



General Assembly

January Session, 2011

Raised Bill No. 989

LCO No. 3572

03572_____LAB

Referred to Committee on Labor and Public Employees

Introduced by:
(LAB)

**AN ACT CONCERNING RESERVE FUND BALANCES AND CHANGES
TO MUNICIPAL BINDING ARBITRATION.**

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

1 Section 1. Subsection (d) of section 7-473c of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2011*):

4 (d) (1) The hearing may, at the discretion of the panel, be continued
5 and shall be concluded within twenty days after its commencement.
6 Not less than two days prior to the commencement of the hearing,
7 each party shall file with the chairperson of the panel, and deliver to
8 the other party, a proposed collective bargaining agreement, in
9 numbered paragraphs, which such party is willing to execute and cost
10 data for all provisions of such proposed agreement. At the
11 commencement of the hearing each party shall file with the panel a
12 reply setting forth (A) those paragraphs of the proposed agreement of
13 the other party which it is willing to accept, and (B) those paragraphs
14 of the proposed agreement of the other party which it is unwilling to
15 accept, together with any alternative contract language which such
16 party would accept in lieu of those paragraphs of the proposed

17 agreement of the other party which it is unwilling to accept. At any
18 time prior to the issuance of a decision by the panel, the parties may
19 jointly file with the panel stipulations setting forth the agreement
20 provisions which both parties have agreed to accept.

21 (2) Within five days after the conclusion of the taking of testimony,
22 the panel shall forward to each party an arbitration statement,
23 approved by a majority vote of the panel, setting forth all agreement
24 provisions agreed upon by both parties in the proposed agreements
25 and the replies, and in the stipulations, and stating, in numbered
26 paragraphs, those issues which are unresolved.

27 (3) Within ten days after the conclusion of the taking of testimony,
28 the parties shall file with the secretary of the State Board of Mediation
29 and Arbitration five copies of their statements of last best offer setting
30 forth, in numbered paragraphs corresponding to the statement of
31 unresolved issues contained in the arbitration statement, the final
32 agreement provisions proposed by such party. Immediately upon
33 receipt of both statement of last best offer or upon the expiration of the
34 time for filing such statements of last best offer, whichever is sooner,
35 said secretary shall distribute a copy of each such statement of last best
36 offer to the opposing party.

37 (4) Within seven days after the distribution of the statements of last
38 best offer or within seven days of the expiration of the time for filing
39 the statements of last best offer, whichever is sooner, the parties may
40 file with the secretary of the State Board of Mediation and Arbitration
41 five copies of their briefs on the unresolved issues. Immediately upon
42 receipt of both briefs or upon the expiration of the time for filing such
43 briefs, whichever is sooner, said secretary shall distribute a copy of
44 each such brief to the opposing party.

45 (5) Within five days after the distribution of the briefs on the
46 unresolved issues or within five days after the last day for filing such
47 briefs, whichever is sooner, each party may file with said secretary five
48 copies of a reply brief, responding to the briefs on the unresolved

49 issues. Immediately upon receipt of the reply briefs or upon the
50 expiration of the time for filing such reply briefs, whichever is sooner,
51 said secretary shall simultaneously distribute a copy of each such reply
52 brief to the opposing party.

53 (6) Within twenty days after the last day for filing such reply briefs,
54 the panel shall issue, upon majority vote, and file with the State Board
55 of Mediation and Arbitration its decision on all unresolved issues set
56 forth in the arbitration statement, and said secretary shall immediately
57 and simultaneously distribute a copy thereof to each party. The panel
58 shall treat each unresolved issue set forth in the arbitration statement
59 as a separate question to be decided by it. In deciding each such
60 question, the panel agreement shall accept the final provision relating
61 to such unresolved issue as contained in the statement of last best offer
62 of one party or the other. As part of the arbitration decision, each
63 member shall state the specific reasons and standards used in making
64 a choice on each unresolved issue.

65 (7) The parties may jointly file with the panel stipulations
66 modifying, deferring or waiving any or all provisions of this
67 subsection.

68 (8) If the day for filing any document required or permitted to be
69 filed under this subsection falls on a day which is not a business day of
70 the State Board of Mediation and Arbitration then the time for such
71 filing shall be extended to the next business day of such board.

72 (9) In arriving at a decision, the arbitration panel shall give priority
73 to the public interest and the financial capability of the municipal
74 employer, including consideration of other demands on the financial
75 capability of the municipal employer, except that the arbitrator panel
76 shall not consider the municipality's reserve fund balance in
77 determining the financial capability of the municipal employer. The
78 panel shall further consider the following factors in light of such
79 financial capability: (A) The negotiations between the parties prior to
80 arbitration; (B) the interests and welfare of the employee group; (C)

81 changes in the cost of living; (D) the existing conditions of employment
82 of the employee group and those of similar groups; and (E) the wages,
83 salaries, fringe benefits, and other conditions of employment
84 prevailing in the labor market, including developments in private
85 sector wages and benefits.

86 (10) The decision of the panel and the resolved issues shall be final
87 and binding upon the municipal employer and the municipal
88 employee organization except as provided in subdivision (12) of this
89 subsection and, if such award is not rejected by the legislative body
90 pursuant to said subdivision, except that a motion to vacate or modify
91 such decision may be made in accordance with sections 52-418 and
92 52-419.

93 (11) In regard to all proceedings undertaken pursuant to this
94 subsection the secretary of the State Board of Mediation and
95 Arbitration shall serve as staff to the arbitration panel.

96 (12) Within twenty-five days of the receipt of an arbitration award
97 issued pursuant to this section, the legislative body of the municipal
98 employer may reject the award of the arbitrators or single arbitrator by
99 a two-thirds majority vote of the members of such legislative body
100 present at a regular or special meeting called and convened for such
101 purpose.

102 (13) Within ten days after such rejection, the legislative body or its
103 authorized representative shall be required to state, in writing, the
104 reasons for such vote and shall submit such written statement to the
105 State Board of Mediation and Arbitration and the municipal employee
106 organization. Within ten days after receipt of such notice, the
107 municipal employee organization shall prepare a written response to
108 such rejection and shall submit it to the legislative body and the State
109 Board of Mediation and Arbitration.

110 (14) Within ten days after receipt of such rejection notice, the State
111 Board of Mediation and Arbitration shall select a [review panel of

112 three arbitrators or, if the parties agree, a] single arbitrator who [are
 113 residents] is a resident of Connecticut and a labor relations [arbitrators]
 114 arbitrator approved by the American Arbitration Association and was
 115 not [members] a member of the panel who issued the rejected award.
 116 Such [arbitrators or single] arbitrator shall review the decision on each
 117 such rejected issue. The review conducted pursuant to this subdivision
 118 shall be limited to the record and briefs of the hearing pursuant to
 119 subsection (c) of this section, the written explanation of the reasons for
 120 the vote and a written response by either party. In conducting such
 121 review, the [arbitrators or single] arbitrator shall be limited to
 122 consideration of the criteria set forth in subdivision (9) of this
 123 subsection. Such review shall be completed within twenty days of the
 124 appointment of the [arbitrators or single] arbitrator. The [arbitrators or
 125 single] arbitrator shall accept the last best offer of either of the parties.

126 (15) Within five days after the completion of such review, the
 127 [arbitrators or single] arbitrator shall render a decision with respect to
 128 each rejected issue which shall be final and binding upon the
 129 municipal employer and the employee organization except that a
 130 motion to vacate or modify such award may be made in accordance
 131 with sections 52-418 and 52-419. The decision of the [arbitrators or
 132 single] arbitrator shall be in writing and shall include specific reasons
 133 and standards used by [each] the arbitrator in making a decision on
 134 each issue. The decision shall be filed with the parties. The reasonable
 135 costs of the [arbitrators or single] arbitrator and the cost of the
 136 transcript shall be paid by the legislative body. Where the legislative
 137 body of a municipal employer is the town meeting, the board of
 138 selectmen shall perform all of the duties and shall have all of the
 139 authority and responsibilities required of and granted to the legislative
 140 body under this subsection.

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| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | <i>October 1, 2011</i> | 7-473c(d) |

Statement of Purpose:

To prevent an arbitration panel from considering a municipal reserve fund balance when determining a municipality's financial capability and to limit the review of a rejected arbitration award by a municipality to a single arbitrator.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]