



# Senate

General Assembly

**File No. 272**

February Session, 2014

Substitute Senate Bill No. 222

*Senate, April 2, 2014*

The Committee on Labor and Public Employees reported through SEN. HOLDER-WINFIELD of the 10th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

## **AN ACT CONCERNING THE DEFINITION OF MANAGERIAL EMPLOYEE.**

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

1 Section 1. Subsection (g) of section 5-270 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective from*  
3 *passage*):

4 (g) "Managerial employee" means any individual in a position in  
5 which the principal functions are characterized by not fewer than two  
6 of the following, provided [for any position in any unit of the system  
7 of higher education,] one of such two functions shall be as specified in  
8 subdivision (4) of this subsection: (1) Responsibility for direction of a  
9 subunit or facility of a major division of an agency or assignment to an  
10 agency head's staff; (2) development, implementation and evaluation  
11 of goals and objectives consistent with agency mission and policy; (3)  
12 participation in the formulation of agency policy; or (4) a major role in  
13 the administration of collective bargaining agreements or major

14 personnel decisions, or both, including staffing, hiring, firing,  
15 evaluation, promotion and training of employees.

|   |                     |          |
|---|---------------------|----------|
| This act shall take effect as follows and shall amend the following sections: |                     |          |
| Section 1   | <i>from passage</i> | 5-270(g) |

**LAB**      *Joint Favorable Subst.*

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:** See Below

**Municipal Impact:** See Below

**Explanation**

Under current law managers cannot collectively bargain with the state. This bill, which specifies certain conditions for a state employee to be considered a manager, would likely reduce the number of managers.

The bill is not anticipated to result in direct fiscal impact, however, it would allow these employees to unionize and collectively bargain. To the extent that certain employees who are no longer managers unionize and collectively bargain with the state, increased costs may result. Any costs would depend on the outcome of collective bargaining negotiations.

**The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to collective bargaining negotiation if certain employees unionize and collectively bargain with the state.

**OLR Bill Analysis****sSB 222*****AN ACT CONCERNING THE DEFINITION OF MANAGERIAL EMPLOYEE.*****SUMMARY:**

This bill specifies that, to be considered a state employee “manager,” a state employee must play a major role in administering of collective bargaining agreements or major personnel decisions, including hiring and firing. The practical effect of this is fewer state employees would be considered managers, and those who are no longer managers would be eligible to form a union.

By law, state employee managers cannot collectively bargain with the state.

EFFECTIVE DATE: Upon passage

**STATE MANAGERS**

Under current law, a manager in state government, except for higher education, is any one holding a position in which the principal functions include at least two of the following:

1. (a) responsibility for directing a subunit or facility of a major division of an agency or (b) assignment to an agency head’s staff;
2. developing, implementing, and evaluating goals and objectives consistent with an agency’s mission and policy;
3. participating in the formulation of agency policy; or
4. a major role in administering collective bargaining agreements or major personnel decisions, or both, including staffing, hiring, firing, evaluating, promoting, and training of employees.

The bill requires the last item on the list, a major role in the administering collective bargaining agreements or major personnel decisions, to be among the position's duties in order for an employee to be classified as a manager. This is the current standard for managers in any unit of the state higher education system.

**COMMITTEE ACTION**

Labor and Public Employees Committee

Joint Favorable Substitute

Yea 7      Nay 3      (03/18/2014)