



House of Representatives

General Assembly

File No. 577

January Session, 2009

Substitute House Bill No. 6545

House of Representatives, April 9, 2009

The Committee on Government Administration and Elections reported through REP. SPALLONE of the 36th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE RIGHT TO ORGANIZE FOR CERTAIN EMPLOYEES.

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

1 Section 1. Section 5-270 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 When used in sections 5-270 to 5-280, inclusive, as amended by this
4 act:

5 (1) "Bureau heads" means individuals who head a major division of
6 a state agency and report to the head or deputy head of such agency,
7 provided: (A) The number of bureau heads of any state agency shall
8 not exceed the greater of (i) one, or (ii) one-half of one per cent of the
9 total number of permanent full-time employees of the employer,
10 rounded to the next lowest whole number; (B) the number of bureau
11 heads in the state executive branch shall not exceed one-half of one per
12 cent of the total number of permanent full-time employees in the

13 branch, rounded to the next lowest whole number, and the number of
14 bureau heads in the state judicial branch shall not exceed one-half of
15 one per cent of the total number of permanent full-time employees in
16 the branch, rounded to the next lowest whole number; and (C) if a
17 state agency has more major divisions than the number of bureau
18 heads permitted to an employer by this subdivision, the major
19 divisions shall be ranked by the number of permanent full-time
20 employees in each, and any individual heading a major division with a
21 smaller number of permanent full-time employees shall be excluded
22 from being classified as a bureau head before any individual heading a
23 major division with a larger number of full-time employees.

24 [(a)] (2) "Employer" means the state of Connecticut, its executive,
25 [and] judicial and legislative branches, including, without limitation,
26 any board, department, commission, institution, or agency of such
27 branches or any appropriate unit thereof and any board of trustees of a
28 state-owned or supported college or university and branches thereof,
29 public and quasi-public state corporation, or authority established by
30 state law, or any person or persons designated by the employer to act
31 in its interest in dealing with employees, but shall not include the State
32 Board of Labor Relations or the State Board of Mediation and
33 Arbitration.

34 [(b)] (3) "Employee" means any employee of an employer, whether
35 or not in the classified service of the employer, except elected or
36 appointed officials other than special deputy sheriffs, board and
37 commission members, disability policy specialists assigned to the
38 Council on Developmental Disabilities, [managerial employees]
39 bureau heads and confidential employees.

40 [(c)] (4) "Professional employee" means: [(1)] (A) Any employee
41 engaged in work [(A)] (i) predominantly intellectual and varied in
42 character as opposed to routine mental, manual, mechanical or
43 physical work; [(B)] (ii) involving the consistent exercise of discretion
44 and judgment in its performance; [(C)] (iii) of such a character that the
45 output produced or the result accomplished cannot be standardized in

46 relation to a given time period; [(D)] (iv) requiring knowledge of an
47 advanced type in a field of science or learning customarily acquired by
48 a prolonged course of specialized intellectual instruction and study in
49 an institution of higher learning or a hospital, as distinguished from a
50 general academic education or from an apprenticeship or from training
51 in the performance of routine mental, manual or physical processes; or
52 [(2)] (B) any employee who has completed the courses of specialized
53 intellectual instruction and study described in [subsection (c)(1)(D)]
54 subparagraph (A)(iv) of this subdivision and is performing related
55 work under the supervision of a professional person to qualify himself
56 or herself to become a professional employee as defined in [subsection
57 (c)(1)] subparagraph (A) of this subdivision.

58 [(d)] (5) "Employee organization" means any lawful association,
59 labor organization, federation or council having as a primary purpose
60 the improvement of wages, hours and other conditions of employment
61 among state employees.

62 [(e)] (6) "Confidential employee" means any public employee who
63 would have access to confidential information used in collective
64 bargaining.

65 [(f)] (7) "Supervisory employee" means any individual in a position
66 in which the principal functions are characterized by not fewer than
67 two of the following: [(1)] (A) Performing such management control
68 duties as scheduling, assigning, overseeing and reviewing the work of
69 subordinate employees; [(2)] (B) performing such duties as are distinct
70 and dissimilar from those performed by the employees supervised;
71 [(3)] (C) exercising judgment in adjusting grievances, applying other
72 established personnel policies and procedures and in enforcing the
73 provisions of a collective bargaining agreement; and [(4)] (D)
74 establishing or participating in the establishment of performance
75 standards for subordinate employees and taking corrective measures
76 to implement those standards, provided in connection with any of the
77 foregoing the exercise of such authority is not merely of a routine or
78 clerical nature, but requires the use of independent judgment, and

79 such individuals shall be employees within the meaning of [subsection
80 (b)] subdivision (3) of this section. The above criteria for supervisory
81 positions shall not necessarily apply to police or fire departments.

82 [(g)] (8) "Managerial employee" means any individual in a position
83 in which the principal functions are characterized by not fewer than
84 two of the following, provided for any position in any unit of the
85 system of higher education, one of such two functions shall be as
86 specified in [subdivision (4) of this subsection: (1)] subparagraph (D) of
87 this subdivision: (A) Responsibility for direction of a subunit or facility
88 of a major division of an agency or assignment to an agency head's
89 staff; [(2)] (B) development, implementation and evaluation of goals
90 and objectives consistent with agency mission and policy; [(3)] (C)
91 participation in the formulation of agency policy; or [(4)] (D) a major
92 role in the administration of collective bargaining agreements or major
93 personnel decisions, or both, including staffing, hiring, firing,
94 evaluation, promotion and training of employees. Such individuals
95 shall be employees within the meaning of subdivision (3) of this
96 section.

97 Sec. 2. Subsection (a) of section 5-278 of the general statutes is
98 repealed and the following is substituted in lieu thereof (*Effective from*
99 *passage*):

100 (a) When an employee organization has been designated, in
101 accordance with the provisions of sections 5-270 to 5-280, inclusive, as
102 amended by this act, as the exclusive representative of employees in an
103 appropriate unit, the employer shall be represented in collective
104 bargaining with such employee organization in the following manner:
105 (1) In the case of an executive branch employer, including the Division
106 of Criminal Justice, by the chief executive officer whether elected or
107 appointed, or his or her designated representative, [;] who shall
108 maintain a close liaison with the legislature relative to the negotiations
109 and the potential fiscal ramifications of any proposed settlement; (2) in
110 the case of a judicial branch employer, by the Chief Court
111 Administrator, or his or her designated representative; [and] (3) in the

112 case of each segment of the system of higher education, the faculty and
113 professional employees shall negotiate with their own board of
114 trustees or its designated representative; and (4) in the case of the
115 legislative branch, the executive director of the Joint Committee on
116 Legislative Management, or his or her designated representative.

117 Sec. 3. Section 31-101 of the general statutes is repealed and the
118 following is substituted in lieu thereof (*Effective from passage*):

119 When used in this chapter:

120 (1) "Agent" means the representative of the board who handles all
121 investigations of complaints and violations of this chapter;

122 (2) "Board" means the labor relations board provided for in section
123 31-102;

124 (3) "Commissioner" means the Labor Commissioner or any
125 representative designated by him or her;

126 (4) "Company union" means any committee, employee
127 representation plan or association of employees which exists for the
128 purpose, in whole or in part, of dealing with employers concerning
129 grievances or terms and conditions of employment which the
130 employer has initiated or created or whose initiation or creation he or
131 she has suggested or participated in or the formulation of whose
132 governing rules or policies or the conduct of whose management,
133 policies or elections the employer participates in or supervises or
134 which the employer manages, finances, controls, dominates or assists
135 in maintaining or financing, whether by compensation to anyone for
136 service performed in its behalf or by donating free service, equipment,
137 materials, office or meeting space or anything else of value or by any
138 other means;

139 (5) "Department" means the Labor Department;

140 (6) "Employee" includes, but shall not be restricted to, any
141 individual employed by a labor organization, any individual whose

142 employment has ceased as a consequence of, or in connection with,
143 any current labor dispute or because of any unfair labor practice, and
144 who has not obtained any other regular and substantially equivalent
145 employment, and shall not be limited to the employees of a particular
146 employer; but shall not include any individual employed by his or her
147 parent or spouse or in the domestic service of any person in his or her
148 home, any individual employed only for the duration of a labor
149 dispute or any individual employed as an agricultural worker;

150 (7) "Employer" means any person acting directly or indirectly in the
151 interest of an employer in relation to an employee, but shall not
152 include any person engaged in farming, or any person subject to the
153 provisions of the National Labor Relations Act, unless the National
154 Labor Relations Board has declined to assert jurisdiction over such
155 person, or any person subject to the provisions of the Federal Railway
156 Labor Act, or the state or any political or civil subdivision thereof or
157 any religious agency or corporation, or any labor organization, except
158 when acting as an employer, or any one acting as an officer or agent of
159 such labor organization. An employer licensed by the Department of
160 Public Health under section 19a-490 shall be subject to the provisions
161 of this chapter with respect to all its employees except those licensed
162 under chapters 370 and 379, unless such employer is the state or any
163 political subdivision thereof;

164 (8) "Labor dispute" includes, but shall not be restricted to, any
165 controversy between employers and employees or their
166 representatives concerning terms, tenure or conditions of employment
167 or concerning the association or representation of persons in
168 negotiating, fixing or maintaining, or seeking to negotiate, fix,
169 maintain or change, terms or conditions of employment;

170 (9) "Labor organization" means any organization which exists and is
171 constituted for the purpose, in whole or in part, of collective
172 bargaining, or of dealing with employers concerning grievances, terms
173 or conditions of employment, or other mutual aid or protection, and
174 which is not a company union as defined herein;

175 (10) "Person" includes individuals, partnerships, associations,
176 corporations, limited liability companies, trustees, receivers and legal
177 representatives;

178 (11) "Representative" includes a labor organization or an individual,
179 whether or not employed by the employer or those whom he or she
180 represents;

181 (12) "Unfair labor practice" means only those unfair labor practices
182 listed in section 31-105;

183 (13) "Supervisor" means any individual having the title of
184 supervisor and who may have the authority, in the interest of the
185 employer, to hire, transfer, suspend, lay off, recall, promote, discharge,
186 assign, reward or discipline other employees, or responsibility to direct
187 them, or to adjust their grievances, or effectively to recommend such
188 action, [if in connection with the foregoing the exercise of such
189 authority is not of a merely routine or clerical nature, but requires the
190 use of independent judgment,] and such individuals shall be
191 "employees" within the meaning of subdivision (6) of this section;

192 (14) "Professional employee" means (A) any employee engaged in
193 work (i) predominantly intellectual and varied in character as opposed
194 to routine mental, manual, mechanical or physical work; (ii) involving
195 the consistent exercise of discretion and judgment in its performance;
196 (iii) of such a character that the output produced or the result
197 accomplished cannot be standardized in relation to a given period of
198 time; and (iv) requiring knowledge of an advanced type in a field of
199 science or learning customarily acquired by a prolonged course of
200 specialized intellectual instruction and study in an institution of higher
201 learning or a hospital, as distinguished from a general academic
202 education or from an apprenticeship or from training in the
203 performance of routine mental, manual or physical processes; or (B)
204 any employee who (i) has completed the courses of specialized
205 intellectual instruction and study described in [clause (iv) of]
206 subparagraph [(A)] (A)(iv) of this subdivision, and (ii) is performing
207 related work under the supervision of a professional person to qualify

208 himself or herself to become a professional employee as defined in said
209 subparagraph (A).

210 Sec. 4. Subdivision (30) of section 5-196 of the general statutes is
211 repealed and the following is substituted in lieu thereof (*Effective from*
212 *passage*):

213 (30) "Managerial employee" means any person presently covered by
214 the existing managerial compensation plan pursuant to [subsection (g)]
215 subdivision (8) of section 5-270, as amended by this act.

216 Sec. 5. Subsection (b) of section 5-200c of the general statutes is
217 repealed and the following is substituted in lieu thereof (*Effective from*
218 *passage*):

219 (b) Upon the completion of the studies referred to in subdivisions
220 (2) and (3) of subsection (a) of this section and the implementation of
221 the results of such studies, collective bargaining negotiations
222 concerning wage changes as a result of objective job evaluations shall
223 commence not later than April 1, 1993. Notwithstanding the provisions
224 of subsection (a) of section 5-278, as amended by this act, such
225 negotiations shall be conducted between the employer, as defined in
226 [subsection (a)] subdivision (2) of section 5-270, as amended by this act,
227 and a coalition committee which represents all state employees who
228 are members of any designated employee organization. The results of
229 any such negotiations shall be implemented as of July 1, 1995. All wage
230 inequities shall be deemed to have been eliminated upon the
231 implementation of such results. Nothing in this subsection shall be
232 deemed to affect any appeal related to any objective job evaluation
233 studies previously taken or allowed or any litigation pending on June
234 25, 1991, or to prohibit the continued use of a point factor value system
235 for the evaluation of newly created job classifications.

236 Sec. 6. Section 5-226f of the general statutes is repealed and the
237 following is substituted in lieu thereof (*Effective from passage*):

238 Notwithstanding the provisions of subsection (d) of section 5-272

239 the employer, as defined in [subsection (a)] subdivision (2) of section 5-
240 270, as amended by this act, and an employee organization, as defined
241 in [subsection (d)] subdivision (5) of [said] section 5-270, as the
242 exclusive representative of employees in an appropriate unit, may
243 engage in a pilot program to discuss the state classifications and
244 examination system. Neither party may negotiate pursuant to the
245 provisions of section 5-276a, as amended by this act. Any agreement
246 reached by the parties shall be reduced to writing and submitted to the
247 General Assembly pursuant to the provisions of subsection (b) of
248 section 5-278.

249 Sec. 7. Subsection (a) of section 5-248i of the general statutes is
250 repealed and the following is substituted in lieu thereof (*Effective from*
251 *passage*):

252 (a) The Commissioner of Administrative Services may develop and
253 implement guidelines, in cooperation with interested employee
254 organizations, as defined in [subsection (d)] subdivision (5) of section
255 5-270, as amended by this act, authorizing telecommuting and work-
256 at-home programs for state employees where such arrangements are
257 determined to be cost effective.

258 Sec. 8. Subsection (a) of section 5-276a of the general statutes is
259 repealed and the following is substituted in lieu thereof (*Effective from*
260 *passage*):

261 (a) In the event that either the employer, as defined in [subsection
262 (a)] subdivision (2) of section 5-270, as amended by this act, or a
263 designated employee organization, as defined in [subsection (d)]
264 subdivision (5) of [said] section 5-270, as amended by this act, may
265 desire negotiations with respect to an original or successor collective
266 bargaining agreement, such party, not more than three hundred thirty
267 days prior to the expiration of the existing collective bargaining
268 agreement or less than one hundred fifty days prior thereto, shall serve
269 written notice thereof upon the other party. Negotiations shall
270 commence within thirty days of such service. Negotiations as to wage
271 reopeners shall commence within twenty days of receipt by one party

272 of a written notice with respect thereto, served in accordance with the
273 provisions of any such reopener in the affected contract or, if none is
274 stated therein, not more than sixty days or less than thirty days prior to
275 the effective date of such reopener.

276 Sec. 9. Subdivision (7) of section 9-601 of the general statutes is
277 repealed and the following is substituted in lieu thereof (*Effective from*
278 *passage*):

279 (7) "Organization" means all labor organizations, (A) as defined in
280 the Labor-Management Reporting and Disclosure Act of 1959, as from
281 time to time amended, or (B) as defined in subdivision (9) of section
282 31-101, as amended by this act, employee organizations as defined in
283 [subsection (d)] subdivision (5) of section 5-270, as amended by this
284 act, and subdivision (6) of section 7-467, bargaining representative
285 organizations for teachers, any local, state or national organization, to
286 which a labor organization pays membership or per capita fees, based
287 upon its affiliation or membership, and trade or professional
288 associations which receive their funds exclusively from membership
289 dues, whether organized in or outside of this state, but does not mean
290 a candidate committee, party committee or a political committee.

291 Sec. 10. Section 32-23e of the general statutes is repealed and the
292 following is substituted in lieu thereof (*Effective from passage*):

293 To accomplish the purposes of the authority, as defined in
294 subsection (t) of section 32-23d, which are hereby determined to be
295 public purposes for which public funds may be expended, and in
296 addition to any other powers provided by law, the authority shall have
297 power to: (1) Determine the location and character of any project to be
298 financed under the provisions of said chapters and sections, provided
299 any financial assistance shall be approved in accordance with written
300 procedures prepared pursuant to subdivision (14) of this section; (2)
301 purchase, receive, by gift or otherwise, lease, exchange, or otherwise
302 acquire, and construct, reconstruct, improve, maintain, equip and
303 furnish one or more projects, including all real and personal property
304 which the authority may deem necessary in connection therewith, and

305 to enter into a contract with a person therefor upon such terms and
306 conditions as the authority shall determine to be reasonable, including
307 but not limited to reimbursement for the planning, designing,
308 financing, construction, reconstruction, improvement, equipping,
309 furnishing, operation and maintenance of the project and any claims
310 arising therefrom and establishment and maintenance of reserve and
311 insurance funds with respect to the financing of the project; (3) insure
312 any or all payments to be made by the borrower under the terms of
313 any agreement for the extension of credit or making of a loan by the
314 authority in connection with any economic development project to be
315 financed, wholly or in part, through the issuance of bonds or mortgage
316 payments of any mortgage which is given by a mortgagor to the
317 mortgagee who has provided the mortgage for an economic
318 development project upon such terms and conditions as the authority
319 may prescribe and as provided herein, and the faith and credit of the
320 state are pledged thereto; (4) in connection with the insuring of
321 payments of any mortgage, request for its guidance a finding of the
322 municipal planning commission, or, if there is no planning
323 commission, a finding of the municipal officers, of the municipality in
324 which the economic development project is proposed to be located, or
325 of the regional planning agency of which such municipality is a
326 member, as to the expediency and advisability of the economic
327 development project; (5) sell or lease to any person, all or any portion
328 of a project, purchase from eligible financial institutions mortgages
329 with respect to economic development projects, purchase or
330 repurchase its own bonds, and sell, pledge or assign to any person any
331 such bonds, mortgages, or other loans, notes, revenues or assets of the
332 authority, or any interest therein, for such consideration and upon
333 such terms as the authority may determine to be reasonable; (6)
334 mortgage or otherwise encumber all or any portion of a project
335 whenever it shall find such action to be in furtherance of the purposes
336 of said chapters and sections; (7) enter into agreements with any
337 person, including prospective mortgagees and mortgagors, for the
338 purpose of planning, designing, constructing, acquiring, altering and
339 financing projects, providing liquidity or a secondary market for

340 mortgages or other financial obligations incurred with respect to
341 facilities which would qualify as a project under this chapter,
342 purchasing loans made by regional corporations under section 32-276,
343 or for any other purpose in furtherance of any other power of the
344 authority; (8) grant options to purchase or renew a lease for any of its
345 projects on such terms as the authority may determine to be
346 reasonable; (9) employ or retain attorneys, accountants and
347 architectural, engineering and financial consultants and such other
348 employees and agents and to fix their compensation and to employ the
349 Connecticut Development Credit Corporation on a cost basis as it shall
350 deem necessary to assist it in carrying out the purposes of said
351 authority legislation; (10) borrow money or accept gifts, grants or loans
352 of funds, property or service from any source, public or private, and
353 comply, subject to the provisions of said authority legislation, with the
354 terms and conditions thereof; (11) accept from a federal agency loans
355 or grants for use in carrying out its purpose, and enter into agreements
356 with such agency respecting any such loans or grants; (12) provide
357 tenant lease guarantees and performance guarantees, invest in, extend
358 credit or make loans to any person for the planning, designing,
359 financing, acquiring, constructing, reconstructing, improving,
360 expanding, continuing in operation, equipping and furnishing of a
361 project and for the refinancing of existing indebtedness with respect to
362 any facility or part thereof which would qualify as a project in order to
363 facilitate substantial improvements thereto, which guarantees,
364 investments, credits or loans may be secured by loan agreements, lease
365 agreements, installment sale agreements, mortgages, contracts and all
366 other instruments or fees and charges, upon such terms and conditions
367 as the authority shall determine to be reasonable in connection with
368 such loans, including provision for the establishment and maintenance
369 of reserve and insurance funds and in the exercise of powers granted
370 in this section in connection with a project for such person, to require
371 the inclusion in any contract, loan agreement or other instrument, such
372 provisions for the construction, use, operation and maintenance and
373 financing of a project as the authority may deem necessary or
374 desirable; (13) in connection with any application for assistance under

375 said authority legislation, or commitments therefor, to make and
376 collect such fees and charges as the authority shall determine to be
377 reasonable; (14) adopt procedures, in accordance with the provisions
378 of section 1-121, to carry out the provisions of said authority
379 legislation, which may give priority to applications for financial
380 assistance based upon the extent the project will materially contribute
381 to the economic base of the state by creating or retaining jobs,
382 providing increased wages or benefits to employees, promoting the
383 export of products or services beyond the boundaries of the state,
384 encouraging innovation in products or services, encouraging defense-
385 dependent business to diversify to nondefense production, promoting
386 standards of participation adopted by the Connecticut partnership
387 compact pursuant to section 33-374g of the general statutes, revision of
388 1958, revised to 1991, or will otherwise enhance existing activities that
389 are important to the economic base of the state, provided regulation-
390 making proceedings commenced before January 1, 1989, shall be
391 governed by sections 4-166 to 4-174, inclusive; (15) adopt an official
392 seal and alter the same at pleasure; (16) maintain an office at such place
393 or places within the state as it may designate; (17) sue and be sued in
394 its own name and plead and be impleaded, service of process in any
395 action to be made by service upon the executive director of said
396 authority either in hand or by leaving a copy of the process at the
397 office of the authority with some person having charge thereof; (18)
398 employ such assistants, agents and other employees as may be
399 necessary or desirable for its purposes, which employees shall be
400 exempt from the classified service and shall not be employees as
401 defined in [subsection (b)] subdivision (3) of section 5-270, as amended
402 by this act; establish all necessary or appropriate personnel practices
403 and policies, including those relating to hiring, promotion,
404 compensation, retirement and collective bargaining, which need not be
405 in accordance with chapter 68 and the authority shall not be an
406 employer as defined in [subsection (a)] subdivision (2) of section 5-270,
407 as amended by this act; contract for and engage appraisers of
408 industrial machinery and equipment, consultants and property
409 management services, and utilize the services of other governmental

410 agencies; (19) when it becomes necessary or feasible for the authority
411 to safeguard itself from losses, acquire, purchase, manage and operate,
412 hold and dispose of real and personal property, take assignments of
413 rentals and leases and make and enter into all contracts, leases,
414 agreements and arrangements necessary or incidental to the
415 performance of its duties; (20) in order to further the purposes of said
416 authority legislation, or to assure the payment of the principal and
417 interest on bonds or notes of the authority or to safeguard the
418 mortgage insurance fund, purchase, acquire and take assignments of
419 notes, mortgages and other forms of security and evidences of
420 indebtedness, purchase, acquire, attach, seize, accept or take title to
421 any project by conveyance or, by foreclosure, and sell, lease or rent any
422 project for a use specified in said chapters and sections or in said
423 chapter 579; (21) adopt rules for the conduct of its business; (22) invest
424 any funds not needed for immediate use or disbursement, including
425 any funds held in reserve, in obligations issued or guaranteed by the
426 United States of America or the state of Connecticut and in other
427 obligations which are legal investments for savings banks in this state;
428 (23) do, or delegate, any and all things necessary or convenient to carry
429 out the purposes and to exercise the powers given and granted in said
430 authority legislation; provided, in all matters concerning the internal
431 administrative functions of the authority which are funded by
432 amounts appropriated by the state to the authority or to the
433 department, the procedures of the state relating to office space,
434 supplies, facilities, materials, equipment and professional services shall
435 be followed, and provided further, that in the acquisition by the
436 authority of real estate involving the use of appropriated funds or
437 bonds supported by the full faith and credit of the state, the authority
438 shall be subject to the provisions of section 4b-23; (24) to accept from
439 the department: (A) Financial assistance, (B) revenues or the right to
440 receive revenues with respect to any program under the supervision of
441 the department, and (C) loan assets or equity interests in connection
442 with any program under the supervision of the department; to make
443 advances to and reimburse the department for any expenses incurred
444 or to be incurred by it in the delivery of such assistance, revenues,

445 rights, assets or amounts; to enter into agreements for the delivery of
446 services by the authority, in consultation with the department, the
447 Connecticut Housing Finance Authority and Connecticut Innovations,
448 Incorporated, to third parties which agreements may include
449 provisions for payment by the department to the authority for the
450 delivery of such services; and to enter into agreements with the
451 department or with the Connecticut Housing Finance Authority or
452 Connecticut Innovations, Incorporated for the sharing of assistants,
453 agents and other consultants, professionals and employees, and
454 facilities and other real and personal property used in the conduct of
455 the authority's affairs; and (25) to transfer to the department: (A)
456 Financial assistance, (B) revenues or the right to receive revenues with
457 respect to any program under the supervision of the authority, and (C)
458 loan assets or equity interests in connection with any program under
459 the supervision of the authority, provided the transfer of such financial
460 assistance, revenues, rights, assets or interests is determined by the
461 authority to be practicable, within the constraints and not inconsistent
462 with the fiduciary obligations of the authority imposed upon or
463 established upon the authority by any provision of the general statutes,
464 the authority's bond resolutions or any other agreement or contract of
465 the authority and to have no adverse effect on the tax-exempt status of
466 any bonds of the authority or the state.

467 Sec. 11. Subdivision (7) of section 32-39 of the general statutes is
468 repealed and the following is substituted in lieu thereof (*Effective from*
469 *passage*):

470 (7) To employ such assistants, agents and other employees as may
471 be necessary or desirable, which employees shall be exempt from the
472 classified service and shall not be employees, as defined in [subsection
473 (b)] subdivision (3) of section 5-270, as amended by this act; establish
474 all necessary or appropriate personnel practices and policies, including
475 those relating to hiring, promotion, compensation, retirement and
476 collective bargaining, which need not be in accordance with chapter
477 68, and the corporation shall not be an employer as defined in
478 [subsection (a)] subdivision (2) of section 5-270, as amended by this act;

479 and engage consultants, attorneys and appraisers as may be necessary
480 or desirable to carry out its purposes in accordance with this chapter.

481 Sec. 12. Subsection (b) of section 32-602 of the general statutes is
482 repealed and the following is substituted in lieu thereof (*Effective from*
483 *passage*):

484 (b) For [these] purposes of subsection (a) of this section, the
485 authority shall have the following powers: (1) To have perpetual
486 succession as a body corporate and to adopt procedures for the
487 regulation of its affairs and the conduct of its business as provided in
488 subsection (f) of section 32-601, to adopt a corporate seal and alter the
489 same at its pleasure, and to maintain an office at such place or places
490 within the city of Hartford as it may designate; (2) to sue and be sued,
491 to contract and be contracted with; (3) to employ such assistants,
492 agents and other employees as may be necessary or desirable to carry
493 out its purposes, which employees shall be exempt from the classified
494 service and shall not be employees, as defined in [subsection (b)]
495 subdivision (3) of section 5-270, as amended by this act, to fix their
496 compensation, to establish and modify personnel procedures as may
497 be necessary from time to time and to negotiate and enter into
498 collective bargaining agreements with labor unions; (4) to acquire,
499 lease, hold and dispose of personal property for the purposes set forth
500 in this section; [32-602;] (5) to procure insurance against any liability or
501 loss in connection with its property and other assets, in such amounts
502 and from such insurers as it deems desirable and to procure insurance
503 for employees; (6) to invest any funds not needed for immediate use or
504 disbursement in obligations issued or guaranteed by the United States
505 of America or the state of Connecticut, including the Short Term
506 Investment Fund, and the Tax-Exempt Proceeds Fund, and in other
507 obligations which are legal investments for savings banks in this state
508 and in time deposits or certificates of deposit or other similar banking
509 arrangements secured in such manner as the authority determines; and
510 (7) to do all acts and things necessary or convenient to carry out the
511 purposes of and the powers expressly granted by this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	5-270
Sec. 2	<i>from passage</i>	5-278(a)
Sec. 3	<i>from passage</i>	31-101
Sec. 4	<i>from passage</i>	5-196(30)
Sec. 5	<i>from passage</i>	5-200c(b)
Sec. 6	<i>from passage</i>	5-226f
Sec. 7	<i>from passage</i>	5-248i(a)
Sec. 8	<i>from passage</i>	5-276a(a)
Sec. 9	<i>from passage</i>	9-601(7)
Sec. 10	<i>from passage</i>	32-23e
Sec. 11	<i>from passage</i>	32-39(7)
Sec. 12	<i>from passage</i>	32-602(b)

Statement of Legislative Commissioners:

In section 2, the official title of the individual negotiating with any employee organization representing legislative employees was clarified.

LAB *Joint Favorable Subst. 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 House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 10 \$	FY 11 \$
Legislative Mgmt.	GF - Cost	Indeterminate	Indeterminate
Various State Agencies	All Funds - Cost	Indeterminate	Indeterminate

Note: GF=General Fund

Municipal Impact: None

Explanation

This bill provides collective bargaining rights to state managers (excluding bureau heads) and Legislative Branch employees. The fiscal impact to the state is indeterminate as any costs associated with the bill would depend on the outcome of collective bargaining negotiations. This bill would impact approximately 2,498 managers statewide¹ and approximately 575 permanent employees in the Legislative Branch.²

Sources: Core-CT Financial Accounting System, Office of Legislative Management

¹ This figure excludes managers from the judicial and legislative branches, the University of Connecticut, UConn Health Center, the community colleges, and the constituent units of higher education.

² This figure includes the legislative commissions and the Auditors of Public Accounts.

OLR Bill Analysis**sHB 6545*****AN ACT CONCERNING THE RIGHT TO ORGANIZE FOR CERTAIN EMPLOYEES.*****SUMMARY:**

This bill provides collective bargaining rights to two groups of state employees, managers and Legislative Branch employees, who cannot collectively bargain under current law.

Under the bill other employees will be exempted from collective bargaining. It does this by broadening the definition of “supervisor” so that the term covers more employees under the law establishing the State Labor Relations Board. Under current law a supervisor, who is exempt from collective bargaining, must have the authority to hire, transfer, suspend, fire, promote, or take other action regarding an employee. Under the bill, a supervisor may have this authority but is exempted if he or she has the title of supervisor.

It also makes conforming changes.

EFFECTIVE DATE: Upon passage

MANAGERS

The bill permits state managers, who are currently exempt from collective bargaining, to unionize. It also provides a criteria for determining when some managers would be considered bureau heads and thus excluded from collective bargaining.

It defines a “bureau head” as anyone who heads a major division of the state and reports to the head or deputy head of the state entity (i.e., state agency, commission, or institution, and any board of trustees of a state university).

The bill also limits how many managerial employees can be reclassified as bureau heads. It allows an agency to have (1) one bureau head or (2) bureau heads numbering up to 0.5% of its permanent, full-time employees, whichever is greater. This means an agency with 200 or fewer permanent, full-time employees can have, at most, one bureau head.

It bars the Executive and Judicial branches from having a total number of bureau heads that exceed 0.5% of each branch's permanent, full-time employees and does not include a limitation for the Legislative Branch.

Under the bill, if the number of an agency's major divisions exceeds the number of bureau heads allowed, a major division head who has a greater number of permanent, full-time employees must be designated a bureau head before one who has fewer employees.

LEGISLATIVE BRANCH

Under current collective bargaining law, the Legislative Branch is excluded from the definition of employer. The bill makes the Legislative Branch an employer under the law, thus bringing legislative employees under the state collective bargaining law.

It also specifies that when a union is designated to be the exclusive representative of an employee unit in the Legislative Branch, the executive director of the Joint Committee on Legislative Management, or her representative, must represent the employer in bargaining.

SUPERVISORS UNDER THE STATE LABOR RELATIONS ACT

The bill changes the definition of supervisors under the state labor relations act (Chapter 561). The labor relations act provides collective bargaining rights for a small group of private sector employees. It covers private workplaces where the National Labor Relations Board (NLRB) has chosen not to assert its jurisdiction. Since the NLRB has asserted its jurisdiction over more employers in recent decades, it leaves the state labor act with a small jurisdiction (currently it only covers a few nonprofits including libraries and transit districts).

Definition of Supervisor

The bill changes the definition of “supervisor” under the state labor relations act so that it covers more employees.

It also removes the requirement that if the supervisor recommends hiring, firing, or other action that this action not be routine or clerical, but must require the individual’s independent judgment.

BACKGROUND**Related Bill**

sHB 6534 permits the State Board of labor Relations to recognize a public employee union as the exclusive representative of an employee unit when a majority of employees sign a union, authorization card. The Labor and Public Employees Committee favorably voted the bill out on March 12 and the Planning and Development Committee did the same on March 20.

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable Substitute Change of Reference
Yea 11 Nay 0 (03/10/2009)

Government Administration and Elections Committee

Joint Favorable
Yea 11 Nay 4 (03/25/2009)