



General Assembly

January Session, 2015

Raised Bill No. 984

LCO No. 3643



Referred to Committee on LABOR AND PUBLIC EMPLOYEES

Introduced by:
(LAB)

AN ACT CONCERNING THE UNIONIZATION OF AGRICULTURAL WORKERS, NONPARTISAN LEGISLATIVE MANAGEMENT EMPLOYEES AND STATE EDUCATION RESOURCE CENTER EMPLOYEES.

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

1 Section 1. Subdivisions (6) and (7) of section 31-101 of the general
2 statutes are repealed and the following is substituted in lieu thereof
3 (*Effective October 1, 2015*):

4 (6) "Employee" includes, but shall not be restricted to, any
5 individual employed by a labor organization, any individual whose
6 employment has ceased as a consequence of, or in connection with,
7 any current labor dispute or because of any unfair labor practice, and
8 who has not obtained any other regular and substantially equivalent
9 employment, and shall not be limited to the employees of a particular
10 employer; but shall not include any individual employed by his parent
11 or spouse or in the domestic service of any person in his home [] or
12 any individual employed only for the duration of a labor dispute; [or
13 any individual employed as an agricultural worker;]

14 (7) "Employer" means any person acting directly or indirectly in the
15 interest of an employer in relation to an employee, but shall not
16 include [any person engaged in farming, or] any person subject to the
17 provisions of the National Labor Relations Act, unless the National
18 Labor Relations Board has declined to assert jurisdiction over such
19 person, or any person subject to the provisions of the Federal Railway
20 Labor Act, or the state or any political or civil subdivision thereof or
21 any religious agency or corporation, or any labor organization, except
22 when acting as an employer, or any one acting as an officer or agent of
23 such labor organization. An employer licensed by the Department of
24 Public Health under section 19a-490 shall be subject to the provisions
25 of this chapter with respect to all its employees except those licensed
26 under chapters 370 and 379, unless such employer is the state or any
27 political subdivision thereof;

28 Sec. 2. Section 5-270 of the general statutes is repealed and the
29 following is substituted in lieu thereof (*Effective October 1, 2015*):

30 When used in sections 5-270 to 5-280, inclusive:

31 (a) "Employer" means the state of Connecticut, its executive,
32 legislative and judicial branches, including, without limitation, any
33 board, department, commission, institution, or agency of such
34 branches or any appropriate unit thereof and any board of trustees of a
35 state-owned or supported college or university and branches thereof,
36 public and quasi-public state corporation, or authority established by
37 state law, or any person or persons designated by the employer to act
38 in its interest in dealing with employees, but shall not include the State
39 Board of Labor Relations or the State Board of Mediation and
40 Arbitration.

41 (b) "Employee" means any employee of an employer, whether or not
42 in the classified service of the employer, except (1) elected or
43 appointed officials other than special deputy sheriffs, (2) board and
44 commission members, (3) disability policy specialists assigned to the

45 Council on Developmental Disabilities, (4) managerial employees,
46 [and] (5) confidential employees, and (6) partisan staff members of the
47 legislative branch of the State of Connecticut.

48 (c) "Professional employee" means: (1) Any employee engaged in
49 work (A) predominantly intellectual and varied in character as
50 opposed to routine mental, manual, mechanical or physical work; (B)
51 involving the consistent exercise of discretion and judgment in its
52 performance; (C) of such a character that the output produced or the
53 result accomplished cannot be standardized in relation to a given time
54 period; (D) requiring knowledge of an advanced type in a field of
55 science or learning customarily acquired by a prolonged course of
56 specialized intellectual instruction and study in an institution of higher
57 learning or a hospital, as distinguished from a general academic
58 education or from an apprenticeship or from training in the
59 performance of routine mental, manual or physical processes; or (2)
60 any employee who has completed the courses of specialized
61 intellectual instruction and study described in subsection (c)(1)(D) and
62 is performing related work under the supervision of a professional
63 person to qualify himself to become a professional employee as
64 defined in subsection (c)(1).

65 (d) "Employee organization" means any lawful association, labor
66 organization, federation or council having as a primary purpose the
67 improvement of wages, hours and other conditions of employment
68 among state employees.

69 (e) "Confidential employee" means any public employee who would
70 have access to confidential information used in collective bargaining.

71 (f) "Supervisory employee" means any individual in a position in
72 which the principal functions are characterized by not fewer than two
73 of the following: (1) Performing such management control duties as
74 scheduling, assigning, overseeing and reviewing the work of
75 subordinate employees; (2) performing such duties as are distinct and

76 dissimilar from those performed by the employees supervised; (3)
77 exercising judgment in adjusting grievances, applying other
78 established personnel policies and procedures and in enforcing the
79 provisions of a collective bargaining agreement; and (4) establishing or
80 participating in the establishment of performance standards for
81 subordinate employees and taking corrective measures to implement
82 those standards, provided in connection with any of the foregoing the
83 exercise of such authority is not merely of a routine or clerical nature,
84 but requires the use of independent judgment, and such individuals
85 shall be employees within the meaning of subsection (b) of this section.
86 The above criteria for supervisory positions shall not necessarily apply
87 to police or fire departments.

88 (g) "Managerial employee" means any individual in a position in
89 which the principal functions are characterized by not fewer than two
90 of the following, provided for any position in any unit of the system of
91 higher education, one of such two functions shall be as specified in
92 subdivision (4) of this subsection: (1) Responsibility for direction of a
93 subunit or facility of a major division of an agency or assignment to an
94 agency head's staff; (2) development, implementation and evaluation
95 of goals and objectives consistent with agency mission and policy; (3)
96 participation in the formulation of agency policy; or (4) a major role in
97 the administration of collective bargaining agreements or major
98 personnel decisions, or both, including staffing, hiring, firing,
99 evaluation, promotion and training of employees.

100 Sec. 3. Section 10-357a of the general statutes is repealed and the
101 following is substituted in lieu thereof (*Effective October 1, 2015*):

102 (a) There is hereby established and created a body politic and
103 corporate, constituting a public instrumentality and political
104 subdivision of the state of Connecticut established and created to be a
105 public educational authority acting on behalf of the state of
106 Connecticut, to be known as the State Education Resource Center. The
107 center shall not be construed to be a department, institution or agency

108 of the state, except for purposes of chapter 68.

109 (b) (1) The powers of the center shall be vested in and exercised by a
110 board of directors, which shall consist of the following members: (A)
111 Four appointed by the Governor, with the advice and consent of both
112 houses of the General Assembly; (B) two appointed by the State Board
113 of Education, with the advice and consent of both houses of the
114 General Assembly; (C) one appointed by the president pro tempore of
115 the Senate; (D) one appointed by the majority leader of the Senate; (E)
116 one appointed by the minority leader of the Senate; (F) one appointed
117 by the speaker of the House of Representatives; (G) one appointed by
118 the majority leader of the House of Representatives; (H) one appointed
119 by the minority leader of the House of Representatives; and (I) the
120 Commissioner of Education, or the commissioner's designee. Each
121 member appointed by the Governor or the State Board of Education
122 shall serve at the pleasure of the Governor but not longer than the term
123 of office of the Governor or until the member's successor is appointed
124 and qualified, whichever term is longer. Each member appointed by a
125 member of the General Assembly shall serve in accordance with the
126 provisions of section 4-1a. Any appointed member who fails to attend
127 fifty per cent of all meetings of the board held during any calendar
128 year shall be deemed to have resigned from the board. Each
129 appointing authority shall make his or her initial appointment to the
130 board not later than August 15, 2014. The first meeting of the board
131 shall take place not later than September 15, 2014.

132 (2) The Governor shall appoint the chairperson of the board from
133 among the members of such board with the advice and consent of both
134 houses of the General Assembly. Such chairperson shall serve at the
135 pleasure of the Governor.

136 (3) The chairperson shall, with the approval of the members of the
137 board of directors, appoint an executive director of the center who
138 shall be an employee of the center and paid a salary prescribed by the
139 board. The executive director shall supervise the administrative affairs

140 and technical activities of the center in accordance with the directives
141 of the board.

142 (c) A majority of the appointed members of the board shall
143 constitute a quorum for the transaction of any business or the exercise
144 of any power of the State Education Resource Center. For the
145 transaction of any business or the exercise of any power of the center,
146 and except as otherwise provided in this section and sections 10-357b
147 to 10-357d, inclusive, as amended by this act, the center may act by a
148 majority of the members present at any meeting at which a quorum is
149 in attendance.

150 (d) Members shall receive no compensation for their services but
151 shall be entitled to reimbursement for such members' actual and
152 necessary expenses incurred during the performance of such members'
153 official duties. Members may engage in private employment, or in a
154 profession or business, subject to any applicable laws, rules and
155 regulations of the state regarding official ethics or conflict of interest. It
156 shall not constitute a conflict of interest for a trustee, director, partner
157 or officer of any person, firm or corporation, or any individual having
158 a financial interest in a person, firm or corporation, to serve as a
159 member of the board of directors of the center, provided such trustee,
160 director, partner, officer or individual shall comply with all applicable
161 provisions of chapter 10.

162 Sec. 4. Section 10-357b of the general statutes is repealed and the
163 following is substituted in lieu thereof (*Effective October 1, 2015*):

164 (a) The purposes of the State Education Resource Center,
165 established pursuant to section 10-357a, as amended by this act, shall
166 be to assist the State Board of Education in the provision of programs
167 and activities that will promote educational equity and excellence.
168 Such activities shall be limited to: Training, technical assistance and
169 professional development for local and regional boards of education,
170 school leaders, teachers, families and community partners in the form

171 of seminars, publications, site visits, on-line content and other
172 appropriate means; maintaining a state education resource center
173 library; publication of technical materials; research and evaluation;
174 writing, managing, administering and coordinating grants for the
175 purposes described in this subsection; and any other related activities
176 directly related to the purposes described in this subsection. The center
177 may support programs and activities concerning early childhood
178 education, in collaboration with the Office of Early Childhood,
179 improving school and district academic performance, and closing
180 academic achievement gaps between socio-economic subgroups, and
181 other related programs and activities. For such purposes the center is
182 authorized and empowered to:

183 (1) Have perpetual succession as a body politic and corporate and to
184 adopt bylaws for the regulation of its affairs and the conduct of its
185 business;

186 (2) Adopt an official seal and alter the same at pleasure;

187 (3) Maintain an office at such place or places as it may designate;

188 (4) Sue and be sued in its own name and plead and be impleaded;

189 (5) (A) Employ such assistants, agents and other employees as may
190 be necessary or desirable who shall [not] be employees, as defined in
191 subsection (b) of section 5-270, as amended by this act; (B) establish all
192 necessary or appropriate personnel practices and policies, including
193 those relating to hiring, promotion, compensation, retirement and
194 collective bargaining; [, which need not be in accordance with chapter
195 68, and the center shall not be an employer as defined in subsection (a)
196 of section 5-270 ;] and (C) engage consultants, attorneys and appraisers
197 as may be necessary or desirable to carry out its purposes in
198 accordance with this section and sections 10-357a, as amended by this
199 act, 10-357c and 10-357d;

200 (6) Receive and accept aid or contributions from any source of

201 money, property, labor or other things of value, to be held, used and
202 applied to carry out the purposes of this section and sections 10-357a,
203 as amended by this act, 10-357c and 10-357d, subject to such conditions
204 upon which such grants and contributions may be made, including,
205 but not limited to, gifts or grants from any department, agency or
206 instrumentality of the United States or this state for any purpose
207 consistent with this section and sections 10-357a, as amended by this
208 act, 10-357c and 10-357d;

209 (7) Make and enter into all contracts and agreements necessary or
210 incidental to the performance of its duties and the execution of its
211 powers under this section and sections 10-357a, as amended by this
212 act, 10-357c and 10-357d, including contracts and agreements for such
213 professional services as the center deems necessary, including, but not
214 limited to, those services provided by financial consultants,
215 underwriters and technical specialists;

216 (8) Acquire, lease, purchase, own, manage, hold and dispose of
217 personal property, and lease, convey or deal in or enter into
218 agreements with respect to such property on any terms necessary or
219 incidental to the carrying out of these purposes;

220 (9) Invest in, acquire, lease, purchase, own, manage, hold and
221 dispose of real property and lease, convey or deal in or enter into
222 agreements with respect to such property on any terms necessary or
223 incidental to carrying out the purposes of this section and sections 10-
224 357a, as amended by this act, 10-357c and 10-357d, provided such
225 transactions shall be subject to approval, review or regulation by any
226 state agency pursuant to title 4b or any other provision of the general
227 statutes;

228 (10) Procure insurance against any liability or loss in connection
229 with its property and other assets, in such amounts and from such
230 insurers as it deems desirable and to procure insurance for employees;

231 (11) Account for and audit funds of the center and funds of any

232 recipients of funds from the center;

233 (12) Hold patents, copyrights, trademarks, marketing rights,
234 licenses, or any other evidences of protection or exclusivity as to any
235 products as defined in this section and sections 10-357a, as amended
236 by this act, 10-357c and 10-357d, issued under the laws of the United
237 States or any state or any nation;

238 (13) Establish advisory committees to assist in accomplishing its
239 duties under this section and sections 10-357a, as amended by this act,
240 10-357c and 10-357d, which may include one or more members of the
241 board of directors and persons other than members; and

242 (14) Do all acts and things necessary or convenient to carry out the
243 purposes of this section and sections 10-357a, as amended by this act,
244 10-357c and 10-357d, and the powers expressly granted by this section
245 and sections 10-357a, as amended by this act, 10-357c and 10-357d.

246 (b) The State Education Resource Center shall establish a
247 Connecticut School Reform Resource Center either within the State
248 Education Resource Center or by contract through a regional
249 educational service center, established pursuant to section 10-66a. The
250 Connecticut School Reform Resource Center shall operate year-round
251 and shall focus on serving the needs of all public schools. The
252 Connecticut School Reform Resource Center shall (1) publish and
253 distribute reports on the most effective practices for improving student
254 achievement by successful schools; (2) provide a program of
255 professional development activities for (A) school leaders, including
256 curriculum coordinators, principals, superintendents and board of
257 education members, and (B) teachers to educate students that includes
258 research-based child development and reading instruction tools and
259 practices; (3) provide information on successful models for evaluating
260 student performance and managing student data; (4) develop
261 strategies for assisting such students who are in danger of failing; (5)
262 develop culturally relevant methods for educating students whose

263 primary language is not English; and (6) provide other programs and
264 materials to assist in the improvement of public schools.

265 (c) The State Education Resource Center shall be subject to (1) rules,
266 regulations and restrictions on purchasing, procurement, personal
267 service agreements and the disposition of assets generally applicable to
268 Connecticut state agencies, including those contained in titles 4, 4a and
269 4b, section 4e-19, and (2) audit by the Auditors of Public Accounts
270 under section 2-90.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015</i>	31-101(6) and (7)
Sec. 2	<i>October 1, 2015</i>	5-270
Sec. 3	<i>October 1, 2015</i>	10-357a
Sec. 4	<i>October 1, 2015</i>	10-357b

Statement of Purpose:

To allow certain agricultural workers, nonpartisan legislative management employees and State Education Resource Center employees the right to organize.

[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.]