



General Assembly

Substitute Bill No. 6422

January Session, 2011

* _____HB06422ED_____032811_____*

**AN ACT CONCERNING THE NOTIFICATION OF MEDIATION AND
ARBITRATION DECISIONS IN DISPUTES BETWEEN BOARDS OF
EDUCATION AND TEACHERS BARGAINING UNITS.**

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

1 Section 1. Subdivision (4) of subsection (c) of section 10-153f of the
2 general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective July 1, 2011*):

4 (4) After hearing all the issues, the arbitrators or the single arbitrator
5 shall, within twenty days, render a decision in writing, signed by a
6 majority of the arbitrators or the single arbitrator, which states in detail
7 the nature of the decision and the disposition of the issues by the
8 arbitrators or the single arbitrator. The written decision shall include a
9 narrative explaining the evaluation by the arbitrators or the single
10 arbitrator of the evidence presented for each item upon which a
11 decision was rendered by the arbitrators or the single arbitrator and
12 shall state with particularity the basis for the decision as to each
13 disputed issue and the manner in which the factors enumerated in this
14 subdivision were considered in arriving at such decision, including,
15 where applicable, the specific similar groups and conditions of
16 employment presented for comparison and accepted by the arbitrators
17 or the single arbitrator and the reason for such acceptance. The
18 arbitrators or the single arbitrator shall file one copy of the decision
19 with the commissioner, each town clerk in the school district involved,

20 the legislative body or bodies of the town or towns for the school
21 district involved, or, in the case of a town for which the legislative
22 body of the town is a town meeting or representative town meeting, to
23 the board of selectmen, and the board of education and organization
24 which are parties to the dispute. The decision of the arbitrators or the
25 single arbitrator shall be final and binding upon the parties to the
26 dispute unless a rejection is filed in accordance with subdivision (7) of
27 this subsection. The decision of the arbitrators or the single arbitrator
28 shall incorporate those items of agreement the parties have reached
29 prior to its issuance. At any time prior to the issuance of a decision by
30 the arbitrators or the single arbitrator, the parties may jointly file with
31 the arbitrators or the single arbitrator, any stipulations setting forth
32 contract provisions which both parties agree to accept. In arriving at a
33 decision, the arbitrators or the single arbitrator shall give priority to
34 the public interest and the financial capability of the town or towns in
35 the school district, including consideration of other demands on the
36 financial capability of the town or towns in the school district. In
37 assessing the financial capability of the town or towns, there shall be
38 an irrebuttable presumption that a budget reserve of five per cent or
39 less is not available for payment of the cost of any item subject to
40 arbitration under this chapter. The arbitrators or the single arbitrator
41 shall further consider, in light of such financial capability, the
42 following factors: (A) The negotiations between the parties prior to
43 arbitration, including the offers and the range of discussion of the
44 issues; (B) the interests and welfare of the employee group; (C)
45 changes in the cost of living averaged over the preceding three years;
46 (D) the existing conditions of employment of the employee group and
47 those of similar groups; and (E) the salaries, fringe benefits, and other
48 conditions of employment prevailing in the state labor market,
49 including the terms of recent contract settlements or awards in
50 collective bargaining for other municipal employee organizations and
51 developments in private sector wages and benefits. The parties shall
52 submit to the arbitrators or the single arbitrator their respective
53 positions on each individual issue in dispute between them in the form
54 of a last best offer. The arbitrators or the single arbitrator shall resolve

55 separately each individual disputed issue by accepting the last best
56 offer thereon of either of the parties, and shall incorporate in a decision
57 each such accepted individual last best offer and an explanation of
58 how the total cost of all offers accepted was considered. The award of
59 the arbitrators or the single arbitrator shall not be subject to rejection
60 by referendum. The parties shall each pay the fee of the arbitrator
61 selected by or for them and share equally the fee of the third arbitrator
62 or the single arbitrator and all other costs incidental to the arbitration.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>July 1, 2011</i>	10-153f(c)(4)
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ED *Joint Favorable Subst.*