



# House of Representatives

General Assembly

**File No. 21**

February Session, 2012

Substitute House Bill No. 5203

*House of Representatives, March 13, 2012*

The Committee on Labor and Public Employees reported through REP. ZALASKI of the 81st Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***AN ACT CONCERNING MUNICIPAL COLLECTIVE BARGAINING  
ARBITRATION AND THE APPOINTMENT OF ARBITRATORS TO THE  
ARBITRATION PANEL.***

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

1 Section 1. Subsection (b) of section 7-473c of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *January 1, 2013*):

4 (b) (1) If neither the municipal employer nor the municipal  
5 employee organization has requested the arbitration services of the  
6 State Board of Mediation and Arbitration (A) within one hundred  
7 eighty days after the certification or recognition of a newly certified or  
8 recognized municipal employee organization required to commence  
9 negotiations pursuant to section 7-473a, or (B) within thirty days after  
10 the expiration of the current collective bargaining agreement, or within  
11 thirty days after the specified date for implementation of reopener  
12 provisions in an existing collective bargaining agreement, or within

13 thirty days after the date the parties to an existing collective bargaining  
14 agreement commence negotiations to revise said agreement on any  
15 matter affecting wages, hours, and other conditions of employment,  
16 said board shall notify the municipal employer and municipal  
17 employee organization that one hundred eighty days have passed  
18 since the certification or recognition of the newly certified or  
19 recognized municipal employee organization, or that thirty days have  
20 passed since the specified date for implementation of reopener  
21 provisions in an existing agreement, or the date the parties  
22 commenced negotiations to revise an existing agreement on any matter  
23 affecting wages, hours and other conditions of employment or the  
24 expiration of such collective bargaining agreement and that binding  
25 and final arbitration is now imposed on them, provided written  
26 notification of such imposition shall be sent by registered mail or  
27 certified mail, return receipt requested, to each party.

28 (2) Within ten days [of receipt of] after the parties receive the  
29 written notification required pursuant to subdivision (1) of this  
30 subsection, the chief executive officer of the municipal employer and  
31 the executive head of the municipal employee organization each shall  
32 select one member of the arbitration panel. Within five days of their  
33 appointment, the [two members of the arbitration panel] State Board of  
34 Mediation and Arbitration shall select a third member, who shall be  
35 (A) an impartial representative of the interests of the public in general,  
36 (B) a resident of the state, and (C) and who shall be selected at random  
37 from the panel of neutral arbitrators appointed pursuant to subsection  
38 (a) of this section. Such third member shall be the chairperson of the  
39 panel.

40 (3) In the event that the municipal employer or the municipal  
41 employee organization have not selected their respective members of  
42 the arbitration panel, [or the two members of the panel have not  
43 selected the third member,] the State Board of Mediation and  
44 Arbitration shall appoint such members as are needed to complete the  
45 panel, provided (A) the member or members so appointed are  
46 residents of this state, and (B) the [selection of the third member of the

47 panel by the State Board of Mediation and Arbitration] member or  
48 members shall be [made] selected at random from among the members  
49 of the panel of neutral arbitrators appointed pursuant to subsection (a)  
50 of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	January 1, 2013	7-473c(b)

**LAB**      *Joint Favorable Subst.*

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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.

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***OFA Fiscal Note***

***State Impact:*** None

***Municipal Impact:*** None

***Explanation***

This bill, which changes the selection process for arbitration panel members in municipal interest arbitration cases, has no fiscal impact on the state or municipalities.

***The Out Years***

***State Impact:*** None

***Municipal Impact:*** None

**OLR Bill Analysis****sHB 5203*****AN ACT CONCERNING MUNICIPAL COLLECTIVE BARGAINING  
ARBITRATION AND THE APPOINTMENT OF ARBITRATORS TO  
THE ARBITRATION PANEL.*****SUMMARY:**

In a municipal interest arbitration case, the law requires a municipality's chief executive officer and a municipal employee union's executive head to each choose one member to serve on the three-member arbitration panel that decides the case. Under current law, these two panel members then mutually select the third member from the panel of neutral arbitrators, who serves as chairperson. This bill removes the municipality and union representatives' ability to select the third member and instead requires the State Board of Mediation and Arbitration (SBMA) to randomly assign an arbitrator from the panel of neutral arbitrators.

If either party fails to pick its respective member for the arbitration panel, the law requires the SBMA to pick a member for them, who must be a state resident. The bill adds a requirement that the SBMA selection in these instances also be randomly chosen from the panel of neutral arbitrators.

EFFECTIVE DATE: January 1, 2013

**BACKGROUND*****Panel of Neutral Arbitrators***

By law, membership on the panel of neutral arbitrators requires unanimous approval from a 10-member Neutral Arbitrator Selection Committee appointed by the labor commissioner. Membership on the selection committee must be evenly divided between members

representing employee and municipal interests, with at least one representative of the Connecticut Conference of Municipalities. Neutral arbitrators, who must be state residents, serve two-year terms on the panel and must be unanimously reappointed by the selection committee.

**COMMITTEE ACTION**

Labor and Public Employees Committee

Joint Favorable Substitute

Yea 7      Nay 3      (03/06/2012)