

IN OPPOSITION TO:  
HOUSE BILL 5201  
HOUSE BILL 5238

IN SUPPORT OF  
HOUSE BILL 5202  
HOUSE BILL 5203

TESTIMONY OF ERIC R. BROWN  
STAFF ATTORNEY AND LOBBYIST

CONNECTICUT COUNCIL OF POLICE UNIONS  
AFSCME, COUNCIL 15

BEFORE THE LABOR AND PUBLIC EMPLOYEES COMMITTEE OF  
THE CONNECTICUT GENERAL ASSEMBLY

MARCH 1, 2012

Ladies and Gentlemen of the Committee, my name is Eric Brown and I am the Senior Staff Attorney and Lobbyist with AFSCME Council 15, a labor union representing the interests of more than 4000 police officers in 62 municipal communities throughout Connecticut.

I am here today to speak regarding a number of bills designed to modify the arbitration process in Connecticut. While we are opposed to the language in some of the following bills, we are not opposed to the concept of reform.

In addition to our comments here today, we believe that the interest arbitration evidentiary process should be open to the public so that the public can be made aware of what goes into the process, and have a greater understanding of the fairness of the process. The more transparency, the better as far as we are concerned.

I am here to testify in opposition to the language in the following bills before this Committee:

5201 - AN ACT CONCERNING DEADLINES FOR THE COMPLETION OF MUNICIPAL BINDING ARBITRATIONS

We are in agreement that binding deadlines must be placed upon the binding arbitration process. However those proposed in this bill are far too restrictive to be effective. The binding arbitration process is an intensive evidentiary process requiring the coordination of witnesses and experts, as well as a thorough presentation of volumes of financial information and other documentary evidence relevant to the process.

We believe that a process required to be concluded within one year from the expiration of the collective bargaining agreement would serve the purposes of the public, without unfairly burdening the participants in the process.

Subject to this modification, we are in agreement with the proposals in this bill and believe that they would move collective bargaining in a positive direction.

5238 – AN ACT CONCERNING MUNICIPAL ARBITRATIONS AND A MUNICIPALITY’S RESERVE FUND BALANCE

We are opposed to this provision which would disallow the consideration of a municipality’s reserve fund balance. Reserve fund balances are a key indicator of a municipality’s fiscal health, and exclusion from consideration by the Panel would give the Panel a false version of the actual financial health of a municipality. Those of us who practice in the field know that bond ratings houses want to see a fund balance in the range of 5% to 7% of budget, and arbitrators know that balances below 5% are untouchable. However, it is rare that we will argue that fund balances should be utilized to fund benefit improvements. We will however argue that a full and complete consideration of the whole financial picture of a municipality is relevant to the Panel’s consideration of proposed financial and benefit improvements for our members. A municipality’s fund balance is a key component of its fiscal health and it should always be considered by a Panel in rendering its decision.

We are **in favor of** the following bills:

5202 – AN ACT CONCERNING THE ISSUING OF DECISIONS BY MEMBERS OF THE BOARD OF MEDIATION AND ARBITRATION

We support any legislative action which will lead to a timely rendering of awards. When awards sometimes languish in limbo for a year or more, we believe it is incumbent upon the legislature to take action, and this legislation is movement in the right direction.

5203 - AN ACT CONCERNING MUNICIPAL COLLECTIVE BARGAINING ARBITRATION AND THE APPOINTMENT OF ARBITRATORS TO THE ARBITRATION PANEL.

This bill would modify the selection process for arbitrators, to create panels consisting of three neutral arbitrators. The concept is novel, and we believe would lead to decisions that are less subject to the whims of a single neutral arbitrator, and better grounded in fact and law, based upon the deliberations of three certified neutral arbitrators. Further, we believe that placing the decision in the hands of three randomly chosen arbitrators would more likely lead to negotiated agreements, which is always preferable to arbitrated awards.