



General Assembly

January Session, 2023

Raised Bill No. 6793

LCO No. 4720



Referred to Committee on LABOR AND PUBLIC EMPLOYEES

Introduced by:
(LAB)

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2 repealed and the following is substituted in lieu thereof (*Effective July 1,*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)

Statement of Purpose:

To allow the State Board of Labor Relations to issue a cease and desist order to a party alleged to have violated certain provisions of section 10-153e of the general statutes.

[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.]