



General Assembly

January Session, 2009

**Raised Bill No. 921**

LCO No. 3019

\*03019\_\_\_\_\_LAB\*

Referred to Committee on Labor and Public Employees

Introduced by:  
(LAB)

**AN ACT CONCERNING COLLECTIVE BARGAINING FOR STATE MANAGERS.**

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

1 Section 1. Section 5-270 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2009*):

3 When used in sections 5-270 to 5-280, inclusive:

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

14 (b) "Employee" means any employee of an employer, whether or not

15 in the classified service of the employer, except elected or appointed  
16 officials other than special deputy sheriffs, board and commission  
17 members, disability policy specialists assigned to the Council on  
18 Developmental Disabilities, [managerial employees] and confidential  
19 employees.

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

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

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

44 (f) "Supervisory employee" means any individual in a position in  
45 which the principal functions are characterized by not fewer than two  
46 of the following: (1) Performing such management control duties as

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

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

74 Sec. 2. Subsection (b) of section 5-275 of the general statutes is  
75 repealed and the following is substituted in lieu thereof (*Effective*  
76 *October 1, 2009*):

77 (b) The board shall determine the appropriateness of a unit which  
78 shall be the public employer unit or a subdivision [thereof] of the

79 public employer unit. In determining the appropriateness of the unit,  
80 the board shall: (1) Take into consideration, but shall not limit  
81 consideration to, the following: (A) Public employees must have an  
82 identifiable community of interest, and (B) the effects of  
83 overfragmentation; (2) not decide that any unit is appropriate if (A)  
84 such unit includes both professional and nonprofessional employees,  
85 unless a majority of such professional employees vote for inclusion in  
86 such unit, or (B) such unit includes both Department of Correction  
87 employees at or above the level of lieutenant and Department of  
88 Correction employees below the level of lieutenant; (3) decide that a  
89 unit is not appropriate if the unit included both managerial and  
90 nonmanagerial employers; (4) take into consideration that when the  
91 state is the employer, it will be bargaining on a state-wide basis unless  
92 issues involve working conditions peculiar to a given governmental  
93 employment locale; [(4)] (5) permit the faculties of (A) The University  
94 of Connecticut, (B) the Connecticut State University System, and (C)  
95 the state regional vocational-technical schools to each comprise a  
96 separate unit, which in each case shall have the right to bargain  
97 collectively with their respective boards of trustees or their designated  
98 representatives; and [(5)] (6) permit the community college faculty and  
99 the technical college faculty as they existed prior to July 1, 1992, to  
100 continue to comprise separate units, which in each case shall have the  
101 right to bargain collectively with its board of trustees or its designated  
102 representative. Nonfaculty professional staff of the above institutions  
103 may by mutual agreement be included in such bargaining units, or  
104 they may form a separate bargaining unit of their own. This section  
105 shall not be deemed to prohibit multiunit bargaining.

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|---|------------------------|----------|
| This act shall take effect as follows and shall amend the following sections: |                        |          |
| Section 1   | <i>October 1, 2009</i> | 5-270    |
| Sec. 2  | <i>October 1, 2009</i> | 5-275(b) |

**Statement of Purpose:**

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

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*