



General Assembly

**Amendment**

February Session, 2022

LCO No. 4545



Offered by:  
SEN. SAMPSON, 16<sup>th</sup> Dist.

To: Subst. Senate Bill No. 212

File No. 74

Cal. No. 88

**"AN ACT CONCERNING PERMANENT PARTIAL DISABILITY  
BENEFITS AND PENSION OFFSETS."**

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 Section 5-278 of the general statutes is repealed and the  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 October 1, 2022*):

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 negotiate  
18 with their own board of trustees or its designated representative.

19 (b) (1) Any agreement reached by the negotiators shall be reduced to  
20 writing. The agreement, together with a request for funds necessary to  
21 fully implement such agreement and for approval of any provisions of  
22 the agreement which are in conflict with any statute or any regulation  
23 of any state agency, and any arbitration award, issued in accordance  
24 with section 5-276a, together with a statement setting forth the amount  
25 of funds necessary to implement such award, shall be filed by the  
26 bargaining representative of the employer with the clerks of the House  
27 of Representatives and the Senate within ten days after the date on  
28 which such agreement is reached or such award is distributed. The  
29 General Assembly may approve any such agreement as a whole by a  
30 majority vote of each house or may reject such agreement as a whole by  
31 a majority vote of either house. The General Assembly may reject any  
32 such award as a whole by a two-thirds vote of either house if it  
33 determines that there are insufficient funds for full implementation of  
34 the award.

35 (2) (A) If an agreement is rejected, the matter shall be returned to the  
36 parties, who shall initiate arbitration in accordance with the provisions  
37 of section 5-276a. The parties may submit any award issued pursuant to  
38 such arbitration to the General Assembly for approval in the same  
39 manner as the rejected agreement. If the arbitration award is rejected by  
40 the General Assembly, the matter shall be returned again to the parties  
41 for further arbitration. Any award issued pursuant to such further  
42 arbitration shall be deemed approved by the General Assembly.

43 (B) If an arbitration award, other than an award issued pursuant to  
44 subparagraph (A) of this subdivision, is rejected, the matter shall be  
45 returned to the parties for further arbitration. Any award issued  
46 pursuant to such further arbitration shall be deemed approved by the  
47 General Assembly.

48 (3) Once approved by the General Assembly, any provision of an  
49 agreement or award need not be resubmitted by the parties to such  
50 agreement or award as part of a future contract approval process unless  
51 changes in the language of such provision are negotiated by such  
52 parties. Any supplemental understanding reached between such parties  
53 containing provisions which would supersede any provision of the  
54 general statutes or any regulation of any state agency or would require  
55 additional state funding shall be submitted to the General Assembly for  
56 approval in the same manner as agreements and awards. If the General  
57 Assembly is in session, it shall vote to approve or reject such agreement  
58 or award within thirty days after the date of filing. If the General  
59 Assembly is not in session when such agreement or award is filed, it  
60 shall be submitted to the General Assembly within ten days of the first  
61 day of the next regular session or special session called for such purpose.  
62 The agreement or award shall be deemed rejected if the General  
63 Assembly fails to vote to approve or reject such agreement or award  
64 within thirty days after such filing or submission. The thirty-day period  
65 shall not begin or expire unless the General Assembly is in regular  
66 session. For the purpose of this subsection, any agreement or award  
67 filed with the clerks within thirty days before the commencement of a  
68 regular session of the General Assembly shall be deemed to be filed on  
69 the first day of such session.

70 (4) Each house of the General Assembly shall permit not more than  
71 six hours of total time for debate of a resolution to approve or reject an  
72 agreement or award filed with the clerks of the House of  
73 Representatives and the Senate pursuant to this subsection. Those  
74 speaking in favor of such resolution shall be allocated not more than  
75 three hours of total time for debate, and those speaking in opposition to  
76 such resolution shall be allocated not more than three hours of total time  
77 for debate. A vote shall be taken on the resolution upon the conclusion  
78 of the debate.

79 (5) Notwithstanding the provisions of subdivision (4) of this  
80 subsection, if the debate on such resolution occurs during the last three  
81 days of the thirty-day period, each house of the General Assembly shall

82 permit not more than four hours of total time for debate of such  
83 resolution. Those speaking in favor of such resolution shall be allocated  
84 not more than two hours of total time for debate and those speaking in  
85 opposition to such resolution shall be allocated not more than two hours  
86 of total time for debate. A vote shall be taken on the resolution upon the  
87 conclusion of the debate.

88 (c) Notwithstanding any provision of any general statute or special  
89 act to the contrary, the legislature shall appropriate whatever funds are  
90 required to comply with a collective bargaining agreement,  
91 supplemental understanding or arbitration award, provided the request  
92 called for in subsection (b) of this section has been approved by the  
93 legislature.

94 (d) No provision of any general statute or special act shall prevent  
95 negotiations between an employer and an employee organization which  
96 has been designated as the exclusive representative of employees in an  
97 appropriate unit, from continuing after the final date for setting the state  
98 budget. An agreement between an employer and an employee  
99 organization shall be valid and in force under its terms when entered  
100 into in accordance with the provisions of this chapter and signed by the  
101 chief executive officer or administrator as a ministerial act. Such terms  
102 may make any such agreement effective on a date prior to the date on  
103 which the agreement is entered. No publication thereof shall be required  
104 to make it effective. The procedure for the making of an agreement  
105 between the employer and an employee organization provided by  
106 sections 5-270 to 5-280, inclusive, shall be the exclusive method for  
107 making a valid agreement for employees represented by an employee  
108 organization, and any provisions in any general statute or special act to  
109 the contrary shall not apply to such an agreement.

110 [(e) (1) Except as provided in subdivision (2) of this subsection, where  
111 there is a conflict between any agreement or arbitration award approved  
112 in accordance with the provisions of sections 5-270 to 5-280, inclusive,  
113 on matters appropriate to collective bargaining, as defined in said  
114 sections, and any general statute or special act, or regulations adopted

115 by any state agency, the terms of such agreement or arbitration award  
116 shall prevail; provided if participation of any employees in a retirement  
117 system is effected by such agreement or arbitration award, the effective  
118 date of participation in said system, notwithstanding any contrary  
119 provision in such agreement or arbitration award, shall be the first day  
120 of the third month following the month in which a certified copy of such  
121 agreement or arbitration award is received by the Retirement  
122 Commission or such later date as may be specified in the agreement or  
123 arbitration award.]

124 [(2)] (e) For any agreement or arbitration award approved before, on  
125 or after July 31, 2020, in accordance with the provisions of sections 5-270  
126 to 5-280, inclusive, on matters appropriate to collective bargaining, as  
127 defined in said sections, where any provision in such agreement or  
128 award pertaining to the disclosure of disciplinary matters or alleged  
129 misconduct would prevent the disclosure of documents required to be  
130 disclosed under the provisions of the Freedom of Information Act, as  
131 defined in section 1-200, the provisions of the Freedom of Information  
132 Act shall prevail. The provisions of this subdivision shall not be  
133 construed to diminish a bargaining agent's access to information  
134 pursuant to state law.

135 (f) (1) Notwithstanding any other provision of this chapter, collective  
136 bargaining negotiations concerning changes to the state employees  
137 retirement system to be effective on and after July 1, 1988, and collective  
138 bargaining negotiations concerning health and welfare benefits to be  
139 effective on and after July 1, 1994, shall be conducted between the  
140 employer and a coalition committee which represents all state  
141 employees who are members of any designated employee organization.  
142 (2) The provisions of subdivision (1) of this subsection shall not be  
143 construed to prevent the employer and any designated employee  
144 organization from bargaining directly with each other on matters  
145 related to the state employees retirement system and health and welfare  
146 benefits whenever the parties jointly agree that such matters are unique  
147 to the particular bargaining unit. (3) The provisions of subdivision (1) of  
148 this subsection shall not be construed to prevent the employer and

149 representatives of employee organizations from dealing with any state-  
150 wide issue using the procedure established in said subdivision.

151 (g) (1) Nonmandatory subjects of bargaining shall not be subject to  
152 the impasse procedures of section 5-276a. In the case of higher education  
153 teaching faculty, the arbitrator shall not make a decision involving  
154 academic policy unless it affects the wages, hours or conditions of  
155 employment of such faculty. Any arbitration award issued on such  
156 matters shall be unenforceable. (2) Unless mutually agreed to by the  
157 parties, the impasse procedures of section 5-276a shall not be invoked  
158 during the pendency before the State Board of Labor Relations of any  
159 scope of bargaining question arising from the parties' negotiations. Any  
160 such question shall take precedence over all other matters pending  
161 before said board."

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	October 1, 2022	5-278