



House of Representatives

General Assembly

File No. 380

January Session, 2015

House Bill No. 6876

House of Representatives, April 1, 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 CONCERNING PUBLIC INSTITUTIONS OF HIGHER EDUCATION AND COLLECTIVE BARGAINING AGREEMENTS.

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

1 Section 1. (NEW) (*Effective October 1, 2015*) (a) For purposes of this
2 section, "labor organization" means any organization which exists and
3 is constituted for the purpose, in whole or in part, of collective
4 bargaining, or of dealing with employers concerning grievances, terms
5 or conditions of employment, or other mutual aid or protection, and
6 "public institution of higher education" means the constituent units of
7 the state system of higher education identified in subdivisions (1) to
8 (4), inclusive, of section 10a-1 of the general statutes.

9 (b) No collective bargaining agreement entered into on and after the
10 effective date of this section between a public institution of higher
11 education and a labor organization shall contain any provision (1)
12 prohibiting an employee covered under such collective bargaining
13 agreement from filing a civil or administrative action alleging
14 discrimination or retaliation for the exercise of any right afforded to

15 such employee pursuant to any state or federal law, or (2) limiting an
 16 employee's right to arbitrate a grievance under a collective bargaining
 17 agreement if such employee has commenced a civil or administrative
 18 proceeding concerning such grievance.

19 (c) Any employee aggrieved by a violation of subsection (b) of this
 20 section may file a complaint with the Labor Commissioner alleging
 21 violation of the provisions of said subsection. Upon receipt of any such
 22 complaint, the commissioner may hold a hearing. After the hearing,
 23 the commissioner shall send each party a written copy of the
 24 commissioner's decision. The commissioner may award the employee
 25 all appropriate relief, including rehiring or reinstatement to the
 26 employee's previous job, payment of back wages and reestablishment
 27 of employee benefits to which the employee otherwise would have
 28 been eligible if a violation of said subsection had not occurred. Any
 29 party aggrieved by the decision of the commissioner may appeal the
 30 decision to the Superior Court in accordance with the provisions of
 31 chapter 54 of the general statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2015	New section

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 \$
Constituent Units of Higher Education	Various Funds - Potential Cost	Up to 1.6 million	Up to 1.6 million

Municipal Impact: None

Explanation

The bill results in a potential cost of as much as \$1.6 million per year to the state as it would ban certain “election of remedies” clauses in future collective bargaining agreements within the constituent units of higher education. The constituent units of higher education on average have 50 cases per year which under the bill could go to arbitration. On average such cases cost \$25,000 each for outside lawyer and arbitration fees and an additional \$8,500 in internal arbitration costs.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation and the number of cases brought to arbitration.

OLR Bill Analysis**HB 6876*****AN ACT CONCERNING PUBLIC INSTITUTIONS OF HIGHER EDUCATION AND COLLECTIVE BARGAINING AGREEMENTS.*****SUMMARY:**

This bill prohibits the state's public higher education institutions from entering into collective bargaining agreements with labor organizations (i.e., unions) that:

1. ban an employee from filing a civil or administrative action alleging discrimination or retaliation for exercising any right provided under state or federal law or
2. limit an employee's right to arbitrate a grievance if the employee has started a civil or administrative proceeding about the grievance.

The prohibition applies to the University of Connecticut, the Connecticut State University System, the regional community-technical colleges, and Charter Oak State College.

The bill allows employees aggrieved by the ban or limitation to file a complaint with the labor commissioner. The commissioner may (1) hold a hearing on the violation and (2) award the employee all appropriate relief, including reinstatement, back wages, and reestablishment of benefits. She must send each party a written copy of her decision after the hearing. Parties aggrieved by the commissioner's decision may appeal to the Superior Court under the Uniform Administrative Procedure Act.

EFFECTIVE DATE: October 1, 2015

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable

Yea 6 Nay 5 (03/12/2015)