



General Assembly

February Session, 2022

***Raised Bill No. 319***

LCO No. 1997



Referred to Committee on LABOR AND PUBLIC EMPLOYEES

Introduced by:  
(LAB)

***AN ACT CONCERNING DEADLINES FOR ARBITRATION AWARDS.***

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

1 Section 1. Subsections (d) to (f), inclusive, of section 7-473c of the  
2 general statutes are repealed and the following is substituted in lieu  
3 thereof (*Effective October 1, 2022*):

4 (d) (1) The hearing may, at the discretion of the panel, be continued  
5 and shall be concluded within twenty days after its commencement. Not  
6 less than two days prior to the commencement of the hearing, each party  
7 shall file with the chairperson of the panel, and deliver to the other  
8 party, a proposed collective bargaining agreement, in numbered  
9 paragraphs, which such party is willing to execute and cost data for all  
10 provisions of such proposed agreement. At the commencement of the  
11 hearing each party shall file with the panel a reply setting forth (A) those  
12 paragraphs of the proposed agreement of the other party which it is  
13 willing to accept, and (B) those paragraphs of the proposed agreement  
14 of the other party which it is unwilling to accept, together with any  
15 alternative contract language which such party would accept in lieu of  
16 those paragraphs of the proposed agreement of the other party which it

17 is unwilling to accept. At any time prior to the issuance of a decision by  
18 the panel, the parties may jointly file with the panel stipulations setting  
19 forth the agreement provisions which both parties have agreed to  
20 accept.

21 (2) Within five days after the conclusion of the taking of testimony,  
22 the panel shall forward to each party an arbitration statement, approved  
23 by a majority vote of the panel, setting forth all agreement provisions  
24 agreed upon by both parties in the proposed agreements and the replies,  
25 and in the stipulations, and stating, in numbered paragraphs, those  
26 issues which are unresolved.

27 (3) Within ten days after the conclusion of the taking of testimony,  
28 the parties shall file with the secretary of the State Board of Mediation  
29 and Arbitration five copies of their statements of last best offer setting  
30 forth, in numbered paragraphs corresponding to the statement of  
31 unresolved issues contained in the arbitration statement, the final  
32 agreement provisions proposed by such party. Immediately upon  
33 receipt of both statement of last best offer or upon the expiration of the  
34 time for filing such statements of last best offer, whichever is sooner,  
35 said secretary shall distribute a copy of each such statement of last best  
36 offer to the opposing party.

37 (4) Within seven days after the distribution of the statements of last  
38 best offer or within seven days of the expiration of the time for filing the  
39 statements of last best offer, whichever is sooner, the parties may file  
40 with the secretary of the State Board of Mediation and Arbitration five  
41 copies of their briefs on the unresolved issues. Immediately upon receipt  
42 of both briefs or upon the expiration of the time for filing such briefs,  
43 whichever is sooner, said secretary shall distribute a copy of each such  
44 brief to the opposing party.

45 (5) Within five days after the distribution of the briefs on the  
46 unresolved issues or within five days after the last day for filing such  
47 briefs, whichever is sooner, each party may file with said secretary five  
48 copies of a reply brief, responding to the briefs on the unresolved issues.

49 Immediately upon receipt of the reply briefs or upon the expiration of  
50 the time for filing such reply briefs, whichever is sooner, said secretary  
51 shall simultaneously distribute a copy of each such reply brief to the  
52 opposing party.

53 (6) Within twenty days after the last day for filing such reply briefs,  
54 the panel shall issue, upon majority vote, and file with the State Board  
55 of Mediation and Arbitration its decision on all unresolved issues set  
56 forth in the arbitration statement, and said secretary shall immediately  
57 and simultaneously distribute a copy thereof to each party. The panel  
58 shall treat each unresolved issue set forth in the arbitration statement as  
59 a separate question to be decided by it. In deciding each such question,  
60 the panel agreement shall accept the final provision relating to such  
61 unresolved issue as contained in the statement of last best offer of one  
62 party or the other. As part of the arbitration decision, each member shall  
63 state the specific reasons and standards used in making a choice on each  
64 unresolved issue.

65 (7) The parties may jointly file with the panel stipulations modifying,  
66 deferring or waiving any or all provisions of this subsection, provided  
67 the parties shall not file more than one stipulation to modify any  
68 deadline in this subsection and no such stipulation shall modify any  
69 deadline by more than ninety days.

70 (8) If the day for filing any document required or permitted to be filed  
71 under this subsection falls on a day which is not a business day of the  
72 State Board of Mediation and Arbitration then the time for such filing  
73 shall be extended to the next business day of such board.

74 (9) In arriving at a decision, the arbitration panel shall give priority  
75 to the public interest and the financial capability of the municipal  
76 employer, including consideration of other demands on the financial  
77 capability of the municipal employer. There shall be an irrebuttable  
78 presumption that fifteen per cent of the municipal employer's budget  
79 reserve is not available for payment of the cost of any item subject to  
80 arbitration under this chapter. The panel shall further consider the

81 following factors in light of such financial capability: (A) The  
82 negotiations between the parties prior to arbitration; (B) the interests  
83 and welfare of the employee group; (C) changes in the cost of living; (D)  
84 the existing conditions of employment of the employee group and those  
85 of similar groups; and (E) the wages, salaries, fringe benefits, and other  
86 conditions of employment prevailing in the labor market, including  
87 developments in private sector wages and benefits.

88 (10) The decision of the panel and the resolved issues shall be final  
89 and binding upon the municipal employer and the municipal employee  
90 organization except as provided in subdivision (12) of this subsection  
91 and, if such award is not rejected by the legislative body pursuant to  
92 said subdivision, except that a motion to vacate or modify such decision  
93 may be made in accordance with sections 52-418 and 52-419.

94 (11) In regard to all proceedings undertaken pursuant to this  
95 subsection the secretary of the State Board of Mediation and Arbitration  
96 shall serve as staff to the arbitration panel.

97 (12) Within twenty-five days of the receipt of an arbitration award  
98 issued pursuant to this section, the legislative body of the municipal  
99 employer may reject the award of the arbitrators or single arbitrator by  
100 a two-thirds majority vote of the members of such legislative body  
101 present at a regular or special meeting called and convened for such  
102 purpose. If the twenty-fifth day specified in this subdivision falls on a  
103 weekend or a holiday, such deadline shall be extended through the next  
104 business day following the twenty-fifth day.

105 (13) Within ten days after such rejection, the legislative body or its  
106 authorized representative shall be required to state, in writing, the  
107 reasons for such vote and shall submit such written statement to the  
108 State Board of Mediation and Arbitration and the municipal employee  
109 organization. Within ten days after receipt of such notice, the municipal  
110 employee organization shall prepare a written response to such  
111 rejection and shall submit it to the legislative body and the State Board  
112 of Mediation and Arbitration.

113 (14) Within ten days after receipt of such rejection notice, the State  
114 Board of Mediation and Arbitration shall select a review panel of three  
115 arbitrators or, if the parties agree, a single arbitrator who are residents  
116 of Connecticut and labor relations arbitrators approved by the  
117 American Arbitration Association and not members of the panel who  
118 issued the rejected award. Such arbitrators or single arbitrator shall  
119 review the decision on each such rejected issue. The review conducted  
120 pursuant to this subdivision shall be limited to the record and briefs of  
121 the hearing pursuant to subsection (c) of this section, the written  
122 explanation of the reasons for the vote and a written response by either  
123 party. In conducting such review, the arbitrators or single arbitrator  
124 shall be limited to consideration of the criteria set forth in subdivision  
125 (9) of this subsection. Such review shall be completed within twenty  
126 days of the appointment of the arbitrators or single arbitrator. The  
127 arbitrators or single arbitrator shall accept the last best offer of either of  
128 the parties.

129 (15) Within five days after the completion of such review the  
130 arbitrators or single arbitrator shall render a decision with respect to  
131 each rejected issue which shall be final and binding upon the municipal  
132 employer and the employee organization except that a motion to vacate  
133 or modify such award may be made in accordance with sections 52-418  
134 and 52-419. The decision of the arbitrators or single arbitrator shall be in  
135 writing and shall include specific reasons and standards used by each  
136 arbitrator in making a decision on each issue. The decision shall be filed  
137 with the parties. The reasonable costs of the arbitrators or single  
138 arbitrator and the cost of the transcript shall be paid by the legislative  
139 body. Where the legislative body of a municipal employer is the town  
140 meeting, the board of selectmen shall perform all of the duties and shall  
141 have all of the authority and responsibilities required of and granted to  
142 the legislative body under this subsection.

143 (e) The cost of the arbitration panel shall be distributed among the  
144 parties in the following manner: (1) The municipal employer shall pay  
145 the costs of the arbitrator appointed by it, (2) the municipal employee  
146 organization shall pay the costs of the arbitrator appointed by it, (3) the

147 municipal employer and the municipal employee organization shall  
148 equally divide and pay the cost of the chairperson, and (4) the costs of  
149 any arbitrator appointed by the State Board of Mediation and  
150 Arbitration shall be paid by the party in whose absence the board  
151 appointed.

152 (f) A municipal employer and a municipal employee organization  
153 may, at any time, file with the State Board of Mediation and Arbitration  
154 a joint stipulation modifying, deferring or waiving any or all of the  
155 provisions of this section, or modifying, deferring or waiving any or all  
156 of the provisions of a previously filed stipulation, and any such  
157 stipulation shall be controlling over the provisions of this section or of  
158 any previously filed stipulation, provided no such joint stipulation shall:  
159 (1) Modify, defer or waive any provision of subdivision (7) of subsection  
160 (d) of this section, or (2) cause the decision rendered pursuant to  
161 subdivision (15) of subsection (d) of this section to be filed with the  
162 parties more than one hundred eighty days from the date (A) either  
163 party requested the arbitration services of the State Board of Mediation  
164 and Arbitration, or (B) binding and final arbitration was imposed on  
165 them by said board pursuant to subsection (b) of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2022	7-473c(d) to (f)

**Statement of Purpose:**

To require municipal arbitration cases to conclude within a six-month time frame from the commencement of the proceedings.

*[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.]*