

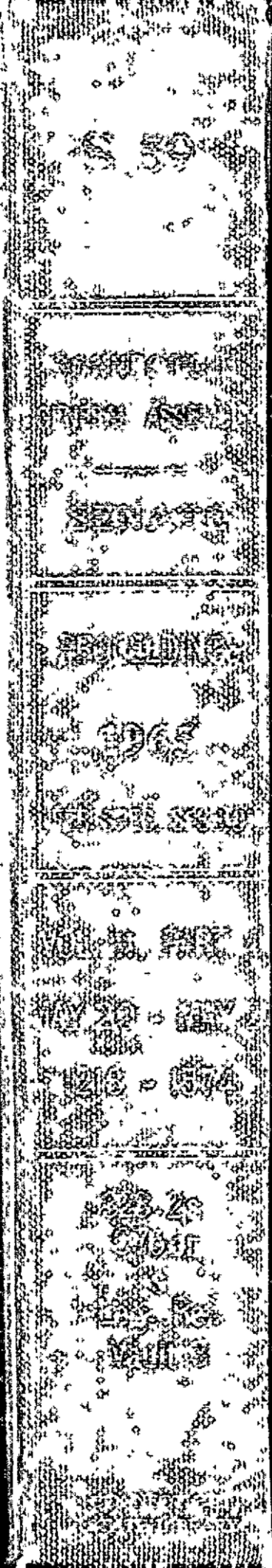
Legislative History for Connecticut Act

<u>HB 4630</u>	PA 159	<u>1965</u>
Senate p. 1504-1508		5
House p. 1781-1790		10
Cities & Towns p. 107		1
LAW/LEGISLATIVE REFERENCE		16
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<p><i>Bill was result of Report by the Interim Commission to Study Collective Bargaining by Municipalities (D/G-255 cb/k) ^{28/10} CS& also ^{missing} has minutes of Commission (D/G-255 cb/m) & Comm. set up by PA 495 (1963)</i></p>		

Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate and House of Representatives Proceedings

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May 26, 1965

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SENATOR ALFANO:

Mr. President, this bill is quite essential because many of our public service corporations and utility companies have had considerable difficulty with malicious youngsters and people who have been damaging many facilities at extreme cost; and for the various utility companies, in order to bring to their attention the severity of the crime that they are committing, we feel that the penalty should be increased. Penalty now is only five hundred dollars under the existing law and not more than two years in jail under the existing law. This would increase to a thousand dollar fine and three years in jail at the most.

THE CHAIR:

Further remarks on the bill? The question is on passage of the bill. All those in favor say "aye", "opposed". The bill is passed.

THE CLERK:

Page 11. Calendar 655. File 406. House Bill No. 2411.

SENATOR GLADSTONE:

May Calendar 655, 660, 661 and 662 all stand over and retain their places on the Calendar?

THE CHAIR:

Calendar 655, 660, 661 and 662 will stand over and retain its place on the Calendar.

THE CLERK:

Calendar 656. File 435. Substitute for House Bill No. 4630. An act establishing a municipal employee relations act. (as amended by House Amendment Schedule "A".)

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Favorable report of the Joint Committee on Labor.

THE CHAIR:

Senator Miller.

SENATOR MILLER:

Mr. President, I move the acceptance of the committee's favorable report and passage of the bill.

THE CHAIR:

Remarks?

SENATOR MILLER:

The Clerk has an amendment.

THE CLERK:

House.

SENATOR GLADSTONE:

Mr. President, is the issue whether House Amendment Schedule "A" is technical or not?

THE CHAIR:

No. Not at all.

THE CLERK:

House Amendment Schedule "A".

In Section 8, line 19, after the word "matter." insert the following: If rejected, the matter shall be returned to the parties for further bargaining.

SENATOR MILLER:

This was added on by the House. Mr. President, it is self-explanatory and I urge its passage.

THE CHAIR:

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The question is on the adoption of the amendment. All those in favor say "aye", "opposed". Adopted.

SENATOR MILLER:

Mr. President, I move the acceptance of the committee's favorable report and passage of the bill as amended.

THE CHAIR:

Remark?

SENATOR MILLER:

Mr. President, this bill is a product of an interim commission for people. The bill is identical with House Bill No. 3992 introduced by Representative Bartolato and Senate Bill 692 introduced by Senator Hull. Senator Hull worked along with the others real hard on this bill. I would like to give him the opportunity to report the bill out.

THE CHAIR:

Senator Hull of the 24th.

SENATOR HULL:

Mr. President, thank you for your courtesy Senator Miller. This bill is a result of a two year study by the Commission on Collective Bargaining Rights, and his employees of which I was the Senate member, Representative Bartolato indistinguishable Professor Robert Stutz, a noted authority on collective bargaining procedures and law at the University of Connecticut was the Chairman. Before explaining the bill, I would like to inform the Circle that Professor Stutz did an outstanding job as Chairman and in drafting the reports which I hope some of you

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have read. He played a major role in drafting the bill. This bill concerns collective bargaining rights for municipal employees. At the present time considerable bargaining is carried on with [indistinguishable] major cities of the State. The right to bargain is not in the union or the organization of employees. It is up to the municipalities where or not it wishes to bargain. This law establishes a uniform procedure throughout the State of Connecticut and gives the absolute right of collective bargaining in such organizations. There is a duty on the municipalities to bargain [indistinguishable.] It provides for abriiation of grievance questions upon application of both parties. It provides for mediatation by the State Labor Board up on application of one party. It sets forth in great detail the procedures that will be part of so that there can be good faith collective bargaining in this very important area of labor relations in this State. There is a further provision for fact-finding procedure in order to bring the line of public opinion on a dispute where it will be helpful. There is an absolute prohibition against strikes in this bill. Members of the Circle, this bill is really a Magna Charta of municipal employees labor relations and I predict that it will very soon be a medel of its kind throughout the United States. It is a good bill and should pass.

THE CHAIR:

Further remarks on the bill?

Senator Camilliere of the 3rd.

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SENATOR CAMILLIERE:

Mr. President, just for the record I would like to be recorded in favor of the bill. I was going to say exactly what Senator Hull said. He said it, so I won't.

THE CHAIR:

Further remarks on the bill? The question is on the acceptance of the committee's favorable report and passage of the bill as amended. All those in favor say "aye", "opposed". The bill is passed.

THE CLERK:

Calendar 647. File 436. House Bill No. 2533. An act concerning the procuring of liquor by false statement or by persons to whom sale is forbidden.

Favorable report of the Joint Committee on Liquor Control.

THE CHAIR:

Senator Lebon of the 2nd.

SENATOR LEBON:

Mr. President, I move for the acceptance of the committee's favorable report and passage of the bill.

THE CHAIR:

Remarks?

SENATOR LEBON:

Mr. President, this bill would increase the fine of procuring liquor by reason of making a false statement to one hundred dollars to five hundred dollars. I move its passage.

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CONNECTICUT

GENERAL ASSEMBLY

HOUSE

PROCEEDINGS

FEB. SPEC. SESSION

1965

VOLUME 1 PART 2

MAY 14 - MAY 21

1965

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MR. BRODERICK (WINDSOR LOCKS):

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Mr. Speaker, I move acceptance of the joint committee's favorable report and passage of the bill.

MR. SPEAKER:

Question is on acceptance and passage. Will you remark?

MR. BRODERICK (WINDSOR LOCKS):

Mr. Speaker, there are located in this state certain onon-profit cooperative ownership housing corporations. For many years they have been taxed under the corporation business tax. Such a corporation pays the tax of five percent on there net income and in the event of no income the minimum tax is imposed. The purpose of the cooperative housing project is to provide the low cost housing to its members. The owners pay all of the expenses and allthough they own separate pieces of real estate there is no profit motive here. The only motive for providing low cost housing for its members therefore such corporation should not be taxed in the same way as commercial companies but should be granted the exception. I move passage of the bill.

MR. SPEAKER:

Question is on passage of the bill. All in favor say Aye.

Opposed Nay. The bill is passed.

THE CLERK:

Calendar no. 494 - file no. 435 - Substitute for House Bill No. 4630. An Act Establishing a Municipal Employee Relations Act.

Favorable report of the Joint Committee on Labor.

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MR. ZANOBI (NORFOLK):

Mr. Speaker, I move acceptance of the joint committee's favorable report and passage of the bill.

MR. SPEAKER:

Question is on acceptance and passage. Will you remark?

MR. ZANOBI (NORFOLK):

Mr. Speaker, the Clerk has an amendment.

THE CLERK:

This is House amendment Schedule "A" offered by Mr. Zanobi from the town of Norfolk. The amendment is as follows:

In section 8, line 19, after the word "matter" insert the following: If rejected, the matter shall be returned to the parties for further bargaining.

MR. ZANOBI (NORFOLK):

Mr. Speaker, this was inadvertently left out when the bill was typed up. It has been ruled as a technical amendment and I move its passage.

MR. SPEAKER:

Question is on adoption of House Amendment Schedule "A"/ Will you remark further? If not, will all in its favor say Aye. Opposed No. The amendment is adopted. The Chair has been informed that this is simply an error in the Commissioner's office and the amendment may be considered a technical one and we proceed on the bill.

MR. ZANOBI (NORFOLK):

Mr. Speaker, the purpose of this bill is to promote better

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employee employer relations in municipal government by setting forth such rights and obligations. It provides employees free to join an organization of their choice to bargain collectively through their own representatives. The bill also provides uniform employees of police departments and fire department shall each be a separate unit and no bargain unit shall contain both professional and non-professional employees unless a majority of such professional employees vote to join such a union. If a majority of employees designate such an organization as its representative the municipal employer has an obligation to bargain for that organization. However, the bill makes it clear that the obligation to bargain does not require either party to agree to the proposal or does it require the making of any concession. The bill prohibits strike the municipal employees. In the event of a dispute of negotiations either party may call for impartial fact finding. Such a fact finder may only make recommendations and such recommendations are not binding by either party. The municipalities represented in collective bargaining are the chief executive officer and his designated representatives. Any agreement that maybe negotiated which calls for the expenditures of funds cannot take effect unless approved by the legislative body of the municipality. Mr. Speaker, I move passage of the bill.

Mr. Cole of Fairfield in the Chair.

MR. BADOLATO (NEW BRITAIN):

Mr. Speaker, I agree with the remarks made by the gentleman

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from Norfolk. I want to say to the members of the House that this bill is a result of the study commission established in the last session of the general assembly and I would like to give credit to those members of the commission that have served and have come up with a bill that I think we can be proud of. The chairman of the commission was Professor Robert Stutz, Father E. Daniel of Hamden, James Barber of Wallingford, Professor Richard Shuck of West Hartford, Senator Clark Hull of Danbury, Mayor Richard Lee of New Haven, City Manager Friedman of Hartford, City Clerk of Bridgeport, William . . . of Orange, Leonard Kirchner of Bridgeport, Everett Shaw of New Haven and myself representing the House. This comprised the committee that did a thorough job of municipal employee relations. I think that Connecticut will be in the forefront of every state in the union as far as the existence of a model code concerning the conduct of labor relations of municipal employees concerned. This bill clearly established that hereafter municipal employees are not going to be second class citizens in the labor market. Because they have chosen to work for a municipality they do not have to deny themselves the rights other laboring men have in had in this country since the passage of the Wagner Act. This puts your municipal employees on a par with employees in private industry. I urge favorable consideration of this bill.

MR. SCHLOSSBACH (WESTBROOK):

Mr. Speaker, I too would like to joint with the gentleman from New Britain and the chairman of the House Labor Committee.

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This bill is a combination not only of the wonderful work of the commission that you just heard the gentleman from New Britain speak about but the work of many many years on the part of the Labor Committee of this general assembly. I think this marks a real mile stone in relationship between municipalities and employees and I am glad to support its passage.

MR. NOYES (FARMINGTON):

Mr. Speaker, I rise in opposition of the bill. I am sorry to oppose my good friend Bob Stutz who I understand was the author of it and my friends that the gentleman from New Britain named on the committee that worked for it. I have a couple of questions that I would like to ask the gentleman from Norfolk. The first is in the bills reference to a legislative body, in the case of a town operating under a charter with a town council and also the town meeting form of government, what is the legislative body?

MR. ZANOBI (NORFOLK):

In answer to the gentleman from Farmington. In my town the legislative body is the town meeting. In other towns I'am not quite sure, but somebody must be designated as a legislative body of that town in other matters.

MR. NOYES (FARMINGTON):

Mr. Speaker, I would be glad to hear from the gentleman from New Britain if he can enlighten me.

MR. BADOLATO (NEW BRITAIN):

The statutes clearly state where there is a town meeting.

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form of government that the town meeting is the legislative body. EJN

MR. NOYES (FARMINGTON):

Mr. Speaker, the second question I have is as I read the bill teachers are exempt from its provisions but municipal firemen and policemen are covered by it. My question is is that understanding correct?

MR. BADALATO (NEW BRITAIN):

Yes Mr. Speaker, the bill establishing the committee to study collective bargaining in municipalities clearly exempts teachers from the study commission so that the study commission in making their report complied with the wish of the general assembly when they were set up and they did stay away from the field of teachers. It did not exclude from there study policemen and firemen.

MR. NOYES (FARMINGTON):

Mr. Speaker, than speaking on the bill I register my opposition first for the reason that in my judgement it is a miss use of the state power to lay upon the towns the requirement to bargain collectively as it is defined in this bill solely by virtue of the votes of those employees that will be effected. Because this does violate in my judgment to the essential sovereignty within limits of each individual town and the citizens thereof. Secondly I oppose it on the grounds that its no strike porvision is without force and effect and cannot be implemented in any way shape or form and I hold to the opinion that there can and should be no strike against the public welfare by public

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employees. By providing what appears to be the mechanics of collective bargaining as it exists in private employment it appears that people are trying to say that a strike or walkout is not a part of collective bargaining and I submit to you that it is an essential part, not because its desired or because anybody want either of them, but because it provides the only terminal point for the procedure. Finally I oppose it on the grounds that in the words of the gentleman from Norfolk the bill does not require either side to come to an agreement and this is the same observation that has been frequently been made in defense in the national labor act presently on the books. And in theory and perfectly proper and correct there isn't any language as such in that act or in the one before us. It requires either side to come to an agreement but in actual practical effect I only refer you to the history of collective bargaining in private employment to persuade you of the fact in practice it does require an agreement for the simple reason that a strike in frequent circumstances will not be tolerated by the force of public opinion and public opinion might be right but the fact of the matter is whenever you call in arbitration you are introducing a third party between those who have the responsibilities to the citizens in this case to manage the town and the responsibilities of the employees to those citizens and I think that this is improper and unwarranted interference with not only the right to the towns but the rights of the citizens thereof and beyond that point in a practical

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sense will result in difficulty in a number of towns in Conn.

MR. SATTER (NEWINGTON):

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Mr. Speaker, I rise in favor of the bill. I think this is really a land mark bill that we about to pass or I trust we are about to pass. I think many of the (organizations) arguments raised by the gentleman from Farmington are not well founded. Respecting the aspect of town sovereignty its pretty clear that we can pass laws giving towns the power to bargain collectively with there employees. We many times have passed laws that effected - I gather that the gentleman from Farmington is implying some sort of inherant power in the towns apart from there regulations controlled by us, the state legislature. Respecting his argument regarding strikes, it strikes me that this measure does rather clearly prohibit strikes by municipal employees and as to its enforceability I am sure that he is aware that the instance any employee of a town were to strike there would be a motion for a temporary injunction which would be granted and in the past has been granted in other situations which have effectively and completely terminated the strike. Respecting his arguments that there is no requirement to agreement I can simply say that is probably the best part of the bill. There is no compulsory arbration in the bill which means that the parties will have to continue to negotiate until they do reach an agreement. As his arguments that this would lead to confusion I think the bill acts in percisely the opposite direction. As to the rights of city and town employees to join

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unions and to participate in collective bargaining has led to far more confusion and this bill by regularizing and stabilizing the situation I believe will lead to far more stability. I think this is an excellent bill. I think the committee is to be commended for bringing it out and I trust that it will pass. E J N

MR. PETRONI (RIDGEFIELD):

Mr. Speaker, through you Mr. Speaker, to the gentleman from Norfolk. Was this act given a favorable by the Senate committee?

MR. ZANOBI (NORFOLK):

This is a joint favorable report.

MR. PETRONI (RIDGEFIELD):

Thank you very much.

MR. SCHLOSSBACH (WESTBROOK):

Mr. Speaker, I am little bit amazed at myself for getting up and agreeing with the gentleman from Newington but I must say in this instance I agree with him one hundred percent. This bill in my opinion doesn't go far enough. I think we are going to come and should have come also to include our state employees in the same position.

MR. SPIELMAN (VERNON):

Mr. Speaker, I concur with the gentleman from Westbrook. I only hope if he brings a bill in for state employees which he has in the passed he uses the same language to describe the type of organization to be represented.

MR. NOYES (FARMINGTON):

Mr. Speaker, for the second time - I'am sorry for being so

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unfair to my friend from Newington but the sovereignty I speak is the sovereignty of the citizens not the town. We are here in the legislature in this bill before you saying that the citizens are not sovereign but they must bargain with a group of there own employees subject to there wishes if those employees elect to do so. That is the primary objection I have to the bill and I think if ever we said anything in this chamber about home rule, this is one time when we ought to practice it.

MR. SPEAKER:

Will you remark further? If not, all in favor say Aye.

Opposed Nay. The bill is passed.

THE CLERK:

Calendar no. 495 - file no. 436 - House Bill No. 2533. An Act concerning the Procuring of Liquor by False Statement or by Persons to Whom Sale is Forbidden.

Favorable report of the Joint Committee on Liquor Control.

MR. LATER (WETHERSFIELD):

Mr. Speaker, I move acceptance of the joint committee's favorable report and passage of the bill.

MR. SPEAKER:

Question is on acceptance and passage. Will you remark?

MR. LATER (WETHERSFIELD):

Mr. Speaker, this increases the penalty of obtaining false rather for people who obtain liquor to whom sale is forbidden from \$100.00 to \$500.00. The second part of it is that it eliminates minors from entering taverns which is - does not have its

JOINT

STANDING

COMMITTEE

HEARING

CITIES

AND

PROVIDE

ON

THE

STATE

1965

1.
JC

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Thursday

CITIES AND BOROUGHES

APRIL 1, 1965

Senator Pickett, presiding

Members present: Senator: Pickett
Representatives: Sheehy, Taylor, Bowers,
Spielman, Harvey, Gray, Scovill, Francis
Treadmill, Kirchhof, Cullen, Palmiere,
Carter, Green

Rep. Sheehy: We have representative Taylor who is Senate Clerk, committee attendance is a little light, but I'm sure, they'll be along. We have quite a number of bills. Senator Pickett, who is Senate Chairman, will be in in just a minute. We'll start. We'll take the bills in order, however we'll take our usual job of taking Senators, and Representatives first, because I realize there are other hearings they must go to. So, with that we'll open the hearing. H. B. 4238 or any other bills that the Senators and Representatives would like to speak on.

H.B. No. 4238 (Rep. Padula) AN ACT PROVIDING FOR THE ELECTION OF THE METROPOLITAN DISTRICT COMMISSIONERS

Rep. Padula: I know that everything that is said is recorded and of course, everyone has the benefit of the transcript, and it is much easier to read it than to hear it. Therefore, I would like to speak in favor of 4630, My name is Rep. Padula, and I'm speaking in the capacity of the Majority Leader in the House of Representatives. I am pleased to present the point of view of my party in connection with this bill. As you know it is designed to promote better employee-employer relations in municipal government in Conn. by setting forth rights and obligations of municipal employers and municipal employees and their employee organizations. This proposed legislation provides municipal employees and municipal employers with the mutual rights, powers and obligations to bargain collectively on questions of wages, hours and other conditions of employment (Section 2-3); and, spells out in detail the various rights powers and obligations and clarifies the present law, I commend it to as being an excellent bit of legislation. I hope this committee will see the light of day, and pass this bill.

H.B. No 4630 (Rep. Padula) AN ACT ESTABLISHING A MUNICIPAL EMPLOYEE RELATIONS ACT.