



House of Representatives

General Assembly

File No. 281

January Session, 2023

House Bill No. 6793

House of Representatives, March 28, 2023

The Committee on Labor and Public Employees reported through REP. SANCHEZ, E. of the 24th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT MODIFYING THE STATE BOARD OF LABOR RELATIONS' REMEDIES FOR PROHIBITED PRACTICES FOR CERTIFIED EMPLOYEES.

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

1 Section 1. Subsection (e) of section 10-153e of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective July 1,*
3 *2023*):

4 (e) Whenever a board of education or employees' representative
5 organization has reason to believe that a prohibited practice, as defined
6 in subsection (b) or (c) of this section, has been or is being committed, or
7 whenever a certified employee believes a breach of the duty of fair
8 representation under subdivision (3) of subsection (c) of this section has
9 occurred or is occurring, such board of education, representative
10 organization or certified employee shall file a written complaint with
11 the State Board of Labor Relations and shall mail a copy of such
12 complaint to the party that is the subject of the complaint. Upon receipt

13 of a properly filed complaint said board shall refer such complaint to
14 the agent who shall, after investigation and within ninety days after the
15 date of such referral, either (1) make a report to said board
16 recommending dismissal of the complaint or (2) issue a written
17 complaint charging prohibited practices. If no such report is made and
18 no such written complaint is issued, the Board of Labor Relations in its
19 discretion may proceed to a hearing upon the party's original complaint
20 of the violation of this chapter which shall in such case be treated for the
21 purpose of this section as a complaint issued by the agent. Upon
22 receiving a report from the agent recommending dismissal of a
23 complaint, said Board of Labor Relations may issue an order dismissing
24 the complaint or may order a further investigation or a hearing thereon.
25 Upon receiving a complaint issued by the agent, the Board of Labor
26 Relations shall set a time and place for the hearing. If the alleged
27 prohibited practice or breach of duty is ongoing, the board may issue
28 and cause to be served on the party committing the act or practice an
29 order requiring such party to cease and desist from such act or practice
30 until the board has made its determination. Any such complaint may be
31 amended with the permission of said board. The party so complained
32 of shall have the right to file an answer to the original or amended
33 complaint within five days after the service of such complaint or within
34 such other time as said board may limit. Such party shall have the right
35 to appear in person or otherwise to defend against such complaint. In
36 the discretion of said board any person may be allowed to intervene in
37 such proceeding. In any hearing said board shall not be bound by
38 technical rules of evidence prevailing in the courts. A stenographic or
39 electronic record of the testimony shall be taken at all hearings of the
40 Board of Labor Relations and a transcript thereof shall be filed with said
41 board upon its request. Said board shall have the power to order the
42 taking of further testimony and further argument. If, upon all the
43 testimony, said board determines that the party complained of has
44 engaged in or is engaging in any prohibited practice, it shall state its
45 finding of fact and shall issue and cause to be served on such party an
46 order requiring it to cease and desist from such prohibited practice, and
47 shall take such further affirmative action as will effectuate the policies

48 of subsections (b) to (d), inclusive, of this section. Such order may
 49 further require such party to make reports from time to time showing
 50 the extent to which the order has been complied with. If upon all the
 51 testimony the Board of Labor Relations is of the opinion that the party
 52 named in the complaint has not engaged in or is not engaging in any
 53 such prohibited practice, then said board shall make its finding of fact
 54 and shall issue an order dismissing the complaint. Until a transcript of
 55 the record in a case has been filed in the Superior Court, as provided in
 56 subsection (g) of this section, said board may at any time, upon notice,
 57 modify or set aside in whole or in part any finding or order made or
 58 issued by it. Proceedings before said board shall be held with all possible
 59 expedition. Any party who wishes to have a transcript of the
 60 proceedings before the Board of Labor Relations shall apply therefor.
 61 The parties may agree on the sharing of the costs of the transcript but,
 62 in the absence of such agreement, the costs shall be paid by the
 63 requesting party.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2023</i>	10-153e(e)

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:** None**Municipal Impact:** None**Explanation**

The bill allows the State Board of Labor Relations to issue a cease-and-desist order while investigating a complaint that has been filed by a board of education or employees' representative organization. This has no fiscal impact, as it is not anticipated to impact the cost of any collective bargaining agreement or the cost of investigating such complaints.

The Out Years**State Impact:** None**Municipal Impact:** None

OLR Bill Analysis**HB 6793*****AN ACT MODIFYING THE STATE BOARD OF LABOR RELATIONS' REMEDIES FOR PROHIBITED PRACTICES FOR CERTIFIED EMPLOYEES.*****SUMMARY**

This bill allows the State Board of Labor Relations to issue a cease and desist order for certain violations of the teachers collective bargaining law (e.g., refusal to negotiate in good faith or retaliating against a complainant). Under the bill, when an alleged prohibited practice or breach of duty is ongoing, the board may order the party committing the act or practice to cease and desist from doing it until the board makes a determination on the matter.

Currently, the board may only issue a cease and desist order after holding a hearing on the complaint and making a determination.

EFFECTIVE DATE: July 1, 2023

COMPLAINTS WITH THE BOARD OF LABOR RELATIONS

By law, boards of education and an employees' representative organization (i.e., "union") can file complaints about prohibited practice violations with the board. Certified teachers and other certified employees may also file complaints about a breach of duty of fair representation.

Initially, an agent investigates the complaint and may or may not issue a report charging there has been a prohibited practice. And if it does, the Board of Labor Relations must hold a hearing on the matter. Even if the agent's report recommends dismissing the complaint, or the agent does not make a report or issue a complaint, the board can still choose to hold a hearing.

Under the bill, at this point in the process, the board can issue and cause to be served on the party committing the act or practice an order requiring the party to cease and desist from the act or practice until the board makes a determination. Current law authorizes the board to issue a cease and desist order only after holding a hearing on the complaint. The board can also take further action to ensure the prohibited practice or breach of duty is stopped and collective bargaining law is properly carried out.

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable

Yea 12 Nay 0 (03/16/2023)