



# House of Representatives

General Assembly

**File No. 94**

February Session, 2010

Substitute House Bill No. 5058

*House of Representatives, March 23, 2010*

The Committee on Labor and Public Employees reported through REP. RYAN of the 139th 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 STATE 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 Section 5-270 of the general statutes is repealed and the  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. Subdivision (30) of section 5-196 of the general statutes is  
121 repealed and the following is substituted in lieu thereof (*Effective from*  
122 *passage*):

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

126 Sec. 4. Subsection (b) of section 5-200c of the general statutes is  
127 repealed and the following is substituted in lieu thereof (*Effective from*  
128 *passage*):

129 (b) Upon the completion of the studies referred to in subdivisions  
130 (2) and (3) of subsection (a) of this section and the implementation of  
131 the results of such studies, collective bargaining negotiations  
132 concerning wage changes as a result of objective job evaluations shall  
133 commence not later than April 1, 1993. Notwithstanding the provisions  
134 of subsection (a) of section 5-278, as amended by this act, such  
135 negotiations shall be conducted between the employer, as defined in  
136 [subsection (a)] subdivision (2) of section 5-270, as amended by this act,  
137 and a coalition committee which represents all state employees who  
138 are members of any designated employee organization. The results of  
139 any such negotiations shall be implemented as of July 1, 1995. All wage  
140 inequities shall be deemed to have been eliminated upon the  
141 implementation of such results. Nothing in this subsection shall be  
142 deemed to affect any appeal related to any objective job evaluation  
143 studies previously taken or allowed or any litigation pending on June  
144 25, 1991, or to prohibit the continued use of a point factor value system

145 for the evaluation of newly created job classifications.

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 Section 5-226f of the general statutes is repealed and the  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

148 Notwithstanding the provisions of subsection (d) of section 5-272  
149 the employer, as defined in [subsection (a)] subdivision (2) of section 5-  
150 270, as amended by this act, and an employee organization, as defined  
151 in [subsection (d)] subdivision (5) of [said] section 5-270, as amended  
152 by this act, as the exclusive representative of employees in an  
153 appropriate unit, may engage in a pilot program to discuss the state  
154 classifications and examination system. Neither party may negotiate  
155 pursuant to the provisions of section 5-276a, as amended by this act.  
156 Any agreement reached by the parties shall be reduced to writing and  
157 submitted to the General Assembly pursuant to the provisions of  
158 subsection (b) of section 5-278.

159 Sec. 6. Subsection (a) of section 5-248i of the general statutes is  
160 repealed and the following is substituted in lieu thereof (*Effective from*  
161 *passage*):

162 (a) The Commissioner of Administrative Services may develop and  
163 implement guidelines, in cooperation with interested employee  
164 organizations, as defined in [subsection (d)] subdivision (5) of section  
165 5-270, as amended by this act, authorizing telecommuting and work-  
166 at-home programs for state employees where such arrangements are  
167 determined to be cost effective.

168 Sec. 7. Subsection (a) of section 5-276a of the general statutes is  
169 repealed and the following is substituted in lieu thereof (*Effective from*  
170 *passage*):

171 (a) In the event that either the employer, as defined in [subsection  
172 (a)] subdivision (2) of section 5-270, as amended by this act, or a  
173 designated employee organization, as defined in [subsection (d)]  
174 subdivision (5) of [said] section 5-270, as amended by this act, may  
175 desire negotiations with respect to an original or successor collective

176 bargaining agreement, such party, not more than three hundred thirty  
177 days prior to the expiration of the existing collective bargaining  
178 agreement or less than one hundred fifty days prior thereto, shall serve  
179 written notice thereof upon the other party. Negotiations shall  
180 commence within thirty days of such service. Negotiations as to wage  
181 reopeners shall commence within twenty days of receipt by one party  
182 of a written notice with respect thereto, served in accordance with the  
183 provisions of any such reopener in the affected contract or, if none is  
184 stated therein, not more than sixty days or less than thirty days prior to  
185 the effective date of such reopener.

186 Sec. 8. Subdivision (7) of section 9-601 of the general statutes is  
187 repealed and the following is substituted in lieu thereof (*Effective from*  
188 *passage*):

189 (7) "Organization" means all labor organizations, (A) as defined in  
190 the Labor-Management Reporting and Disclosure Act of 1959, as from  
191 time to time amended, or (B) as defined in subdivision (9) of section  
192 31-101, employee organizations as defined in [subsection (d)]  
193 subdivision (5) of section 5-270, as amended by this act, and  
194 subdivision (6) of section 7-467, bargaining representative  
195 organizations for teachers, any local, state or national organization, to  
196 which a labor organization pays membership or per capita fees, based  
197 upon its affiliation or membership, and trade or professional  
198 associations which receive their funds exclusively from membership  
199 dues, whether organized in or outside of this state, but does not mean  
200 a candidate committee, party committee or a political committee.

201 Sec. 9. Section 32-23e of the general statutes is repealed and the  
202 following is substituted in lieu thereof (*Effective from passage*):

203 To accomplish the purposes of the authority, as defined in  
204 subsection (t) of section 32-23d, which are hereby determined to be  
205 public purposes for which public funds may be expended, and in  
206 addition to any other powers provided by law, the authority shall have  
207 power to: (1) Determine the location and character of any project to be  
208 financed under the provisions of said chapters and sections, provided

209 any financial assistance shall be approved in accordance with written  
210 procedures prepared pursuant to subdivision (14) of this section; (2)  
211 purchase, receive, by gift or otherwise, lease, exchange, or otherwise  
212 acquire, and construct, reconstruct, improve, maintain, equip and  
213 furnish one or more projects, including all real and personal property  
214 which the authority may deem necessary in connection therewith, and  
215 to enter into a contract with a person therefor upon such terms and  
216 conditions as the authority shall determine to be reasonable, including  
217 but not limited to reimbursement for the planning, designing,  
218 financing, construction, reconstruction, improvement, equipping,  
219 furnishing, operation and maintenance of the project and any claims  
220 arising therefrom and establishment and maintenance of reserve and  
221 insurance funds with respect to the financing of the project; (3) insure  
222 any or all payments to be made by the borrower under the terms of  
223 any agreement for the extension of credit or making of a loan by the  
224 authority in connection with any economic development project to be  
225 financed, wholly or in part, through the issuance of bonds or mortgage  
226 payments of any mortgage which is given by a mortgagor to the  
227 mortgagee who has provided the mortgage for an economic  
228 development project upon such terms and conditions as the authority  
229 may prescribe and as provided herein, and the faith and credit of the  
230 state are pledged thereto; (4) in connection with the insuring of  
231 payments of any mortgage, request for its guidance a finding of the  
232 municipal planning commission, or, if there is no planning  
233 commission, a finding of the municipal officers, of the municipality in  
234 which the economic development project is proposed to be located, or  
235 of the regional planning agency of which such municipality is a  
236 member, as to the expediency and advisability of the economic  
237 development project; (5) sell or lease to any person, all or any portion  
238 of a project, purchase from eligible financial institutions mortgages  
239 with respect to economic development projects, purchase or  
240 repurchase its own bonds, and sell, pledge or assign to any person any  
241 such bonds, mortgages, or other loans, notes, revenues or assets of the  
242 authority, or any interest therein, for such consideration and upon  
243 such terms as the authority may determine to be reasonable; (6)

244 mortgage or otherwise encumber all or any portion of a project  
245 whenever it shall find such action to be in furtherance of the purposes  
246 of said chapters and sections; (7) enter into agreements with any  
247 person, including prospective mortgagees and mortgagors, for the  
248 purpose of planning, designing, constructing, acquiring, altering and  
249 financing projects, providing liquidity or a secondary market for  
250 mortgages or other financial obligations incurred with respect to  
251 facilities which would qualify as a project under this chapter,  
252 purchasing loans made by regional corporations under section 32-276,  
253 or for any other purpose in furtherance of any other power of the  
254 authority; (8) grant options to purchase or renew a lease for any of its  
255 projects on such terms as the authority may determine to be  
256 reasonable; (9) employ or retain attorneys, accountants and  
257 architectural, engineering and financial consultants and such other  
258 employees and agents and to fix their compensation and to employ the  
259 Connecticut Development Credit Corporation on a cost basis as it shall  
260 deem necessary to assist it in carrying out the purposes of said  
261 authority legislation; (10) borrow money or accept gifts, grants or loans  
262 of funds, property or service from any source, public or private, and  
263 comply, subject to the provisions of said authority legislation, with the  
264 terms and conditions thereof; (11) accept from a federal agency loans  
265 or grants for use in carrying out its purpose, and enter into agreements  
266 with such agency respecting any such loans or grants; (12) provide  
267 tenant lease guarantees and performance guarantees, invest in, extend  
268 credit or make loans to any person for the planning, designing,  
269 financing, acquiring, constructing, reconstructing, improving,  
270 expanding, continuing in operation, equipping and furnishing of a  
271 project and for the refinancing of existing indebtedness with respect to  
272 any facility or part thereof which would qualify as a project in order to  
273 facilitate substantial improvements thereto, which guarantees,  
274 investments, credits or loans may be secured by loan agreements, lease  
275 agreements, installment sale agreements, mortgages, contracts and all  
276 other instruments or fees and charges, upon such terms and conditions  
277 as the authority shall determine to be reasonable in connection with  
278 such loans, including provision for the establishment and maintenance

279 of reserve and insurance funds and in the exercise of powers granted  
280 in this section in connection with a project for such person, to require  
281 the inclusion in any contract, loan agreement or other instrument, such  
282 provisions for the construction, use, operation and maintenance and  
283 financing of a project as the authority may deem necessary or  
284 desirable; (13) in connection with any application for assistance under  
285 said authority legislation, or commitments therefor, to make and  
286 collect such fees and charges as the authority shall determine to be  
287 reasonable; (14) adopt procedures, in accordance with the provisions  
288 of section 1-121, to carry out the provisions of said authority  
289 legislation, which may give priority to applications for financial  
290 assistance based upon the extent the project will materially contribute  
291 to the economic base of the state by creating or retaining jobs,  
292 providing increased wages or benefits to employees, promoting the  
293 export of products or services beyond the boundaries of the state,  
294 encouraging innovation in products or services, encouraging defense-  
295 dependent business to diversify to nondefense production, promoting  
296 standards of participation adopted by the Connecticut partnership  
297 compact pursuant to section 33-374g of the general statutes, revision of  
298 1958, revised to 1991, or will otherwise enhance existing activities that  
299 are important to the economic base of the state, provided regulation-  
300 making proceedings commenced before January 1, 1989, shall be  
301 governed by sections 4-166 to 4-174, inclusive; (15) adopt an official  
302 seal and alter the same at pleasure; (16) maintain an office at such place  
303 or places within the state as it may designate; (17) sue and be sued in  
304 its own name and plead and be impleaded, service of process in any  
305 action to be made by service upon the executive director of said  
306 authority either in hand or by leaving a copy of the process at the  
307 office of the authority with some person having charge thereof; (18)  
308 employ such assistants, agents and other employees as may be  
309 necessary or desirable for its purposes, which employees shall be  
310 exempt from the classified service and shall not be employees, as  
311 defined in [subsection (b)] subdivision (3) of section 5-270, as amended  
312 by this act; establish all necessary or appropriate personnel practices  
313 and policies, including those relating to hiring, promotion,

314 compensation, retirement and collective bargaining, which need not be  
315 in accordance with chapter 68 and the authority shall not be an  
316 employer, as defined in [subsection (a)] subdivision (2) of section 5-  
317 270, as amended by this act; contract for and engage appraisers of  
318 industrial machinery and equipment, consultants and property  
319 management services, and utilize the services of other governmental  
320 agencies; (19) when it becomes necessary or feasible for the authority  
321 to safeguard itself from losses, acquire, purchase, manage and operate,  
322 hold and dispose of real and personal property, take assignments of  
323 rentals and leases and make and enter into all contracts, leases,  
324 agreements and arrangements necessary or incidental to the  
325 performance of its duties; (20) in order to further the purposes of said  
326 authority legislation, or to assure the payment of the principal and  
327 interest on bonds or notes of the authority or to safeguard the  
328 mortgage insurance fund, purchase, acquire and take assignments of  
329 notes, mortgages and other forms of security and evidences of  
330 indebtedness, purchase, acquire, attach, seize, accept or take title to  
331 any project by conveyance or, by foreclosure, and sell, lease or rent any  
332 project for a use specified in said chapters and sections or in said  
333 chapter 579; (21) adopt rules for the conduct of its business; (22) invest  
334 any funds not needed for immediate use or disbursement, including  
335 any funds held in reserve, in obligations issued or guaranteed by the  
336 United States of America or the state of Connecticut and in other  
337 obligations which are legal investments for savings banks in this state;  
338 (23) do, or delegate, any and all things necessary or convenient to carry  
339 out the purposes and to exercise the powers given and granted in said  
340 authority legislation; provided, in all matters concerning the internal  
341 administrative functions of the authority which are funded by  
342 amounts appropriated by the state to the authority or to the  
343 department, the procedures of the state relating to office space,  
344 supplies, facilities, materials, equipment and professional services shall  
345 be followed, and provided further, that in the acquisition by the  
346 authority of real estate involving the use of appropriated funds or  
347 bonds supported by the full faith and credit of the state, the authority  
348 shall be subject to the provisions of section 4b-23; (24) to accept from

349 the department: (A) Financial assistance, (B) revenues or the right to  
350 receive revenues with respect to any program under the supervision of  
351 the department, and (C) loan assets or equity interests in connection  
352 with any program under the supervision of the department; to make  
353 advances to and reimburse the department for any expenses incurred  
354 or to be incurred by it in the delivery of such assistance, revenues,  
355 rights, assets or amounts; to enter into agreements for the delivery of  
356 services by the authority, in consultation with the department, the  
357 Connecticut Housing Finance Authority and Connecticut Innovations,  
358 Incorporated, to third parties which agreements may include  
359 provisions for payment by the department to the authority for the  
360 delivery of such services; and to enter into agreements with the  
361 department or with the Connecticut Housing Finance Authority or  
362 Connecticut Innovations, Incorporated for the sharing of assistants,  
363 agents and other consultants, professionals and employees, and  
364 facilities and other real and personal property used in the conduct of  
365 the authority's affairs; and (25) to transfer to the department: (A)  
366 Financial assistance, (B) revenues or the right to receive revenues with  
367 respect to any program under the supervision of the authority, and (C)  
368 loan assets or equity interests in connection with any program under  
369 the supervision of the authority, provided the transfer of such financial  
370 assistance, revenues, rights, assets or interests is determined by the  
371 authority to be practicable, within the constraints and not inconsistent  
372 with the fiduciary obligations of the authority imposed upon or  
373 established upon the authority by any provision of the general statutes,  
374 the authority's bond resolutions or any other agreement or contract of  
375 the authority and to have no adverse effect on the tax-exempt status of  
376 any bonds of the authority or the state.

377 Sec. 10. Subdivision (7) of section 32-39 of the general statutes is  
378 repealed and the following is substituted in lieu thereof (*Effective from*  
379 *passage*):

380 (7) To employ such assistants, agents and other employees as may  
381 be necessary or desirable, which employees shall be exempt from the  
382 classified service and shall not be employees, as defined in [subsection

383 (b)] subdivision (3) of section 5-270, as amended by this act; establish  
384 all necessary or appropriate personnel practices and policies, including  
385 those relating to hiring, promotion, compensation, retirement and  
386 collective bargaining, which need not be in accordance with chapter  
387 68, and the corporation shall not be an employer as defined in  
388 [subsection (a)] subdivision (2) of section 5-270, as amended by this act;  
389 and engage consultants, attorneys and appraisers as may be necessary  
390 or desirable to carry out its purposes in accordance with this chapter.

391 Sec. 11. Subsection (b) of section 32-602 of the general statutes is  
392 repealed and the following is substituted in lieu thereof (*Effective from*  
393 *passage*):

394 (b) For [these] purposes of subsection (a) of this section, the  
395 authority shall have the following powers: (1) To have perpetual  
396 succession as a body corporate and to adopt procedures for the  
397 regulation of its affairs and the conduct of its business as provided in  
398 subsection (f) of section 32-601, to adopt a corporate seal and alter the  
399 same at its pleasure, and to maintain an office at such place or places  
400 within the city of Hartford as it may designate; (2) to sue and be sued,  
401 to contract and be contracted with; (3) to employ such assistants,  
402 agents and other employees as may be necessary or desirable to carry  
403 out its purposes, which employees shall be exempt from the classified  
404 service and shall not be employees, as defined in [subsection (b)]  
405 subdivision (3) of section 5-270, as amended by this act, to fix their  
406 compensation, to establish and modify personnel procedures as may  
407 be necessary from time to time and to negotiate and enter into  
408 collective bargaining agreements with labor unions; (4) to acquire,  
409 lease, hold and dispose of personal property for the purposes set forth  
410 in this section; [32-602;] (5) to procure insurance against any liability or  
411 loss in connection with its property and other assets, in such amounts  
412 and from such insurers as it deems desirable and to procure insurance  
413 for employees; (6) to invest any funds not needed for immediate use or  
414 disbursement in obligations issued or guaranteed by the United States  
415 of America or the state of Connecticut, including the Short Term  
416 Investment Fund, and the Tax-Exempt Proceeds Fund, and in other

417 obligations which are legal investments for savings banks in this state  
 418 and in time deposits or certificates of deposit or other similar banking  
 419 arrangements secured in such manner as the authority determines; and  
 420 (7) to do all acts and things necessary or convenient to carry out the  
 421 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>	5-196(30)
Sec. 4	<i>from passage</i>	5-200c(b)
Sec. 5	<i>from passage</i>	5-226f
Sec. 6	<i>from passage</i>	5-248i(a)
Sec. 7	<i>from passage</i>	5-276a(a)
Sec. 8	<i>from passage</i>	9-601(7)
Sec. 9	<i>from passage</i>	32-23e
Sec. 10	<i>from passage</i>	32-39(7)
Sec. 11	<i>from passage</i>	32-602(b)

**LAB**      *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.

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 11 \$	FY 12 \$
Various State Agencies	All Funds - Cost	Indeterminate	Indeterminate
Legislative Mgmt.	GF - Cost	Indeterminate	Indeterminate

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill provides collective bargaining rights to state managers (excluding bureau heads) and employees of the Office of the 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. There are approximately 1,863 managers statewide<sup>1</sup> and 36 employees of the Office of the State Capitol Police.

**The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to the outcome of collective bargaining negotiations.

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

<sup>1</sup> This figure does not include managers from the Judicial branch or the constituent units of higher education.

**OLR Bill Analysis****sHB 5058*****AN ACT CONCERNING THE RIGHT TO ORGANIZE FOR CERTAIN STATE EMPLOYEES.*****SUMMARY:**

This bill permits more state employees to join unions by providing collective bargaining rights to state managers and certain State Capitol Police employees.

It also creates the title “bureau head,” exempts bureau heads from collective bargaining, and limits how many of these positions can be in a department or agency.

It also makes conforming changes.

EFFECTIVE DATE: Upon passage

**MANAGERS**

The bill permits state managers, who are currently barred 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 exceeds 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 bureau heads allowed, a major division head who has a more 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 State Capitol Police employees 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 State Capitol Police. Apparently this is intended to include an employee organization of Capitol Police since the state employee collective bargaining law contemplates an employee organization negotiating on behalf of employees and not the office for which the employees work.

The bill 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.

### **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, and
3. has the duty to fairly represent all unit employees.

**COMMITTEE ACTION**

Labor and Public Employees Committee

Joint Favorable Substitute

Yea 9 Nay 1 (03/09/2010)