

Legislative History for Connecticut Act

HB 5218	PA 491	1967
House	2483-2500, 4099-4102	(22)
Senate	1507-1509, 1829-1830	(5)
Labor	174, 180-189, 191-193	(14)

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CONNECTICUT
GEN. ASSEMBLY
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PROCEEDINGS
1967

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PART 6
2194-2718

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THE SPEAKER:

The question is on acceptance and passage. Will you remark?

MRS. ERB (66th)

Mr. Speaker, this bill assesses the penalty against any person who fails to stop at the request of our Conservation Law Enforcement Officers, or who, after being requested to stop, throws overboard any fish, crustacean, or container. This bill, if enacted by the House, will act to reduce illegal commercial fishing in our marine waters, particularly the heavy traffic in short lobsters. This bill penalizes any person who obstructs these officers in the performance of their duties under Sec. 26-6 of our general statutes and will aid them in protecting our natural resources. I urge passage of this bill.

THE SPEAKER:

Will you remark further on the bill? If not the question is on acceptance and passage. All those in favor will say aye. All those opposed?

The bill is passed.

THE CLERK:

Page eleven of the Calendar. Calendar No. 605 Substitute for House Bill No. 5218. An Act concerning Collective Bargaining by Municipal Employees. Favorable report of the Committee on Labor. File #679.

MR. BADOLATO (30th)

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

THE SPEAKER:

The question is on acceptance and passage. Will you remark?

MR. BADOLATO (30th)

Mr. Speaker, this bill came about as a result of a study or a review of public act #159 that was adopted in the last session of the General Assembly.

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The Commission that drafted the original act, #159, was requested by the Govern- DS
or to review the act in its operation and make whatever suggestions or recommen-
dations they felt were necessary at this time. The bill itself provides in
Sec. 1 that the definition of a legitimate organization, under the terms of this
act, would be an organization that is in existence for a period of six months
or more. In Sec. 2 it clears up an area that raised some misunderstanding in
the original draft and provides that the chief executive officer of a municipal-
ity may grant recognition in the initial step, rather than to leave it in the
grey area of whether it had to be by approval of the legislative body or the
chief executive officer. Sec. 3 of the act provides for a broader base for a
definition of a supervisory position by requiring the presence of at least two
of the four criterias that are already established under public act #159.
Sec. 4 clears up the question of whether in the police and fire departments
there can be one or more bargaining unit. The original act intended that there
be only one in each of the departments. This section here and the recommended
change clearly defines that there would be one unit in the police department
and one unit in the fire department. Sec. 4 also clears up an area that created
some problems since the enactment of the act, in that the professional employees,
the profession itself, among the professionals will determine by themselves
whether they wish to be included in a bargaining unit of non-professionals and
would allow the professions the opportunity to set up units by each profession,
as they so chose. Sec. 5 would make available the services of the State Board
of Mediation and Arbitration for purposes of arbitration of contract disputes
at the joint request of the municipal employer and the employee organization.
Sec. 6 would clear up an area that was misunderstood in the previous act in
that it would make possible the question of entrance or exit from the Connecti-
cut Municipal Employees Retirement System and would place this provision under

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the rights of those matters that would be a condition of collective bargaining. DS

Sec. 6 also provides a time limit in which the chief executive officer or the agent of the municipality would have to submit the negotiated agreement to the legislative body within fourteen days of the date that the agreement was arrived at, and the legislative body would have thirty days from the end of that fourteen day period to take action on the agreement. Sec. 7 describes the responsibility of the Budget Appropriating Authority to appropriate whatever funds are needed to fulfill a collective bargaining agreement. Sec. 8 also clears up a misunderstanding that was created in the enactment of the previous act in that it defines that the authority of such municipal employer as a district school board or housing authority, which have exclusive control over wages, hours and other conditions employment would be the authority to arrive at an agreement and bind the authority to the agreement. Sec. 9 provides further language relating to the problem of completing contract negotiations in order to meet requirements on the submission of a budget. Under the present act, it is not clear whether contracts can be negotiated that would be retroactive and this session attempts to clarify that so that a negotiated agreement, by agreement, could be made retroactive. Sec. 10 simply conforms to Sec. 6 in that the Connecticut Municipal Employment Retirement System, the inclusion under that system, would be a matter for collective bargaining. Now these recommendations were made after long study by the Commission. They felt that in all of these cases they were actually clarifications of the intent of the original law. They were really not substantive changes in the law. Any changes that would be of a substantive nature would be coming before you in separate bills. The Commission, so that you'll know, was composed of three members of the employers, three members of the public at large, and three members of the labor organization, and a senator and a representative, representing the General Assembly.

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Action of the Commission required a majority vote, and in order to achieve this majority vote, it needed the approval of the public members of the Commission. This they did, it had a majority report, an acceptance of the majority. We feel that it is a good bill and hope that it passes.

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THE SPEAKER:

Will you remark further on the bill?

MR. WEICKER (154th)

Mr. Speaker, the Clerk has an amendment.

THE CLERK:

House amendment Schedule "A" offered by Mr. Weicker of the 154th district. In Section 6, line 15, take out the word "may" and substitute the word "shall". In Section 6, line 16, after the word "whole" add the following words "within a reasonable time". In Section 6, lines 21 through 24, delete the italicized words beginning with "Such" and ending with the word "body".

MR. WEICKER (154th)

Mr. Speaker, I rise to speak in favor of this amendment, and as being one of those who has probably had considerable experience with the Collective Bargaining Act, having been the representative chief executive officer of the Town of Greenwich in our collective bargaining with five different employee organizations. I supported the collective bargaining act which we passed in 1965. I thought it was a good bill, we all knew that some changes were going to have to come about. And it has proven to be a good act. I would say that the recommendations in the bill as you have it before you are sound, with the exception of Sec. 6. What I'm trying to do with this amendment is to avoid the backfire which is going to take place if the bill passes as it now sits before you. What in effect is going to happen here by the act, where it requires action within thirty days by the legislative body of the town after agreement has

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been reached and after it has been presented to that legislative body, is that DS

1) in order to fit it into the budget meeting of your legislative body, whatever that might be, representative town meeting or Council, in order to fit it into that budget meeting either the collective bargaining is going to slow down to the point where we can't arrive at quick agreements with the unions, or if we present it to the legislative body prior to their budget meeting, they'll reject it and send it back to us. What I'm trying to say to you is that I know there is an attempt at correcting the problem here. It is that some of our municipalities have dragged their feet and when agreement has been reached at the executive level, it hasn't been carried out into the legislative body or passed by the legislative body. On the other hand a community, and this was our case in Greenwich, which arrived very quickly at their agreements with the unions, under this bill, I would sit back and not present it to the legislative body until our budget meeting. Or if I had presented it to our legislative body before their regular budget meeting they would have rejected it and sent it back to me. What I've tried to do in this amendment, I speak now to the gentleman from the 30th, is to recognize the problem which you're concerned with, which is to prevent the dragging of feet once it has been presented to the legislative body, but at the same time have it so that it is adaptable to the various forms of local government that we have in the state of Connecticut. I want to make this very clear. I am in complete accord with the act as you have it before you but I think that the way Sec. 6 is written, you're going to have mass confusion, you're going to have the representative of the municipalities holding back from agreement with the unions until the budget meeting of the legislative body, or if they do reach agreement, those legislative bodies will reject it because it hasn't become a part of the orderly budget process. I think that there is not one of us, regardless of party, that should not think

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very carefully over this system as it effects your particular community. As

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I have stated, I have tried in the amendment to eliminate the dragging of feet but at the same time make it acceptable to all the communities of the state, make it adaptable to their particular situation, and in fact enhance the cause of collective bargaining on the municipal level here in the State of Connecticut.

THE SPEAKER:

Will you remark further on the amendment?

MR. BADOLATO (30th)

Mr. Speaker, I rise to oppose the amendment. The Commission that prepared this bill took into consideration the items that were discussed here. It seems that there are those communities of course that would love to get, and here again I don't say that it is the previous speaker's district, I don't mean to infer that it is his community, but there are those communities that would drag their feet more so if we were to adopt the amendment. We are attempting to, in this bill, remove the municipal employees from the area that they have been in years and that they were considered in the budget making process, in that they would only receive the crumbs that were left after the budget was put into shape. And if there was anything left, fine, the municipal employees would get whatever was left otherwise they wouldn't be given any fair consideration. The thought here was that they would allow the communities to get into the process of negotiating an agreement without having to deal with the pressures of the budget making process, and of course, all of you recognize that in those communities that are operating under this law, the chief executor officer or the agents for the community, I'm sure you all recognize, are in constant touch with the legislative body of the community, sounding them out on how far they are willing to go. So that an agreement arrived at through the

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bargaining process is one that we find in our experience, has been previously approved by the legislative body in itself. And the agent of the community is actually just going through the motions of approving something that was previously approved by the legislative body. Without the time limits in the act, it creates many more problems that would be created if we were to adopt the amendment. I seriously say that all of these things were taken into consideration. The amendment would be a greater evil than the bill as printed if it were passed.

THE SPEAKER:

Will you remark further?

MR. WEICKER (154th)

Mr. Speaker, let me give to my colleagues here in the House a concrete example as to what I'm talking about. Greenwich is on a July fiscal year. Back in the fall of 1966, September, October, November, we start to prepare our budget. At that time we entered into collective bargaining with the five different unions within the Town of Greenwich. We concluded on a happy note all of our agreements within a matter of a few months, so that roughly around the first of the year in 1967, all of our collective bargaining was done with. Our budget process in the meantime was going forward. We had our public hearings in March and we had the representative town meeting, which was the legislative town body, pass upon that budget in May. Now if this law were in effect the way it is written here, if I went ahead and concluded those same agreements let's say in November, 1966, with the fiscal year commencing July 1, of '67, one of two things would happen. I would have to present it immediately to the representative town meeting in December or January so that it becomes completely divorced from the rest of an overall budget. Now I can tell you exactly what my legislative body would do. They would reject any agreement, sent it

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back just to go ahead and delay it, to key it in with the May representative DS
Town meeting. If this act were in effect, if I didn't want that to happen for
fear of rejection, stirring up trouble if you will, I would purposely hang back
as the chief executive officer, in order to key it into the May Representative
Town meeting. The bill that you have before you in other words refers specifi-
cally to a request for funds necessary. The overall agreement, unless it is in
conflict with some act, as far as the non economic aspects of the agreement,
don't go before the representative town meeting, just the monetary aspects so it
very definitely is a part of any town or city budget process. Now when the gen-
tleman from the 30th says that the amendment has greater evil than the bill it-
self, I don't think so. What I have tried to do in other words is 1) What I
am saying is that they shall accept or reject not, may. I have incorporated the
provisions whereby the chief executive officer of the bargaining authority for
the town must submit, that part of it, in other words within fourteen days, must
submit it to the legislative body. That's good so far. But then I've used the
term reasonable time, and don't forget the act here is subject to interpreta-
tion by the State Board of Arbitration and Mediation. So that it is very clear,
that if in fact the agreement had not been reached because let's say the bud-
get session of the Representative Town Meeting was coming up in May, they would
say, well that's reasonable, it's being fit into there. If it was just being
dragged on for the sake of being dragged obviously they could step in. But
what I'm asking you to do and I think if each one of you check with your towns,
your chief executive officers, your councils, I think you'll find that the con-
fusion that is going to result and the step backward for collective bargaining
is just going to be tremendous. And this amendment is not offered in any other
way, not in a party way, except by one who has gone through the whole process
under the old act, who has done it successfully; so I can speak impartially,

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I've got no axe to grind, and one who wants to see it improved and the type of evil referred to by the gentleman of the 30th eliminated. Mr. Speaker, I would request that the amendment be printed in the Journal in accordance with Rule 9.

THE SPEAKER:

In accordance with Rule 9 it will be printed in the Journal. Will you remark further?

MR. AVCOLLIE (94th)

Mr. Speaker, through you may I ask the gentleman from Greenwich a question.

THE SPEAKER:

You may proceed.

MR. AVCOLLIE (94th)

I'm just wondering whether it's taking the other side of the coin, if your amendment is adopted and we look at Sec. 9 which makes possible retroactive agreements which I think is a fine thing, whether or not the bargaining group that has gone past the fiscal year before they reach an agreement could then be thwarted into waiting until the next fiscal year and kept on the hook by virtue of your elimination of these periods.

THE SPEAKER:

Does the gentleman care to respond?

MR. WEICKER (154th)

To the gentleman from the 94th the problem that you raised was one, as I was trying to find an amendment for this bill, was definitely in my mind. The first attempt that I made at amending was geared toward a fiscal year, if you will. I haven't taken that approach, that's why I've used the reasonable time approach. I don't think in that way that it would prevent in any manner, shape, or form it becoming retroactive. I recognize exactly what you are

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talking about because this took up about two hours of time and finally I had figured out you couldn't do it because again of the various fiscal years that we have, the various systems within the State of Connecticut. So I've used the term reasonable time and left it flexible so it adapt itself to any community to any fiscal year, and it would not impede the retroactivity section.

THE SPEAKER:

Will you remark further on the amendment?

MR. DOWD (125th)

Mr. Speaker, I rise to support the amendment. It seems to me that the gentleman of the 154th has made a persuasive case, based on personal and successful experience. None of us here wants to frustrate the very collective bargaining process that this bill hopes to expedite, and I think that we should all remember that this is not one of these bills that we can vote and walk away from. This is one that will be waiting for us when we get home regardless of which of the 169 towns we reside in at one time or another. This one has very broad implications. I think a persuasive case has been made for the amendment and I urge its adoption.

THE SPEAKER:

Will you remark further on the amendment? If not the question is on adoption of House Amendment Schedule "A". All those in favor will say aye. All those opposed? The no's have it, the amendment fails. The question now is on acceptance of the joint committee's favorable report and passage of the bill. Will you remark further?

MR. WEICKER (154th)

Mr. Speaker, I doubt the vote as announced by the Speaker.

THE SPEAKER:

The Chair rules that it is late for the doubt. The vote has been

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announced, the amendment has been lost. There is a move now if you want to appeal the ruling of the Chair, you may.

MR. WEICKER (154th)

Mr. Speaker, am I appealing the ruling of the Chair that the motion was late?

THE SPEAKER:

The ruling of the Chair is that your doubting of the vote is late. If you wish to appeal the ruling of the Chair you must move now, and if you sustain on your appeal then the Chair is wrong on the vote and we will have another vote.

MR. WEICKER (154th)

Mr. Speaker, I appeal the ruling of the Chair.

THE SPEAKER:

You appeal the ruling of the Chair. An appeal of the Chair's ruling has been made.

MR. DOWD (125th)

I second the appeal.

THE SPEAKER:

An appeal to the ruling of the Chair has been made and seconded.

MR. CROMBIE (44th)

I think this is carrying it pretty far. When the Speaker bangs that gavel, in all the time I have been here, that is it, the bill is passed. The gentleman who is late, I am sorry for him. The Speaker was not in a hurry doing this. I think this is bad policy to establish a precedent like this to question that the Chair has banged the gavel and said the bill is passed and then to question his decision because you waited too long. I think it is very unfair.

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MR. DOWD (125th)

There is no attempt here to embarrass anybody, calling voice votes in this chamber is a very difficult thing. The gentleman tried to get my attention and did not succeed, and consequently this is why he was late. What we are asking to do is simply have a rising vote that this can be confirmed. Nobody is interpreting the question here, we're just asking for a verification.

THE SPEAKER:

Will you remark further on the appeal?

MR. AJELLO (118th)

Mr. Speaker, the question seems to me very clear. The Speaker and I was watching, hesitated in order to determine whether or not there was a doubt. There was no doubt expressed by anybody. Whether or not somebody was trying to attract anybody's attention means nothing. A member who wants to doubt a vote has the obligation to get up and do it. The Rules say that once a vote is announced by the Speaker, it cannot be reconsidered, except in the method in which the Chair has indicated, or of course by a proper motion for reconsideration. So if this appeal is not well taken, the gentleman's actions were not well taken, and the Chair should be sustained.

THE SPEAKER:

Will you remark further on the appeal?

MR. WEICKER (154th)

Mr. Speaker, I withdraw my appeal from the Chair's ruling, I think though that the mistake that was made certainly was not one of policy or disrespect on my part. The mistake that will be made here will be one on the State of Connecticut.

THE SPEAKER:

The appeal has been withdrawn. We will go back to the bill.

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MR. MC CARTHY (22nd)

Through you, Sir, if I may, an inquiry to the gentleman from the 30th. With respect to the technical change in Sec. 2 of the bill, specifying the recognition of the chief executive officer of a municipality, I'm just curious about the situation of Council Manage Government, where you have an elected mayor and an appointed manager. I'm curious as to whether any consideration was given to a possible ambiguity as to which of these officers might be regarded the chief executive officer. Perhaps there is a definition available.

THE SPEAKER:

Does the gentleman care to respond.

MR. BADOLATO (30th)

Mr. Speaker, to the gentleman from the 22nd. All charters spell out clearly in their Charter who their chief executive officer is. In most town manager form of governments, the Charter specifies that the manager is the chief executive officer. In the mayor form of government, the charter spells out that the mayor is the chief executive officer, etc.

THE SPEAKER:

Will you remark further? If not the question is on acceptance of the joint committee's favorable report and passage of the bill.

MR. WEICKER (154th)

Mr. Speaker, I now have to rise to oppose the bill, which was the furthest thing from my mind when I walked into these Halls this afternoon. I've given you the reasons for my opposition to it. They were reasons that only applied to one section. I feel as guilty as anyone else opposing good legislation that is good in every respect but one. But due to the situation that confronts us, that's the course that I have to follow. The confusion that will result from the bill as it now stands will be far greater than any benefit that will

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accrue to either the municipalities or the employee organizations. And for that reason I am opposed to the bill.

THE SPEAKER:

Will you remark further on the bill?

MR. BADOLATO (30th)

Mr. Speaker, I move that when the vote is taken, it be taken by roll call.

THE SPEAKER:

The question is on a roll call. All those in favor will say aye. All those opposed? In the opinion of the Chair the sufficient number has answered in the affirmative. We will have a roll call.

MR. MC KINNEY (141st)

There is a certain moral dilemma that hits every representative. I think when it comes to passing on legislation it is simply the moral dilemma of, do you let a bill go through that is a bad bill and that is going to cause your town a problem just because you want the other side to stub their toes or do you stand up and say, think about what you are doing. Now I was the candidate for the chief executive office of my town and it's common knowledge I lost. However I was also a very strong supporter, and this is also a matter of the record, for collective bargaining way before this House thought about it for our police, fire, and city employees. I've stood beside them in many a fight. Ladies and gentlemen on the other side of the House, I welcome you to go back home. I welcome you from Bridgeport to go back home to Hugh Curren, you from New Haven to go home to Dick Lee, if the gentleman is here from Fairfield to go to John Sullivan, my first selectman, who is a democrat. You have made it almost physically impossible, just through one small mistake in this bill, to allow these people to deal with the fiscal problems of their community. And let

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me tell you this, you can talk about sales taxes, you can talk about any kind of taxes, you can talk about the problems we have governing a state financially, but nothing is nearer and dearer to the voter's heart than his town's financial problems. And by this bill you have done in that one section, you have made it almost impossible for a town, to with any sense of order, run its financial affairs. I think the bill in every other aspect is a superlative bill, it's a good bill; but with that one small item you've ruined it.

THE SPEAKER:

Will you remark further?

MR. AVCOLLIE (94th)

Mr. Speaker, I represent two of four collective bargaining units in my town who have been bargaining since last November right straight through the budget session, right through the fiscal year, and I can't see any moral dilemma here, Mr. Speaker. I don't doubt the sincerity of the gentleman from Greenwich. I think he has studied the bill and in his considered opinion as it relates to his town and the problems he sees, he certainly feels he's right. But I can say in all good conscience that this is not a bad bill as far as I'm concerned for my district. I think it will speed up the negotiations. It will eliminate to a great extent the possibility of employers stalling and delaying and thwarting the collective bargaining movement and the collective bargaining process and this is the case in many towns. I support this bill wholeheartedly. I know that the four collective bargaining units in Naugatuck will be delighted with it.

THE SPEAKER:

Will you remark further?

MR. BADOLATO (30th)

Mr. Speaker, I didn't intend to get up again but I just couldn't let

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those remarks go by without saying something about it. The remarks made by the gentleman from the 141st, I'd like to assure him and the members of this House that the amendment to the public act #159 enacted in the last session of the General Assembly were not taken lightly in that the people on the Commission that came up with the recommendations for amendments to the act were people that were knowledgeable in the field. They were people that were experts in the field both from the employer standpoint and from the public standpoint. I'd like to point out to you that three of the members on the Commission were people that are recognized as authorities in the field of public employee relations. They are Prof. Richard Schuck^{er} of Trinity College, Prof. Elmer Schneider of the University of Connecticut and Rev. D.E. Johnson of Hamden. In addition to these three public members who are in agreement with these amendments, there were representatives of the employee organizations that were in agreement. So that I don't know anyone can feel that this bill is a bad bill and that it would not serve in the best interests of both the community and the employees. If it was a bad bill, if it would hurt the employees in their collective bargaining process, these people would not have made these recommendations. I believe it is a good bill and I hope it passes.

THE SPEAKER:

Will you remark further?

MR. BARRINGER (169th)

I'm impressed that there is a very low pressure discussion of this bill. We all voted for it earlier, those of us who were here in '65 I believe, voted for the original bill. This does not seem to be a highly partisan matter. There has been a suggestion by a leading chief executive who happens to be in our midst here. It seems to me that this is the type of thing that could be passed retaining and possibly worked out so that everybody would be happy with

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it. You are not miles apart, you haven't got a division of philosophy about it, you've got a division of practical application. It does seem in view of the fact that you have a chief executive officer who has produced four legislators so he must have a rather large population, what, about 80,000 I would guess, it's 65,000. It does seem that this is not a partisan matter but this is a matter of law and a slight adjustment of this might work it out. Occasionally this happens, and I think when it does happen, better legislation is forthcoming. And through you Mr. Speaker, I ask the distinguished Chairman of the Labor Committee if it would be possible to have a twenty-four hour respite to see if something could be worked out to the mutual satisfaction of both parties.

THE SPEAKER:

Does the gentleman care to respond.

MR. BADOLATO (30th)

Mr. Speaker, this provision has been discussed at great length. It was introduced early in the session, it's been before us now for almost four months at least, it's been in discussion with community leaders and other people on this Commission that made these recommendations for at least six months before that. It's been aired in all respects. I don't see any good coming of a delay and I would hope that we would act on this today and get it on its way.

THE SPEAKER:

Will you remark further on the bill?

MR. CONNORS (160th)

Mr. Speaker, coming from a city of 110,000 people which is next door neighbors of Mr. Weicker's domain in Greenwich, coming from Stamford, we just have signed a collective bargaining agreement with the city workers, policemen, firemen and all workers combined in the city of Stamford. I think this is a

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very good bill, I think this bill should go through. I feel there is nothing wrong with this bill.

THE SPEAKER:

Will you remark further? A roll call will be taken. Will all the members of the assembly please be seated who wish to vote, all others please leave the aisle. We are preparing to vote. In your Calendar at the top of page 11. Calendar No. 605 Substitute for House Bill 5218. The question is on acceptance of the joint committee's favorable report and passage of the bill. If you favor passage of the bill you will vote yea. If you do not favor the bill you will vote nay. The Chair will open the machine. Has everyone voted the way he wishes. Hearing no answer the Chair will lock the machine and ask the Clerk to take a tally. The Clerk will announce the tally.

THE CLERK:

Total number voting	114
Necessary for passage	58
Those voting Yea	86
Those voting Nay	28
Those absent and not voting	63

THE SPEAKER:

The bill passes.

THE CLERK:

Page eight of the Calendar. Calendar 589 Substitute for House Bill No. 5012. An Act concerning Conflict of Interest in the Offices of Municipal Auditor or Municipal Budget Director. Favorable report of the Committee on Judiciary and Governmental Functions. File #668

REPRESENTATIVE PAWLAK OF THE 95th DISTRICT IN THE CHAIR

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CONNECTICUT
GENERAL ASSEMBLY

HOUSE

PROCEEDINGS

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waterworks is concerned, and it also adds that the act will be effective upon a majority vote of the voters at an annual or special meeting.

THE SPEAKER:

All those in favor? Opposed? The amendment is adopted.

MR. GUDELSKI (110th):

I move acceptance and passage as amended.

THE SPEAKER:

The question is on acceptance and passage as amended by Senate Amendment Schedule A. Will you remark? If not, all those in favor? Opposed? The bill is passed.

THE CLERK:

Calendar 606, Substitute for H.B. 5218, An Act concerning Collective Bargaining by Municipal Employees. (As amended by Senate Amendment Schedule A)

MR. BADOLATO (30th):

The Clerk has the amendment.

THE CLERK:

Section 5, lines 5 and 6, (contract disputes) and insert "impasses in contract negotiations." In said section 5, line 7 add a comma after the word "and" and in line 8 strike out the words "for purposes of arbitration in contract disputes." In said section 5, line 10 strike out the period, insert a comma and add the following: for purposes of arbitration of impasses in contract negotiations. Whenever any impass in contract negotiations is submitted to arbitration, the decision of the arbitration panel

or arbitrator shall be rendered no later than 20 days prior to the final date by which time the budget appropriating authority of the municipality is required to adopt its budget or 10 days after the close of the arbitration hearing, whichever is later, provided in no case shall such decision be rendered later than 5 days prior to such final budget adoption date. Nothing contained herein shall prevent any agreement from being entered into in accordance with the provisions of section 9 of this act.

MR. BADOLATO (30th):

I move for adoption of the amendment.

THE SPEAKER:

The question is on adoption of Senate Amendment Schedule A. Will you remark?

MR. BADOLATO (30th):

This amendment was proposed by the conference of mayors. It provides for a time limit in which an impasse in contract negotiations can be submitted to arbitration. It also provides for time limits in which the arbitrator must render a decision. It's a good amendment and I hope it passes.

MR. BOYD (144th):

The hour is late. This is an important matter, and I would move that it be passed retaining so that we can discuss this in the morning.

THE SPEAKER:

The question is on retaining the matter. All those in favor? Opposed? The motion fails. Will you remark further? If not,

And not voting

all those in favor of adopting the amendment? Opposed? The amendment is adopted.

MR. BADOLATO (30th):

I move for pacceptance and passage of the bill as amended.

THE SPEAKER:

The question is on acceptance and passage of thebill as amended by Senate Amendment ScheduleA. Will you remark?

MR. BOYD (144th):

Mr. Speaker, I object to passing important legislation like this at this hour, and therefore I move that when the vote be taken it be taken by roll call if we can't consid r it in the morning.

THE SPEAKER:

The question is on a roll call. All those in favor? We will have a roll call.

MR. LENGE (13th):

I rise to support passage. The bill has been improved by the amendment.

THE SPEAKER:

The question is on passage of the bill by roll call. The Chair will open the machine. The Chair will lock the machine and the Clerk will take the tally.

THE CLERK:

Total number voting	107
Necessary for passage	54
Yea	106
Nay	1
Absent or not voting	60

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THE SPEAKER:

The bill is passed.

MR. CROMBIE (44th):

At this time I would ask for suspension of the rules for transmittal to the Senate, the Governor, the engrossing clerk as required of all bills we've passed since I last made this motion.

THE SPEAKER:

The question is on suspension of the rules for ...

MR. LENGE (13th):

With the exceptions of calendar 1085 and 1132, if there is no objection.

THE SPEAKER:

With the exception of those two, there will be suspension of the rules. The question now is on immediate transmittal of our heretofore transacted business, with the exception of those two bills, to the Senate, the Secretary of State, the engrossing clerk and the Governor as the case may be. All those in favor? Opposed? So ordered.

MR. CROMBIE (44th):

May calendar 900 and 995 be taken from the foot of the calendar and put in their regular place on the calendar?

THE SPEAKER:

If there is no objection, so ordered.

MR. CROMBIE (44th):

When we do adjourn, we'll adjourn until tomorrow at 12 noon. We will read in somebills before we do actually adjourn.

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by saying Aye. AYE. Opposed? The amendment is adopted.

The Chair will rule this is not a technical amendment. The bill will be referred back to the Legislative Commissioners office for redrafting.

THE CLERK:

Page 7, calendar 808, file 616, substitute HB 4015, An Act concerning Alternate Members on the State Labor Relations Board. Favorable report of the Joint Committee on Labor.

SENATOR MILLER:

Mr. President, I move acceptance of the joint committee's favorable report and passage of the bill. This would allow for alternate members, the same as the state board of mediation and arbitration. It's a good bill and I urge its passage.

THE CHAIR:

Any further remarks? All those in favor of the passage of this bill, indicate by saying Aye. AYE. Opposed? The bill is passed.

THE CLERK:

Page 8, calendar 810, file 679, substitute HB 5218, An Act concerning Collective Bargaining by Municipal Employees. Favorable report of the Joint Committee on Labor.

The Clerk has an amendment.

SENATOR MILLER:

Mr. President, will the Clerk please read the amendment?

THE CLERK:

In section 5, lines 5 and 6 bracket "contract disputes" and insert, "~~impasses in contract negotiations.~~"

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In said section 5, line 10, strike out the period, insert a comma and add the following: for purposes of arbitration of impasses in contract negotiations. Whenever any impasse in contract negotiations is submitted to arbitration, the decision of the arbitration panel or arbitrator shall be rendered no later than twenty days prior to the final date by which time the budget-appropriating authority of the municipality is required to adopt its budget or ten days after the close of the arbitration hearing, whichever is later, provided that in no case shall such decision be rendered later than five days prior to such final budget adoption date. Nothing contained herein shall prevent any agreement from being entered into in accordance with the provisions of section 9 of this act.

SENATOR MILLER:

Mr. President, I move for adoption of the amendment. This amendment clarifies a provision in the proposed act which allows matter to be submitted by mutual agreement to arbitration and provides for time limits in which such matters must be acted upon prior to the final date of adoption of the budget. I urge its adoption.

THE CHAIR:

Further remarks? If not, all those in favor of the adoption of the amendment, indicate by saying Aye. AYE. Opposed? The amendment is adopted.

The bill will be referred to the Legislative Commissioners office for redrafting.

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THE CLERK:

Calendar 813, file 671, HB 4032, An Act concerning Transportation of Mentally Ill Persons from State or Municipal-Aided Hospitals to State Hospitals. Favorable report of the Joint Committee on Public Welfare and Humane Institutions.

SENATOR BARBATO:

Mr. President, I move the acceptance of the joint committee's favorable report and passage of the bill. This bill merely clarifies a bill which was passed in the 1965 session to include town-aided or municipal-aided hospitals. It's a good bill, and I think it should pass.

THE CHAIR:

Further remarks? If not, all in favor of the passage of the bill, indicate by saying Aye. AYE. Opposed? The bill is passed.

THE CLERK:

Page 9, calendar 826, file 910, modified SB 1507, An Act Simplifying Appeals from Workmen's Compensation Commission Awards Providing the Same Procedure as Trial Court Appeals. Favorable report of the Joint Committee on Judiciary and Governmental Functions.

THE CHAIR:

That bill will be passed temporarily.

THE CLERK:

Calendar 836, file 726, modified HB 5271, An Act Amending the Charter of the City of Bridgeport with respect to Voting Districts and Election of Aldermen. Favorable report of the Joint Committee on Cities and Boroughs.

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going to offer any other amendment.

THE CHAIR:

Question is on the acceptance of the committee's favorable report and passage of the bill, as amended by Schedule A and B. All those in favor indicate by saying, "aye". OPPOSED? The bill is passed, as amended.

CLERK:

Cal. No. 810 File NO. 1195 Favorable report of the Joint Committee on Labor. Substitute for House Bill No. 5218. An Act Concerning Collective Bargaining by Municipal Employees.

SENATOR MILLER:

Mr. President, I move for acceptance of the Joint Committee's favorable report and passage of the bill, as amended by Senate Amendment Schedule A. Mr. President, the other day we amended, this bill, at the request of the Mayor Conference. The bill itself, provides a further definition of a legitimate bargaining agent. It makes it possible the securing of recognition to the Chief Executive Officer of the Municipality. It provides a broader base for definition of a supervisory position. It removes the ambiguous language, pertaining to the number of units. It delineates the options available of a personal employee. It makes available to the services of the State Board of Mediation and Arbitration. It facilitates the procedures and involving the municipal approval. It describes the responsibility of the budget appropriating authority. It further defines the authority of such municipal employees, as the District School Board or Housing Authority. It's a good bill and should pass.

SENATOR HULL:

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SENATOR HULL:

Mr. President, may the record please show that I have left the chamber during the vote on this bill. Because my law office is presently involved in litigations concerning certain interpretations of this bill.

THE CHAIR:

The record will so show, Senator Hull. Any further remarks? If not, the question is on the acceptance of the Committee's favorable report and passage of the bill, as amended by Senate Amendment Schedule A. All those in favor indicate by saying, "aye". Opposed. The ayes have it and the bill is adopted as amended.

CLERK:

Cal. No. 884 File No. 1200 Favorable report of the Joint Committee on State Development. Senate Bill No. 1991. An Act Concerning the Sub-division of Land for Municipal or Conservation Purposes.

SENATOR BUCKLEY:

Mr. President, I move acceptance of the Joint Committee's favorable report and adoption of the bill, as amended by Senate Amendment Schedule A. Section 1, of the bill merely adds an exemption for municipal conservation purposes, for the definition of Sub-division of Section 2, provides the needed statutory maximum for the amount of time and which sub-division plan may be implemented.

The CHAIR:

Any further remarks? If not, the question is on the acceptance of the committee's favorable report and passage of the bill, as amended by Senate Amendment Schedule A. All those in favor indicate by saying, "aye". Opposed? The ayes have it and the bill is adopted, as amended.

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APRIL 3, 1967

Senator A. P. Miller and Rep. D. J. Badolato, Presiding.

Members:

Senators: Miller, Barbato, Hull, Piccolo, Rudolf, Tracy.

Representatives: Becker, Bonetti, D'Onofrio, Esposito, Hughes, King, LaRosa, Lionetti, McGovern, Murray, Pawlak, Piazza, Rand, Rock, Ruoppolo, Simons, Stevens, Thornton.

Chr. Badolato: The Labor Committee Hearing will get underway. We will hear first from the proponents on the following bills and we plan on hearing the Municipal Employee Relations Act changes first. We will hear the proponents first and the opponents after. With me here is Senator Miller, the Senate Chairman of the Committee and I am Representative Badolato, the House Chairman. The bills that we will be hearing at this time are:

S. B. 1882 (Senator Hull of the 24th Dist.) AN ACT CONCERNING COLLECTIVE BARGAINING BY MUNICIPAL EMPLOYEES.

H. B. No. 2159. (Rep. Weicker of the 154th Dist.) AN ACT CONCERNING LABOR ORGANIZATIONS UNDER THE MUNICIPAL EMPLOYEES COLLECTIVE BARGAINING ACT.

H. B. No. 2758. (Rep. Badolato of the 30th Dist.) AN ACT CONCERNING MUNICIPAL EMPLOYEE RELATIONS ACT.

H. B. No. 2838. (Reps. McCarthy of the 22nd Dist. and Truex of the 23rd Dist.) AN ACT CONCERNING AMENDMENTS TO COLLECTIVE BARGAINING PROCEDURE IN MUNICIPAL EMPLOYMENT.

H. B. No. 4487. (Rep. Ciampi of the 89th Dist.) AN ACT TO INCLUDE A DISTRICT DEPARTMENT OF HEALTH WITHIN THE DEFINITION OF "MUNICIPAL EMPLOYER".

H. B. No. 5218. (Rep. Badolato of the 30th Dist.) AN ACT CONCERNING BARGAINING BY MUNICIPAL EMPLOYEES.

H. B. No. 5232. (Rep. Keilty of the 171st Dist.) AN ACT CONCERNING COLLECTIVE BARGAINING FOR MUNICIPAL EMPLOYEES.

And by the way, we will be using only two microphones for those that want to speak on any of the bills. We will be using the microphone over here on the left, Microphone #99, and the one over here on the right, Microphone #100. Representative Ciampi.

Rep. Ciampi: Mr. Chairman, Frank Ciampi from the 89th Dist., Waterbury. Mr. Chairman, I rise to speak in favor of H. B. No. 4487 but also 4484, 4485 and 4495, which deals with the same subject matter, I am sponsoring these bills, pertaining to establishment of a District Health Board. There is

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Mr. O'Connor:

Mr. Chairman, Walter O'Connor, President of the Uniformed Fire Fighters of Connecticut. I would like our organization to go on record in favor of H. B. 5218 and its companion bill, S. B. 1882.

Our organization realizes that a lot of hard work has gone into the Governor's report and we accept it. Thank you.

Mr. Badolato:

Thank you. Any other proponents? Mr. Czuckery.

Mr. Czuckery:

Mr. Chairman, and Members of the Labor Committee, my name is William Czuckery. I live at 561 Race Brook Road, Norwich, Connecticut, and I am representing here today the Organized Municipal Employees in the State of Connecticut in over 60 distinct and separate groups of municipal employees that are organized in our Organization and come under this Act and have separate collective bargaining agreements.

We are in favor of both the Bill #1882 and H. B. 5218, which is identical and we are in favor of it because of the work that has been put in by the Governor's Committee on this particular bill and for the specific reasons that we have gone through the experiences in the past two years since Public Act 159 was passed in June of 1965, and we have found that the bill has generally been a positive and beneficial bill to all concerned including the municipal employer and the employees. As the originators expected on the original bill that the new law would expose some weaknesses and practices in the relationships as they would continue from the previous relationships that they had in the new groups that would be formed and these experiences actually pointed out that they were correct. The present changes that are proposed in these two bills are specifically aimed toward correcting what we have found out through mutual experience to be in need of some correction.

The Section 1 of Bill #1882, would eliminate the unstable and false groups of individuals with ulterior motives from being in a position to disrupt truly represented organizations. There has been some tendency in some municipalities to have fly-by-night organizations be in a position to disrupt a responsible and positive relationships that may have developed through proper channels of collective bargaining.

Section II points out the specific need to have the Chief Executive Officer be the one designated to initially extend the recognition to a bargaining

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r. Czuckery:

group that has been certified or should be certified under this particular Act. There has been considerable difficulty in many areas as to who or what people should be defined as specifically being supervisors in any particular group. There have been many questions put before the State Labor Relations Board to determine this and they have had difficulty in translating the original language as was defined in the Public Act 159. This language as it is presented in this Act tries to determine more fully and with greater emphasis on what was the original meaning and the experience of all groups in the State concerning the question of supervisors.

As to Section IV, which deals with the single units of police and fire, we believe that we will leave this for the police and fire groups to elaborate upon. The other part of Section IV, which deals with the professionals has also been a sticky question since the implementation of Public Act 159 and has been interpreted by the State Labor Relations Board as somewhat diametrically in various areas and we specifically say that the ruling in Bridgeport was completely unlike the ruling in Hartford or again unlike the ruling in New Haven.

Section V extends the provision, of course, for arbitration in the event of a contract dispute. As it stands right now, of course, there is no provision where the dispute can be submitted to arbitration or there has been a question whether it can be and this gives the provision whereby mutual agreement of both parties, this can be done.

Section VI, of course, is another area of great concern to most groups, in fact, all groups because it deals with the question of bringing the retirement systems into the area of collective bargaining and also providing for the passage of the agreement as reached between both parties by the legislative body. This has been a key question in several areas and this is taking a positive step toward implementing whatever agreement has been reached by the designated group of the municipality concerned.

Section VII provides requests for funds and is more clearly defined in this particular area than was originally written into the law. Again, this is the result of several legal questions that have been either presented or brought up in the course of negotiations with the various groups.

Section VIII takes into effect the determination of the ratification and the functioning of an agreement between both parties where it effects school boards, housing authorities or special districts. This has again been a hairy question in many areas where it

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Mr. Czuckery:

was determined (was never determined) legally in some areas whether this is actually a function of the body concerned or it should revert back to the legislative body of the municipality. There have been various rulings by Corporation Counsels and they have ruled diametrically. One said that it should and another said that it shouldn't and the provision or the suggestion in this particular peice of legislation would eliminate that particular problem and, of course, the question of retroactivity and the related problems of an agreement reached after the budgetery or during, or prior to the budgetery provisions of an agreement or of an act, or of the budget rather, of the municipality has risen many times. As an example of this, many groups have been organized and have petitioned for recognition just prior to the budget setting of a municipality or of a group within that municipality - subdivision - and on the basis of this, the question has arisen, do they have the right to negotiate from that particular point on changes in the wages, hours, and working conditions, or must they necessarily wait until the next budget is adopted - which would be a year later. This, of course, is completely improper in our opinion and would destroy in almost every case any segment of organization and proper collective bargaining and therefore, the provision of this particular Act or this particular peice of legislation would eliminate any question in this particular area. Thank you very much.

Chr. Badolato:

Thank you. Proponents we are hearing. Go right ahead.

Rep. McCarthy:

Representative Francis McCarthy of the 22nd District, Mr. Chairman. I am speaking briefly simply to call your attention to the fact that this proposal has been transferred to you from the Joint Standing Committee on Public Personnel where it has already had a hearing and where statements were submitted by Mr. Custer, Town Manager of West Hartford and Mr. Bauer, Town Manager of the Town of Wethersfield. I think the testimony on that occasion will be available to you and I think it would be reasonable to consider this proposal in relation to the major proposal for beneficial amendments to this basic Act. I was happy to have some small part in the development of the Municipal Employee Relations Act. I have seen it in operation in our municipalities and I consider it to be a significant benefit to labor and to the governments of our towns and cities. These amendments represent proposals which are predicated upon the experience of city and town managers and I simply trust for your consideration together with the other proposals before the House. Thank you, sir.

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Chr. Badolato:

Thank you. Yes sir, the gentleman at microphone #100.

John Moore:

My name is John Moore. I am from the Uniformed Fire Fighter Association of Connecticut, and I would like to speak for Bill 5218, and the companion Bill 1882.

There are 28 individual fire department unions represented by the UFFA of Connecticut - 27 of those have secured contracts with their employers under the provisions of Public Act 159. This fine instrument that was given both to the employee and to the employer obviously in the course of its year-and-a-half life, or so, we have found things that needed corrected. The Governor recognized this and appointed his Committee to review this law and the Committee has made its recommendations to the General Assembly. I think that Father Johnson mentioned there was going to be a minority report. I would like to point out, that as far as I know, in every case the Public Members of the Governor's Commission voted in favor of the changes - the Public Members - and that I think this is significant.

The Uniformed Fire Fighters completely urge you to support both of these bills and the Governor's Committee recommendations. Thank you.

Chr. Badolato:

Thank you. Mr. Driscoll.

John Driscoll:

Mr. Chairman, Members of the Labor Committee, my name is John Driscoll. I am speaking here on behalf of the Connecticut State Labor Council. I would like to register our support of H. B. 5218 and its companion bill, on the subject of collective bargaining by municipal employees.

The Commission appointed by Governor Dempsey which came up with the recommendations explained by Father Johnson, is a Committee for which I have a good deal of respect. Many of its members served on the original Commission which drew up the current legislation and they gave a great deal of time and effort to reviewing the effect, the experience of municipalities and unions under that law and I believe the Committee should support their recommendations even though they did not go as far as the union member representatives on the Commission wanted them to go. The dissenting members of the Commission, as I understand it, had no affirmative proposals to make. They are simply say in effect, let's stand still and see how the law operates, but I think that in the two years that it has been in effect, or almost two years, the experience we have had in Connecticut under the law has been an excellent one and

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John Driscoll:

I would like to compliment the unions involved on the restraint that many of them have shown despite the difficulties that they ran into with some municipal administrations in trying to work out this law. Most of the cities in the State, I'm happy to say, whose administrations ran up against collective bargaining for the first time, were able to adapt themselves to the new procedures pretty well but a few instances of trouble arose in, I think, only one or two instances that any of the unions involved engaged in even a work stoppage and there was only, as I remember, one brief strike by employees effected by this legislation. I think that this is a very good reason for the Committee and the General Assembly taking seriously the corrections in the law which are proposed by this bill because they would remedy some of the outstanding defects and make it easier for both the unions and the municipal administrations to work toward the true objective of the bill and of this legislation in general, which is to extend to employees of municipalities their life as Americans which has been recognized by the Federal Government and the State Government for almost all other employees for a number of years, the right basically to organize themselves and unions of their own choosing, to bargain collectively, to improve their wages and conditions of employment and by that process to raise the standards of performance of city employees and Civil Service employees in general.

I think that your Committee ought to pass this legislation as it stands.

Chr. Badolato:

Thank you. Any other proponents?

Monroe Palmer:

Mr. Chairman, I am Monroe Palmer, Business Agent of Local 531, Building Service Employees International Union, AFL-CIO. I rise to support Bills #5218 and its companion Bill #1882.

During the course of the time that the Public Act 159 has been in operation, we have had the opportunity of using this democratic right to organization and collective bargaining. It has eliminated a lot of the problems that existed before. It has brought industrial democracy into the municipalities, but there are certain things in it that make the bill difficult to manage. There are ambiguities that must be corrected. Both of these bills will be a great step forward in correcting the various clauses and phrases that need rewording and bringing about the true intent of what 159 was organized and presented to be. I strongly urge on behalf of our International

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Monroe Palmer:

that you support this bill, give it a favorable recognition and in so doing, improve the lot of the municipal employees in the State of Connecticut. Thank you.

Chr. Badolato:

Thank you. Any other proponents? Then we will go on to the opponents. Mr. McCarthy.

Mr. McCarthy:

Mr. Chairman, Committee Members, I am speaking for City Manager Elisha Freedman, this morning, as member of the Commission to study the operations of Public Act 159. I am not going to read Mr. Freedman's Report. It was distributed, as I understand it, his minority report, to the Committee. I would like to make one point to clarify Mr. Freedman's position in opposition to the amendments to Public Act 159. We are opposed to most of the changes presented primarily because we were not able to spend the time to investigate the problems that were raised to justify many of the changes that were presented and put forward during the time the Commission had to function. Thank you.

Atty: Barry:

Mr. Chairman, Members of the Committee, Atty. M. Peter Barry, speaking today for the Connecticut Nurses Association. The Connecticut Nurses Association wishes to go on record as opposed to Section I and Section IV of H. B. 5218 and S. B. 1882.

With respect to the one year limitation, I think we should look at this in terms of what the problem is and by simply building in a one year limitation, the net effect would be that an organization which has the genuine purpose, the improvement of wages, hours and conditions of employment, would be prevented from acting or being recognized as taking part in an election during that one year. I think we should leave it to the State Board of Labor Relations to determine whether an organization is genuinely an employee organization and that we need not build in a one year limitation.

Equally important is the second one, Section IV. The Connecticut Nurses Association has equally had some experience in the field of collective bargaining under Public Act 159 representing Public Health Nurses in the Cities of Greenwich, Stamford, Waterbury, Bristol, and presently in Hartford. By the net effect in Section IV, would be that all professionals would have the option of either being included in the non-professional group or there should be a single unit for professional employees. This simply does not recognize the problem the professional employees have. They wish to bargain collectively and be designated as separate units. Nurses are no more

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Atty. Barry:

prepared to represent social workers than social workers are prepared to represent nurses. We have an analogy here in the labor union movement themselves, bricklayers don't represent pipefitters and the converse is true. In this change, I note that the Committee had no member from a profession on the Committee and I think, frankly, they failed to see a very large problem, that is, of the professional employee. Nurses are not prepared to represent social workers. For my knowledge there is no existing organization that is prepared to represent all professional employees and if you apply the first Section of the Act, we would have to wait for a year for any such organization to come into existence.

So, I would strenuously urge you not enact Section IV with respect to its limitations on the professional employee. Thank you.

Chr. Badolato:

The gentleman at microphone #100.

T. C. Mayers:

My name is Thomas C. Mayers. I am the Mayor of the City of Stamford, and I am here to speak on behalf of the Connecticut Conference of Mayors and on my own behalf. I don't like to be registered as an opponent nor as a stand-pat but we in Stamford have had considerable experience in this relatively short time with Public Act 159 and feel that this has been a tremendous move forward in Connecticut's history and we have found with our friends in labor that we can negotiate and that we can do collective bargaining and reach decisions.

We have a good record in Stamford of having successfully completed four contracts and we are currently engaged in some others. However, our feeling is that we have had relatively too short a period of time to determine the directions in which future amendments should be made. We think that we are able, across the bargaining table to reach decisions and agreements in most cases, in all cases so far, successfully and we think that we can work out some of the problems, and no Act is perfect, that have arisen, but to the best of my knowledge in our City and in most cities, as previous speakers have indicated, there have not been major serious problems.

Now, we recognize and congratulate the work of the Governor's Committee in working on this and we recognize the effort to remove ambiguities. These are important efforts, but most of these can be resolved and have been resolved across the bargaining table and so our urging is that there not be too quickly movement made in this direction, that instead, we accumulate some experience. Certainly, we as administrators in city government have a very important

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T. C. Mayers:

stake in arriving at reasonable, good agreements and I have discovered, as I knew from my business experience, that we are dealing with mature, responsible labor leaders and that we can arrive at mature, responsible agreements and so our point, we in the Connecticut Conference of Mayors, is that we need the time, the experience, in order that neither labor nor public administrators may be bound in directions that might in the future be difficult to deal with. Thank you very much.

Chr. Badolato:

Thank you. The gentleman at microphone #99.

David Bauer:

Mr. Chairman and Members of the Committee on Labor, my name is David J. Bauer. I am the Town Manager of Wethersfield and I am speaking as a member of the Executive Committee of the Connecticut Town and City Managers' Association.

The Connecticut Town and City Managers' Association has a deep professional interest in the workability of any municipal government process. The employees involved in this process are particularly important, and as municipal managers, we are charged with a primary part to play in all personnel matters including the important one of helping to sustain a satisfactory working environment for municipal employees.

We supported the initial municipal collective bargaining legislation now in the General Statutes. We feel that there are some defects to be sure and, in hearing before the Committee on Public Personnel, have supported House Bill 2838 "An Act Concerning Amendments to Collective Bargaining Procedures in Municipal Government" as an attempt to overcome these defects.

The Committee has before it two bills of apparent identical intent, S. B. 1882 and H. B. 5218 both entitled "An Act Concerning Collective Bargaining by Municipal Employees". Most of the changes proposed in these two bills would have the net effect of forcing a new shape to the local government structure, a shape that would replace the traditional primacy of the local municipal legislature, be it Council or Town meeting, with the standard programs of what might almost be called national craft associations.

The cornerstone for this change in shape would be laid in Section 1 of these two bills. Section 1 would require any employee organization to be in existence for one year prior to a recognition election. This requirement could be satisfied only by

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David Bauer:

the national groups whose interests are established first by officers in Washington or New York and perhaps fourth or fifth by the situation in any Connecticut Town. What has gone wrong in the last two years to prompt this change?

The wall for this change in Town government shape would come in Section 3 of the bills. As you know, the present statute gives guidelines for determining whether any one employee holds a supervisory position making him ineligible for membership in the employee organization. The interpretations of supervisory status have been such that under the present statute few indeed are the employees who have qualified as supervisors. Under proposed Section 3 of the bills the guidelines are stiffened in interpretation and extent to the point where, if this sort of thing continues, we will have all Indians and no chiefs. How can you run a Town without supervisory staff? What has gone wrong in the last two years to prompt this change?

Section 4 of the proposed bills would create a maze in the local government structure by having similar but separate employee groups. The proposed change would apparently prevent a professional employee from leaving or entering an organization except under rather strange conditions. The language of the section is unnecessary under the most generous interpretation. What has gone wrong in the last two years to prompt this change?

Section 6 of the proposed bills would create a new concept in the local legislative process - policy approval through inaction. Timely consideration of legislative matters by the municipal legislature is a good thing to expect. But to set a close timetable that does not allow for proper legislative action, to set such a timetable and when they cannot meet the timetable to pull the policy making role away creates indeed a new form to municipal government. What has gone wrong in the last two years to prompt this change?

Section 8 of the proposed bills would push another new form. Section 8 says that the legislative body, the body that approves the total budget, and that sets the tax rate shall not be able to consider the relative merits of a collective bargaining agreement developed under these statutory sections by a district, school board or other municipal authority. If this legislative oversight is prohibited, then what device shall remain for developing coordinated personnel programs for municipal services. The legislative body, accountable to the people as no other local body is, must have final fiscal authority as well as fiscal responsibility. What has gone wrong in the last two years to prompt this change?

Section 9 of the proposed bills would have the effect

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David Bauer:

of making every month municipal budget making month, and to what purpose? The orderly processes of government have as their basis the protection of the interests of the citizen. To permit collective bargaining at any time, with effective dates at anytime, with no limit to the result of such a process will indeed be a new form for local government. What has gone wrong in the last two years to prompt this change?

These two bills touch on a basic concern to municipal government. These two bills were developed through an informal continuation of a prior legislative committee. These two bills were drawn without any prior public hearing by the informal committee. There has been no opportunity to set the entire picture before the informal committee.

Rather than taking the precipitate steps proposed in S. B. 1882 and H. B. 5218, we would hope the General Assembly would constitute a formal committee to review actual operating experiences under the present statutes. The experience of the last two years should not be aborted without such a general study.

Chr. Badolato: Rep. Morano.

Rep. Morano: Mr. Chairman, Members of the Labor Committee, I am here to speak to S. B. 1051 and I am speaking for the Republican leadership in favor of this bill entitled, "AN ACT CONCERNING EXTENDING THE COVERAGE OF THE STATE LABOR RELATIONS ACT TO COVER EMPLOYEES OF NON-PROFIT HOSPITALS AND VISITING NURSES ASSOCIATIONS", and I particularly endorse the professional unit clause in Section 4, Paragraph (a). On behalf of the Republican leadership, I do hope that your Committee will render a favorable report. Thank you.

Chr. Badolato: Are there any other opponents to these bills?

Barbara Jeffers: My name is Barbara Jeffers from Hartford. I represent the Connecticut Association of Educational Secretaries, representing over 40 organizations in towns and cities throughout the State organized by secretaries in schools and school board offices. The majority of these organizations have been recognized under Public Act 159 or in the process of being recognized and contracts have been completed or in negotiations for these organizations. I oppose Sections 1 and 4 of S. B. 1882 and H. B. 5218. We do not feel it is the intent of the law to deprive citizens, workers in education, who have not yet become organized the free choice of having an organization of their own to represent them. These people have conditions of employment quite different from others in the city government in educational offices, just as fire fighters, policemen, city employees,

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Atty. Durand:

what can the towns do, if this is passed? The only thing we can do, if we don't feel we have enough time, is simply reject it proforma and we think this would prolong the collective bargaining and would distort the objectives of the entire bill.

Moreover, we think that Section 8 is somewhat in conflict with Section 6, because in the application of Section 8 there almost always involves a request for funds but, and that's under Section 6, the legislative body would have to review the contract.

Mr. Chairman, I don't know whether it is appropriate at this time, I would like to speak out just briefly in favor of H. B. 2957. Is this the time?

Chr. Badolato:

I am sorry but we are not on those bills at this time. You will have to wait as the others are waiting.

Atty. Durand:

Very well. Thank you very much.

Chr. Badolato:

Thank you. If there are no other opponents, there is? O.K., we will hear from you then.

John Porter:

Mr. Chairman, Members of the Committee, I am John Porter, Commissioner of the Metropolitan District and Chairman of its Personnel Committee, speaking today in opposition to H. B. 5218 and S. B. 1882.

The amendments proposed would seriously alter the Public Law 159 as we currently know it. Now, in Section 1, the term "employee organization" is objected to for the simple reasons it would seem to bar any new organization and would force any additional categories of employees into existing unions, even though the interests of these various groups would not be fostered by such a bond.

In Section 2, the recognition of the chief executive officer with the bargaining unit rather than the legislative body would seem to me to be a presumption of the powers of this officer. The exclusion of supervisory employees is certainly rather ambiguous as it is currently proposed. Now, in this we are filing a prepared statement with the Committee which will elaborate on the various categories.

In Section 5, with reference to disputes in contracts, the terminology of the bill might be interpreted as giving a veto power to each, however, if the intent of the bill is that the contract dispute is a new contract with the assent of both parties, then of course, we would be in favor. If it were interpreted as being a new contract only, not previously written contract.

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John Porter:

Section 6 we strongly object to for the very simple reason that it would allow an agreement to go into effect without any approval concurrent, but simply by default. I am sure that the Committee must appreciate that the legislative body often times meets only on certain days, days that are published, days that are ordered. In addition, it is entirely possible that this same legislative body might wish to make a survey to ascertain the reliability of certain statements that have been proposed or opposed in this decision making principle. Therefore, the time factor of 14 and 30 days would certainly be a very difficult area of agreement as far as we would be concerned.

In the Section 9 again, in regard the fact a retroactive labor agreement would be, in our opinion, a questionable practice.

We strongly oppose all of the measures incorporated in the amendments here that I have very briefly commented on. As I said before, I have a statement which we will file with the Committee, which elaborates in more detail. Thank you very much.

Chr. Badolato:

Thank you. Mr. Siegel.

J. S. Siegel:

Mr. Chairman, Members of the Committee, my name is J. S. Siegel. I am an Attorney from Hartford. I appear here as a practicing lawyer and not as a representative for any town or organization. I have personally participated in one form or another in the negotiation and execution of over two dozen contracts for towns and municipalities in the State of Connecticut under Public Act 159.

I rise to oppose all of the bills that would amend the existing laws. I do this and support the recommendation to have public hearings throughout the State of Connecticut. The question of the policies to be taken under 159 is, of course, a matter for each individual town and municipality to decide for itself, but we have had problems with the old law and we are going to have more problems with the new law, if the amendments are passed. I would just like to give you two examples of problem areas that H. B. 5218 immediately will create. The first one is in Section 5, which provides that there will be an amendment to the use of services of the State Board of Arbitration for purposes other than the interpretation and application of the terms of the written agreement. Now you know that those that practice in this field, we call that grievance dispute arbitration.

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J. S. Siegel:

Problems come up during the life of the agreement over what it says, those go to arbitration before the Board, but you are now going to have language that says that the Board services for arbitration will be available "and for purposes for arbitration of contract disputes if such service is requested by both parties". Well, to practitioners in the field, you already provide in the law for contract arbitration disputes. The question is, are you now providing for arbitration of the terms of a new contract, as Mr. Torda just pointed out, or for existing disputes. Now, right away there is going to be a problem over this and it really has nothing to do with whether you are representing a municipality or a labor union.

The second area that will cause trouble is the question under Section 3 involving supervisors and if you will notice there is a proposal to put into the Act a restriction that in order to have a person excluded as a supervisor, he must have certain characteristics and it says at least two of the following and then it has (a), (b), and (c), but then if you go down just before sub-section (d), you see a little word (and) inserted in there and the word (and) is underlined and that means that it is being added to the Bill and so it is possible to interpret this Section as requiring two out of three, two out of (a), (b), and (c) plus (d), which means that you need three out of the four and not two out of the four.

Now, these are some of the problems that I can see just by sitting down and reading the Bill over a cup of coffee and without getting into the substance of changes. What I would like to do is very briefly cover what I consider to be the four major problem areas under municipal bargaining and to suggest that something be done about studying them in greater detail.

The first question is that of fractionalization of bargaining unit. The Town of Stamford has had seven separate bargaining units under a decision of the State Labor Relations Board. This raises a question for a municipality. Not only must the municipality sit down and negotiate seven separate contracts but you will find that it creates problems between groups, between the municipality and the Board of Education, if there are going to be two employers under the law, and generally speaking it creates for an instable labor relations picture in the town. I think that something has to be done about correcting this problem. Now, I know that H. B. 2838, that Rep. McCarthy said