



General Assembly

Amendment

January Session, 2007

LCO No. 9241

SB0144709241HRO

Offered by:
REP. HAMZY, 78th Dist.

To: Senate Bill No. 1447

File No. 595

Cal. No. 682

(As Amended by House Amendment Schedule "A")

"AN ACT CONCERNING FAMILY AND MEDICAL LEAVE FOR MUNICIPAL EMPLOYEES."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Subsection (d) of section 7-473c of the general statutes is
4 repealed and the following is substituted in lieu thereof (*Effective*
5 *October 1, 2007*):

6 (d) (1) The hearing may, at the discretion of the panel, be continued
7 and shall be concluded within twenty days after its commencement.
8 Not less than two days prior to the commencement of the hearing,
9 each party shall file with the chairperson of the panel, and deliver to
10 the other party, a proposed collective bargaining agreement, in
11 numbered paragraphs, which such party is willing to execute and cost
12 data for all provisions of such proposed agreement. At the
13 commencement of the hearing each party shall file with the panel a

14 reply setting forth (A) those paragraphs of the proposed agreement of
15 the other party which it is willing to accept, and (B) those paragraphs
16 of the proposed agreement of the other party which it is unwilling to
17 accept, together with any alternative contract language which such
18 party would accept in lieu of those paragraphs of the proposed
19 agreement of the other party which it is unwilling to accept. At any
20 time prior to the issuance of a decision by the panel, the parties may
21 jointly file with the panel stipulations setting forth the agreement
22 provisions which both parties have agreed to accept.

23 (2) Within five days after the conclusion of the taking of testimony,
24 the panel shall forward to each party an arbitration statement,
25 approved by a majority vote of the panel, setting forth all agreement
26 provisions agreed upon by both parties in the proposed agreements
27 and the replies, and in the stipulations, and stating, in numbered
28 paragraphs, those issues which are unresolved.

29 (3) Within ten days after the conclusion of the taking of testimony,
30 the parties shall file with the secretary of the State Board of Mediation
31 and Arbitration five copies of their statements of last best offer setting
32 forth, in numbered paragraphs corresponding to the statement of
33 unresolved issues contained in the arbitration statement, the final
34 agreement provisions proposed by such party. Immediately upon
35 receipt of both statement of last best offer or upon the expiration of the
36 time for filing such statements of last best offer, whichever is sooner,
37 said secretary shall distribute a copy of each such statement of last best
38 offer to the opposing party.

39 (4) Within seven days after the distribution of the statements of last
40 best offer or within seven days of the expiration of the time for filing
41 the statements of last best offer, whichever is sooner, the parties may
42 file with the secretary of the State Board of Mediation and Arbitration
43 five copies of their briefs on the unresolved issues. Immediately upon
44 receipt of both briefs or upon the expiration of the time for filing such
45 briefs, whichever is sooner, said secretary shall distribute a copy of
46 each such brief to the opposing party.

47 (5) Within five days after the distribution of the briefs on the
48 unresolved issues or within five days after the last day for filing such
49 briefs, whichever is sooner, each party may file with said secretary five
50 copies of a reply brief, responding to the briefs on the unresolved
51 issues. Immediately upon receipt of the reply briefs or upon the
52 expiration of the time for filing such reply briefs, whichever is sooner,
53 said secretary shall simultaneously distribute a copy of each such reply
54 brief to the opposing party.

55 (6) Within twenty days after the last day for filing such reply briefs,
56 the panel shall issue, upon majority vote, and file with the State Board
57 of Mediation and Arbitration its decision on all unresolved issues set
58 forth in the arbitration statement, and said secretary shall immediately
59 and simultaneously distribute a copy thereof to each party. The panel
60 shall treat each unresolved issue set forth in the arbitration statement
61 as a separate question to be decided by it. In deciding each such
62 question, the panel agreement shall accept the final provision relating
63 to such unresolved issue as contained in the statement of last best offer
64 of one party or the other. As part of the arbitration decision, each
65 member shall state the specific reasons and standards used in making
66 a choice on each unresolved issue.

67 (7) The parties may jointly file with the panel stipulations
68 modifying, deferring or waiving any or all provisions of this
69 subsection.

70 (8) If the day for filing any document required or permitted to be
71 filed under this subsection falls on a day which is not a business day of
72 the State Board of Mediation and Arbitration then the time for such
73 filing shall be extended to the next business day of such board.

74 (9) In arriving at a decision, the arbitration panel shall give priority
75 to the public interest and the financial capability of the municipal
76 employer, including consideration of other demands on the financial
77 capability of the municipal employer. The panel shall further consider
78 the following factors in light of such financial capability: (A) The

79 negotiations between the parties prior to arbitration; (B) the interests
80 and welfare of the employee group; (C) changes in the cost of living;
81 (D) the existing conditions of employment of the employee group and
82 those of similar groups; and (E) the wages, salaries, fringe benefits, and
83 other conditions of employment prevailing in the labor market,
84 including developments in private sector wages and benefits.

85 (10) The decision of the panel and the resolved issues shall be final
86 and binding upon the municipal employer and the municipal
87 employee organization except as provided in subdivision (12) of this
88 subsection and, if such award is not rejected by the legislative body
89 pursuant to said subdivision, except that a motion to vacate or modify
90 such decision may be made in accordance with sections 52-418 and
91 52-419.

92 (11) In regard to all proceedings undertaken pursuant to this
93 subsection the secretary of the State Board of Mediation and
94 Arbitration shall serve as staff to the arbitration panel.

95 (12) Within twenty-five days of the receipt of an arbitration award
96 issued pursuant to this section, the legislative body of the municipal
97 employer may reject the award of the arbitrators or single arbitrator by
98 a two-thirds majority vote of the members of such legislative body
99 present at a regular or special meeting called and convened for such
100 purpose. If rejected, the matter shall be returned to the parties for
101 further negotiation.

102 [(13) Within ten days after such rejection, the legislative body or its
103 authorized representative shall be required to state, in writing, the
104 reasons for such vote and shall submit such written statement to the
105 State Board of Mediation and Arbitration and the municipal employee
106 organization. Within ten days after receipt of such notice, the
107 municipal employee organization shall prepare a written response to
108 such rejection and shall submit it to the legislative body and the State
109 Board of Mediation and Arbitration.

110 (14) Within ten days after receipt of such rejection notice, the State

111 Board of Mediation and Arbitration shall select a review panel of three
112 arbitrators or, if the parties agree, a single arbitrator who are residents
113 of Connecticut and labor relations arbitrators approved by the
114 American Arbitration Association and not members of the panel who
115 issued the rejected award. Such arbitrators or single arbitrator shall
116 review the decision on each such rejected issue. The review conducted
117 pursuant to this subdivision shall be limited to the record and briefs of
118 the hearing pursuant to subsection (c) of this section, the written
119 explanation of the reasons for the vote and a written response by either
120 party. In conducting such review, the arbitrators or single arbitrator
121 shall be limited to consideration of the criteria set forth in subdivision
122 (9) of this subsection. Such review shall be completed within twenty
123 days of the appointment of the arbitrators or single arbitrator. The
124 arbitrators or single arbitrator shall accept the last best offer of either of
125 the parties.

126 (15) Within five days after the completion of such review the
127 arbitrators or single arbitrator shall render a decision with respect to
128 each rejected issue which shall be final and binding upon the
129 municipal employer and the employee organization except that a
130 motion to vacate or modify such award may be made in accordance
131 with sections 52-418 and 52-419. The decision of the arbitrators or
132 single arbitrator shall be in writing and shall include specific reasons
133 and standards used by each arbitrator in making a decision on each
134 issue. The decision shall be filed with the parties. The reasonable costs
135 of the arbitrators or single arbitrator and the cost of the transcript shall
136 be paid by the legislative body. Where the legislative body of a
137 municipal employer is the town meeting, the board of selectmen shall
138 perform all of the duties and shall have all of the authority and
139 responsibilities required of and granted to the legislative body under
140 this subsection.]"