefs or upon  
43 the expiration of the time for filing such briefs, whichever is sooner,  
44 said secretary shall distribute a copy of each such brief to the opposing  
45 party.

46 (5) [Within] Not later than five days after the distribution of the  
47 briefs on the unresolved issues or [within] not later than five days after  
48 the last day for filing such briefs, whichever is sooner, each party may

49 file with said secretary five copies of a reply brief, responding to the  
50 briefs on the unresolved issues. Immediately upon receipt of the reply  
51 briefs or upon the expiration of the time for filing such reply briefs,  
52 whichever is sooner, said secretary shall simultaneously distribute a  
53 copy of each such reply brief to the opposing party.

54 (6) [Within] Not later than twenty days after the last day for filing  
55 such reply briefs, the panel shall issue, upon majority vote, and file  
56 with the State Board of Mediation and Arbitration its decision on all  
57 unresolved issues set forth in the arbitration statement, and said  
58 secretary shall immediately and simultaneously distribute a copy  
59 thereof to each party. The panel shall treat each unresolved issue set  
60 forth in the arbitration statement as a separate question to be decided  
61 by it. In deciding each such question, the panel agreement shall accept  
62 the final provision relating to such unresolved issue as contained in the  
63 statement of last best offer of one party or the other. As part of the  
64 arbitration decision, each member shall state the specific reasons and  
65 standards used in making a choice on each unresolved issue.

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

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

73 (9) In arriving at a decision, the arbitration panel shall give priority  
74 to the public interest and the financial capability of the municipal  
75 employer, including consideration of other demands on the financial  
76 capability of the municipal employer. The panel shall further consider  
77 the following factors in light of such financial capability: (A) The  
78 negotiations between the parties prior to arbitration; (B) the interests  
79 and welfare of the employee group; (C) changes in the cost of living;  
80 (D) the existing conditions of employment of the employee group and

81 those of similar groups; and (E) the wages, salaries, fringe benefits, and  
82 other conditions of employment prevailing in the labor market,  
83 including developments in private sector wages and benefits. The  
84 panel shall not consider undesignated general fund balances as part of  
85 the financial capability of a municipal employer.

86 (10) The decision of the panel and the resolved issues shall be final  
87 and binding upon the municipal employer and the municipal  
88 employee organization except as provided in subdivision (12) of this  
89 subsection and, if such award is not rejected by the legislative body  
90 pursuant to said subdivision, except that a motion to vacate or modify  
91 such decision may be made in accordance with sections 52-418 and  
92 52-419.

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

96 (12) [Within] Not later than twenty-five days of the receipt of an  
97 arbitration award issued pursuant to this section, the legislative body  
98 of the municipal employer may reject the award of the arbitrators or  
99 single arbitrator by a two-thirds majority vote of the members of such  
100 legislative body present at a regular or special meeting called and  
101 convened for such purpose.

102 (13) [Within] Not later than ten days after such rejection, the  
103 legislative body or its authorized representative shall be required to  
104 state, in writing, the reasons for such vote and shall submit such  
105 written statement to the State Board of Mediation and Arbitration and  
106 the municipal employee organization. Within ten days after receipt of  
107 such notice, the municipal employee organization shall prepare a  
108 written response to such rejection and shall submit it to the legislative  
109 body and the State Board of Mediation and Arbitration.

110 (14) [Within] Not later than ten days after receipt of such rejection  
111 notice, the State Board of Mediation and Arbitration shall select a

112 review panel of three arbitrators or, if the parties agree, a single  
113 arbitrator who are residents of Connecticut and labor relations  
114 arbitrators approved by the American Arbitration Association and not  
115 members of the panel who issued the rejected award. Such arbitrators  
116 or single arbitrator shall review the decision on each such rejected  
117 issue. The review conducted pursuant to this subdivision shall be  
118 limited to the record and briefs of the hearing pursuant to subsection  
119 (c) of this section, the written explanation of the reasons for the vote  
120 and a written response by either party. In conducting such review, the  
121 arbitrators or single arbitrator shall be limited to consideration of the  
122 criteria set forth in subdivision (9) of this subsection. Such review shall  
123 be completed within twenty days of the appointment of the arbitrators  
124 or single arbitrator. The arbitrators or single arbitrator shall accept the  
125 last best offer of either of the parties.

126 (15) [Within] Not later than five days after the completion of such  
127 review the arbitrators or single arbitrator shall render a decision with  
128 respect to each rejected issue which shall be final and binding upon the  
129 municipal employer and the employee organization except that a  
130 motion to vacate or modify such award may be made in accordance  
131 with sections 52-418 and 52-419. The decision of the arbitrators or  
132 single arbitrator shall be in writing and shall include specific reasons  
133 and standards used by each arbitrator in making a decision on each  
134 issue. The decision shall be filed with the parties. The reasonable costs  
135 of the arbitrators or single arbitrator and the cost of the transcript shall  
136 be paid by the legislative body. Where the legislative body of a  
137 municipal employer is the town meeting, the board of selectmen shall  
138 perform all of the duties and shall have all of the authority and  
139 responsibilities required of and granted to the legislative body under  
140 this subsection.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2005	7-473c(d)

**Statement of Purpose:**

To require arbitration panels to disregard the undesignated general fund balance of a municipal employer in making binding arbitration awards.

*[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.]*

Co-Sponsors: REP. MINER, 66th Dist.; REP. HAMZY, 78th Dist.

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