



General Assembly

February Session, 2006

Raised Bill No. 392

LCO No. 1691

01691_____LAB

Referred to Committee on Labor and Public Employees

Introduced by:
(LAB)

AN ACT CONCERNING COLLECTIVE BARGAINING FOR STATE MANAGERS.

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

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2 statutes is repealed and the following is substituted in lieu thereof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

4 When used in sections 5-270 to 5-280, inclusive, as amended:

5 (a) "Employer" means the state of Connecticut, its executive and
6 judicial branches, including, without limitation, any board,
7 department, commission, institution, or agency of such branches or
8 any appropriate unit thereof and any board of trustees of a state-
9 owned or supported college or university and branches thereof, public
10 and quasi-public state corporation, or authority established by state
11 law, or any person or persons designated by the employer to act in its
12 interest in dealing with employees, but [shall] does not include the
13 State Board of Labor Relations or the State Board of Mediation and
14 Arbitration.

15 (b) "Employee" means any employee of an employer, whether or not
16 in the classified service of the employer, except 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] bureau heads and
20 confidential employees.

21 (c) "Professional employee" means: (1) Any employee engaged in
22 work (A) predominantly intellectual and varied in character as
23 opposed to routine mental, manual, mechanical or physical work; (B)
24 involving the consistent exercise of discretion and judgment in its
25 performance; (C) of such a character that the output produced or the
26 result accomplished cannot be standardized in relation to a given time
27 period; (D) requiring knowledge of an advanced type in a field of
28 science or learning customarily acquired by a prolonged course of
29 specialized intellectual instruction and study in an institution of higher
30 learning or a hospital, as distinguished from a general academic
31 education or from an apprenticeship or from training in the
32 performance of routine mental, manual or physical processes; or (2)
33 any employee who has completed the courses of specialized
34 intellectual instruction and study described in [subsection (c)(1)(D)]
35 subparagraph (D) of subdivision (1) of this subsection and is
36 performing related work under the supervision of a professional
37 person to qualify [himself] to become a professional employee as
38 defined in [subsection (c)(1)] subdivision (1) of this subsection.

39 (d) "Employee organization" means any lawful association, labor
40 organization, federation or council having as a primary purpose the
41 improvement of wages, hours and other conditions of employment
42 among state employees.

43 (e) "Confidential employee" means any public employee who would
44 have access to confidential information used in collective bargaining.

45 (f) "Supervisory employee" means any individual in a position in
46 which the principal functions are characterized by not fewer than two

47 of the following: (1) Performing such management control duties as
48 scheduling, assigning, overseeing and reviewing the work of
49 subordinate employees; (2) performing such duties as are distinct and
50 dissimilar from those performed by the employees supervised; (3)
51 exercising judgment in adjusting grievances, applying other
52 established personnel policies and procedures and in enforcing the
53 provisions of a collective bargaining agreement; and (4) establishing or
54 participating in the establishment of performance standards for
55 subordinate employees and taking corrective measures to implement
56 those standards, provided in connection with any of the foregoing the
57 exercise of such authority is not merely of a routine or clerical nature,
58 but requires the use of independent judgment. [and such individuals
59 shall be] Such individuals are employees within the meaning of
60 subsection (b) of this section. The above criteria for supervisory
61 positions [shall] does not necessarily apply to police or fire
62 departments.

63 (g) "Managerial employee" means any individual in a position in
64 which the principal functions are characterized by not fewer than two
65 of the following, provided for any position in any unit of the system of
66 higher education, one of such two functions shall be as specified in
67 subdivision (4) of this subsection: (1) Responsibility for direction of a
68 subunit or facility of a major division of an agency or assignment to an
69 agency head's staff; (2) development, implementation and evaluation
70 of goals and objectives consistent with agency mission and policy; (3)
71 participation in the formulation of agency policy; or (4) a major role in
72 the administration of collective bargaining agreements or major
73 personnel decisions, or both, including staffing, hiring, firing,
74 evaluation, promotion and training of employees. Such individuals,
75 other than any individuals who are bureau heads, as defined in
76 subsection (h) of this section, are employees within the meaning of
77 subsection (b) of this section.

78 (h) "Bureau head" means any individual who heads a major division
79 of an agency and reports to the agency head or deputy agency head,

80 provided: (1) The number of bureau heads in any agency shall not
81 exceed the greater of (A) one, or (B) one-half of one per cent of the total
82 number of permanent full-time employees in the agency, rounded to
83 the next lowest whole number, (2) the number of bureau heads in the
84 state executive branch shall not exceed one-half of one per cent of the
85 total number of permanent full-time employees in the branch, rounded
86 to the next lowest whole number, and the number of bureau heads in
87 the state judicial branch shall not exceed one-half of one per cent of the
88 total number of permanent full-time employees in the branch, rounded
89 to the next lowest whole number, and (3) if an agency has more major
90 divisions than the number of bureau heads permitted in the agency by
91 this subsection, the major divisions shall be ranked by the number of
92 permanent full-time employees in each, and any individual heading a
93 major division with a smaller number of permanent full-time
94 employees shall be excluded from being classified as a bureau head
95 before any individual heading a major division with a larger number
96 of full-time employees.

97 Sec. 2. Subsection (b) of section 5-275 of the general statutes is
98 repealed and the following is substituted in lieu thereof (*Effective*
99 *October 1, 2006*):

100 (b) The board shall determine the appropriateness of a unit which
101 shall be the public employer unit or a subdivision [thereof] of the
102 public employer unit. In determining the appropriateness of the unit,
103 the board shall: (1) Take into consideration, but shall not limit
104 consideration to, the following: (A) Public employees must have an
105 identifiable community of interest, and (B) the effects of
106 overfragmentation; (2) not decide that any unit is appropriate if (A)
107 such unit includes both professional and nonprofessional employees,
108 unless a majority of such professional employees vote for inclusion in
109 such unit, or (B) such unit includes both Department of Correction
110 employees at or above the level of lieutenant and Department of
111 Correction employees below the level of lieutenant; (3) decide that a
112 unit is not appropriate if the unit includes both managerial and

113 nonmanagerial employees; (4) take into consideration that when the
114 state is the employer, it will be bargaining on a state-wide basis unless
115 issues involve working conditions peculiar to a given governmental
116 employment locale; [(4)] (5) permit the faculties of (A) The University
117 of Connecticut, (B) the Connecticut State University system, and (C)
118 the state regional vocational-technical schools to each comprise a
119 separate unit, which in each case shall have the right to bargain
120 collectively with their respective boards of trustees or their designated
121 representatives; and [(5)] (6) permit the community college faculty and
122 the technical college faculty as they existed prior to July 1, 1992, to
123 continue to comprise separate units, which in each case shall have the
124 right to bargain collectively with its board of trustees or its designated
125 representative. Nonfaculty professional staff of the above institutions
126 may by mutual agreement be included in such bargaining units, or
127 they may form a separate bargaining unit of their own. This section
128 shall not be deemed to prohibit multiunit bargaining.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2006</i>	5-270
Sec. 2	<i>October 1, 2006</i>	5-275(b)

Statement of Purpose:

To allow state managers, excluding bureau heads, to bargain collectively.

[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.]