



General Assembly

**Amendment**

January Session, 2009

LCO No. 8136

**\*SB0116708136HRO\***

Offered by:

REP. CAFERO, 142<sup>nd</sup> Dist.

REP. HAMZY, 78<sup>th</sup> Dist.

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To: Senate Bill No. 1167

File No.

Cal. No.

**"AN ACT CONCERNING A STATE DEFICIT MITIGATION PLAN  
FOR THE FISCAL YEAR ENDING JUNE 30, 2009."**

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

3 "Section 501. Section 4a-53a of the general statutes is repealed and  
4 the following is substituted in lieu thereof (*Effective from passage*):

5 The Commissioner of Administrative Services may serve as the  
6 contracting agent for a group of three or more municipalities that seek  
7 to purchase supplies, materials, [or] equipment or services, upon the  
8 request of such group of municipalities, provided (1) the commissioner  
9 determines that the municipalities will achieve a cost savings through  
10 the commissioner serving as the contracting agent, and (2) such cost  
11 savings are greater than the administrative costs to the state for the  
12 commissioner serving as the contracting agent. As the contracting  
13 agent for such a group of municipalities, the Commissioner of

14 Administrative Services may perform administrative functions in  
15 accordance with state procurement laws and regulations, including,  
16 but not limited to, the following: Issuing requests for bids or proposals,  
17 selecting the successful bidder based on competitive bidding or  
18 competitive negotiation and administering any contracts for such  
19 purchases. Nothing in this section shall be construed to require the  
20 state to be a party to any such contract entered into pursuant to this  
21 section.

22 Sec. 502. Sections 73 to 82, inclusive, 85 and 123 of public act 07-4 of  
23 the June special session shall take effect July 1, 2012. (*Effective from*  
24 *passage*)

25 Sec. 503. Subsection (g) of section 10-233c of the general statutes is  
26 repealed and the following is substituted in lieu thereof (*Effective from*  
27 *passage*):

28 (g) On and after July 1, [2009] 2012, suspensions pursuant to this  
29 section shall be in-school suspensions, unless during the hearing held  
30 pursuant to subsection (a) of this section, the administration  
31 determines that the pupil being suspended poses such a danger to  
32 persons or property or such a disruption of the educational process  
33 that the pupil shall be excluded from school during the period of  
34 suspension. An in-school suspension may be served in the school that  
35 the pupil attends, or in any school building under the jurisdiction of  
36 the local or regional board of education, as determined by such board.

37 Sec. 504. Section 1-225 of the general statutes is repealed and the  
38 following is substituted in lieu thereof (*Effective from passage*):

39 (a) The meetings of all public agencies, except executive sessions, as  
40 defined in subdivision (6) of section 1-200, shall be open to the public.  
41 The votes of each member of any such public agency upon any issue  
42 before such public agency shall be reduced to writing and made  
43 available for public inspection within forty-eight hours and shall also  
44 be recorded in the minutes of the session at which taken. Within seven  
45 days of the session to which such minutes refer, such minutes shall be

46 available for public inspection and, for any session held on or after July  
47 1, 2012, shall be posted on such public agency's Internet web site, if  
48 available. Each such agency shall make, keep and maintain a record of  
49 the proceedings of its meetings.

50 (b) Each such public agency of the state shall file not later than  
51 January thirty-first of each year in the office of the Secretary of the  
52 State the schedule of the regular meetings of such public agency for the  
53 ensuing year and, on and after July 1, 2012, shall post such schedule on  
54 such public agency's Internet web site, if available, except that such  
55 requirements shall not apply to the General Assembly, either house  
56 thereof or to any committee thereof. Any other provision of the  
57 Freedom of Information Act notwithstanding, the General Assembly at  
58 the commencement of each regular session in the odd-numbered years,  
59 shall adopt, as part of its joint rules, rules to provide notice to the  
60 public of its regular, special, emergency or interim committee  
61 meetings. The chairperson or secretary of any such public agency of  
62 any political subdivision of the state shall file, not later than January  
63 thirty-first of each year, with the clerk of such subdivision the schedule  
64 of regular meetings of such public agency for the ensuing year, and no  
65 such meeting of any such public agency shall be held sooner than  
66 thirty days after such schedule has been filed. The chief executive  
67 officer of any multitown district or agency shall file, not later than  
68 January thirty-first of each year, with the clerk of each municipal  
69 member of such district or agency, the schedule of regular meetings of  
70 such public agency for the ensuing year, and no such meeting of any  
71 such public agency shall be held sooner than thirty days after such  
72 schedule has been filed.

73 (c) The agenda of the regular meetings of every public agency,  
74 except for the General Assembly, shall be available to the public and  
75 shall be filed, not less than twenty-four hours before the meetings to  
76 which they refer, (1) in such agency's regular office or place of  
77 business, and (2) in the office of the Secretary of the State for any such  
78 public agency of the state, in the office of the clerk of such subdivision  
79 for any public agency of a political subdivision of the state or in the

80 office of the clerk of each municipal member of any multitown district  
81 or agency. For any meeting to be held on or after July 1, 2012, by any  
82 such public agency of the state, such agenda shall be posted on the  
83 public agency's and the Secretary of the State's web sites. Upon the  
84 affirmative vote of two-thirds of the members of a public agency  
85 present and voting, any subsequent business not included in such filed  
86 agendas may be considered and acted upon at such meetings.

87 (d) Notice of each special meeting of every public agency, except for  
88 the General Assembly, either house thereof or any committee thereof,  
89 shall (1) for any such meeting to be held on or after July 1, 2012, be  
90 posted not less than twenty-four hours before the meeting to which  
91 such notice refers on the public agency's Internet web site, if available,  
92 and (2) be given not less than twenty-four hours prior to the time of  
93 such meeting by filing a notice of the time and place thereof in the  
94 office of the Secretary of the State for any such public agency of the  
95 state, in the office of the clerk of such subdivision for any public  
96 agency of a political subdivision of the state and in the office of the  
97 clerk of each municipal member for any multitown district or agency.  
98 The secretary or clerk shall cause any notice received under this section  
99 to be posted in his office. Such notice shall be given not less than  
100 twenty-four hours prior to the time of the special meeting; provided, in  
101 case of emergency, except for the General Assembly, either house  
102 thereof or any committee thereof, any such special meeting may be  
103 held without complying with the foregoing requirement for the filing  
104 of notice but a copy of the minutes of every such emergency special  
105 meeting adequately setting forth the nature of the emergency and the  
106 proceedings occurring at such meeting shall be filed with the Secretary  
107 of the State, the clerk of such political subdivision, or the clerk of each  
108 municipal member of such multitown district or agency, as the case  
109 may be, not later than seventy-two hours following the holding of such  
110 meeting. The notice shall specify the time and place of the special  
111 meeting and the business to be transacted. No other business shall be  
112 considered at such meetings by such public agency. In addition, such  
113 written notice shall be delivered to the usual place of abode of each

114 member of the public agency so that the same is received prior to such  
115 special meeting. The requirement of delivery of such written notice  
116 may be dispensed with as to any member who at or prior to the time  
117 the meeting convenes files with the clerk or secretary of the public  
118 agency a written waiver of delivery of such notice. Such waiver may be  
119 given by telegram. The requirement of delivery of such written notice  
120 may also be dispensed with as to any member who is actually present  
121 at the meeting at the time it convenes. Nothing in this section shall be  
122 construed to prohibit any agency from adopting more stringent notice  
123 requirements.

124 (e) No member of the public shall be required, as a condition to  
125 attendance at a meeting of any such body, to register the member's  
126 name, or furnish other information, or complete a questionnaire or  
127 otherwise fulfill any condition precedent to the member's attendance.

128 (f) A public agency may hold an executive session, as defined in  
129 subdivision (6) of section 1-200, upon an affirmative vote of two-thirds  
130 of the members of such body present and voting, taken at a public  
131 meeting and stating the reasons for such executive session, as defined  
132 in section 1-200.

133 (g) In determining the time within which or by when a notice,  
134 agenda, record of votes or minutes of a special meeting or an  
135 emergency special meeting are required to be filed under this section,  
136 Saturdays, Sundays, legal holidays and any day on which the office of  
137 the agency, the Secretary of the State or the clerk of the applicable  
138 political subdivision or the clerk of each municipal member of any  
139 multitown district or agency, as the case may be, is closed, shall be  
140 excluded.

141 Sec. 505. Section 2-32b of the general statutes is repealed and the  
142 following is substituted in lieu thereof (*Effective from passage*):

143 (a) As used in this section:

144 (1) "Local government" means any political subdivision of the state

145 having power to make appropriations or to levy taxes, including any  
146 town, city or borough, consolidated town and city or consolidated  
147 town and borough, any village, any school, sewer, fire, water or  
148 lighting district, metropolitan district, any municipal district, any  
149 beach or improvement association, and any other district or association  
150 created by any special act or pursuant to chapter 105, or any other  
151 municipal corporation having the power to issue bonds;

152 (2) "State mandate" means any constitutional, statutory or executive  
153 action that requires a local government to establish, expand or modify  
154 its activities in such a way as to necessitate additional expenditures  
155 from local revenues, excluding any order issued by a state court and  
156 any legislation necessary to comply with a federal mandate;

157 (3) "Local government organization and structure mandate" means a  
158 state mandate concerning such matters as: (A) The form of local  
159 government and the adoption and revision of statutes on the  
160 organization of local government; (B) the establishment of districts,  
161 councils of governments, or other forms and structures for interlocal  
162 cooperation and coordination; (C) the holding of local elections; (D) the  
163 designation of public officers, and their duties, powers and  
164 responsibilities; and (E) the prescription of administrative practices  
165 and procedures for local governing bodies;

166 (4) "Due process mandate" means a state mandate concerning such  
167 matters as: (A) The administration of justice; (B) notification and  
168 conduct of public hearings; (C) procedures for administrative and  
169 judicial review of actions taken by local governing bodies; and (D)  
170 protection of the public from malfeasance, misfeasance, or nonfeasance  
171 by local government officials;

172 (5) "Benefit spillover" means the process of accrual of social or other  
173 benefits from a governmental service to jurisdictions adjacent to or  
174 beyond the jurisdiction providing the service;

175 (6) "Service mandate" means a state mandate as to creation or  
176 expansion of governmental services or delivery standards therefor and

177 those applicable to services having substantial benefit spillover and  
178 consequently being wider than local concern. For purposes of this  
179 section, applicable services include but are not limited to elementary  
180 and secondary education, community colleges, public health,  
181 hospitals, public assistance, air pollution control, water pollution  
182 control and solid waste treatment and disposal. A state mandate that  
183 expands the duties of a public official by requiring the provision of  
184 additional services is a "service mandate" rather than a "local  
185 government organization and structure mandate";

186 (7) "Interlocal equity mandate" means a state mandate requiring  
187 local governments to act so as to benefit other local governments or to  
188 refrain from acting to avoid injury to, or conflict with neighboring  
189 jurisdictions, including such matters as land use regulations, tax  
190 assessment procedures for equalization purposes and environmental  
191 standards;

192 (8) "Tax exemption mandate" means a state mandate that exempts  
193 privately owned property or other specified items from the local tax  
194 base;

195 (9) "Personnel mandate" means a state mandate concerning or  
196 affecting local government: (A) Salaries and wages; (B) employee  
197 qualifications and training except when any civil service commission,  
198 professional licensing board, or personnel board or agency established  
199 by state law sets and administers standards relative to merit-based  
200 recruitment or candidates for employment or conducts and grades  
201 examinations and rates candidates in order of their relative excellence  
202 for purposes of making appointments or promotions to positions in the  
203 competitive division of the classified service of the public employer  
204 served by such commission, board or agency; (C) hours, location of  
205 employment, and other working conditions; and (D) fringe benefits  
206 including insurance, health, medical care, retirement and other  
207 benefits.

208 (b) The Office of Fiscal Analysis shall append to any bill before

209 either house of the General Assembly for final action which has the  
210 effect of creating or enlarging a state mandate to local governments, an  
211 estimate of the cost to such local governments which would result  
212 from the passage of such bill. Any amendment offered to any bill  
213 before either house of the General Assembly which has the effect of  
214 creating or enlarging a state mandate to local governments shall have  
215 appended thereto an estimate of the cost to such local governments  
216 which would result from the adoption of such amendment.

217 (c) The estimate required by subsection (b) of this section shall be  
218 the estimated cost to local governments for the first fiscal year in which  
219 the bill takes effect. If such bill does not take effect on the first day of  
220 the fiscal year, the estimate shall also indicate the estimated cost to  
221 local governments for the next following fiscal year. If a bill is  
222 amended by the report of a committee on conference in such a manner  
223 as to result in a cost to local governments, the Office of Fiscal Analysis  
224 shall append an estimate of such cost to the report before the report is  
225 made to either house of the General Assembly.

226 (d) On and after January 1, 1985, (1) any bill reported by a joint  
227 standing committee of the General Assembly which may create or  
228 enlarge a state mandate to local governments, as defined in subsection  
229 (a) of this section, shall be referred by such committee to the joint  
230 standing committee of the General Assembly having cognizance of  
231 matters relating to appropriations and the budgets of state agencies,  
232 unless such reference is dispensed with by a vote of at least two-thirds  
233 of each house of the General Assembly, and (2) any bill amended by  
234 either house of the General Assembly or by the report of a committee  
235 on conference in such a manner as to create or enlarge a state mandate  
236 shall be referred to said committee, unless such reference is dispensed  
237 with by a vote of at least two-thirds of each house of the General  
238 Assembly. Any such bill which is favorably reported by said  
239 committee shall contain a determination by said committee concerning  
240 the following: (A) Whether or not such bill creates or enlarges a state  
241 mandate, and, if so, which type of mandate is created or enlarged; (B)  
242 whether or not the state shall reimburse local governments for costs

243 resulting from such new or enlarged mandate, and, if so, which costs  
244 are eligible for reimbursement, the level of reimbursement, the  
245 timetable for reimbursement and the duration of reimbursement.

246 (e) No bill that creates or enlarges a state mandate to local  
247 governments, as defined in subsection (a) of this section, shall be  
248 passed without the vote of at least two-thirds of each house of the  
249 General Assembly.

250 Sec. 506. (NEW) (*Effective from passage*) (a) Notwithstanding the  
251 provisions of the general statutes or any public or special act, home  
252 rule ordinance or municipal charter, the chief executive officer of a  
253 municipality, with the approval of the legislative body of the  
254 municipality, may delay compliance with the requirements of section  
255 7-473b or 7-473c of the general statutes, as amended by this act, for not  
256 more that two years. The provisions of this section shall be applicable  
257 with respect to any collective bargaining agreement that expires  
258 during the period beginning July 1, 2009, and ending June 30, 2011, or  
259 for which arbitration has not commenced on or prior to the effective  
260 date of this section. The terms of any such collective bargaining  
261 agreement shall remain in effect until such time as a new agreement is  
262 reached and approved in accordance with section 7-474 of the general  
263 statutes or the terms of any arbitration award is issued in accordance  
264 with said section 7-473c.

265 (b) Notwithstanding the provisions of the general statutes or any  
266 public or special act, home rule ordinance or municipal charter to the  
267 contrary, any local or regional board of education may delay  
268 compliance with the requirements of section 10-153d of the general  
269 statutes, as amended by this act, or section 10-153f of the general  
270 statutes, as amended by this act, for up to two years. The provisions of  
271 this section shall be applicable with respect to any collective  
272 bargaining agreement that expires during the period beginning July 1,  
273 2009, and ending June 30, 2011, or for which arbitration has not  
274 commenced on or prior to the effective date of this section. The terms  
275 of any such collective bargaining agreement shall remain in effect until

276 such time as a new agreement is reached and approved in accordance  
277 with said section 10-153d or the terms of any arbitration award is  
278 issued in accordance with said section 10-153f.

279 Sec. 507. Subdivision (9) of subsection (d) of section 7-473c of the  
280 general statutes is repealed and the following is substituted in lieu  
281 thereof (*Effective from passage*):

282 (9) In arriving at a decision, the arbitration panel shall give priority  
283 to the public interest and the financial capability of the municipal  
284 employer, including consideration of other demands on the financial  
285 capability of the municipal employer. In assessing the financial  
286 capability of the municipality, there shall be an irrebuttable  
287 presumption that the municipal employer is required to limit any  
288 property tax levy increase to the change in the consumer price index  
289 for the twelve months preceding the date of the decision or one per  
290 cent, whichever is greater, and that a budget reserve of ten per cent or  
291 less is not available for payment of the cost of any item subject to  
292 arbitration under this chapter. The panel shall further consider the  
293 following factors in light of such financial capability: (A) The  
294 negotiations between the parties prior to arbitration; (B) the interests  
295 and welfare of the employee group; (C) changes in the cost of living;  
296 (D) [the existing conditions of employment of the employee group and  
297 those of similar groups; and (E)] the wages, salaries, [fringe] benefits,  
298 and [other conditions of employment] provisions regarding health and  
299 safety prevailing in the labor market, including developments in  
300 private sector wages and benefits.

301 Sec. 508. Subdivision (4) of subsection (c) of section 10-153f of the  
302 general statutes is repealed and the following is substituted in lieu  
303 thereof (*Effective from passage*):

304 (4) [After] (A) (i) Not later than five days after hearing all the issues,  
305 the parties may reach a stipulation on all the issues. (ii) Not later than  
306 five days after such award is stipulated to, the arbitrators or the single  
307 arbitrator shall file one copy of the decision with the commissioner,

308 each town clerk in the school district involved and the board of  
309 education and organization which are parties to the dispute. (iii) The  
310 stipulated award may be rejected by the legislative body of the local  
311 school district or, in the case of a regional school district, by the  
312 legislative bodies of the participating towns. Such rejection shall be by  
313 a two-thirds majority vote of the members of such legislative body or,  
314 in the case of a regional school district, the legislative body of each  
315 participating town, present at a regular or special meeting called and  
316 convened for such purpose not later than twenty days after the receipt  
317 of the award. If the legislative body or bodies do not meet for such  
318 purpose during such twenty-day period after the receipt of the award,  
319 the award shall be deemed accepted by the body or bodies. (iv) If the  
320 legislative body or legislative bodies, as appropriate, reject any such  
321 award, such body or bodies shall notify, not later than five days after  
322 the vote to reject, the commissioner and the exclusive representative  
323 for the teachers' or administrators' unit of such vote and submit to  
324 them a written explanation of the reasons for the vote. (v) Not later  
325 than five days after such notification of rejection of the award, the  
326 parties shall notify the commissioner either of their agreement to  
327 submit their dispute to a single arbitrator or the name of the arbitrator  
328 selected by each of them. Not later than five days after providing such  
329 notice, the parties shall notify the commissioner of the name of the  
330 arbitrator if there is an agreement on a single arbitrator appointed to  
331 the panel pursuant to subparagraph (C) of subdivision (1) of  
332 subsection (a) of this section or agreement on the third arbitrator  
333 appointed to the panel pursuant to said subdivision (1). The  
334 commissioner may order the parties to appear before said  
335 commissioner during the arbitration period. If the parties have notified  
336 the commissioner of their agreement to submit their dispute to a single  
337 arbitrator and they have not agreed on such arbitrator, not later than  
338 five days after such notification the commissioner shall select such  
339 single arbitrator who shall be an impartial representative of the  
340 interests of the public in general. If each party has notified the  
341 commissioner of the name of the arbitrator it has selected and the  
342 parties have not agreed on the third arbitrator, not later than five days

343 after such notification the commissioner shall select a third arbitrator,  
344 who shall be an impartial representative of the interests of the public in  
345 general. If either party fails to notify the commissioner of the name of  
346 an arbitrator, the commissioner shall select an arbitrator to serve and  
347 the commissioner shall also select a third arbitrator who shall be an  
348 impartial representative of the interests of the public in general. Any  
349 selection pursuant to this section by the commissioner of an impartial  
350 arbitrator shall be made at random from among the members  
351 appointed under subparagraph (C) of subdivision (1) of subsection (a)  
352 of this section. Arbitrators shall be selected from the panel appointed  
353 pursuant to subdivision (1) of subsection (a) of this section and shall  
354 receive a per diem fee determined on the basis of the prevailing rate  
355 for such services. Whenever a panel of three arbitrators is selected, the  
356 chairperson of such panel shall be the impartial representative of the  
357 interests of the public in general. (vi) The arbitrators or arbitrator shall  
358 provide notice and conduct the hearing in accordance with subdivision  
359 (2) of this subsection. (vii) The hearing may, at the discretion of the  
360 arbitration panel or the single arbitrator, be continued but in any event  
361 shall be concluded not later than twenty days after its commencement.  
362 The arbitrators or arbitrator shall issue an award in accordance with  
363 the provisions of subparagraph (B) of this subdivision and  
364 subdivisions (5) and (6) of this subsection. Such award shall not be  
365 subject to further review by the legislative body of the local school  
366 district, or in the case of a regional school district, the legislative body  
367 of each participating town.

368 (B) If the parties do not reach a stipulation on all the issues in  
369 accordance with subparagraph (A)(i) of this subdivision, not later than  
370 twenty days after hearing all the issues, the arbitrators or the single  
371 arbitrator shall [ , within twenty days,] render a decision in writing,  
372 signed by a majority of the arbitrators or the single arbitrator, which  
373 states in detail the nature of the decision and the disposition of the  
374 issues by the arbitrators or the single arbitrator. The written decision  
375 shall include a narrative explaining the evaluation by the arbitrators or  
376 the single arbitrator of the evidence presented for each item upon

377 which a decision was rendered by the arbitrators or the single  
378 arbitrator and shall state with particularity the basis for the decision as  
379 to each disputed issue and the manner in which the factors  
380 enumerated in this subdivision were considered in arriving at such  
381 decision, including, where applicable, the specific similar groups and  
382 conditions of employment presented for comparison and accepted by  
383 the arbitrators or the single arbitrator and the reason for such  
384 acceptance. The arbitrators or the single arbitrator shall file one copy of  
385 the decision with the commissioner, each town clerk in the school  
386 district involved and the board of education and organization which  
387 are parties to the dispute. The decision of the arbitrators or the single  
388 arbitrator shall be final and binding upon the parties to the dispute  
389 unless a rejection is filed in accordance with subdivision (7) of this  
390 subsection. The decision of the arbitrators or the single arbitrator shall  
391 incorporate those items of agreement the parties have reached prior to  
392 its issuance. At any time prior to the issuance of a decision by the  
393 arbitrators or the single arbitrator, the parties may jointly file with the  
394 arbitrators or the single arbitrator, any stipulations setting forth  
395 contract provisions which both parties agree to accept. In arriving at a  
396 decision, the arbitrators or the single arbitrator shall give priority to  
397 the public interest and the financial capability of the town or towns in  
398 the school district, including consideration of other demands on the  
399 financial capability of the town or towns in the school district. In  
400 assessing the financial capability of the town or towns, there shall be  
401 an irrebuttable presumption that the town or towns in the school  
402 district shall be required to limit any property tax levy increase to the  
403 change in the consumer price index for the twelve months preceding  
404 the date of the decision or one per cent, whichever is greater, and that  
405 a budget reserve of [five] ten per cent or less for each such town is not  
406 available for payment of the cost of any item subject to arbitration  
407 under this chapter. The arbitrators or the single arbitrator shall further  
408 consider, in light of such financial capability, the following factors:  
409 [(A)] (i) The negotiations between the parties prior to arbitration,  
410 including the offers and the range of discussion of the issues; [(B)] (ii)  
411 the interests and welfare of the employee group; [(C)] (iii) changes in

412 the cost of living averaged over the preceding three years; [(D) the  
413 existing conditions of employment of the employee group and those of  
414 similar groups; and (E)] and (iv) the salaries, [fringe] benefits [, and  
415 other conditions of employment] and provisions regarding health and  
416 safety prevailing in the state labor market, including the terms of  
417 recent contract settlements or awards in collective bargaining for other  
418 municipal employee organizations and developments in private sector  
419 wages and benefits. The parties shall submit to the arbitrators or the  
420 single arbitrator their respective positions on each individual issue in  
421 dispute between them in the form of a last best offer. The arbitrators or  
422 the single arbitrator shall resolve separately each individual disputed  
423 issue by accepting the last best offer thereon of either of the parties,  
424 and shall incorporate in a decision each such accepted individual last  
425 best offer and an explanation of how the total cost of all offers accepted  
426 was considered. Whenever the last best offers of the parties contain  
427 identical agreement provisions on any of the unresolved issues, the  
428 panel or single arbitrator shall consider such issues resolved and shall  
429 incorporate such provisions into the arbitration decision. The award of  
430 the arbitrators or the single arbitrator shall not be subject to rejection  
431 by referendum. The parties shall each pay the fee of the arbitrator  
432 selected by or for them and share equally the fee of the third arbitrator  
433 or the single arbitrator and all other costs incidental to the arbitration.

434 Sec. 509. Subdivision (6) of section 7-467 of the general statutes is  
435 repealed and the following is substituted in lieu thereof (*Effective from*  
436 *passage*):

437 (6) "Employee organization" means any lawful association, labor  
438 organization, federation or council having as a primary purpose the  
439 improvement of wages, [hours] benefits and [other conditions of  
440 employment] matters of health and safety among employees of  
441 municipal employers.

442 Sec. 510. Subsection (a) of section 7-468 of the general statutes is  
443 repealed and the following is substituted in lieu thereof (*Effective July*  
444 *1, 2011*):

445 (a) Employees shall have, and shall be protected in the exercise of,  
446 the right of self-organization, to form, join or assist any employee  
447 organization, to bargain collectively through representatives of their  
448 own choosing on questions of wages, [hours] benefits and [other  
449 conditions of employment] matters of health and safety and to engage  
450 in other concerted activities for the purpose of collective bargaining or  
451 other mutual aid or protection, free from actual interference, restraint  
452 or coercion.

453 Sec. 511. Subsection (c) of section 7-470 of the general statutes is  
454 repealed and the following is substituted in lieu thereof (*Effective from*  
455 *passage*):

456 (c) For the purposes of said sections, to bargain collectively is the  
457 performance of the mutual obligation of the municipal employer or his  
458 designated representatives and the representative of the employees to  
459 meet at reasonable times, including meetings appropriately related to  
460 the budget-making process, and confer in good faith with respect to  
461 wages, [hours] benefits and [other conditions of employment] matters  
462 of health and safety, or the negotiation of an agreement, or any  
463 question arising thereunder, and the execution of a written contract  
464 incorporating any agreement reached if requested by either party, but  
465 such obligation shall not compel either party to agree to a proposal or  
466 require the making of a concession.

467 Sec. 512. Subdivision (1) of subsection (b) of section 7-473c of the  
468 general statutes is repealed and the following is substituted in lieu  
469 thereof (*Effective July 1, 2011*):

470 (b) (1) If neither the municipal employer nor the municipal  
471 employee organization has requested the arbitration services of the  
472 State Board of Mediation and Arbitration (A) within one hundred  
473 eighty days after the certification or recognition of a newly certified or  
474 recognized municipal employee organization required to commence  
475 negotiations pursuant to section 7-473a, or (B) within thirty days after  
476 the expiration of the current collective bargaining agreement, or within

477 thirty days after the specified date for implementation of reopener  
478 provisions in an existing collective bargaining agreement, or within  
479 thirty days after the date the parties to an existing collective bargaining  
480 agreement commence negotiations to revise said agreement on any  
481 matter affecting wages, [hours,] benefits and [other conditions of  
482 employment] matters of health and safety, said board shall notify the  
483 municipal employer and municipal employee organization that one  
484 hundred eighty days have passed since the certification or recognition  
485 of the newly certified or recognized municipal employee organization,  
486 or that thirty days have passed since the specified date for  
487 implementation of reopener provisions in an existing agreement, or the  
488 date the parties commenced negotiations to revise an existing  
489 agreement on any matter affecting wages, [hours] benefits and [other  
490 conditions of employment] matters of health and safety or the  
491 expiration of such collective bargaining agreement and that binding  
492 and final arbitration is now imposed on them, provided written  
493 notification of such imposition shall be sent by registered mail or  
494 certified mail, return receipt requested, to each party.

495 Sec. 513. Section 7-478a of the general statutes is repealed and the  
496 following is substituted in lieu thereof (*Effective from passage*):

497 (a) Two or more municipal employers participating in an interlocal  
498 agreement pursuant to sections 7-339a to 7-339l, inclusive, or planning  
499 to undertake the joint performance of a municipal function in  
500 accordance with section 7-148cc, shall constitute a municipal employer  
501 as defined in section 7-467, as amended by this act.

502 (b) Each employee organization, as defined in said section 7-467, of  
503 the municipal employers constituting a municipal employer under this  
504 section shall retain representation rights for collective bargaining. If  
505 two or more employee organizations have representation rights, the  
506 employee organizations shall act in coalition for all collective  
507 bargaining purposes.

508 (c) When a municipal employer is constituted under this section the

509 collective bargaining agreement of each employee organization with  
510 representation rights shall remain in effect. A decision by a municipal  
511 employer to enter into or implement an interlocal agreement under  
512 sections 7-339a to 7-339l, inclusive, or to undertake the joint  
513 performance of a municipal function in accordance with section 7-  
514 148cc shall not be a subject of collective bargaining but the impact of  
515 such agreement upon wages, [hours] benefits and [other conditions of  
516 employment] matters of health and safety, shall be a subject of  
517 collective bargaining.

518 Sec. 514. Section 10-153a of the general statutes is repealed and the  
519 following is substituted in lieu thereof (*Effective from passage*):

520 (a) Members of the teaching profession shall have and shall be  
521 protected in the exercise of the right to form, join or assist, or refuse to  
522 form, join or assist, any organization for professional or economic  
523 improvement and to negotiate in good faith through representatives of  
524 their own choosing with respect to salaries, [hours] benefits and [other  
525 conditions of employment] matters of health and safety free from  
526 interference, restraint, coercion or discriminatory practices by any  
527 employing board of education or administrative agents or  
528 representatives thereof in derogation of the rights guaranteed by this  
529 section and sections 10-153b to 10-153n, inclusive, as amended by this  
530 act.

531 (b) The organization designated as the exclusive representative of a  
532 teachers' or administrators' unit shall have a duty of fair representation  
533 to the members of such unit.

534 (c) Nothing in this section or in any other section of the general  
535 statutes shall preclude a local or regional board of education from  
536 making an agreement with an exclusive bargaining representative to  
537 require as a condition of employment that all employees in a  
538 bargaining unit pay to the exclusive bargaining representative of such  
539 employees an annual service fee, not greater than the amount of dues  
540 uniformly required of members of the exclusive bargaining

541 representative organization, which represents the costs of collective  
542 bargaining, contract administration and grievance adjustment; and  
543 that such service fee be collected by means of a payroll deduction from  
544 each employee in the bargaining unit.

545 Sec. 515. Subsection (c) of section 10-153b of the general statutes is  
546 repealed and the following is substituted in lieu thereof (*Effective from*  
547 *passage*):

548 (c) The employees in either unit defined in this section may  
549 designate any organization of certified professional employees to  
550 represent them in negotiations with respect to salaries, [hours] benefits  
551 and [other conditions of employment] matters of health and safety  
552 with the local or regional board of education which employs them by  
553 filing, during the period between March first and March thirty-first of  
554 any school year, with the board of education a petition which requests  
555 recognition of such organization for purposes of negotiation under this  
556 section and sections 10-153c to 10-153n, inclusive, as amended by this  
557 act, and is signed by a majority of the employees in such unit. Where a  
558 new school district is formed as the result of the creation of a regional  
559 school district, a petition for designation shall also be considered  
560 timely if it is filed at any time from the date when such regional school  
561 district is approved pursuant to section 10-45 through the first school  
562 year of operation of any such school district. Where a new school  
563 district is formed as a result of the dissolution of a regional school  
564 district, a petition for designation shall also be considered timely if it is  
565 filed at any time from the date of the election of a board of education  
566 for such school district through the first year of operation of any such  
567 school district. Within three school days next following the receipt of  
568 such petition, such board shall post a notice of such request for  
569 recognition and mail a copy thereof to the commissioner. Such notice  
570 shall state the name of the organization designated by the petitioners,  
571 the unit to be represented and the date of receipt of such petition by  
572 the board. If no petition which requests a representation election and is  
573 signed by twenty per cent of the employees in such unit is filed in  
574 accordance with the provisions of subsection (d) of this section, with

575 the commissioner within the thirty days next following the date on  
576 which the board of education posts notice of the designation petition,  
577 such board shall recognize the designated organization as the  
578 exclusive representative of the employees in such unit for a period of  
579 one year or until a representation election has been held for such unit  
580 pursuant to this section and section 10-153c, whichever occurs later. If  
581 a petition complying with the provisions of subsection (d) of this  
582 section is filed within such period of thirty days, the local or regional  
583 board of education shall not recognize any organization so designated  
584 until an election has been held pursuant to said sections to determine  
585 which organization shall represent such unit.

586 Sec. 516. Subsection (e) of section 10-153b of the general statutes is  
587 repealed and the following is substituted in lieu thereof (*Effective from*  
588 *passage*):

589 (e) The representative designated or elected in accordance with this  
590 section shall, from the date of such designation or election, be the  
591 exclusive representative of all the employees in such unit for the  
592 purposes of negotiating with respect to salaries, [hours] benefits and  
593 [other conditions of employment] matters of health and safety,  
594 provided any certified professional employee or group of such  
595 employees shall have the right at any time to present any grievance to  
596 such persons as the local or regional board of education shall designate  
597 for that purpose. The terms of any existing contract shall not be  
598 abrogated by the election or designation of a new representative.  
599 During the balance of the term of such contract the board of education  
600 and the new representative shall have the duty to negotiate pursuant  
601 to section 10-153d, as amended by this act, concerning a successor  
602 agreement. The new representative shall, from the date of designation  
603 or election, acquire the rights and powers and shall assume the duties  
604 and obligations of the existing contract during the period of its  
605 effectiveness.

606 Sec. 517. Subsection (b) of section 10-153d of the general statutes is  
607 repealed and the following is substituted in lieu thereof (*Effective from*

608 *passage*):

609 (b) The local or regional board of education and the organization  
610 designated or elected as the exclusive representative for the  
611 appropriate unit, through designated officials or their representatives,  
612 shall have the duty to negotiate with respect to salaries, [hours]  
613 benefits and [other conditions of employment] matters of health and  
614 safety about which either party wishes to negotiate. For purposes of  
615 this subsection and sections 10-153a, as amended by this act, 10-153b,  
616 as amended by this act, and 10-153e to 10-153g, inclusive, as amended  
617 by this act, [(1) "hours"] items subject to collective bargaining shall not  
618 include the length of the student school year, the scheduling of the  
619 student school year, the length of the student school day, the length  
620 and number of parent-teacher conferences and the scheduling of the  
621 student school day, except for the length and the scheduling of teacher  
622 lunch periods and teacher preparation periods. [and (2) "other  
623 conditions of employment" shall not include the establishment or  
624 provisions of any retirement incentive plan authorized by section 10-  
625 183jj.] Such negotiations shall commence not less than two hundred ten  
626 days prior to the budget submission date. Any local board of education  
627 shall file forthwith a signed copy of any contract with the town clerk  
628 and with the Commissioner of Education. Any regional board of  
629 education shall file forthwith a signed copy of any such contract with  
630 the town clerk in each member town and with the Commissioner of  
631 Education. Upon receipt of a signed copy of such contract the clerk of  
632 such town shall give public notice of such filing. The terms of such  
633 contract shall be binding on the legislative body of the local or regional  
634 school district, unless such body rejects such contract at a regular or  
635 special meeting called and convened for such purpose within thirty  
636 days of the filing of the contract. If a vote on such contract is petitioned  
637 for in accordance with the provisions of section 7-7, in order to reject  
638 such contract, a minimum number of those persons eligible to vote  
639 equal to fifteen per cent of the electors of such local or regional school  
640 district shall be required to participate in the voting and a majority of  
641 those voting shall be required to reject. Any regional board of

642 education shall call a district meeting to consider such contract within  
643 such thirty-day period if the chief executive officer of any member  
644 town so requests in writing within fifteen days of the receipt of the  
645 signed copy of the contract by the town clerk in such town. The body  
646 charged with making annual appropriations in any school district shall  
647 appropriate to the board of education whatever funds are required to  
648 implement the terms of any contract not rejected pursuant to this  
649 section. All organizations seeking to represent members of the  
650 teaching profession shall be accorded equal treatment with respect to  
651 access to teachers, principals, members of the board of education,  
652 records, mail boxes and school facilities and, in the absence of any  
653 recognition or certification as the exclusive representative as provided  
654 by section 10-153b, as amended by this act, participation in discussions  
655 with respect to salaries, [hours] benefits and [other conditions of  
656 employment] matters of health and safety.

657 Sec. 518. Subsection (d) of section 10-153e of the general statutes is  
658 repealed and the following is substituted in lieu thereof (*Effective from*  
659 *passage*):

660 (d) As used in this section, sections 10-153a to 10-153c, inclusive, as  
661 amended by this act, and section 10-153g, as amended by this act, "to  
662 negotiate in good faith" is the performance of the mutual obligation of  
663 the board of education or its representatives or agents and the  
664 organization designated or elected as the exclusive representative for  
665 the appropriate unit to meet at reasonable times, including meetings  
666 appropriately related to the budget-making process, and to participate  
667 actively so as to indicate a present intention to reach agreement with  
668 respect to salaries, [hours] benefits and [other conditions of  
669 employment] matters of employment, or the negotiation of an  
670 agreement, or any question arising thereunder and the execution of a  
671 written contract incorporating any agreement reached if requested by  
672 either party, but such obligation shall not compel either party to agree  
673 to a proposal or require the making of a concession.

674 Sec. 519. Subsection (e) of section 10-153f of the general statutes is

675 repealed and the following is substituted in lieu thereof (*Effective from*  
676 *passage*):

677 (e) The local or regional board of education and the organization  
678 designated or elected as the exclusive representative for the  
679 appropriate unit, through designated officials or their representatives,  
680 which are parties to a collective bargaining agreement, and which, for  
681 the purpose of negotiating with respect to salaries, [hours] benefits and  
682 [other conditions of employment] matters of health and safety,  
683 mutually agree to negotiate during the term of the agreement or are  
684 ordered to negotiate said agreement by a body of competent  
685 jurisdiction, shall notify the commissioner of the date upon which  
686 negotiations commenced within five days after said commencement. If  
687 the parties are unable to reach settlement twenty-five days after the  
688 date of the commencement of negotiations, the parties shall notify the  
689 commissioner of the name of a mutually selected mediator and shall  
690 conduct mediation pursuant to the provisions of subsection (b) of this  
691 section, notwithstanding the mediation time schedule of subsection (b)  
692 of this section. On the fourth day next following the end of the  
693 mediation session or on the fiftieth day following the date of the  
694 commencement of negotiations, whichever is sooner, if no settlement is  
695 reached the parties shall commence arbitration pursuant to the  
696 provisions of subsections (a), (c) and (d) of this section,  
697 notwithstanding the reference to the budget submission date.

698 Sec. 520. Section 10-153g of the general statutes is repealed and the  
699 following is substituted in lieu thereof (*Effective from passage*):

700 Notwithstanding the provisions of any special act, municipal  
701 charter or local ordinance, the provisions of sections 10-153a to 10-  
702 153n, inclusive, as amended by this act, shall apply to negotiations  
703 concerning salaries, [hours] benefits and [other conditions of  
704 employment] matters of health and safety conducted by boards of  
705 education and certified personnel.

706 Sec. 521. (NEW) (*Effective from passage*) (a) Two or more local or

707 regional schools may jointly perform any function that each local or  
708 regional school may perform separately under any provisions of the  
709 general statutes or of any special act, charter or home rule ordinance.  
710 The terms of each agreement shall establish a process for withdrawal  
711 from such agreement and shall require that the agreement be reviewed  
712 at least once every five years by the body that approved the agreement  
713 to assess the effectiveness of such agreement in enhancing the  
714 performance of the function that is the subject of the agreement.

715 (b) In the event two or more local or regional schools jointly  
716 undertake, pursuant to this section, any function that teachers or  
717 administrators in each such local or regional school perform, such  
718 districts shall constitute an employer for purposes of sections 10-153a  
719 to 10-153o, inclusive, of the general statutes, as amended by this act,  
720 with respect to the function jointly undertaken.

721 (c) Each employee organization, as defined in section 10-153b of the  
722 general statutes, as amended by this act, shall retain representation  
723 rights for collective bargaining. If two or more employee organizations  
724 have representation rights, the employee organizations shall act in  
725 coalition for all collective bargaining purposes.

726 (d) The collective bargaining agreement of each employee  
727 organization, as defined in section 10-153b of the general statutes, as  
728 amended by this act, shall remain in effect. A decision by a local or  
729 regional school district to undertake the joint performance of a  
730 function, in accordance with this section, shall not be a subject of  
731 collective bargaining. The impact of such agreement upon wages,  
732 benefits and matters of health and safety shall be a subject of collective  
733 bargaining.

734 Sec. 522. (NEW) (*Effective from passage*) (a) Two or more municipal  
735 employers and one or more employee organizations, as defined in  
736 section 7-467 of the general statutes, as amended by this act,  
737 representing employees of such municipal employers may agree to  
738 joint negotiations with respect to matters subject to collective

739 bargaining in accordance with sections 7-467 to 7-479, inclusive, of the  
740 general statutes, as amended by this act. The scope of such  
741 negotiations may include an entire collective bargaining agreement or  
742 a portion of such agreement as agreed to by the parties. The agreement  
743 to so negotiate may allow for the joint negotiations to be subject to the  
744 binding arbitration provisions included in section 7-473c of the general  
745 statutes, as amended by this act. Each employee organization  
746 participating in negotiations pursuant to this section shall retain  
747 representation rights for collective bargaining, provided if two or more  
748 such organizations have representation rights, the employee  
749 organizations shall act in coalition for purposes of this section. The  
750 provisions of this section shall not be construed to require any  
751 municipal employer or employee organization to participate in such  
752 joint negotiations. The legislative bodies of each municipal employer  
753 shall each retain the authority to approve or disapprove any  
754 agreement or binding arbitration award, as provided in sections 7-467  
755 to 7-479, inclusive, of the general statutes, as amended by this act,  
756 resulting from such joint negotiations.

757 (b) Two or more local or regional boards of education and one or  
758 more employee representative organization, as defined in section 10-  
759 153b of the general statutes, as amended by this act, representing  
760 teachers or administrators may agree to joint negotiations with respect  
761 to matters subject to collective bargaining in accordance with chapter  
762 166 of the general statutes. The scope of such negotiations may include  
763 an entire collective bargaining agreement or a portion of such  
764 agreement as agreed to by the parties. The agreement to so negotiate  
765 may allow for the joint negotiations to be subject to the binding  
766 arbitration provisions included in section 10-153f of the general  
767 statutes, as amended by this act. Each employee organization  
768 participating in negotiations pursuant to this section shall retain  
769 representation rights for collective bargaining, provided if two or more  
770 such organizations have representation rights, the employee  
771 organizations shall act in coalition for purposes of this section. Nothing  
772 herein shall require any local or regional board of education or

773 employee organization to participate in such joint negotiations. Each  
774 such local or regional board of education shall retain the authority to  
775 approve or disapprove any agreement or binding arbitration award, as  
776 provided in said chapter 166, resulting from such joint negotiations."