



General Assembly

Amendment

January Session, 2017

LCO No. 8361



Offered by:

REP. KLARIDES, 114th Dist.
REP. CANDELORA, 86th Dist.
REP. HOYDICK, 120th Dist.

REP. O'DEA, 125th Dist.
REP. O'NEILL, 69th Dist.
REP. TWEEDIE, 13th 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 Section 5-278 of the general statutes is repealed and the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) Any agreement reached by the negotiators shall be reduced to
21 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. The General Assembly may
32 approve any such agreement as a whole by a majority vote of each
33 house or may reject such agreement as a whole by a majority vote of
34 either house. The General Assembly may reject any such award as a
35 whole by a two-thirds vote of either house if it determines that there
36 are insufficient funds for full implementation of the award. If rejected,
37 the matter shall be returned to the parties for further bargaining. Once
38 approved by the General Assembly, any provision of an agreement or
39 award need not be resubmitted by the parties to such agreement or
40 award as part of a future contract approval process unless changes in
41 the language of such provision are negotiated by such parties. Any
42 supplemental understanding reached between such parties containing
43 provisions which would supersede any provision of the general
44 statutes or any regulation of any state agency or would require
45 additional state funding shall be submitted to the General Assembly
46 for approval in the same manner as agreements and awards. If the

47 General Assembly is in session, it shall vote to approve or reject such
48 agreement or award within thirty days after the date of filing. If the
49 General Assembly is not in session when such agreement or award is
50 filed, it shall be submitted to the General Assembly within ten days of
51 the first day of the next regular session or special session called for
52 such purpose. The agreement or award shall be deemed approved if
53 the General Assembly fails to vote to approve or reject such agreement
54 or award within thirty days after such filing or submission. The thirty-
55 day period shall not begin or expire unless the General Assembly is in
56 regular session. For the purpose of this subsection, any agreement or
57 award filed with the clerks within thirty days before the
58 commencement of a regular session of the General Assembly shall be
59 deemed to be filed on the first day of such session.

60 (c) Notwithstanding any provision of any general statute or special
61 act to the contrary, the legislature shall appropriate whatever funds are
62 required to comply with a collective bargaining agreement,
63 supplemental understanding or arbitration award, provided the
64 request called for in subsection (b) of this section has been approved
65 by the legislature.

66 (d) No provision of any general statute or special act shall prevent
67 negotiations between an employer and an employee organization
68 which has been designated as the exclusive representative of
69 employees in an appropriate unit, from continuing after the final date
70 for setting the state budget. An agreement between an employer and
71 an employee organization shall be valid and in force under its terms
72 when entered into in accordance with the provisions of this chapter
73 and signed by the chief executive officer or administrator as a
74 ministerial act. Such terms may make any such agreement effective on
75 a date prior to the date on which the agreement is entered. No
76 publication thereof shall be required to make it effective. The
77 procedure for the making of an agreement between the employer and
78 an employee organization provided by sections 5-270 to 5-280,
79 inclusive, shall be the exclusive method for making a valid agreement

80 for employees represented by an employee organization, and any
81 provisions in any general statute or special act to the contrary shall not
82 apply to such an agreement.

83 (e) Where there is a conflict between any agreement or arbitration
84 award approved in accordance with the provisions of sections 5-270 to
85 5-280, inclusive, on matters appropriate to collective bargaining, as
86 defined in said sections, and any general statute or special act, or
87 regulations adopted by any state agency, the terms of such agreement
88 or arbitration award shall prevail; provided if participation of any
89 employees in a retirement system is effected by such agreement or
90 arbitration award, the effective date of participation in said system,
91 notwithstanding any contrary provision in such agreement or
92 arbitration award, shall be the first day of the third month following
93 the month in which a certified copy of such agreement or arbitration
94 award is received by the Retirement Commission or such later date as
95 may be specified in the agreement or arbitration award.

96 (f) (1) Notwithstanding any other provision of this chapter,
97 collective bargaining negotiations concerning changes to the state
98 employees retirement system to be effective on and after July 1, 1988,
99 and collective bargaining negotiations concerning health and welfare
100 benefits to be effective on and after July 1, 1994, shall be conducted
101 between the employer and a coalition committee which represents all
102 state employees who are members of any designated employee
103 organization. (2) The provisions of subdivision (1) of this subsection
104 shall not be construed to prevent the employer and any designated
105 employee organization from bargaining directly with each other on
106 matters related to the state employees retirement system and health
107 and welfare benefits whenever the parties jointly agree that such
108 matters are unique to the particular bargaining unit. (3) The provisions
109 of subdivision (1) of this subsection shall not be construed to prevent
110 the employer and representatives of employee organizations from
111 dealing with any state-wide issue using the procedure established in
112 said subdivision.

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

124 (h) Notwithstanding any other provision of this chapter, no
 125 agreement reached by negotiators in accordance with the provisions of
 126 sections 5-270 to 5-280, inclusive, shall provide for an expiration date
 127 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	<i>from passage</i>	5-278