



General Assembly

February Session, 2012

Raised Bill No. 5403

LCO No. 1306

01306_____LAB

Referred to Committee on Labor and Public Employees

Introduced by:
(LAB)

AN ACT PROHIBITING LOBBYING BY STATE EMPLOYEES ON STATE TIME.

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

1 Section 1. Section 5-272 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2012*):

3 (a) Employers or their representatives or agents are prohibited from:
4 (1) Interfering with, restraining or coercing employees in the exercise
5 of the rights guaranteed in section 5-271 including a lockout; (2)
6 dominating or interfering with the formation, existence or
7 administration of any employee organization; (3) discharging or
8 otherwise discriminating against an employee because he has signed
9 or filed any affidavit, petition or complaint or given any information or
10 testimony under sections 5-270 to 5-280, inclusive; (4) refusing to
11 bargain collectively in good faith with an employee organization
12 which has been designated in accordance with the provisions of said
13 sections as the exclusive representative of employees in an appropriate
14 unit; including but not limited to refusing to discuss grievances with
15 such exclusive representative; (5) discriminating in regard to hiring or
16 tenure of employment or any term or condition of employment to

17 encourage or discourage membership in any employee organization;
18 (6) refusing to reduce a collective bargaining agreement to writing and
19 to sign such agreement; (7) violating any of the rules and regulations
20 established by the board regulating the conduct of representation
21 elections.

22 (b) Employee organizations or their agents are prohibited from: (1)
23 Restraining or coercing employees in the exercise of the rights
24 guaranteed in subsection (a) of section 5-271; (2) restraining or coercing
25 an employer in the selection of his representative for purposes of
26 collective bargaining or the adjustment of grievances; (3) refusing to
27 bargain collectively in good faith, with an employer, if it has been
28 designated in accordance with the provisions of sections 5-270 to 5-280,
29 inclusive, as the exclusive representative of employees in an
30 appropriate unit; (4) breaching their duty of fair representation
31 pursuant to section 5-271; (5) violating any of the rules and regulations
32 established by the board regulating the conduct of representation
33 elections; [or] (6) refusing to reduce a collective bargaining agreement
34 to writing and sign such agreement; or (7) if the agent is an employee
35 of an employer, as defined in section 5-270, engaging in lobbying, as
36 defined in section 1-91, while on duty with the employer or within any
37 period of time during which such employee is expected to perform
38 services for which he or she receives compensation from the employer
39 unless such employee elects to use his or her accumulated
40 compensatory, personal or vacation leave.

41 (c) For the purposes of sections 5-270 to 5-280, inclusive, to bargain
42 collectively is the performance of the mutual obligation of the
43 employer or his designated representatives and the representative of
44 the employees to meet at reasonable times, including meetings
45 appropriately related to the budget-making process, and bargain in
46 good faith with respect to wages, hours and other conditions of
47 employment, except as provided in subsection (d) of this section, or the
48 negotiation of an agreement, or any question arising thereunder, and
49 the execution of a written contract incorporating any agreement

50 reached if requested by either party, but such obligation shall not
51 compel either party to agree to a proposal or require the making of a
52 concession.

53 (d) Nothing [herein] in this section shall diminish the authority and
54 power of the Employees' Review Board, the Department of
55 Administrative Services or any state agency established by statute,
56 charter or special act to establish, conduct and grade merit
57 examinations and to rate candidates in order of their relative
58 excellence from which appointments or promotions may be made to
59 positions in the competitive division of the classified service of the
60 state served by the Department of Administrative Services. The
61 establishment, conduct and grading of merit examinations, the rating
62 of candidates and the establishment of lists from such examinations
63 and the appointments from such lists shall not be subject to collective
64 bargaining.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2012</i>	5-272

Statement of Purpose:

To prevent union representatives who are also state employees from engaging in lobbying during the period of time they are being paid to perform services for the state.

[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.]