

Legislative History for Connecticut Act

HB 5179 PA 566 1975
House 6550-6557, 6573-6742 (178)
Senate 3764, 3777-3787, 3790-3823 (46)
PPM 15-17, 41-47, 64-66, 70-74, 80, 85, 152-53 (21)

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CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS
1975

VOL. 18
PART 13
6010-6572

THE HOUSE

WEDNESDAY

JUNE 4, 1975

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THE CLERK:

Page one of the Calendar. Page one, Calendar 1119, Substitute for House Bill 5179 AN ACT CONCERNING COLLECTIVE BARGAINING FOR STATE EMPLOYEES.

THE SPEAKER:

The gentleman from the 2nd, Representative Nicholas Motto.

REPRESENTATIVE MOTTO (2nd):

Mr. Speaker, I move acceptance of the Joint Committee's Favorable Report and passage of the Bill.

THE SPEAKER:

Question is on acceptance and passage. Will you remark, sir?

REPRESENTATIVE MOTTO (2nd):

Yes, Mr. Speaker. The Clerk has an Amendment.

THE SPEAKER:

Would the gentleman indicate the LCO.

REPRESENTATIVE MOTTO (2nd):

Yes, Mr. Speaker, it's LCO 9992.

THE SPEAKER:

Will the Clerk please call LCO 9992, House Amendment, Schedule A.

THE CLERK:

House Amendment, Schedule A, offered by Mr. Motto, LCO #9992.

REPRESENTATIVE MOTTO (2nd):

Mr. Speaker.

THE SPEAKER:

The gentleman from the 2nd.

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REPRESENTATIVE MOTTO (2nd):

May I waive the reading and I will summarize.

THE SPEAKER:

Is there objection? Hearing none, the gentleman from the 2nd will summarize.

REPRESENTATIVE MOTTO (2nd):

Thank you, Mr. Speaker and Members of the House. Early this morning this Amendment was placed -

REPRESENTATIVE STEVENS (119th):

Point of order, Mr. Speaker.

THE SPEAKER:

Gentleman from the 119th.

REPRESENTATIVE STEVENS (119th):

Mr. Speaker. I'm raising a Point of order, Mr. Speaker, that a Member just handed me the Amendment on the desk which bears LCO #9719. The Clerk called LCO #9992.

REPRESENTATIVE MOTTO (2nd):

Mr. Speaker, the one I called was the right one.

THE SPEAKER:

What is the gentleman's Point of Order?

REPRESENTATIVE STEVENS (119th):

My Point of Order, Mr. Speaker, is the Amendment is not on the desks of the Members. I had inquired earlier of the Majority Leader and was informed it had been passed out which, indeed, one has been passed out and I

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would admit at this point that it does not rise to a Point of Order but perhaps a point of clarification.

THE SPEAKER:

Would the Chamber be at ease and would the distinguished Majority Leader and the distinguished Minority Leader and the gentleman from the 2nd come to the dias? The Chamber will come to order. The Chair would like to thank the gentleman from the 34th and the gentleman from the 119th and the Chairman of the Committee, the gentleman from the 2nd and the ranking member, the gentleman from the 36th, for our conference for purposes of clarification of the amendment which has just been offered by the gentleman from the 2nd, LCO 9992 and which has been given the style of House Amendment, Schedule A. The Chair would note that it has been reported to the Chair that on some of the Member's desks there are two Amendments with the identical LCO number, namely and specifically 9992. The Chair regrets that the LCO has issued two Amendments with the same number for obvious reasons. LCO 9992 which the gentleman from the 2nd has requested leave to summarize is an Amendment consisting of 114 pages beginning "In Line 19". 114 lines. 114 lines beginning "in Line 19". LCO 9992 which will not be offered consists of 128 lines and begins "In Line 18". Pursuant to the comment of the gentleman of the 119th, the Chair would thank him for calling the Chamber's attention to the fact that there is an LCO 9719 which the Chair has been informed will not be offered. To avoid any confusion in the Chamber, the Chamber would suggest that LCO 9719 be disregarded. LCO 9992 consisting of 128 lines be disregarded. At the time the gentleman from the 119th raised his point of

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inquiry or point of clarification, the gentleman from the 2nd was in the midst of summarizing House Amendment, Schedule A, in lieu of reading. The gentleman of the 2nd again for that purpose.

REPRESENTATIVE MOTTO (2nd):

Thank you, Mr. Speaker. Members of the House, thank you for your indulgence and patience. Let me endeavor to summarize very briefly what this particular Amendment does. First of all, this particular Amendment excludes confidential employees. It defines supervisory and confidential employees. It uses the supervisory definition that is similar to the one in the municipal area definition. It eliminates violations of Collective Bargaining Agreements from the list of prohibited practices. It excludes the Merit System from Collective Bargaining. It points out that if a majority of unit employees desire representation from one union, that union must be designated the exclusive bargaining agent unless there is a challenge. There would be an election if ten percent desire a different union or less than a majority petitioned for the original union that filed for certification. It eliminates binding arbitration of contract impasse disputes. Bargaining units would be determined giving consideration to employees, community of interests and effects of fragmentation. This was taken from something that was in the Pennsylvania law that spells out to the bargaining - to the determination of bargaining unit so that it would be a little better. It also puts a choice of "no representation" that would be placed on a ballot if there were an election to determine an exclusive bargaining agent. It also changes the effective date of

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this particular Legislation from July 1, 1975 to October 1, 1975. It also appropriates \$25,000.00 for the purpose of this Act. Mr. Speaker, I move adoption of this Amendment.

THE SPEAKER:

Question is on adoption of House A. Will you remark? Gentleman from the 62nd.

REPRESENTATIVE POST (62nd):

Mr. Speaker, as just summarized by Representative Motto, the Amendment before us has an extraordinary major impact on the Collective Bargaining process for State employees. I would ask Representative Motto whether there is a fiscal note attached to this because it will certainly have an extraordinary fiscal impact within the State as well, the amendment.

THE SPEAKER:

Gentleman from the 2nd, if he cares to respond.

REPRESENTATIVE MOTTO (2nd):

Through you, Mr. Speaker, this has the same fiscal impact that we had - that was on our desks for another Amendment previously.

THE SPEAKER:

The gentleman from the 62nd has the floor.

REPRESENTATIVE POST (62nd):

Mr. Speaker, on the Point of Order, the Amendment is vastly different from the file copy. It will have an economic impact on the State in the number of bargaining units, what is negotiable, on the election process, on whether or not the State is to be bound by binding

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arbitration, on the effective date of the Act, as well as an appropriation of \$25,000.00 which is not in the file copy. I don't know what fiscal note was attached to what other Amendment which is not before us. My point, sir, is there a fiscal note attached to this Amendment?

THE SPEAKER:

Gentleman from the 2nd, if he cares to respond.

REPRESENTATIVE MOTTO (2nd):

(Tape #23)

Mr. Speaker, the fiscal note from Fiscal Analysis was the same fiscal condition for this Amendment and would be \$25,000.00 that prevailed on another Amendment that they did a fiscal survey on.

THE SPEAKER:

The gentleman from the 62nd has the floor.

REPRESENTATIVE POST (62nd):

Mr. Speaker, still on the Point of Order, I don't know what fiscal note was attached to what other Amendment which is not before this body. Before us at the moment is LCO 9992. It's an Amendment to the file copy on Collective Bargaining and I would ask, through you, sir, whether or not there is a fiscal note attached to LCO 9992. If there is not, I would raise the Point of Order and suggest to you that the Amendment is not properly before us.

THE SPEAKER:

The gentleman from the 2nd, if he cares to respond.

REPRESENTATIVE POST (62nd):

Excuse me, Mr. Speaker, I'm raising a Point of Order.

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THE SPEAKER:

Sir, you're asking a question and the gentleman - to the gentleman from the 2nd.

REPRESENTATIVE POST (62nd):

I beg your pardon.

THE SPEAKER:

The gentleman from the 2nd is trying to respond. At this point, the gentleman is on his feet for that purpose.

REPRESENTATIVE MOTTO (2nd):

Through you, Mr. Speaker.

THE SPEAKER:

Gentleman from the 2nd.

REPRESENTATIVE MOTTO (2nd):

The gentleman is probably right. The fiscal note does carry another LCO number.

REPRESENTATIVE POST (62nd):

Thank you. That's my point of order, Mr. Speaker. I do not believe that LCO 9992 is properly before us without a fiscal note.

THE SPEAKER:

Is there discussion on the Point of Order? The gentleman from the 34th.

REPRESENTATIVE O'NEILL (34th):

Mr. Speaker, if the gentleman would consider withdrawing his Point of Order, I would consider pass temporary this item.

THE SPEAKER:

The gentleman from the 62nd.

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REPRESENTATIVE POST (62nd):

Thank you. I'd be glad to withdraw the Point of Order.

REPRESENTATIVE O'NEILL (34th):

Mr. Speaker, I move we pass temporary this item, waiting for the correct fiscal note to the correct LCO number.

THE SPEAKER:

Is there objection? Hearing none, the item is passed temporarily.

THE CLERK:

Page four of the Calendar, Calendar 1449, Substitute for House Bill 7250, AN ACT CONCERNING THE ESTABLISHMENT OF THE DEPARTMENT OF MENTAL RETARDATION for appropriations.

THE SPEAKER:

Gentleman from the 92nd.

REPRESENTATIVE WEBBER (92nd):

I move for Suspension for immediate consideration.

THE SPEAKER:

Question is on Suspension of the Rules. Is there objection? Gentleman from the 113th.

REPRESENTATIVE BELDEN (113th):

Mr. Speaker, I object. We are here the sixteenth hour of the Legislative Session. As a freshman, I have been completely frustrated for five months. I've heard discussion before about the Binding Arbitration Bill and the work the Committee did on it. Once the Motion was taken but there was no piece of paper involved. I was never again, even though it was my own Bill, asked to make any input into the final Bill that came out of

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THE CLERK:

Page one, Calendar 1119, Substitute for House Bill 5179 AN ACT
CONCERNING COLLECTIVE BARGAINING FOR STATE EMPLOYEES.

THE SPEAKER:

The gentleman from the 2nd.

REPRESENTATIVE MOTTO (2nd):

Mr. Speaker, I move acceptance of the Joint Committee's Favorable
Report and passage of the Bill.

THE SPEAKER:

Question is on acceptance and passage. Will you remark?

REPRESENTATIVE MOTTO (2nd):

The Clerk has an Amendment, House A.

THE SPEAKER:

Clerk please call House A.

REPRESENTATIVE MOTTO (2nd):

May I waive the reading?

THE SPEAKER:

Is there objection? The gentleman may summarize. Clerk please call
House A.

THE CLERK:

House Amendment, Schedule A, offered by Mr. Motto of the 2nd, LCO 9992.

THE SPEAKER:

The gentleman from the 2nd.

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REPRESENTATIVE MOTTO (2nd):

Thank you. Members of the House, on your desks you have the fiscal note. I would be very happy to quickly go over this Amendment again. This particular Amendment again, excludes confidential employees. It defines supervisory and confidential employees. It uses the language-

THE SPEAKER:

The Chair would appreciate some quiet in the Chamber. If you have to continue your conversations, please take your conversation outside in the hall so that the rest of us can listen to the gentleman from the 2nd. The gentleman from the 2nd.

REPRESENTATIVE MOTTO (2nd):

Thank you, Mr. Speaker. Members of the House, to continue, we define supervisory and confidential employees. For the supervisory definition, we use the definition that's in the Municipal Negotiating Act. We eliminate violation of Collective Bargaining Agreements from a list of prohibitive practices. It excludes the Merit System from Collective Bargaining. If a majority of unit employees desire representation from one union, that union must be designated exclusive bargaining agent, unless there is a challenge. There would be an election if ten percent desire a different union or less than a majority, that is between thirty and fifty percent have petitioned or an original union that filed for certification. It eliminates binding arbitration of contract impasse disputes. The bargaining units would be determined giving consideration to employees community of interest and the affect of fragmentation which is copied from the Pennsylvania Law. It also gives a choice of "no representation" which would be placed on a ballot

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if there were an election to determine an exclusive bargaining agent. (Tape 26)

It changes the effective date - changed from July 1, 1975 to October 1, 1975 and it has a fiscal note which is on your desks, of \$25,000.00.

Mr. Speaker, I move adoption of this Amendment.

THE SPEAKER:

Question is on adoption of House A. Will you remark? Gentleman from the 62nd.

REPRESENTATIVE POST (62nd):

Thank you, Mr. Speaker. Mr. Speaker, I would, pursuant to our rules, make a Motion for Division. Mr. Speaker, there are a number of different major concepts incorporated in the Amendment, most of which - with which I agree. There is one about which I do not agree and I would like to see a separate vote taken on it and, therefore, my Motion for Division. I wish to divide out what are Lines 39, 40 and 42 of LCO 9992. That issue, those Lines refer to strikes and makes certain strikes an unfair labor practice and, therefore, brings behind that prohibition the whole machinery, the whole unfair labor practice machinery of the State Labor Board. It is unrelated to any of the other items being proposed in this Amendment.

THE SPEAKER:

Question is on division of House A. Will you remark? The gentleman from the 2nd.

REPRESENTATIVE MOTTO (2nd):

Mr. Speaker, I oppose division. I don't think we've had a chance to discuss the Amendment yet and immediately we're dividing it.

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THE SPEAKER:

The question is on adoption or division of House A. Will you remark further? If not, all those in favor of division, signify by saying aye. Those opposed? The division is denied. Will you remark further on House A? If not, all those in favor of House A - gentleman from the 62nd.

REPRESENTATIVE POST (62nd):

Mr. Speaker, despite this failure to divide on this issue, I personally would rise in support of House A and point out that one of the major important aspects of collective bargaining, namely, how we deal with impasses no longer will be subject to binding arbitration. I would point out to you that binding arbitration is a denial of our system of government, whereby we who are elected are responsible for the decisions representing the people. The file copy as originally proposed included binding arbitration, a system which leads to the failure of negotiations; a system which permits government elected officials to escape from their responsibilities and I am delighted to see that this Amendment deletes binding arbitration from collective bargaining at the State employee level.

THE SPEAKER:

Will you remark further on House A? All those in favor of House A signify by saying aye. Those opposed? House A is adopted. The gentleman from the 2nd.

REPRESENTATIVE MOTTO (2nd):

Mr. Speaker, I now move passage as amended by House A.

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THE SPEAKER:

The question is on adoption as amended by House A. Will you remark?

REPRESENTATIVE MOTTO (2nd):

Yes, Mr. Speaker. This Bill, together with the Amendment that we just passed, would grant State employees, except those elected, appointed or confidential, the right to organize and bargain collectively and would protect employees in the exercise of those rights. The Bill provides that when an employee organization is chosen by fifty percent of the unit's employees, there is no challenge, or by a secret ballot election, it would be the unit's exclusive bargaining representative. Employers and employees representations would be prohibited from engaging in certain activities, including refusing to bargain in good faith, coercing employees in the exercise of their rights and refusing to reduce the collective bargaining agreement to writing. The State Labor Relations Board would be authorized to handle complaints of and investigations concerning allegations of prohibitive practices. Generally, the Board would be administering agency of the Bill's provisions. Bargaining units would be determined by the board. The faculties of the State universities and colleges and the technical high schools would comprise separate bargaining units. Special provisions are also mentioned concerning the inclusion of professionals and non professionals in a single bargaining unit. Mediation, fact-finding and binding arbitration would be available at the request of either party for use in resolving

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disagreement over the interpretation of grievances. But the arbitration would not be used in resolving an impasse in negotiations. The approval for funding of an agreement and for any provision therein that conflicts with any Statute or regulation would have to be by a majority vote of the Legislature and approved Collective Bargaining Agreement would prevail over any conflicting General Statute, Special Act, rule or regulation. Strikes would be prohibited. In all units, employees would have to pay a service fee to the exclusive bargaining representative. The Bill delineates those items which would be under managements exclusive jurisdiction and exempt from Collective Bargaining. The exclusions are similar to those in the Municipal Bargaining Law. Mr. Speaker, I do have a lot of things that I can go on and say, but I think very basically what I have just outlined is a fairly composite summary. I could go section by section but I feel that this particular Bill has been discussed and discussed by many people. It has the approval of the Finance Commissioner. It has the approval of the Commissioner of Personnel. It has the approval of the administration. It also has the approval of the State employees. So, Mr. Speaker, I feel that what we put together should be workable. I'm sure it has some flaws but it would be workable. And I, therefore, move that we pass this Bill.

THE SPEAKER:

Remark further on the Bill as amended by House A? Will you remark?
The gentleman from the 62nd.

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REPRESENTATIVE POST (62nd):

Thank you, Mr. Speaker. There are a number of Amendments in the Clerk's possession. I would like to alert you to a concern of mine. Collective Bargaining is one of those concepts which we can support easily. But Collective Bargaining is a system whereby we are going to influence how government is to operate in the years to come. And we really should be careful how we set that system in place. Once we establish a Collective Bargaining System it is very difficult to change aspects of it. And if you were to contact your local officials, your mayors, your school boards, officials in other States who are living under Collective Bargaining, they would say to you be very careful - do it correctly when you start and if you're interested, I can identify people to you who say we did not in our States. We set it up in a way that is strangling government and if we're not very careful, we can set up a Collective Bargaining System that will promote disputes, take man hours of time to resolve before the State Labor Board and make government a very inefficient operation and capable of amending itself to respond to our needs. I don't intend to ask for a roll call vote on all these Amendments. This has not been before the Senate so if you were to support an Amendment, it does not mean that it has to be returned to the Senate. It only means that maybe we can make some improvements in the Bill. And if you will, with that spirit, I would like the Clerk to call LCO 9981.

THE SPEAKER:

Clerk please call 9981.

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THE CLERK:

House Amendment, Schedule B, ICO 9981, offered by Mr. Post of the 62nd. In Line 19, after the word "members" insert the word "supervisor".

REPRESENTATIVE POST (62nd):

Mr. Speaker, I move adoption of this Amendment.

THE SPEAKER:

Question is on adoption of House B. Will you remark?

REPRESENTATIVE POST (62nd):

Yes, Thank you. Mr. Speaker and Members of the House, this Amendment deals with supervisors. In effect, it says that supervisors would not be included in the Collective Bargaining Process and if you're interested, there are a number of States who have excluded management personnel and supervisors from Collective Bargaining. They include Illinois -- industrial States - Illinois, Maryland, Massachusetts, New Jersey, New York and the reason is that, as you may have witnessed in your local communities, in the world of education, if principals are included in the Collective Bargaining process, sometimes with the teachers they are supposed to supervise, it creates conflicts. What this Amendment does is to suggest that Collective Bargaining should not include supervisory personnel. If you later decide, or if we later decide in years to come that we want to include management personnel as employees on the employee side of the bargaining table, we can always add that, but we cannot subtract it. It's very difficult, if we adopt this Collective Bargaining Bill which grants Collective Bargaining rights to supervisors, to ever take that away, even if we were later to assume that

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it is creating problems. I would therefore, urge you to consider whether or not it doesn't make sense, as we start Collective Bargaining at the State level, to have it apply to employees and not to the people who supervise the employees. I would, therefore, urge adoption of House B.

THE SPEAKER:

Question is on adoption of House B. Gentleman from the 2nd.

REPRESENTATIVE MOTTO (2nd):

Mr. Speaker, I think the gentleman has some points, but we have discussed this over and over and if we thought that we wanted this Amendment that we, we would have included it in this Bill. I, therefore, oppose this Amendment.

THE SPEAKER:

Remark further on House B? The gentleman for the second time on House B.

REPRESENTATIVE POST (62nd):

Yes, Thank you, Mr. Speaker. I wonder if Representative Motto would identify who the we is. It was less than a week ago that his Amendment excluded supervisors as this Amendment would. Who was the we in the last few days who has changed that.

THE SPEAKER:

Gentleman from the 2nd if he cares to respond.

REPRESENTATIVE MOTTO (2nd):

Through you, Mr. Speaker, very gently, we shall tell him we have an agreement on this with the Commissioner of Personnel, the Commissioner of Finance. We have it with groups that are going to be involved and this was the consensus of our opinion.

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THE SPEAKER:

The gentleman from the 62nd for the purpose of a question. Will you remark further on House B? Representative Mannix, from the 142nd.

REPRESENTATIVE MANNIX (142nd):

Thank you, Mr. Speaker. If I recall correctly, earlier in the day, because this is a big day for us and we have some very important Legislation, that the Speaker set down some rules for the House. I don't know whether they were binding or not, but he made the recommendation that the Members of the House stay in their seats - except for some natural calls that we all have from time to time. I believe that we must have a serious health problem in this House if you look around. Secondly, I know Mr. Post. I've known him for the past three years - Representative Post - and I think he is a very responsible Legislator and anybody that knows Mr. Post, I think would have to agree and the Amendments that he is proposing here - and there are a lot of them and I'm slightly a little discouraged by the numbers - are not frivolous Amendments. He's taken careful consideration and made a study of this Bill and after due consideration and study, he's come up with the need, in his opinion, for these Amendments. And I think we have an obligation, ladies and gentlemen, to consider these Amendments very carefully. I'm very concerned by this Bill, particularly the timing on it - the timing for its con- (Tape 27) siderations, the changes that have come forward here today. It just hasn't been completely thought out. This Bill really shouldn't be considered on the last day of the Session. I believe we haven't given this Bill - in fact, I don't believe, I know - the facts are quite evident to me and I think the

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many of you here, that this Bill hasn't gotten enough thought and consideration. This is not a stop gap measure we're considering here. This Bill is going to have long range implications and these Amendments that are being proposed are going to have long ranging implications. If philosophically, you feel that State employees ought to have the right to Collective Bargaining, then frankly, I tend to agree with that philosophically because they don't have the alternative to strike. Please consider these Amendments because I think these Amendments do clear up this Bill somewhat. I prefer, frankly, that we should wait a second. This Bill does have some defects. There's not a pressing need for this at this point. Let's recommit this Bill. I'm not making that Motion, but let's consider this as we go through these Amendments and actually, with Representative Post, study the defects. I urge you to be attentive and if the other Members can hear me - sometimes they're in the Speaker's Office - if they can hear me, I wish they would return to the Hall of the House so that we can consider all these Amendments very carefully. Thank you.

THE SPEAKER:

Gentleman from the 143rd, Representative Matthews.

REPRESENTATIVE MATTHEWS (143rd):

Mr. Speaker, I would ask to have the Amendment put into the record please.

THE SPEAKER:

The Clerk will please note that the Amendment is to be printed in the Journal. Gentleman from the 143rd.

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REPRESENTATIVE MATTHEWS (143rd):

I'd also like to ask for a roll call on this Amendment.

THE SPEAKER:

Question is on a roll call on the Amendment. All those in favor of a roll call, signify by saying aye. The Chair feels that a sufficient number has indicated a roll call and at the proper time, a roll call will be ordered. The gentleman from the 143rd has the floor.

REPRESENTATIVE MATTHEWS (143rd):

Thank you, sir. In the units which we are talking about, there is -- the supervisory ones at the moment -- it seems to be out of focus to me to expect all these people to be in the same bargaining unit -- supervisory level -- although some above others, they're going to rate these people -- they're going to discuss promotions with them. They can be influenced by the union element versus their obligations to the job -- their duties. It doesn't really make good sense. I think no one can seriously believe that the proper kind of administering that a supervisor should do can be done well under those circumstances. I think we could, in this instance at least, relate this kind of an element to both the private sector and the public sector, because when you're evaluating people, discussing job opportunities, promotions, etc., disciplinary matters, you are dealing with people, of one sort or another. So the elements can be somewhat related better in this area than they can in some of the other ones between the public and the private sector. And it is unreal to expect people who are in the union together to be able to completely separate themselves

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from that area and to be fully and unalterably apart from each other. Therefore, there's going to be some influence on the way things are done in the supervisory unit when it comes to these various disciplinary and wage scale and so forth items. I'd like to ask a question, if I could, sir, to Mr. Motto.

THE SPEAKER:

Frame your question, please.

REPRESENTATIVE MATTHEWS (143rd):

Mr. Motto, in the definition of Supervisor - the employee - I believe I am correct in the definition of professional employee, you have used basically the National Labor Relations definition and I am wondering, sir, why did you not use the same source for supervisory employees?

THE SPEAKER:

Gentleman from the 2nd if he cares to respond?

REPRESENTATIVE MOTTO (2nd):

Mr. Speaker, through you, this was language that we put in - we had one type in one Amendment. We had one definition and we thought we'd like this one best of all because it seemed to fill the Bill.

THE SPEAKER:

Gentleman from the 143rd.

REPRESENTATIVE MATTHEWS (143rd):

Through you, Mr. Speaker, I think Mr. Badolato might wish to comment. Well - all right. Thank you Mr. Motto. The reason for my inquiry is that in the National Labor Relations definition of supervisory employee, it's

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used so broadly and it's known and people are familiar with it and it seems to me a very meaningful one and it can be understood and interpreted because all the conditions of it have already been done so. Now, it was my understanding that Mr. Motto said that this one that's in the Amendment is being done in accordance with some of the municipal employees bargaining units. I don't relate necessarily that this is the kind of a definition that does justice to this group of people. I'm not implying that it doesn't, but I think the National Labor Relations definition of supervisory status has a much more direct and meaningful application, since it's well known and understood throughout all sections of the State, and the country for that matter. I think that we should adhere more to those types of things in this Bill so that we won't have that many more things to have to be concerned with.

THE SPEAKER:

Are you prepared to vote on House B? Prepare to vote. Members take your seats. Staff come to the well. The machine will be opened. Every Member check the Board please to see if your vote is recorded. The machine will be closed. The Clerk will please take a tally. Gentleman from the 49th.

REPRESENTATIVE MAZZOLA (49th):

Change my vote to the affirmative.

THE SPEAKER:

The gentleman from the 49th, Representative Mazzola to the affirmative. Members remain in your seats please. Will all Members please go to their seats. Representative Mazzola from the - negative. From positive to the negative. From the negative to the positive. Sorry, sir. Representative Gardner Wright.

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REPRESENTATIVE WRIGHT (77th):

Mr. Speaker, would you change my vote to the negative please.

THE SPEAKER:

Clerk announce the vote.

THE CLERK:

Total Number Voting	141
Necessary for adoption	71
Those Voting Yea	70
Those Voting Nay	71
Those absent and not voting	10

THE SPEAKER:

House B is lost. The gentleman from the 62nd.

REPRESENTATIVE POST (62nd):

Mr. Speaker, the Clerk has ICO 9983.

THE SPEAKER:

Will the Clerk please call ICO 9983, designated House C.

REPRESENTATIVE POST (62nd):

Mr. Speaker, I'm skipping 9982 which has been covered by Mr. Motto's Amendment so, Mr. Clerk, it's 9983.

THE CLERK:

House Amendment, Schedule C, ICO 9983, offered by Mr. Post of the 62nd. Delete Lines 33 to 36, inclusive.

THE SPEAKER:

The gentleman from the 62nd.

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REPRESENTATIVE POST (62nd):

I would ask that this Amendment be printed in the Journal.

THE SPEAKER:

Clerk please note.

REPRESENTATIVE POST (62nd):

Mr. Speaker, I move for the adoption of the Amendment, House C.

THE SPEAKER:

Question is on adoption of House C. Will you remark?

REPRESENTATIVE POST (62nd):

Yes, Mr. Speaker, very briefly. This is a matter which really should be the subject of negotiations. It's not a major issue. It's just to improve the quality of our Collective Bargaining Bill. Some of these things should be negotiated. They should leave it up to the parties to solve some of their procedural problems of who gets notice and how. That's normally how it's done. We should not start out in the statute. This is a deletion of a notice requirement dealing with grievances which are properly part of the grievance procedure to be negotiated between the State and the bargaining unit. I would ask for your support for House C.

THE SPEAKER:

Remark further on House C? The gentleman from the 2nd.

REPRESENTATIVE MOTTO (2nd):

Mr. Speaker, I oppose this Amendment. We gave this a lot of thought and we came up with the understanding that this is a beginning Bill that we should leave some of these things the way they are and not try to change everything. I think we should give this a chance to be worked out. That's why I oppose this Amendment.

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THE SPEAKER:

Prepare to vote on House C. All those in favor of House C signify by saying aye. Those who are opposed? House C is lost. The gentleman from the 62nd.

REPRESENTATIVE POST (62nd):

Mr. Speaker, the Clerk has LCO 9984.

THE SPEAKER:

The Clerk please call 9984, designated House D.

THE CLERK:

House Amendment, Schedule D, offered by Mr. Post of the 62nd. In Line 111, delete the words "including but not limited to". Delete Line 112. In Line 113, delete the word "representative".

THE SPEAKER:

The gentleman from the 62nd.

REPRESENTATIVE POST (62nd):

Mr. Speaker, this Amendment - did I move adoption of House D?

THE SPEAKER:

The question is on adoption of House D.

REPRESENTATIVE POST (62nd):

I move adoption of House D.

THE SPEAKER:

The question is on adoption of House D. Will you remark?

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REPRESENTATIVE POST (62nd):

Thank you, Mr. Speaker. Under the file copy, the refusal to discuss grievances constitutes an unfair labor practice and brings with it all of the power of the Labor Board. It is a very difficult thing to administer. What are grievances and the procedure for considering them again, is properly for the parties to work out in negotiations. If we establish collective bargaining, let's leave it to the parties involved to set their own procedures and methods, otherwise, we will be adopting by statute, not only the procedures and methods, but the benefits as well.

One of the purposes of Collective Bargaining is to have someone represent us, the State, and someone represent the State employees and let those parties work out their agreement. If we insist in interjecting ourselves, then we are inviting the parties, particularly the State employees, to come to the lobbies of the capitol to change these provisions. The purpose of Collective Bargaining is to have representatives reach an agreement at the bargaining table on some of these issues, of which this is one. It's not (Tape 28) a major substantive item, it's just a way of improving the Collective Bargaining Bill we have before us. I would ask that the Clerk print the Amendment D in the Journal and that you would support this Amendment.

THE SPEAKER:

Clerk please note. Prepare to vote on House D. Gentleman from the 143rd.

REPRESENTATIVE MATTHEWS (143rd):

Just very briefly, Mr. Speaker, in Section 2, it states very clearly that the employees shall have a number of different things and it says to

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engage in other concerted activities for the purpose of Collective Bargaining or other mutual aid or protection free from actual interference, restraint or coercion. Now, I don't say that that is completely what Mr. Post is referring to, but it is certainly not opening up the whole situation for negotiating grievance procedures between the two parties and if the employers and employees should be free from all outside interference, why shouldn't they be free to negotiate a grievance procedure and what it implies. I support the Amendment.

THE SPEAKER:

Ready to vote on House D. Gentleman from the 142nd.

REPRESENTATIVE MANNIX (142nd):

Mr. Speaker, first I'd like to thank the Members of the House who considered the first Amendment which we had a roll call on. The vote indicated that we are thinking about this Bill very seriously and we're trying to make our own minds as to what we should do. I believe I understand that the proponent of this Amendment indicated earlier in the debate that he wasn't going to call for a roll call vote. I think it was indicative on the first roll call vote or the roll call vote, that we are thinking and we are voting the way we are - our consciences tell us how to vote and I believe we ought to have a roll call vote for that reason. I also think it would tend to bring the other Members of the House back into the House so that they can have an opportunity to vote on it and I also think that it would be worthwhile to remind all of us that we have television on.

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The people of the State are watching it and I don't think it looks very good to see the people running in and out of this House every time we have a roll call. So, therefore, I respectfully request and move for a roll call on this Amendment.

THE SPEAKER:

Motion is on a roll call. All those in favor of a roll call signify by saying aye. The Chair feels that a sufficient number has indicated a roll call and a roll call will be ordered. Will you remark further on House D? Gentleman from the 2nd.

REPRESENTATIVE MOTTO (2nd):

Mr. Speaker, Members of the House, I'm going to sound like a negative type before the end of the afternoon or the evening, I guess. I respect the distinguished gentleman who has presented this Amendment. He knows how I feel. We've worked many times on a lot of these Amendments. We've even written a bargaining bill together a few years ago. I have to oppose this Amendment and I'm going to continue to oppose all of the Amendments.

THE SPEAKER:

Prepare to vote on House D. Gentleman from the 119th.

REPRESENTATIVE STEVENS (119th):

Mr. Speaker, I rise to support the Amendment and perhaps make this comment on the remark that was made by the Chairman of the Committee that he intends to oppose all the Amendments. Before they're offered, I think that does a disservice to the legislative process. This is a major Bill.

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A Bill that will once again affect the State of Connecticut for years to come in the future; a Bill that will in large part, affect the Appropriations Act for each succeeding Session of the General Assembly. And in the debate on a Bill like this, a remark like - I will oppose all of the Amendments - really has no place.

THE SPEAKER:

Prepare to vote. Members take their seats. Staff come to the well and the machine will be opened. Has every Member voted? Is your vote recorded in the manner in which you wish to have it recorded? The machine will be closed and the Clerk will take a tally. Will the Clerk please announce a tally?

THE CLERK:

Total number voting	136
Necessary for adoption	69
Those Voting Yea	38
Those Voting Nay	98
Those Absent and not voting	15

THE SPEAKER:

House D is lost. Gentleman from the 62nd.

REPRESENTATIVE POST (62nd):

The Clerk has LCO 9985. That skips 3581 and 3582 which were covered by Representative Motto's Amendment - 9985.

THE SPEAKER:

Clerk please call 9985, designated House E.

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THE CLERK:

House Amendment, Schedule E, offered by Representative Post of the 62nd. In Line 186, delete the words "effective upon passage" and insert the word, "adopted" in lieu thereof.

REPRESENTATIVE POST:

Mr. Speaker, this has nothing to do with labor relations. It's just bad draftsmanship. It's a technical correction. We adopt regulations pursuant to the Administrative Procedures Act. We had inserted in here a reference to the Administrative Procedures Act but said the regulation shall be effective upon passage. That's a conflict. We just should say they are adopted in accordance with the Administrative Procedures Act like every other State regulation. I would move adoption of Amendment E.

THE SPEAKER:

Question is on adoption of E. Will you remark? Will you remark on the adoption of House E? The gentleman from the 3rd.

REPRESENTATIVE LA ROSA (3rd):

Mr. Speaker, I rise in opposition to this Amendment.

THE SPEAKER:

Question is on adoption of House E. Will you remark? If not, all those in favor of House E, signify by saying aye. Those who are opposed to House E signify by saying no. House E is lost. The gentleman from the 62nd.

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REPRESENTATIVE POST (62nd):

The Clerk has LCO 3590.

THE SPEAKER:

The Clerk please call 3590, designated F.

THE CLERK:

House Amendment, Schedule F, offered by Mr. Post of the 62nd. In Line 225, delete the word "no". Delete Lines 226 to 229 inclusive.

THE SPEAKER:

Gentleman from the 62nd.

REPRESENTATIVE POST (62nd):

Mr. Speaker, I move adoption of House F.

THE SPEAKER:

Question is on adoption of House F. Will you remark?

REPRESENTATIVE POST (62nd):

Mr. Speaker, I ask that Amendment, House F, be printed in the Journal.

THE SPEAKER:

Clerk please note.

REPRESENTATIVE POST (62nd):

And I ask that when a vote be taken, it be taken by roll call.

THE SPEAKER:

Question is on a roll call. All those in favor of a roll call signify by saying aye. The Chair feels a sufficient number has indicated a roll and at the proper time, a roll call will be ordered. The gentleman from the 62nd.

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REPRESENTATIVE POST (62nd):

Mr. Speaker, the file copy is discriminatory. It says that any group of people who want to form a union, an organization, and ask to have that organization represent them or a new organization cannot do so. The file copy says - no, you have to be a union that's been in existence for a number of months. It's a provision designed to protect the vested interests of those who already exist and to prevent competition. That's not our way of life and that's not our system. If a new organization wishes to form and compete for the right to represent State employees, God bless them. They should have the right to do so. We should not set in motion by statute our preference as to which union is going to represent State employees. I urge you to support this particular Amendment.

THE SPEAKER:

Will you remark on House F? Gentleman from the 2nd.

REPRESENTATIVE MOTTO (2nd):

Mr. Speaker, I oppose this Amendment. I think it has complications to it for an infant organization getting involved so quickly.

THE SPEAKER:

Will you remark further on House F? If not, will the Members please take their seats. The staff come to the well and the machine will be opened. Has every Member voted? The machine will be closed. The Clerk please take a tally. Gentleman from the 89th.

REPRESENTATIVE DICE (89th):

Mr. Speaker, in the affirmative.

THE SPEAKER:

The gentleman from the 89th in the affirmative.

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THE SPEAKER:

Will the Clerk please announce a tally.

THE CLERK:

Total Number Voting	142
Necessary for adoption	72
Those voting Yea	69
Those voting Nay	73
Those Absent and Not Voting	9

THE SPEAKER:

House F is lost. Gentleman from the 62nd.

REPRESENTATIVE POST (62nd):

Mr. Speaker, Clerk has LCO 3592.

THE SPEAKER:

Clerk please call 3592, designated G.

THE CLERK:

House Amendment, Schedule G, LCO 3592, offered by Mr. Post of the 62nd. Delete Line 239. In Line 240, delete the words "employees and public safety officers".

THE SPEAKER:

Gentleman from the 62nd.

REPRESENTATIVE POST (62nd):

Mr. Speaker, I ask that this Amendment be printed in the Journal and I move adoption of the Amendment.

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THE SPEAKER:

Question is on adoption of House G. Will you remark?

REPRESENTATIVE POST (62nd):

Mr. Speaker, I ask that when the vote be taken on this Amendment it be taken by roll call.

THE SPEAKER:

Question is on a roll call. Those in favor of a roll call signify by saying aye. The Chair feels a sufficient number has indicated a roll call and the roll call will be ordered at the proper time. Gentleman from the 62nd.

REPRESENTATIVE POST (62nd):

Thank you, Mr. Speaker. Farlier, in one of the Amendments, we took up the question by a close vote, as to whether or not we should have Collective Bargaining for supervisors. The file copy says that if we have Collective Bargaining for Supervisors, that we should make sure that Supervisors are of different units than the people they supervise. That's correct. I agree with that. But the file copy says except for certain classes of employees - educational, police and fire. What that means is (Tape29) that supervisors in the worlds of education, police and fire can be in the same bargaining units as the people they supervise. That's a problem. That creates conflicts. That enforces a concept in the mind of the supervisors that they are one of the employees at the very time in which we

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should be trying to strengthen the concept of management, the concept of supervision in government service. We should encourage people to recognize, if they have responsibilities as supervisor, to accept that responsibility. Placing them in the same bargaining unit with the people they supervise denies that. I hope that you will consider this Amendment and support it.

THE SPEAKER:

Will you remark on House G? Gentleman from the 2nd.

REPRESENTATIVE MOTTO (2nd):

Mr. Speaker, we considered this particular consideration. We wondered whether or not we should do something that Representative Post has suggested. But, in writing the language of the file copy, we thought that we would stay with the language to see if we could probably work out something that may be just as well. But then, we felt that we better stay with the language that we have changed and I think this is the way it should be. Mr. Speaker, I oppose this Amendment.

THE SPEAKER:

Gentleman from the 143rd.

REPRESENTATIVE MATTHEWS (143rd):

Again very briefly sir, I call your attention and the Members of the House, to the definition in the Amendment as submitted under Supervisory Employee and number two under that in Line 23 in the Amendment sheet reads - "performing such duties as are distinct and dissimilar from those performed by the employees supervised." I don't know how you could not vote for this Amendment with that definition written right into the thing that you're approving in the Amendment.

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THE SPEAKER:

The lady from the 114th.

REPRESENTATIVE HAMERMAN (114th):

MR. Speaker, I am not a labor expert. I do not pretend to be one. But I am very familiar with the workings of my town by virtue of having been a Selectwoman for several years. I do know my town. I don't believe that the supervisors in these particular fields would want to be included in the same unit as their employees. I urge support of the Amendment.

THE SPEAKER:

The lady from the 54th.

REPRESENTATIVE GOODWIN (54th):

Mr. Speaker, through you may I address a question to the Chairman of the Committee?

THE SPEAKER:

Please frame your question.

REPRESENTATIVE GOODWIN (54th):

Mr. Motto, if this Amendment is defeated, would there not be sometimes definitional problems in higher education where you have somebody who is a member, let's say, of the Political Science Department and also wears another hat as the principle researcher on a research grant and also wears a third hat as the head of a research institute?

THE SPEAKER:

Gentleman from the 2nd.

REPRESENTATIVE GOODWIN (54th):

How do you decide whether that is supervisory or not?

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THE SPEAKER:

Gentleman from the 2nd, if he cares to respond.

REPRESENTATIVE MOTTO (2nd):

Through you, Mr. Speaker, I think perhaps we would have a problem definition and I think that's the purpose of having the definition and, in answer to your question, it would create problems if we accept this Amendment.

THE SPEAKER:

Lady from the 54th.

REPRESENTATIVE GOODWIN (54th):

May I address the same question to Mr. Post.

THE SPEAKER:

Representative Post for the purpose of a question.

REPRESENTATIVE POST (62nd):

Thank you. Under the Act, we have a definition now, because of Mr. Motto's Amendment of a supervisor, if you are a supervisor, that is spelled out in the Act, then you should not be in the same bargaining unit with the people you supervise. You wear several hats and one of them is as a supervisor. You would be under this Amendment and you should be in my view, separate from the people you supervise.

THE SPEAKER:

Lady from the 54th.

REPRESENTATIVE GOODWIN (54th):

Through you, Mr. Speaker, I don't pretend any expertise in this area, but it does seem to me that you would be very likely in the kind of situation

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which I defined to have the bargaining unit include all three of these situations in one bargaining unit. So you got a person who is both a supervisor and a supervisee and you've got to make a distinction.

THE SPEAKER:

The gentleman from the 62nd.

REPRESENTATIVE POST (62nd):

That highlights the problem with including supervisors under Collective Bargaining. We now do this. This Amendment would at least require that they be in separate units. You are correct that if an individual wears several different hats, that person is going to be faced with various conflicts. If he's both a supervisor and a supervisee, it's going to create conflicts - the very same conflicts if the bargaining unit includes the supervisees and the people that are their managers. When that happens, the supervisors - the manager - gets confused as to his role. That's the very reason why I would urge that we separate them out as we do in all other areas of State government under the file copy, with the exception of education, fire and police. I think we should be consistent. I think there is a reason for it - to include them in the same unit does create conflict.

THE SPEAKER:

The lady from the 54th has the floor.

REPRESENTATIVE GOODWIN (54th):

Thank you, Mr. Speaker. It does seem to me that you're going to be splitting these people right down the middle. I find it very difficult to

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imagine how it would work.

THE SPEAKER:

Gentleman from the 8th.

REPRESENTATIVE KLEBANOFF (8th):

Mr. Speaker, I too, feel that to pass this Amendment would totally fractionalize some groups that don't have to be fractionalized. This would proliferate the number of units unnecessarily. These are units where by and large there is probably more concensus and more agreement than in many of the other areas and all you would end up would be by having a nightmare. Many units, fractionalization, disharmony, people plying against each other unnecessarily and I would oppose the Amendment.

THE SPEAKER:

Gentleman from the 62nd for the second time.

REPRESENTATIVE POST (62nd):

Mr. Speaker, briefly, there are a number of States which specifically exclude supervisors from having any Collective Bargaining rights. Those that permit supervisors to have bargaining rights separate them and I would refer you specifically for example to Hawaii which has one of the more advanced pro labor Collective Bargaining laws which creates units by statute which specifically creates different categories for supervisors and non-supervisors. Again, I would urge your support for this Amendment.

THE SPEAKER:

Will the Staff please come to the well. Members please take their seats. The machine will be opened. All staff or guests please come to the well while in the process of voting.

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Has every member voted? Is your vote recorded in the manner in which you wish it recorded? The machine will be closed. The Clerk please take a tally.

THE CLERK:

Total Number Voting	141
Necessary for Adoption	71
Yea	57
Nay	34
Absent and not voting	10

THE SPEAKER:

House G is lost. Gentleman from the 62nd.

REPRESENTATIVE POST (62nd):

The Clerk has LCO 3593.

THE SPEAKER:

Clerk please call 3593.

THE CLERK:

House Amendment, Schedule H from Mr. Post of the 62nd, LCO 3593.

In Line 246, delete the words "the faculties of I V". Delete Lines 247 to 256 inclusive.

REPRESENTATIVE POST (62nd):

Mr. Speaker, I move adoption of House H.

THE SPEAKER:

Question is on adoption of House H. Will you remark?

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REPRESENTATIVE POST (62nd):

I would ask that the Amendment be printed in the Journal.

THE SPEAKER:

Clerk please note.

REPRESENTATIVE POST (62nd):

And I would ask that when the vote is taken, it be taken by roll call.

THE SPEAKER:

All those in favor of a roll call signify by saying aye. The Chair feels a sufficient number have indicated a roll call. A roll call will be ordered at the proper time.

REPRESENTATIVE POST (62nd):

Thank you, Mr. Speaker. This Amendment deals with higher education. One of the problems we have in Collective Bargaining is how many units must the State deal with. How many different organizations can come and knock on the door of the State and say we want to enter into Collective Bargaining. We want to negotiate with you a contract and have separate contracts with separate provisions. Under the file copy, the faculties of each of the different elements of higher education in effect, constitute a separate employer and their employees have, under the file copy, the right to deal directly with that employer. The problem we have with the file copy is that there are thirty nine separate elements identified here in the file copy in the world of higher education. Therefore, we have thirty nine

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different entities negotiating contracts with their employees in higher education alone. Should they have a unit for their professional staff? Should they have separate units for professors and instructors which is the case in many States? And a separate or third unit for secretarial staff and a fourth unit for custodians and a fifth unit for additional personnel, etc. Multiply those units by thirty nine and you'll begin to understand the problems that the State is going to face in negotiating with this employees. What this Amendment would do is delegate to the State, whoever decides the units, the right to determine the units in higher education as well. And it may be that they should be grouped together. Let's leave that decision to the Board if it is the Board that's to make the decision on the number of units. Let's not require fragmentation by identifying thirty nine separate employers in the world of higher education. I urge you to support this Amendment.

THE SPEAKER:

Will you remark on House II? The gentleman from the 8th.

REPRESENTATIVE KLEBANOFF (8th):

Mr. Speaker, I would oppose the Amendment and I think the actual Amendment further compounds the problem. It's interesting that we've given our teachers the right to negotiate and bargain and yet we have always excluded teachers of higher ed. I often wondered on what rationale. Now we have finally included them and again we say let's exclude them or let's

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prevent them from being in their own separate bargaining unit. So there are differences. There are many, many differences. There are differences at the various institutions. The problems in the various institutions are different and for all intents and purposes, they are different employers and, therefore, they should have the right to form their own separate units so that they can deal with their problems as they pertain to their respective institutions. This again, I think, makes the Bill a better Bill because of their inclusion - their exclusion would be harmful.

THE SPEAKER:

Gentleman from the 88th.

REPRESENTATIVE MC MANUS (88th):

Mr. Speaker, question through you to Representative Post.

THE SPEAKER:

Please frame the question.

REPRESENTATIVE MC MANUS (88th):

Representative Post, does this Amendment exclude the faculty (Tape 30)
in higher education?

REPRESENTATIVE POST (62nd):

No sir. Thank you, Mr. Speaker. Through you, no sir. They remain employees and have all the rights in Collective Bargaining. It just does not require that each of the separate elements - each of the 39 different elements in the world of higher education be considered a separate employer. So that in grouping State employees it would be possible

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to take employees in the various elements of higher education and group them together for one bargaining unit and thus avoid fragmentation.

THE SPEAKER:

Gentleman from the 123rd.

REPRESENTATIVE BAWR (123rd):

Brief comment. I have never been aware that any union was very adverse to take in all kinds of activities wherever they may be and major unions throughout the country take in people in all different kinds of activities. I think the argument, as far as a union program and a bargaining unit goes, the argument from Mr. Klebanoff does not hold water relative to union philosophy and attitude.

THE SPEAKER:

The lady from the 54th.

REPRESENTATIVE GOODWIN (54th):

Mr. Speaker, I rise to oppose this Amendment. I have friends in higher education all over this State and I can assure you I'd never be able to speak to any of them again if I voted for this Amendment. I think it's important to recognize, not only what Mr. Klebanoff referred to, but also the enormous difference in mission of the various constituents of the system of higher education in the State. The university has its role. The State colleges have their role. The community colleges and the technical colleges have their roles and out of this difference in role and mission, there comes many, many differences in the way-in which they

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approach the problems that they face and I think what this would inevitably end up doing would be to create a kind of homogenization that would be wholly intolerable.

THE SPEAKER:

The gentleman from the 62nd.

REPRESENTATIVE POST (62nd):

Part of our problem here today in adopting Collective Bargaining is to balance interests. If we focus in on the needs of the employees exclusively, we will create separate bargaining units in higher education. We will create separate bargaining units by department. We will create separate bargaining units within the department by the secretaries, the Bridgeport office of the Welfare Department, etc. If our concern is to take into account their community of interest, we will follow the route in Rhode Island and other States where they have well in excess of 100 bargaining units. Let's not do that. Let's learn from the troubles of New York City and the hundreds of bargaining units they have. Let's learn from the problems of little Rhode Island with its 14,000 State employees and over 100 bargaining units. Let's not have higher education of 39 separate employers each dealing with several different unions - each contract of which, as you will later see, comes back to us for approval or rejection. Of course, the university is separate from the community college or the technical college, just the way the Welfare Department is separate

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from the Transportation Department. But let's recognize that we have to live with the Collective Bargaining system and make it work for us. And we must limit the number of bargaining units. I hope you will support this Amendment.

THE SPEAKER:

Gentleman from the 88th.

REPRESENTATIVE MC MANUS (88th):

For the second time.

THE SPEAKER:

For the second time.

REPRESENTATIVE MC MANUS (88th):

I agree with the intent of Representative Post in reducing the number of bargaining units but I think in higher ed for too long of a period of time, they have been categorized. I think that the problem differs substantially from unit to unit within higher education and I think we would be benefitting not only the employees themselves, but the recipients of their efforts and I think we ought to oppose this Amendment.

THE SPEAKER:

Gentleman from the 142nd.

REPRESENTATIVE MANNIX (142nd):

Mr. Speaker, I think you realize - the Members of the House realize we're getting into the very important area of this Bill and in theory, what Representative Goodwin said is correct and in theory, what Representative McManus said is correct. But we live in a real world and just look to what

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has happened in England and in other areas where you have multiple bargaining units - the difficulties that are generated by it. I think we ought to be able to negotiate the number of bargaining units and I think it's wrong to set a goal for the number of bargaining units and we're going to have to live with it. We and our representatives are going to have to live with it and I think it's a mistake to build it in at this point and I think the Amendment is well taken and should be supported.

THE SPEAKER:

Prepare to vote on House H. Prepare to vote. Members please take their seats and staff come to the well and the machine will be opened. Has every member voted? The machine will be closed. The Clerk please take a tally.

THE CLERK:

Total Number Voting	141
Necessary for adoption	71
Those Voting Yea	35
Those Voting Nay	106
Absent and Not Voting	10

THE SPEAKER:

House H is lost. Gentleman from the 62nd.

REPRESENTATIVE POST (62nd):

The Clerk has LCO 3596.

THE SPEAKER:

Clerk please call LCO 3596., designated House I.

REPRESENTATIVE POST (62nd):

Mr. Speaker, I move adoption of House Amendment I.

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THE SPEAKER:

Question is on adoption of House I. Clerk please call House I.

THE CLERK:

House Amendment, Schedule I, offered by Mr. Post of the 62nd. In Line 504, delete the word "negotiators" and insert the word "parties" in lieu thereof.

THE SPEAKER:

Gentleman from the 62nd.

REPRESENTATIVE POST (62nd):

Mr. Speaker, this is a very minor Amendment. The file copy refers to agreements reached by the negotiators and then has those agreements referred to as the final agreements which goes through the process. That's not really technically correct. The negotiators for the parties negotiate at least tentative agreement and then the various parties involved then ratify that. It's an agreement between the parties, not an agreement between the negotiators. It's the State on one hand and a particular union on the other. It has nothing to do with pro-labor or pro-management. It's just draftsmanship. The agreement is between the parties. I ask for your support for this Amendment.

THE SPEAKER:

Will you remark on Fouse I? Gentleman from the 2nd.

REPRESENTATIVE MOTTO (2nd):

I oppose this Amendment. I think it's a generic term. You can interchange the term. It's just a matter of - I think we're getting harassed myself, with all this generics. I oppose this Amendment.

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THE SPEAKER:

Remark further on House I? The gentleman from the 62nd, for the second time.

REPRESENTATIVE POST (62nd):

Mr. Speaker, I then ask for a roll call.

THE SPEAKER:

Question is on a roll call. All those in favor of a roll call signify by saying aye. At the proper time, a roll call will be ordered. Will you remark? If not, Members please take their seats. Staff come to the well. The machine will be opened. The machine is still opened. The machine will be locked. Clerk please take a tally.

Gentleman from the 118th.

REPRESENTATIVE CAMPBELL (118th):

Mr. Speaker, in the negative please.

THE SPEAKER:

Representative Campbell from the 118th in the negative. Gentleman from the 62nd, for what purpose? Clerk please announce a tally.

THE CLERK:

Total Number Voting	136
Necessary for adoption	69
Those Voting Yea	46
Those Voting Nay	90
Those Absent and Not Voting	15

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THE SPEAKER:

House I is lost. Gentleman from the 62nd.

REPRESENTATIVE POST (62nd):

Mr. Speaker, the Clerk has LCO 3597.

THE SPEAKER:

Clerk please call 3597, House J.

THE CLERK:

House Amendment, Schedule J, offered by Representative Post of the 62nd. In Line 522, delete the word "approved" and insert the word "rejected" in lieu thereof.

REPRESENTATIVE POST (62nd):

Mr. Speaker, I move adoption of House J.

THE SPEAKER:

Question is on adoption of House J. Will you remark?

REPRESENTATIVE POST (62nd):

Mr. Speaker, I ask that the Amendment be printed in the Journal.

THE SPEAKER:

Clerk please note.

REPRESENTATIVE POST (62nd):

And Mr. Speaker, I ask that when the vote be taken, it be taken by roll call.

THE SPEAKER:

Question is on roll call. All in favor of a roll call signify by saying aye. The Chair deems a sufficient number has indicated a roll call. A roll call will be ordered at the proper time. Gentleman from the 62nd.

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REPRESENTATIVE POST (62nd):

Thank you Mr. Speaker. This Amendment is a very major Amendment. Contrary to the last Amendment which was technical in nature, this is a very, very major, substantive Amendment. The file copy would have an agreement reached between the State's representatives and an employee organization subject to a review process by the Legislature. It says that if we fail to act within thirty days of the time it is filed with us, the contract will be considered approved and we will be required to appropriate the necessary funds for it. The most important aspect of that is that we are probably now, because of the way the file copy is drawn, destined to have well in excess of 100 different bargaining units. We may have in excess of 200 bargaining units. Anybody who has been involved in the Collective Bargaining sector knows that Collective Bargaining agreements do not fall necessarily within our regular session. In fact, as you know from your municipalities, most of your contracts and most of ours that we negotiate on behalf of the State, will be geared in the fiscal years which begin on July 1st. We face the prospect of having numerous contracts, hopefully agreed to prior to the beginning of the fiscal year but in many instances, in all honesty, probably being negotiated after July 1st as well. These are tough times and unions aren't anxious to agree with their employer, regardless of the date. Either way, most of these (Tape 31) contracts will be reached - agreement will be reached late in the fiscal year after we are out of Session. What the file copy now says is that if

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we fail to call ourselves back into Session within thirty days which may go on and on, depending upon which contract is submitted to us when, those contracts automatically go into effect without our review and, as you will see in other provisions of this law, the agreement reached between the parties may supercede any law that we have passed. We are therefore delegating to our negotiators on behalf of the State, the right to supercede our laws and, if we fail to call ourselves back in a special session and take action, we have given those negotiators the right to supercede our laws and the right to lock in our budget. The next section says that any agreements reached must be funded. That's a vast delegation of power to our representatives at the negotiating table. It means that our inaction locks in our budget and allows the parties to supercede our laws. I don't think that's appropriate.

Collective Bargaining is a complex process. I urge you to review these Amendments carefully and this one in particular. I urge you to set in motion a system that will help us resolve our problems and not create them. Collective Bargaining is not a right inherited under the Constitution by labor organizations. It's a system to make government better. If we set up the system to make government better, we do a service to the people of Connecticut. If we set up a system whereby labor organizations and representatives can supercede our laws and lock in our budgets, we do a disservice to the citizens of Connecticut. I hope that you will

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support this Amendment.

THE SPEAKER:

Gentleman from the 2nd,

REPRESENTATIVE MOTT (2nd):

Mr. Speaker, I think perhaps the distinguished gentleman is a little over stating his case a little bit. I think the - what we intended to do in our part of this particular file copy was to be consistent with all other Collective Bargaining laws and I think that I would just have to oppose this Amendment on the basis of that.

THE SPEAKER:

Gentleman from the 119th.

REPRESENTATIVE STEVENS (119th):

Mr. Speaker, I hope the Members of this House are listening because this is perhaps the most crucial of the Amendments before us. We have an oath of office that everyone of us took to pass this Bill without this Amendment in my opinion, violates a portion of that oath. The defense given by the Chairman cannot hold water. The type of legislative bodies to which he makes reference are in continuous Session. Your local legislative body, your local Boards of Education do not have a term set by their Constitution. When we go home at midnight tonight, we cannot come back here unless a procedure is followed for the calling of a Special Session. As Representative Post indicated, we will most likely be dealing with a hundred units. Rhode Island, which has 14,000 employees as compared to 42,000 in Connecticut, has over 100 units. Now that means over 100 agreements. The file copy, as it is

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presently written, says that if we do not reject as a legislative body, House and Senate, within 30 days of submission, we are bound by the terms. And it goes on to say - notwithstanding any provision of any General Statute or Special Act to the contrary, the Legislature shall appropriate whatever funds are required to comply with a Collective Bargaining Agreement provided the request calls for in sub-section b of this Section has been approved by the Legislature. And remember, failure to disapprove is approval. Without this Amendment, you might as well throw away the Appropriations Committee of this Legislature. Because what they can do will be strictly limited - limited by what the negotiators have agreed to. You saw earlier today an expression, from both sides of the aisle, on a matter of \$5 million. A debate such as occurred here earlier today could not have occurred under the terms of this agreement. If that question of increments had been worked out in the interim when we are not in Session and a Special Session was not called. There could not have been any debate on the matter of \$5 million because by law, we would be mandated to provide the funds for it. Forget concerns you might have of special education or welfare or mental health. In terms of budgetary priorities, we would come back in Session and find that the priorities - the number one priority had been determined - determined by non-elected people. You know the paradox without this Amendment. Those who decide how we spend the money don't go before the voters. But we who would have to appropriate the money and raise the taxes to do it, have to come into this House and vote for those taxes for an agreement that we were not a party to. And your answer is - well

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we can come back into Special Session. You know how difficult it is to call a Special Session. And what are you going to do if only 25 percent of the units have their contracts finalized when we're not in Session. Does anybody responsibly think there would be 25 Special Sessions of the General Assembly. You know it costs \$5,000.00 a day every day we're here - \$5,000.00 per day to open this House. And you're willing to run the risk of at least 25 Special Sessions between June and January and between May and February in the next year? That is not right. I question whether or not it meets the Constitutional requirements of who shall appropriate funds. It represents, in my opinion, a sellout for the people of Connecticut. We should be required to approve any agreement that calls for the expenditure of funds of the magnitude we are talking about. And I can tell there's not too much interest in the House right now, but just think of these figures. The budget this year is roughly \$1.6 billion. Do you know how much of that - in just salary payments would be subject to these agreements? \$401 million. That percentage of our budget is salary alone. Nevermind the fringe agreements and the fringe benefits that might be negotiated under the agreement. To vote against this Amendment means that you're willing to say although 25 percent of the entire State budget may be decided upon without the Members of this House and Senate having a responsibility to come in and vote on it. You cannot possibly make a comparison at the local level. As I indicated, they are in Session continuously. We are not. That's an essential distinction and if

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you have any value for the seats you hold in this House, please support the Amendment.

THE SPEAKER:

Lady from the 54th.

REPRESENTATIVE GOODWIN (54th):

Thank you Mr. Speaker. With some hesitancy, I rise to admit that this Amendment gives me real pause and with all due respect to Mr. Motto for whom I have the highest regard, I would like to point out that, as I said the other day in connection with another Bill of this sort, Collective Bargaining works well only if it works under enormous tension and we are posing a situation here where there really is not enormous tension because both sides of the bargaining table are really State employees and there is not the extreme divergence of interest that you have in - let's say manufacturing firms and it does seem - I'm not that sure that this Amendment is the right way to solve this problem permanently. But I think I am going to support this Amendment at least until we can work out something better that takes into consideration the fact that without this Amendment, the amount of tension between the two sides of the bargaining table is really not enough. Thank you.

THE SPEAKER:

Representative Bogdan.

REPRESENTATIVE BOGDAN (117th):

Ladies and gentlemen of the House, Mr. Speaker, I think you ought to pay particular attention to this Amendment that has been offered. As

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Representative Goodwin pointed out, it may not be the final answer, however, this is probably the most serious defect in this Bill in that you have a situation where your contract, your labor contract, is going to be the law of the State and in the time that we're not in Session, let alone the practical difficulties of considering all these agreements while we're in Session, when you're not in Session, within 30 days, if we don't reject it, this will become the law of the State and we will have no alternative but to appropriate the money when we return. I very strongly urge you to support this Amendment.

THE SPEAKER:

Gentleman from the 89th.

REPRESENTATIVE DICE (89th):

Mr. Speaker, I think the other speakers have adequately pointed out that in effect, this Bill, by the way it's constructed in effect, delegates the Executive Branch what we in the Legislative Branch should be covering. It seems to me that the framers of our Constitution made it clear that there was a distinction between the branches of the government and when we in turn sit here and give away our responsibilities we are not carrying forward our responsibilities under the Constitution. It does seem to me that that's what we're doing by virtue of this type of delegation of authority. Over the years, as I'm sure each of you recognize, the Executive Branch under the Constitution, both of our State and of the Federal government, has become stronger and stronger and this body has become weaker and weaker. Until just

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recently, until recently when this body got busy and got itself some assistance in the form of Legislative Research of Fiscal Analysis and otherwise, but by virtue of this Bill, we're starting to give it up again. We're starting to go down road again and say you the Executive take it. We're going to give up our responsibilities. I think it's clear and the speakers have indicated to us and I urge your support of this Bill so we can continue.

THE SPEAKER:

Gentleman from the 90th.

REPRESENTATIVE VARIS (90th):

Mr. Speaker, through you I have a question to the Representative.

THE SPEAKER:

Frame the question please.

REPRESENTATIVE VARIS (90th):

Under the timetables that are in this Bill Mr. Motto, is it possible that when we come in here as a new Legislature on January 8th, that we can have contracts awaiting our action?

THE SPEAKER:

Representative Motto from the 2nd.

REPRESENTATIVE MOTTO:

Through you, Mr. Speaker, yes.

THE SPEAKER:

The Representative from the 90th.

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REPRESENTATIVE VARIS (90th):

Through you, Mr. Speaker, the timetables in this Bill, is it possible that we could have maybe several dozen contracts awaiting House action?

THE SPEAKER:

The gentleman from the 2nd.

REPRESENTATIVE MOTTO (2nd):

Through you, Mr. Speaker, no.

THE SPEAKER:

The gentleman from the 90th.

REPRESENTATIVE VARIS (90th):

Through you, Mr. Speaker, why not?

THE SPEAKER:

The gentleman from the 2nd if he cares to respond.

REPRESENTATIVE MOTTO (2nd):

Through you, Mr. Speaker, I'm not quite sure myself of the answer.

THE SPEAKER:

The gentleman from the 90th.

REPRESENTATIVE VARIS (90th):

Mr. Speaker, through you, is it not possible that we could have a number of units, perhaps as many as 100 or more?

THE SPEAKER:

The gentleman from the 2nd if he cares to respond.

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REPRESENTATIVE MOTTO (2nd):

Through you, Mr. Speaker, this Bill is effective in October of this year.

THE SPEAKER:

Gentleman from the 90th, if he cares.

REPRESENTATIVE VARIS (90th):

Be that as it may, Mr. Speaker, my questions are is it possible?

THE SPEAKER:

Gentleman from the 2nd, if he cares to respond.

REPRESENTATIVE MOTTO (2nd):

Through you, I think it wouldn't be possible.

THE SPEAKER:

The gentleman from the 90th.

REPRESENTATIVE VARIS (90th):

Mr. Speaker, the proponent of this Bill has told us that it couldn't be possible for us to have contracts awaiting House Legislation when we come into Session as new Legislators. Think of this year, sir, when the majority of this House of Representatives are freshmen; some of them in 30 days haven't found all the men's rooms in the House. They're going to be asked to vote on something as highly technical as this and possibly dozens of contracts - maybe not that many, maybe more. It's a total injustice to the State of Connecticut to not vote for this Amendment. Thank you Mr. Speaker.

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THE SPEAKER:

Gentleman from the 111th.

REPRESENTATIVE CAMP (111th):

Mr. Speaker, I think this Amendment I guess, is the real guts of the whole issue and bringing it down to just a couple of specifics - because I can't generalize, I'm not familiar with the field, but, for example, we had a rather long hassle on this Legislation this time about the retirement age of 50 or 55 or 60 or what have you. As I read the file and I'd appreciate it if Mr. Motto or anyone would straighten me out if I'm incorrect - these determinations would be made by the negotiators and unless we are in Session or call ourselves back into Session, we would no longer have any choice on that subject. We would no longer have any choice on increments. We would no longer have any choice, for example, on the number of hours. Our only choice in coming in here would be to raise the money to pay for what the negotiators had done. Consider this - in comparison with the tight budget that we have this year - consider this with the money that you need for your towns. Consider this for the money that you need for Mental Health or for education. I think this is the most serious cop-out, unless we adopt this Amendment, that there is. We are, in effect, delegating a very sizeable portion of our budget for somebody else to determine. With us to have only one function and that function is clearly set forth in Section 10c and that is to appropriate whatever funds are required to comply with the Collective Bargaining agreement and that would be

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our only job. What of all the other projects in the State? If you believe that indeed our power to tax is limited, as I do and I have seen through some 7 years in this House, I think you have to agree that we have to maintain some control over this Branch of our determinations. Moreover, the lack of responsibility to our citizenry of those who will be doing the Collective Bargaining on behalf of the State is readily apparent. They don't have to go back to each of 169 towns and explain why taxes have been raised. What you're saying here is you write out the check. We'll sign it. I don't think that's the way Government was meant to be conducted. I don't think it's the way it should be conducted. And if it is to be conducted that way, we have a very different form of government to which we've become accustomed. Thank you, Mr. Speaker.

THE SPEAKER:

The gentleman from the 8th.

REPRESENTATIVE KLEBANOFF (8th):

Mr. Speaker, everybody seems to be pointing out that this is so unusual. This is so strange. Look at the burden we're putting on ourselves and everybody in this State. Have you taken a look at Section 10-153 of the Connecticut General Statutes dealing with the teacher contract? And if you read that section, you will see that it becomes binding on a town or municipality unless the town or municipality acts within 30 days to reject it. So if anything, aren't we being consistent in this Bill? And yes, the work of Legislators is becoming more and more difficult, as we assume more

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and more responsibility. But at the same time, doesn't it really highlight the whole question? And doesn't it force us to pay attention to what's going on? By requiring us to affirmatively take action because it would be a very easy copout to do otherwise. At the same time, we would do an injustice to the higher procedures that are spelled out in this Bill. You have procedures for good faith bargaining, negotiations, mediation, arbitration and then suddenly, by our mere inaction, we can negate all the work that's gone on. Education on the local levels is a large portion of the local budget and yet this 30 day provision is in that law. Therefore, it seems consistent to keep it in this law. I would urge that we defeat the Amendment. I would urge that we recognize our responsibilities and I would urge that we all realize that the procedures for us coming into Session are not that onerous; are not that difficult and I would urge again, that we defeat this Amendment.

THE SPEAKER:

I recognize the gentleman from the 148th.

REPRESENTATIVE ABATE (148th):

Thank you, Mr. Speaker. Mr. Speaker, during the course of debate regarding Representative Post's Amendments, I have attempted to be extremely conscientious and vote with my conscience in an intelligent manner. I have voted for some Amendments and I have voted to reject other Amendments. This

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is one, however, that I feel we must all accept. To reject House Amendment Schedule J, in my estimation, would be a total abdication of our responsibilities. I think there is a very basic difference between the situation that exists in municipalities regarding teacher contracts and what we are discussing here. Municipal legislative bodies are in Session on a full time basis and the General Assembly is in Session only on a part time basis. Unless we are here to accept a particular Contract, the provisions of that contract become binding. To accept the Amendment and to require rejection or to force rejection in the event of inaction by this Assembly is an extremely prudent procedure. I urge that we accept this Amendment.

THE SPEAKER:

The Chair would just like to inform the Members that there are thirteen additional Amendments on the Clerk's desk, not including this one. Thirteen more Amendments. The gentleman from the 136th.

REPRESENTATIVE NEVAS (136th):

Mr. Speaker, through you, a question to Representative Motto.

THE SPEAKER:

Please frame your question.

REPRESENTATIVE NEVAS (136th):

Representative Motto, as I read this Bill, it appears to me that negotiators representing the State in bargaining with units of State employees could reduce the age of retirement from 55 to whatever age was agreed upon as a result of the bargaining process. Is that correct or incorrect?

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THE SPEAKER:

The gentleman from the 2nd, if he cares to respond.

REPRESENTATIVE MOTTO (2nd):

Through you, Mr. Speaker, would you just repeat the last part?

THE SPEAKER:

The gentleman from the 136th.

REPRESENTATIVE NEVAS (136th):

The question simply stated, is - could the negotiators, on behalf of the State, change the age of retirement for State employees from the age of 55 which was acted upon by this House yesterday and the Senate today, to a lower age?

REPRESENTATIVE MOTTO (2nd):

Through you, Mr. Speaker, they can change the age to anything they want - to 65.

REPRESENTATIVE NEVAS (136th):

Thank you. Mr. Speaker, and I would address my remarks to all the Members of this House who were opposed to the increments until the passage yesterday and today and, hopefully, the signing by the Governor, within the next few weeks, of the increase in the age of retirement to age 55. I'd like those Members to pay particular attention to what I'm saying and to address themselves particularly to the import of this Amendment because what this Bill now provides, without this Amendment, is that the increase in the retirement age to 55 can go right out the window and they can come right back down to age 50 as a result of the bargaining process. And all of your

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concern will have been for naught. If you don't vote for any of the other Amendments, vote for this one and preserve your own sense of responsibility and think of the oath you took when you sat here on opening day. You are the Legislators. You are the elected representatives. Ours is the ultimate responsibility. Support this Amendment.

THE SPOKER:

The gentleman from the 140th.

REPRESENTATIVE COLLINS (140th):

Mr. Speaker, I think that the gentleman - Mr. Post - has raised an excellent point. I think his solution is not the proper one to this problem. I think the proper solution is as he proposes - or as - yes, that he proposes, that a contract not take effect until a specified period has gone by with inaction by this Legislature. I think the Legislature should have thirty days or sixty days to say no. But I think it should be required that this contract be submitted to the Legislature during its Session. With the Bill as proposed to us now, there will be an irresistible urge on the part of both negotiating parties to see to it that the contract is agreed to when this Legislature is not in Session because that'll be the easiest way to negotiate. If, as Mr. Klebanoff points out, this Amendment of Representative Posts is passed as is, it will provide this Legislature an opportunity - a perfect opportunity to cop out on the contract simply by not taking action on the contract. What's required to solve the problem is that the contract take effect if we take no negative action, but that also it only be submitted to this Legislature when we are in Session so as to conform with the practice at municipal levels. We cannot do that

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I fear until next year, until the next Session and in order to protect ourselves from serious financial danger, I believe in the meantime, we should go with Representative Post's Amendment and as the first order of business for the Personnel Committee next February, that they provide a further Amendment to this Act stating that no contract shall take effect until at least thirty days after it is presented to the Legislature and that the Legislature, within that time, will have an opportunity to reject that contract. Failing to reject the contract would take effect immediately. In the meantime, I see no alternative but to go with Representative Post's Amendment.

THE SPEAKER:

Gentleman from the 107th.

REPRESENTATIVE MANNION (107th):

Thank you, Mr. Speaker. Very shortly. I could not go back to my people in my towns, in the two towns I represent, and tell them that I was their Legislator or that I am their Legislator if I abdicate my duties, so I urge everyone here to support this Amendment. Thank you very much.

THE SPEAKER:

Gentleman from the 2nd.

REPRESENTATIVE MOTTO (2nd):

Mr. Speaker, there seems to be some confusion. The timetable on the negotiating process is that contracts will be ready when the Governor's budget is ready for preparation. This is where - and all of you are talking - in the end of the Legislative year or in the summer - according to the timetable, we are supposed to be ready to be able to approve or disapprove

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of their contracts while we're in Session. That's the timetable of this Bill. In addition, in answer to Representative Nevas' question, I said that they could negotiate up to 65. What I failed to tell him was that you never can negotiate down. In other words, if the law is on the side of the employee. If they have something, you can't take it away. So I think we've gone into different areas and we've isolated things. We're talking about separate issues. We're talking about the overall Collective Bargaining process. So Mr. Speaker, this should clarify some of the thinking.

THE SPEAKER:

Prepare to vote. Members please take their seats. Staff come to the well. The machine will be opened.

UNIDENTIFIED SPEAKER:

Mr. Speaker, point of order.

THE SPEAKER:

What is your point?

UNIDENTIFIED SPEAKER:

Mr. Speaker, in conversations with the Majority Leader, we were discussing this particular Amendment and revisions to it and in those discussions he was suggesting that we PT this Amendment. I'll leave (Tape 33) that up to the Majority Leader but just then, we were discussing PT and at his request, I was agreeing to PT this particular Amendment.

THE SPEAKER:

Does the Majority Leader accept that?

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REPRESENTATIVE O'NEILL (34th):

Mr. Speaker, Representative Post has stated it accurately and well and I request that we pass temporarily this particular Amendment.

THE SPEAKER:

Question is on pass temporarily this House J. Is there objection? Hearing none, House J will be passed temporarily. Gentleman from the 62nd.

REPRESENTATIVE POST (62nd):

The Clerk has LCO 9997.

THE SPEAKER:

Clerk please call 9997. Chair will designate it House K.

THE CLERK:

House Amendment, Schedule K, offered by Mr. Post of the 62nd. Delete section 12 and renumber the remaining sections accordingly.

THE SPEAKER:

The gentleman from the 62nd.

REPRESENTATIVE POST (62nd):

I move adoption of the Amendment.

THE SPEAKER:

Question is on adoption of House K. Will you remark?

REPRESENTATIVE POST (62nd):

Mr. Speaker, may House K be printed in the Journal.

THE SPEAKER:

Clerk please note.

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REPRESENTATIVE POST (62nd):

Mr. Speaker, I ask that when the vote be taken on Amendment K, it be taken by roll call vote.

THE SPEAKER:

All those in favor of a roll call on House K, signify by saying aye. The Chair feels a significant number have indicated a roll call and at the proper time, a roll call will be called. Gentleman from the 62nd.

REPRESENTATIVE POST (62nd):

Mr. Speaker, House Amendment K is another important Amendment. We've had some that have been technical and some that have been substantive. Thank you, Mr. Speaker. This particular Amendment is an important one. Are we going to require that all State employees, for the privilege of working for the State of Connecticut must pay fees to labor organizations? The file copy says yes. I personally say no. That is a matter to be worked out by the parties. It is a negotiable item. We do not have a constitutional right to work concept here in Connecticut but I do not believe that the Legislature should impose on all State employees, the obligation to pay fees to labor organizations as a condition of employment by the State of Connecticut. That is what the file copy will require. The Collective Bargaining Bill before us, as amended, says that if you wish to work for the State of Connecticut in the future, you must pay a fee to labor - to labor organizations. You no longer have the right to say no. You must pay your money to your labor organization in order to work for the State of Connecticut as a State employee. I don't think we should impose that on people who wish to work for the State of Connecticut. That is their choice.

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I urge you to support House K.

THE SPEAKER:

Will you remark on House K? Representative from the 52nd.

REPRESENTATIVE JULIAN (52nd):

Now, Mr. Speaker, I'd like to frame a couple of questions to Representative Post.

THE SPEAKER:

Please frame your question.

REPRESENTATIVE JULIAN (52nd):

Representative Post, do you feel that the labor contract that's negotiated should be different for those people who do pay the dues and those people who don't?

THE SPEAKER:

The gentleman from the 62nd if he cares to respond.

REPRESENTATIVE POST (62nd):

Our concepts of labor laws says that if the group of employees or a majority of them wish to be represented by a labor organization, that labor organization is the exclusive representative of all employees and the contract that they negotiate applies to all of them equally.

REPRESENTATIVE JULIAN (52nd):

All right. Another question, Mr. Speaker. Through you, Mr. Speaker. What you're saying is that one group of people, perhaps the majority, would go along for a free ride and then get all of the benefits and that the other side negotiated and spent a great deal of money on this. Is this your contention?

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THE SPEAKER:

The gentleman from the 62nd, if he cares to respond.

REPRESENTATIVE POST (62nd):

What I'm saying is that under the Taft-Hartley Law that applies to industry and under the Connecticut Labor Law and under the Connecticut Public Sector Labor Law there is no obligation in any of those laws that employees must pay a fee to unions under any of those laws. There is no obligation. Connecticut does not impose that on teachers, policemen, firemen, municipal level. The National Labor Relations Act, the Taft-Hartley Act does not impose that on industrial employees or State Labor Relations Act does not impose that on industrial employees covered by the State Labor Law. Why should we pass a law at the State level that says all State employees must pay a fee to organized labor in order to work for the State?

REPRESENTATIVE JULIAN (52nd):

Mr. Speaker, I have no more questions, but in reference to that answer, all I would say is that we are not requiring our employees to pay a fee to a labor organization. They're paying a fee for the benefits of that they receive. They should not expect to have a complete - another organization negotiating for them, theoretically obtaining benefits for them and improving their working conditions, without a contribution to that. Now, it may be argued that it's - that their contribution should not be the full 100 percent, but it is felt that a labor organization spends

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most of its time, perhaps ninety nine percent of its time for the employees, not only their own members, but all the employees in the group. I urge that this Amendment be rejected. It's one of the most important concepts for a strong labor organization. Thank you, Mr. Speaker.

THE SPEAKER:

The gentleman from the 6th.

REPRESENTATIVE RITTER (6th):

Mr. Speaker, I rise to oppose this Amendment. I think some of the Amendments we have had up to now have certainly represented authentic thinking and concern to make this a better Bill in the interest of not only the employees, but the Executive Branch dealing with the employees, and ultimately the people of the State. But I consider this to be one of the most important sections and I believe the agency shop is required if we're going to have a Collective Bargaining procedure because only by having an agency shop, in my opinion, are you going to enable the unions to be strong enough to be able to provide the kind of discipline among the negotiators, among the officers to responsibly be able to say no to some of the demands from members of the union. We've seen this, not only in public employment, but also in private employment. Where you have weak unions, where you do not have either a closed shop or something akin to at least an agency shop, a union shop, you invite weakness and where a weak union benefits nobody, it becomes a burden to the employer. It becomes quite often, a hoax to the employee. When you recognize the difficulty that we have throughout our country with reorganizing of State employees, many State employees resist unionization on the false

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notion that somehow it puts them in a . . . position. As white collar workers, they too often scorn unionization or being members of unions and most State employees are white collar workers. Most State employees are middle class people and so I say to you, Mr. Speaker, and Members of this House, there may be a need to support some other Amendments here today. I think the previous Amendment has brought out, as amended, I hope by discussion and it will deserve support. But I think if you go for this one, you will just tear the guts out of this law and make it much less likely that we will have responsible, strong unions, properly representing membership and being able to deal across the table, on some kind of equality with the representatives of the Executive Branch. I oppose the Amendment.

THE SPEAKER:

The lady from the

Thank you, Mr. Speaker. I'll try to be very brief. I've been sitting here for a long time very quietly. If I understand this Bill correctly, and I think that I do, without this Amendment, I would remind the House that we have many people in this State that don't belong to the so-called big unions. They belong to some smaller ones. It's my understanding further, that without this Amendment, they would not be forced into joining another union. However, they would be forced into paying an extra fee, thereby in reality, I would suspect, they would be paying two union fees. I find this

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totally unacceptable for some of my State employees because they have so informed me personally. I strongly, strongly support the Amendment as presented. Thank you, Mr. Speaker.

THE SPEAKER:

The gentleman from the 80th.

REPRESENTATIVE MORIARTY (80th):

Mr. Speaker, I rise to oppose this Amendment and I wish we would take very serious consideration of what we're doing here. We have been all through this in the public sector. We started off with unions which fought to get a foothole in the various plants and nobody is forced to join a union under the laws of this country. But all of the major corporations and almost every contractor who is an established union, now have a union shop where people do join the union. This is agreed to by the corporations as well as the unions because there were payoffs when we had half-unions and half non-union in the plants. Morale was low. There was constant bickering. There were jealousies between people who were paying their dues for the benefits they received and others were free riders and caused disruption of production, caused low morale as far as the employees were concerned and almost in every major situation that we've had in the public sector, the corporations and the unions have agreed that if you're going to have unions, you might as well have everybody in the union because if not, it's nothing but a chaotic situation.

THE SPEAKER:

Gentleman from the 19th.

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REPRESENTATIVE SHEA (19th):

Mr. Speaker, I rise to oppose this Amendment. I agree with other speakers and for that reason, I'll be brief. I do feel that it puts an unfair burden on those who do belong to the union. The cost would be constant to negotiate for all of the employees. If this is to be borne only by the union members, their cost in effect, could be upwards to double the amount. Yet the benefits would be derived from all, even those perhaps that paid nothing.

THE SPEAKER:

The gentleman from the 3rd.

REPRESENTATIVE LA ROSA (3rd):

Mr. Speaker, I rise in opposition to this Amendment because I think that the concept of unions is like the concept of insurance. In many cases, we have benefits that are given to policyholders who pay premiums and never have that particular service rendered and fortunately so. But I think that it's unfair to ask members of a union to foot the bills for those that are going to get the benefits because what are we talking about? We're talking about a union member who is receiving benefits. I think it's only through these particular arrangements that we have gone so far in labor negotiations. It's only through these particular union dues, as you will call it, that these benefits have been able to be negotiated. And years ago, I was part of a union shop and only because we were collectively together, were we able to get the benefits to most people and better serve the public. I oppose this Amendment.

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THE SPEAKER:

The gentleman from the 88th.

REPRESENTATIVE MC MANUS (88th):

Mr. Speaker, Members of the Assembly, if this Bill passes in its current form, I hope you all realize the number of bargaining units that will be enacted throughout the State and their employees units. Should we adopt this Amendment, it will all but double that. There will be chaos. We won't - the union negotiators won't know who they're negotiating with. Members who have not joined the union will reap the benefits of those members who have joined the union. There's going to be enough problems caused with the newness of the Bill should it be adopted. Let's not compound it. I urge the defeat of the Amendment.

THE SPEAKER:

(Tape 34)

Gentleman from the 70th.

REPRESENTATIVE HANLON (70th):

Mr. Speaker, through you a question to the proponent of the Bill as it relates to this Amendment.

THE SPEAKER:

Please frame the question.

REPRESENTATIVE HANLON (70th):

If a non-union member chose not to pay the fee as set forth in section 12 of the Bill, would it be subject to discharge from the employment of the State of Connecticut?

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THE SPEAKER:

Sir, to whom are you asking that question?

REPRESENTATIVE HANLON (70th):

To the gentleman reporting out the Bill, Mr. Speaker.

THE SPEAKER:

Gentleman from the 2nd, Representative Motto, is not in the room.

REPRESENTATIVE HANLON (70th):

Well, anyone that can answer the question, Mr. Speaker.

THE SPEAKER:

Does the gentleman from the 70th yield to the gentleman from the 62nd?

REPRESENTATIVE HANLON (70th):

If he wants to answer my question, I guess.

THE SPEAKER:

Gentleman from the 62nd.

REPRESENTATIVE POST (62nd):

I'd be delighted to try and answer the question. If a State employee refused to pay the fee to the union, he would be in violation of the contract and subject to discharge from State service.

THE SPEAKER:

Gentleman from the 70th.

REPRESENTATIVE HANLON (70th):

Thank you, Mr. Speaker.

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THE SPEAKER:

The gentleman from the 143rd.

REPRESENTATIVE MATTHEWS (143rd):

Thank you, sir. I'd like to point out to the Assembly that the people in the State working now don't pay any union dues and they are getting extremely fine wages, benefits and opportunities. Well, you may mention a small sound over there or over here, wherever it may be, but the point is that they are, in comparison to other organizations, in this State, certainly not equal to in most cases better than and in addition to that, they have much more security. Now, I think of this comment that the agency fee involved requires a person to pay his dues as relative to a thing like taxation without representation. Why should they pay money to work when they aren't members of the union? There is no sense to that at all. This country was formed on the basis. We fought and fought on the basis that we didn't want to have that kind of thing happen and now we want to legislate it. I think also the money taken in from those members who or those people who are not members of the union can be rightly complained upon because maybe the money is spent in ways that they don't desire it to be spent. And they can do nothing whatsoever about it. I don't think that's fair. I don't think it's right. I would certainly support this Amendment.

THE SPEAKER:

The gentleman from the 6th.

REPRESENTATIVE RITTER (6th):

Mr. Speaker, for the second time, thank you Mr. Speaker. Taxation without representation is suggested by the previous speaker. Of course,

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the reality here is that one has to choose whether or not he wishes to be represented and he is permitted to be represented. So one makes a choice whether or not he chooses to belong to the union. Now the reality is even those who do not choose to belong to the union have the right - the absolute right - to be represented by the union in case of a grievance. That costs money. That certainly is a service which requires the expenditure not only of time and effort, but also dollars, on the part of the union. But I suppose again, the most important point is this, Mr. Speaker. Number one, without this kind of an agency arrangement, we will not have probably unions that will be as strong as we're going to need to have if they're going to serve the purpose, not only for their membership, but also for the State and for the people of the State. Now the previous speaker also said that we don't have any union - any State employees paying union dues now. I believe the reality is that we have 40,000 State employees. I believe we have close to 30,000 State employees paying union dues. That's my understanding. Over three out of four now pay union dues. It seems to me, Mr. Speaker and Members of this House, that we just have to recognize that the people of this State, if we're going to have Collective Bargaining, have a right to have effective Collective Bargaining and that means that both parties must be strong and for the union's side to be strong you must have, in my view, at least an agency shop.

THE SPEAKER:

Gentleman from the 62nd.

REPRESENTATIVE POST (62nd):

Thank you, Mr. Speaker. This is an important aspect of Collective Bargaining. We have approximately 40,000 State employees. Approximately

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25,000 of them belong to the CSEA, Connecticut State Employees Association. Approximately 3,000 belong to the AFL-CIO Affiliate. Approximately 3,000 belong to an independent union. They are free to choose to be represented and pay the dues as they see fit. The laws in Connecticut do not impose fees upon State employees today or teachers, or policemen or firemen if the municipalities want to - if your town wants to, it can grant an agency shop as one of the items in negotiations. If the union is responsible, there are towns which have chosen to adopt one form of a union shop or an agency shop or maintenance of membership or any of the other variations. That is a matter for the parties to work out. If the relationship is a sound one. But to impose it by statute, rewards the union at the outset and guarantees them in effect, continuing representation of the people in that unit. And shuts out any competition in the future in case that union does a poor job. The National Labor Laws do not impose that. The law does not say that Pratt & Whitney employees - you must belong to the union. State laws around the country do not impose that. I do know of one exception in Hawaii. But in the other industrial States, the State laws do not impose an agency shop. We do not impose it at the municipal level. No one here in the Chamber today need fear that the organizations representing State employees do not have strength. You have felt their strength. You have seen them in the halls of the House. They represent their people well. We do not need to guarantee by statute that a condition of employment in Connecticut is to pay service fees to a union, whether you are pro labor or not - is not important. The concept is is that a matter for the parties to work out or should we adopt a

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law that says in effect, in the future, if you wish to work for the State of Connecticut, you no longer have a choice now exercised by 25 percent of our State employees to pay dues to no one. You are denying them that freedom. I think that would be unfortunate and unnecessary. At a future date, if we see fit to impose an agency shop by statute, we can do it. It is not an essential part of the Collective Bargaining law at the outset. I think it would be unfortunate to start off Collective Bargaining in the State of Connecticut by saying that henceforth to work for the State, you must pay a fee to organized labor. I urge you to support the Amendment.

THE SPEAKER:

Prepare to vote. Members please take their seats. Gentleman from the 101st.

REPRESENTATIVE BURNHAM (101st):

Mr. Speaker, I sat here quietly all day also and I direct Mr. Ritter's attention particularly to my remarks which will be very brief. He said that unless we have an agency shop in the State it tends to weaken things and make the unions weak and we need strength. Today, we saw considerable strength, from the State employees that don't even have Collective Bargaining rights yet. Really now, I wonder - and also I might say that by his own admission, voluntarily, some 30,000 of the 40,000 are paying so I really wonder how much merit there really is in his remarks and that we really ought to support this Amendment. Thank you.

THE SPEAKER:

Representative Belden from the 113th.

REPRESENTATIVE BELDEN (113th):

Thank you, Mr. Speaker. I rise on this Amendment, to supply some

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information to members of this House that relates to a State institution that is located in my town. I have here a petition signed by 150 State employees which represents 60 percent of the total work force and the indication on the petition is that all employees were not contacted because of vacation schedules, varying work shifts, time off, etc. Fewer than 5 percent of those queried would chose a closed shop clause in the proposed Bill. These 150 people evidently from what I see here, are almost entirely voluntary members of the CSEA and would probably in fact should the bargaining agency be changed or remain CSEA, contribute their dues. But they, all 150 of them, are opposed to mandatory dues checkoff.

REPRESENTATIVE CAMP (111th):

Mr. Speaker.

THE SPEAKER:

If you must. Gentleman from the 111th.

REPRESENTATIVE CAMP (111th):

I not only must, but I will. Mr. Speaker, as I read this Bill, it collectively seems to be designed, not only to give Collective Bargaining but also to insure the entrenchment of presently existing unions. One is the provision right now, requiring money to be funneled into that union, whether it merits it or not. The other is the requirement that we try to knock out lines 228 and 229 and that would not permit new unions unless they'd been in the State service or State employment for at least six months. Whatever may be the merits or demerits of Collective Bargaining, it does not seem to me that the function of this General Assembly is to create monolithic unions to remain the way they are forever. I would oppose this Amendment - or

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support this Amendment. I wish we had adopted the other Amendment I referred to as well. Thank you.

THE SPEAKER:

Prepare to vote. The machine will be opened. Has every Member voted? The machine will be closed. Clerk will please take a tally. The gentleman from the 77th.

REPRESENTATIVE WRIGHT (77th):

Negative please, Mr. Speaker.

THE SPEAKER:

Representative Wright wishes to vote in the negative. Representative Billington from the 7th.

REPRESENTATIVE BILLINGTON (7th):

In the negative.

THE SPEAKER:

Representative Billington from the 7th in the negative. The Clerk please announce a tally.

THE CLERK:

Total Number Voting	138
Necessary for Passage	70
Those Voting Yea	58
Those Voting Nay	80
Those Absent and not Voting	13

THE SPEAKER:

House K is lost. The Gentleman from the 62nd.

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REPRESENTATIVE POST (62nd):

Mr. Speaker, the Clerk has LCO 3586.

THE SPEAKER:

Clerk please call LCO 3586, House L.

THE CLERK:

House Amendment, Schedule L, LCO 3586.

THE SPEAKER:

Does the gentleman wish to have the Clerk read the Amendment?

REPRESENTATIVE POST (62nd):

Please, Mr. Speaker.

THE SPEAKER:

Clerk please read.

THE CLERK:

Offered by Mr. Post of the 62nd. After Line 173, add a new subsection d as follows: d. The employer will not be obliged to bargain with respect to existing rights to direct the work of its employees, hire, promote, demote, transfer, assign and retain employees or positions within the public agencies. Suspend or discharge employees for proper cause, maintain the efficiency of the governmental operations, relieve of employees of duties because of the lack of work or for other legitimate reasons, determine the organization's budget methods and personnel by which operations are to be carried on or conduct and grade merit system examinations and rate examinees in order of their relative excellence and establishment of lists of such examinations and employment from such lists or with respect to job classification.

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THE SPEAKER:

Gentleman from the 62nd.

REPRESENTATIVE POST (62nd):

Mr. Speaker, I move adoption of House Amendment L.

THE SPEAKER:

Question is on adoption of House L. Will you remark?

REPRESENTATIVE POST (62nd):

Mr. Speaker, I'd ask that house L be printed in the Journal.

THE SPEAKER:

Clerk please note.

REPRESENTATIVE POST (62nd):

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

THE SPEAKER:

Question is on a roll call. All those in favor of a roll call, signify by saying aye. The Chair feels that a loud enough voice indicates 20 percent and at the proper time, a roll call will be ordered. Gentleman from the 62nd.

REPRESENTATIVE POST (62nd):

Mr. Speaker, point of inquiry. Did you just say that there were sufficient number and a roll call would be ordered?

THE SPEAKER:

That is correct.

REPRESENTATIVE POST (62nd):

Thank you, Mr. Speaker. Mr. Speaker, this is a management rights clause if you will. It isn't the strongest management right clause that's

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in many State Labor Collective Bargaining laws. It just happens to be the one that Mr. Motto included in his earlier Amendment and subsequently deleted. Most State Collective Bargaining laws include a management rights concept. In answer to Mr. Badolato who is with the AFL-CIO and nodding no, I would point that Wisconsin, Delaware, Hawaii, Florida, Illinois, Minnesota, etc., all have management rights clauses in their Collective Bargaining laws. It reserves to management certain basic functions. It recognizes that the State has an obligation to assign personnel, establish how many offices there will be of the Welfare Department, to determine the basic running of government. It is an important concept for us to understand at the outset. Collective Bargaining is designed to permit State employees to negotiate their working conditions. It is not to grant State employees a veto power or partnership role in the basic, managerial functions of operating State government. I would point out to you that we have 40,000 employees. We are one of the largest employers in the State of Connecticut. The State itself - that we should recognize that it is the function of the Governor and Executive Branch to operate State government. That we are not inviting State employees in to have that veto power or to share in a partnership way all of the management decisions. We are saying - yes, you should have the right to meet with us at the collective bargaining table to negotiate your working conditions. I would urge you to support this Amendment.

THE SPEAKER:

Prepare to vote. Representative Bogdan of the 117th.

REPRESENTATIVE BOGDAN (117th):

Mr. Chairman, I'm going to oppose this particular Amendment. I believe the Bill as is written presently doesn't necessarily open it up quite as

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Bill which I think can't be addressed in this place at this time. We're going to have to come back I think, after - possibly next year or after it has been tried and make some amendments to the 5179 and I would urge defeat of this Amendment.

THE SPEAKER:

Gentleman from the 123rd.

REPRESENTATIVE BAEHR (123rd):

I rise to support the Amendment, Mr. Speaker. I think it's quite obvious that an organization such as a private industry or a college institution, hospital or anything else, has to have some rights in order to function sensibly. You can provide the privileges for many things such as hours, wages and working conditions which is exactly what we are doing in this Bill for the people who are interested in and want to have union membership. But we also, I think, since there are two parties involved with a negotiation in a final settlement, we have to realize that the other side should also have its rights. And I think the structure of any organization demands that there be people in charge who can do certain things without being required to file a report on it to the employees or to have grievances filed against them for the things that they pursue. Certainly in the administration of a university, there are things which are necessary to be done which I can't imagine should be involved with the union people in any way and the management should have the right to decide them. Some of those might be included in disciplinary action where there are severe problems

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in identifying the value of a professor in organic chemistry. I question whether the union people, not because they aren't capable, but because they aren't educated in that area. They may have all the attributes of any other capable individual, but they are not in a position to make a decision that management should make as to whether that is advisable or not. I take full cognizance of the fact that the union people should have their rights and they should have them protected but I cannot agree that management should not also be included in that kind of philosophy. And if you are in agreement that this is the philosophy on which this Bill is being written, then I believe you should support this Amendment.

THE SPEAKER:

Prepare to vote. Members please take their seats. Staff come to the well. The machine will be opened. The machine will be closed. Clerk please take a tally.

THE CLERK:

Total Number Voting	137
Necessary for Adoption	69
Those Voting Yea	44
Those Voting Nay	93
Those Absent and Not Voting	14

THE SPEAKER:

House L is lost. Gentleman from the 62nd.

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REPRESENTATIVE POST (62nd):

The Clerk has Amendment LCO 3585.

THE SPEAKER:

Clerk please call 3585, House M.

THE CLERK:

House Amendment, Schedule M., LCO 3585, offered by Mr. Post of the 62nd.

THE SPEAKER:

The gentleman from the 62nd.

REPRESENTATIVE POST (62nd):

Mr. Speaker, I would ask the Clerk to read House Amendment M.

THE SPEAKER:

Clerk please read House M.

THE CLERK:

After Line 50, insert the following new sub-section f. f. Strike means a public employee's refusal in consort with others, to report for duty or his willful absence from his position or his stoppage of work or his absence in whole or in part from the full, faithful and proper performance of his duties of employment for the purpose of including, influencing or coercing a change in the conditions of compensation rights, privileges or obligations of public employment provided that nothing herein shall limit or impair the rights of an employee or group of employees to communicate a complaint or opinion on any matter relating to

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their wages, hours, terms and conditions of employment by exercising any right or privilege provided for or permitted under any provision of this act or any rules promulgated by the employer.

REPRESENTATIVE POST (62nd):

Mr. Speaker, I move adoption of House Amendment M.

THE SPEAKER:

Question is on adoption of House M. Will you remark?

REPRESENTATIVE POST (62nd):

Mr. Speaker, I ask that House M be printed in the Journal.

THE SPEAKER:

Clerk please note.

REPRESENTATIVE POST (62nd):

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

THE SPEAKER:

Question is on a roll call. All those in favor of a roll call signify by saying aye. Chair feels a sufficient number has indicated a roll call. At the proper time, a roll call will be ordered. Gentleman from the 62nd.

REPRESENTATIVE POST (62nd):

Thank you, Mr. Speaker. This Amendment deals with a definition but it's a definition which we should add to the Act. There is a great deal of misunderstanding of what constitutes a strike. We have seen at the municipal level, for example, among teachers, that as of two years ago, more than 30 percent of all the teachers working in Connecticut or working in school systems that had been involved in a strike. Strikes among public

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employees, even though prohibited by law, occur. It is sometimes thought by some that a strike only is the total walkout and denial of all duties by all employees. That is not the traditional interpretation of a strike. It is not the legal definition of a strike in various court cases. In our Act, we have a prohibition against strikes. There are much stronger definitions of a strike but I chose this one because it was the one that Mr. Motto had included in his earlier Amendment. There is no reason that I know of why we should not have a definition of a strike since we are specifically prohibiting them in our law. This makes it clear that the concerted activity of two or more employees to withhold their services in whole or in part, constitutes a strike. Let's be honest about what is a strike. Let's make it clear to State employees now, at the outset that strikes are not permissible and that any concerted action to withhold services constitutes a strike. I assume that would be the understanding of Mr. Motto, Mr. Badolato, Mr. Moriarty and others who are involved in this field. Let's make it clear at the outset that these are the actions that we are prohibiting. This is merely a definition but one which will signal to State employees what it is that is our intent. I ask for your support for this Amendment.

THE SPEAKER:

Prepare to vote on the Amendment. Gentleman from the 119th.

REPRESENTATIVE STEVENS (119th):

Mr. Speaker, I also rise in support of this Amendment and would hope that the members would pay careful attention to what this particular Amendment does. I venture to say that there is no one sitting in the hall of

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this House who would condone a strike by public employees. The nature of public employment is such that it is required for the public good and safety that strikes, work stoppages, planned absences from work cannot be permitted. Indeed, this Bill does prohibit strikes. The defect, (Tape 36) the serious defect which you are leaving open without this Amendment is that nowhere herein is a strike defined. Now, if we do not define in the Legislation creating the Act what a strike is, we are leaving it to the Courts to make a determination as to when these acts would constitute a strike and thus be prohibited by the Act we are taking up. We are tonight, on the verge of adopting a Collective Bargaining Bill for State employees. We should, when that is adopted, be careful enough to maintain the clear prohibition against strikes which is in our law today. Representative Post has attempted to delineate quite specifically, the factors which are prohibited and I would ask you to pay particular attention to them because we are the ones who should make this determination, not a Judge sitting on a case who has other factors before him or before her and I would refer the Members to a situation in Norwalk where a long teacher's strike has just been settled and that although a strike such as that is prohibited by State law, the teachers were in fact, out for in excess of a week and an injunction was brought before a Judge and the strike has now been settled. But the questions before the Judge in that case could be similar to questions before a Judge should the State determine the necessity of getting an injunction because of activities by State employees.

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And for the prohibition to be meaningful, the prohibited acts must be spelled out. They are - the failure to report for duty, willful absence, stoppage from work, abstinence in whole for the purpose - and this is the key to it - the purpose of inducing influencing or coercing a change in the conditions of compensation, rights, privileges, obligations of public employment. It's a clear definition; a definition which should be in the law. Without it, there's a major weakness in this Bill. It's discouraging to stand here and realize that no one in this hall is listening while we act upon a Bill which is going to cost millions and millions of dollars of the taxpayers of this State. And although I'm talking to hear myself talk, I (inaudible) because I think it shows the total disregard for the legislative process that has occurred here tonight. One of the major Bills being taken up - we're discussing an Amendment that will define what a strike is - a strike of employees that are essential to the public good and few people in this House really care what I'm saying. And yet, if we are unfortunate enough to suffer from a strike or a slow down in the future, many of the ones who are talking in the back of the room or outside having their suppers will be the first to come out with press releases so they can get reflected saying how wrong it is for that to be occurring.

THE SPEAKER:

Excuse me. The gentleman from the 92nd, what is your point?

REPRESENTATIVE WEBBER (92nd):

I think that the gentleman is right. I think there's a tremendous

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amount of disrespect at the moment in the room and I think we may not agree, but I certainly think he's entitled to be heard and I suggest that you call order, Mr. Speaker.

THE SPEAKER:

I think the gentleman from the 92nd's point is well taken. The Chair will allow the gentleman from the 119th to proceed and if the Chair feels that the roar is above the voice of the gentleman from the 119th, then the Chair will gavel the Assembly to order and it will require that all Members take their seats and all staff come to the well and that we will proceed. The gentleman from the 119th.

REPRESENTATIVE STEVENS (119th):

Thank you, Mr. Speaker. Thank you Mr. Webber. The Amendment that Representative Post has offered and which I'm supporting is intended to make this law and the prohibition against strikes meaningful. It is intended to reduce the issue before a Judge should there be a strike and the State seek an injunction, for the public good, to require the employees who are not working to go back to work. Without this Amendment, both sides will be before the Judge - one side arguing what the strike prohibition means and the other side arguing that it means something different. We're the ones who are determining the policy of the State of Connecticut and this Amendment would define what the strike is clearly delineates and spells out that policy and, therefore, reduces the discretion that a Judge will have in making that determination. And that discretion should be reduced

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because you are dealing with a key provision of this Bill. That is, that strikes by public employees are prohibited. That's already in the Bill. All we want to say is these are the instances of strike that are prohibited. So that a Judge cannot decide what a strike by public employees is. We, the Legislature that will be raising the taxes to pay for the benefits conferred by this Bill should spell out those important conditions and that's what this Amendment does. It is carefully drawn to specify the elements of a strike and most importantly, to point out that it must be for a purpose so that the Judge will only have to find certain factors. If you indeed support a prohibition against strikes by public employees, I would urge you to adopt this Amendment.

THE SPEAKER:

The gentleman from the 143rd.

REPRESENTATIVE MATTHEWS (143rd):

Mr. Speaker, question to the proponent of the Amendment, through you.

THE SPEAKER:

~~Please~~ frame your question.

REPRESENTATIVE MATTHEWS (143rd):

Is there, Mr. Motto, anywhere in the Amendment that you're presenting, a definition of strike or in any of the statutes of the State of Connecticut that you may be aware of?

THE SPEAKER:

Gentleman from the 2nd if he cares to respond.

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REPRESENTATIVE MOTTO (2nd):

Through you, Mr. Speaker, I am not the proponent of this Amendment, first of all.

REPRESENTATIVE MATTHEWS (143rd):

I meant the overall Amendments, sir.

REPRESENTATIVE MOTTO (2nd):

I do thank you for calling on me because I can fight the Connecticut Supreme Court and in a case law where in a labor dispute under the Labor Relations Act, they defined labor dispute which I feel is the reason that this very laudatory worded Amendment, which I had something to write, is not necessary because it's already in the annals of the Board.

THE SPEAKER:

Gentleman from the 143rd):

REPRESENTATIVE MATTHEWS (143rd):

Thank you, sir. I appreciate your observation of what the Courts defined as a dispute. I don't know whether I got the answer I was looking for as to the definition in the statutes of what a strike is, not a dispute.

THE SPEAKER:

Gentleman from the 2nd.

REPRESENTATIVE MOTTO (2nd):

Through you, Mr. Speaker, the definition is not in the file copy but it is defined by the Courts.

THE SPEAKER:

Gentleman from the 143rd.

REPRESENTATIVE MATTHEWS (143rd):

Thank you sir. I would like to make the observation that whatever that

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may be, if it is in the statute, it is up to the Legislature to act upon and we might change that at any time that we so desire. In any case, I think that the Amendment which Mr. Post is offering certainly makes a clarity of purpose that we cannot overlook and one in which we have every reason to accept as a point which will be helpful and one which we can use as a tool - as another tool in trying to solve the problems before they get out of hand and before they have gotten to the point where they have to be taken to the Court for a final decision which will be time-consuming in itself. I think that the definition is valuable to both parties because it's always wiser in this kind of a program and where contracts are involved, to have as much pertinent information as is feasible in the contract so that each party knows exactly where they stand. Certainly this would do that and I think it's a valuable point in the overall assessment of whether the proper elements are in the Bill so that it can be used to the advantage of all concerned. Each knows the game rules because they are identified very clearly and I think this tends to reduce the possible problems which is what we're talking about and what we need to do to have a good Bill. I support the Amendment.

THE SPEAKER:

The gentleman from the 14th.

REPRESENTATIVE GLASSMAN (14th):

Mr. Speaker, I urge the defeat of this Amendment. I've supported some of the more promising Amendments offered by Mr. Post but I feel that his definition is dangerous in that in the event that some action takes place that is not defined within his definition, then the Courts will not

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rule in the method in which he's trying - in the manner in which he's trying to propose the Amendment. The more specific you become the more danger there is that you might overlook a situation and I think that it would be more damaging to try to define a strike than if we left it more general. I would urge the defeat of this Amendment.

THE SPEAKER:

The gentleman from the 62nd.

REPRESENTATIVE POST (62nd):

Just very briefly, strikes are very controversial obviously. They do occur. They occur frequently in public service. We will in the future have instances where public employees, State employees, will engage in concerted activities and withhold their services. I would hope that there would be no question in our minds or in the Executive Branch minds or in the employees minds that they are engaged in a strike in violation of this law. I really do think it is wise for us to spell out in advance that any concerted withholding of services which is a normal definition, constitutes a strike. So that State employees know the rules of the game at the outset. And I hope that you will support the Amendment.

THE SPEAKER:

Prepare to vote. Members please take their seats. Staff come to the well. The machine will be opened. The machine is still open. The machine will be closed. Clerk please take a tally. The lady from the 114th.

REPRESENTATIVE HAMERMAN (114th):

My vote didn't register in the affirmative, please.

THE SPEAKER:

The lady from the 114th, Wilda Hamerman in the affirmative. Clerk

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please announce the tally.

THE CLERK:

Total Number Voting	138
Necessary for Adoption	70
Those Voting Yea	53
Those Voting Nay	85
Those Absent and not Voting	13

THE SPEAKER:

House M is lost. Gentleman from the 62nd.

REPRESENTATIVE POST (62nd):

Mr. Speaker, earlier we had passed temporarily an Amendment. I forgot the designation, J I believe.

THE SPEAKER:

The Chair will indicate that House J was passed temporarily.

REPRESENTATIVE POST (62nd):

Mr. Speaker, this time I would like to withdraw House J and I (Tape 37) would like to submit I believe the Clerk has LCO 9948.

THE SPEAKER:

Clerk please call 9948. It will be designated as N.

THE CLERK:

House Amendment, Schedule N offered by Mr. Shays of the 147th, Tiffany of the 36th, Post of the 62nd, Klebanoff of the 8th and Motto of the 2nd.

THE SPEAKER:

Gentleman from the 62nd.

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REPRESENTATIVE POST (62nd):

Mr. Speaker, I move adoption of House N.

THE SPEAKER:

Question is on adoption of House N. Does the gentleman wish permission to summarize?

REPRESENTATIVE POST (62nd):

Mr. Speaker, this is a very critical Amendment. It's not very long. I would ask the Clerk to read it.

THE SPEAKER:

Clerk please note.

THE CLERK:

LCO 9948 to substitute House Bill 5179. Strike out everything in Line 522 and insert the words "if the" in lieu thereof. In Line 523 strike out the words "fail to" and insert the words "is in Session, it shall" in lieu thereof. In Line 525, after the period, insert the following: "If the Legislature is not in Session when such request is received, such request shall be submitted to the Legislature within ten days of the first day of the next regular Session or Special Session called for such purpose and shall be deemed approved if the Legislature fails to vote to approve or reject such request within thirty days after such submission. The thirty day period shall not begin or expire unless the Legislature is in regular Session."

THE SPEAKER:

Gentleman from the 62nd.

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REPRESENTATIVE POST (62nd):

Mr. Speaker, I would ask that the Amendment be printed in the Journal.

THE SPEAKER:

Clerk please note. Gentleman from the 62nd.

REPRESENTATIVE POST (62nd):

Mr. Speaker, this is the Amendment which was passed - the subject matter which was passed temporarily some time ago. It deals with the issue of whether or not negotiators representatives of State government would be able to negotiate contract provisions without having them be subject to review by the Legislature. As a result of conversations with Mr. Motto, Mr. Klebanoff and others, I believe that this preserves the opportunity for this Legislature to review contracts prior to their effective date - prior to their going into effect and I thank the cooperation of those other Members and am delighted that an understanding has been reached and I hope that the other Members of the House will support this agreement. I urge passage of this Amendment.

THE SPEAKER:

The gentleman from the 2nd.

REPRESENTATIVE MOTTO (2nd):

Mr. Speaker, I too, concur with Representative Post. Representative Klenbanoff and myself met with Representative Nevas, Representatives Shays and Representative Tiffany and we felt and discussed this and we thought that the questions that were brought up before the House were valid; that we had not taken the safeguards that were necessary to take care of our own

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Constitutional obligations and I heartily approve of this Amendment and I also move its adoption.

THE SPEAKER:

Question is on adoption of House N. Will you remark? Gentleman from the 62nd.

REPRESENTATIVE POST (62nd):

This is a critical Amendment. I would ask that when the vote is taken it be taken by roll call.

THE SPEAKER:

Question is on a roll call. All those in favor of a roll call signify by saying aye. The Chair feels a significant number has indicated a roll call. Gentleman from the 2nd.

REPRESENTATIVE MOTTO (2nd):

Mr. Speaker, just a question to the Chair. Or to the Clerk. You called this N. I thought we had PT'd J.

THE SPEAKER:

House J has been withdrawn. We are presently on LCO 9948, designated as House N.

REPRESENTATIVE MOTTO (2nd):

Then I'm guilty, like a lot of others, of not paying attention and that the noise is creating a problem in the House. So that no one knows what we're saying on this crucial Amendment.

THE SPEAKER:

Further remarks on House N? If not, the machine will be opened.

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Will the Clerk please take a tally.

THE CLERK:

Total Number Voting	139
Necessary for Adoption	70
Those Voting Yea	137
Those Voting Nay	2
Those Absent and not Voting	12

THE SPEAKER:

House N is adopted. Gentleman from the 62nd.

REPRESENTATIVE POST (62nd):

The Clerk has LCO 3587.

THE SPEAKER:

Clerk please call 3587, designated House O.

THE CLERK:

House Amendment, Schedule O, LCO 3587, by Mr. Post of the 62nd.

In Line 230, strike out the word "board" and insert the words "the Personnel Commissioner or his designated representative" in lieu thereof.

THE SPEAKER:

Gentleman from the 62nd.

REPRESENTATIVE POST (62nd):

Mr. Speaker, I would move adoption of House O.

THE SPEAKER:

Question is on adoption of House O. Will you remark?

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REPRESENTATIVE POST (62nd):

Mr. Speaker, I'd ask that it be printed in the Journal.

THE SPEAKER:

Clerk please note.

REPRESENTATIVE POST (62nd):

And I would ask that when the vote is taken, it be taken by roll call.

THE SPEAKER:

Question is on a roll call. All those in favor of a roll call signify by saying aye. The Chair feels a significant number has indicated a roll call and at the proper time a roll call will be ordered. The gentleman from the 62nd.

REPRESENTATIVE POST (62nd):

Thank you, Mr. Speaker. One of the four major issues of any Collective Bargaining Bill is the determination of bargaining units. How do we group employees? The others being who is the employer - what is negotiable and what do we do in the event of an impasse? One of the fundamental issues in a Collective Bargaining Bill is how do we group the employees? The traditional Labor Relations Act in industry is to recognize what is known as the community of interest. In industry that has worked satisfactorily. It means that an employer must recognize different groups of his employees that have a community of interest. There has been no problem with fragmentation

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because the employer is not engaged in several different enterprises; the employer doesn't operate in multiple locations around the State to the extent that the State of Connecticut does. In prior drafts of Collective Bargaining Bills going back over the last several years, this has been one of the prime issues. Who should determine how the bargaining units are created. In work that Representative Motto and I did over the past few years, we debated this issue many times and you should know that one of the earlier versions this year - one of the earlier Amendments, after the Collective Bargaining Bill had been put in our file, was to revert back to a system now outlined in this Amendment, which I subscribed to. The problem is simply this. Fragmentation of bargaining units using the industrial labor model, will lead to an honoring of community of interest despite the language of the file which is conflicting and contradictory. It suggests that we honor both the community of interest and avoid fragmentation but you can't do both. There are States like Rhode Island which have 14,000 employees, about one quarter our size that have over 100 units. While that may - some of those units have no more than 5 State employees in Rhode Island because they have a community of interest and that is what we have in our file copy. If we must negotiate 100 or 150 or 200 different contracts, we will not only have huge bureaucracies and staffs to meet with the unions who are demanding the negotiating process continue - frequently simultaneously during the budget making process, we will have numerous instances, numerous claims before the Board as to whether or not a particular individual is or is not in a bargaining unit. We will have the problem and we will have arguments between the

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administration and the union as to whether or not the Bridgeport Office of the Welfare Department should be included with the New Haven Office in a single unit or whether they should be in separate units and as Representative Goodwin indicated earlier, in her concern for the community of interest the Bridgeport workers will tell you their problems are vastly different from the Hartford workers in Welfare or Transportation or in the Department of Environmental Protection or in Labor or in Tax. And if we continue that process and recognize the community of interests, we will have too many units to administer this law effectively. There are two ways of correcting this. One has been adopted by Hawaii and is to set by law a maximum number of units, eight. The Hawaii law says there shall be eight units. They spell out the units -- supervisory employees, non-supervisory employees, educational employees, whatever they may be. They set them out. The other way is to do it as I'm suggesting in this Amendment. Which means that the Personnel Commissioner -- the agent of your Governor, has the authority to create and recognize the units. That leaves the authority with the Governor. I cannot see how the Governor or her representatives here or any of you who are of the same party, would object to having the agent of the Governor determine the bargaining units so that we can have an efficient collective bargaining system. It is a system that has been recognized by Representative Motto in earlier drafts. It is a system in effect in other States. If we are to have Collective Bargaining let's have it be a tool for better government. Let's not have it be a mechanism to bring our government to a screeching halt. I urge you to support this Amendment.

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THE SPEAKER:

Gentleman from the 2nd.

REPRESENTATIVE MOTTO (2nd):

Mr. Speaker, I rise to oppose this Amendment and I oppose it for a lot of reasons perhaps that Representative Post says he's for it. He knows as well as I do that we're creating, with the Commissioner of Personnel, a management type of operation. He also knows that when the State Labor Relations Board sets up the Bargaining Units with the language from the Pennsylvania Act, that they're going to have to consult with the Commissioner of Personnel in order to do it. So Mr. Speaker, I see no need for this particular Amendment. We do have in the Amendment that we adopted, House A, already taken into consideration that point and we have come up with something where the State Labor Relations Board would be able to do the same thing in conjunction with the Commissioner who has to give input. I oppose this Amendment.

THE SPEAKER:

(Tape 38)

Representative Kipp from the 41st.

REPRESENTATIVE KIPP (41st):

Thank you, Mr. Speaker. I rise in total support of this Amendment because without it to the best of my knowledge you can go home and you can tell your State employees that you didn't support the number of bargaining units and you also tell them at the same time that they are not number one on the priority list. I wonder what your answer will be. I have many units or maybe I'll have many units in my town tied up with many different subjects. If they call me, I don't know what I'm going to tell them if they come in

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number fifteen, twenty or thirty or forty on the negotiating scale. I strongly urge support of this Amendment.

THE SPEAKER:

Prepare to vote. Gentleman from the 123rd.

REPRESENTATIVE BAEHR (123rd):

Mr. Speaker, I rise to support this Amendment. I think it's been pretty obvious in the discussions we've had already that there is great possibility of uncertainties in such large units, the numbers of them vary anywhere perhaps up to several hundred. Just consider the burden on the people involved in trying to handle the many different aspects of the Collective Bargaining elements when this kind of a situation develops. It is awkward and I would think a somewhat chaotic aspect and I think it should be corrected and would be corrected by the Amendment which Mr. Post is submitting. I would certainly consider this one of the most important things to avoid in efficiency in the processing of the contents of the Bill. You have to deal with many, many, many different organizations each time you have to sit down and you have to get things started. You have to get the preparations. You have to do the detail work. You have to write up all the reports, etc., on and on and on. This is expensive. It's certainly not efficient. It's costly. The taxpayers are the ones that are going to eventually be paying this bill. I think you ought to listen and hear and respond to their needs. They don't want

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things that are going to run into the expense that this kind of a program would do. I think that we have had experience in other areas that will indicate that this is not a wise thing to do. In other States, certainly many instances have shown that this is not the proper approach and I think we should support the Amendment.

THE SPEAKER:

The gentleman from the 62nd.

REPRESENTATIVE POST (62nd):

Mr. Speaker, we've an interesting example, not only in Rhode Island which has over 100 units because they did not adopt this kind of an Amendment, but we have another interesting example right next door in New York. New York City did not adopt this kind of an Amendment and they have well over a hundred - I believe it's well over 200 different bargaining units. And as you probably know, the Collective Bargaining situation in New York City is in chaos. But interestingly enough, the State level in New York, they have one unit. Hawaii has eight. Without this Amendment, we are following the path of New York City and Rhode Island. Let us honor the needs of State employees. Let's meet with our representatives and the representatives of the Governor on the management side and representatives of the employees on the labor side at the bargaining side and resolve our disputes. Let us not set up a system that will follow the path of New York City. This isn't a question of pro management or pro labor. It's not a question of Republican or Democrat. It's a question of a system of government that works or a system of government that creates a bureaucracy that doesn't work. I hope you will support the Amendment.

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THE SPEAKER:

Prepare to vote. Gentleman from the 111th.

REPRESENTATIVE CAMP (111th):

Under Amendments that we adopted earlier, one of the prime problems of the General Assembly I believe, is going to be to approve or reject contracts that are negotiated by the Collective Bargaining units and the employers. It seems to me if we allow a proliferation of bargaining units our job as approving these is going to be somewhat the problem that we've seen in this Session in having too many Bills. We're going to be spending all our time on approving or rejecting an almost infinite number of different agreements when we meet. It would seem to me that what we can do to reduce the number of bargaining units and arrange for some sort of order out of the potential chaos would be points well taken. I would, therefore, support this Amendment.

THE SPEAKER:

Prepare to vote. Gentleman from the 90th.

REPRESENTATIVE VARIS (90th):

Mr. Speaker, a question through you to Representative Motto, please.

THE SPEAKER:

Frame your question.

REPRESENTATIVE VARIS (90th):

Representative Motto, with a number of proliferation of various units would you enlighten me at all on how you would recommend that the General

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Assembly approve or disapprove of these, considering there's such a great difference in expertise in labor laws. Do you have any suggestions for my enlightenment?

THE SPEAKER:

Gentleman from the 2nd.

REPRESENTATIVE MOTTO (2nd):

Through you, Mr. Speaker, I would not like to impose my thinking on you.

THE SPEAKER:

Gentleman from the 90th.

REPRESENTATIVE VARIS (90th):

Thank you very much, Mr. Motto, but just a brief recommendation of how you might think that this could be handled expeditiously with so large a body having various backgrounds.

THE SPEAKER:

Gentleman from the 2nd if he cares to respond.

REPRESENTATIVE MOTTO (2nd):

Through you, Mr. Speaker, I'm sure that whatever you're asking will be worked out through the process of setting up Collective Bargaining.

THE SPEAKER:

The gentleman from the 90th has the floor.

REPRESENTATIVE VARIS (90th):

Thanks anyway, Mr. Motto. However, I would like to thank you for cooperating with that Amendment on the questions that I had raised relative to our convening earlier.

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THE SPEAKER:

Gentleman from the 113th.

REPRESENTATIVE BELDEN (113th):

Mr. Speaker, I rise to support House O. We presently have in the State of Connecticut as we're all aware, a pay scale and job classifications, etc. I would ask this House to envision where we might be possibly two years from now if, in fact, we have what is a potential here of literally a hundred or more separate bargaining units. We may have the secretaries in Bridgeport at \$9,000.00 a year. We may have the secretaries in Waterbury at \$8,200.00 a year. Who is going to pay for this proliferation of paperwork? Our State is not that big. There are school districts in California that are bigger than our whole State of Connecticut. It would seem to me that we ought to be able with a limited number of general bargaining units to be able to allow the unions to properly represent those people who fall in a reasonable like job classification. I would ask this House to support House O.

THE SPEAKER:

Gentleman from the 136th.

REPRESENTATIVE NEVAS (136th):

Mr. Speaker, it seems to me that anyone who's given any thought to this Amendment and I would assume by looking around this House that would include very, very few people, would understand that what Mr. Post is attempting to accomplish here is to strengthen the hand of the Chief Executive of this State, the Governor. Because what the Amendment does, as I understand it, is take from the Board the power to determine the number of

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bargaining units and give that power to the Personnel Commissioner or his designated representative. That is to say that the Governor's agent, the Governor's own cabinet officer, the Personnel Commissioner, would have this right. So that the Executive Branch which would be charged with the responsibility for conducting the negotiations and the bargaining, would at least be able to control the number of bargaining units that they had to deal with. It seems to make such common sense that, as far as I can see, it defies all logic to oppose this Amendment and yet, it'll go down. Nobody's listening. Nobody cares. They just want to finish and I think that's sad, Mr. Speaker. As we stand here and sit here on the last night of the Session considering a piece of Legislation that in my view is drastically going to change the lives of every citizen of this State and their children and their grandchildren. The people of this House don't care. And that makes me sad, Mr. Speaker.

THE SPEAKER:

Prepare to vote. Members please take their seats. Staff come to the well. The machine will be opened. Has every Member voted? The machine will be closed. Will the Clerk please take a tally.

THE CLERK:

Total Number Voting	140
Necessary for Adoption	71
Those Voting Yea	51
Those Voting Nay	89
Those Absent and Not Voting	11

THE SPEAKER:

House O is lost. Gentleman from the 62nd.

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REPRESENTATIVE POST (62nd):

The Clerk has LCO 9275.

THE SPEAKER:

Clerk please call LCO 9275, designated House P.

THE CLERK:

House Amendment, Schedule P, LCO 9275, by Mr. Post of the 62nd.

Delete Lines 3 and 4 and insert in lieu thereof the following. "Connecticut and its Executive Branch, including, without limitations,"

THE SPEAKER:

Gentleman from the 62nd.

REPRESENTATIVE POST (62nd):

Mr. Speaker, I move adoption of the Amendment.

THE SPEAKER:

Question is on adoption of House P. Will you remark?

REPRESENTATIVE POST (62nd):

Mr. Speaker, I ask that this Amendment be printed in the Journal.

THE SPEAKER:

Clerk please note.

REPRESENTATIVE POST (62nd):

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

THE SPEAKER:

Question is on a roll call. All those in favor of a roll call signify by saying aye. Chair feels a sufficient number has indicated a roll call. A roll call will be ordered at the proper time. Gentleman from the 62nd.

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REPRESENTATIVE POST (62nd):

Thank you, Mr. Speaker. This Amendment deals with the different branches of government and whether they should be subject to Collective Bargaining. Where Collective Bargaining has been adopted around the country and it's been adopted for Executive Branch employees, we are seeing fit in the first year of a Collective Bargaining law, to innovate in many areas without experience. We are extending Collective Bargaining to Legislative employees and Judicial employees. No one knows what that means. It isn't being tried elsewhere. I don't know if that means that your Caucus Staff is now covered by Collective Bargaining or ours. I don't know to what extent the employees of the Judicial Department, the Judges, the Clerks, what have you - are subject to Collective Bargaining. What I am suggesting is that at the outset of Collective Bargaining in the State of Connecticut at the State level, as broad as our law is in its current form, let's apply it to the Executive Branch. If it works, (Tape 39) we can extend it at any time into the other areas of the Judiciary or the Legislature. I urge you to pass this Amendment so that we can learn from our experience before we go into uncharted waters in our first year of operation. I ask you to support this Amendment.

THE SPEAKER:

Remark further on House P? Gentleman from the 119th.

REPRESENTATIVE STEVENS (119th):

Mr. Speaker, I join with Representative Post in urging that the Members give serious consideration to this Amendment because it goes to the very heart of the governmental process in Connecticut and I would ask some of you

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to give some thought to what could possibly occur if this Amendment were not adopted and there were to be labor disputes. I'd ask the Members of the House to think back over the last ten days and how hectic they have been. And how much there would be if there were any concerted slowdown in the various Legislative offices that serve this Chamber and, in serving this Chamber, serve the people of the State of Connecticut. We are dependent to enact laws upon the people who work for us and the people of Connecticut in this Capitol. As Representative Post indicated, in most States this is confined to the Executive branch of Government. The Legislative branch of government, especially in our State, which as we all know has a very limited term wherein we may be in Regular Session, we must depend upon full service with no slow downs or interruptions from our employees. If we are brought to a halt, ladies and gentlemen, the process of government in Connecticut, that depends upon our enacting an Appropriations Act, a Revenue Act is also brought to a halt and I would ask you to give some thought also to the fact that many of the people who work for us are in - in fact most are in what is known as the unclassified and that is because in this Capitol we have seen fit to establish caucus employees - employees that work for the Democrat Legislators -

THE SPEAKER:

Excuse me, sir. Please give your attention to the gentleman from the 119th.

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REPRESENTATIVE STEVENS (119th):

Thank you, Mr. Speaker. And employees who serve the needs of those of us on this side of the aisle. And the employment is different than that which you have in the Executive Branch where the vast majority are career employees - employees who work for individuals who have a continuing term in office which is not the same with us. We all know that as the leadership changes in the General Assembly so do the staffs for the most part, that serve many of our needs. This is not susceptible to the application of this Bill and I would refer the Members of the House to the Judicial Branch of government and ask you to please give consideration to the impact in our Courts. That again, for the public good, must continue to perform on a regular uninterrupted basis. And to my fellow Legislators from the greater New Haven area, I would ask you to think back on some of the criminal trials we have had there over the past few years - the Panthers for one. They went on for months and months and months. Day in and day out. And ask you how that administration of justice would have been affected should there be a slowdown of some kind in the employees who serve in that branch of Government. These are critical issues that this Amendment addresses itself to. And ladies and gentlemen, my views are not mine alone. The first Amendment to this Bill, the first Amendment that was given to me incorporated the Amendment from your Committee, from our Committee incorporated this Amendment and excluded Legislative and Judicial employees from the application of the Act. What has happened in the last three to four days to change that determination I do not know. Someone - I suspect - outside the Legislative

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process has made a determination that the Legislative and Judicial branches will be included under the umbrella from the very beginning. And that is not necessarily in the best interests of those two branches and the people that we serve. Therefore, I would ask you to give careful consideration to this Amendment that would restore the Bill to the way the first Amendment that came out of your and my Committee would have it.

THE SPEAKER:

The gentleman from the 62nd.

REPRESENTATIVE POST (62nd):

Mr. Speaker, through you, a question to Representative Motto.

THE SPEAKER:

Please frame your question.

REPRESENTATIVE POST (62nd):

Does Representative Motto know how many States provide Collective Bargaining at the State level?

THE SPEAKER:

Gentleman from the 2nd if he cares to respond.

REPRESENTATIVE MOTTO (2nd):

Through you, Mr. Speaker, under fifty.

THE SPEAKER:

Gentleman from the 62nd.

REPRESENTATIVE POST (62nd):

Through you, Mr. Speaker, does Representative Motto know how many States provide Collective Bargaining for the Judiciary and Legislative branches of government?

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THE SPEAKER:

Gentleman from the 2nd if he cares to respond.

REPRESENTATIVE MOTTO (2nd):

Mr. Speaker, through you, not too many.

THE SPEAKER:

The gentleman from the 62nd.

REPRESENTATIVE POST (62nd):

Mr. Speaker, I'm concerned that we are making a mockery of this process. Collective Bargaining is an extraordinarily important concept and it's going to effect the system of government we have here in Connecticut. I wonder if the Committee that's supposed to aid us has reviewed these questions. What deals were made outside of this Chamber? Who do we owe what to? Why are we doing this? Organized labor in Connecticut is well represented in this Capitol building. Annual increments have been approved over the objection of many. Binding arbitration the denial at the municipal level has been approved at the request of organized labor. Who do we owe what to? Don't we have an obligation to the people of this State to try to have an efficient government? Don't we have information as to what Collective Bargaining means? It's an extraordinary process that we are imposing on State government. Do we know what it means to have a union negotiating with us? A union composed of Judges. You are doing that under this Bill. Is it too much to ask that we wait until the next Session before we extend those privileges to the Judiciary and the Legislative branches of government? What haste are we in and why? These Amendments that have been proposed to you are not

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designed to make this Bill anti-labor - are not designed to kill it. They're designed to make it workable for Connecticut. I hope that you will support this Amendment.

THE SPEAKER:

Gentleman from the 36th.

REPRESENTATIVE TIFFANY (36th):

MR. Speaker, I rise to support this Amendment. This is the first time in a number of hours, as ranking member of the Public Personnel Committee that I have risen to my feet to speak. And it is with heavy heart that I do so because I feel that earlier in the week, Representative Motto and myself have gone over an Amendment to this Bill that's in the file and we had both agreed on the Bill which I feel would have passed this House by an overwhelming majority with perhaps no more than a half hour's debate. However, since that time, I've seen no less than five or six Amendments from the Chairman of the Committee - each one less representative of good government than the last. And I would indicate to you that all of the previous Amendments except the one we acted on today and included in "employee means any public employee, classified or unclassified who has attained permanent status, except legislative, judicial, elected or appointed officials and confidential employees". I repeat, every Amendment other than this very one we're - the first Amendment presented by Mr. Motto this afternoon, contains the very language that Representative Post has suggested here. Can you imagine the chaos the capitol would be in if the

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ICO office as of noon yesterday, walked out of the building. And yet, we are required by the Constitution to adjourn no later than midnight tonight. None of you could get Amendments prepared, fiscal notes - it would be an impossible and intolerable situation. I urge you to support the adoption of this Amendment.

THE SPEAKER:

Gentleman from the 2nd.

REPRESENTATIVE MOTTO (2nd):

Mr. Speaker, I rise to oppose this Amendment and I do it because I know of the other Amendment they keep referring to and I have said at the beginning of my remarks in presenting this Bill that the Commissioner of Personnel, the Commissioner of Finance and Control approve this particular Bill that we have amended with House Amendment A. And Mr. Speaker and Members of this Assembly, we can't be making second class citizens out of some other Members of the State employee. In other words, in your Judiciary, in your Legislative. There are some who deserve being put into a bargaining unit. Mr. Speaker, these people should be given that opportunity. This Amendment sounds excellent, but I have to oppose it.

THE SPEAKER:

Gentleman from the 143rd.

REPRESENTATIVE MATTHEWS (143rd):

Mr. Speaker, I would like to ask a question of Mr. Motto please.

THE SPEAKER:

Please frame your question.

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REPRESENTATIVE MATTHEWS (143rd):

Through you, sir, in Line 9 and 10, there is a statement which includes public and quasi-public State corporations. I would like you to define for me what they are. Could you give us some examples of those?

THE SPEAKER:

Gentleman from the 2nd if he cares to respond.

REPRESENTATIVE MOTTO (2nd):

Mr. Speaker, I don't know whether to answer this question or not because it is not on the Amendment.

THE SPEAKER:

Gentleman from the 143rd.

REPRESENTATIVE MATTHEWS (143rd):

May I ask Mr. Motto - I have the Bill 921 and Section 1A - that has not been removed to my knowledge and in Lines 9 and 10, it says public and quasi-public State corporations. Am I in the right pew or not?

THE SPEAKER:

Gentleman from the 2nd.

REPRESENTATIVE MOTTO (2nd):

Through you, Mr. Speaker, he's in the wrong pew.

THE SPEAKER:

Gentleman from the 143rd please get in the right pew.

REPRESENTATIVE MATTHEWS (143rd):

Is Section 1a eliminated from the Bill? I have your Amendment LCO 9992 and it does not indicate that Section 1a is eliminated - the definition of employer.

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REPRESENTATIVE MOTTO (2nd):

Through you, Mr. Speaker, I think he should ask the proponent of this Amendment that question and not me.

THE SPEAKER:

Gentleman from the 143rd. Direct his question to the proponent of the Amendment.

REPRESENTATIVE MATTHEWS (143rd):

All right, sir, I'll withdraw the question.

THE SPEAKER:

Gentleman from the 136th on his feet. Does the gentleman from the 136th wish to be recognized?

REPRESENTATIVE NEVAS (136th):

I have some questions for Mr. Motto if I may please.

THE SPEAKER:

Please frame your question.

REPRESENTATIVE NEVAS (136th):

Through you, Mr. Speaker, my reading of the file copy, in light of this Amendment, would leave me to believe, Mr. Speaker, that there can in fact, be the formation of a bargaining unit by members of the Judicial branch and I would ask the Chairman, through you Mr. Speaker, whether in (Tape 40) fact, the Judges of the Court of Common Pleas could not, under the language of this statute, form a bargaining unit.

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THE SPEAKER:

Gentleman from the 2nd if he cares to respond.

REPRESENTATIVE MOTTO (2nd):

Through you, Mr. Speaker, I thought Judges were appointed and approved by us.

THE SPEAKER:

Gentleman from the 136th.

REPRESENTATIVE NEVAS (136th):

Mr. Speaker, I appreciate the fact that the gentleman is probably referring to Line 18 and 19 of the file copy which excepts appointed officials. I would ask the gentleman to indicate where in the Bill there is a definition of appointed officials, particularly in light of the language in lines 3 and 4 relating to the definition of an employer.

THE SPEAKER:

Gentleman from the 2nd if he cares to respond.

REPRESENTATIVE MOTTO (2nd):

Mr. Speaker, through you, I still feel that being appointed officials would eliminate them from any bargaining.

THE SPEAKER:

Gentleman from the 136th

REPRESENTATIVE NEVAS (136th):

Yes. Mr. Speaker, I think it's a question and I think its arguable and I'm not suggesting, and even ff it were clear under the terms of this

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Act, that Judges of the Court of Common Pleas, the Superior Court, the Supreme Court, Juvenile Court would, in fact, attempt to form a bargaining unit, although I might add parenthetically, Mr. Speaker, that if they continue to be treated as shabbily as I think they have been in terms of their salaries, they might very well be justified in doing so. But what I'm suggesting, Mr. Speaker, is that this kind of language points up the danger of taking up a Bill of this major importance on the last day of the Session because the question that I've raised and the many questions that have been raised by Representative Post and questions that I know are in the hearts and the minds of almost every member of this House, could have been resolved; could have been worked out and Amendments offered that would have been supported by both sides of the aisle and we could have adjourned and held our heads high, having adopted a major piece of Legislation. But I think when you try and do this kind of thing at the last minute, at the eleventh hour, this is what happens and these kind of loopholes are left. And who's the worse off for it, Mr. Speaker? The people out there, the people who pay the bills, the taxpayers, that's who loses. And we go home and these questions are raised and somebody says to you or to me - how could you have ever passed that Bill? Didn't you read it? Didn't you understand -

THE SPEAKER:

Gentleman from the 148th, what is your point?

REPRESENTATIVE ABATE (148th):

Mr. Nevas isn't addressing himself to the matter at hand, Mr. Speaker, which is House Amendment, Schedule P.

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THE SPEAKER:

The Chair will caution the gentleman from the 136th.

REPRESENTATIVE NEVAS (136th):

Thank you, Mr. Speaker. I think I am addressing myself to the Amendment because what I'm suggesting is that the necessity for this Amendment is to clarify the problem that I've been describing and that has been described here for the last few hours and I would urge the Members to support the Amendment.

THE SPEAKER:

Gentleman from the 119th.

REPRESENTATIVE STEVENS (119th):

Mr. Speaker, through you, a question to the proponent of the Amendment. My question, Mr. Speaker, is could the Chairman of the Committee on Public Personnel indicate who suggested the reinclusion of the Legislative and Judicial employees in the Bill since they were deleted in the first Amendment the gentleman gave us earlier in the week?

REPRESENTATIVE MOTTO (2nd):

Through you, Mr. Speaker, I thought we were talking about the Amendment. I'll be glad to answer the question, but I think we're getting afar afield now.

THE SPEAKER:

I thought that question was directed to the gentleman who proposed the Amendment.

REPRESENTATIVE STEVENS (119th):

Excuse me. It was, Mr. Speaker. It was my error and it was meant to be directed through you to the Chairman of the Committee on Public Personnel.

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THE SPEAKER:

The gentleman from the 2nd.

REPRESENTATIVE MOTTO (2nd):

Mr. Speaker, through you, I'd be glad to answer the question if it were pertinent to the Amendment.

THE SPEAKER:

Gentleman from the 119th.

REPRESENTATIVE STEVENS (119th):

Through you, Mr. Speaker, my understanding is we are considering LCO 9275 which would delete Executive and Legislative employees from coverage of the Bill. My question is, through you Mr. Speaker, that Representative Motto's first Amendment, LCO 9719 excepted Legislative and Judicial employees from coverage. Therefore, I am enquiring as to what individual or individuals requested the Chairman to reinstate these two groups for coverage.

THE SPEAKER:

Gentleman from the 2nd if he cares to respond.

REPRESENTATIVE MOTTO (2nd):

Mr. Speaker, through you, we have not had that Amendment before us.

THE SPEAKER:

Gentleman from the 119th.

REPRESENTATIVE STEVENS (119th):

Through you, Mr. Speaker, what individuals suggested that Legislative and Judicial employees be covered by the Collective Bargaining Bill?

THE SPEAKER:

Gentleman from the 2nd if he cares to respond.

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REPRESENTATIVE MOTTO (2nd):

Through you Mr. Speaker, my co-chairman.

THE SPEAKER:

Gentleman from the 119th.

REPRESENTATIVE STEVENS (119th):

Through you Mr. Speaker, did any employees of the Legislature request the Chairman since Monday of this week, to reinstitute coverage for Legislative employees?

THE SPEAKER:

Gentleman from the 2nd if he cares to respond.

REPRESENTATIVE MOTTO (2nd):

Through you Mr. Speaker, yes, some of the people in the Legislative Commissioner's Office.

THE SPEAKER:

The gentleman from the 119th.

REPRESENTATIVE STEVENS (119th):

Mr. Speaker, I think the answer is quite pertinent. And I think it shows what perhaps is behind this entire debate. That non-elected officials are writing this Bill. Mr. Post's Amendment is a good one. It's now been stated on the floor of the House that major policy decisions on a key piece of Legislation are being suggested by non-elected officials, non-elected individuals who have a personal interest in the outcome of the Bill under debate. That speaks poorly for the process. And I think it shows the need for Representative Post's Amendment.

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THE SPEAKER:

Prepare to vote. Gentleman from the 111th.

REPRESENTATIVE CAMP (111th);

Through you please, a question to the proponent of the Bill.

THE SPEAKER:

Please frame your question.

REPRESENTATIVE CAMP (111th):

Yes, sir. Presuming the Clerks of the Court of Common Pleas were a bargaining unit as I guess they could be, with whom would they negotiate for purposes of this Act?

THE SPEAKER:

The gentleman from the 2nd if he cares to respond.

REPRESENTATIVE CAMP (111th):

I gather from the silence that there is no known answer to that question. Possibly I might ask the question of - with whom would the personnel of the Superior Court bargain under the act?

THE SPEAKER:

The gentleman from the 2nd if he cares to respond.

REPRESENTATIVE CAMP (111th):

Mr. Speaker, could I ask through you to anybody who supports this Bill generally, if they might answer the question as to who the Judicial employees would bargain with.

THE SPEAKER:

The gentleman from the 111th has the floor.

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REPRESENTATIVE CAMP (111th):

Except for the dun of the hall, the silence is glaring. I don't know whether Mr. Motto's answer - Mr. Motto being a responsible Legislator, is that he doesn't know or he doesn't care or the Bill doesn't say or what the answer is. But it seems to me if we're going to require somebody to bargain, we ought to know who it is or at least have enough of an idea who it is to get up and talk about it. And if we don't then, the Bill is certainly defective as it's written and the Amendment ought to be adopted. Thank you.

THE SPEAKER:

Prepare to vote. Gentleman from the 36th.

REPRESENTATIVE TIFFANY (36th):

In answer to Representative Camp's question, I refer him to page 11 of the file, in Line 497. In the case of the Judicial Branch employer by the Chief Administrative Officer. So I would read through that, that the Chief Administrative Officer of the Circuit Court would represent the employer.

THE SPEAKER:

Prepare to vote. Members please take their seats. Staff come to the well. The machine will be opened. Has every Member voted? The machine will be closed. Clerk please take a tally.

THE CLERK:

Total Number Voting	139
Necessary for Passage	70
Those Voting Yea	58
Those Voting Nay	81
Those Absent and Not Voting	12

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THE SPEAKER:

House P is lost. Gentleman from the 62nd.

REPRESENTATIVE POST (62nd):

Mr. Speaker, the Clerk has LCO 9995.

THE SPEAKER:

Clerk please call 9995.

REPRESENTATIVE POST (62nd):

Mr. Speaker, through you to the Clerk, that's an Amendment previously put aside.

THE SPEAKER:

Do you wish to put that Amendment aside?

REPRESENTATIVE POST (62nd):

No sir, I did while we had that other Amendment that was passed temporarily because this was connected to it. I now wish to - now it would be germane to take it up again.

THE SPEAKER:

LCO 9995. The Chair will designate it House Q.

THE CLERK:

House Amendment, Schedule Q, by Mr. Post of the 62nd, LCO 9995. (Tape 41)
Delete Lines 526 to 532 inclusive. In Line 533 delete the word "b" and insert "c" in lieu thereof. In Line 556 delete the word "e" and insert the word "d" in lieu thereof.

THE SPEAKER:

Gentleman from the 62nd.

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REPRESENTATIVE POST (62nd):

I would ask that the Clerk - I would ask that this Amendment be printed in the Journal.

THE SPEAKER:

Clerk please note.

REPRESENTATIVE POST (62nd):

I move adoption of the Amendment, Mr. Speaker.

THE SPEAKER:

Question is on adoption of House Q. Will you remark?

REPRESENTATIVE POST (62nd):

Yes, Mr. Speaker, I would ask that when the vote be taken, it be taken by roll call.

THE SPEAKER:

Question is on a roll call. All those in favor of a roll call signify by saying aye. Chair feels clearly that a significant number has indicated a roll call. At the proper time a roll call will be ordered. The gentleman from the 62nd.

REPRESENTATIVE POST (62nd):

Thank you Mr. Speaker. So many Amendments before us have been substantive in nature and some have been corrective and major. I offer this one as corrective in nature. It would delete Section c on page 12 of the file copy. It is a provision which has found its way into our laws at the municipal level. It's a provision which is destined to create law suits.

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It's a provision which is unnecessary. It's a provision that says once we've entered into a contract, someone must appropriate the necessary funds to live up to that contract. If we adopt a contract and it's approved, we will abide by it. But this provision implies that budgets must be adopted and it is very confusing. There may be many ways in which the Executive branch can live with the contract. Higher salaries may lead to staff reduction. This kind of a clause creates a law suit encouraging a labor organization to bring suit to require this Legislature to appropriate funds as they interpret the contract that has been agreed to. It is unnecessary. It adds nothing to the labor organization. If we adopt contracts, we will abide by them. And I would ask that you support this Amendment.

THE SPEAKER:

Prepare to vote. Gentleman from the 3rd.

REPRESENTATIVE LA ROSA (3rd):

Mr. Speaker, I rise in opposition to this Amendment.

THE SPEAKER:

Prepare to vote. Gentleman from the 101st.

REPRESENTATIVE BURNHAM (101st):

Mr. Speaker, I appreciate the late hour but that when someone rises just as I oppose the Amendment and sits down and then the House is ready to vote, how can they possibly do it unless they've all read the Bill and they're all labor experts, which I am not. Unless, of course, the word is out. It seems to me that we've seen here tonight a demonstration -

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THE SPEAKER:

What is your point, gentleman from the 148th?

REPRESENTATIVE ABATE (148th):

Once again, we have a transgression, Mr. Speaker. Representative Burnham's point is not relevant at all to the matter at hand.

THE SPEAKER:

The Chair will caution the gentleman from the 101st. The gentleman from the 101st has the floor.

REPRESENTATIVE BURNHAM (101st):

I appreciate that, Mr. Speaker. And I would urge support of this Amendment and I would also urge those present to listen to the debate and if you are opposed to the Amendment - I personally, would appreciate hearing your objections. Thank you.

THE SPEAKER:

Gentleman from the 3rd.

REPRESENTATIVE LA ROSA (3rd):

Mr. Speaker, I oppose the Amendment. I did read the file. It eliminates section c Line 526 inclusive to 532. After reading it, I oppose the Amendment.

THE SPEAKER:

Gentleman from the 68th.

REPRESENTATIVE SAYRE (68th):

Thank you, Mr. Speaker. I rise to support the Amendment which eliminates Section c. This side of the aisle has offered many Amendments tonight. Many of them technical in nature. This is a very highly complex Bill. It is also

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a very highly complex issue. Some Amendments were very substantive. Others such as this, eliminate unnecessary verbiage in a Bill. Not being an attorney, it's very hard for me to tell which verbiage should be eliminated. But in this instance, after reading the file, I agree with Mr. Post. This section is unnecessary, for proper implementation of the Bill. I feel very strongly that if the other side of the aisle would listen, we would make some very technical changes in this Bill that would improve the draftsmanship about 100 percent and I would hope that you people on the other side of the aisle would listen to these things. If you're not ready to make substantive changes in the Bill, at least go along with the technical amendments of the Bill which will improve the written draft of a piece of Legislation that we will all put out signatures on as the Legislators of the State of Connecticut. So I would hope you will consider this Amendment and all subsequent Amendments carefully and vote in favor of this Amendment. Thank you.

THE SPEAKER:

Gentleman from the 90th.

REPRESENTATIVE VARIS (90th):

Mr. Speaker, if I understand the file copy correctly, it says that the General Assembly must fund whatever occurs. Again, this seems like a double standard. We started off earlier in the Session saying we couldn't do this. We couldn't do that because we had funds. Yet, State employees who started working for the State of Connecticut, many conscientious employees knowing and expecting that they would get their steps annually, at one point of the game, four to one majority side said we couldn't fund

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it because we don't have the money. Then, at this point of the game, in the eleventh hour, we have the audacity to say we must fund it. We're working with a double standard here, sir. I support the Amendment.

THE SPEAKER:

Prepare to vote. Members please take their seats. Staff come to the well. The machine will be opened. Has every Member voted? The machine will be closed. Clerk please take a tally.

THE CLERK:

Total Number Voting	135
Necessary for Adoption	68
Yea	31
Nay	104
Absent and Not Voting	16

THE SPEAKER:

House Q is lost. Gentlemen from the 62nd.

REPRESENTATIVE POST (62nd):'

Mr. Speaker, Clerk has LCO 3589.

THE SPEAKER:

Clerk please call LCO 3589. Chair will designate House R.

THE CLERK:

House R, LCO 3589 offered by Mr. Post of the 62nd. Line 242, delete the comma and insert a period in lieu thereof. In Line 242, delete the words "and provided". Delete lines 243 to 245 inclusive. In Line 246, delete the words "inclusion in such unit".

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THE SPEAKER:

Gentleman from the 62nd.

REPRESENTATIVE POST (62nd):

I move adoption of the Amendment.

THE SPEAKER:

Question is on adoption of House R. Will you remark?

REPRESENTATIVE POST (62nd):

Mr. Speaker, I would ask that the Amendment be printed in the Journal.

THE SPEAKER:

Clerk please note.

REPRESENTATIVE POST (62nd):

Mr. Speaker, I would ask that when the vote be taken, it be taken by roll call.

THE SPEAKER:

Question is on roll call. All those in favor of a roll call, signify by saying aye. Clearly, twenty percent has indicated a roll call and at the proper time, a roll call will be ordered. Gentleman from the 62nd.

REPRESENTATIVE POST (62nd)

Mr. Speaker, this particular Amendment has some substantive aspects to it. It's not a technical correction to the law. In the file copy, we grant a rather exclusive privilege to what we refer to in the file copy as professional employees and we give them a veto power as to whether or not

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they're going to be in a separate unit. That's a privilege or veto power which can further fragment the number of units that State government must deal with. We do not extend that privilege to any other unit. We have established a Board to determine the units. That Board should have the power to do so. No group of employees, rich or poor, privileged or unprivileged, professional or not, should have the right to override the State Labor Board and the determination of bargaining units. The deletion of this clause is not pro-labor, pro-management, Republican, Democrat, costly or uncostly. It just makes sense. I urge you to support it.

THE SPEAKER:

Prepare to vote. Gentleman from the 123rd.

REPRESENTATIVE BAEHR (123rd):

Mr. Speaker, I rise to support this Amendment. The potential of having the units in such a manner that a veto by the supervisory group certainly does not tend to comply with what is involved in the rest of this Bill and what has been said on the floor of this House in my mind. In some ways, as Mr. Post has indicated, it would just enlarge upon and magnify the number of units, the number of problems, the expense to the taxpayer. There will be no possible way to control anything in this area unless you are going to comply with this Amendment. I think we have to be realistic and understand that the matters that are involved in Collective Bargaining are new and are uncertain if this Bill goes through. And, therefore, the number of units will just cause more chaos. I think we should

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support the Amendment.

THE SPEAKER:

Prepare to vote. Members please take their seats. Staff come to the well. The machine will be opened. Has every Member voted? The machine will be closed. Clerk please take a tally.

THE CLERK:

Total Number Voting	130
Necessary for Adoption	66
Those Voting Yea	45
Those Voting Nay	85
Those Absent and Not Voting	21

THE SPEAKER:

The gentleman from the 81st, Representative Clynes.

REPRESENTATIVE CLYNES (81st):

Negative please.

THE SPEAKER:

Representative Clynes in the negative. Representative Turiano.

REPRESENTATIVE TURIANO (120th):

Mr. Speaker, in the negative please.

THE SPEAKER:

Representative Turiano from the 120th in the negative. Representative Palaia from the 121st in the negative. Gentleman from the 15th.

REPRESENTATIVE FERRARI (15th):

In thenegative, sir.

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THE SPEAKER:

The gentleman from the 15th, Ferrari, in the negative.

THE CLERK:

Total Number Voting	134
Total Necessary for Passage	68
Those Voting Yea	45
Those Voting Nay	89
Those Absent and Not Voting	17

THE SPEAKER:

House R is lost. Gentleman from the 62nd.

(Tape 43)

REPRESENTATIVE POST (62nd):

Mr. Speaker, the Clerk has LCO 3588.

THE SPEAKER:

Clerk please call 3588. The Chair will designate House S.

THE CLERK:

House S, LCO 3588, Mr. Post of the 62nd. In Line 216, after the period, insert the following. "In any election, the ballot shall contain a choice of no representation".

THE SPEAKER:

Gentleman from the 62nd.

REPRESENTATIVE POST (62nd):

Mr. Speaker, I'd ask that the Amendment be printed in the Journal.

THE SPEAKER:

Clerk please note.

REPRESENTATIVE POST (62nd):

I would move adoption of the Amendment, Mr. Speaker.

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THE SPEAKER:

The question is on adoption of House S. Will you remark?

REPRESENTATIVE POST (62nd):

Mr. Speaker, I would ask that when the vote be taken, it be taken by roll call.

THE SPEAKER:

Question is on roll call. All those in favor of a roll call, signify by saying aye. Chair feels a sufficient number has indicated a roll call. At the proper time, a roll call will be ordered. Gentleman from the 62nd.

REPRESENTATIVE POST (62nd):

Mr. Speaker, this clause, like many others, was in an Amendment delivered to us this week. Several versions of different Amendments delivered to us by the Chairman of the Committee, Mr. Motto, Representative Motto. What it does is say that when there is an election by State employees, to see which organization shall represent them, one of the choices that the employees shall have is no representation. State employees shall have the privilege in the election, in the vote on the ballot, to indicate that they would prefer to have no representation; that they would prefer not to have a union or an association represent them. A traditional concept, it was in an earlier Amendment. I am sure that Mr. Motto would agree that that should be one of the choices of the State employees. It certainly is the choice under any other labor act, Taft Hartley Act, at the Federal level, or State Act. The State Act at the municipal level, the teacher's act clearly, those employees have the option of no representation on a ballot. I can see no reason why we

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shouldn't accept that concept here. I can see no reason why it was deleted from the Amendment that Mr. Motto delivered to us late last night. I can see no reason why you shouldn't support this particular Amendment. In our freedom of choice, shouldn't State employees at least have the right, particularly since they will be obligated to pay service fees to labor organizations, to vote no thank you. I choose - I would prefer not to be represented by a labor organization. I would urge adoption of this Amendment.

THE SPEAKER:

Prepare to vote. Gentleman from the 111th.

REPRESENTATIVE CAMP (111th):

If I understand the Bill right, and again perhaps somebody - Mr. Tiffany could straighten me out if I don't, there's one provision that if there's no challenge, it requires a majority to determine if they want to have a bargaining unit and the other I gather it's an initial 30 on one side and ten on the other. So a total of 40 can determine that somebody or other, less than a majority, can apparently determine that somehow or other, there will be a unit, without adopting this Amendment. I think particularly in view of the fact that we have locked in to these employees, unwittingly probably on their part, a fee, namely their dues, it seems to me that the very least they ought to have the opportunity to say no, which is what this Amendment does and I would endorse the Amendment.

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THE SPEAKER:

Prepare to vote. Gentleman from the 2nd.

REPRESENTATIVE MOTTO (2nd):

MR. Speaker, through you, I oppose the Amendment and I would answer a question first for Representative Camp that the State Labor Relations Board sets up the operation of an election and in there, there would set up the no representation, if necessary. The other part is that a majority, fifty percent, exclusively, that asked to be represented by one organization can be certified. All of these things are spelled out by the State Labor Relations Board in their regulation and I see no reason for this Amendment.

THE SPEAKER:

Gentleman from the 135th.

REPRESENTATIVE MANCHESTER (135th):

Speaking in support of the Amendment, it appears to me that if I read the file correctly, that in fact, the members of a given group of employees, even though a majority of them did not wish to be represented by a union, that they would be forced to be, since the terms of the file copy specify that if a given union organization does not win a majority on the first go round, then they'll be a runoff ballot until one organization does receive a majority. Therefore, it seems to me as though the members are not given the freedom of choice and the freedom furthermore, of saying that they do not wish to be represented at all. I urge the adoption of the Amendment.

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THE SPEAKER:

Prepare to vote. Gentleman from the 111th for the second time.

REPRESENTATIVE CAMP (111th):

Yes, Mr. Speaker, and certainly the last. If the - Mr. Speaker, if Mr. Motto and I again, perhaps a reading of the Bill mistakenly, and perhaps I am, but the Amendment that was adopted earlier today, LCO 9992, as I read it, states that one of the ways that you can get into a certified situation, according to Lines 61 through 63 1/2 of the Amendment states that or if the Board certifies that 30 percent or more, but less than a majority of employees in a bargaining unit desire to be exclusively represented, that 30 percent in effect, can cause a ballot to be had and without this Amendment, if that ballot is had, somebody, without the Amendment, will have to be a so-called exclusive bargaining agent, despite the fact that we triggered this thing off - it seems to me, by 30 percent of the people there, which seems to me an extremely small amount to impose upon the other 70 percent, possibly, of the impositions and the fees that are charged under the Act.

THE SPEAKER:

Gentleman from the 36th.

REPRESENTATIVE TIFFANY (36th):

Mr. Speaker, I rise in favor of this Amendment because, as someone has alluded to earlier, this particular section has been in the previous Amendments as the gentleman from the 2nd and I have discussed. It is now for some strange reason deleted. In addition, he says that this provision is in the regulations of the State Labor Relations Board. That may be, sir.

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However, as he full well knows, and as we all full well know, that regulations of any Department do not have the strength of statutes and may be changed without the consent of the General Assembly. Furthermore, we have reinstated the agency shop in the Amendment that was adopted earlier, and for that reason, I feel that it is necessary to adopt this Amendment to replace or to reinstitute the valid choice of no representation.

THE SPEAKER:

Representative Sayre.

REPRESENTATIVE SAYRE (68th):

Thank you, Mr. Speaker. Through you a question to Mr. Motto please.

THE SPEAKER:

Please frame your question.

REPRESENTATIVE SAYRE (68th):

Mr. Motto, could you tell me why the choice of no representation was taken out of the drafted Bill?

THE SPEAKER:

Gentleman from the 2nd if he cares to respond.

REPRESENTATIVE MOTTO (2nd):

Through you, Mr. Speaker, it was covered by the regulations of the State Labor Relations Board.

THE SPEAKER:

The gentleman from the 68th.

REPRESENTATIVE SAYRE (68th):

Thank you Mr. Speaker. I would feel much more comfortable if this was covered by law - by legal language, than through regulations. We are in the business, in this Assembly, of making laws and passing laws for the

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State of Connecticut. It has been referred to the Taft Hartley guarantees no representation, that acts concerning our teachers, municipal employees guarantee that there can be a choice of no representation and our own political structure, we have Democrats, a few of us Republicans and Independents which guarantees that you can have no representation from either political party. Tonight as we stand here, this Amendment seems to have no representation on your side and I'd like you to think about that for just a minute. I don't see how any organization, labor organization or any other organization can mandate that you will vote for one of their affiliates. In Russia and in Spain, they have this power. You have one ballot and that's the way you vote. But I didn't think that in the State of Connecticut and the United States of America, that you would be denied the choice of not being represented. And I think that to make this abundantly clear, that we must put it in this Bill, as an Amendment to our Collective Bargaining that guarantees the citizens of this State the right to not be represented by some labor organization. And I don't think that's too much to ask and I would ask you to think about that. Ask yourself, of your own personal freedom, is this what you would like to have someone mandate to you. Come on, we have a choice. Let's give them the choice. I urge adoption of the Amendment.

THE SPEAKER:

The gentleman from the 20th.

REPRESENTATIVE MATTIES (20th):

Mr. Speaker, a question through you, to the Chairman of the Committee.

THE SPEAKER:

Please frame your question.

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REPRESENTATIVE MATTIES (20th):

Representative Motto, there's a degree of inconsistency here as I see this question. Earlier, an Amendment wished to remove an unnecessary paragraph - the paragraph that mandated the performance on the part of the State. Now, you use exactly the opposite reasoning on the earlier Amendment to oppose it. As I said, there seems to be an inconsistency. Can you straighten me out on that one?

THE SPEAKER:

Gentleman from the 2nd, if he cares to respond.

REPRESENTATIVE MOTTO (2nd):

Through you, Mr. Speaker, I didn't hear a word he said because of the noise in the House.

THE SPEAKER:

House please come to order. Gentleman from the 20th.

REPRESENTATIVE MATTIES (20th):

Through you, Mr. Speaker, Representative Motto, earlier, I don't recall which Amendment, Representative Post advocated removing a paragraph from the file copy that mandated the State to perform in the event of the settlement of a contract negotiations. You opposed the removal of that paragraph. Now, we want to insert a paragraph to mandate something and you're using the same reason that it wasn't needed earlier and you're saying the same thing now and that to me is very inconsistent opposition and I'd appreciate it if you could clear my mind.

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THE SPEAKER:

Gentleman from the 2nd if he cares to respond.

REPRESENTATIVE MOTTO (2nd):

Through you, if the gentleman could refer me to the section he wants me to react to, I'll be glad to answer the question.

THE SPEAKER:

Gentleman from the 20th.

REPRESENTATIVE MATTIES (20th):

If you'll be patient with me for about ten seconds.

REPRESENTATIVE POST (62nd):

I'm sorry, Mr. Speaker. Could Representative Matties repeat the question please.

REPRESENTATIVE MATTIES (20th):

Yes, Representative Post, an earlier Amendment that mandated performance on the part of the State in the event a contract was settled. You had suggested in one of your earlier Amendments that the removal of that paragraph as not being necessary. At that time, Representative Motto opposed the removal of the Amendment. He is using, I think, the same argument on the insertion of this, in that it's not necessary. I'm trying to get a clarification and he would like to know which paragraph it was - or what section - earlier.

THE SPEAKER:

Gentleman from the 62nd.

REPRESENTATIVE POST (62nd):

Thank you, Mr. Speaker. The earlier one was Section c on page (Tape 43)

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12, Lines 526 to 532 which was not only unnecessary, but potentially very dangerous is creating lawsuits because of its ambiguity.

THE SPEAKER:

Gentleman from the 20th.

REPRESENTATIVE MATTIES (20th):

If I may, through you Mr. Speaker, I don't know if Representative Motto got that information.

THE SPEAKER:

The gentleman from the 20th has the floor.

REPRESENTATIVE MATTIES (20th):

In this case, Mr. Speaker, apparently the refusal to reply does substantiate my suspicion that we're getting frivolous opposition to some very substantial Amendments that are being proposed by Representative Post and it's very unfortunate. I recognize the hour of the day. I think we should all recognize the fact that Representative Post has spent probably days on some very worthwhile Amendments in an effort to make a Bill that encompasses a concept that many of us support - a Bill that the State of Connecticut can live with. Therefore, I would support Representative Post's Amendment and suggest or request that the rest of the House give serious thought to that, particularly in light of the evidence of the apparently frivolous opposition to Amendments - the lack of consideration that is being shown to these Amendments. Thank you, Mr. Speaker.

THE SPEAKER:

The gentleman from the 2nd.

REPRESENTATIVE MOTTO (2nd):

I would like to react to the last speaker and I would like to react

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because I didn't answer him and because I did not answer the question that was asked on that particular subject and I don't like his remarks as far as our being frivolous about this major Bill. And I think the dilatory or the delaying tactics on all the questions, I'm sure everyone has had a chance to read some of the file if they've had a chance and there's no need for all of this dilly dallying. Mr. Speaker, I oppose this Amendment.

THE SPEAKER:

Gentleman from the 143rd.

REPRESENTATIVE MATTHEWS (143rd):

Very briefly sir, I would like to make this observation that in the mail and contact that I have had with the State employees, there were two things that those who were not desirous of being involved with the program as presented here and one was they did not want to be made to become a Member of a union which they did not wish to be a part of and secondly, that if that were forced upon them, they certainly would like to have a choice of representation or no representation placed in their own hands and not legislated in this Bill. Certainly, the Amendment is a wise and good one and certainly it's one which supports the free opinion and the freedom of the person who is going to be involved by this legislation to become a Member of the union and make their own selection. I support the Amendment.

THE SPEAKER:

The gentleman from the 62nd for the second time.

REPRESENTATIVE POST (62nd):

Thank you. The Amendment only establishes a policy. Do we indeed, want to extend the State employees the right, on the ballot, to vote no representation? A simple, direct policy statement. I hope you agree with

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it and if you do, I hope you will be willing to include that policy. Both policies should be adopted here in this Chamber. I hope you will be willing to include that policy in our Collective Bargaining Law and I hope you will support the Amendment. Thank you.

THE SPEAKER:

Prepare to vote. Members take their seats. Staff come to the well. The machine will be opened. Gentleman from the 136th. What is your point?

REPRESENTATIVE NEVAS (136th):

Point of order, Mr. Speaker. My understanding of our rules that all guests, members of the staff are to be off the floor during the course of voting.

THE SPEAKER:

The gentleman's point is well taken. I did make that suggestion. Has every member voted? The machine may be closed. Clerk please take a tally.

THE CLERK:

Total number Voting	141
Necessary for Adoption	71
Those Voting Yea	55
Those Voting Nay	76
Those Absent and not Voting	10

THE SPEAKER:

House S is lost. Gentleman from the 62nd.

REPRESENTATIVE POST (62nd):

Mr. Speaker, the Clerk has LCO 9260.

THE SPEAKER:

Clerk please call LCO 9260. The Chair will designate House T.

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THE CLERK:

House T. LCO 9260, offered by Mr. Post of the 62nd. Delete Line 173 and insert in lieu thereof, the following. "Concession. Providing nothing shall require the employer to bargain with respect to pensions or retirement plans for State employees."

THE SPEAKER:

Gentleman from the 62nd.

REPRESENTATIVE POST (62nd):

Mr. Speaker, I move adoption of the Amendment.

THE SPEAKER:

Question is on adoption of House T. Will you remark?

REPRESENTATIVE POST (62nd):

Mr. Speaker, I would ask that the Amendment be printed in the Journal.

THE SPEAKER:

Clerk please note.

REPRESENTATIVE POST (62nd):

Mr. Speaker, I would ask that when the vote be taken, it be taken by roll call.

THE SPEAKER:

Question is on a roll call. All those in favor of a roll call signify by saying aye. The Chair feels a sufficient number has indicated a roll call. At the proper time, a roll call will be ordered. Gentleman from the 62nd.

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REPRESENTATIVE POST (62nd):

Mr. Speaker, there are a number of States that have adopted Collective Bargaining and specifically exclude pension and retirement plans from the Collective Bargaining process and the reason is clear. Witness the example in New York City. It has been found to be an easy process if you cannot agree to concessions, this year, to cave in at the negotiating table to pension rights in future years. The theory being that you don't have to worry about how you're going to pay for those. Those are the problems for people who come after us. We are here in Connecticut in a serious problem on pension retirement plans. Our pension and retirement plans for State employees is funded to the extent of 7 percent. I would not want to see the State's representatives granting liberal pension rights if we could not afford them or if they were not warranted. As an alternative to higher wages or different working conditions. This exclusion is common. It exists in industrialized States like Illinois and Minnesota and others. We should view very cautiously and carefully any tampering with the pension and retirement system for State employees. It should not be carved out for separate bargaining units with each different unit of the hundred or two hundred or what have you that we will be faced with with each group of employees bargaining for different pension and retirement plans. We should adopt a uniform and consistent plan and be very concerned about how well that is funded. I urge you to exclude from the Collective Bargaining process, the pension and retirement plans for State employees. Thank you.

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THE SPEAKER:

Gentleman from the 143rd.

REPRESENTATIVE MATTHEWS (143rd.):

Mr. Speaker, I rise to support this Amendment and I'd like to just follow up slightly on what Mr. Post has commented about and that is if you do have all these different units and they do all bargain for a pension benefit program and you have people who go from one of these units to another and the different units have different pension programs and benefit programs, I can't imagine being more confusing or making more chaotic or more expensive or more - but it is expensive to do this. It doesn't pay to have so many different kinds of bargaining units bargaining for these different benefits. We should pay attention to the needs of the people obviously. We should try to support the best programs we can for them. We should permit them to negotiate for the programs that they want but I think it can be well done in these kinds of situations by a more general or (inaudible) type program and where necessary, some minor adjustments were provided in different units but I think the major realm should be in the area of a more general program so that the people could transfer back and forth without being involved in continuous record keeping changes which, as I said, are costly and once again I'll point out that it's the taxpayer who pays for this kind of thing. I would support the Amendment.

THE SPEAKER:

Gentleman from the 2nd.

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REPRESENTATIVE MOTTO (2nd):

Mr. Speaker, this particular Amendment really is not proper as far as I'm concerned. Anytime negotiation or Collective Bargaining package has to be approved and I cannot see exempting these two areas. I oppose this Amendment.

THE SPEAKER:

Gentleman from the 142nd.

REPRESENTATIVE MANNIX (142nd):

Mr. Speaker, earlier in the evening, I indicated that we were going to have a long go at it and I'm close to being fed up but I think it's been worthwhile. I think we've gone over very carefully all these Amendments and I think most of you will agree that practically everyone has been a very meaningful and well thought out Amendment besides the technical Amendments. I believe this Amendment is well thought out also. Last night, I think we took a very historic step by increasing the retirement age. I think the time was opportune and we had the fortitude to do it. I think - I know, if we permit bargaining away of the pension and retirement policy of the State, we're making a very, very serious mistake and error. We must realize the financial implications - the long term financial implications. I believe we should support and I hope we can change the trend. I believe we should support Representative Post on this matter. Thank you.

THE SPEAKER:

Prepare to vote. Members please take their seats. Staff come to the well. The machine will be opened. All Members please take their seats and remain in their seats while we're in the process of voting so we can get an accurate count. Members please remain in their seats, while we are in the

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process of voting until the machine has been locked. The machine will be closed. The Clerk please take a tally. Clerk please announce a tally.

THE CLERK:

Total Number Voting	149
Necessary for Adoption	70
Those Voting Yea	50
Those Voting Nay	89
Those Absent and Not Voting	12

THE SPEAKER:

House T is lost. Gentleman from the 62nd.

REPRESENTATIVE POST (62nd):

Mr. Speaker, Clerk has ICO 9261.

THE SPEAKER:

Clerk please call ICO 9261. House Amendment, Schedule U.

THE CLERK:

ICO 9261, in Line 503, delete the period and insert the following:
"and any agreement reached shall be submitted to the Governor or his designated representative for approval".

THE SPEAKER:

(Tape 44)

Gentleman from the 62nd.

REPRESENTATIVE POST (62nd):

Mr. Speaker, I move adoption of the Amendment.

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THE SPEAKER:

Question is on adoption of House U. Will you remark?

REPRESENTATIVE POST (62nd):

Mr. Speaker, I would ask that the Amendment be printed in the Journal.

THE SPEAKER:

Clerk please note.

REPRESENTATIVE POST (62nd):

Mr. Speaker, I would ask that when the vote be taken, it be taken by roll call.

THE SPEAKER:

Question is on a roll call. Those in favor of a roll call signify by saying aye. The Chair feels a significant number has indicated a roll call and at the proper time, a roll call will be ordered. Gentleman from the 62nd.

REPRESENTATIVE POST (62nd):

Mr. Speaker, we have set up in our Collective Bargaining process - Mr. Speaker, this is the last Amendment that I had planned to submit and I would like to very much thank those members of the House who worked on these Amendments; considered them and voted on them; whether you supported them or rejected them. I'm sorry this matter came before us this late in our Session, but I appreciate your consideration and I do personally believe it's an extraordinarily important law for us to consider. This last Amendment has some substantive aspects to it. Under the Collective Bargaining Law, as currently drafted, the Chief Executive Officer of this State no longer has control over the Executive Branch of this State. In

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prior years, you may remember that the Boards of Trustees of the constituent units of higher education attempted to adopt budgets and circumvent the Governor's office. You objected. Rightfully so. So did I. Under the file copy of this Collective Bargaining Bill, agreements can be drawn agreed to and submitted to the Legislature and the Governor will have no input in that process. You may recall that the Governor in prior years, attempted to have a say on the withholding of increments. The Governor in prior years, had a say on a number of different items and the Legislature correctly noted that those were Legislative functions. Well, here we have a situation where the Chief Executive Officer, the Governor, is being excluded from the process. No longer would we have a budget prepared under the direction of the Governor, a part of that budget and a major part of that budget dealing with the University of Connecticut and the other elements of higher education and the major parts of their budget will be subjected to the Collective Bargaining process. Wages for all employees in higher education, for example, will be negotiated and included in agreements and submitted to us. I would point out to you that if we approve those agreements, the Governor will have had absolutely no say whatsoever in the process. The Board of Trustees may, if they wish, consult with the Governor but we are naive if we believe that it wouldn't take long history to recall back to the days when the Chief Executive Officer at the University of Connecticut, Homer Babidge, did not see eye to eye with the then Governor, Thomas Meskill. It would be naive for us to believe that the

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Boards of Trustees of the officials of higher education always agree on every issue with the Governor's Office. I believe in a strong Governor's Office. I believe the Legislature should be equally strong but this file copy would circumvent the Governor and mean that a major part of the Executive Branch budget would no longer be under the control and supervision of the Governor and I think that's wrong. So what this Amendment would do is submit any contract negotiated to the Governor for review and approval. And in that way, we insert correctly, the Governor's Office back in the process. And I hope you will support this Amendment.

THE SPEAKER:

Gentleman from the 2nd.

REPRESENTATIVE MOTTI (2nd):

Yes, Mr. Speaker. May I commend Representative Post on his scholarly work on all the Amendments that he's put forth to us and again, I have to oppose this one because I think a lot of the things that he's said about the Governor and not having input are not correct. I also feel that the Boards of Trustees still have to present their bargaining package to us, the Legislature. Mr. Speaker, I oppose this Amendment.

THE SPEAKER:

Will you remark further on House Amendment, Schedule U? If not, will the Members please be seated. Will the staff and guests come to the well. Members be seated. The machine will be opened. Have all the Members voted and is your vote properly recorded? If so, the machine will be closed. The Clerk will take a tally.

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Clerk announce the tally.

THE CLERK:

Total Number Voting	146
Necessary for Adoption	74
Those Voting Yea	46
Those Voting Nay	100
Those Absent and not Voting	5

THE SPEAKER:

House Amendment, Schedule U is rejected. At this time, the Chair would request all Members of the Staff presently on the floor who are not actually performing a Staff function, to retire from the room. Will you remark further on the Bill as amended? Gentleman from the 2nd.

REPRESENTATIVE MOTTO (2nd):

Mr. Speaker, I now move acceptance and passage as amended by House A and N.

THE SPEAKER:

Chair has accepted adopted House Amendments Schedule A and adopted House Amendment Schedule N. Will you remark further on the Bill as amended by House A and N? Gentleman from the 2nd.

REPRESENTATIVE MOTTO (2nd):

Yes, Mr. Speaker. I think with all the Amendments that we have had on this Bill this afternoon, I think almost every area covered by the Amendments have described this Bill. This Bill, together with the two House Amendments would grant to State employees, except elected, appointed or confidential, the right to organize and bargain collectively and would

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protect employees in the exercise of these rights. I think the Bill provides the proper vehicle and I do so move its passage.

THE SPEAKER:

Will you remark further on the Bill as amended? Gentleman from the 62nd.

REPRESENTATIVE POST (62nd):

Mr. Speaker, Collective Bargaining is a great concept if properly structured. This Bill is not properly structured. This Bill provides \$25,000.00 to the State Labor Board for the administration's functions. Rhode Island, New York, Massachusetts and other States which have comparable laws now in operation have allocated at the minimum of \$100,000.00 up to \$300,000.00 for the neutral party to administer their laws. We have \$25,000.00 appropriated to the State Labor Board to handle all of the questions of the determination of the various units, unfair labor practices, mediation, arbitration, etc. We are deluding ourselves and we are deluding the citizens of Connecticut. We have appropriated nothing to management. We have appropriated nothing to the Executive offices of the Judicial, Legislative or Executive Branches of government to comply with this law. \$25,000.00 to the neutral - the Judge - zero to one of the parties. Do you know how many people we have on the Staff of State government who have any experience in labor relations? We had one. Coincidentally he is leaving government service tomorrow. We have no one in State service with expertise in collective bargaining and labor relations in the public sector. You know how much surrounding States spend on their Collective Bargaining offices? Not the third party neutrals to administer the laws, but the management offices in various states. Massachusetts \$218,000.00. New

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Jersey \$203,000.00. New York \$472,000.00. Rhode Island \$177,000.00. Rhode Island, 14,000 employees - one third our size - spends \$177,000.00 in their budget in the Governor's Office to represent them as a management function in Collective Bargaining. Vermont - \$40,000.00. Maine \$100,000.00 in the first year, \$168,000.00 this year. If you combine the costs and expenses of administering the law in the State Labor Department that is making the decisions and being the neutral party in a dispute, together with the costs of management, the hundreds and thousands of man hours to properly represent us in contesting union claims that certain individuals should or should not be in a bargaining unit or that certain items are or are not negotiable or that certain actions are or are not unfair labor practices or that certain disputes should or should not be mediated or arbitrated, do you know how much we've allocated for that function? Zero. That is not responsible government. Even if we had a clear, unambiguous positive collective bargaining law. To whom are we capitulating? Why are we doing this? Collective Bargaining has five aspects. We have not really responded to any of the five. Question number one. Who is the employer? Who represents us? We don't know. Whoever it is, they have no funds. If the Governor's Office and certain categories of Executive Branch employees and thirty nine different constituent units of higher education, each negotiating their own contract as an employer. That's just within the Executive Branch. And we're unique in our stretching out to include the Judicial branch and the Legislative branch and who's going to represent us

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in those functions and what kind of coordination is planned for in this law? Who are the employees? How are they to be grouped together? We've managed to lump together supervisors and non-supervisors and a number of different areas. We've extended Collective Bargaining rights to management personnel, whatever that means. What it really means is a denial of the management function at a time when we should be trying to figure out how to streamline State government and make it more efficient and more responsive to the needs of the people of this State; stressing the need for strong management, strong supervision, trying to figure better ways (Tape 45) of getting the job done in a more economical way, what do we do? We tell management and State employment, you aren't management, you are part of the bargaining unit. You are one of the employees. And how many units will we have? No one knows, of course. We have 42 separate employers under this act, one of which is the Governor for 40,000 State employees. How many contracts will come before us? How many units will we be dealing with? How many different groups? A hundred, two hundred, three hundred? Do you have any idea of the chaos in New York City where they failed to limit the number of bargaining units and contracts all expire on fiscal years and every group of employees come April, May and June are demanding to bargain and you must meet with them or you are in violation of this Act so you must have the staff to meet with a hundred or two hundred or three hundred different groups of employees, each demanding their own rights. Without any obligation that they be consistent. You cannot turn to one group and say we refuse to discuss the number of steps in the salary schedule because we have adopted a seven step schedule. It is the right of every group

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that comes before us to adopt a different salary schedule or a different pension plan or a different insurance program. You may refuse that at the bargaining table, but they have the right to negotiate for it. And how many people do we have on Board to represent us so that it will not be in violation of this law? Zero. And what is negotiable? Everything. No concern for management rights. No concern for the responsibility of the Chief Executive Officer to direct this operation of government. No concern for pension plans and what that has led to in New York City and other jurisdictions. And what do we do in the event of impasse? And how do we administer the law? And what special privilege that was granted different groups of employees under this law? Are we proud of this step? The concept is great but Collective Bargaining is a tool for better government. It's not a right inherited by State employees. They're not constitutionally granted the right of Collective Bargaining. If we choose to extend it to them great. It's a process to resolve disputes and make labor and management work together harmoniously, if properly structured. But it has to be carefully done. How carefully drawn was this Bill? How many times has it changed in the last forty eight hours? How many different versions were given to us to examine that had not gone through Committee? Unfortunately, it's one of those laws which is very difficult to correct. When you establish Collective Bargaining, you live with it. Once you have those contracts and those units, it's impossible, very difficult to change them. If you grant 17 employees in the Bridgeport Office of the Welfare Department a bargaining unit and extend to them contractual rights, you

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can't in the middle of that say gee, we changed our minds. We want to group you with the New Haven Social Workers. Once you start the process you've got it. That's where New York City is. Collective Bargaining yes. Properly done. If improperly done, it's a nightmare and it lives on. It's not an error that once made, we can then correct next year. It's not a one shot deal on pay raises or the number of sick days you've going to give State employees, etc. It's a system and we are adopting a system that is going to strangle us and strangle the Governor of your party. And it's wrong. We should be concerned about efficient, good, economical government and the way this Collective Bargaining process has been structured, we will not have it. We think we are bargaining because of the pressures of annual increments and binding arbitration, other issues which labor has an interest in and somehow this whole, huge world of Collective Bargaining got involved. And discussions were taking place and causes drafted in that midnight corridor-type process and that's no way to adopt a system as important and significant as collective bargaining. We really should not pass this law this year. I hope you will vote no.

THE SPEAKER:

Will you remark further on the Bill? Gentleman from the 123rd.

REPRESENTATIVE BAEHR (123rd):

Mr. Speaker, I think we have a very serious matter that we have listened to in great depth. I would like to make a few general comments that I think would be pertinent to our thinking. For those who believe that Collective Bargaining for public employees is either desirable or inevitable, it is important to understand the problems arising out of the basic differences

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between Collective Bargaining in the public sector and Collective Bargaining in the trade union or industrial sector. There are similarities and there are dissimilarities and it is the dissimilarities which give us the most trouble. In private enterprise, authority is located at the top of the organization. Delegation of authority is usually clear in its scope and magnitude of responsibility in labor relations can be defined with a reasonable degree of decision. In Democratic governments on the other hand, ultimate authority is at the base of the structure rather than at the top. The people, the taxpayers, the people who are involved in your and my district elect their representatives, define their authority within constitutional limits and provide internal checks and balances or oversight arrangements to insure that the will of the majority prevails in decision making. Relationship of the employer and the employee and the public context must stand with the fundamental premise that the public interest is paramount. While the will of the majority and the public interests are not always the same in a democratic society, the citizens have little trouble convincing their elected representatives that these concepts are synonymous. The difference in the location of basic authority and the way in which basic operating authority is exercised in government causes many of the complications that exist in public service labor relations. Unions complain their inability to get a yes or a no in private enterprise. This attitude denies the reality which cannot be changed. The same attitude

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is frequently evident in the impatience of the public with the delay on the part of public management in resolving issues relating to union demands. There are frequent complaints about the way in which management authorities exercised in governments. While leaders have defined authority to act as management the action the action they take is strongly affected by the need to weigh and balance the divergent interests of the labor groups among the citizens they represent, and the units with which they must deal. A union dispute in the public sector transcends the issues of pay or benefits or working conditions far more than a similar dispute in the private sector. At stake may be essential services, the denial of which will set off a chain of crippling consequences which will affect everyone of us. New York City teacher's strike is probably the best example. The union issue was job security. To the City Government and the School Board, the issue was broader and the confrontation was not just labor and management, it included groups representing educational, civic, political, racial and religious interests. The real issue is one of public policy. In this case, public educational policy; a policy so fundamental to the welfare of the community that it was surrounded by a measure of pressure politics and prejudices of such complexity as to obstruct any resolution through traditional dealings. For collective bargaining to work in the public sector, there must be a willingness on the part of public employees to make an election; an election to seek all private benefits at the bargaining table and to refrain from lobbying activities with the Legislative Branch. If

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public management is to deal in good faith at the bargaining table, it must be assured that employee groups will not seek the best of both worlds. Many get what they can at the bargaining table and later bring political clout to bear on the Legislators to get additional Legislative economic concessions. This double barrel approach by employee groups has been all too prevalent in the past and that can be proven through many, many areas. The necessary delegation of bargaining authority given to the Executive by the Legislature leaves the Executive with the political credit for the benefit increases and the Legislature with the responsibility for raising the taxes necessary to pay for the increased benefits. The taxpayer pays in the long run. You can answer for the cost of this Bill to your constituents in your area and the cost will be substantial and they are the ones who are going to pay for it. I think it is an unwise Bill. It makes no major contribution to the efficiency of the State. It does nothing to assist the welfare of the people that I can see in the future. I think it is a bad Bill and I would hope you would oppose it. Thank you.

THE SPEAKER:

Gentleman from the 39th.

REPRESENTATIVE MARTIN (39th):

Thank you Mr. Speaker. Mr. Speaker, at the start of the day, approximately 5 hours ago, Speaker Kennelly set down some guidelines to encourage those of us who might be lax at some time or other to stay within the Chambers. With certain exceptions to those guidelines, I've remained in the Chambers for approximately four hours. I listened to the debate. I haven't participated in it because I thought the debate was very fruitful

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and very beneficial. Both sides of the aisle made their point and we took positions on those points. I was persuaded by the debate to support many of the Amendments that were presented and I viewed the Amendments to be Amendments presented in good faith to try to make a good Bill a better Bill. I support the concept of Collective Bargaining. I have reservations about this Bill as I've had reservations about some of the 500 other Bills we voted on here today, but in the final analysis, I'm satisfied that it's a beginning. I think one of the things we lose sight of is that we are not in the same situation as New York City or the various cities and towns of the State. We have within the authority of this Legislative body, the opportunity in the future to make changes within this Legislation if changes are warranted. I'm further satisfied in my own mind, that although we may not have, as Mr. Post points out, the expertise within the administration, to do the necessary negotiations that might have to take place, I will assure you that you become expert in the area of bargaining very quickly when you have to sit down and do the bargaining. I'm satisfied that there are going to be responsible people on both sides of the table. I don't look at labor as somebody with horns in the top of their head sitting out in front of the capitol with a dump truck, waiting to load it up with the treasury of the State of Connecticut. I look at labor and representatives of labor as people who want to sit down, negotiate on behalf of the people they represent a working agreement so that they know on a year to year basis, where they stand. I would hope that responsibility will prevail on both sides.

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I think the Amendment that we have adopted in the area of giving the General Assembly an opportunity to function in the area of approval during the times they are going to be meeting as a Legislative body is a good Amendment. I compliment Mr. Post for bringing it to the attention of the General Assembly and I compliment Mr. Motto for recognizing it as a good Amendment and joining with him in getting the Amendment adopted. But I think one of the things we have to realize is the employees of the State of Connecticut are no different than the employees of the cities and towns of the State of Connecticut and if you start out with the philosophy that you're going to give away the State of Connecticut's treasury because you're going to go into Collective Bargaining, then you must have some idea in your mind that they're injustices that have been done in the past and exist in the present. I feel it's going to accomplish a great deal for the community and for this State. It's going to give labor something that they haven't had before; an opportunity to be able to arrive at the kind of benefits they're entitled to without going through the political processes they've had to in the past. It's not my intent to discuss this matter in great (Tape 46) depth. It's taken place. I would encourage the Members of the General Assembly to vote it up or vote it down. I'm going to vote with it because it's the only vehicle I got to vote for. I'd be less than honest if I didn't admit that some of the Amendments that I supported I would have liked to have seen passed and they probably would have made a good Bill a better Bill. But this is a good Bill. It's going to move in the area of addressing the needs of the State insofar as the employees are concerned and as I pointed out earlier, we have within the jurisdiction of the Legislative body the authority

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to go in once we find out we may have problems in the future and make adjustments. I think we're dealing with responsible people and I'm satisfied we'll get responsible conduct. Thank you.

THE SPEAKER:

Gentleman from the 36th,

REPRESENTATIVE TIFFANY (36th):

Mr. Speaker, for a Legislative intent, I'd like to ask through you sir, a question of the Chairman of the Committee.

THE SPEAKER:

Please frame your question.

REPRESENTATIVE TIFFANY (36th):

I would call your attention to page 6, Line 216 of the Bill where it calls for no election shall be directed by the Board during the term of a written Collective Bargaining agreement except for good cause. And my question through you, sir, is can he define what good cause is or give me several examples thereof.

THE SPEAKER:

The gentleman of the 2nd care to respond.

REPRESENTATIVE MOTTO (2nd):

Yes, Mr. Speaker. I think good cause, through you Mr. Speaker, would be for example, of just cause, would be after an election, a union went out of business, perhaps ceased to exist. Another cause for just cause would be where an election has taken place and an intervener had not been given an

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opportunity to be on the ballot - something like that would probably be just cause.

REPRESENTATIVE TIFFANY (36th):

Thank you Chairman Motto.

THE SPEAKER:

The gentleman from the 36th has the floor.

REPRESENTATIVE TIFFANY (36th):

Mr. Speaker, as I said earlier this afternoon, I've not spoken at length or numerous times on this Bill, but I am this evening, very disheartened that I have to stand here and speak in opposition to this Bill. I think earlier in the week, as I indicated previously, Chairman Motto and myself and other members of the Legislature met at some length on this and have come to what we thought or what I thought at least, was a middle of the road bargaining Bill which gave right to certainly the employee groups and at the same time, maintain a balance by protection of the rights of management which in fact is the administration and the residents of the State. However, forces outside this Chamber brought to bear and numerous changes were made and I would like to indicate at least four changes which I think make what was a good Bill a poor Bill. And the first is that we have failed to exclude the Legislative and Judicial branches of government from Collective Bargaining. We remarked at length earlier this afternoon on this and I think the disadvantages of enabling the Legislative branch and Judicial Branch to become involved in Collective Bargaining have been pointed out. Another drawback, I feel, and again I would indicate, was in one of the earlier versions of the initial Amendment

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that is a reasonable definition of a strike. Section 10 of the Bill as it is presently in the file prohibits strikes yet, it fails to define strike in any form. Another weakening of the Bill, at least in my opinion is we have drastically changed management rights clause and lastly, we have failed to protect the right of the Personnel Commissioner to properly designate what units the administration will bargain with. I feel now that it is as poor as Representative Post indicated - a Bill that's in poor balance and , therefore, I must vote against it.

THE SPEAKER:

Will you remark further? The gentleman from the 70th.

REPRESENTATIVE HANLON (70th):

Thank you Mr. Speaker. Although several aspects of the Bill have been discussed in the course of discussing the Amendments, Mr. Speaker, I do have a questions through you, to the gentleman reporting out the Bill.

THE SPEAKER:'

Please frame your question.

REPRESENTATIVE HANLON (70th):

Through you sir, directing your attention to Line 57 and 58 sir, could you tell me or give me a definition for other concerted activities.

THE SPEAKER:

Does the gentleman care to respond?

REPRESENTATIVE MOTTO (2nd):

Through you Mr. Speaker, would you refer to those lines again please?

REPRESENTATIVE HANLON (70th):

Yes sir. Lines 57 and 58.

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REPRESENTATIVE MOTTO (2nd):

Through you Mr. Speaker, I think perhaps such things as improved medical benefits or surgical benefits or something of that light.

THE SPEAKER:

Gentleman of the 70th.

REPRESENTATIVE HANLON (70th):

Through you sir, with Lines 57 and 58 authorize employees to engage in such activities as work slowdowns?

THE SPEAKER:

Do you wish to respond?

REPRESENTATIVE MOTTO (2nd):

Through you Mr. Speaker, we have covered that in the prohibitive practices and other areas of the Bill.

REPRESENTATIVE HANLON (70th):

Through you sir, would not work slowdowns and activities of that nature not be included within the term other concerted activities?

THE SPEAKER:

Gentleman from the 2nd.

REPRESENTATIVE MOTTO (2nd):

Through you Mr. Speaker, what we removed with our original Amendment was a secondary boycott.

REPRESENTATIVE HANLON (70th):

Through you sir, I don't believe the response is responsive to the question.

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THE SPEAKER:

The gentleman from the 70th has the floor.

REPRESENTATIVE HANLON (70th):

Thank you Mr. Speaker. Through you sir, directing your attention to Lines 556 through 559, regarding conflicts between an agreement reached between the employer and employee and any provisions of any general statutes or special acts, through you sir, would this authorize the entering into an agreement with authorized work slowdowns or strikes notwithstanding general statutes to the contrary?

THE SPEAKER:

Does the gentleman care to respond? The gentleman from the 70th seek to relinquish the floor or does he intend to proceed with the debate?

REPRESENTATIVE HANLON (70th):

I'm sorry Mr. Speaker. I was just awaiting response. I am going to support this Bill although reluctantly, Mr. Speaker. I believe that a lot of the problems that Mr. Post brought out in the course of presenting his Amendments had a lot of validity. I believe that frankly, there's a lot of area for problems in administering this Bill, not only the money, but also the legal problems that are going to be encountered. However, one very grave reservation that I had about it with respect to the ability of this General Assembly to either accept or reject a Collective Bargaining agreement after it was reached has been resolved by the adoption of Mr. Post's Amendment in the form of Amendment N, I believe. I will support the Bill however, with grave reservations. Thank you, Mr. Speaker.

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THE SPEAKER:

The Chair would note that debate on this matter began at 5:00 this afternoon. This Chamber has considered the Bill and House Amendment Schedules A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T and U. The entirety of the file has been examined, discussed, debated to an exhaustive and I am indeed sure for the Chamber, an exhausting experience. It would seem to the Chair that the Members after five hours of such careful scrutiny and consideration might well be prepared to vote. The Chair would certainly hope that no Member of this Chamber seeks to take advantage of the Amendment process for dilatory reasons. And the Chair does not suggest for one moment that that was the basis of the Amendments offered by the gentleman from the 62nd. But it does occur to the Chair that considerations been full free. Debate has been extensive, indeed in the extreme. And is the Chamber prepared to vote? If the Members will be seated, the staff will come to the aisle and the machine will be opened. Will the Members please be seated. Will Staff and all guests retire from the floor area during the pendency of this or any other vote in this Chamber. Have all the Members voted? The machine is still opened. Have all the members voted? Is your vote properly recorded? If so, the machine will be closed and the Clerk will take a tally. The Clerk will please note the lady from the 108th Assembly District cares to be recorded in the negative.

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THE CLERK:

Total Number Voting	144
Necessary for Passage	73
Those Voting Yea	116
Those Voting Nay	28
Those Absent and Not Voting	7

THE SPEAKER:

The Bill as amended by House Amendment, Schedule A and N is passed.

The gentleman from the 34th.

REPRESENTATIVE O'NEILL (34th):

Mr. Speaker, I move for Suspension of the Rules for the immediate transmittal to the Senate of this and all other items acted favorably upon that need further Senate action.

REPRESENTATIVE STEVENS (119th):

Mr. Speaker, I object.

THE SPEAKER:

(Tape 47)

Gentleman from the 119th objects to Suspension, for immediate transmittal. Gentleman from the 119th.

REPRESENTATIVE STEVENS (119th):

Mr. Speaker, I object only because Members feel that they were cut off from debate by the action of the Chair in opening the machine as he did. And I'm using the objection, Mr. Speaker, to voice my reason therefor because free and open debate has been a principle of this House. I'm expressing to you Mr. Speaker, the feeling that Members have expressed to me who were on their feet asking for recognition.

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and locked. Will the Clerk please tally the vote.

TOTAL VOTING	32
NECESSARY FOR PASSAGE	17
YEA TOTAL	32
NAY TOTAL	0

The Bill, as amended, is adopted. Mr. Majority Leader, you are looking very pensive. Do you think we ought to get the Glee Club in here for a little while?

SENATOR LITBERMAN:

I could use a few spirituals, Mr. President. Mr. President, unless someone has other business to suggest, that completes the business on the Calendar. I would, on a point of personal privilege, like to suggest that we proceed to a discussion of the Collective Bargaining Bill that is now being debated in the House of Representatives, that is Substitute House Bill No. 5179, File No. 921. The Senators have on their desks an Amendment that has been offered and adopted in the House by Representative Motto of the Second District. Perhaps it would expedite discussion and consideration of this matter if we began such a discussion at this time and, for that purpose Mr. President, I would yield to Senator Baker, the Chairman of the Committee on Public Personnel.

SENATOR ROME:

Point of order.

THE CHAIR:

Senator Rome.

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for the Bill.

THE CLERK:

I have the Bill, Senator.

SENATOR ROME:

I thought you might appreciate that and we might have needed that at this point. MR. President, while we're waiting for the Members of the General Assembly and not to take away any of the precious time - it will undoubtedly be denied me later - I'd like to make a point of personal privilege which I understand is still in order in this Chamber. Mr. President, we're going to be debating a Bill House Bill No. 5179, File No. 921, AN ACT CONCERNING COLLECTIVE BARGAINING FOR STATE EMPLOYEES. I submit to you that there are twenty eight to thirty Amendments and perhaps in my judgment, knowing the differences in philosophy between some members of the Majority and Minority parties on this issue, perhaps only seven to ten or twelve of these, being very technical Amendments and being important clarifications to the Bill, might have been adopted, in a different atmosphere.

I understand the message that has come down from high - the Bill is going to go tonight and they'll be no Amendments, including some very vital Amendments that was left out of the Bill which I'm sure in honesty Senator Baker will agree.

SENATOR BAKER:

If I could be recognized.

THE CHAIR:

Senator Baker.

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SENATOR BAKER:

Mr. President, I would like to clear up what I consider to be a misunderstanding. I had a conversation with Senator Rome in which he showed me an Amendment which related to retirement benefits. And I stated to him that I thought that the Amendment was good, but it definitely was not germane to Collective Bargaining and that I didn't see that it could be added at this time. And I would simply state that because I don't think it relates at all to this Bill.

SENATOR ROME:

My point, in brief, and I'll conclude, is very simply that this Bill could have been debated and given at least as much time as was - whether or not the whale ought to be the State Animal or the Homosapien. At any time, months and weeks ago. And if it had, we would not be arguing points of order or we would not hear that the Governor's Office has sent word that you must cut off debate. These are not the kinds of things that I would have expected of this Chamber.

SENATOR FAULISO:

Mr. President, point of order.

THE CHAIR:

Senator Fauliso.

SENATOR FAULISO:

I don't think the Governor is here to defend herself. I think these sweeping allegations should not be made. I haven't received any word from anyone, either from the Deity, from the Governor or from Senator Rome. If he wishes to make these self-serving statements, I think he's doing an injustice to this body.

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SENATOR LIEBERMAN:

Mr. President.

THE CHAIR:

Senator Lieberman.

SENATOR LIEBERMAN:

Mr. President, I don't know that the Clerk has called the Bill but I do want to indicate that it is an important Bill. We've tried now for a half hour or more to begin discussion of it. Senator Rome's continued inuendos toward everyone, including people who are not here do nothing but limit the opportunity for debate and, therefore, I would ask that the Clerk call the Bill and that we proceed to the debate at this time.

THE CLERK:

The Clerk has in his possession, Favorable Report, Joint Standing Committee on Appropriations, Substitute House Bill 5179, AN ACT CONCERNING COLLECTIVE BARGAINING FOR STATE EMPLOYEES. The Bill is amended by House Amendment, Schedule A and N which Amendments are on the desks or are being passed out at present.

THE CHAIR:

The Chair recognizes Senator Baker.

SENATOR BAKER:

Mr. President, I move for acceptance of the Committee's Favorable Report and passage of the Bill as amended by House Amendments A and B.

THE CHAIR:

A and N.

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SENATOR BAKER:

A and N.

THE CLERK:

The Clerk is in possession of some twenty eight Senate Amendments, as introduced by Senator Rome.

SENATOR LIEBERMAN:

Mr. President.

THE CHAIR:

Senator Lieberman.

SENATOR LIEBERMAN:

Mr. President, on a point of order, I would move, under our Rules, in the interest of planning and proper discussion within the time allowed, to limit debate on this question to one hour and twenty five minutes. My mathematics are correct. In other words, my Motion is to close debate on this issue at 11:45. That will leave us fifteen minutes for any Bills, other Bills and there is one of particular interest to one member of this Chamber that may be coming up from the House prior to our mandatory adjournment time of Midnight.

THE CHAIR:

Senator Rome.

SENATOR ROME:

Mr. President, I obviously rise to oppose the Motion. The Motion ought to have been made to limit the Chairman of the Committee from bringing out the Bill. The Motion ought to have been made to this body to take the Bill and press with it in the House when it first appeared on

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the House Calendar and thereafter in this body. This is an unprecedented Motion which I have never heard from either party, during my five years and I sit next to a man who's been here for a good many more than five years. I dare say he's never heard such a Motion either. If, in fact, Mr. President, this was a Bill which had not been considered, it was brand new matter and it's come up in the last couple of days, I would be totally out of order to insist that we have at least as much debate on this as the Whale Bill. But I am not out of order in suggesting that the Majority Leader has abused the privilege that extends to a body with twenty nine members of his own party. And I understand what powers that privilege will grant to him and will grant to him very shortly.

I'm sad that we come to this point and it could have been avoided not by my action, but by yours. I'm not going to debate that point any longer and I could go on and debate that. And as a matter of fact, continue to talk for the full two hours because I now have the floor. I recognize what you're going to do. I'm going to press each and every one of my Amendments. I intend to debate the merits of each and every one of those Amendments and if you cut me off, you'll be cutting me off because you have chosen to do so and, despite what some of the Senators might say, because you have the word.

THE CHAIR:

Let me make it clear, what this Chair does tonight will be done under the Rules promulgated by this body, sticking strictly and adhering very, very strictly to the Manual as I have read it. If necessary,

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with reference to Mason. And whether or not this is an unprecedented request, it is nonetheless stated as a proper one in the Rules of the Senate of the State of Connecticut.

SENATOR HANNON:

Mr. President.

THE CHAIR:

Senator Hannon.

SENATOR HANNON:

Mr. President, I rise in support of the Motion to curtail debate at a specified time. They are pursuant to Rules of the Senate which were adopted on opening day in January. They are pursuant to Rules which were adopted in unanimity by all Members of this Circle; Rules which were adhered to by thirty six Senators on opening day. It is a parliamentary question which is properly before this Chamber and it seems to me to be dilatory on behalf of the gentleman from the 8th to, at this late hour, to question Rules which he subscribed to on opening day. A Rule, and I quote to you, sir. Rule Number -

SENATOR SCHWARTZ:

Mr. President.

THE CHAIR:

Do you rise to make a point of order, Senator?

SENATOR SCHWARTZ:

Point of order, Mr. President. A Motion to Limit Debate is not

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subject to debate.

THE CHAIR:

The Chair, I think, has some discretion in this regard and I think that once we get this matter settled, time which is coming out of the short time to discuss the Bill itself, then there will be no further questions about it. Proceed.

SENATOR HANNON:

Thank you, Mr. President. I suggest to the Chamber Page 55 of our Senate Rules - Rule 32, number 5, to close debate at a specified time, when it was presented to this Chamber, there were thirty six Senators voting in favor of the adoption of a Rule to close debate at a specified time and now it depends on whose ox is being goured. I submit to this Chamber that it is a Rule that has been before this Chamber for five months. It has been properly moved that we close debate. It may be unprecedented but I think it is in the best interest of the Bill which will come before this Chamber very shortly and I subscribe to it.

THE CHAIR:

Senator De Nardis.

SENATOR DE NARDIS:

MR. President, I don't challenge the legality of the Motion, but I think there is an ethical and moral question involved. I think it is

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a proper Motion but I think that Members of this Senate Circle and those who are in observation should know that I don't think that there is an upper Chamber in any one of the State Legislatures that have two Chambers, and there are forty nine, that utilize this Rule at all. In fact, in the Congress of the United States, the Senate invokes it very infrequently. The most notorious user of this Motion is the United States House of Representatives and they have four hundred and thirty five Members and the Rules Committee of the United States House of Representatives has, on more occasions than not, in the past three decades, abused the use of this kind of Rule. I think it is a sad day that we see a Motion to Confine Debate to a specified period of time in an upper Chamber with thirty six mere Members when, in fact, it is not all the custom of the upper Chamber of any deliberative body in this country, to utilize this tactic.

And of course it's being utilized because there is only an hour and a half to go, but who's fault is it that there's an hour and a half to go on this important subject? A subject that's been before every General Assembly for the past eight years; a subject that has been debated in and out of Committees since I've been here, vigorously; a subject that has been attracted wide interest for the last three or four years and a subject that was almost number one on the Agenda of this General Assembly when we started in January. It was one of a handful of issues that were considered paramount issues this year and now we find it at 10:30 on the last Wednesday - on the first Wednesday after the

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first Monday in June. I think it's deplorable and shameful and, while I don't challenge the legality of the Motion, I think it's a crying shame.

THE CHAIR:

Senator Lieberman.

SENATOR LIEBERMAN:

MR. president, if my friends on the Republican side would stop spending so much time on this Motion, we might get to the substance of the issue which they're presumably so anxious to get to. But let me just make this point. There's a question of form and substance here and what I hear in the remarks of Senators Rome and DeNardis is that they prefer the form to the substance. We are about to consider, and I hope adopt, an historic and profound piece of Legislation. I think we've considered all Sessions, our Committee has been working on it hard and we have enough time to discuss it rationally, and I think that any of us whose minds are not made up at this point have plenty of time to look at the Bill, follow the discussion and make up our minds. I would hate to see this profound accomplishment frustrated for lack of time. And that is the effect of the opposition to this Motion. The question is, do you prefer a procedural intricacy and technicality or do you prefer to accomplish something that has the most significant meaning to the 40,000 people who work for the State and indeed, to all of us in the State?

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THE CHAIR:

Senator Page.

SENATOR PAGE:

Very briefly, Mr. President. I think I would have preferred the Democratic Leadership to do just that - lead - and bring this matter up at an earlier date when each and every one of us would have had the opportunity to fully discuss this matter. I'm very disappointed.

THE CHAIR:

Thank you, Senator. Are we ready to proceed?

SENATOR LIEBERMAN:

Mr. President, I ask for a roll call vote on the Motion, please.

THE CHAIR:

Motion to close debate at a specified time has been made. A roll call has been requested.

SENATOR DE NARDIS:

Mr. President, point of order. May I address a question through you, to Senator Lieberman with regard to the implications of his Motion? Does the Senator mean that if we haven't fully taken up all the Amendments that we will be foreclosed from doing that simply because the clock strikes 11:45? If we have one more Amendment, for example, to go, are we foreclosed from dealing with that because the hands of the clock read 11:45? That is my question, through you, Mr. President, to the Majority Leader.

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THE CHAIR:

Would you care to respond, Senator Lieberman?

SENATOR LIEBERMAN:

Mr. President, my answer is yes.

THE CHAIR:

Thank you. Will the Clerk kindly announce a roll call vote in the Senate immediately?

THE CLERK:

Immediate roll call vote in the Senate. Would all Senators please return to their chairs. An immediate roll call vote in the Senate. Would all Senators please return to the Chamber and take their seats. Immediate roll call in the Senate. Would all Senators please return to the Chamber and take their seats.

THE CHAIR:

The machine is open. Will the Senators please vote. The machine is closed and locked. Will the Clerk please tally the vote?

TOTAL VOTING	34
NECESSARY FOR PASSAGE	18
YEA TOTAL	26
NAY TOTAL	8

The limit on debate is adopted.

SENATOR FINNEY:

Mr. President.

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The Clerk has Senate Amendment A as offered by Senator Rome. It's LCO No. 9867, AN ACT CONCERNING COLLECTIVE BARGAINING FOR STATE EMPLOYEES.

THE CHAIR:

Senator De Nardis.

SENATOR DE NARDIS:

Mr. President, I would move the adoption of this Amendment and I'm not sure whether there are copies on the desks of the Senators, but it's an extremely important Amendment and one that should be carefully followed because it's quite complex. And I certainly would waive the reading of it but I may have to make reference to some of the language because it makes a change in Line 603 and it adds a new section 14. A section which is absolutely vital to the Bill and I mean that, if we are to pass it. And I really don't know what posture the House is in at the moment, but if there is a chance to pass it here and get it there for action, I think that it will correct what might be a grave injustice. It has to do with Members of our State Employment Service who may be denied certain rights if this Bill is passed in concert with the age 55 Bill that was passed earlier.

If you have the Amendment before you, I would be glad to try to explain, though I don't pretend to know all of the intricacies of it. Well, I'll have the Clerk -

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THE CLERK:

Copies of this Amendment were prepared by the Minority and were given to the Clerks and they were passed out and put on the Senators' desks. All Minority Amendments.

SENATOR DE NARDIS:

This is by far, and in my opinion, the most important and really critical Amendment.

UNIDENTIFIED SENATOR:

Mr. President, through you, could you give me the LCO number of that Amendment because I do not have that Amendment on my desk.

SENATOR DE NARDIS:

The LCO, as I recall you reciting it, was 9867. Mr. President, to expedite matters, I will read it because it is relatively brief. And I'll try to read it in such a way that it's not simply words to you but something that you can follow.

It would add, in Section 14, new language. E. A Member who leaves State Service prior to June 30th 1980 and before he is eligible for retirement, but after completing at least ten years of State Service, of which at least five years shall have immediately preceded the date of his leaving State Service, shall continue to be a Member and shall be eligible for a retirement income as provided in subsection d of this Section, but on a reduced actuarial basis, as determined

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by the Retirement Commission provided such Member has reached his 50th Birthday prior to June 30th, 1980. Such vested retirement income shall not be subject to divestiture by subsequent employment unless the Member withdraws his retirement contribution.

Mr. President and Members of the Circle, what I think the implication of our passing the Collective Bargaining Bill, without passing this Amendment reduces itself to is this. We passed Legislation earlier whereby people could retire at - well, we have the present system where people can retire at age 50, but under the Bill that we passed earlier, they may retire at 55 because they - now, there are a group of people who are presently 45 years of age or older and they will have 25 years of service by 1980. What this Bill attempts to do, as I understand it, and again, this is on the advice of Counsel, that this Bill would provide for a Member to retire prior to June 30th, 1980 who has completed ten years or more of State Service, provided the person has reached the age of 50 on June 30th, 1975. In other words, what we have overlooked are present people who are vested with the ability to retire at age 50 but we don't let them retire at age 50 under the changed Legislation that we will be enacting. So that there are presently, in place, a group of people who fall within a crack and whose retirement potential is adversely affected unless this Amendment is adopted and I would refer this matter to the Chairman of

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the Committee whose command of the subject I feel is probably more expert and more complete than mine.

SENATOR BAKER:

I rise. I'm not sure I'm the one he's referring to because I'm not sure that I have any great expertise in this field. I feel that the field that is being referred to by Senator De Nardis is really not relevant to this Bill - Retirement Benefits on a whole - are you claiming that they belong in this Bill? That we should establish in this Bill the Retirement System? Maybe - perhaps I'm not being political. Perhaps I'm being dense but I can't see how relevant that this relates to Collective Bargaining. That's what we're talking about here tonight. We haven't had a chance to get to it the last hour but I don't feel that this is relevant. Conceptually, the idea may be great. I oppose the Amendment.

THE CHAIR:

Question is on the adoption of Senate Amendment, Schedule A.

All those -

SENATOR DE NARDIS:

Mr. President, I will call for a roll call vote but if I may be permitted a minute to consult with Counsel, to answer Senator Baker's query. I understand that it is germane and it is important and it is a missing link but I would prefer to re-consult with Counsel on the subject. I move a roll call and if we could just stand at ease for a minute - I will -

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THE CHAIR:

Nobody has raised a question of germaneness to the Chair for a ruling. There was no ruling requested.

SENATOR DE NARDIS:

It's not germaneness but if the Circle left with the attitude that Senator Baker presents, that it is unimportant and irrelevant, then we may be missing the boat on a vote to reject the Amendment and it may be a missed opportunity.

SENATOR BAKER:

Mr. President, through you, I did not say that the Amendment was not unimportant. I simply stated that I felt that it wasn't relevant to this Bill.

THE CHAIR:

I understood that, Senator Baker.

THE CLERK:

Roll call has been ordered in the Senate. Would all Senators please return to the Chamber. A roll call has been ordered in the Senate. Would all Senators please take their seats.

SENATOR DE NARDIS:

Mr. President.

THE CHAIR:

Senator De Nardis.

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SENATOR DE NARDIS:

I would stand by my earlier comments that there are a group of people in the State Service who will not be - whose rights will be impaired for at least a year unless this Amendment is adopted and this is as appropriate a vehicle to accomplish that. In fact, it is the only vehicle to accomplish that to right the particular wrong that I cited and I would urge adoption of the Amendment.

THE CHAIR:

Senator Murphy.

SENATOR MURPHY:

Mr. President, through you to Senator De Nardis. I listened very intently to what he had to say and, as Senator Baker, I think expressed himself, I likewise may be dense, but I'm at a loss to understand how this group is omitted or left out under the terms of this Bill and if Senator De Nardis would care to, Mr. President, I would appreciate his explaining that to the Circle.

THE CHAIR:

Senator De Nardis, do you care to respond?

SENATOR DE NARDIS:

Yes, Mr. President. I am simply, at this point, carrying a message from Counsel and I don't pretend to know the intricacies of this matter. But as I understand that there is some disharmony between the Bill to allow retirement at age 55 and a small group of people who will be divested or whose rights will be impaired as a result of that Bill when measuring against the present system. And I go over the ground again, but I don't think you'd understand it with any reater

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clarity. But I don't think that I'm speaking frivolously and making an unwarranted claim or I wouldn't be standing before you. In fact, I thought it was something that would have been repaired by the Majority Party since they have been instrumental in framing and pushing Legislation through here and all past days of this General Assembly.

THE CHAIR:

A roll call vote has been requested. Is the Circle ready to vote? The question is on the adoption of Senate Amendment, Schedule A. The machine is open. Will you please cast your votes. The machine is closed and locked. Will the Clerk please tally the vote?

TOTAL VOTING	31
NECESSARY FOR PASSAGE	16
YEA TOTAL	8
NAY TOTAL	23

Senate Amendment, Schedule A is defeated.

THE CLERK:

Clerk has in his possession, Senate Amendment, Schedule B, offered by Senator Rome. It's ICO No. 9943.

SENATOR ROME:

Mr. President, Members of the Circle, before moving adoption of this Amendment and realizing that the debate is going to be limited to quarter to twelve, and realizing that in order to affect a change in that, I'm going to have to violate some of my own rules and to impose some unnecessary burdens upon this Chamber, including the burden of hearing me make constant points of order and personal privilege through

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which I can delay the Bill and perhaps meet the clock, I would like to use ten minutes of my time to have a recess, to reconvene at 11:00. During that period, I'm going to take the Amendments that I have and boil them down into those Amendments which I consider absolutely essential and to proceed with those and only those Amendments. Hopefully, it will be not more than a few so that we can have significant debate on each of those Amendments. I think it would be productive of our time. I believe there are Amendments that are vital to this Bill. I know they may not pass. I know they will not pass. But I also know that the points that are to be made should be made and those Amendments so that we may be able to correct the Bill in a subsequent year. My request - this is not a Motion - my request is for a recess for not more than fifteen minutes or ten minutes at the discretion of the Majority Leader.

THE CHAIR:

Senator Lieberman.

SENATOR LIFBERMAN:

Mr. President, I would support the Senator's Motion for a recess.

THE CHAIR:

There being no objection, the Senate will stand in recess for ten minutes.

The Senate stood in recess at 10:50 P.M.

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The Senate reconvened at 11:15 P.M., the President in the Chair.

THE CHAIR:

The recess is over. The Senate will reconvene immediately.

Will the Senators kindly move to their seats.

SENATOR ROME:

Mr. President.

THE CHAIR:

Senator Rome.

SENATOR ROME:

Mr. President, the Clerk has six Amendments which we consider absolutely essential for the Bill and the Clerk will read the Amendments and we'll proceed as expeditiously as we can.

THE CHAIR:

Before you proceed, Mr. Clerk, may I suggest to the Members of the Circle, and to the visitors that we have in the Senate Chamber, that we have a lot of work to do in the next few minutes and I would ask you to stop the conversations. The Senate has to proceed with its business in an orderly manner. I don't want it to be necessary to clear the floor. And that means that group right over there by the door. Pardon me, Senator Rome. You may proceed.

THE CLERK:

The recess has ended in the Senate. The Chamber is in Session. Would the Senators please return immediately to the Chamber. The Clerk has in his possession Senate Amendment B as offered by Senator Rome. It is LCO No. 9866. In Line 216, after the period, insert the following.

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SENATOR ROME:

Mr. Clerk, would you just wait until they're in their seats. We're not going to run out of time so I'd like them to hear it. Would you just announce the Call one more time. I think it's that important.

THE CLERK:

The recess has ended in the Senate. The Senate is taking up important business. Would the Senators please return to the Chamber at once. Recess has ended in the Senate. The Senate is taking up important business. Would the Senators please report to the Chamber at once.

THE CHAIR:

Senator Rome.

SENATOR ROME:

Mr. President, the Clerk has LCO No. 9866.

THE CHAIR:

Will the Sargent-At-Arms please take control of the Chamber in that corner? Pardon me, Senator Rome. You have the floor here. You may proceed.

SENATOR ROME:

Mr. President, it's LCO No. 9866. Line No. 216, after the period, insert the following. "In any election, the ballot shall contain a choice of no representation." Very simply, I move the adoption

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of the Amendment. Very, very simply it indicates that the employees shall have three choices or more; one of those choices is they may choose not to have a Union represent them. No organization should mandate that you must vote for one particular unit. I believe that freedom of choice is absolutely necessary. I believe it belongs in the Bill. I would hope that when we come back into Special Session if we do and I predict we will, that we take up this matter and consider it. I move adoption of the Amendment. It speaks for itself and I hope we can proceed after Senator Baker forthwith to the vote - move when it be taken, it be taken by roll call.

THE CHAIR:

Senator Baker.

SENATOR BAKER:

Mr. President, very briefly, I oppose this Amendment. The concept is great. In fact, it's provided for in the State Labor Board Regulations and, of course, any change in their regulations would be required to come before the Legislature. Since it is provided for in the regulations, I see no need to put it in the statute and I oppose the Amendment.

THE CHAIR:

Question is on the adoption of Senate Amendment, Schedule B. Will you remark further? A roll call vote has been requested. Will the Clerk please announce a roll call in the Senate immediately.

THE CLERK:

Immediate roll call in the Senate. Would the Senators please

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come to the Chamber. Immediate roll call in the Senate. Would the Senators please come to the Chamber.

THE CHAIR:

The machine is open. Will the Senators please cast their votes. The machine is closed and locked. Will the Clerk please tally the vote.

TOTAL VOTING	33
NECESSARY FOR PASSAGE	17
YEA TOTAL	6
NAY TOTAL	27

The Amendment is defeated.

SENATOR ROME:

Mr. President, I forgot to mention earlier that Senator Gunther was here all day. He had a plane to catch to Washington. He's at an important Legislative Conference in which he's a participating Member as a panel Member and it was planned some time ago. He just made his plane, I hope.

THE CHAIR:

The Senate will recognize this and the record will be noted.

THE CLERK:

The Clerk has Senate Amendment C, as offered by Senator Rome. It's LCO No. 7697. In Line 225, delete the word "no". Delete Lines 226 to 229, inclusive.

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SENATOR ROME:

Mr. President, I move adoption of the Amendment.

THE CHAIR:

Would you remark on it, Senator?

SENATOR ROME:

Mr. President, this Amendment, which was defeated in the House by a vote of 69 to 73 allows for new unions. Very, very simply, the present language of the Bill which I had hoped was just inadvertently drawn, contains the word "no" and in affect, suggests that there will be no new unions permitted under this Legislation. I can't believe that that was the intent of the drafters . I understand the hour and the lateness of the Bill. I would hope that this again, will be corrected in the Special Session. I move adoption and roll call.

THE CHAIR:

The question is on the adoption of Senate Amendment, Schedule C. If there are no further remarks, a roll call has been requested. The Clerk will announce it immediately.

THE CLERK:

Immediate roll call will take place in the Senate. Would all Senators please return to the Chamber. An immediate roll call will be taken in the Senate. Would all Senators please return to the Chamber. The Clerk would kindly ask them to stay in the Chamber.

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THE CHAIR:

The machine is open. Will the Senators please vote. The machine is closed and locked. The Clerk will tally the vote.

TOTAL VOTING	33
NECESSARY FOR PASSAGE	17
YEA TOTAL	6
NAY TOTAL	27

Schedule Amendment C is defeated.

THE CLERK:

The Clerk has in his possession Senate Amendment D, as offered by Senator Rome. It's LCO No. 9281. Delete Lines 3 and 4 and insert in lieu thereof, the following. "Connecticut and its Executive Branch included, without limitation."

THE CHAIR:

Senator Rome.

SENATOR ROME:

Mr. President, I move adoption of the Amendment and while Senator Smith's in his Chair, I wanted to assure him, lest he feels a bit remiss, Senator I did learn the lessons that you taught to me in '71 and '72 and '73. I could utilize all of those lessons, not as effectively, but as and with sufficient time consumption that we would be debating these matters beyond twelve o'clock. I didn't want you to feel that I was letting you down personally. You were a good teacher. Mr. President,

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and Members of the Circle, this Amendment excludes the Legislative and Judicial Branches. The Judicial Branch is excluded for obvious reasons and I was fortunate enough to have debate and discussion in a very rational way on the exclusion of the Legislative Branch employees this very afternoon, not debating this Bill, but discussing the issue and I'd like you to think about the situation for a moment.

Collective bargaining for persons who are admitted to your staff out of special personal loyalties, with no merit system to bring them in or examinations because of some special backgrounds and loyalties to you and suddenly you find themselves breaking those loyalties. I'm wondering if, in fact, then you really ought not to, if you adopt the language of the original Bill, very seriously consider making all Legislative employees, including caucus staff, members of the classified service and hiring on the basis of examination. Now maybe that's a good idea. I didn't get to the end of the debate on that. But that's really what I'm suggesting might be the necessity for us to come to if, in fact, we don't adopt this Amendment. I have no illusions. The Amendment will be defeated by a vote of 29 to 7. I would like you, as I would on all of these, to remember and to consider - 29 to 6, I'm sorry, Senator Gunther's not here. Thank you for the correction. But I'd like you to very seriously consider these again for the Special Session which will follow and I hope you will be able to discuss them among yourselves in the interim between now and then. I move that the vote be taken by roll call and I have moved the adoption of the Amendment.

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SENATOR BAKER:

Mr. President, very briefly.

THE CHAIR:

Senator Baker.

SENATOR BAKER:

I just would like to state that the Public Personnel Committee gave full consideration as to who should or should not be excluded from this Collective Bargaining process and, as Senator Rome has indicated, maybe what we have here is a good idea, even if he disagrees. Reasonable people may disagree. I oppose this Amendment.

THE CHAIR:

Are there further remarks?

SENATOR DE NARDIS:

Mr. President.

THE CHAIR:

Senator De Nardis.

SENATOR DE NARDIS:

Mr. President, a question, through you, to Senator Baker. Do I take it by that response, Senator Baker, that Legislative employees may be included under the provisions of this Act?

SENATOR BAKER:

That's correct. Legislative employees may be included.

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THE CHAIR:

Senator De Nardis.

SENATOR DE NARDIS:

Mr. President, through you, would that also include Judicial employees?

THE CHAIR:

Senator Baker.

SENATOR BAKER:

Could you do this one at a time, Senator De Nardis. One question - you know - the whole thing? Yes.

THE CHAIR:

If there are no further remarks, the question is on the adoption of Senate Amendment, Schedule D. A roll call immediately in the Senate.

THE CLERK:

An immediate roll call in the Senate. Would the Senators please return to the Chamber. An immediate roll call in the Senate. Would the Senators please return to the Chamber.

THE CHAIR:

The machine is open. Will the Senators please vote. The machine is closed and locked. The Clerk will please tally the vote.

TOTAL VOTING	34
NECESSARY FOR PASSAGE	18
YEA TOTAL	6
NAY TOTAL	28

Senate Amendment, Schedule D is defeated.

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THE CLERK:

Clerk has in his possession Senate Amendment E, as offered by Senator Rome. It's LCO No. 8758. In Line 230, strike out the word "board" and insert the words "the Personnel Commissioner or his designated representative" in lieu thereof.

THE CHAIR:

Senator Page.

SENATOR PAGE:

Mr. President, I move for the adoption of the Amendment.

THE CHAIR:

Will you comment on it, Senator?

W SENATOR PAGE:

Yes, I will, Mr. President. The Bill, as presently written, does not determine who shall determine the number or appoint the bargaining units and this type of Legislation could result in utter chaos somewhere down the line. And this Bill merely designates the Personnel Commissioner to determine the appropriate people to bargain and the number of bargaining units. It avoids us having fifty, a hundred, three hundred, four hundred - it avoids us having different employees from different parts of the State and different branches of government involved in the same bargaining unit. I think if we don't adopt the Amendment, Mr. President, we could have a totally unworkable Bill and I move the Amendment and move its adoption.

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And I ask that when the roll be taken, it be taken by roll call.

THE CHAIR:

Senator Baker.

SENATOR BAKER:

Mr. President, I'm not sure that Senator Page had a chance to read the Bill in full or the Amendment in full because it provides that the State Labor Relations Board is authorized to set up the Act as the administrative agency of all the Bill's provisions.

SENATOR ROME:

Mr. President, I rise in support of the Amendment. I believe that that provision ought to be in the statute. The regulations of the Board and the Board itself can change and, as a matter of fact, that provision is in the statute in New York. It is not in Rhode Island where 14,000 employees find themselves with a hundred different bargaining units or more. So I think that it's a very important provision to include in the statute. Reasonable minds can disagree, Senator. I believe they should in this case vote in the affirmative. But, again, I stand corrected by a vote of 28 to 6 they will not.

THE CHAIR:

Senator De Nardis.

SENATOR DE NARDIS:

Mr. President, this is an extremely important aspect of the Bill. Unit determination is probably the most difficult task in the area of public employee labor relations. That is to say, the decision as to the degree of inclusiveness in the bargaining unit. The group that can be

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represented by one union under one contract. This is a crucial question. This is a question which is rather easily determined in the private sector because generally we're talking about a typical factory that is reasonably monolithic in structure. It produces either one product or a limited number of products and the production force is rather easy to determine with respect to the work of the organization. But this is not the case with respect to public employers, public agencies having a tradition of across the board benefits, such as pension plans and vacation plans that are frequently embodied in general Legislation and, indeed, we have a long history of that in the State of Connecticut.

And, within the ranks of a typical State, there are workmen of a wide variety of skills from machine operators to police, to hospital workers, to park maintenance people and so on and because of the geographical dispersion of the work force, it's common to have many eschelons of supervision with little or no identification with management. All of which is to say that it is extremely important to embody in the law a collective bargaining law, how to determine units. There have been a number of tries at this with greater or lesser success and I believe that our Legislation that is before us, is faulty with that and in that respect. I would ask, before I continue further, for Senator Baker to illuminate for us the section on unit determination. Are there any standards? Are

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there any criteria to direct the Personnel Board in how to determine units?

THE CHAIR:

Senator Baker.

SENATOR BAKER:

Mr. President, through you. Of course we're talking again not about the Personnel Board, but the State Labor Board and if you will check your Amendment A, House Amendment A, which is on your desk, page two at the bottom, states that the Board shall determine the appropriateness of the unit which shall be the public employer unit or sub-division thereof. In determining the appropriateness of the unit, the Board shall take into consideration but shall not be limited to the following. Public employees must have an identifiable community of interest and the effects of over fragmentation; must not decide if any unit is appropriate if such unit includes both professional and non-professional employees unless a majority of such professional employees vote for inclusion in such unit; must take into consideration that when the State is the employer it will be bargaining on a state-wide basis unless issues involve working conditions peculiar to a given governmental employment locale and permit the faculties of the universities, state colleges, etc.

This language, Mr. President, is taken from the Pennsylvania statute which was taken to Court and was sustained by that Court. I think the standards are set forth pretty clearly in the Act.

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SENATOR DE NARDIS:

Mr. President.

THE CHAIR:

Senator De Nardis.

SENATOR DE NARDIS:

The file copy Bill then would hang principally on the question of community of interest and that, I submit allows for a great deal of interpretation. And, therefore, it is possible that we will have because of a lack of definitive standards or criteria, to direct the Board, we could conceivably have a great many units created unless there is greater precision about the criteria that should be used. And I think that if there are a great number of units, we're going to run into two or three different kinds of problems.

First of all, we're going to make the administration's job quite difficult because we'll have a number of unions who, if they choose, if they choose and I'm not saying they will, but if they choose, they could whipsaw the administration into gaining more benefits. Also, if we have a number of units, a great number of units, all thoughts of having an integrated pay plan or uniform benefit structure will be made that much more difficult. So that I think that we are making a mistake by not being more precise. But what the Amendment does that is before us, would put the -- in lieu of sharper standards in the law, it would give the Commissioner, one person, the responsibility of making those unit determinations and, therefore, increase the likelihood that there will be a fewer number of bargaining units rather than a great number of bargaining units and I think that

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is extremely important, in fact, essential in having a good Collective Bargaining procedure in this State. So I would, on that basis, support the Amendment.

But let me make it clear that I would have preferred to have more definitive standards on the subject and I think that's the important thing. But in the absence of more definitive standards, I would prefer to vest this power in the Commissioner's hands.

THE CHAIR:

Senator Bozzuto.

SENATOR BOZZUTO:

Mr. President, I rise to speak in favor of the Amendment. Some research has been done on the matter and in comparing us with a neighboring State, Rhode Island, some 14,000 employees have more than 100 units and their expenditure for this type of affair amounts to \$177,000.00 as compared to the \$25,000.00 allocated for the Connecticut expenditure. I perhaps would add or ask through you to Senator Baker, has he considered this and will additional funds be necessary?

THE CHAIR:

Senator Baker.

SENATOR BAKER:

Mr. President, through you, the Committee gave full consideration to this entire problem and it was our conclusion that no extra funds will be required, especially because of the standards set forth in the statute that will probably result in a lesser number of bargaining units.

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THE CHAIR:

Senator Amenta.

SENATOR AMENTA:

Mr. President, I rise to oppose this Amendment if for no other reason on the basis that in substituting for the Board, if you have either the Personnel Commissioner or his designated representative in lieu thereof, you could very seriously be injecting a political situation and one where you definitely don't want any political considerations.

THE CHAIR:

Senator Murphy.

SENATOR MURPHY:

Mr. President, likewise, I too, rise to oppose this Amendment and I think perhaps in the research that was done and some of the comments that have been made by the proponents of this Amendment, that they have overlooked the initial Amendment which was passed and introduced by Representative Motto in the House of Representatives before this Bill came before us. And it includes in it the number of criteria, four in number, which Senator Baker has read for the Circle. I think that it is clear that the four criteria with the number of sub-headings within is a great deal more of a guiding light for the Board than is to just name one person as this Amendment would, the State Personnel Commissioner. I'd also like to indicate that, as

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Senator Baker has said, a great deal of consideration was given as to who would determine the bargaining units and the basic and almost unanimous input from the employee representatives was that they preferred not to have the Personnel Commissioner do it. That's probably who or his or her representative they would be bargaining with and they preferred to have the Board determine the units as they would be constituted in determining who would represent them. And I think on balance, this is the best approach to this problem of determining units and I again reiterate that I think that this is a poor Amendment that's offered here tonight in light of the substitute changes made by the House Amendment and I urge rejection of this Amendment.

THE CHAIR:

Question is on the adoption of Senate Amendment, Schedule E.
Senator Beck.

SENATOR BECK:

Mr. President, I would also like to add to this that there is a fundamental distinction between having your ultimate employer make that decision and a separate Board and if we are really talking about Collective Bargaining, we do not want the person directly involved in the administration of this Act to be the one to select the bargaining unit and I think it's a very fundamental principle and a very important one to maintain.

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THE CHAIR:

Thank you, Senator. If there are no other remarks. Senator De Nardis.

SENATOR DE NARDIS:

Very briefly, I think that the Amendment that Representative Motto has put in does represent an advance over the file copy Bill. I had read the file copy Bill and I really didn't have a chance to carefully read the Amendment which has just come before us but it is indeed an improvement I would agree.

THE CHAIR:

The Clerk will please announce an immediate roll call in the Senate.

THE CLERK:

Immediate roll call will take place in the Senate. Would all Senators please return to the Chamber. An immediate roll call will take place in the Senate. Would the Senators please return to the Chamber.

THE CHAIR:

The machine is open. Will the Senators please cast their votes. The machine is closed and locked. The Clerk will please tally the vote. Senator Hannon?

SENATOR HANNON:

Negative.

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THE CHAIR:

Senator Hannon wishes to be recorded in the negative.

TOTAL VOTING 34

NECESSARY FOR PASSAGE 18

YEA TOTAL 6

NAY TOTAL 28

Senate Amendment, Schedule E is defeated.

SENATOR ROME:

Mr. President, I'm going to ask the Clerk not to call the other Amendments that I asked him to call after our recess and the reason is that we have a limited time remaining and I believe we ought to have some discussion, explanation of the Bill which is a very involved Bill and some debate in the limited time that remains to us. I would hope again, that not only the remaining Amendments but the other Amendments which we did not press this evening because of the hour, be considered seriously by the Majority in the Special Session. Many of them are merely technical Amendments, language Amendments which don't effect the philosophy of the Bill but do improve the quality of the Bill and I would hope that you would allow us to get on with the debate. I believe the Bill has been moved and I believe we ought to debate it.

THE CLERK:

The Clerk has withdrawn Senate Amendments F and G at the request of Senator Rome.

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THE CHAIR:

Senator De Nardis.

SENATOR DE NARDIS:

Mr. President, in order to, in the remaining few minutes, try best to highlight the important parts of the Bill, I wonder if I may start by asking, through you to Senator Baker, if he would explain to us briefly, another very important provision of the Bill which has not yet been touched upon and that is the question of the scope of bargaining. Would he indicate to us what is contemplated by the Bill and what is not contemplated by the Bill with respect to the scope of bargaining? Then I would have a specific question to put to him after his general explanation.

THE CHAIR:

Senator Baker.

SENATOR BAKER:

Mr. President, the Bill provides that the scope of bargaining- I'm trying to find my exact language on this - will deal with wages, hours and other conditions of employment. And that is essentially the scope of the bargaining. This is standard language, by the way, Mr. President in almost all collective bargaining Bills that have been passed in other States and I might simply state that similar language to that was set forth in the '72 and '73 Acts that were passed by this Assembly; I believe the '72 Act that was passed by this Assembly. And

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I would also point out that approximately eighteen States have enacted Collective Bargaining laws for State employees and they've all included this particular provision and scope of bargaining.

SENATOR DE NARDIS:

Mr. President.

THE CHAIR:

Senator De Nardis.

SENATOR DE NARDIS:

The area of bargaining as reported by Senator Baker is a question basically of salaries and fringe benefits and, I think as he said, terms and conditions of employment which is standard language. That is standard language if the phrase terms and conditions of employment is construed narrowly - that is if that whole phrase is construed narrowly to include such matters as hours, overtime, vacation, work rules and things of that nature. The trouble generally begins when the union interprets it in a wider respect. And I have known some unions under Collective Bargaining language similar to this where Welfare Workers have gone so far as to try to include in their negotiations the level of benefits to the clients of the public jurisdiction, where they're working. And I think that perhaps there ought to be a clarification with respect to that. But more importantly, do you see, Senator Baker, that is through you, Mr. President to Senator Baker, do you see such matters as budget, overall organizational structure, selection and direction of personnel and things of this nature as falling within or without the scope of bar-

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gaining proviso?

SENATOR BAKER:

Mr. President, through you to Senator De Nardis, to answer his last question, it's spelled out in the statute that the items that he's referred to are not part of the collective bargaining and will not be covered in this Act and it's pretty clear and pretty well stated and follows the Municipal Employees Act specifically on that and our experience on that has been no problem. I don't know to what you allude to and what State or what case as far as Welfare Workers - excuse me, Welfare recipients, but I don't see that as a problem in the language we have in this statute.

SENATOR DE NARDIS:

Mr. President.

THE CHAIR:

Senator De Nardis.

SENATOR DE NARDIS:

That did happen in one rare instance and it was, of course, disallowed but I cite it as an example, though it is extreme, of confusion that can arise over interpretation of language. I have a question with regard to unfair practices. Are there in your opinion, any language with regard to unfair practices by either employer or employee cited in the Bill that would lend itself to a dispute over

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interpretation or construction? I know that there is language and I wondered if that was a major concern of the Committee and the draftsmen in preparing this Bill.

THE CHAIR:

Senator Baker.

SENATOR BAKER:

Through you, Mr. President, I believe it is specified in both the employer prohibitive practices and the employer organization prohibitive practices in the statute. I'm not sure that I could find that specific section on that, although it does state the employers cannot violate any of the rules and regulations established by the Board regulating the conduct of various activities.

SENATOR AMENTA:

Mr. President, if I may, you'll find those in Section 3.

THE CHAIR:

Senator Amenta.

SENATOR AMENTA:

Thank you, Mr. President. Through you, I would just like to add that those will be found in Section 3. It deals with employer prohibitive practices, employee organizational prohibitive practices.

THE CHAIR:

Senator Page.

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SENATOR PAGE:

I yield to Senator De Nardis, if he will be brief. The hour is moving.

THE CHAIR:

The hour is there.

SENATOR DE NARDIS:

Yes, Mr. President.

THE CHAIR:

Senator De Nardis.

SENATOR DE NARDIS:

I won't pose any more questions because there is no more time. I do have additional questions but in order to comply with the Motion that has previously been passed, let me say that I will support this Bill. I have introduced Collective Bargaining Bills for State employees every year that I have been a Member of this General Assembly and feel very strongly that Public Employees should have the rights and opportunities of Collective Bargaining that have long ago been accorded to employees in the private and industrial sector and I think that for a State that led the way in establishing a Municipal Employees Relations Act in 1963 and 1965, being one of the first States in the Nation to establish Collective Bargaining for municipal employees, it's been just a helluva long time, too long a period of time for us to establish a

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similar Act for State employees. I can't say that I'm altogether happy with the Bill that is before us and I'm certainly not happy with the way in which we -

SENATOR FAULISO:

Sir, a point of order -

THE CHAIR:

Senator Fauliso rises to raise a point of order.

SENATOR FAULISO:

The point of order being that we agreed on a time, whether or not it was unilateral or bilateral, I think the time has come for us to vote. I would ask that we proceed with the roll call so that we could determine the issue.

THE CHAIR:

The Clerk will announce an immediate roll call vote in the Senate.

THE CLERK:

Immediate roll call has been ordered in the Senate. Would all Senators please return to the Chamber. An immediate roll call has been ordered in the Senate. Would all Senators please return to the Chamber.

SENATOR AMFNTA:

Mr. President.

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THE CHAIR:

Senator Amenta.

SENATOR AMENTA:

May I ask, through you, did we ask for Suspension and do we require Suspension for this Bill?

SENATOR ROME:

There was no - if he asks for it now, we don't intend to withhold it. May Suspension be granted to consider the Bill and to vote on it.

THE CHAIR:

Thank you, Senator.

THE CLERK:

It was the Clerk's opinion that the Majority Leader had asked for all Bills to be taken up under Suspension today.

THE CHAIR:

Are you ready to proceed on the question? The machine is open. Please cast your votes. The machine is closed and locked. Will the Clerk please tally the vote?

TOTAL VOTING	34
NECESSARY FOR PASSAGE	18
YEA TOTAL	31
NAY TOTAL	3

The Bill, as amended, is adopted.

100-100000-100000

**JOINT
STANDING
COMMITTEE
HEARINGS**

**PUBLIC
PERSONNEL &
MILITARY
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1975

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10:05 A.M.

REPRESENTATIVE POST: (CONTD.): then measure how people do in the test against what kind of job performance they later have. Do the people who do well on the tests perform the job well? What you want to do is finally develop a test, which seems to do that. So you use and reuse questions on that test. Well, one of the fundamental concepts we were learning for this psychometrician, which are the Ph.D's who are in this field of testing, you've got to reserve your test. And if you make it open for review for State employees or by applicants, what you are doing is helping them learn how to take your test. They're developing skills in how to beat your test and how to do well in your test. And that's not the objective, the objective is try to measure how well they would do in the job.

And all I want to do is to suggest that before you rush in and do something that looks good on the surface of it, mainly to allow State employees to look at their test and study the exam, you remember that the State employees will be re-taking that test and they will also as they have in the past, be remembering some of the questions, reserving those in the group within the various State employee organizations so that the employee organizations are developing a bank of questions. Later when you use those questions to select people, you may be selecting people who are good at taking tests, but maybe not good at doing the job. So a word of, just a red flag. It looks good on the surface, but there's some problems to it.

Second thought I have is on the numerous applications that the Public Personnel Committee has received this year and in the past year for different classes of State employees to receive pay increases. And the danger is that, as you may know, there are roughly 1,800 different job classes. The 40,000 State employees are divided into about 1800 different job types. And if you once embark on the process of saying that a police lieutenant should get 3-step increase, and a welfare social worker should get a 1-step increase. If you once begin a juggle within the framework of these 1800 jobs, you are taking on the burden of then reviewing each of the 1800 jobs. Obviously, it's an impossible task. Seven years ago the Legislature of what I think through it's wisdom, developed a system for doing that. It's called a Public Personnel Policy Board. That's not correct I've got too many p's. Personnel Policy Board, I guess it was called. Who's job it is on behalf of the Legislature to review each of the job classes and try and get some reasonable equity between the different job titles.

So I would suggest as a general theme we take the position that the individual groups of employees should work through the Policy Board, rather than come in with legislature for action on pay raises for their particular job. And the third, and by far the most important, and the one I'd like to offer to help you any way I can, is one that Nick and I have spent a great deal of time talking about before is collective bargaining for State employees. You have some skeleton proposals before you, suggesting collective bargaining. I would like to suggest, I would

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REPRESENTATIVE POST: (CONTD.): like to offer to help in any way I can. As you work and plan develop a collective bargaining law. I am a labor lawyer by background, the field that I work in. It seems to me there are four different issues that should be of concern to you and I just want to kind of mention this and later on when you're working on them, I'd be glad to help if I can. One is who are the employees. How many, how are you going to group the 40,000 State employees. There are two sub-issues there. One is how many units can we handle. That is can we actually spend the time working with 148 different groups, the Welfare workers in Bridgeport, the secretaries, state-wide, the custodians in New Haven and we have these little pockets of State employees, each with their own union. Or do you try and group them. And the school system today in one town they have six different bargaining units and if you talk to them you'll find that it's hard to handle six different units. It's very time consuming. At the State level, if we end up with 100, or 200, or 300 bargaining units, we would be creating a very, very difficult situation to handle. And I would think you would want to develop a systems of limiting the number of units.

Second thing on the State employee units would be, my own personal preference, to suggest if you do it in the departmental fashion rather than in category fashion. That is rather than taking all secretaries, cutting across every department, try and work vertically in departments, creating units of people who work in the Welfare Department or Corrections or Mental Health or Transportation. The reason, being, that as you cut across and the Commissioner of Welfare now has to deal with 14 different unions, secretaries, his secretaries, his custodians, his welfare, his social workers, his supervisors, his key-punch operators, he's going to have different working conditions for different classes of his employees and it would be very difficult for him to run his department. I would urge that you think in terms of vertical so that the department head the Welfare Commissioner, the Transportation Commissioner has one or two unions. It's easier dealing with their problems, trying to work out a reasonable working relationship.

Second major categories, who is the employer. When the, a classic example is when the professors at University of Connecticut come to the negotiating room, who sits across the table. Is it the President of University of Connecticut? Is it the Board of Trustees? Is it the Legislature to adopt budgets? Is it the Governor? It sounds academic but if you're going to be fair, the employees who are sitting across the table want to know if Management's representative has the authority to say yes or no.

REPRESENTATIVE MOTTO: We're only hearing on proposed bills today. And we're getting into detail. We're really limited to, you know, You know, I would welcome your input but you know that I don't have to tell you. I would like to have this committed involved with it, so you and I have said this before unless this is something we're going to, I don't mean to turn you off

REPRESENTATIVE MOTTO: (CONTD.): But I do want to stop you because there are other bills I'd like to have you just talk about

REPRESENTATIVE POST: Fine, Nick, I'll stop and offer to help. The other two major categories I'd like to identify, one is what is to be negotiable, the major issue before the committee may be collective bargaining and the third category to be concerned about is what is negotiable. Does that include the merit system? Does that include currently available statutory benefits would currently provide the State employees to sick leave and so forth. Are those things, are they as negotiable give and take on those that are in statutes. And the forth category of problems is, what are you going to do at point of impass on your arbitration stride arbitration. In the meantime that I can help you on that let me know.

REPRESENTATIVE MOTTO: Yes, I realize that. We can talk for hours on that but we're not going to. We're just talking on proposed bills.

REPRESENTATIVE AHEARN: (TOO FAR AWAY FROM THE MIKE, INAUDIBLE)

REPRESENTATIVE POST: I'm not on the committee so I can't so I don't know. I can't participate within the committee unless you

REPRESENTATIVE MOTTO: You'll be here. May I just call Dr. Wilson, because he is the Vice-President of Academic Affairs at UCONN. I'd like to just get his testimony and we'll then go back to the legislators.

DR. KENNETH WILSON, VICE-PRESIDENT OF ACADEMIC AFFAIRS: ^{HB 6676} I am Kenneth Wilson the Vice-President for Academic Programs at the University. And I come in support to speak of three bills which we hope the committee will bring to public hearing. We do not have numbers as yet but we will see to it that they are supplied you. The first is a bill which would amend Section 5-177 of the General Statutes to permit experienced faculty members to join the faculties of public higher education institutions, to purchase retirement credit for previous educational employment in certain non-state educational institutions.

This change would remove a serious barrier to the University's recruitment of experienced and distinguished faculty members from independent institutuins. Under the present statute such people can purchase credit only if their prior teaching was at a state college or university under the jurisdiction of a state board of education. In other words, people we recruit Penn State or the University of Michigan now have this privilege; those who come from the faculties of the University of Pennsylvania, Princeton, Stanford, or Oberlin do not. Frequently these exceptional faculty members from independent institutions, denied the privilege of buying into the state retirement system, are reluctant to sacrifice the equity they would lose in coming to Connecticut.

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the state employees, municipal employees should have had many years ago. It is the best way I know of to remove state employees' salaries out of the political arena. I don't think anyone should have to turn out en masse as we have had in past years and again this year to accomplish fair wages. Therefore, I heartily endorse collective bargaining.

SENATOR BAKER: Thank you Representative Matties. Are there any other legislators who want to go on the record in favor of these bills? Representative Jim Mannion from Bethel has asked me to say for the record that he is in favor of the political freedom bill.

Now I would like to turn to the major labor groups. The first one that I have on my list here is the AFL. Mr. Mike Ferrucci who will speak, I hope, for ten minutes and then we will have two other speakers.

MIKE FERRUCCI: Mr. Chairman, Members of the Public Personnel Committee, I am Mike Ferrucci, Jr., Executive Director of Council 16 of the American Federation of State, County and Municipal Employees, AFL-CIO. Our union represents more than 5,000 Connecticut state employees and I am speaking tonight in support of House Bill 5179, An Act Concerning Collective Bargaining for State Employees.

State employees for too long have been shackled by a system which, by its very nature, opposes the collective negotiation of key matters. The result of such a system of bonded indebtedness for state employees has been to deprive them of the equality and safeguards which would be available to them had they chosen virtually any other area of employment outside the state service. It is small wonder that this scandalous double standard has almost completely destroyed the morale and motivation of state employees who are rewarded for choosing state service with treatment which is very separate and very unequal from both the municipal and private sectors in Connecticut.

Wages and benefits of state employees have for too long been determined unilaterally by the General Assembly and the appointing authorities. It is neither practicable nor desirable for the Legislature to continue playing this role. This kind of unnecessary involvement robs the Legislature of time which could be better used for other deliberations and it robs the workers of a method of getting a fair shake.

My experience with lobbying before the Legislature the past four years and again this year has made the cry for collective bargaining the loudest ever. We have submitted hundreds of bills involving issues such as cost-of-living adjustments, fringe benefits and improvements in working conditions.

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The vast majority get killed without ever having a public hearing. Even those that are given a public hearing usually die in the Committee and never get a House or a Floor vote.

Let me give you just one example. Every day thousands of state workers are being forced to perform duties and responsibilities far in excess of those for which they are paid. For years we have been submitting legislation which would pay state workers for this working out-of-class. We submitted a bill this year to remedy the situation. The bill was boxed by your Committee. It will not get a public hearing. Last year the same bill got a hearing and it was killed in Committee. The year before the bill was raised but it was killed on the floor of the House. This is the kind of problem which is extremely important to the employees but apparently your Committee and the Legislature doesn't really think so. We must be free to bargain for those things which we consider important. We must also have the right to bargain on hours and conditions of work with our administrators. We are tired of begging to petty dictators whose doors are always open but whose minds are always shut. We must no longer be made victims of unilateral self-serving decision making. Take work schedules for example. We are subjected to the most outrageous arbitrary work schedules imaginable. In our institutions, our shifts are changed at the whim of a supervisor. Highway maintainers are on a forced stand-by for a half of each year without pay, even though the DOT Commissioner's written policy said that maintainers do not have to stand by but they must be available for snow work. If they are not available, they are disciplined which can lead to dismissal.

Even worse, bills are too often considered by a political formula which pays far more concern to the probable cost of a bill rather than to its merits. And now, this year, the workers have been cast in that old familiar role of whipping boy, scape goat, tax eater, as the political powers seek to cut pay and benefits to balance the budget. Oh, what a paradox! Everyone loves us during political campaigns but when the hoopla is over, the footprints on our backs tell the real story.

It is this sense of hopelessness, coupled with the urge in need for a program to give state employees the dignity and decency which derive from the justice and equity embodied in collective bargaining which leads me to call for the enactment of House Bill 5179.

Let me say this in conclusion, Council 16 and the CSEA's collective bargaining committee have been working together making a sincere and objective effort toward developing a

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bargaining bill. We have made considerable progress in many areas. Whether we will reach full agreement by the time your Committee must report out a bill, I do not know. What I do know is that both organizations have given the highest priority to passage of a bargaining law this session. I also know that the ultimate responsibility is not ours or the CSEA's. The ultimate responsibility is yours.

Gentlemen, you must decide. Forget Council 16. Forget the CSEA and the other organizations. Consider only what is equitable for the state workers. Pass House Bill 5179 because it does appear to be the best bill for state employees. This is landmark legislation. It is long overdue. And the state employees have suffered long enough. State employees want this law. State employees need this law. State employees deserve this law. I urge your Committee to vote favorably on this bill now. Thank you.

WARREN CAVERLY: My name is Warren Caverly. I am an International Representative for the American Federation of State, County and Municipal Employees. I am concerned mostly with organizing state employees at the moment in Connecticut.

I have prepared, and I would like to read a brief outline of the collective bargaining bill which we favor. It is House Bill 5179. The first section is a group of definitions. The section clearly defines the terms employer, employee and employee organization for the purposes of collective bargaining. It includes all employees of the state, both classified and unclassified, excepting only elected or appointed officials, administrative officials, board and commission members, and part-time employees who work less than twenty hours a week, and excepting employees of the Labor Relations Board and the Board of Mediation and Arbitration.

The second section of this bill calls for the rights and responsibilities of the parties. This section gives the employees the right to join a union without interference from management and the right to present his own grievance if he so chooses. It gives the union the right to be the exclusive representative of the employees in their dealings with management. It imposes upon the union the responsibility to negotiate an agreement and to represent all employees without discrimination and without regard to union membership.

Section Three, Unfair Labor Practice Section, prohibits employers from interfering with the employee's rights to join a union, from interfering with a union, from retaliating against an employee for entering grievances or other complaints or testifying on them and for refusing to discuss grievances with the union. It prohibits the union from coercing employees to join the union, forcing the employer and refusing to bargain

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in good faith. It imposes on both sides the obligation to bargain on wages, hours and other conditions of employment in good faith.

Section Four, Representation. This section sets up the machinery by which the employees can chose their representative by secret ballot elections. It provides for petition by the employees or an organization acting in their behalf claiming that a substantial number of employees wish to be represented by a specific organization. It also provides for decertification of an organization, if and when a majority of the employees no longer wish to be represented by said organization.

Although this bill does not provide the criteria for a substantial showing of interest by the employees, our organization approves of the procedures already set up by the State Labor Relations Board which calls for a petition signed by 30% of the employees in a given unit to call for an election and a petition of 10% to intervene in an election. It also gives the State Board of Labor Relations the responsibility to determine the appropriate bargaining units with a clear identifiable community of interests and provides separate units for supervisors and non-supervisor employees.

Section Five, Unfair Practice Procedures. It merely sets up the procedure for the Board to investigate and hold hearings on unfair labor practice charges. It gives the Board the authority to enforce the provisions of the Act.

Mediation and Arbitration Provision. It provides for the arbitration of grievances and the mediation of impasses in negotiations and for voluntary arbitration of impasses.

Section Seven, Fact-Finding, provides for subjecting impasses to the fact-finder.

Section Eight is a binding arbitration clause which provides for mandatory binding arbitration to resolve any contract impasse.

Section Nine on collective bargaining. This section designates the person responsible for bargaining for management and provides for written agreements to be submitted to the Legislature to provide funds. It also makes the terms of the negotiated agreement prevail over any statute, rule or regulation when there is a conflict.

Section Ten prohibits strikes by state employees.

Section Eleven provides for agency shop fees and for payroll deduction of union dues.

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Section Twelve makes this Act supersede any contrary laws, orders, rules or regulations.

And, finally, the effective date when the Act will take effect. We prefer it to take effect on passage.

I might make one note on our union's attitude towards compulsory binding arbitration. We have included in our proposal a clause calling for compulsory binding arbitration. It is not our first choice. Our first choice would be to have the same rights as those employees in the public sector have which is the right to strike. It does not seem to be very popular with the General Assembly and as a practical matter we will accept binding arbitration.

I have also included in here, and I will give to the Committee when I leave, on Page 2 of my presentation is a map. You have heard some talk in the past and some talk tonight about how many states in this country have collective bargaining laws for public employees. This map shows this section of the country. We are really not concerned with the fact that Louisiana or Mississippi don't have collective bargaining. But we are concerned with the very practical matter that every state in this area has collective bargaining for state employees with very few exceptions. The map will show Pennsylvania, New Jersey, New York, Massachusetts, Rhode Island and Maine that have comprehensive collective bargaining laws covering both state and local employees. Vermont and Connecticut have bargaining laws for local government employees which leaves only New Hampshire with the very weak law which has limited bargaining for both state and local government employees. I am not proposing that New Hampshire's law is any good but it is more than Connecticut has got. Connecticut state employees have nothing at all and we are alone in that area in this section of the country. I'd like to submit that. Thank you.

DONALD POGUE: Mr. Chairman, Members of the Committee, my name is Don Pogue. I am here as a representative of the National Headquarters of the American Federation of State, County and Municipal Employees in Washington. Our national union supports House Bill 5179 and we are here tonight to call for its adoption. As you may know, AFSCME is the largest public employee union in this country. We are also the fastest growing. We have 700,000 members at the present time and it is a number that is increasing by 1,000 every single week. Our union supports its affiliates in many ways. For example, AFSCME provides the necessary technical and organizational assistance to state employees who want to organize for collective bargaining. We have had a great deal of experience with collective bargaining in the public sector and we believe in collective bargaining. We believe in it because we have seen it is the only way for public employees to win necessary

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job guarantees, decent wages and improved working conditions. Through bargaining, state employees can gain the protection of a negotiated contract that guarantees their rights on the job.

Now it has been pointed out a number of times in thirty-five of our United States, the right of state employees to organize has already been legally recognized. More than twenty states have legislation which makes it mandatory for the State to bargain collectively with representatives of state employees. House Bill No. 5179 would recognize the collective bargaining rights of Connecticut state employees. AFSCME supports this bill because we believe that Connecticut state employees should have the right to bargain for their own future.

SENATOR BAKER: Thank you Mr. Pogue. The next group that the Chair will recognize is the CSEA. Mr. Al Marotta.

AL MAROTTA: Thank you Mr. Chairman, Members of the Public Personnel Committee. My name is Al Marotta, the First Vice President of CSEA, also a state employee for nineteen and one-half years in the Department of Transportation.

I come here before you tonight asking for the adoption of Bill 6537, an act which would give state employees their right and dignity to be respected in the State of Connecticut. Another year has rolled around and we come before you again with our hat in our hand begging for equal rights in what state employees should have through negotiation.

If our bill is adopted, state employees will hold to their honor and dignity in this State like every other taxpayer, which they are in the State of Connecticut.

Features of our bill: Our bill, if adopted, would come under the State Labor Relations Division with a division set aside for state employees, an expansion of our present Labor Relations Board. Our bill will also have a master contract for statewide unity and in this master contract we will deal in all benefits which benefit all state employees, no matter what walk of occupation they are in, whether they be state police, it would all have the same fringes - retirement, and they also would enjoy the same cost-of-living benefits.

The next step down would be units. In the units, we will have broken down by a community of interest. We will not fragmentize state government. In the units, we will determine what employees should have for their just wage in relation to their occupation. We also would have grievance procedures and working conditions on the unit level. Our bill also features binding arbitration. In today's world, we see public employees throughout the State of Connecticut have collective bargaining

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but they do not have binding arbitration. I don't believe the public should, nor should the public employees, have to be confronted with an impasse which is going to be running the burden on state employees and also on the public of the State of Connecticut. I don't believe this is right.

We also have an agency shop so there would be dues charged to every employee in the unit for their own protection and we would protect them through grievances and represent them in the State negotiations.

Our bill also features protection of the merit system. It will not overrule the merit system. We plan through our bill to tighten the merit system where we can limit the contracting out of state service work and also strengthen the merit system in the areas of promotion and examinations.

Our bill also provides for a grievance machinery. Right now today in our present system, state employees wait a year and two years before their grievance is heard on the final step.

Mr. Chairman, I urge you and the Members of this Committee to vote out Bill 6537, an act giving state employees their dignity and their equal rights in the State of Connecticut. Thank you.

STANLEY J. CICHOWSKI: Mr. Chairman and Members of the Personnel Committee. My name is Stan Cichowski and I am CSEA Vice President of the Departmental Council and member of CSEA's collective bargaining committee. I am a tax examiner with the Connecticut State Tax Department.

Firstly should be noted that the two bills before you covering all state employees are in most respects patterned after the present Connecticut Municipal Employees Relations Act. That should make your task that much easier. It should also be noted that there is complete agreement between the Connecticut State Employees Association and the American Federation of State, County and Municipal Employees, Council 16 on almost all of the many major points and rules that must be built into Connecticut's forthcoming state employee collective bargaining act if that important piece of legislation is to serve its purpose to the benefit of both employees and the State itself. While both bills covering all state employees are patterned after the MERA, both bills seek to remedy one major flaw in the Municipal Employees Relation Act and that is providing in the event of deadlock over economic issues the civilized route of final and binding arbitration.

Gentlemen, I should like to confine my remarks ^{11(4) 6537} ~~solely~~ to the question of final and binding arbitration because there seems to be some question of its worth, not by anyone on our side

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state employees their full rights, and any restrictions that we place just denies them citizenship. And I would suggest this - if we are not ready to give them their full rights as voters that we remove one other right and that is the right to pay taxes. Just take that away from them. They are both rights, Mr. Chairman, and you can't have one without the other.

What I would remind you, and many people would say that if government employees have political rights that there would be some type of tragedy and we just had a tragedy in Washington and we have learned all about corruption. And I just want to remind the Committee that the excesses of Watergate were not promoted or engineered by any career public employee but by elected citizens. I just want you to remember that.

SENATOR BAKER: Thank you very much, Senator. Any other speakers from the CEA? Mr. Kanter from the Higher Education.

ROBERT L. KANTER: First let me say that there is another representative here from the University of Connecticut representing the American Association of University Professors and there are a few other people who are going to speak for Higher Education from the American Federation of Teachers. They are Mr. Griffin and Mr. O'Keefe.

Mr. Chairman and Members of the Committee, my name is Robert L. Kanter and I am on the faculty of the University of Connecticut and recording secretary of the Federation of University Teachers affiliated with the Connecticut State Federation of Teachers and the American Federation of Teachers. I am also a member of the American Association of University Professors.

I am here to support the general principles of Public Personnel and Military Affairs Committee Bill No. 5179, but with some needed additions and clarifications:

(1) the professional staff of the University should be considered as an appropriate unit for collective bargaining; and

(2) the Board of Trustees of the University should be considered as the employer; and

(3) the "agency shop" provision of the act should be made optional so that it can then become a part of the bargaining rather than mandatory as is presently provided for in the act;

(4) department heads of academic departments at the University are usually not considered to be as supervisory employees and should be allowed to be in the bargaining unit;

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(5) Appropriate time limits should be included in Sections 5a, 5b, 5c of the act; and

(6) An effective terminal procedure must be established for (a) disputes arising out of an existing legal contract, and (b) impasses arising out of the negotiations of a contract. The provisions of the act as now written are contradictory and would be ineffective. With respect to impasses arising out of the negotiations of a contract, Section 11 of the Public Personnel and Military Affairs Committee Bill No. 6537 is a suggested model.

I also want to express my strong feelings that last offer arbitration will not assist in the bargaining process. On the contrary, collective bargaining under that system will be reduced to a series of maneuvers to achieve the best arbitration position and will not deal with the problems of arriving at equitable solutions to common problems. I therefore urge caution with respect to last offer arbitration.

There is a healthy desire of both the Federation of University Teachers and the American Association of University Professors to engage in the kind of collective bargaining that will be an asset and make it possible for the professional staff of the University to participate in improving the quality of education and to extend its services to the people of the State of Connecticut.

Specific proposals covering these clarifications and additions are available. It is our firm conviction that collective bargaining at the University will only be effective and not a disruptive influence if the proposed corrections and clarifications are actually included in the act. Thank you.

SENATOR BAKER: Thank you.

DAVID REPASS: I'm David Repass from the University of Connecticut representing the American Association of University Professors. I am not only representing the AAUP at the University of Connecticut but also the State Conference of the AAUP. Our State Conference President could not be here tonight.

I have come to give our very strong support to Committee Bill 5179. In our minds, this is an excellent, succinct bill within which the faculty and professional staff in Higher Education can be very comfortable. It is a remarkable bill in allowing for a great diversity of state employees to be covered by one piece of general legislation. Whoever wrote that bill deserves an "A". In particular, we like the following provisions: we like the fact that the Trustees of each constituent unit in Higher Education are to be named

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as employers. (2) We like the fact that there is free choice by election of the organization to be the bargaining agent. We do not feel that there can be free and democratic process in bargaining without this free choice. (3) There is special mention and definition of "professional employees" on page five of the bill. We appreciate very much the fact that this distinction was made and we hope it is retained in any legislation. (4) We very much approve the provisions that the Legislature shall appropriate whatever funds are required to comply with the collective bargaining agreement. That provision seems to be rather essential to make the whole effort worthwhile.

I would like to stress especially that here the American Association of University Professors and the Federation of University Teachers both feel that the most appropriate bargaining should be done with the Trustees of our respective institutions, in our case the Board of Trustees of the University of Connecticut. As you probably know, in Title X, Section 122 of the General Statutes, the Board of Trustees of the University is given the power to appoint, set the amount of compensation and to assign the duties, promote, and so forth the members of the professional staffs. If any other arrangement were made to bargain with any other employer, then that section of the General Statutes would have to be revised. If such a revision were made, it would change the whole structure of the Higher Education in the State. It just simply makes sense for the Trustees who give the general supervision of this institution, who know the unique factors of employment in Higher Education, professional practices and expectations, for those Trustees to be the employer for the purposes of bargaining.

We have a number of specific recommendations which we will forward by letter to the Committee. One of the things that we would like to mention more specifically is that it might be best to have at least one member of the State Board of Mediation and Arbitration who has special experience and expertise in the field of Higher Education, and generally I would urge along with many of those who have spoken tonight that some bill, hopefully Bill 5179, will come out of this Committee and be approved by the Legislature this year. We have waited a long time. Thank you.

SENATOR BAKER: The next group, the last major group we are going to hear from, is the vocational teachers. Tony D'Angona.

ANTHONY J. D'ANGONA: My name is Anthony J. D'Angona and I am the Executive Director of the Connecticut Vocational Instructor Organization. Mr. Chairman, Gentlemen of this distinguished Committee on Public Personnel and Military Affairs, the time for collective bargaining is now, right now. The need is ancient. Collective bargaining has been studied to death by

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these units, I personally think that this problem will not prove to be too difficult. You know, it is a strange world we live in right now. At one time, teachers were thought of as being very timid individuals. Teachers were thought of as not being associated with other workers. Teachers were not thought of as being associated with the AFL-CIO. Things have changed. They have changed so much that we have non-educational people coming before you today talking about binding arbitration and passing over the right to strike. Teachers, the Connecticut State Federation of Teachers, the AFT, are on record as backing the right to strike for all state employees except in cases where public health and safety of the public is in question.

I believe in the AFT position that state employees should have the right to strike, except in these cases. Other states have these provisions and they are still operating. I recently attended a seminar at Harvard where USA Representative Thompson, a liberal from New Jersey, and Ashbrook, a conservative from Ohio, discussed national legislation before their Committee dealing with collective bargaining for state and federal employees. Both of these gentlemen felt that this limited right to strike should be in the Federal bill. Representative Ashbrook, though not ideologically in favor of this, recognized the obvious fact that strikes go on whether they are legal or not. Why should federal or state employees be considered as law-breakers when they are only exercising the rights of workers in private industries.

I call on the Legislature in Connecticut to grant to state employees the rights and the privileges that have thus far been denied to them. Thank you.

SENATOR BAKER: Thank you very much, Mr. Lee. The Chair will now recognize Leonard Dube.

LEONARD DUBE: Thank you. Mr. Chairman and Members of the Committee, my name is Leonard Dube and I am President of the Connecticut State United Auto Workers Community Action Program Council.

We are here this evening supporting Committee Bill 5179, An Act Concerning Collective Bargaining for State Employees. Before unions were organized, working people had no rights, no benefits, and no way to get them. A single employee was helpless in dealing with an employer. He was unable to resist arbitrary and unfair treatment. Unions were essential to give workers an opportunity to deal on an equality with their employers.

The "Wagner Act" was called Labor's "Magna Charta" when it was signed by President Franklin Roosevelt in 1935. Millions of workers were given the right to vote by secret ballot to join new industrial unions. On February 11, 1937, John L.

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Lewis negotiated the first U.A.W. agreement with General Motors, calling for recognition of the union as bargaining agent for its members.

Collective bargaining is a process which results in an agreement between an employer and a union which regulates the terms and conditions of employment. Collective bargaining is the freedom of choice of those employees in the selection of such bargaining representatives. This freedom of choice is not allotted state employees. Their bargaining agent is the General Assembly, who, as a whole, does not fully understand the individual problems of state vocational teachers, highway department employees, and state police.

Therefore, how can the Senate and House of Representatives effectively dictate the conditions of employment for thousands of state employees? Collective bargaining is more than income, job insurance, health, family and retirement security. State employees are seeking human dignity and equality within the Democratic framework of our society.

We believe that all men and women are created equal with inalienable rights. We believe in the right of workers to organize for mutual protection. We believe that organized labor and management possess the ability, through cooperative effort, a mutually satisfactory and beneficial employer-employee relationship. We ask that this Committee give a joint favorable report to Committee Bill 5179.

The Connecticut State United Auto Workers also wishes to go on record supporting Committee Bill 5180, An Act Concerning Political Activities of State Employees. This bill would further extend the Democratic rights of state employees to actively participate in political activities. Thank you.

REPRESENTATIVE MOTTO: Joseph Bober, please and Evon Kochey over here at the next mike.

JOSEPH BOBER: Mr. Chairman, Members of the Committee, my name is Joseph Bober. I am Secretary-Treasurer of the Connecticut State Labor Council, AFL-CIO, speaking tonight on behalf of the AFL-CIO and the Connecticut State Labor Council which represents over 140,000 per capita paying members.

The longer you wait, the shorter the speeches get so I am going to take the first page and bypass it and go right into the meat of the argument. We support House Bill 5179. House Bill 5179 has two important characteristics which distinguish it from other legislation you are hearing here tonight and which make it the best piece of legislation before you on the subject. First, it is modeled on the Connecticut Municipal

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Employees Relation Act. As a result, we know what the bill needs. Our labor board has had ten years of experience working with MERA which means that they would know how to efficiently administer House Bill 5179. This bill is the only workable bill before you.

Second, the bill provides a procedure which will guarantee that state employees will get a free and open election to select their collective bargaining representative. Again, in the private sector we have had forty years of experience with collective bargaining and elections. As you all know, open, honest elections are crucial. In the private sector, the established procedure provides for the solicitation of authorization cards by unions to determine whether the workers in the bargaining unit want to have an election to select a collective bargaining agent. Then, if there is a showing of interest, the labor board will hold an election. House Bill 5179 provides a similar procedure for Connecticut state employees. This procedure is tried and true and it is democratic.

I might remind the members of this Committee that you have been selected to represent the people in your district on the basis of a secret ballot election. If it is good enough for you, it should be the method of selecting the bargaining representative for state employees.

Under House Bill 6537, a bargaining unit would be designated specifically on the basis of current dues-paying membership, thus denying state employees the fullest freedom in choosing this collective bargaining representation. Just for instance, if the election in your district were based on the members of the Democratic Party that were signed up or the Republican Party, we might have some peculiar elections. I might remind you that the unregistered voters outnumber both parties so we might have a lot of unregistered people up here. For these two reasons, because House Bill 5179 is a good, workable bill and because it insures that state employees will be able to select their collective bargaining representative in an open democratic process, we, in the Connecticut State Labor Council, urge you to favorably report out House Bill 5179. Thank you.

REPRESENTATIVE MOTTO: Thank you. We will have Evon next followed by Roland Ursone and Robert Griffen.

EVON KOCHAY: Mr. Chairman and Members of the Committee. I am Executive Director of Common Cause in Connecticut. There is a certain appealing logic to the proposal embodied in HB 5180 to allow civil servants the right to participate fully in political affairs. After all, the argument runs, why should public employees be second-class citizens? Why should they be compelled to accept restrictions not imposed on others doing similar work in the private sector?

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But the restrictions proposed to be loosened were not created as burdens upon public employees; the intent, and effect, is rather to create protections.

Barring public employees from political activity is a logical and necessary corollary of the civil service itself; assuring that public jobs be filled on the basis of merit, and that public employees owe no obligation to politicians either to get their jobs or to keep them.

The civil servant who is - in apparent innocence - granted the freedom to contribute to political campaigns is at the same time made vulnerable to solicitation and subtle suasion to contribute. For every one who wants to contribute time or money, there are probably dozens who have no wish whatsoever to be involved in the political process, but would feel in some measure coerced if politically-appointed or politically active supervisors urged a contribution.

It would be heartwarming to believe that the civil service is so thorough that there are no supervisors with political clout. It would be reassuring to believe that advancement and promotion for public employees depends solely on objective measurements, and that the support of politically-active superiors is irrelevant. It would be comforting to think that civil servants are so confident of equity in wage and working condition negotiation that they would not be tempted to influence others by campaign activity.

But it would be naive to believe any of these things. The hard fact is that in the 143 years since Andrew Johnson's political philosophy was drawn to public attention "to the victor belongs the spoils" progress in eliminating the spoils system has been erratic and incomplete.

The first U.S. Civil Service Commission was established a little more than a century ago, but it was ineffective. When the Pendleton Law was passed in 1883 creating the beginnings of our present merit system, it covered a minority of public employees. It has taken decades to widen the scope of the Federal Civil Service, and to apply the same tenets to state and local employees.

To reinject those public employees into political activity would be to make them, and the merit system itself, vulnerable to fresh attack and erosion of principle.

The fact is also that the proportion of public employees eager to get into the political fray, to contribute time or money, is probably little greater than in the public at large, and that, as all you politicians know, is an unhappily low proportion.

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The low quotient of political activity is a problem that needs attention, but to begin with public employees is the worst kind of public policy.

To pass the proposed legislation is not to free the vast majority from some imagined fetters of inferior citizenship, but is rather to subject them to a more subtle but more ominous kind of thralldom; the implied threat that to get along in their careers, they must go along with some political straw bosses.

The party in power would, without doubt, profit from the political energies thus tapped. But there is no reason to believe the average public servant would be any happier, and the public weal would clearly be the worse. Thank you.

REPRESENTATIVE MOTTO: Thank you Evon. Roland Ursone - Robert Griffin - Raymond Shea.

RAYMOND SHEA: Mr. Chairman, Members of the Committee, my name is Raymond Shea and I represent as Vice President the Uniformed Fire Fighters of the State of Connecticut. I rise in support of the collective bargaining bill 5179 for state employees. I think it is necessary for them. As a member of the municipality in the fire service, we have had collective bargaining for ten years. When the Legislature, in its wisdom, allowed us that right to bargain collectively. If that right is good for municipal governments, then it is good for state employees also.

You have heard Representative Badolato much earlier discuss some of the bills that were vetoed by Governor Meskill concerning state employees. You heard Michael Ferrucci discuss some of the bills that were boxed and were never reported out of committee.

We urge this Committee not to box this bill but to pass this piece of legislation to give these dignified people their rightful dignity, allow them to be able to bargain collectively with their employer for wages, grievance procedure, working conditions and what-have-you. Don't allow these people to have to come continually to the Legislature on each bill lobbying with you people. In fact, this kind of legislation would get many legislators off the hook inasmuch as the lobbyists for the state employees will not be haunting you on all the various types of legislation that comes before you.

Along with that collective bargaining bill should be included a means of resolving disputes at impasse. That is one of the great factors in this bill that is presented before you.

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REPRESENTATIVE MOTTO: Thank you. Dave, we will go to him next because he is in position and then we will go back to you. Identify yourself please.

CHARLES CASELLA: Mr. Chairman and Members of the Committee, I am Charles Casella.

REPRESENTATIVE MOTTO: Please state it again.

CHARLES CASELLA: I am Charles Casella, a state employee for some eighteen years, working in the Department of Transportation. I speak not for any group tonight but for myself and other employees to whom I have spoken to concerning the two bills that are before us tonight; namely, collective bargaining and political activity.

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There are many of us longer-term state employees that have the time that I do that are concerned that if this collective bargaining bill is passed as it is now written, it would be permissible for certain rights that we feel we have now and we had when we joined the state employment to be bargained away; namely, retirement benefits, longevity benefits which we now have.

I would like to propose that in your bill that you would secure at least the retirement system as it was at the time that employees became employees of the State and that right could not be bargained away by the masses. As you are well aware, over the past four years and this is apparently going to be the fifth year, that state employees have done without any meaningful cost-of-living. There are a great number of new employees who come in and don't expect to stand around until they get their retirement or their longevity and they would willingly bargain away what retirement the older employees in the State have. So I would hope that you would consider this.

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The second thing that I wish to speak about is political activity and my son had asked me this evening would I please take him to the Times Farm "Learn to Ski" School and my wife had told him this afternoon "no," that I was coming down to the public hearing. He said "what is this public hearing about that Dad wants to go to that he can't bring me there?" I said "it has to do with collective bargaining and political activity." He said "what about political activity?" My wife said that state employees could not participate in the political arena, could not speak in front of groups, could not raise money, could not run for political office. My son turned to me and said "isn't that against the Constitution?" Well, I don't know if it is against the Constitution or not not being a lawyer. It certainly seems to me that it goes against the grain of what the Constitution stands for.

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We have a work force of 40,000 people. Our state employees are skilled in many different ways. Think of the Civil Engineer who could provide valuable input to a Public Works Advisory Committee. Many of our state employees have backgrounds in construction work. How valuable they could be to a school building committee. Social workers who could counsel young people through youth advisory committees. Teachers, librarians, psychologists and health workers who have talent and experience that is just waiting to be tapped by local school committees or health advisory boards. Yet, public service should not be limited to the appointed position as important as it may be. We believe any state employee, classified or unclassified, should have the opportunity to serve his community in either elective or appointed positions as he may choose.

There are those who would argue that the merit system could not tolerate such political involvement. We say that times have changed. Ladies and Gentlemen of this General Assembly and of our committee realize how closely your own personal lives are scrutinized by the public. Running for elective office is perhaps the most challenging merit system of its kind in America today. We believe the voters will take into account the employment of an individual. If it is offensive to the voters of any community that a candidate for public office is also an employee of a higher level of government, they will reject that candidate. But to many voters, the opportunity of a skilled man or woman to serve their community will overcome these objections.

We believe the merit system does not have to bend because those who live under the merit system also seek elective office. Laws can be written to harmonize the two ideas of political freedom and merit system principles. The merit system to be effective must be alive and challenging. It cannot be simply a haven for the security conscious public employee. That stereotype went out a long time ago. Our people in public service today want to serve their community, their state, to their fullest talents. Deprived of this opportunity, we feel, violates the basic tenets of American democracy. We urge your support of political freedom for state employees. Thank you.

REPRESENTATIVE MOTTO: Thank you. Would you identify yourself please.

ERNEST BRISTOL: My name is Ernest Bristol. I live in Enfield. I am a member of CSEA. I just want to make two statements; one on collective bargaining which I am strictly for because of conditions that have arisen. I am a married man with four children at home and my wife does not have quite enough money to make ends meet. We have applied for food stamps under the welfare, and as far as I know, I am going to be eligible for

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that the state employees, in five years, have gone up 11%. Now just from the standpoint of fairness, I think it's time that we stop using the state employees as whipping boards. We received the good favor here a few years ago - most of the time though, you are in good favor with a few and they can't do anything for you. But now they have the opportunity. This is the time to either put-up or shut-up. Don't be telling us - a lot of these people keep telling us that they are in favor of state employees. They realize the good work that they do and they realize the dedication they have to their jobs. But we don't see it in the paycheck. And so I urge you this time to please do something about it. This year is the year to be statesmen. Next year, election year, we will all be politicians again. But I wish that we would do something about it now.

REPRESENTATIVE MOTTO: Thank you Dr. Moore. Commission Fussenich followed by Norman Starr, Robert Donovan, and Clarence Sorenson.

COMMISSIONER FUSSENICH: Mr. Chairman, Members of the Committee. I'm Commissioner Fussenich, Commission of State Police speaking in favor Bill #5989 - concerning allowances for survivors of state police officers.

I think that there is noone in this room who does not realize what our men are facing these days. I do believe that they should be afforded every opportunity to provide for their survivors.

I also speak in favor of Bill #5847 - concerning resident state policemen. The statutes, at the present time, allow the State Police Commissioner to contract with towns which do not have organized police departments for a maximum of 68 resident troopers. At the present time we have, in 48 towns in the State of Connecticut, a maximum of 68 resident troopers. This Bill would allow the State Police Commissioner to provide the towns with as many state resident troopers as we could afford. I do believe that this would be distinct advantage to everyone concerned.

Thank you sir.

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REPRESENTATIVE MOTTO: Thank you. Is Norman Starr here? Followed by Robert Donovan, Clarence Sorenson.

MR. STARR: Mr. Chairman, Committee Members. I want to thank you for this opportunity to come before you. I would like to have you know that at 2:00 on a workday afternoon, I am here on a half day of my vacation.

I am here representing 7000 members of CSEA who work in institutions which include mental health in state hospitals and correction institutions. We find it very hard to believe

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that since you're dealing with our request for a pay raise, which is long overdue, that we have to take time off or our day off to come before you. Last nights Times - I have taken the liberty of cutting a couple of inserts - I won't read them but one was submitted by Minority Leader, Representative John Tiffany, a Republican, requesting that state employees send some letters to him with those signatures on how the state can save money. But right underneath this, "Ella to hold first session on budget hearings." Now, the Governor of the State of Connecticut can go around the State and give up a few evenings presenting her budget, I'm sure that you legislators can give up one of your evenings and let the state employees come here and be heard. I believe that you legislators, whether you know it or not, should be fairly well aware of it, this is the first time in state employees history, in the past election, we went out on a limb, we campaigned for you, we plebed in your promises and we are here en masse for you to give.....and I realize that I was oneand all you peopleenjoy good jobs We are here. We're sick of begging. We were here a week ago last night speaking to you on collective bargaining and in my amazement .. tape recorder because half of your Committee was sleeping.

Thank you very much.

REPRESENTATIVE MOTTO: Thank you. Robert Donovan followed by Clarence Sorenson.

MR. DONOVAN: My name is Robert Donovan.
I should like to talk on one Senate Bill
 and one HB#5513. we realize.....

state employees. So if there is a tax
 increase and a decrease in pay the state employees take it
 both ways. I'm sure that you are aware of this. I feel the
 cost of living adjustment would be a measure of economy.
 If you help the state employees catch up after four miserable
 years of biding, marking time or what have you, I don't think
 we can do it again. I think if you help us to catch up with
 and make up some of the lost ground that we will be much more
 productive, we in the classrooms, the institutions throughout
 the State of Connecticut. But much more productive to the
 process of being effecient. We will certainly save the State
 of Connecticut many dollars which would be lost through in-
 effeciency. I hope that you will see clear to find somebody
 for cost of living adjustment.

Thank you.

REPRESENTATIVE MOTTO: Thank you Bob. Clarence Sorenson.

MR. SORENSON: I'm sorry you couldn't read my writing, Mr. Chairman.
 It's Daniel Sorenson. I'm Second Vice President of the
 Connecticut State Employees Association and employee of the
 Welfare Department. I'd like to preface my remarks a little