



# House of Representatives

General Assembly

**File No. 222**

January Session, 2015

House Bill No. 5860

*House of Representatives, March 26, 2015*

The Committee on Labor and Public Employees reported through REP. TERCYAK of the 26th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

## ***AN ACT RECOGNIZING PROBATE COURT EMPLOYEES AS STATE EMPLOYEES FOR PURPOSES OF COLLECTIVE BARGAINING.***

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

1 Section 1. Subsection (g) of section 45a-8a of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2015*):

4 (g) Each administrative judge for a regional children's probate court  
5 may, with the approval of the Probate Court Administrator, employ  
6 such persons as may be required for the efficient operation of the  
7 regional children's probate court. Such employees shall be employees  
8 of the regional children's probate court and shall be entitled to the  
9 benefits of probate court employees under this chapter. Such  
10 employees shall not be deemed to be state employees except for  
11 purposes of chapter 68.

12 Sec. 2. Section 45a-21 of the general statutes is repealed and the  
13 following is substituted in lieu thereof (*Effective October 1, 2015*):

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

|   |                        |           |
|---|------------------------|-----------|
| This act shall take effect as follows and shall amend the following sections: |                        |           |
| Section 1   | <i>October 1, 2015</i> | 45a-8a(g) |
| Sec. 2  | <i>October 1, 2015</i> | 45a-21    |

**LAB**      *Joint Favorable*

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.

**OFA Fiscal Note**

**State Impact:**

| Agency Affected | Fund-Effect         | FY 16 \$  | FY 17 \$  |
|-----------------|---------------------|-----------|-----------|
| Probate Court   | PCAF - Cost         | See Below | See Below |
| Judicial Dept.  | GF - Potential Cost | See Below | See Below |

PCAF = Probate Court Administration Fund

**Municipal Impact:** None

**Explanation**

The bill allows probate court employee to become a collectively bargained unit or units and results in a cost to the Probate Court Administration (PCA). PCA currently has no human resources/labor relations staff and it is anticipated that PCA would need two additional staff to oversee human resources and labor relations for the probate courts at a cost of \$395,093 in FY 16 (\$250,000 for salaries and other expenses and \$145,093 for fringe benefits<sup>1</sup>) and \$411,147 in FY 17 (\$259,525 for salaries and other expenses and \$151,622 for fringe benefits). This cost assumes one unified collective bargaining unit amongst all probate court employees.

However if the probate courts employees choose to create multiple collective bargaining units, the bill would result in significant costs to hire human resources/labor relations staff for the probate courts. It is anticipated that an additional 10 positions would be needed, resulting in a cost of \$964,700 in FY 16 (\$550,000 for salaries and other expenses

<sup>1</sup> The fringe benefit costs for employees funded out of other appropriated funds are budgeted within the fringe benefit account of those funds, as opposed to the fringe benefit accounts within the Office of the State Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes for other appropriated fund employees is 82.91% of payroll in FY 16 and FY 17.

and \$414,700 for fringe benefits) and \$1,006,962 in FY 17 (\$573,600 for salaries and other expenses and \$433,362 in fringe benefits).

In addition, it should be noted that the bill may result in additional costs to the Probate Court Administration based on the negotiated agreement with the collective bargaining unit. Cost will be dependent on the terms of the negotiated agreement.

The Probate Court Administration Fund receives revenue through probate court fees as well as a General Fund subsidy through an appropriated account in the Judicial Department. These additional costs may result in an increase to the General Fund subsidy or an increase to probate court fees.

### ***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

*Sources: Core-CT Financial Accounting System*

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**OLR Bill Analysis****HB 5860****AN ACT RECOGNIZING PROBATE COURT EMPLOYEES AS STATE EMPLOYEES FOR PURPOSES OF COLLECTIVE BARGAINING.****SUMMARY:**

This bill provides collective bargaining (i.e., unionizing) rights to probate court employees. Current law prohibits this.

Under the bill, these employees are considered state employees for collective bargaining purposes only, subject to the state employee collective bargaining law. The bill also eliminates a provision that specifies that these employees serve at the pleasure of the probate court judge under whom they are employed. (Presumably, they will remain “at will” employees until they have a collective bargaining agreement.)

The bill also makes a conforming change.

The state employee collective bargaining law establishes provisions for (1) selecting an exclusive bargaining agent for collective bargaining, (2) holding an election to form a union, (3) mandatory negotiations, (4) mandatory binding arbitration when a negotiation impasse is declared, and (5) other steps and mechanism related to bargaining and arbitration.

EFFECTIVE DATE: October 1, 2015

**COMMITTEE ACTION**

Labor and Public Employees Committee

Joint Favorable

Yea 8 Nay 5 (03/12/2015)