



General Assembly

February Session, 2014

Raised Bill No. 5066

LCO No. 536



Referred to Committee on LABOR AND PUBLIC EMPLOYEES

Introduced by:
(LAB)

AN ACT CONCERNING CERTAIN WORKERS' RIGHTS TO COLLECTIVELY BARGAIN.

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

1 Section 1. Subsection (c) of section 10-153b of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2014*):

4 (c) The employees in either unit defined in this section may
5 designate any organization of certified professional employees to
6 represent them in negotiations with respect to salaries, hours and other
7 conditions of employment with the local or regional board of
8 education which employs them by filing, during the period between
9 March first and March thirty-first of any school year, with the local or
10 regional board of education, or in the case of a state charter school, as
11 defined in section 10-66aa, the State Board of Education, a petition
12 which requests recognition of such organization for purposes of
13 negotiation under this section and sections 10-153c to 10-153n,
14 inclusive, and is signed by a majority of the employees in such unit.
15 Where a new school district is formed as the result of the creation of a

16 regional school district, a petition for designation shall also be
17 considered timely if it is filed at any time from the date when such
18 regional school district is approved pursuant to section 10-45 through
19 the first school year of operation of any such school district. Where a
20 new school district is formed as a result of the dissolution of a regional
21 school district, a petition for designation shall also be considered
22 timely if it is filed at any time from the date of the election of a board
23 of education for such school district through the first year of operation
24 of any such school district. Within three school days next following the
25 receipt of such petition, such [board] local or regional board of
26 education shall post a notice of such request for recognition and mail a
27 copy thereof to the commissioner, except that if such petition is filed
28 by the employees of a state charter school, the State Board of Education
29 shall post a notice of such request for recognition and mail a copy
30 thereof to the commissioner and the governing council of such charter
31 school. Such notice shall state the name of the organization designated
32 by the petitioners, the unit to be represented and the date of receipt of
33 such petition by the [board] local or regional board of education or the
34 State Board of Education. If no petition which requests a
35 representation election and is signed by twenty per cent of the
36 employees in such unit is filed in accordance with the provisions of
37 subsection (d) of this section, with the commissioner within the thirty
38 days next following the date on which the local or regional board of
39 education or the State Board of Education posts notice of the
40 designation petition, such [board] local or regional board of education,
41 or in the case of a state charter school, the governing council of such
42 school, shall recognize the designated organization as the exclusive
43 representative of the employees in such unit for a period of one year or
44 until a representation election has been held for such unit pursuant to
45 this section and section 10-153c, whichever occurs later. If a petition
46 complying with the provisions of subsection (d) of this section is filed
47 within such period of thirty days, the local or regional board of
48 education, or in the case of a state charter school, the governing council
49 of such school, shall not recognize any organization so designated

50 until an election has been held pursuant to said sections to determine
51 which organization shall represent such unit.

52 Sec. 2. Subsection (g) of section 45a-8a of the general statutes is
53 repealed and the following is substituted in lieu thereof (*Effective*
54 *October 1, 2014*):

55 (g) Each administrative judge for a regional children's probate court
56 may, with the approval of the Probate Court Administrator, employ
57 such persons as may be required for the efficient operation of the
58 regional children's probate court. Such employees shall be employees
59 of the regional children's probate court and shall be entitled to the
60 benefits of probate court employees under this chapter. Such
61 employees shall not be deemed to be state employees except for
62 purposes of chapter 68.

63 Sec. 3. Section 45a-21 of the general statutes is repealed and the
64 following is substituted in lieu thereof (*Effective October 1, 2014*):

65 Probate Court employees shall not be deemed state employees [and
66 shall serve at the pleasure of the judge of the court of probate in which
67 they are employed] except for purposes of chapter 68.

68 Sec. 4. Subdivisions (6) and (7) of section 31-101 of the general
69 statutes are repealed and the following is substituted in lieu thereof
70 (*Effective October 1, 2014*):

71 (6) "Employee" includes, but shall not be restricted to, any
72 individual employed by a labor organization, any individual whose
73 employment has ceased as a consequence of, or in connection with,
74 any current labor dispute or because of any unfair labor practice, and
75 who has not obtained any other regular and substantially equivalent
76 employment, and shall not be limited to the employees of a particular
77 employer; but shall not include any individual employed by his parent
78 or spouse or in the domestic service of any person in his home [,] or
79 any individual employed only for the duration of a labor dispute; [or

80 any individual employed as an agricultural worker;]

81 (7) "Employer" means any person acting directly or indirectly in the
82 interest of an employer in relation to an employee, but shall not
83 include [any person engaged in farming, or] any person subject to the
84 provisions of the National Labor Relations Act, unless the National
85 Labor Relations Board has declined to assert jurisdiction over such
86 person, or any person subject to the provisions of the Federal Railway
87 Labor Act, or the state or any political or civil subdivision thereof or
88 any religious agency or corporation, or any labor organization, except
89 when acting as an employer, or any one acting as an officer or agent of
90 such labor organization. An employer licensed by the Department of
91 Public Health under section 19a-490 shall be subject to the provisions
92 of this chapter with respect to all its employees except those licensed
93 under chapters 370 and 379, unless such employer is the state or any
94 political subdivision thereof;

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2014</i>	10-153b(c)
Sec. 2	<i>October 1, 2014</i>	45a-8a(g)
Sec. 3	<i>October 1, 2014</i>	45a-21
Sec. 4	<i>October 1, 2014</i>	31-101(6) and (7)

Statement of Purpose:

To clarify the process by which certain workers may collectively bargain.

[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.]