



Senate

General Assembly

File No. 409

February Session, 2006

Substitute Senate Bill No. 21

Senate, April 6, 2006

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 CONCERNING LABOR UNION AUTHORIZATION CARD CHECKS.

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

1 Section 1. Subsection (b) of section 5-270 of the 2006 supplement to
2 the general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective October 1, 2006*):

4 (b) "Employee" means any employee of an employer, whether or not
5 in the classified service of the employer, [except] including any
6 graduate student enrolled at The University of Connecticut or at a state
7 university in the Connecticut State University system who (1) conducts
8 research or training, has administrative responsibilities or conducts
9 academic support projects or programs, except regular preparation of
10 instructional materials for courses, manual work, or clerical
11 assignments, under the supervision of a member of the faculty or
12 academic staff of the university at which the graduate student is
13 enrolled, or (2) is assigned teaching and related responsibilities, other

14 than manual work or clerical responsibilities, under the supervision of
15 a member of the faculty of the university at which the graduate
16 student is enrolled. "Employee" does not include elected or appointed
17 officials other than special deputy sheriffs, board and commission
18 members, disability policy specialists assigned to the Council on
19 Developmental Disabilities, managerial employees and confidential
20 employees.

21 Sec. 2. Subsection (b) of section 31-106 of the general statutes is
22 repealed and the following is substituted in lieu thereof (*Effective*
23 *October 1, 2006*):

24 (b) (1) In accordance with such regulations as may be adopted by
25 the board, [according to] in accordance with the provisions of chapter
26 54, whenever a petition is filed with the board by an employee or [his]
27 the employee's representative complaining that a question or
28 controversy concerning the representation of employees exists, or by
29 an employer or [his] the employer's representative that there is a
30 question or controversy concerning the representation of employees
31 between two or more labor organizations, the board shall refer the
32 petition to [its agent] an agent of the board who shall investigate the
33 petition. [He] The agent shall issue a direction of election and conduct
34 a secret ballot election to determine whether and by which employee
35 organization the employees desire to be represented if [he] the agent
36 has reasonable cause to believe that a question of representation exists,
37 or issue a recommendation to dismiss the petition if [he] the agent
38 finds that there is not such reasonable cause, or refer the petition to the
39 board for a hearing without having conducted an election or issuing a
40 recommendation of dismissal, in which event the board shall conduct
41 an appropriate hearing upon due notice. The agent shall report his or
42 her action to the board. The board shall issue an order confirming the
43 agent's direction of election and certifying the results of the election, or
44 issue an order confirming the agent's recommendation for dismissal, or
45 order a further investigation, or provide for an appropriate hearing
46 upon due notice. Before taking any [of the aforesaid actions] action
47 under this subdivision, the board shall provide the parties with an

48 opportunity to file briefs on the questions at issue and shall fully
49 consider any such briefs filed. After a hearing, the board shall order
50 any [of the aforesaid actions] action on the petition permitted by this
51 subdivision, or shall upon good cause order any other suitable method
52 to determine whether and by which employee organization the
53 employees desire to be represented. The board shall certify the results.

54 (2) In accordance with such regulations as may be adopted by the
55 board, in accordance with the provisions of chapter 54, whenever a
56 petition is filed with the board by an employee or the employee's
57 representative, or by the employer or the employer's representative,
58 complaining that a question or controversy exists concerning the
59 representation of a bargaining unit by a labor organization where (A)
60 such labor organization is the only organization seeking to be the
61 exclusive representative of the bargaining unit, and (B) a majority of
62 the employees in the unit have shown a preference to designate such
63 labor organization to be the exclusive representative of the unit by
64 signing authorization cards indicating such preference, the board shall
65 refer the petition to an agent of the board who shall investigate the
66 petition and determine the validity of the authorization cards. An
67 authorization card indicating such preference shall be valid only if it is
68 printed in a language understood by the employee who signed it. The
69 agent shall determine whether a majority of the employees in the
70 bargaining unit signed such valid authorization cards designating such
71 labor organization to be the unit's exclusive representative. The agent
72 shall report his or her findings to the board. The board shall issue an
73 order confirming the results of the authorization card check and certify
74 the results. Before taking any action under this subdivision, the board
75 shall provide the parties with an opportunity to file briefs on the
76 questions at issue and shall fully consider any such briefs filed. After a
77 hearing, the board shall order any action on the petition permitted by
78 this subdivision, or shall upon good cause, order any other suitable
79 method to determine whether the employees desire to be represented.
80 The board shall certify the results.

| | | |
|---|------------------------|-----------|
| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | <i>October 1, 2006</i> | 5-270(b) |
| Sec. 2 | <i>October 1, 2006</i> | 31-106(b) |

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-Effect | FY 07 \$ | FY 08 \$ |
|------------------------------------|-----------------|---------------|---------------|
| Higher Education Constituent Units | App Fund - Cost | Indeterminate | Indeterminate |

Note: App Fund=All Appropriated Funds

Municipal Impact: None

Explanation

This bill creates a union card signing authorization process under the state Labor Relations Board and also gives graduate students that meet the bill’s definition the ability to collectively bargain. The fiscal impact to the state is indeterminate as any costs associated with this bill would depend on the outcome of collective bargaining negotiations.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis

sSB 21

AN ACT CONCERNING LABOR UNION AUTHORIZATION CARD CHECKS.

SUMMARY:

This bill makes changes to two collective bargaining laws that apply separately to two different groups of employees.

It expands the definition of employee in the state employee collective bargaining law by adding graduate students enrolled at state universities who conduct research or training or are assigned teaching and related responsibilities. This gives graduate students who meet the bill's definition the legal right to bargain collectively.

The bill also creates a union card signing authorization process under the private sector collective bargaining law that created the state Labor Relations Board. It authorizes the state board to investigate petitions filed by an employee, the labor organization seeking to unionize a workforce, or the employer complaining about the outcome of a union card signing process to select a labor organization to represent the workers.

The board must refer any complaint to an agent of the board to investigate the validity of the signed union cards and report to the board. It can confirm the results of the card signing authorization after it (1) provides both sides with the opportunity to file briefs and (2) holds a hearing. By law, the board's authority in the private sector is over a small number of employers who are under the jurisdiction of the federal Labor Relations Act.

EFFECTIVE DATE: October 1, 2006

GRADUATE STUDENT DEFINED

The bill applies to a “graduate student” supervised by a faculty or academic staff member of the university that he is enrolled in (i.e., UConn or one of the Connecticut State University schools), and who:

1. conducts research or training, has administrative responsibilities, or conducts academic support projects or programs, except regular preparation of instructional course material, manual work, or clerical assignments, or
2. is assigned teaching and related responsibilities, other than manual work or clerical responsibilities.

UNION CARD CHECK AUTHORIZATIONS

Complaint Petitions

The bill requires the state labor board to investigate petitions filed by an employee the union seeking to unionize a workforce, or the employer, complaining about the outcome of a union card signing process to select the union only if (1) the union is the sole labor organization seeking to exclusively represent the particular bargaining unit and (2) the majority of the employees in the unit have shown a preference to be represented by the union by signing authorization cards indicating that selection. To be valid, authorization cards must be printed in a language understood by the employee who signed it.

Investigations and Determinations

The board must refer any qualified complaint petition it receives to an agent it designates to investigate the petition and the validity of the authorization cards. The agent must determine whether a majority of the employees in the unit signed valid cards designating the union as the unit's exclusive representative.

The agent must report his findings to the board, which must (1) provide the parties with an opportunity to file briefs, (2) fully consider the briefs, and (3) hold a hearing. After the hearing, the board must order any action on the petition permitted by the bill, including (1) confirming and certifying the results of the card check authorization or, (2) upon good cause, ordering any other suitable method to

determine whether the employees desire to be represented.

BACKGROUND

State Labor Relations Act

By law, private sector employers under the state Labor Relations Act can agree to a card check procedure for union organizing. Otherwise, elections are held to determine whether the employees want union representation.

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable Substitute

Yea 9 Nay 4 (03/21/2006)