



Senate

General Assembly

File No. 491

January Session, 2007

Substitute Senate Bill No. 1049

Senate, April 16, 2007

The Committee on Government Administration and Elections reported through SEN. SLOSSBERG of the 14th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING COLLECTIVE BARGAINING OF THE MERIT SYSTEM.

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

1 Section 1. Subsection (a) of section 5-271 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2007*):

4 (a) Employees shall have, and shall be protected in the exercise of
5 the right of self-organization, to form, join or assist any employee
6 organization, to bargain collectively through representatives of their
7 own choosing on questions of wages, hours and other conditions of
8 employment, [except as] including matters relating to the merit system
9 for appointment and promotion of classified state employees, as
10 provided in subsection (d) of section 5-272, as amended by this act, and
11 to engage in other concerted activities for the purpose of collective
12 bargaining or other mutual aid or protection, free from actual
13 interference, restraint or coercion.

14 Sec. 2. Section 5-272 of the general statutes is repealed and the
15 following is substituted in lieu thereof (*Effective October 1, 2007*):

16 (a) Employers or their representatives or agents are prohibited from:
17 (1) Interfering with, restraining or coercing employees in the exercise
18 of the rights guaranteed in section 5-271, as amended by this act,
19 including a lockout; (2) dominating or interfering with the formation,
20 existence or administration of any employee organization; (3)
21 discharging or otherwise discriminating against an employee because
22 he has signed or filed any affidavit, petition or complaint or given any
23 information or testimony under sections 5-270 to 5-280, inclusive; (4)
24 refusing to bargain collectively in good faith with an employee
25 organization which has been designated in accordance with the
26 provisions of said sections as the exclusive representative of employees
27 in an appropriate unit; including but not limited to refusing to discuss
28 grievances with such exclusive representative; (5) discriminating in
29 regard to hiring or tenure of employment or any term or condition of
30 employment to encourage or discourage membership in any employee
31 organization; (6) refusing to reduce a collective bargaining agreement
32 to writing and to sign such agreement; (7) violating any of the rules
33 and regulations established by the board regulating the conduct of
34 representation elections.

35 (b) Employee organizations or their agents are prohibited from: (1)
36 Restraining or coercing employees in the exercise of the rights
37 guaranteed in subsection (a) of section 5-271, as amended by this act;
38 (2) restraining or coercing an employer in the selection of his
39 representative for purposes of collective bargaining or the adjustment
40 of grievances; (3) refusing to bargain collectively in good faith, with an
41 employer, if it has been designated in accordance with the provisions
42 of sections 5-270 to 5-280, inclusive, as the exclusive representative of
43 employees in an appropriate unit; (4) breaching their duty of fair
44 representation pursuant to section 5-271, as amended by this act; (5)
45 violating any of the rules and regulations established by the board
46 regulating the conduct of representation elections; or (6) refusing to
47 reduce a collective bargaining agreement to writing and sign such

48 agreement.

49 (c) For the purposes of sections 5-270 to 5-280, inclusive, to bargain
 50 collectively is the performance of the mutual obligation of the
 51 employer or his designated representatives and the representative of
 52 the employees to meet at reasonable times, including meetings
 53 appropriately related to the budget-making process, and bargain in
 54 good faith with respect to wages, hours and other conditions of
 55 employment, [except as] including matters relating to the merit system
 56 for appointment and promotion of classified state employees, as
 57 provided in subsection (d) of this section, or the negotiation of an
 58 agreement, or any question arising thereunder, and the execution of a
 59 written contract incorporating any agreement reached if requested by
 60 either party, but such obligation shall not compel either party to agree
 61 to a proposal or require the making of a concession.

62 (d) [Nothing herein shall diminish the authority and power of the]
 63 The Employees' Review Board, the Department of Administrative
 64 Services or any state agency established by statute, charter or special
 65 act shall have the authority to establish, conduct and grade merit
 66 examinations and to rate candidates in order of their relative
 67 excellence from which appointments or promotions may be made to
 68 positions in the competitive division of the classified service of the
 69 state served by the Department of Administrative Services, [. The]
 70 unless the establishment, conduct and grading of merit examinations,
 71 the rating of candidates and the establishment of lists from such
 72 examinations and the appointments from such lists [shall not be
 73 subject to collective bargaining] is otherwise provided for under an
 74 applicable collective bargaining agreement.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2007	5-271(a)
Sec. 2	October 1, 2007	5-272

Statement of Legislative Commissioners:

In subsection (d) of Section 2, the phrase "shall have the authority" was moved to before "to establish" for accuracy and clarity.

LAB *Joint Favorable C/R*

GAE

GAE *Joint Favorable Subst.-LCO*

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 chamber thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 08 \$	FY 09 \$
All	All Funds - Cost	See Below	See Below

Municipal Impact: None

Explanation

This bill makes the merit system for classified state employees subject to collective bargaining. It gives state employee unions the right to collectively bargain with the state over matters related to civil service hiring and promotion requirements. Current law excludes the merit system from collective bargaining.

This bill is anticipated to increase the costs associated with hiring and promotional examinations and assessments, along with increasing the time it takes to hire or promote state employees.

The Out Years

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

OLR Bill Analysis**sSB 1049*****AN ACT CONCERNING COLLECTIVE BARGAINING OF THE MERIT SYSTEM.*****SUMMARY:**

This bill gives state employee unions the right to collectively bargain with the state over matters related to the state employee merit system (i.e., civil service) and makes the system a mandatory subject of collective bargaining. Current law excludes the merit system from collective bargaining.

EFFECTIVE DATE: October 1, 2007

COLLECTIVE BARGAINING OVER THE MERIT SYSTEM

By law, the state and the state employee unions are required to bargain in good faith over wages, hours, and other working conditions. The bill adds matters relating to the Department of Administrative Services' (DAS) merit system to the items (1) over which state employees have the right to collectively bargain and (2) that are subject to mandatory collective bargaining.

Under the bill, union contracts may provide for (1) establishing, conducting, and grading merit exams; (2) rating job candidates in order of their relative excellence; and (3) using ratings to make job appointments or promotions to competitive positions in classified service under DAS's authority. The bill provides that the authority to establish and run the merit system remains with DAS, the Employees' Review Board, and any appropriate state agency if it is not included in an applicable union contract.

Under current law DAS, the review board, and the appropriate agency have authority over the merit system. Appropriate agencies

are those involved in the particular type of job, such as the Department of Public Safety for the state trooper exam.

The bill prohibits the state and its unions from restraining or coercing employees in the exercise of their right to collectively bargain over the merit system, breaching their duties under the collective bargaining law, and from other existing unfair labor practices that the bill applies to bargaining over the merit system.

BACKGROUND

Mandatory Collective Bargaining

By law, when an issue is subject to mandatory collective bargaining (such as wages, hours, and working conditions), it means both parties are required to negotiate over it. If no agreement is reached, both parties must go into mediation and, if that fails to resolve the matter, binding arbitration. The mediation and arbitration process is set in a statute.

Merit System (Civil Service)

All classified state employees are subject to the state merit system's (civil service) hiring, promotion, and termination requirements. Typically, job candidates must meet minimum qualifications in order to take a test for a state position and those who pass are placed on a list of eligible job candidates. Agencies then select candidates from the lists. Approximately 90% of the state's workforce is classified. Virtually all classified employees work in the executive branch.

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable Change of Reference
Yea 7 Nay 2 (02/22/2007)

Government Administration and Elections Committee

Joint Favorable
Yea 9 Nay 4 (03/28/2007)