



# House of Representatives

General Assembly

**File No. 915**

January Session, 2009

Substitute House Bill No. 6545

*House of Representatives, May 7, 2009*

The Committee on Appropriations reported through REP. GERAGOSIAN of the 25th 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 Section 5-270 of the general statutes is repealed and the  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 and  
25 judicial branches, and the legislative branch for the purpose of  
26 negotiating with the Office of State Capitol Police, including, without  
27 limitation, any board, department, commission, institution, or agency  
28 of such branches or any appropriate unit thereof and any board of  
29 trustees of a state-owned or supported college or university and  
30 branches thereof, public and quasi-public state corporation, or  
31 authority established by state law, or any person or persons designated  
32 by the employer to act in its interest in dealing with employees, but  
33 shall not include the State Board of Labor Relations or the State Board  
34 of Mediation and Arbitration.

35 [(b)] (3) "Employee" means any employee of an employer, whether  
36 or not in the classified service of the employer, [except] including  
37 employees of the Office of State Capitol Police below the rank of  
38 lieutenant, but shall not mean elected or appointed officials other than  
39 special deputy sheriffs, board and commission members, disability  
40 policy specialists assigned to the Council on Developmental  
41 Disabilities, [managerial employees] bureau heads and confidential  
42 employees.

43 [(c)] (4) "Professional employee" means: [(1)] (A) Any employee  
44 engaged in work [(A)] (i) predominantly intellectual and varied in  
45 character as opposed to routine mental, manual, mechanical or

46 physical work; [(B)] (ii) involving the consistent exercise of discretion  
47 and judgment in its performance; [(C)] (iii) of such a character that the  
48 output produced or the result accomplished cannot be standardized in  
49 relation to a given time period; [(D)] (iv) requiring knowledge of an  
50 advanced type in a field of science or learning customarily acquired by  
51 a prolonged course of specialized intellectual instruction and study in  
52 an institution of higher learning or a hospital, as distinguished from a  
53 general academic education or from an apprenticeship or from training  
54 in the performance of routine mental, manual or physical processes; or  
55 [(2)] (B) any employee who has completed the courses of specialized  
56 intellectual instruction and study described in [subsection (c)(1)(D)]  
57 subparagraph (A)(iv) of this subdivision and is performing related  
58 work under the supervision of a professional person to qualify himself  
59 or herself to become a professional employee as defined in [subsection  
60 (c)(1)] subparagraph (A) of this subdivision.

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

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

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

79 to implement those standards, provided in connection with any of the  
80 foregoing the exercise of such authority is not merely of a routine or  
81 clerical nature, but requires the use of independent judgment, and  
82 such individuals shall be employees within the meaning of [subsection  
83 (b)] subdivision (3) of this section. The above criteria for supervisory  
84 positions shall not necessarily apply to police or fire departments.

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

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

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

112 and the potential fiscal ramifications of any proposed settlement; (2) in  
113 the case of a judicial branch employer, by the Chief Court  
114 Administrator, or his or her designated representative; [and] (3) in the  
115 case of each segment of the system of higher education, the faculty and  
116 professional employees shall negotiate with their own board of  
117 trustees or its designated representative; and (4) in the case of the  
118 legislative branch, the executive director of the Joint Committee on  
119 Legislative Management, or his or her designated representative.

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

122 When used in this chapter:

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

125 (2) "Board" means the labor relations board provided for in section  
126 31-102;

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

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

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

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

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

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

173 (9) "Labor organization" means any organization which exists and is  
174 constituted for the purpose, in whole or in part, of collective  
175 bargaining, or of dealing with employers concerning grievances, terms

176 or conditions of employment, or other mutual aid or protection, and  
177 which is not a company union as defined herein;

178 (10) "Person" includes individuals, partnerships, associations,  
179 corporations, limited liability companies, trustees, receivers and legal  
180 representatives;

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

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

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

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

208 intellectual instruction and study described in [clause (iv) of]  
209 subparagraph [(A)] (A)(iv) of this subdivision, and (ii) is performing  
210 related work under the supervision of a professional person to qualify  
211 himself or herself to become a professional employee as defined in said  
212 subparagraph (A).

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

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

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

222 (b) Upon the completion of the studies referred to in subdivisions  
223 (2) and (3) of subsection (a) of this section and the implementation of  
224 the results of such studies, collective bargaining negotiations  
225 concerning wage changes as a result of objective job evaluations shall  
226 commence not later than April 1, 1993. Notwithstanding the provisions  
227 of subsection (a) of section 5-278, as amended by this act, such  
228 negotiations shall be conducted between the employer, as defined in  
229 [subsection (a)] subdivision (2) of section 5-270, as amended by this act,  
230 and a coalition committee which represents all state employees who  
231 are members of any designated employee organization. The results of  
232 any such negotiations shall be implemented as of July 1, 1995. All wage  
233 inequities shall be deemed to have been eliminated upon the  
234 implementation of such results. Nothing in this subsection shall be  
235 deemed to affect any appeal related to any objective job evaluation  
236 studies previously taken or allowed or any litigation pending on June  
237 25, 1991, or to prohibit the continued use of a point factor value system  
238 for the evaluation of newly created job classifications.

239 Sec. 6. Section 5-226f of the general statutes is repealed and the

240 following is substituted in lieu thereof (*Effective from passage*):

241 Notwithstanding the provisions of subsection (d) of section 5-272  
242 the employer, as defined in [subsection (a)] subdivision (2) of section 5-  
243 270, as amended by this act, and an employee organization, as defined  
244 in [subsection (d)] subdivision (5) of [said] section 5-270, as amended  
245 by this act, as the exclusive representative of employees in an  
246 appropriate unit, may engage in a pilot program to discuss the state  
247 classifications and examination system. Neither party may negotiate  
248 pursuant to the provisions of section 5-276a, as amended by this act.  
249 Any agreement reached by the parties shall be reduced to writing and  
250 submitted to the General Assembly pursuant to the provisions of  
251 subsection (b) of section 5-278.

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

255 (a) The Commissioner of Administrative Services may develop and  
256 implement guidelines, in cooperation with interested employee  
257 organizations, as defined in [subsection (d)] subdivision (5) of section  
258 5-270, as amended by this act, authorizing telecommuting and work-  
259 at-home programs for state employees where such arrangements are  
260 determined to be cost effective.

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

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

272 written notice thereof upon the other party. Negotiations shall  
273 commence within thirty days of such service. Negotiations as to wage  
274 reopeners shall commence within twenty days of receipt by one party  
275 of a written notice with respect thereto, served in accordance with the  
276 provisions of any such reopener in the affected contract or, if none is  
277 stated therein, not more than sixty days or less than thirty days prior to  
278 the effective date of such reopener.

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

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

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

296 To accomplish the purposes of the authority, as defined in  
297 subsection (t) of section 32-23d, which are hereby determined to be  
298 public purposes for which public funds may be expended, and in  
299 addition to any other powers provided by law, the authority shall have  
300 power to: (1) Determine the location and character of any project to be  
301 financed under the provisions of said chapters and sections, provided  
302 any financial assistance shall be approved in accordance with written  
303 procedures prepared pursuant to subdivision (14) of this section; (2)  
304 purchase, receive, by gift or otherwise, lease, exchange, or otherwise

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

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

375 provisions for the construction, use, operation and maintenance and  
376 financing of a project as the authority may deem necessary or  
377 desirable; (13) in connection with any application for assistance under  
378 said authority legislation, or commitments therefor, to make and  
379 collect such fees and charges as the authority shall determine to be  
380 reasonable; (14) adopt procedures, in accordance with the provisions  
381 of section 1-121, to carry out the provisions of said authority  
382 legislation, which may give priority to applications for financial  
383 assistance based upon the extent the project will materially contribute  
384 to the economic base of the state by creating or retaining jobs,  
385 providing increased wages or benefits to employees, promoting the  
386 export of products or services beyond the boundaries of the state,  
387 encouraging innovation in products or services, encouraging defense-  
388 dependent business to diversify to nondefense production, promoting  
389 standards of participation adopted by the Connecticut partnership  
390 compact pursuant to section 33-374g of the general statutes, revision of  
391 1958, revised to 1991, or will otherwise enhance existing activities that  
392 are important to the economic base of the state, provided regulation-  
393 making proceedings commenced before January 1, 1989, shall be  
394 governed by sections 4-166 to 4-174, inclusive; (15) adopt an official  
395 seal and alter the same at pleasure; (16) maintain an office at such place  
396 or places within the state as it may designate; (17) sue and be sued in  
397 its own name and plead and be impleaded, service of process in any  
398 action to be made by service upon the executive director of said  
399 authority either in hand or by leaving a copy of the process at the  
400 office of the authority with some person having charge thereof; (18)  
401 employ such assistants, agents and other employees as may be  
402 necessary or desirable for its purposes, which employees shall be  
403 exempt from the classified service and shall not be employees, as  
404 defined in [subsection (b)] subdivision (3) of section 5-270, as amended  
405 by this act; establish all necessary or appropriate personnel practices  
406 and policies, including those relating to hiring, promotion,  
407 compensation, retirement and collective bargaining, which need not be  
408 in accordance with chapter 68 and the authority shall not be an  
409 employer, as defined in [subsection (a)] subdivision (2) of section 5-

410 270, as amended by this act; contract for and engage appraisers of  
411 industrial machinery and equipment, consultants and property  
412 management services, and utilize the services of other governmental  
413 agencies; (19) when it becomes necessary or feasible for the authority  
414 to safeguard itself from losses, acquire, purchase, manage and operate,  
415 hold and dispose of real and personal property, take assignments of  
416 rentals and leases and make and enter into all contracts, leases,  
417 agreements and arrangements necessary or incidental to the  
418 performance of its duties; (20) in order to further the purposes of said  
419 authority legislation, or to assure the payment of the principal and  
420 interest on bonds or notes of the authority or to safeguard the  
421 mortgage insurance fund, purchase, acquire and take assignments of  
422 notes, mortgages and other forms of security and evidences of  
423 indebtedness, purchase, acquire, attach, seize, accept or take title to  
424 any project by conveyance or, by foreclosure, and sell, lease or rent any  
425 project for a use specified in said chapters and sections or in said  
426 chapter 579; (21) adopt rules for the conduct of its business; (22) invest  
427 any funds not needed for immediate use or disbursement, including  
428 any funds held in reserve, in obligations issued or guaranteed by the  
429 United States of America or the state of Connecticut and in other  
430 obligations which are legal investments for savings banks in this state;  
431 (23) do, or delegate, any and all things necessary or convenient to carry  
432 out the purposes and to exercise the powers given and granted in said  
433 authority legislation; provided, in all matters concerning the internal  
434 administrative functions of the authority which are funded by  
435 amounts appropriated by the state to the authority or to the  
436 department, the procedures of the state relating to office space,  
437 supplies, facilities, materials, equipment and professional services shall  
438 be followed, and provided further, that in the acquisition by the  
439 authority of real estate involving the use of appropriated funds or  
440 bonds supported by the full faith and credit of the state, the authority  
441 shall be subject to the provisions of section 4b-23; (24) to accept from  
442 the department: (A) Financial assistance, (B) revenues or the right to  
443 receive revenues with respect to any program under the supervision of  
444 the department, and (C) loan assets or equity interests in connection

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

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

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

479 collective bargaining, which need not be in accordance with chapter  
480 68, and the corporation shall not be an employer as defined in  
481 [subsection (a)] subdivision (2) of section 5-270, as amended by this act;  
482 and engage consultants, attorneys and appraisers as may be necessary  
483 or desirable to carry out its purposes in accordance with this chapter.

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

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

513 (7) to do all acts and things necessary or convenient to carry out the  
514 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)

**APP**      *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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**OFA Fiscal Note**

**State Impact:**

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 10 \$</b>	<b>FY 11 \$</b>
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 employees of the Office of State Capitol Police (below the rank of lieutenant). 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 statewide<sup>1</sup> and approximately 25 employees in the Office of State Capitol Police.

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

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<sup>1</sup> 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.

**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 who cannot collectively bargain under current law: (1) managers and (2) Legislative Branch employees of the State Capitol Police.

It also creates the title “bureau head” and exempts bureau heads from collective bargaining.

The bill changes the definition of “supervisor” under the state labor relations act, so that it applies to more employees. The change would exclude more employees from collective bargaining.

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 criteria for determining when some managers would be considered bureau heads and excludes them 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 but does not include a limit 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 law, the Legislative Branch is excluded from state employee collective bargaining. The bill expands the definition of "employee" to include employees of the Office of State Capitol Police below the rank of lieutenant, thus giving these employees collective bargaining rights.

It also expands the definition of "employer" to include the Legislative Branch but only for purposes of negotiating with the Office of State Capitol Police. Apparently this is intended to include an employee organization of capitol police since the law contemplates an employee organization negotiating on behalf of employees and not the office for which the employees work.

It also specifies that when a union is designated as 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 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***

By changing the definition of “supervisor” under the Labor Relations Act so it applies to more employees, the bill excludes more employees from collective bargaining.

Under current law a supervisor must have the authority to hire, transfer, suspend, fire, promote, or take other action regarding an employee. Under the bill, an employee must have the title of supervisor to be exempted from collective bargaining. The bill makes actually having the authority to take supervisory action optional for the purpose of determining whether the employee may collectively bargain.

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**

### ***Employee Organization in Collective Bargaining***

Under the state employee collective bargaining law (CGS §§ 5-270-280), an “employee organization” means any lawful association, labor organization, federation, or council having as a primary purpose the improvement of wages, hours, and other conditions of employment among state employees. The law gives employees the right to join an employee organization in order to bargain collectively. When the Labor Relations Board designates such an organization as the representative of the majority of employees in an appropriate unit, the organization:

1. must be recognized by the employer as the exclusive bargaining agent for the employees of the unit,
2. must be given the right to act for and negotiate agreements covering all unit employees and must represent the interests of all employees without discrimination,
3. has the duty to fairly represent all unit employees.

**Legislative History**

The House referred the bill (File 577) to the Appropriations Committee on April 17. The Committee favorably voted the substitute language on April 23 that narrowed the scope of collective bargaining for Legislative Branch employees so it only applies to Capitol Police employees.

**Related Bill**

sHB 6534 (File 555) 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.

**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)

Appropriations Committee

Joint Favorable Substitute  
Yea 40 Nay 14 (04/23/2009)