



General Assembly

**Amendment**

January Session, 2017

LCO No. 8359



Offered by:

REP. KLARIDES, 114<sup>th</sup> Dist.  
REP. CANDELORA, 86<sup>th</sup> Dist.  
REP. HOYDICK, 120<sup>th</sup> Dist.

REP. O'DEA, 125<sup>th</sup> Dist.  
REP. O'NEILL, 69<sup>th</sup> Dist.  
REP. TWEEDIE, 13<sup>th</sup> Dist.

To: House Bill No. 6663

File No. 221

Cal. No. 174

(As Amended)

**"AN ACT CONCERNING POLICE MISCONDUCT."**

1 After the last section, add the following and renumber sections and  
2 internal references accordingly:

3 "Sec. 501. Section 5-278 of the general statutes is repealed and the  
4 following is substituted in lieu thereof (*Effective from passage*):

5 (a) When an employee organization has been designated, in  
6 accordance with the provisions of sections 5-270 to 5-280, inclusive, as  
7 the exclusive representative of employees in an appropriate unit, the  
8 employer shall be represented in collective bargaining with such  
9 employee organization in the following manner: (1) In the case of an  
10 executive branch employer, including the Division of Criminal Justice,  
11 by the chief executive officer whether elected or appointed, or his  
12 designated representative; who shall maintain a close liaison with the

13 legislature relative to the negotiations and the potential fiscal  
14 ramifications of any proposed settlement; (2) in the case of a judicial  
15 branch employer, by the Chief Court Administrator or his designated  
16 representative; and (3) in the case of each segment of the system of  
17 higher education, the faculty and professional employees shall  
18 negotiate with their own board of trustees or its designated  
19 representative.

20 (b) (1) Any agreement reached by the negotiators shall be reduced  
21 to writing. [The] Provided such agreement is in compliance with the  
22 provisions of subsection (h) of this section, the agreement, together  
23 with a request for funds necessary to fully implement such agreement  
24 and for approval of any provisions of the agreement which are in  
25 conflict with any statute or any regulation of any state agency, and any  
26 arbitration award, issued in accordance with section 5-276a, together  
27 with a statement setting forth the amount of funds necessary to  
28 implement such award, shall be filed by the bargaining representative  
29 of the employer with the clerks of the House of Representatives and  
30 the Senate within ten days after the date on which such agreement is  
31 reached or such award is distributed.

32 (2) If the General Assembly is in session when such agreement or  
33 award is filed, it shall vote to approve or reject such agreement or  
34 award within thirty days after the date of filing. The General Assembly  
35 [may] shall approve any such agreement as a whole by a majority vote  
36 of each house or [may] shall reject such agreement as a whole by a  
37 majority vote of either house. The General Assembly [may reject any  
38 such award as a whole by a two-thirds vote of either house] shall  
39 approve any such award as a whole by a majority vote of each house  
40 or by a failure to reject such award as a whole by a two-thirds vote of  
41 either house if it determines that there are insufficient funds for full  
42 implementation of the award. If rejected, the matter shall be returned  
43 to the parties for further bargaining.

44 (3) Once approved by the General Assembly, any provision of an  
45 agreement or award need not be resubmitted by the parties to such

46 agreement or award as part of a future contract approval process  
47 unless changes in the language of such provision are negotiated by  
48 such parties. Any supplemental understanding reached between such  
49 parties containing provisions which would supersede any provision of  
50 the general statutes or any regulation of any state agency or would  
51 require additional state funding shall be submitted to the General  
52 Assembly for approval in the same manner as agreements and awards.  
53 [If the General Assembly is in session, it shall vote to approve or reject  
54 such agreement or award within thirty days after the date of filing.]

55 (4) If the General Assembly is not in session when such agreement  
56 or award is filed, it shall be submitted to the General Assembly within  
57 ten days of the first day of the next regular session or special session  
58 called for such purpose. [The agreement or award shall be deemed  
59 approved if the General Assembly fails to vote to approve or reject  
60 such agreement or award within thirty days after such filing or  
61 submission.] The thirty-day period shall not begin or expire unless the  
62 General Assembly is in regular session. For the purpose of this  
63 subsection, any agreement or award filed with the clerks within thirty  
64 days before the commencement of a regular session of the General  
65 Assembly shall be deemed to be filed on the first day of such session.

66 (c) Notwithstanding any provision of any general statute or special  
67 act to the contrary, the legislature shall appropriate whatever funds are  
68 required to comply with a collective bargaining agreement,  
69 supplemental understanding or arbitration award, provided the  
70 request called for in subsection (b) of this section has been approved  
71 by the legislature.

72 (d) No provision of any general statute or special act shall prevent  
73 negotiations between an employer and an employee organization  
74 which has been designated as the exclusive representative of  
75 employees in an appropriate unit, from continuing after the final date  
76 for setting the state budget. An agreement between an employer and  
77 an employee organization shall be valid and in force under its terms  
78 when entered into in accordance with the provisions of this chapter

79 and signed by the chief executive officer or administrator as a  
80 ministerial act. Such terms may make any such agreement effective on  
81 a date prior to the date on which the agreement is entered. No  
82 publication thereof shall be required to make it effective. The  
83 procedure for the making of an agreement between the employer and  
84 an employee organization provided by sections 5-270 to 5-280,  
85 inclusive, shall be the exclusive method for making a valid agreement  
86 for employees represented by an employee organization, and any  
87 provisions in any general statute or special act to the contrary shall not  
88 apply to such an agreement.

89 (e) Where there is a conflict between any agreement or arbitration  
90 award approved in accordance with the provisions of sections 5-270 to  
91 5-280, inclusive, on matters appropriate to collective bargaining, as  
92 defined in said sections, and any general statute or special act, or  
93 regulations adopted by any state agency, the terms of such agreement  
94 or arbitration award shall prevail; provided if participation of any  
95 employees in a retirement system is effected by such agreement or  
96 arbitration award, the effective date of participation in said system,  
97 notwithstanding any contrary provision in such agreement or  
98 arbitration award, shall be the first day of the third month following  
99 the month in which a certified copy of such agreement or arbitration  
100 award is received by the Retirement Commission or such later date as  
101 may be specified in the agreement or arbitration award.

102 (f) (1) Notwithstanding any other provision of this chapter,  
103 collective bargaining negotiations concerning changes to the state  
104 employees retirement system to be effective on and after July 1, 1988,  
105 and collective bargaining negotiations concerning health and welfare  
106 benefits to be effective on and after July 1, 1994, shall be conducted  
107 between the employer and a coalition committee which represents all  
108 state employees who are members of any designated employee  
109 organization. (2) The provisions of subdivision (1) of this subsection  
110 shall not be construed to prevent the employer and any designated  
111 employee organization from bargaining directly with each other on  
112 matters related to the state employees retirement system and health

113 and welfare benefits whenever the parties jointly agree that such  
 114 matters are unique to the particular bargaining unit. (3) The provisions  
 115 of subdivision (1) of this subsection shall not be construed to prevent  
 116 the employer and representatives of employee organizations from  
 117 dealing with any state-wide issue using the procedure established in  
 118 said subdivision.

119 (g) (1) Nonmandatory subjects of bargaining shall not be subject to  
 120 the impasse procedures of section 5-276a. In the case of higher  
 121 education teaching faculty, the arbitrator shall not make a decision  
 122 involving academic policy unless it affects the wages, hours or  
 123 conditions of employment of such faculty. Any arbitration award  
 124 issued on such matters shall be unenforceable. (2) Unless mutually  
 125 agreed to by the parties, the impasse procedures of section 5-276a shall  
 126 not be invoked during the pendency before the State Board of Labor  
 127 Relations of any scope of bargaining question arising from the parties'  
 128 negotiations. Any such question shall take precedence over all other  
 129 matters pending before said board.

130 (h) Notwithstanding any other provision of this chapter, no  
 131 agreement reached by negotiators in accordance with the provisions of  
 132 sections 5-270 to 5-280, inclusive, shall provide for an expiration date  
 133 that is more than five years after the effective date of such agreement."

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	from passage	5-278