



Senate

General Assembly

File No. 14

January Session, 2023

Senate Bill No. 912

Senate, March 6, 2023

The Committee on Labor and Public Employees reported through SEN. KUSHNER of the 24th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING THE STATUS OF PROBATE COURT SYSTEM EMPLOYEES.

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

1 Section 1. Subsection (g) of section 45a-8a of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective October*
3 *1, 2023*):

4 (g) Each administrative judge for a Regional Children's Probate Court
5 may, if authorized by the Probate Court Budget Committee under
6 section 45a-85, employ such persons as may be required for the efficient
7 operation of the Regional Children's Probate Court. Such employees
8 shall be employees of the Regional Children's Probate Court and shall
9 be entitled to the benefits of Probate Court employees under this
10 chapter. Such employees shall not be deemed to be state employees,
11 except for purposes of chapter 68.

12 Sec. 2. Section 45a-21 of the general statutes is repealed and the
13 following is substituted in lieu thereof (*Effective October 1, 2023*):

14 (a) Except as provided in subsection (b) of this section, Probate Court
15 employees shall not be deemed state employees and shall serve at the
16 pleasure of the judge of the court of probate in which they are employed.

17 (b) On and after October 1, 2023, Probate Court employees shall be
18 deemed state employees for the purpose of chapter 68 and shall have
19 the right to bargain collectively and shall have such other rights and
20 obligations incident thereto as are created by chapter 68. Should such
21 employees choose not to bargain collectively, such employees shall
22 remain at-will employees in accordance with subsection (a) of this
23 section.

24 Sec. 3. Subsection (a) of section 5-270 of the general statutes is
25 repealed and the following is substituted in lieu thereof (*Effective October*
26 *1, 2023*):

27 (a) "Employer" means the state of Connecticut, its executive and
28 judicial branches, including, without limitation, any board, department,
29 commission, institution, or agency of such branches or any appropriate
30 unit thereof and any board of trustees of a state-owned or supported
31 college or university and branches thereof, public and quasi-public state
32 corporation, or authority established by state law, the Probate Courts or
33 any person or persons designated by the employer to act in its interest
34 in dealing with employees, but shall not include the State Board of Labor
35 Relations or the State Board of Mediation and Arbitration.

36 Sec. 4. Subsection (a) of section 5-278 of the general statutes is
37 repealed and the following is substituted in lieu thereof (*Effective October*
38 *1, 2023*):

39 (a) When an employee organization has been designated, in
40 accordance with the provisions of sections 5-270 to 5-280, inclusive, as
41 amended by this act, as the exclusive representative of employees in an
42 appropriate unit, the employer shall be represented in collective
43 bargaining with such employee organization in the following manner:
44 (1) In the case of an executive branch employer, including the Division
45 of Criminal Justice, by the chief executive officer whether elected or

46 appointed, or [his] the chief executive officer's designated
47 representative; who shall maintain a close liaison with the legislature
48 relative to the negotiations and the potential fiscal ramifications of any
49 proposed settlement; (2) in the case of a judicial branch employer, by the
50 Chief Court Administrator or [his] the Chief Court Administrator's
51 designated representative; [and] (3) in the case of each segment of the
52 system of higher education, the faculty and professional employees
53 shall negotiate with their own board of trustees or its designated
54 representative; and (4) in the case of a Probate Court employer, by the
55 Probate Court Administrator or the Probate Court Administrator's
56 designated representative.

57 Sec. 5. Subsection (b) of section 5-275 of the general statutes is
58 repealed and the following is substituted in lieu thereof (*Effective October*
59 *1, 2023*):

60 (b) The board shall determine the appropriateness of a unit which
61 shall be the public employer unit or a subdivision thereof. In
62 determining the appropriateness of the unit, the board shall: (1) Take
63 into consideration, but shall not limit consideration to, the following:
64 (A) Public employees must have an identifiable community of interest,
65 and (B) the effects of overfragmentation; (2) not decide that any unit is
66 appropriate if (A) such unit includes both professional and
67 nonprofessional employees, unless a majority of such professional
68 employees vote for inclusion in such unit, or (B) such unit includes both
69 Department of Correction employees at or above the level of lieutenant
70 and Department of Correction employees below the level of lieutenant;
71 (3) take into consideration that when the state is the employer, it will be
72 bargaining on a state-wide basis unless issues involve working
73 conditions peculiar to a given governmental employment locale; (4)
74 permit the faculties of (A) The University of Connecticut, (B) the
75 Connecticut State University System, and (C) the Technical Education
76 and Career System to each comprise a separate unit, which in each case
77 shall have the right to bargain collectively with their respective boards
78 of trustees or their designated representatives; [and] (5) permit the
79 community college faculty and the technical college faculty as they

80 existed prior to July 1, 1992, to continue to comprise separate units,
 81 which in each case shall have the right to bargain collectively with its
 82 board of trustees or its designated representative, [. Nonfaculty]
 83 provided nonfaculty professional staff of [the above] such institutions
 84 may by mutual agreement be included in such bargaining units, or they
 85 may form a separate bargaining unit of their own; and (6) permit
 86 employees of the Probate Court to form not more than two separate
 87 bargaining units, one nonprofessional and one professional. This section
 88 shall not be deemed to prohibit multiunit bargaining.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2023</i>	45a-8a(g)
Sec. 2	<i>October 1, 2023</i>	45a-21
Sec. 3	<i>October 1, 2023</i>	5-270(a)
Sec. 4	<i>October 1, 2023</i>	5-278(a)
Sec. 5	<i>October 1, 2023</i>	5-275(b)

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:

Agency Affected	Fund-Effect	FY 24 \$	FY 25 \$
Judicial Dept.	GF - Potential Cost	See Below	See Below
Probate Court	PCAF - Potential Cost	See Below	See Below

Note: GF=General Fund; PCAF=Probate Court Administration Fund

Municipal Impact: None

Explanation

The bill allows probate court employees to be deemed state employees for the purpose of collective bargaining and results in potential costs to the Probate Court Administration Fund (PCAF) and to the General Fund. The bill limits the number of bargaining units to two, but it does not require the probate court employees to unionize.

If the probate court employees do choose to unionize, there is an estimated one-time cost of \$8,200-\$16,400 for the PCA to retain outside legal counsel. Additionally, there may be a cost of \$10,000- \$20,000 in equipment, office furniture, and fixtures for new human resources employees. Potential recurring costs for two to four¹ additional staff salary and fringe benefits is estimated to be between \$335,000 and \$600,000. The PCA may also need to retain outside counsel on an annual basis and the cost associated with that would be between \$4,000 and \$8,500 depending upon the number of unions and the length of

¹ A Manager of Labor Relations, two Personnel Officers, and a Personnel Assistant may be needed in the case of four employees. In the case of two staff, there would likely be a Manager of Labor Relations and one Personnel Officer. In the case of three staff, there may be one of each position type.

negotiations.

If additional office space is required due to increased number of staff, the bill may result in a cost for leasing space. This cost is dependent on state owned office space that may be available, other space that may need to be leased, or the PCA's flexibility in allowing some positions to work remotely. It is estimated that lease related costs will be approximately \$12,000-\$27,000 annually depending upon the number of new staff who would require office space.

The Probate Court Administration Fund receives revenue through probate court fees as well as a General Fund subsidy through an appropriated account in the Judicial Department. These additional costs may result in an increase to the General Fund subsidy or an increase to probate court fees.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**SB 912****AN ACT CONCERNING THE STATUS OF PROBATE COURT SYSTEM EMPLOYEES.****SUMMARY**

This bill provides collective bargaining (i.e., unionizing) rights to probate court employees, including the regional children's probate court employees. Current law does not provide them with collective bargaining rights or obligate the probate court administrator to bargain with them.

Beginning October 1, 2023, the bill deems these employees state employees only for collective bargaining purposes under the state employee collective bargaining law. Under current law, probate court employees are deemed not to be state employees for any purpose, and they serve at the pleasure of the probate court judges.

The bill specifies that probate court employees (1) cannot form more than two separate bargaining units, one each for professional employees and nonprofessional employees, and (2) will remain at-will employees after the bill's effective date if they choose not to unionize.

Under the bill, starting October 1, 2023, the probate court is considered an employer for collective bargaining purposes thus requiring the probate court administrator, or her designee, to negotiate with employees on the court's behalf.

The bill also makes technical and conforming changes.

The state employee collective bargaining law establishes provisions for (1) selecting an exclusive bargaining agent for collective bargaining, (2) holding an election on whether to form a union, (3) mandatory

negotiations, (4) mandatory binding arbitration when a negotiation impasse is declared, and (5) other steps and mechanisms related to bargaining and arbitration (CGS §§ 5-270 to -280).

EFFECTIVE DATE: October 1, 2023

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable

Yea 7 Nay 4 (02/16/2023)