



TESTIMONY OF RONALD CORDILICO
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IN OPPOSITION TO RAISED BILL NO. 6324
AN ACT CONCERNING TEACHER EMPLOYMENT CRITERIA

EDUCATION COMMITTEE
WEDNESDAY, FEBRUARY 23, 2011

Members of the Committee.

My name is Ronald Cordilico. I am legal counsel to the Connecticut Education Association, a position I have held for over thirty years. I am speaking today in opposition to Raised Bill No. 6324. AN ACT CONCERNING TEACHER EMPLOYMENT CRITERIA.

Raised Bill No. 6324 proposes to change Subsection (d) of Section 10-151 and does so in a puzzling way. Under the present statute, there are two methods for developing a lay-off procedure. The first is negotiating a reduction in force (RIF) provision to be incorporated in the collective bargaining agreement. This method represents the vast majority of lay off procedures in Connecticut. The second method is a lay off procedure set forth in a local board of education policy. Under the present statute, a local board may adopt such a policy only in the absence of a RIF provision in a collective bargaining agreement. According to our research, there are several reduction in force procedures determined by board policy. Obviously, since these board policies have existed for years. The teachers bargaining representatives made a decision that the board policy was basically acceptable since the teacher bargaining representatives did not demand bargaining which they could have done and which they may do so now or in the future.

There are a number of reasons why Raised Bill No. 6324 should not become law. First, any reduction in force policies found in board policy would be declared null and void by legislative fiat and replaced with a legislative mandate determining the procedure for layoffs. Second, the legislature would be creating a two-tiered system. The first tier would be those boards which have negotiated RIF clauses (the vast majority) and any which have had their policies declared null and void by the legislature. Quite simply this makes no sense. Third, if passed, this bill would create an immediate legal anomaly. That is, the legislature would have created a situation where teachers employed by a local board of education whose lay-off procedure is found in board policy will have been temporarily stripped of any ability whatsoever to collectively bargain over any RIF clause. Clearly a swift, surprising and draconian act in view of a system that has provided stability of expectations over the years; a system that has produced a surprising variety of RIF clauses such as strict seniority, bumping rights limited to certain programs or school levels, RIF's that include evaluations, etc. Our research, based on a review of 90 contracts, shows the following: number of contracts with seniority as sole factor: 19 (21%); number with seniority as a primary factor: 50 (56%); number with multiple factors (where seniority is not primary): 21 (23%). The variety of lay off provisions across Connecticut are also discussed in detail in the recent forty-six page arbitration award in Hartford. (See attached pp 26 to 31.)

For all of the reasons discussed above, Raised Bill No. 6324 should not become law.

Thank you