



STATE OF CONNECTICUT
OFFICE OF POLICY AND MANAGEMENT

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BEFORE THE LABOR AND PUBLIC EMPLOYEES COMMITTEE
OF THE GENERAL ASSEMBLY

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Raised Bill No.937; LCO No. 2952 AN ACT CONCERNING THE RIGHT TO ORGANIZE FOR CERTAIN EMPLOYEES AND GRADUATE ASSISTANTS AT STATE UNIVERSITIES

Collective bargaining is the means whereby state employees can collectively negotiate terms and conditions of employment with their employer, the State of Connecticut. Managers who work in state agencies are the representatives of the employer. They are responsible for ensuring that the rights of employees are upheld while the mission of each state agency is fulfilled.

The system of checks and balances, which is a cornerstone of government in this country, is similar to the system that exists with labor and management. One branch of government cannot merge with one of the other branches. Each branch of government has a different role and perspective to attempt to solve a problem. Labor and management disputes are handled in similar fashion. Management sits on one side of the table and labor sits on the other during negotiations, grievances, etc. In most cases, problems are resolved through compromise. Under this bill, the balance between labor and management would be permanently modified with the taxpayers, clients and other citizen groups being shortchanged.

If managers were allowed to collectively bargain an enormous conflict of interest would result. Management and labor would be on the same side of the table. Bureau heads could not be expected to manage entire agencies alone. Managers typically possess the ultimate authority to hire and fire. If managers were allowed to become "brothers" with bargaining unit members, the demarcation lines would be blurred. In the name of labor solidarity, managers might have divided loyalties and work not for the benefit of the employer and the taxpayers of the State, but the benefit of other bargaining unit members. Managers are responsible for developing the budgets within which other agency employees are expected to operate. Under this legislation, there would be no one to exercise the necessary oversight in limiting expenditures or forcing employees to operate within an established budgetary frame-

work. Everyone, with the exception of a very limited few, would all have a common "self" interest.

In any employment dispute, labor would control since almost the entire hierarchy of an agency would be on the same side of the table. Management by definition cannot be unionized and this bill would upset the delicate balance between management and labor that has existed for a considerable period of time. When the legislature allowed lieutenants in the Department of Corrections to unionize, it did so by recognizing that they are supervisors and that excluding managers from collective bargaining is a sacrosanct element of good employee relations.

This bill also allows graduate assistants at the University of Connecticut and/or State Universities to be considered employees of the State and engage in collective bargaining. These individuals provide service to the institution of higher education as part of their academic degree program. They are "learning while doing" and generally receive academic credit for such service and may be compensated for such service as part of their "award" for scholarship and/or need. These individuals are not employees of the State. As a condition precedent to their service, they must be enrolled at their respective institution of higher education and, but for, their enrollment and education, they would not be permitted to provide such service. The legislature has long recognized that the inclusion of graduate assistants in the definition of "employee" is wholly inappropriate and contrary to the educational mandates and core curriculum of any graduate program. If a student provides service to the State that is not part of their academic program, scholarship/grant award or work-study assistance, such service is considered employment. As such, if other individuals performing such work are included in a collective bargaining unit, so is the student as the employment is unrelated to their status as a student.

It is interesting that the bill also allows capitol police, at the rank below lieutenant, to be members of a collective bargaining unit. The exclusion of individuals from collective bargaining in the ranks of lieutenant and above is an appropriate recognition by the legislature that there must be a management structure in any organization which is excluded from collective bargaining. This exclusion makes it clear that the arguments expressed above to exclude managers from collective bargaining have been validated, in large measure, by the legislature.

It is imperative, however, that the State treats its managers with the same respect given to its unionized workforce. The wage increases and benefits afforded both groups should be comparable. To separate this group, to receive less than the unionized workforce that they manage is counterintuitive.