



General Assembly

January Session, 2005

**Raised Bill No. 6715**

LCO No. 3511

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Referred to Committee on Public Health

Introduced by:  
(PH)

***AN ACT CONCERNING STRIKE CONTINGENCY PLANS FOR HEALTH CARE INSTITUTIONS.***

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

1 Section 1. Section 19a-497 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2005*):

3 (a) [Any] Each institution shall, upon receipt of a notice of intention  
4 to strike by a labor organization representing the employees of such  
5 institution, in accordance with the provisions of the National Labor  
6 Relations Act, 29 USC 158, [immediately] file a strike contingency plan  
7 with the commissioner not later than five days before the date  
8 indicated for the strike. [The commissioner shall adopt regulations, in  
9 accordance with the provisions of chapter 54, to establish requirements  
10 for such plan.]

11 (b) The commissioner may issue a summary order to any institution  
12 that fails to file a strike contingency plan that complies with the  
13 provisions of this section and the regulations adopted by the  
14 commissioner pursuant to this section within the specified time period.  
15 Such order shall require the institution to immediately file a strike

16 contingency plan that complies with the provisions of this section and  
17 the regulations adopted by the commissioner pursuant to this section.

18 (c) Any institution that is in noncompliance with this section shall  
19 be subject to a civil penalty of not more than ten thousand dollars for  
20 each day of noncompliance.

21 (d) (1) If the commissioner determines that an institution is in  
22 noncompliance with this section or the regulations adopted pursuant  
23 to this section, for which a civil penalty is authorized by subsection (c)  
24 of this section, the commissioner may send to an authorized officer or  
25 agent of the institution, by certified mail, return receipt requested, or  
26 personally serve upon such officer or agent, a notice which shall  
27 include: (1) A reference to this section or the section or sections of the  
28 regulations involved; (2) a short and plain statement of the matters  
29 asserted or charged; (3) a statement of the maximum civil penalty that  
30 may be imposed for such noncompliance; and (4) a statement of the  
31 party's right to request a hearing to contest the imposition of the civil  
32 penalty.

33 (2) An institution may make written application for a hearing to  
34 contest the imposition of a civil penalty pursuant to this section not  
35 later than twenty days after the date such notice is mailed or served.  
36 All hearings under this section shall be conducted in accordance with  
37 the provisions of chapter 54. If an institution fails to request a hearing  
38 or fails to appear at the hearing or if, after the hearing, the  
39 commissioner finds that the institution is in noncompliance, the  
40 commissioner may, in the commissioner's discretion, order that a civil  
41 penalty be imposed that is not greater than the penalty stated in the  
42 notice. The commissioner shall send a copy of any order issued  
43 pursuant to this subsection by certified mail, return receipt requested,  
44 to the institution named in such order.

45 (e) The commissioner shall adopt regulations, in accordance with  
46 the provisions of chapter 54: (1) Establishing requirements for a strike  
47 contingency plan, which shall include, but not be limited to, a

48 requirement that the plan contain documentation that the institution  
49 has arranged for adequate staffing and security, food, pharmaceuticals  
50 and other essential supplies necessary to meet the needs of the patient  
51 population served by the institution in the event of a strike; and (2) for  
52 purposes of the imposition of a civil penalty pursuant to subsections  
53 (c) and (d) of this section.

54 (f) Such plan shall be deemed a statement of strategy or negotiation  
55 with respect to collective bargaining for the purpose of subdivision (9)  
56 of subsection (b) of section 1-210.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2005	19a-497

**Statement of Purpose:**

To give the Commissioner of Public Health the authority to enforce statutory provisions requiring health care institutions to file strike contingency plans.

*[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.]*