



General Assembly

**Substitute Bill No. 21**

February Session, 2006

\* SB00021LAB 032106 \*

**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2 the general statutes is repealed and the following is substituted in lieu  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22 repealed and the following is substituted in lieu thereof (*Effective*  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	October 1, 2006	5-270(b)
Sec. 2	October 1, 2006	31-106(b)

**LAB**     *Joint Favorable Subst.*