



CONNECTICUT STATE
COLLEGES & UNIVERSITIES
BOARD OF REGENTS FOR HIGHER EDUCATION

Testimony by Steve Weinberger
VP for Human Resources, ECSU
Board of Regents for Higher Education
Before the Labor and Public Employees Committee
March 5, 2015

Good afternoon Senators Gomes and Hwang, Representatives Tercyak and Rutigliano, and members of the Labor and Public Employees Committee.

My name is Steve Weinberger, and I am the Vice President for Human Resources at Eastern Connecticut State University. My testimony is submitted on behalf of the Board of Regents for Higher Education in opposition to **House Bill 6876, *An Act Concerning Public Institutions of Higher Education and Collective Bargaining Agreements.***

As we understand the testimony offered by the University of Connecticut, this bill emanates from unresolved collective negotiations between the University and the Graduate Employees Union. At those negotiations, UConn proposed to include in the labor agreement under consideration a standard "election of remedies" clause with respect to claims of discrimination. Such clauses are consistent with applicable case law and commonly appear in collective bargaining agreements.

The Board of Regents is responsible for governing the 17 institutions that comprise the Connecticut State Colleges and Universities System. This responsibility includes the negotiation and administration of labor agreement with six bargaining units. While an election of remedies clause is not present in any of the six contracts and they contain no limitation on the right of employees to initiate administrative or judicial proceedings, HB 6876 would nonetheless produce collateral damage to both the Regents and its employee organizations.

Attached to my testimony are relevant provisions excerpted from four of the labor agreements in question, which were negotiated by the parties to address the processing of decimation claims. As you will see, these provisions vary. Some provide full access to the contractual grievances and arbitration process; others make the grievance procedure available short of arbitration, and others contain a substitute process for addressing discrimination charges.

HB 6876 would scuttle these provisions and frustrate the bargained intent of the parties. It would create a right to arbitration where one does not currently exist and, in consequence, subject both labor and management to additional financial demands. Under all six of the Regents' contracts, arbitral costs are borne equally by the parties.

In asking you to reject HB 6876, I note that public policy in Connecticut delegates to labor and management the responsibility to negotiate terms and conditions of employment, and confers upon the legislature the obligation to ratify or reject tentative agreements presented for its consideration. Within the context, HB 6876 is an aberration. It contravenes public policy and it would impair the terms of bilaterally negotiated contracts between the Regents and its employee unions.

If you have any questions regarding the content of my testimony, please contact Kyle Thomas, Legislative Program Manager, at 860-723-0017 or thomask@ct.edu.

Thank you.

CSU-AAUP

15.9 Reservation of Individual Rights

Nothing contained in this Agreement shall be construed to limit the rights of individual grievants or CSU-AAUP to assert claims against the Board or Administration in any court or administrative agency of competent jurisdiction where such claims derive from any federal or state constitutional or statutory provision or regulation or from any other source, including individual agreements, unless such claims derive solely and exclusively from this Agreement. If a grievant seeks relief through a forum outside of this grievance procedure for a subject matter covered by a grievance, the processing of the grievance through this internal procedure shall cease, unless both CSU-AAUP and management agree otherwise.

SUOAF-AFSCME

ARTICLE 3 — NON-DISCRIMINATION

3.1

The Board of Trustees and SUOAF-AFSCME agree that no member of the bargaining unit shall be discriminated against in violation of federal or state statutes, such as discrimination based on race, color, religious creed, age, sex, marital status, sexual orientation, national origin and disability. Violations of this section shall be grievable but not arbitrable. Any claim of violation may be filed through the Commission on Human Rights and Opportunities (CHRO) or any appropriate legal forum.

Congress of CT Community Colleges

ARTICLE II

EMPLOYEE RIGHTS

Section 2. Nondiscrimination

The Board and the Congress shall continue their policy of not discriminating against any member of the bargaining unit on the basis of race, color, religious creed, national origin, ancestry, sex (including sexual harassment), sexual orientation, age, marital status, political affiliation, or present or past history of mental disorder, developmental disability, learning disability or physical disability, criminal record, or opposition to discrimination, as required by any federal or Connecticut statute or regulations pursuant thereto. The Board and the Congress agree not to discriminate against bargaining unit members based upon membership or fee paying status in any union representing employees of the Board of Trustees.

The parties acknowledge their mutual support of the concept of affirmative action. In the event that a problem arises between the parties concerning affirmative action, it may be raised at a meeting between the union and representatives of the Board but not through the grievance and arbitration provisions of this Agreement.

AFSCME

ARTICLE II EMPLOYEE RIGHTS

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