



General Assembly

Substitute Bill No. 20

February Session, 2006

* SB00020LAB 031506 *

AN ACT CONCERNING LABOR PROVISIONS OF SPECIAL ACT 01-1.

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

1 Section 1. Subdivision (7) of section 2 of special act 01-1 is amended
2 to read as follows (*Effective January 1, 2007*):

3 (7) "Contract" means any agreement, contract, lease, obligation,
4 other than a debt obligation, letter of intent or acceptance regarding
5 the provision of goods or services to or for the benefit of the city by
6 and between the city and any other party, [including collective
7 bargaining agreements with employees of the city] and any agreement,
8 contract, letter of intent or acceptance regarding the sale or lease of any
9 assets of the city having a fair market value greater than fifty thousand
10 dollars.

11 Sec. 2. Subsection (a) of section 11 of special act 01-1 is amended to
12 read as follows (*Effective January 1, 2007*):

13 (a) In carrying out the purposes of [this act] special act 01-1, the
14 board shall have the following powers, duties and functions:

15 (1) Review and approve or disapprove the city's annual budget,
16 including, but not limited to, the governmental funds, enterprise
17 funds, and internal service funds, in accordance with the provisions of
18 section 12 of [this act] special act 01-1;

19 (2) Review and approve or disapprove an initial financial plan of the
20 city, in accordance with the provisions of section 12 of [this act] special
21 act 01-1;

22 (3) Review and approve or disapprove the proposed terms of any
23 deficit funding bonds or interim funding obligations pursuant to this
24 act or any other bonds, notes or other obligations of the city;

25 [(4) (A) Approve or reject all collective bargaining agreements for a
26 new term, other than modifications, amendments or reopeners to an
27 agreement, to be entered into by the city or any of its agencies or
28 administrative units, including the board of education. If the board
29 rejects a proposed collective bargaining agreement, the parties to the
30 agreement will have ten days from the date of the board's rejection to
31 consider the board's concerns. In rejecting an agreement, the board
32 shall indicate the specific provisions of the proposed agreement which
33 caused the rejection, as well as its rationale for the rejection. The board
34 may, at its option, indicate the total cost impact or savings it would
35 find acceptable in a new agreement. After the expiration of such ten-
36 day period, the board shall approve or reject any such agreement. If
37 the parties have been unable to reach an agreement or the board rejects
38 such agreement, the board shall set forth the terms of the agreement,
39 which shall be binding upon the parties. In establishing the terms of
40 the agreement, as well as in making a determination to reject a
41 proposed agreement, the parties shall have an opportunity to make a
42 presentation to the board. The board shall not be limited to
43 consideration and inclusion in the collective bargaining agreement of
44 matters raised or negotiated by the parties;

45 (B) Approve or reject all modifications, amendments or reopeners to
46 collective bargaining agreements entered into by the city or any of its
47 agencies or administrative units, including the board of education. If
48 the board rejects a proposed amendment to a collective bargaining
49 agreement, the parties to the agreement will have ten days from the
50 date of the board's rejection to consider the board's concerns. In
51 rejecting an amendment to an agreement, the board shall indicate the

52 specific provisions of the proposed amendment which caused the
53 rejection, as well as its rationale for the rejection. The board may, at its
54 option, indicate the total cost impact or savings it would find
55 acceptable in a new amendment. After the expiration of such ten-day
56 period, the board shall approve or reject any revised amendment. If
57 the parties have been unable to reach a revised amendment or the
58 board rejects such revised amendment, the board shall set forth the
59 terms of the new amendment, which shall be binding upon the parties.
60 In establishing the terms of the new agreement, as well as in making a
61 determination to reject a proposed amendment, the parties shall have
62 an opportunity to make a presentation to the board;

63 (5) With respect to labor contracts in or subject to binding
64 arbitration, serve as the binding arbitration panel. The board shall have
65 the power to impose binding arbitration upon the parties any time
66 after the seventy-fifth day following the commencement of
67 negotiations. If, upon the effective date of this act, the parties are in
68 binding arbitration, the board shall immediately replace any
69 established binding arbitration panel. The time limits in the applicable
70 provisions of the general statutes or any public or special acts
71 governing binding arbitration shall be reduced by one-half. The board
72 shall not be limited to consideration and inclusion in the collective
73 bargaining agreement of the last best offers or the matters raised by or
74 negotiated by the parties;]

75 ~~[(6)]~~ (4) Review and approve or disapprove any contract and any
76 renewal, extension or modification thereof not covered by collective
77 bargaining contemplating the expenditure in either the current or any
78 future fiscal year of more than fifty thousand dollars and shall have the
79 power to set aside any contracts which have not been authorized in
80 accordance with the requirements of any state or local law;

81 ~~[(7)]~~ (5) Review and approve all bond ordinances and bond
82 resolutions of the city;

83 ~~[(8)]~~ (6) Approve transfers of appropriations made by the Board of

84 Aldermen;

85 [(9)] (7) Appoint one or more independent auditors as such term is
86 defined in section 7-391 of the general statutes for the purpose of
87 meeting the requirements of chapter 111 of the general statutes;

88 [(10)] (8) Audit compliance with the financial plan and the annual
89 budget in such areas as the board shall determine;

90 [(11)] (9) Require the city to implement such measures relating to
91 the efficiency and productivity of the city's operations and
92 management as the board deems appropriate to reduce costs and
93 improve services so as to advance the purposes of [this act] special act
94 01-1;

95 [(12)] (10) Obtain information on the financial condition and needs
96 of the city, provided nothing in this subdivision shall diminish the
97 powers of the mayor, the finance director, the Board of Aldermen or
98 any other board, agency or authority of the city otherwise provided by
99 law;

100 [(13)] (11) Monitor compliance with, require implementation or
101 implement the provisions governing revaluation set forth in section 12-
102 62 of the general statutes;

103 [(14)] (12) Monitor the funding of pension contributions in
104 accordance with actuarial recommendations;

105 [(15)] (13) Approve or disapprove the chief negotiator for the city for
106 the purposes of collective bargaining and, in the case of disapproval,
107 the board may appoint such negotiator;

108 [(16)] (14) Study the city's unfunded pension liability and, not later
109 than two years from [the effective date of this act] March 9, 2003,
110 report to the Governor and the General Assembly recommendations
111 on addressing the unfunded liability which report shall be in
112 accordance with section 11-4a of the general statutes; and

113 [(17)] (15) Report to the Governor and the General Assembly on or
114 before July 1, 2001, and every six months thereafter, regarding the
115 fiscal condition of the city and compliance with [this act] special act 01-
116 1, which report shall be in accordance with section 11-4a of the general
117 statutes.

118 Sec. 3. Subsection (b) of section 11 of special act 01-1 is amended to
119 read as follows (*Effective January 1, 2007*):

120 (b) The board may:

121 (1) Review and approve or disapprove the budget of the city's board
122 of education on a line item basis and may require the board of
123 education to submit to it any budget transfers;

124 (2) Appoint an emergency financial and administrative manager
125 and delegate to such manager, in writing, such powers as the board
126 deems necessary or appropriate for the purpose of managing the
127 financial and administrative affairs of the city for the period of time
128 during which the city is subject to the powers of the board provided
129 the board may not delegate the powers enumerated under
130 subdivisions (1) to [(5)] (3), inclusive, [(7), (15) and (17)] (5), (13) and
131 (15) of subsection (a) of this section, as amended by this act, and
132 subdivisions (1), [(4), and (6) to (8)] (3) and (5) to (7), inclusive, of this
133 subsection, as amended by this act, and further provided the board
134 may override any actions taken by such manager at any time;

135 (3) Retain such consultants experienced in the field of municipal
136 finance, municipal law, governmental operations and administration
137 or governmental accounting as it shall deem necessary or desirable for
138 accomplishing its purposes;

139 [(4) Make a request to the exclusive representative of an employee
140 bargaining unit to reopen the negotiation process and present a
141 proposed revision to a contract. Such exclusive representative shall
142 have five days to respond to such request and, if the exclusive
143 representative fails to so respond, it shall be deemed to have denied

144 such request.

145 (A) If the exclusive representative denies such request, the state
146 board of labor relations, through its agent, shall convene, no later than
147 ten days from the date of such denial, a meeting of the membership of
148 the bargaining unit. At such meeting the board shall present its
149 proposed revision. A vote of such membership shall be held on such
150 proposed revision no later than five days after the date of the meeting.
151 The agent of the state board of labor relations shall schedule such vote
152 and shall post a notice of the appropriate date, time and location.

153 (B) If the exclusive representative agrees to negotiate with the board
154 on the proposed revision, the parties shall have fourteen days to so
155 negotiate, provided such period may be extended an additional
156 fourteen days by mutual agreement of the parties. If the parties reach
157 an agreement, the agreement shall be subject to the ratification
158 procedure established by the bargaining unit. If the parties fail to
159 agree, the last best offer of the board on such proposed revision shall
160 be submitted to the membership of the bargaining unit for a vote to be
161 held no later than five days from the date negotiations ceased pursuant
162 to this subparagraph. The exclusive representative shall schedule such
163 vote. The board shall have an opportunity to present its revisions to
164 the membership prior to such vote.

165 (C) The vote pursuant to subparagraphs (A) and (B) of this
166 subdivision shall constitute final action on the proposed revision. An
167 affirmative vote by a majority of the membership of the bargaining
168 unit shall constitute approval of the subject of such vote. A failure to
169 achieve such affirmative vote shall constitute a final rejection of the
170 proposed revision and such proposed revision shall not be subject to
171 further dispute resolution, in which case the existing contract shall
172 remain in effect. The requirements of this subsection shall not be
173 considered a prohibited practice under subsection (a) of section 7-470
174 of the general statutes or subsection (b) of section 10-153e of the
175 general statutes;]

176 [(5)] (4) Order any official or employee of the city or any agency or
177 administrative unit thereof, including any member or employee of the
178 board of education, to implement any decisions of the board;

179 [(6)] (5) Override any action or decision of the mayor, except an
180 action or decision made by the mayor in relation to collective
181 bargaining under sections 7-467 to 7-479, inclusive, of the general
182 statutes, or sections 10-153a to 10-153n, inclusive, of the general
183 statutes, Board of Aldermen or other city employee which action or
184 decision affects the economic viability of the city, including, but not
185 limited to, decisions with respect to personnel and other
186 administrative hires;

187 [(7)] (6) Review any existing contract of the city, not covered by
188 collective bargaining, to determine if such contract is in the best
189 interest of the city and shall have the power to set aside such contract
190 provided there is no significant penalty to the city as a result of such
191 action; and

192 [(8)] (7) Issue deficit funding bonds and interim funding obligations
193 in the name and on behalf of the city as provided in section 3 of [this
194 act] special act 01-1 and in doing so, require the city to comply with the
195 provisions of section 7 of [this act] special act 01-1.

This act shall take effect as follows and shall amend the following sections:		
Section 1	January 1, 2007	SA 01-1, Sec. 2(7)
Sec. 2	January 1, 2007	SA 01-1, Sec. 11(a)
Sec. 3	January 1, 2007	SA 01-1, Sec. 11(b)

LAB Joint Favorable Subst.