



Senate

General Assembly

File No. 302

February Session, 2024

Substitute Senate Bill No. 411

Senate, April 8, 2024

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 substitute bill ought to pass.

AN ACT CONCERNING TEMPORARY STATE EMPLOYEES AND COLLECTIVE BARGAINING.

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

1 Section 1. Section 5-270 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 [When] As used in sections 5-270 to 5-280, inclusive, as amended by
4 this act, section 31-40bb, as amended by this act, and section 2 of this act:

5 (a) "Employer" means the state of Connecticut, its executive and
6 judicial branches, including, without limitation, any board, department,
7 commission, institution, or agency of such branches or any appropriate
8 unit thereof and any board of trustees of a state-owned or supported
9 college or university and branches thereof, public and quasi-public state
10 corporation, or authority established by state law, or any person or
11 persons designated by the employer to act in its interest in dealing with
12 employees, but shall not include the State Board of Labor Relations or

13 the State Board of Mediation and Arbitration; [.]

14 (b) "Employee" means any employee of an employer, whether or not
15 in the classified service of the employer, except elected or appointed
16 officials other than special deputy sheriffs, board and commission
17 members, disability policy specialists assigned to the Council on
18 Developmental Disabilities, managerial employees and confidential
19 employees; [.]

20 (c) "Professional employee" means: (1) Any employee engaged in
21 work (A) predominantly intellectual and varied in character as opposed
22 to routine mental, manual, mechanical or physical work; (B) involving
23 the consistent exercise of discretion and judgment in its performance;
24 (C) of such a character that the output produced or the result
25 accomplished cannot be standardized in relation to a given time period;
26 (D) requiring knowledge of an advanced type in a field of science or
27 learning customarily acquired by a prolonged course of specialized
28 intellectual instruction and study in an institution of higher learning or
29 a hospital, as distinguished from a general academic education or from
30 an apprenticeship or from training in the performance of routine mental,
31 manual or physical processes; or (2) any employee who has completed
32 the courses of specialized intellectual instruction and study described in
33 [subsection (c)(1)(D)] subparagraph (D) of subdivision (1) of this
34 subsection and is performing related work under the supervision of a
35 professional person to qualify himself to become a professional
36 employee as defined in [subsection (c)(1).] subdivision (1) of this
37 subsection;

38 (d) "Employee organization" means any lawful association, labor
39 organization, federation or council having as a primary purpose the
40 improvement of wages, hours and other conditions of employment
41 among state employees; [.]

42 (e) "Confidential employee" means any public employee who would
43 have access to confidential information used in collective bargaining; [.]

44 (f) "Supervisory employee" means any individual in a position in

45 which the principal functions are characterized by not fewer than two
46 of the following: (1) Performing such management control duties as
47 scheduling, assigning, overseeing and reviewing the work of
48 subordinate employees; (2) performing such duties as are distinct and
49 dissimilar from those performed by the employees supervised; (3)
50 exercising judgment in adjusting grievances, applying other established
51 personnel policies and procedures and in enforcing the provisions of a
52 collective bargaining agreement; and (4) establishing or participating in
53 the establishment of performance standards for subordinate employees
54 and taking corrective measures to implement those standards, provided
55 in connection with any of the foregoing the exercise of such authority is
56 not merely of a routine or clerical nature, but requires the use of
57 independent judgment, and such individuals shall be employees within
58 the meaning of subsection (b) of this section. The above criteria for
59 supervisory positions shall not necessarily apply to police or fire
60 departments; [.]

61 (g) "Managerial employee" means any individual in a position in
62 which the principal functions are characterized by not fewer than two
63 of the following, provided for any position in any unit of the system of
64 higher education, one of such two functions shall be as specified in
65 subdivision (4) of this subsection: (1) Responsibility for direction of a
66 subunit or facility of a major division of an agency or assignment to an
67 agency head's staff; (2) development, implementation and evaluation of
68 goals and objectives consistent with agency mission and policy; (3)
69 participation in the formulation of agency policy; or (4) a major role in
70 the administration of collective bargaining agreements or major
71 personnel decisions, or both, including staffing, hiring, firing,
72 evaluation, promotion and training of employees; and

73 (h) "Temporary employee" means an individual who has been hired
74 for a limited term, such as a casual employee, seasonal employee,
75 periodic employee, extra help employee, relief employee or per diem
76 employee.

77 Sec. 2. (NEW) (Effective from passage) (a) Upon the request of an

78 exclusive representative of a bargaining unit, any temporary employee
79 (1) who is employed to perform the same or similar types of work as
80 permanent employees in such bargaining unit, and (2) whose
81 classification as a temporary employee is not currently included in such
82 bargaining unit, shall be included in such bargaining unit for purposes
83 of collective bargaining.

84 (b) Upon inclusion of the temporary employees in a bargaining unit
85 pursuant to subsection (a) of this section, the employer shall promptly
86 commence negotiations with such bargaining unit's exclusive
87 representative, in accordance with section 5-276a of the general statutes,
88 to establish wages, hours and terms and conditions of employment for
89 such temporary employees, including, but not limited to, whether (1) a
90 temporary employee who obtains permanent employment receives
91 seniority or any other credit or benefit for such temporary employee's
92 employment as a temporary employee, and (2) a temporary employee
93 receives preferential hiring over external candidates for permanent
94 positions. Any agreement reached by such negotiations shall be added
95 as an addendum to such bargaining unit's existing collective bargaining
96 agreement. Thereafter, any terms and conditions of employment of
97 permanent and temporary employees negotiated by the parties shall be
98 included in a successor collective bargaining agreement.

99 (c) Upon the hiring of any temporary employee, the employer shall
100 provide to such temporary employee the wage rates, eligibility for
101 benefits, anticipated length of employment and procedures describing
102 how such temporary employee may apply for a permanent position.
103 The employer shall also provide such information to the exclusive
104 representative of the bargaining unit of such temporary employee.

105 (d) Nothing in this section shall require that the same terms and
106 conditions of employment for permanent employees applies to
107 temporary employees.

108 Sec. 3. Subsection (a) of section 31-40bb of the general statutes is
109 repealed and the following is substituted in lieu thereof (*Effective October*
110 *1, 2024*):

111 (a) Except as otherwise provided in this section, a public employer
 112 shall provide an exclusive representative, in an editable digital file
 113 format, and, if possible, in a format agreed to by the exclusive
 114 representative, the following information if on file with the employer:
 115 Name, job title, department, work location, work telephone number and
 116 the home address of any newly hired employee. The public employer
 117 shall provide [the] an exclusive representative such information, if
 118 possible, with real-time electronic transmission of new hire data but in
 119 no event later than ten days after such employee is hired or the first pay
 120 period of the month following the hiring of such employee, whichever
 121 is earlier. An employer, as defined in section 5-270, as amended by this
 122 act, shall provide an exclusive representative with the anticipated end
 123 date for a newly hired temporary employee or, for a temporary
 124 employee whose employment has ended, the actual end date of such
 125 temporary employee's employment. For purposes of this section, (1)
 126 "public employer" means (A) "employer", as defined in section 5-270, as
 127 amended by this act, (B) "municipal employer", as defined in section 7-
 128 467, and (C) local and regional boards of education, (2) "public employee
 129 organization" means any lawful association, labor organization,
 130 federation or council having as a primary purpose the improvement of
 131 wages, hours and other conditions of employment among employees of
 132 public employers, and (3) "exclusive representative" means the public
 133 employee organization certified or recognized in accordance with state
 134 law to be the exclusive bargaining representative of a public employer
 135 bargaining unit.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	5-270
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>October 1, 2024</i>	31-40bb(a)

Statement of Legislative Commissioners:

In Section 1, "When used in sections" was changed to "[When] As used in sections" for consistency with standard drafting conventions; in Section 1(h) "including, but not limited to" was changed to "such as" for

consistency with standard drafting conventions; and Sections 2(c) and 2(d), were rewritten for clarity and consistency with standard drafting conventions.

LAB *Joint Favorable Subst. -LCO*

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 25 \$	FY 26 \$
Various State Agencies; Higher Education Constituent Units	All Funds - Potential Cost	See Below	See Below

Note: All Funds=All Funds

Municipal Impact: None

Explanation

The bill requires temporary or part-time state employees to be added to a state employee bargaining unit for collective bargaining purposes provided they do the same or similar types of work as permanent employees in collective bargaining units and the union request it. The bill may result in a cost to various agencies and constituent units of higher education to the degree additional temporary employees are included in unions, and as a result see greater compensation. The potential increase in compensation may be in the form of higher salary and wages or fringe benefits increases.

The number of employees that are currently classified as temporary that are not already in a bargaining unit exceeds 1,000 across appropriated funds. It is uncertain how many of these positions would meet the requirement of the bill including doing similar types of work as permanent employees.

The Out Years

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

Sources: Core-CT Financial Accounting System

OLR Bill Analysis**SB 411*****AN ACT CONCERNING TEMPORARY STATE EMPLOYEES AND COLLECTIVE BARGAINING.*****SUMMARY**

This bill requires temporary state employees to be included in a state employee bargaining unit for collective bargaining purposes if (1) they do the same or similar types of work as permanent employees in the unit, (2) they are not currently in the unit, and (3) the unit's exclusive representative (i.e., union) requests it. Under the bill, a "temporary employee" is someone hired for a limited term (e.g., casual, seasonal, periodic, extra help, relief, and per diem employees).

Once the temporary employees have been included in the bargaining unit, the bill requires the state to promptly begin negotiating with the union to set wages, hours, and employment terms and conditions for them. This must include whether temporary employees receive (1) seniority or any other credit or benefit for their time as a temporary employee if they obtain permanent employment and (2) preferential hiring over external candidates for permanent positions. Any agreement reached by the negotiations must be added as an addendum to the bargaining unit's existing collective bargaining agreement, with any subsequently negotiated employment terms and conditions for permanent and temporary employees included in a successor agreement. The bill specifies that this does not require the same employment terms and conditions for permanent and temporary employees.

Under the bill, when the state hires temporary employees, it must give them and their union their wage rates, benefits eligibility, anticipated employment duration, and procedures explaining how to apply for permanent positions.

Existing law requires public employers to give public employee unions certain information about newly hired employees (e.g., their name, job title, work location) in a certain format and within certain timeframes. For temporary state employees, the bill requires the state to also give the union (1) the anticipated end date for a newly hired temporary employee and (2) the actual end date for a temporary employee whose employment has ended.

EFFECTIVE DATE: Upon passage, except that the provision requiring the state to give unions information about a temporary employee's anticipated or actual end date is effective October 1, 2024.

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable

Yea 8 Nay 4 (03/19/2024)