



General Assembly

February Session, 2014

Raised Bill No. 63

LCO No. 525



Referred to Committee on LABOR AND PUBLIC EMPLOYEES

Introduced by:
(LAB)

AN ACT CONCERNING TIMELINES FOR ARBITRATION AWARDS.

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

1 Section 1. Subsection (a) of section 31-98 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2014*):

4 (a) The panel, or its single member if sitting in accordance with
5 section 31-93, may, in its discretion and with the consent of the parties,
6 issue an oral decision immediately upon conclusion of the
7 proceedings. If the decision is to be in writing, it shall be signed, within
8 fifteen days, by a majority of the members of the panel or by the single
9 member so sitting, and the decision shall state such details as will
10 clearly show the nature of the decision and the points disposed of by
11 the panel. Where the decision is in writing, one copy thereof shall be
12 filed by the panel in the office of the town clerk in the town where the
13 controversy arose and one copy shall be given to each of the parties to
14 the controversy. The panel or single member which has rendered an
15 oral decision immediately upon conclusion of the proceedings shall
16 submit a written copy of the decision to each party within fifteen days

17 from the issuance of such oral decision. In all cases where a decision is
18 rendered orally from the bench, the secretary shall cause such oral
19 decision to be transcribed, approved by the panel or single member as
20 applicable and filed with the records of the board proceedings. Any
21 award rendered pursuant to a written or oral decision of the board
22 shall be issued to the aggrieved party not later than sixty days
23 following the date the board notifies the parties of its decision.

24 Sec. 2. Section 31-107 of the general statutes is repealed and the
25 following is substituted in lieu thereof (*Effective October 1, 2014*):

26 (a) The board is empowered and directed to prevent any unfair
27 labor practices. When a complaint has been made to the board that any
28 employer has engaged in or is engaging in an unfair labor practice, the
29 board shall refer such complaint to the agent who shall, after
30 investigation and within ninety days after the date of such referral,
31 either (1) make a report to the board recommending dismissal of the
32 complaint, or (2) issue a written complaint charging unfair labor
33 practices. If no such report is made and no such written complaint is
34 issued, the board may in its discretion proceed to a hearing upon the
35 party's original complaint of the violation of this chapter which shall in
36 such case be treated for the purpose of this section as a complaint
37 issued by the agent. Upon receiving a report from the agent
38 recommending dismissal of a complaint, the board may issue an order
39 dismissing the complaint or may order a further investigation or a
40 hearing thereon.

41 (b) Upon receiving a complaint issued by the agent, the board shall
42 set a time and place for the hearing, which time and place may be
43 changed by the board at the request of the agent or the employer for
44 cause shown. Any such complaint may be amended with the
45 permission of the board. The person so complained of shall have the
46 right to file an answer to the original or amended complaint within
47 five days after the service of such complaint or within such other time
48 as the board may limit. Such person shall have the right to appear in

49 person or otherwise to defend against such complaint. In the discretion
50 of the board any person may be allowed to intervene in such
51 proceeding. In any hearing the board shall not be bound by technical
52 rules of evidence prevailing in the courts.

53 (c) A stenographic or electronic record of the testimony shall be
54 taken at all hearings of the board and a transcript thereof shall be filed
55 with the board upon its request. The board shall have the power to
56 order the taking of further testimony and for further argument. If,
57 upon all the testimony, the board determines that the employer has
58 engaged in or is engaging in any unfair labor practice, it shall state its
59 finding of fact and shall issue and cause to be served on such employer
60 an order requiring him to cease and desist from such unfair labor
61 practice, and shall take such further affirmative action as will
62 effectuate the policies of this chapter, including, but not limited to: (1)
63 Withdrawal of recognition from and refraining from bargaining
64 collectively with any company union, established, maintained or
65 assisted by any action defined in this chapter as an unfair labor
66 practice; (2) awarding of back pay; (3) reinstatement with or without
67 back pay of any employee discriminated against in violation of section
68 31-105 or by maintenance of a preferential list from which such
69 employee shall be returned to work; (4) reinstatement with or without
70 back pay of all employees whose work has ceased or whose return to
71 work has been delayed or prevented as the result of unfair labor
72 practice in respect to any employee or employees or the maintenance
73 of a preferential list from which such employees shall be returned to
74 work. Such order may further require such person to make reports
75 from time to time showing the extent to which the order has been
76 complied with. If upon all the testimony the board is of the opinion
77 that the person or persons named in the complaint have not engaged
78 in or are not engaging in any such unfair labor practice, then the board
79 shall make its finding of fact and shall issue an order dismissing the
80 complaint. The board shall not require as a condition of taking action
81 or issuing any order under this chapter that employees on strike or

82 engaged in any other lawful concerted activity shall discontinue such
83 strike or such activity. Until a transcript of the record in a case has
84 been filed in the Superior Court, as provided in section 31-109, the
85 board may, at any time, upon notice, modify or set aside in whole or in
86 part any finding or order made or issued by it. Proceedings before the
87 board shall be held with all possible expedition. A party against whom
88 any order, action or award is rendered by the board shall comply with
89 such order, action or award not later than sixty days following the date
90 the board notifies the parties of such order, action or award.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2014</i>	31-98(a)
Sec. 2	<i>October 1, 2014</i>	31-107

Statement of Purpose:

To establish firm timelines for the issuance of awards in cases before the State Board of Mediation and Arbitration and the State Board of Labor Relations.

[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.]