

Legislative History for Connecticut Act

HB 6969 PA 570 1975

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there any objection to that motion? Hearing none, immediate transmittal is ordered. . . . The House.

SEN. ROME:

The House. That's the House. It's the only one who would concern at this point. The motion reads the House. And the transcript should so reflect. Mr. President.

THE CHAIR:

Senator Rome.

SEN. ROME:

Mr. President, on page 3 of the calendar, calendar number 1098 substitute for House Bill number 6969 AN ACT CONCERNING BINDING ARBITRATION FOR MUNICIPAL COLLECTIVE BARGAINING AGREEMENTS as amended by House Amendments Schedule B and F and it was my understanding there are eight amendments presently here, all of which are substantial, all of which have great moment to the bill. I would move that the bill be recommitted. I would hope you would not invite debate. If the motion to recommit fails, we'll have more than adequate debate on the bill.

There has been debate in these halls for about three weeks, there has been debate in all of our rooms, and on our phones, and I think that the motion is properly before you. If it fails, there'll be a night to debate.

THE CHAIR:

The question is on the motion to recommit. The Chair does not invite debate. And so we will proceed immediately with the motion to recommit. All those in favor of the motion to recommit please . . .

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SEN. AMENTA:

Mr. President, I move that it be taken by roll call.

THE CHAIR:

A roll call is invited. The Clerk announce it.

THE CLERK:

Immediate roll call in the Senate. Would all Senators please return to the Chamber. (repeated)

THE CHAIR:

The machine is open. Will the Senators please cast their votes. The machine is closed and locked. The Clerk please tally the vote. Total voting 35. Necessary for passage 18. Yea total 12, nay total 23, the motion to recommit is defeated.

SEN. LIEBERMAN:

Mr. President.

THE CHAIR:

Senator Lieberman.

SEN. LIEBERMAN:

Mr. President, on a point of personal privilege. I wasn't aware that the Minority Leader was going to make the motion, but I just wanted to indicate to the Circle that there are several other bills that we would intend to take up after this bill, and I will note them after the bill, the debate on this bill is taken up.

THE CLERK:

Clerk is then calling, on the bottom of page 3, calendar number 1098 file number 881, favorable report joint standing committee on Labor and Industrial Relations, substitute for House Bill

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6969 AN ACT CONCERNING BINDING ARBITRATION FOR MUNICIPAL COLLECTIVE BARGAINING AGREEMENTS as amended by House Amendments Schedules B and F.

SEN. LIEBERMAN:

Mr. President, I would move for acceptance and passage of the bill, as amended by the House Amendments, and I believe the Clerk has several amendments.

THE CLERK:

Clerk has amendments A through J. This is Senate Amendment A as offered by Senator Lieberman, Fauliso, Strada, Smith, Ciccarello, and Baker. It's LCO number 9905. It is on the desks of the Senators.

SEN. SMITH:

Mr. President.

THE CHAIR:

Senator Smith.

SEN. SMITH:

Mr. President, I move the adoption of the amendment.

THE CHAIR:

Would you care to speak on the amendment, Senator?

SEN. SMITH:

Yes, Mr. President. The amendment provides that if and only if, factfinding and mediation are unsuccessful, in resolving a contract impasse between a municipality and one of its labor organizations, then either party to the disagreement may require a process known as last best offer resolution. Now in this process an arbitration panel with one employer nominated member, one em-

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ployee nominated member, and one impartial member, holds hearings on the arguments and testimony of both sides, after which each side prepares, in private his final best position. Drafted in contract language, on each unresolved issue. Now at every stage of this process, Mr. President, mechanisms are provided to encourage a direct settlement of the issues by the parties themselves. But if these efforts are unavailing, then the arbitration panel goes through the entire list of unresolved issues, and for each issue adopts as its decision, the contract language of one part or the other.

The value of this system is that each party is virtually compelled to frame its last best offer in very reasonable or moderate terms, for fear that an unreasonable provision will be rejected by the panel. Panel has no authority to vary, or deviate from the language of the chosen positions therefore, and if one party submits an unreasonable last best offer, the other sides' last best offer is likely to be selected. Now this should result in a moderating of demands and offers, throughout the process, so that most issues will be resolved by negotiations. Provision is made, and the amendment for the arbitration panel to consider prevailing wages, salaries, fringe benefits and working conditions in the appropriate labor market, as well as the ability of the municipal employer to pay, and the welfare of the employees. Thus even in those instances where a negotiated solution does not result, the panel's decision is most likely to accommodate the needs of the affected town, and its employees. The use of last best offer is not an unusual approach. Statues in the states of Iowa,

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Michigan, Wisconsin and Massachusetts, among others, have for years had laws requiring use of the last best offer approach. I move for the adoption of the amendment.

THE CHAIR:

Senator Ciccarello.

SEN. CICCARELLO:

Mr. President, I rise in support of the amendment. In an article entitled "Final Offer Arbitration" detailing the experiences of Eugene, Oregon, the author of that article says that under the final offer procedure, an arbitrator would not be free to compromise between the positions of the parties, but would be required to accept one position or the other. The theory is that the process, instead of chilling bargaining, will induce the parties to develop their most reasonable position prior to the arbitrator's decision.

The possibility that either party may lose the entire ballgame in arbitration, is intended to act as a psychological, economic and political incentive for the parties to reach their own agreement. This one or the other criteria generates just the kind of uncertainty about the location of the arbitration award, that is well calculated to recommend maximum notions of prudence to the parties and hence, to compel them to seek security in agreement. In other words, the author continues, the final offer procedure functions as a strike-like mechanism, by posing potentially severe costs of disagreement in a manner that conventional arbitration does not. Mr. President, I think we have heard the

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compare the present situation that we find ourselves, with the proposal set forth in this bill. I think the present situation calls out for revision. We have a strikes in various communities, or threats of strikes, and what this bill does is to give us a compromise between conventional arbitration and the right to strike.

I think what we have in our communities in connection with police and fire municipal employees' contracts, is the creation of tremendous uncertainty for budget-making authorities. As a former of a board of finance for 6 years, I know that the inability of the parties to negotiate their own agreements has led us into positions where we had to set out reserves, contingency funds, and had to keep the people actually in the dark, as to what the final budgetary outcomes would be.

This procedure is, tries to mesh with local budgetary procedures, so that when it comes time for a city or a town to make a contract, that the contract will be binding. The city and town knows exactly what it has to expend by reason of the negotiating contract. The morale of the employees of the community as a whole is uplifted, as a result. I think what we would have is an opportunity to give the people the chance to see that good-faith bargaining is in fact carried out, because the result of last best offer or final offer arbitration in the states where it has been adopted and the cities where it has been adopted, has not been just a one-sided approach whereby the town had to pay excessive contractual figures to unions. That has not been the

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case. There has been a mixed situations, sometimes unions have prevailed, and other times the cities have prevailed. But what we have had is a resort at the present time to third party intervention. We have a mixed arbitration system right now. It isn't working and this offers the best hope for peaceful and well-concluded negotiations between municipalities and unions.

SEN. FAULISO:

Mr. President.

THE CHAIR:

Senator Fauliso.

SEN. FAULISO:

I support the amendment. It represents a compromise between the two extremes. I'm opposed--I've always been opposed to binding arbitration. I've made no secret about it. I'm opposed to strikes per se in the municipal level or also on the state level. I know the problems. I think on the other hand that that employees on the municipal level and on the state level, while this directs itself to the municipal employee, they certainly need protection, negotiations.

There are sufficient mechanisms here to protect the interest of those who are involved, namely the employees and the municipalities, and also the taxpayers, who ultimately have to pay the bills. There is a timetable which insures accountability and responsibility. There will be no protraction of delay. I think that the situation is one where as soon as something is put in motion, that there follows a certain timetable--a certain dead-

lines, certain decision-making. Most important, Mr. President, is this concept of last best offer. And in weighing last best offer the strictures are there. The elements which must be considered, which Senator Smith alluded to, certainly are worthy of reiteration. Namely, prevailing wages, salaries, fringe benefits and working conditions in the appropriate labor market, as well as the ability of the municipal employer to pay.

Now Mr. President, the key word or the key provision, in my mind, is the ability of the municipal employer to pay. I think all of the considerations therefore are predicated on that ability of the employer to pay, namely the municipality. I think this is the compromise. It's not perfect. It's workable. It's acceptable. It represents the contribution of many people who are quite concerned about this problem. Who want to see fair play. Who want to see the municipal employees get a fair deal. Who want to see the municipalities also get a fair deal, and that the taxpayers of a city or a town receive equitable consideration.

We know that no party should be placed at a disadvantage. Negotiations should be entered into in good faith. With this kind of an amendment, that there is this kind of insurance. That good faith will prevail, and hopefully, we can get along with negotiations that all parties can achieve the goal of fair and equitable treatment.

SEN. OWENS:

Mr. President.

THE CHAIR:

Senator Owens.

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SEN. OWENS:

Mr. President, I rise to oppose the amendment. It seems to me that this is not a situation of an amendment that is just pro-labor or pro-management. What I am concerned about is that this bill does not protect the interest of the cities or towns. I want to state that I have supported labor from the commencement of the session, when I felt that it was right. This time I feel they are wrong. Four years ago this might have been good legis-- a good amendment--before the cities and towns hit the skids. I come from a city that is on the brink of bankruptcy. There is no money. Municipal employees, much to my chagrin, including policemen and including firemen are being laid off at a high rate.

In addition to a mill rate increase of 8.3 and I should point out that this mill rate increase is grossly understated, and assuming--it assumes that schools will close and municipal employees will be cut even more drastically. Did the argument that the amendment is good and has been a success in other states, is fallacious. What plays in Peoria doesn't necessarily play in Bridgeport.

The last best offer is just another form of binding arbitration. Local property taxes will continue to skyrocket, hastening the exodus of many people from the cities. In reality, if nothing happens, and even if nothing happens, just the threat of this happening is enough to affect potential for bonding and borrowing by the communities, be it city or town. The last best offer is about the same as Russian roulette. The dangers are extremely great. Whether it be executed by a local arbitrator or an

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arbitrator that comes from outside of the city, or outside of the community, or outside of the town makes no difference. In other states that have hastened to pass this type of legislation, the results have not been good. I say just not, I just say not this year. Two years' too late, but maybe an amendment or maybe a type of legislation that will have merit in the next session when I hope that our towns and cities are on a better financial and a more even financial keel. I want to point out that I have supported state increments to state employees and all other major pieces of labor legislation in this session.

I consider myself a friend of labor, but I must weigh what is best for my city and its constituents as well as the town of Trumbull. History might show that I am making a mistake, but I must vote my conscience. I must also point out to those of my brothers and sisters that they might feel that they are not as yet being affected by the serious financial plights. Maybe there is still grain in their barn and food in their larder. But I must say in the cities, the cupboards are indeed bare. It is a sad day when I must vote against legislation of this sort, that would appear at first blush to have great redeeming value and legislation that might well be a great success and might have a great deal of merit in the future, but it comes at a time when our communities, and it comes at a time when our towns can ill afford it. I must regretfully vote against this amendment. Thank you, Mr. President.

THE CHAIR:

Will you remark further? Senator Amenta.

SEN. AMENTA:

Yes Mr. President. Mr. President I rise to associate myself with the proponents of this amendment. I think it's a good amendment under the circumstances. First of all, I think we've got to consider why the need for the amendment, why the need for the subject matter at this time. And the real need is here because it has been shown that the municipal employees' Relations Act which carries all the way to fact-finding begins to fail and break down miserably, because at the end of the line there is no binding arbitration.

I have been a member of the Board of Education in my community for 12 years. And I tell you that each time we negotiated a contract, it's run a minimum of a year to 2 years' behind, before we came to a final conclusion. If your concern for people, if your concern for finally coming to a determination, there has to be something at the end of the road that will bind two parties to something that makes sense to both of them.

It's been discussed time and again that this is going to necessarily increase the cost of doing government. I don't believe that this is entirely so, in fact I know it isn't so. Because in most every community the Board of Finance and Taxation does have the final say. And if they do not provide the funds, no contract is executed. This merely brings two parties to the end of the line in a way that in a reasonable amount of time something will be decided. I have heard that there are contracts in this state that have gone four years, and still weren't sett-

led. How can you, if you have concern for people, allow this situation to continue? I don't think that we can allow it to continue. I think that we've got to make a determination on this very difficult problem that's becoming even more difficult today, in these times of lack of money, not only to the small towns, especially to the large cities. I think this is an idea that we can live with. I think this is an idea that we must try. The only alternative is to allow public employees to strike, and I can't buy that, and I don't think we ought to buy it. I think this is an experiment in a way that nobody gets hurt if we try it.

I think it's going to work because its worked in other states. I hope that we adopt the amendment and we adopt the bill.

SEN. BAKER:

Mr. President.

THE CHAIR:

Senator Baker.

SEN. BAKER:

Mr. President, I rise to support this amendment. I placed my name on the amendment. I do so because I believe that, as Senator Amenta said, there is a need for an impasse procedure for both the municipal employer and the employees. I think there needs to be an end to the endless negotiating and thereafter, the litigation that is occurring right now. It's my belief that this amendment will do nothing to worsen the already bad financial situation the cities are in. In fact, the amendment does include language that will require the arbitrators to consider the financial situation of the employer--that is the city. Now you've

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had on your desks, much information indicating that in different states, even with this last best offer, contracts have increased. That is the percentages increased. I would simply point out that in the Office of Legislative Research has looked into this, and has stated the following. While there's been little experience with final offer arbitration, one recent study of Wisconsin's final offer arbitration law, which was enacted in 1972, has reached several tentative findings. That law applies to police, firemen and county law enforcement officers.

Study indicated that this type of arbitration has not become habit-forming. It does encourage the parties to voluntarily settle their disputes. It acts as an incentive for the public employer to bargain in good faith, and reduces the number of issues that are unresolved at the time of arbitration. The study indicates and concludes that some of the objections to final offer arbitration appear not to be well-founded.

Mr. President, I feel that there has to be an end to the current negotiating to be fair to all parties. I would ask that you support this amendment.

THE CHAIR:

Would you remark further? If not the question . . .

SEN. FAULISO:

Excuse me, I merely want to move for roll call at the appropriate time.

THE CHAIR:

Fine. Thank you Senator. Senator DeNardis.

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SEN. DENARDIS:

Mr. President, first a question to the sponsors of the amendment. Since I've not had a chance to study it carefully, the last best offer proposal, is it a last best offer on each issue?

THE CHAIR:

Senator Baker.

SEN. BAKER:

The answer is yes. Each unresolved issue.

SEN. DENARDIS:

Each unresolved issue.

SEN. BAKER:

That's after you've gone through your fact finding, and your mediation and moved to arbitration.

SEN. DENARDIS:

Yes. I understand. Is there any other state beside the state of Michigan, that has this particular form of binding arbitration. I do know that it exists in Michigan. Does any other state have the last best offer type of binding arbitration on each unresolved issue? And a footnote to that, excuse me, and if so, does the Senator know what the experience has been in those states?

SEN. BAKER:

Through you, Mr. President, I believe that Iowa has that particular provision in it. I'm not certain of its experience. I believe the only study made has been on the Wisconsin statute.

SEN. DENARDIS:

You mean the Michigan statute. Well, needless to say, there

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are only a few states that have ventured forth with this type of binding arbitration, and the experiences, is not great. I am familiar with the Michigan law, and I believe Michigan was the first state to go to this form of binding arbitration.

Mr. President, members of the Circle, I have been interested in, and studied to some extent the municipal employees Relations Act in Connecticut since its inception, '63 and '65. I've been interested in this area, I've been interested in what the other states are doing with regard to laws governing public employees. I would agree with the previous speakers that the Connecticut Municipal Employees Relations Act is defective with respect to the question of impasse resolution. There is not a satisfactory terminal point in the existing law, and as resources become scarce at the municipal level, this deficiency becomes more glaring than it did ten years' ago.

I think that the amendment before us is not an amendment which I can support, however, because I don't think that it will accomplish what the proponents think it will. The Michigan law which this appears to be patterned after, providing for the last best offer on each unresolved issue, rather than a last best offer on a total package that would be submitted by the employer or by the union, has a serious deficiency in it as far as I'm concerned. The basic purpose of last best offer arbitration is to encourage the parties to come as close to agreements as possible prior to arbitration. And I think that's been the thrust of some of the arguments that have been offered thus far, but I think that if you permit the arbitrator to pick and choose from the employer's

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offer or the union's offer, alternately for each issue, then I think you have in toto, what amounts to a self-defeating package-- and a self-defeating result. I think there are problems in the Michigan law, problems to the extent that the Michigan Municipal League of Cities, is requesting its repeal. And has gone so far as to approve a strike in lieu of the last best offer law in Michigan. I would like to see a restricted strike law for Connecticut. I think we've come to a point where we don't have to shy away from a strike in the public sector. For a long, long time, the dictum was, one cannot strike against the Government, and that's long been regarded as an article of faith. I think, however, that when you have the Government guaranteeing it in the private sector, and then turning around in its dual role as employer and law-giver, and denying it with respect to its own services that we have a fundamental inconsistency, and I know the objection is always raised, well, we're talking about two essentially different kinds of situations, we're talking about different economics, we're talking about different motivating factors, and we're talking about the public interest when we talk about the public employee sector. But the question that I want to ask you all to consider, is this. I think common sense requires whether a strike be permitted to be judged by the nature of the strike, and the impact of the function rather than by who is the employer. I don't think the question of who the employer is, and to make an artificial distinction between public and, the public and private sectors is relevant anymore. I can think of a lot of strikes in the

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offer or the union's offer, alternately for each issue, then I think you have in toto, what amounts to a self-defeating package-- and a self-defeating result. I think there are problems in the Michigan law, problems to the extent that the Michigan Municipal League of Cities, is requesting its repeal. And has gone so far as to approve a strike in lieu of the last best offer law in Michigan. I would like to see a restricted strike law for Connecticut. I think we've come to a point where we don't have to shy away from a strike in the public sector. For a long, long time, the dictum was, one cannot strike against the Government, and that's long been regarded as an article of faith. I think, however, that when you have the Government guaranteeing it in the private sector, and then turning around in its dual role as employer and law-giver, and denying it with respect to its own services that we have a fundamental inconsistency, and I know the objection is always raised, well, we're talking about two essentially different kinds of situations, we're talking about different economics, we're talking about different motivating factors, and we're talking about the public interest when we talk about the public employee sector. But the question that I want to ask you all to consider, is this. I think common sense requires whether a strike be permitted to be judged by the nature of the strike, and the impact of the function rather than by who is the employer. I don't think the question of who the employer is, and to make an artificial distinction between public and, the public and private sectors is relevant anymore. I can think of a lot of strikes in the

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private sector that would be far more crippling and destructive to society than strikes in the public sector. And if you think about it for just a minute, I think you might agree with me. So this artificial distinction as far as I'm concerned, doesn't hold water. I would very much like to talk about how we can shape a restricted or a limited strike law, for Connecticut. It happens to be the subject of amendment C if we get that far. It's working successfully in Pennsylvania, Vermont and Hawaii. I think it can work well here in the state of Connecticut.

I think we can have a committee--the same kind of committee that would be put together under the arbitration approach. The tri-partite committee. The city, the union and a third member picked by the first two. And they can sit down and decide when and under what circumstances the public employee union can strike. And I'm not talking about a continuous permanent strike. I'm not talking about crippling or paralyzing the community. I'm talking about a one-day a week strike, if that's what the committee decides. Enough to inconvenience the community, and enough to bring resolution of the issues. I don't think there's any substitute for the strike, in terms of labor relations. And a lot of people put it down as crude and primitive, but I don't think there's any real, good substitute yet devised for the strike, because it imposes penalties on both sides. It has an impact, the general thrust of which is to bring the parties together in good faith bargaining.

And I hope that if this particular amendment is defeated, Sen-

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ator Cutillo first and then myself, can talk about our alternatives, and I think those alternatives should not be summarily dismissed by you as unacceptable until you hear us out.

SEN. CICCARELLO:

Mr. President, brief response to Senator DeNardis. Of the 5 states and 2 cities which presently utilize last best offer, none have discarded it. I've heard of no case where last best offer, once tried, has been removed. In fact the newest state, to my knowledge, is Massachusetts, which adopted the last best offer approach by issue. By issue, effective July 1, 1974, and according to an article I read in Christian Science Monitor, they've had resort to it on four occasions, and it was mixed results, some were for the unions and some were for the city.

THE CHAIR:

Senator Amenta.

SEN. AMENTA:

Mr. President, just briefly too, I want to add to what Senator Ciccarello said. As I understand, there are 20 states with binding arbitration and I believe that 12 of these have the final offer clause. Thank you.

THE CHAIR:

Now if there are no further remarks.

SEN. DENARDIS:

Mr. President.

THE CHAIR:

Senator DeNardis.

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SEN. DENARDIS:

I think there is only one state, however, that provides for this unique provision of last best offer on each issue. But I would be glad to see Senator Ciccarello's documentation, but I say again, if there's one or five or six that have last best offer on each unresolved issue, you still have, I think, an inherent problem. And that is by permitting the arbitrator to pick and choose from issue to issue, the employer--the employer's last best offer or the union's last best offer, you have a situation which is self-defeating, because the thrust of binding arbitration or the theory of binding arbitration is to encourage the parties to come as close together as possible before the arbitrator picks between one or the other. But if you're going to go down a laundry list of things and pick one or the other down each one of those--down the list, you're going to have, in my opinion, something which is self-defeating to the theory and concept of binding arbitration.

THE CHAIR:

Senator Lieberman.

SEN. LIEBERMAN:

Mr. President, I rise to support the amendment. I have no desire to belabour the debate--that's not a pun, Mr. President-- I have no desire to lengthen the debate, perhaps I should say. The good senator from the first and others have spoken eloquently on behalf of this amendment, and it is a compromise amendment. Mr. President, what is clear and is a matter of fact, is that there is no adequate protection at the current time in, to protect

not only the parties directly involved, but the public from the never-ending extension of municipal employee disputes. There is a need to create, to try a better system. This amendment, I believe, offers such a system. It puts maximum--it gives maximum opportunity to the parties involved to come to an agreement themselves. But it says to them that if they do not, there is a third party, 3 third parties, who will come in and arbitrate, and has the power to dictate will based on their actions. So, quite the contrary to what some have said, I believe this amendment encourages both sides to be reasonable and provides a terminal point to municipal employee bargaining.

The language of the amendment is written in such a way that the standards that the arbitrator would follow are broad. They are sensitive. They pay special note of the ability of the taxpayers of the municipal host community to respond to the needs of a particular contract. In short this is an amendment that a lot of give has gone into, and I think it's worth a try.

THE CHAIR:

Would you not like to prolong or belabour the debate either?
Senator Rome.

SEN. ROME:

No place to go. Little League game is over. Mr. President, members of the Circle, through you, question to Senator DeNardis. It's my understanding that the last best offer gives you trouble because it in effect is not final. Is that correct Senator? And could you explain how you might improve the last best offer, because you indicated earlier that you had some language which

might be effective. Do you have an amendment to that effect? Is there any language which, through you again Mr. President, is there any language which you would offer at this point, or could suggest that might improve this last best offer amendment?

THE CHAIR:

Senator DeNardis, care to respond?

SEN. DENARDIS:

Mr. President, through you, while the minority leader I think was occupied with other business, I indicated my preference for a limited or restricted strike as an alternative to this form of binding arbitration. I did not discuss how this bill might be improved.

THE CHAIR:

Are there other remarks? Senator Smith.

SEN. SMITH:

I yield to Senator Rome.

SEN. ROME:

I yield to Senator Smith.

SEN. SMITH:

Mr. President, Senator Rome is older than I am and I yield to him.

THE CHAIR:

I'm older than both of you, and you can both yield to me. That'll finish it. Now who's going to do what? Senator Rome would you like toSenator Smith.

SEN. SMITH:

No, Mr. President, I do wish to prolong the debate. I too,

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have nowhere to go. But very simply speaking, I, it comes down to a nutshell, Mr. President. All of us have our opinions about the meaning of last best offer and binding arbitration. But in the final analysis it interests me to hear the remarks of those who would ask us to vote against this amendment, and we always, somehow relax and sit back and think that we can rest on so-called economics. Because this issue is before us now simply means that municipal employees did not have what they're asking for during the good times. When there was no question at all about the city's ability to pay. It was simply you work, you have collective bargaining and if we feel that you should have it, you can't strike, so what the heck we can carry it on, and I think Senator Amenta has pointed out that there have been some agreements that have gone as long as four years. Some bargaining actions have gone on for four years. So what kind of negotiations has that confronted the people who work with. Now I want to point this out. That we're all, we are all confronted with bad times, and I, just like everyone else in this Circle, pay taxes. But I'll tell you one thing. That when we're talking about the employees that we are at least trying to give some collective bargaining status to, to make collective bargaining more meaningful, to give in on the one side, and not give away all on the other side, then it is sort of bewildering to me that, when we're talking about legislation in other areas, we uphold these employees, and we dare anyone to speak against them. Take police, for example. In some other areas, we're all for the police. On

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this area, we're not. We don't want them to get, be put in a position to get better wages for the dangerous conditions to which we claim that we should support them in all of their other efforts, but when it gets to paying them for it, we say well, no we can't do it, we're in bad times.

There's so many people, particularly in New York and other places, where city employees have said, we've had enough, it's up to our necks, we're not going to pick up your garbage. Now some of you already, you know, you don't have those kinds of services, but particularly in the cities, which are mainly affected, we go to work on our garbage collection pick up day knowing full well, feeling pretty sure that when we come back the garbage can is going to be empty. That we don't have to put in our station wagons or in the back of our cars to take it to the dump, and empty it ourselves.

But when those garbage collectors come around and say, all right, how about raising my wages, because I too am affected by inflation. I too have a family to feed. We say, oh we can't go up on the taxes. The city is in trouble. And yet we expect for them to continue picking up the garbage. Continue policing and protecting us from crime. If our house burned down and there's firemen coming, respond and put it out before it does too much damage, we're all for them. Anything I can do for you buddy, you saved my kids. And they say, yes, you can vote a pay increase for me. You say, oh we're confronted with bad economic times. I can't do it, but when times get better we're going to pay you what you're worth. And that's all that it adds up to. We'll pay

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you what you're worth when we get around to feeling that we can afford to. And so we're talking about people, who work every day, who have families to feed just like we do, and I would go so far as to say that even in bad economic times that if it means that if I have to pay more in taxes to help them support their family, then dog-gone it I'm willing to pay for it and then fight for my increases as I see fit.

THE CHAIR:

Senator Rome.

SEN. ROME:

Sorry to make you get up, Mr. President. Mr. President, members of the Circle, and especially Senator Smith, I'm wondering when we talk about this problem, whether or not we all have forgotten for just one moment that there are some elected officials at local level who really, we're taking away their prerogatives, and if in fact our local municipality has a town meeting to adopt its budget. Do you feel, Senator Smith, that we're taking away the prerogatives of that town meeting when we, in effect, here legislate the kind of agreements they must make. Or the finality of those agreements, Senator Smith.

SEN. SMITH:

Mr. President, through you to Senator Rome. I work from the fact that these municipalities are subdivisions of the state. And that whenever we feel that they are mistreating residents of this state, and are refusing to collectively bargain on a well-meaning and equitable basis, which most certainly I have reached an opinion that they are not, then the state has a responsibility

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to give them the wherewithall to resolve these problems.

SEN. ROME:

Senator, through the President's Chair to you, don't you feel that perhaps the local officials do have someone who, or some persons who can put the proper pressure when they have misbehaved or mistreated the municipal employees. Aren't the voters or the town meeting in a position where they can correct that situation? It isn't the way our Constitution and our design-- isn't that the answer?

SEN. SMITH:

Mr. President, through you to Senator Rome. I agree with you Senator Rome, except that this does not always happen in the case, and if that were true in every case, there would be no need for a General Assembly.

SEN. ROME:

Mr. President, members of the Circle, my concern is a very serious one, and that is that more and more in this session, we're eroding the responsibilities if not the powers of the local, municipal officials. I think that's a very serious problem, because when we erode their powers and responsibilities, we really are taking away the prerogatives of people at local level, who vote for them.

We don't have one state whereby we elect a benevolent dictator or a benevolent dictator helped by a number of senators and representatives to impose our will, or we're not supposed to, to impose our will on the local governments. But suddenly in this

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session we seem to be doing that. We seem to be chipping away, piece by piece and bit by bit. It's kind of agonizing and I guess it's like the guy under that little water faucet with his head being pounded, and he doesn't really mind it until after the cumulative effects, Senator, Mr. President, hits him. And I think the cumulative effect is hitting. Might even be hitting me on, at 8:20, the night before the final adjournment, when this piece of legislation with 8 and now I understand 9 amendments, comes before us on the very last night of the General Assembly, with 8 amendments--any one of which on any other week of the General Assembly would be considered so substantive that it would have to be returned to the Legislative Commissioner's office for full redrafting and consideration.

I just think that we're doing this in the wrong way. That was the reason for my motion earlier. I think as we go on later on in the evening, I think the reasons for my motion and the timeliness of my motion earlier will be apparent. I hope that perhaps others might see that way also. Thank you.

THE CHAIR:

Question is on the adoption of Senate Amendment Schedule A. A roll call has been requested. Will the Clerk please announce an immediate roll call in the Senate?

THE CLERK:

Immediate roll call in the Senate. Would all Senators please return to the Chamber. (repeated)

THE CHAIR:

All right. The machine is open. Will the senators please

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vote. The machine is closed and locked. The Clerk please tally the vote. Senator Dinielli.

SEN. DINIELLI:

Mr. President, could I be recorded in the affirmative?

THE CHAIR:

The record will show that Senator Dinielli is recorded in the affirmative. Total voting 35. Necessary for passage 18. Yea total 23, nay total 12. Senate Amendment Schedule A is adopted.

THE CLERK:

Clerk has in his possession Senate Amendment Schedule B as offered by Senator Cutillo. Delete section 1 through 7 and add a new section 1 as follows: Section 1, section 7-475 of the General Statutes which prohibits municipal employees from striking is repealed. Copies are on the desks of the senators.

SEN. CUTILLO:

Mr. President.

THE CHAIR:

Senator Cutillo. I move the amendment.

THE CHAIR:

. Would you care to remark on it, Senator.

SEN. CUTILLO:

Yes Mr. President. One of the reasons for the submission of some 8 or 9 amendments to this bill as it came up from the House, was an acceptance by most of us that are submitting them and voting for these amendments, it was a bad bill. We just passed an amendment that may alter it, or did alter it somewhat and the results of which I don't know how it would affect me on a final vote.

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I'm submitting this amendment to give municipal employees the right to strike. If what they're looking for is a level, then what better lever than the right to strike. And this includes all municipal employees excepting teachers. It includes, by the way, your fire and police. I'm asking for support on this amendment because I feel this is the ultimate in freedom for any municipal employee if in fact, this is what we're trying to do.

I would ask therefore, that each member consider very seriously, the acceptance of this amendment.

THE CHAIR:

Are there further remarks? Senator DeNardis.

SEN. DENARDIS:

Mr. President through you to Senator Cutello. Does his amendment, the way I read his amendment it simply repeals the present ban on striking, leaving what other statutes are on the books or may be made by amendments here this evening, so that, so thus far we will have binding last best offer, binding arbitration, plus the unlimited right to strike, if his amendment is passed.

THE CHAIR:

Senator Cutillo.

SEN. CUTILLO:

Through you, Mr. President. Correct. Yes.

SEN. DENARDIS:

Mr. President, I would submit that I know of no jurisdiction in the United States that would deal with impasse resolution by including the unlimited right to strike along with binding

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arbitration in whatever form. There's an inconsistency here which just simply can't hang together. There have been many people who have dealt with the question of impasse resolution, and they generally deal with that either through the right to strike, limited in some way, or through impasse, or through binding or compulsory arbitration. But both. With all due respect to the sponsor of this amendment, both simply don't hang together and provides a very unworkable system.

SEN. CUTILLO:

Mr. President you know Senator DeNardis's observation are quite right and I would say to the members of the Circle, if you think about it a little while, if you have any hangups on this bill, this is a good way to hang it out.

THE CHAIR:

Senator Amenta.

SEN. AMENTA:

Mr. President, if you vote for this amendment you're going to hang way out, I'll tell you that one. I just can't conceive how as responsible legislators, we can even consider allowing municipal employees to strike. You know you're going to take all the policemen off the streets for a day, a week, a month, 6 months, are you going to do it with the firemen for a day, a week, 6 months a year, or 2 years? I mean just how ridiculous can you get? This is a ridiculous amendment and I think it ought to be defeated.

THE CHAIR:

Senator Cutillo.

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SEN. CUTILLO:

Not to speak, Mr. President, but to ask for a roll call vote on this amendment.

THE CHAIR:

All right. Are we ready to vote? Will the Clerk please announce a roll call vote in the Senate.

THE CLERK:

Immediate roll call vote in the Senate. Would all Senators please return to the Chamber? (repeated)

THE CHAIR:

Question here is on the adoption of Senate Amendment Schedule B. Are the senators prepared to vote?

THE CLERK:

Immediate roll call in the Senate. Would all Senators please return to the Chamber. (repeated)

SEN. CUTILLO:

Mr. President, just a point of clarification, if I may. I'm told that this is going to be defeated anyhow, but I think the clarification should be made. Sections 1 through 7 will be deleted, so that would take out the other parts that we have been discussing previously.

SEN. SCHWARTZ:

Mr. President, I don't mean to keep debate going, but I don't understand what the Senator said, and if he could explain it, it might have a bearing on the way I vote. Through you, Mr. President, is Senator Cutillo saying that the rest of the bill would

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be deleted and only the right to strike would remain?

SEN. CUTILLO:

Through you, Mr. President, yes. All right, I had answered wrongly earlier to Senator DeNardis.

THE CHAIR:

Thank you Senator.

SEN. ROME:

This substitutes the right to strike for binding arbitration, that's that simple, isn't that correct?

SEN. CUTILLO:

That's my understanding.

THE CHAIR:

All right. The machine is open. Please cast your vote. The machine is closed and locked. Clerk will please tally the vote. Total voting 34. Necessary for passage 18. Yea total 5, nay total 29, the amendment is defeated.

THE CLERK:

Clerk has in his possession Senate Amendment C LCO number 9897 offered by Senator DeNardis. Copies are on the senators' desks.

SEN. DENARDIS:

Mr. President.

THE CHAIR:

Senator DeNardis.

SEN. DENARDIS:

I move adoption of the amendment and when it is voted upon, I

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request a roll call vote.

SEN. ROME:

Mr. President, I don't have a copy on my desk. If there was one . . . please.

THE CHAIR:

Somebody get a copy to the Minority Leader please. Would you care to remark on C, Senator DeNardis? Want to wait for the . .

SEN. DENARDIS:

Mr. President, I would waive the reading of the amendment. I have moved it and I have requested a roll call vote, and I would further request a reading, and I would like to explain it.

THE CHAIR:

Are you requesting a reading?

SEN. DENARDIS:

No, I'm waiving, requesting a waiving of the reading.

THE CHAIR:

Would you care to explain?

SEN. DENARDIS:

Yes. Mr. President, the language of this amendment, which has been the subject of bills that I have put in every year for the last five years, attempts to fashion the strike and to make it suitable for the public sector. This amendment, if it's adopted, would fit harmoniously into what we have done thus far in this respect. The statutes now call for mediation. The statutes set up a system for fact-finding and the statutes currently also set up a system for voluntary compulsory arbitration. What we

have done thus far on amendment A, is to provide for binding arbitration as that last step. What amendment C would do before you, would be to strike, strike out amendment A. That is, binding arbitration and set in its place as the final step, a procedure whereby a restricted strike could be agreed upon for each community. And the way it works is simply this. Once the, once that final stage is reached, a three-member committee, a representative of the city, a representative of the union, and a third member selected by both, meets and determine when and under what conditions the union may strike.

It is conceivable, depending upon the nature of the service provided by the union, that that strike may be on a one-day a week basis. Or a two-day a week basis. The concept behind a limited strike, which a number of experts in the public--in the labor relations field have, have written about and have recommended, is that the limited right to strike controlled by a three-member committee, is a way of introducing the strike, the ultimate weapon in labor relations, to the public sector, without letting the situation go out of hand.

In this way the community may become inconvenienced, but the community will never become paralyzed or crippled with an extended, prolonged permanent strike. Now immediately Senator Amenta and others may ask, what do you do about the guardian services? Are they allowed to strike? It looks like I'm reading Senator Amenta's mind. The guardian services would have to be considered an essential public service, and therefore they would

not be given the degree of latitude in striking that other unions would be given. However, it is conceivable to allow a guardian service to strike, but it might well be on the basis, for example, saying to a striking police union that you, you may strike insofar as your paper work is concerned or some other facet of your work, but you must still hit the streets and patrol and, and other protective services. But admittedly this is a, this would require a, a committee decision.

The committee is given a considerable amount of latitude under this legislation and is allowed flexibility and can deal with each strike. It can deal with each union and each set of grievances on an individualized basis. There'll be no one answer for all the communities for all situations.

Mr. President and members of the Circle, the hour is late and the session is late and I don't expect that we're going to want to engage in an extended debate on this subject. It's just unfortunate that so crucial a subject, so important a subject, is, has to be put on our agenda on the night before we adjourn. This is the kind--this is one of the most important issues that this General Assembly has taken up this year, and we are forced to deal with it in the 11th hour, in an atmosphere which is not conducive to good debate, good discussion and good legislation, but believe me, this particular amendment is an amendment which is the product of far finer minds than my own. I simply act as the agent to bring it to you, and have you consider it this evening.

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SEN. AMENTA:

Mr. President.

THE CHAIR:

Senator Amenta.

SEN. AMENTA:

Mr. President, Senator DeNardis has indeed read my mind. Again, I cannot conceive how you can allow the police or the firemen to strike. And as far as the paperwork is concerned, I'm not so sure that they're doing that much paper work. If they are, they shouldn't be policemen or firemen. They should be on the streets, or at the firehouses or answering fires. But I think that the distinguished Senator makes one very mistaken idea of a strike, and I don't know whether he's ever been involved in a strike or around a strike.

There's no such thing as a gentlemanly strike. When you get to that point you're in trouble. And that's the reason for the bill being here. Because we don't want them to strike. Because we do want to have a last resort, a place where the personalities get wiped out of the situation. I've seen strikes go for six months because, simply because of personalities involved in the negotiations. They forgot what the issues of the strike were after a while. And the personalities prevail. So there is no such thing as a gentlemanly strike. And if you want to eliminate getting up to that point, we'll pass this law as amended.

That's the reason for the law. It's a, and again, Senator I have a lot of regards for you, but I really don't think that this will work.

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THE CHAIR:

Senator DeNardis.

SEN. DENARDIS:

Mr. President I'll be very brief. I just simply want to say that if this were a freer atmosphere to work out this, this very thorny issue, what we might do is to separate the question of the guardian services and other municipal services as some states have done, and allow the guardian services the right to binding arbitration recognizing the unique nature of their service and provide another kind of system, be it limited strike or some other kind of system, for the non-guardian services. If, if this were-- if we had the time, and if we had the commitment to work out a good piece of legislation to complement the 1963-65 Act, that's what I would like to see happen, but the situation is, is such that our backs are to the wall, and we're coming down to either-or situations, and I'm afraid we're going to produce a, a poor answer to the impasse question.

THE CHAIR:

If there are no other remarks, the question is on the adoption of Senate Amendment Schedule C. Will the Clerk please announce an immediate roll call vote in the Senate?

THE CLERK:

There'll be an immediate roll call vote in the Senate. Would all senators please return to the Chamber. (repeated)

THE CHAIR:

The machine is open. Will the senators please cast their

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votes? The machine is closed and locked. Will you please tally the vote? Total voting 35. Necessary for passage 18. Yea total 3, nay total 32. Amendment C is defeated.

THE CLERK:

Clerk has Senate Amendment D as offered by Senator Cutillo. It's LCO number 9994, copies are on the desks of the Senators.

SEN. CUTILLO:

Mr. President.

THE CHAIR:

Senator Cutillo.

SEN. CUTILLO:

I move the amendment and ask that the Clerk please read the amendment. It's a short one.

THE CLERK:

Add a new Section 8 as follows. All three members of the arbitration panel appointed in accordance with the provisions of this act shall be residents and property taxpayers of the municipality for which the collective bargaining agreement is being arbitrated. (may not be correct because of speedy recital) C.G.C. (laughter in the Chamber)

THE CHAIR:

Now that the Clerk has read so precisely, will you explain it, Senator Cutillo?

SEN. CUTILLO:

I move its passage. That's clear enough. Mr. President, members of the Circle, very seriously, what it does, is move the date to July 1, 1976. And I think the reasoning is obvious. This

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will give each municipality that will be bargaining over the course of the next several months and setting tax rates, an opportunity to make the adjustment that they will be faced with, come July 1, 1976. I, I believe most sincerely that this is a reasonable offer in this collection of amendments that we do have,

SEN. DENARDIS:

Point of order, Mr. President. Only, Senator to say that I think you're explaining the wrong amendment. I think . . .

SEN. CUTILLO:

You did read too fast, Mr. Clerk.

SEN. DENARDIS:

I think you're talking . . . I think, Chad, our Clerk has read the amendment which is LCO 9994, which has to do with the residency of the 3 members of the arbitration panel.

SEN. CUTILLO:

Thank you, Mr. Cle . . . Senator. O.K. We'll get back on this one. This one, and I'll read it, because again I think it's a serious--an amendment that should be considered seriously.

"All three members of the arbitration panel appointed in accordance with the provisions of this act, shall be residents and property taxpayers of the municipality for which the collective bargaining agreement is being arbitrated." Well, I'm told by my colleagues here that most people aren't listening because it's a, may be considered a frivolous amendment. I think this, and the one I had started to explain out of turn, are both very important amendments. Here again, as I had said earlier, this one

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should be considered seriously because it makes the decision making limited to individuals within the confines of that municipality doing the bargaining.

I believe that we're serving two purposes, therefore, one to fulfill the needs of the bill as passed by this amendment earlier and secondly, to give that municipality those people, those taxpayers a chance to be heard by a representative group. I would ask therefore, again, that the Senate please give this their consideration.

THE CHAIR:

If there are no further remarks, Senator Ciccarello.

SEN. CICCARELLO:

Mr. President, I rise to oppose the amendment. I think we have to understand that the last best offer contemplates that all the offers will be made by local people, namely the municipality and the unions. And the method set forth in section 6, indicates that both of these parties have the right to select their own arbitrators and if they fail to select the third arbitrator, that arbitrator must in fact be, not only a resident of the state, but also a fact-finder--a person experienced in the business of negotiation. I also think you have a problem proposed by Senator Cutillo, of having arbitrators unavailable by virtue of the size of the communities, by virtue of the unavailability of arbitrators, people who are professionals in this field. I think for all these reasons, the amendment should be defeated.

THE CHAIR:

If there are no further remarks, the question is on the ado-

ption of Senate Amendment Schedule D.

SEN. SMITH:

Mr. President.

THE CHAIR:

Senator Smith.

SEN. SMITH:

I do rise to oppose the amendment and I'm commenting on it, Senator Cutillo through you Mr. President, because I do think it is serious. And I simply want to point out that the amendment restricts the arbitrators to be property residents and property taxpayers of the city, which of course is a discriminatory amendment. There are other residents in the city who may not necessarily be property taxpayers, but who in some way, shape or form or fashion do in fact pay taxes through rents and through ownership, not necessarily through the property taxpayers' category, and which the amendment makes reference to. And the other aspect of it is a possible conflict of interest in a sense that the arbitrator is really supposed to be an objective person who does not stand to lose or benefit from the action that the individual is taking in a disagreement at stake. It seems to me that a property taxpayer of the city would most certainly without saying so, might in fact contemplate the effect that the award one way or the other might have upon him in rendering a decision.

THE CHAIR:

Thank you Senator. If there are no further remarks, you'll proceed. The vote will be by voice vote. Senator Schwartz.

SEN. SCHWARTZ:

Mr. President, just one minor comment. Especially in smaller towns like my own, to require that all the arbitrators come from the town, may be of great disadvantage to the bargaining unit, especially in my own town's case, where the four firemen which are the bargaining unit in the town, the only one, aren't resident in the town and therefore, they may not find the sympathetic voice, so in addition to Senator Smith's problem with the property taxpayer, I believe especially in small municipalities, to have a, require resident arbitrators, may be to the disadvantage of the bargaining unit.

THE CHAIR:

Call will be by . . . Senator Cutillo.

SEN. CUTILLO:

I say, Mr. President. Seeing that most of the senators are here, I would then ask for a roll call vote.

THE CHAIR:

Clerk announce an immediate roll call?

THE CLERK:

Immediate roll call in the Senate. Would all Senators please return to the Chamber. (repeated)

THE CHAIR:

The machine is open. Will the senators please cast their vote? The machine is closed and locked. Please tally the vote. Total voting 35, necessary for passage 18, yea total 9, nay total 26. Amendment D is defeated.

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THE CLERK:

Clerk has Senate Amendment E as offered by Senator Cutillo. It's LCO number 9252. Add a new section in as follows: New, this action will only apply to the collective bargaining contracts or agreements which expire after July 1, 1976.

SEN. CUTILLO:

Mr. President, I move the amendment.

THE CHAIR:

Would you speak on it, Senator Cutillo?

SEN. CUTILLO:

Yes, and you know it's almost like speaking on it the second time, because I was corrected earlier by Senator DeNardis that I had the wrong amendment previously. For anyone who was listening, those remarks still stand. I won't elaborate or prolong discussion any further, except that I do believe, to reiterate my sincerity in this motion, that it would make it a little more palatable and easier to accept for those municipalities saddled with the bill as we now have it. And that when the vote is taken, it be taken by roll call.

THE CHAIR:

Senator Rome.

SEN. ROME:

Mr. President I support the amendment. I think it's a good amendment, if in fact this bill passes, I think it's a worthy amendment.

THE CHAIR:

Senator Amenta.

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SEN. AMENTA:

Mr. President, I rise to oppose the amendment. Mr. President, the bills that usually pass before us have an effective date that are well within the reason, and well within the time for their enforcement. I think by putting this back, you're simply trying to postpone the inevitable. If the bill itself is a good bill, and I know it is, and if the bill does pass, and I hope it does pass, I think it ought to become effective like the rest of the bills. And I don't believe this is, this later date is not in the interest of the bill.

THE CHAIR:

If there are no further remarks. Roll call has been moved. Will the Clerk announce a roll call vote in the Senate, please.

THE CLERK:

Immediate roll call in the Senate. Will all senators please take their seats. Immediate roll call in the senate. Would all senators please take their seats.

THE CHAIR:

Machine is open. Will the senators please vote. Machine is closed and locked. Clerk will tally the vote. Total voting 35. Necessary for passage 18. Yea total 17, nay total 18. D--E has been defeated.

THE CLERK:

Clerk has in his possession Senate Amendment F as offered by Senator Cutillo. It's LCO numbers 7899.

SEN. CUTILLO:

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Mr. President, I withdraw that amendment. I, it's--hold on, I want to make sure that's the right one. Mr. President, I withdraw the amendment.

THE CLERK:

Amendment G as offered by Senator Barry. It's LCO number 9547.

SEN. BARRY:

Mr. President.

THE CHAIR:

Senator Barry.

SEN. BARRY:

I waive the reading of the amendment. I move its adoption.

THE CHAIR:

Would you care to comment on it, Senator.

SEN. BARRY:

Mr. President, I think with this amendment, we have finally come to a, bring a populist movement to the question of arbitration and subject matter of the bill. I think everybody has a copy of it, but what it does is, it says that notwithstanding any other provisions of the statutes between 15 and 30 days after the rejection of the municipal employer, rejection by the employer or the employee, the factfinders report, then a referendum in the town shall be held in, in each, in such municipality.

Now what happens is that any--anybody who is a voter and entitled to vote at a referendum, would be entitled to vote at this referendum. Machines would be set up and there would be four

places on the machines, and one would be entitled the best--the last best contract offer, the municipal employer. Second one would be the last best contract offer, the municipal employee organization. Three would be the factfinders' report, and four would be none of the above.

If anyone of the first three, whichever one of the first three got the most votes, that would be the contract agreement. If the fourth one--none of the above--got the most votes, then mandatory binding arbitration would be the next step. This in no way affects any other part of the bill. All it does is, inbetween the factfinders' finding and the mandatory binding arbitration, as you find in the Senate Amendment Schedule A, places the referendum there in the case of a disagreement over the factfinders' finding.

I might point out that a statute similar to this has been used elsewhere. In California it's been used. In the city of Englewood for a number of years, and it's my understanding that because of this, neither side has wanted to go to the referendum and therefore, it served its purpose to bring the unions and the management together. I think that it's the only amendment that brings some voice back to the people in these kinds of negotiations, and I think, if anything, it is a good amendment and one which would give some grass roots support to what I think all of our constituents regard as tremendous problems in our towns and in our cities, and I move adoption.

THE CHAIR:

Senator Amenta.

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SEN. AMENTA:

Mr. President, I rise to oppose this amendment. In the first place, Mr. President, if you look at the mechanics of what's called for in this amendment, you find that there has to be a referendum. Those of us who've had some experience with referendum know that usually the vote is very low in a referendum. In the case of my own community, where the policemen bargain separately, the firemen bargain separately, the municipal employees bargain separately and the teachers bargain separately. In that case we could have as many as four separate referendums each and every year. Now you multiply this by the other communities, especially the larger communities who have the same problem, you'll find that this is a tremendous drain on the communities.

I just don't think that this is the way to go on this very serious problem. I have again, I have high regards for the Senator to my left, but I really don't think that this amendment can work in the State of Connecticut.

THE CHAIR:

If there are no further remarks, the vote will be by voice.

SEN. ROME:

Just . . . I rise to support the amendment. I think it was a very thoughtful amendment, again. If in fact we're going to proceed with binding arbitration, which I just might remind members of the Circle, you haven't seen fit to give collective bargaining and binding arbitration to the state employees, but I guess you feel that the municipal employees are in a better position and the municipal officials are just not as bright as, or

effective as we are, I guess, but if in fact we're going to do that at the local level, then I suspect that we ought to support this amendment.

THE CHAIR:

Senator Barry.

SEN. BARRY:

Mr. President, I move for a roll call vote.

SEN. AMENTA:

Mr. President.

THE CHAIR:

Senator Amenta.

SEN. AMENTA:

I believe that the words of the distinguished minority leader need a response. I don't think that at all. That we think that the municipal elected officials are any less than the state officials. In fact I think with the good fortune and the right direction that we're going in this session of the Legislature, we might have a collective bargaining bill for the state employees. And yes, if we then find that we have the same problems that they're having on the municipal level, I will vote for binding arbitration for them too.

SEN. ROME:

Mr. President, through you to Senator Amenta, I guess we've just experienced today an increment--increments--through the pension of state employees, that we have some of the same problems. Do you know whether or not the Governor is prepared to support

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binding arbitration for state employees?

SEN. SMITH:

Point of order, Mr. President.

SEN. AMENTA:

Mr. President, through you, I'd like to answer.

THE CHAIR:

Point of order, Senator Smith. Make your point.

SEN. SMITH:

Point of order, Mr. President, is that the issue of binding arbitration for state employees is not before this body.

SEN. AMENTA:

Mr. President if I may answer, through you. I believe I've been asked a question. I'd like to answer.

THE CHAIR:

Senator Amenta.

SEN. AMENTA:

Mr. President, through you, and distinguished minority letter--eh, leader--of the Senate. It's getting so late. I'm sure that when the Governor gets the proposition before her she will make the right decision.

THE CHAIR:

A roll call vote has been requested. Will the Clerk please announce a roll call immediately in the Senate?

THE CLERK:

There'll be a roll call vote in the Senate. Would all Senators please return to the Chamber. (repeated)

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 13, nay total 21, G is defeated.

SEN. ROME:

Mr. President.

THE CHAIR:

Senator Rome.

SEN. ROME:

Mr. President, I move to refer after all this debate and the clouds that have really taken hold on to this bill, I move to refer to the 1976 Session of the General Assembly when we can take up binding arbitration, collective bargaining for state employees as well as municipal employees, when it would be fair. Again, I urge that you not invite debate on the subject. Move to refer.

SEN. FAULISO:

Mr. President, I would expect that you in your digression, would not prohibit me from talking on such a vital subject, at an inappropriate time to intercede and to interfere with the orderly process by delaying and deferring, because some of these amendments are being now defeated, I think would be an injustice to the many people who are involved in this situation. And I would hope that this motion that is now made, be defeated. This would be a repetition, this would be an imposition--an imposit-

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ion on this body that has been debating this now for such a long period of time, because of the number of amendments. There is no guarantee that when we defer or study, that you're not going to have amendments because that's the prerogative of every individual who is in this body.

I think that this is a, it's not in good taste. I think it comes at a late hour. It's dilatory. It's protraction. And this is the very thing that we are involved in, the question of protraction, the question of delay. We want this issue expeditiously taken care of, and I can think of no better way but to continue with these amendments and to treat them as they come up.

SEN. ROME:

Roll call.

THE CHAIR:

All right the question is on the motion to continue to the next session of the general assembly. A roll call vote has been requested. I would ask the Clerk to announce a roll call immediately in the Senate.

THE CLERK:

There'll be an immediate roll call vote in the Senate.
Would all Senators please return to the Chamber? (repeated)

SEN. FAULISO:

Mr. President, will the Chair take note that the, there is a vote being recorded.

THE CHAIR:

The machine is open. Will the senators please vote? All

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right. The machine is closed and locked. Please tally the vote. Total voting 35. Necessary for passage 18. Yea total 10, nay total 25, the motion to continue to the next session is defeated.

THE CLERK:

Clerk has Senate Amendment Schedule H. LCO 9823 offered by Senator Beck.

SEN. BECK:

Mr. President.

THE CHAIR:

Senator Beck.

SEN. BECK:

Mr. President, the purpose of my amendment had been to insure that the arbitrators had to take into account the ability of the community to pay. This has been taken care of in Amendment A, and I would like to withdraw the amendment at this time.

THE CHAIR:

H is withdrawn.

THE CLERK:

Clerk has Senate Amendment Schedule I, LCO 9542 offered by Senator Rome.

THE CHAIR:

Senator Rome.

SEN. ROME:

I move adoption of the amendment, but I, it's been so long, would the Clerk please read the amendment?

THE CLERK:

After line 2,3,4 add a new section 8 as follows: quote,

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Section 8. The chairman of any arbitration panel, selected in accordance with the provisions of sections 6 and 7 of this act, shall be an elector and taxpayer of the municipality involved in dispute being arbitrated."

SEN. ROME:

Mr. President, I move adoption of the amendment. It's very simply, if in fact the local municipalities are going to be bound, I think the person who binds them, the arbitrator, the chairman of that board, ought to be a resident and understand the problems of that municipality. That means the problems of labor, and the problems of the municipality, and I cannot conceive of us voting down this amendment. I would urge adoption. Request a roll call, which I'm sure you would have . . .

THE CHAIR:

Are there remarks? Senator Smith.

SEN. SMITH:

Yes, Mr. President. I rise to oppose the amendment. I think it's unnecessary, simply.

THE CHAIR:

If there are no further remarks? Question is on the adoption of Senate Amendment Schedule I. Will the Clerk please announce an immediate roll call in the Senate?

THE CLERK:

There'll be an immediate roll call vote in the Senate. Would all Senators please return to the Chamber.

THE CHAIR:

The machine is open. Will the senators please vote. Machine is closed and locked. Clerk please tally the vote. Total voting 35, necessary for passage 18. Yea total 14, nay total 21. I is defeated.

THE CLERK:

Clerk has Senate Amendment J as offered by Senator Ciccarello and Baker.

SEN. CICCARELLO:

Mr. President, that amendment is withdrawn.

THE CLERK:

Clerk has no further amendments.

SEN. SMITH:

Mr. President, I move the adoption of the bill as amended. I think the issue has been discussed enough, and I think the members at least should be ready to vote. And I move that the vote when it is taken, be taken by roll call.

THE CHAIR:

Will the Clerk announce an immediate roll call? Please. That will be immediate.

THE CLERK:

Immediate roll call in the Senate. Would all Senators please return to their chairs? (repeated) (repeated again) (plus the addition of) especially Senator Houley.

THE CHAIR:

Machine is open. Will the senators please vote? Where's Senator Hudson? Machine is closed and locked. Clerk will tally

the vote, please.

SEN. PAGE:

Mr. President, my vote should have been a yea.

THE CHAIR:

Clerk will correct Senator Page's vote. Total voting 34. Necessary for passage 18. Yea total 21, nay total 13. The bill amended by Senate Amendment Schedule A is adopted.

SEN. LIEBERMAN:

Mr. President.

THE CHAIR:

Senator Lieberman.

SEN. LIEBERMAN:

I move for suspension of the rules to allow for immediate transmittal of the bill to the House.

SEN. ROME:

Mr. President, obviously I oppose the motion. Move that we take the vote on the motion for suspension by roll call.

THE CHAIR:

Suspension has been moved. The roll call has been requested. Will the Clerk please announce same?

THE CLERK:

Immediate roll call in the Senate. Would all senators please return to the chamber? (repeated) especially Senator Murphy.

THE CHAIR:

The question is on the motion to suspend. The machine is open. Will the senators please vote? The machine is closed and

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HOUSE

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Will you remark further on the bill? If not, will the efr Members please be seated; the staff come to the well. The machine will be opened. Have all the Members voted? Is your vote properly recorded? If so, the machine will be closed. The Clerk will take a tally.

The following is the result of the vote:

Total number voting	137
Necessary for passage	69
Those voting yea.	137
Those voting nay.	0
Those absent and not voting	14

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The bill as amended is passed.

THE CLERK:

Page 3 of the Calendar, Calendar 1086, Substitute for H.B. 6969, an Act concerning binding arbitration for municipal collective bargaining agreements.

DOMINIC J. BADOLATO:

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

MR. SPEAKER:

The question's on acceptance of the Joint Committee's favorable report and passage of the bill. Will you remark, sir?

DOMINIC J. BADOLATO:

Mr. Speaker, the bill before you provides for binding arbitration for municipal employees' collective bargaining agreements. The bill had a hearing on March 5th...I'm sorry, Mr. Speaker...but before I go on, I think I should explain that the

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Chairman of the Committee, Representative Coatsworth, intended to bring the bill out and support the bill. He was called away from the Capitol, and if he's available at all, he'll be here before the debate is ended. I certainly hope that he will be here. The bill had a hearing on March 5th as a result of concern by many people in the State of Connecticut as to what was happening on the municipal level insofar as impasses in negotiations between city governments and the employee organizations. The bill had been given consideration by the Legislative Research Department ...made a study as to what was happening in impasses in negotiations on the municipal level, and the report was sent to all of the Members of the General Assembly. The report clearly indicated that contract negotiations on the local level extended far beyond the expiration date of the agreements between the parties. In fact, the report indicates that 80% of the contracts that were reviewed extended beyond the expiration date of the existing contract. The file copy that you have before you, Section 1 and 2 are part of a bill that had previously passed both the House and the Senate and is currently in the possession of the Governor's office, and I'm not sure, but it may have been signed into law at this point, so that we can address ourselves from that point on in the file copy. Starting with Section 3, it addresses itself to making what was voluntary under the present law mandatory at the request of either party. Section 3 simply deals with a technical amendment that has to do with a report of the arbitrator at a given period of time prior to the adoption of a budget, and it does nothing more than that. The heart of

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the bill is in Section 4, and Section 4 establishes a procedure to provide for the parties to request arbitration and, in fact, put into effect the arbitration procedures of the Municipal Employee Relations Act if this bill is adopted. Sub-section H of Section 4 provides for the means of selecting the arbitrators. It provides the employer to select an arbitrator...the employee organization for...to select an arbitrator, and for the two to get together during a given period of time and attempt to arrive at an agreement as to who the chairman of the tripartate panel would be. If the parties are not able to agree as to who the chairman would be, it then is submitted to the State Board of Mediation and Arbitration for selection by them of the chairman of the panel from among the list of fact-finders that they have available, and the requirement is that it will not be the fact-finder that was involved in a case up to this point, and I would point out to you that the law requires that all of the remedies available have to be exhausted before they...either party could request arbitration, and I think it might be interesting to you to know what the procedures are, so that you'll get a full picture of what is required before either party could request binding arbitration. When an employee organization is recognized as the representative of the employees, he makes a request of the employer to commence negotiations, and they meet and attempt to arrive at an agreement. If they fail to arrive at an agreement, either party can then request the services of the State Board of Mediation and Arbitration for fact-finding. The State Board submits a list of three names to the parties to give them an

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opportunity to select one of the three as the fact-finder. If they're not able to agree as to who the fact-finder would be, the State Board then names the fact-finder in the case. The fact-finder then meets with the parties and attempts to mediate the dispute between the parties. Failing in that, he then is required to take testimony from the parties as to what their positions are, and he then is required to make his recommendations to the parties as to what his findings are. With the passage of Section 1 and 2, and if it's signed by the Governor and becomes law, he then would be required to go before the legislative body with his report at a meeting, separate and apart from a meeting that he will have to hold with the employee organization, and at those meetings explain his findings and justify his findings and recommendations to them. The parties then have a period of time in which to consider the recommendations and can either accept or reject those recommendations, or they can allow them to be put into effect by default by not taking action. If either party rejects the recommendations, and not until then...if either party rejects the recommendations, then they can request arbitration, and it brings us to this bill. So, that you see that there is a process for them to go through...there is an effort to allow the parties to resolve their differences. Failing that, then they can request binding arbitration. The rest of the Section 4 simply sets up a time schedule for the parties to meet, give testimony, file briefs, time for the fact-finders to...the panel, rather...not the fact-finders...for the panel to make a decision and make an award, and it provides, of course, that that award is binding

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on both parties. Now, testimony at the hearing clearly pointed efr
out that there have been negotiations that have gone on for peri-
ods of two and three years, and one case, at least, four years
before the parties were able to arrive at an agreement. The
present law does not provide for a true means of resolving an
impasse between the parties if there is a dispute, so that one
party or the other can simply delay and continue to delay the
negotiations to a point where both parties, or one or the other,
certainly through sheer frustration takes upon themselves some
action that could be ruled illegal, and in many cases the em-
ployee organizations have, as a result of the frustrations in
negotiations, have taken some type of job action. The effort
of the Committee here is to bring to an end the long negotia-
tions that have been going on as a result of the delaying tactics
that have been taking place in negotiations on the municipal
level in Connecticut. I would urge the committee to seriously
consider the problems that have been brought to your attention
in your own communities. I have the list here. At some point
during the debate if you want to inquire, I certainly would be
happy to tell you if your town is one that I have and how long
it took, but I'm sure all of you know through the news accounts
in your own communities the period of time that it took for the
employee organizations in your own communities to reach an agree-
ment with your Chief Executive. The bill itself that you have
before you deals with all municipal employees other than teachers,
so that I would not want you to get confused as to the effect it
may have on the teacher organizations. The teachers, as all of

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you, I'm sure, know, are covered under another law, and this law will not apply to them. It will apply to all of the general government employees of your communities, excluding teachers. With that, I would urge your consideration and your "yes" vote in support of the Committee's report.

RUSSELL LEE POST, JR.:

Mr. Speaker, under the Code of Ethics I wish to excuse myself from the debate and vote on this issue.

MR. SPEAKER:

The Chair will so note. Are there any further Members who care to absent themselves...excuse themselves from debate on this matter? If not, the gentleman from the 119th.

GERALD F. STEVENS:

Mr. Speaker, the gentleman from New Britain, in bringing the bill out, has touched upon several points which I must indicate that I find myself in some agreement with him on. I do think that one point he makes which is quite persuasive is that there is a problem in terms of municipal negotiations at present, and the heart of that problem appears to be that there is no finality. Municipal employees today do not have a way in which a labor impasse can be brought to final conclusion. There is resort to no strike, because they are, in fact, illegal. There is, if the law is strictly followed, no right to political action, because in many cases they are prohibited from engaging in politics, and I think we're fortunate in Connecticut that we have not had a rash of strikes in the public sector, and that is a need to which he does address himself. There have been many

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objections raised in the bill in its present form...mainly from the heads of our municipalities, be they Mayors, First Selectmen, Councilmen, Aldermen, etc., and it appears to me that in weighing the objections that are put forth, the major one appears to be that under the bill in its present form individuals from without the community affected would, in effect, be taking the place of those who have been elected to establish tax rates, mill rates, whatever you may call them. That appears to be the core of the objection that has come from the municipal sector, and it's for that purpose that I rise to bring before the House an amendment which is directed toward that very objection that has been raised by the Mayors and First Selectmen, and with that brief introduction, I'd like to ask the Clerk, Mr. Speaker, to call L.C.O. No. 9489, and I would request that permission be given for me to summarize.

efr
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MR. SPEAKER:

The Clerk please call L.C.O. 9489, which will be designated as House Amendment Schedule "A", and the gentleman seeks leave of the Chamber to summarize in lieu of reading. Is there objection? Hearing none, the gentleman from the 119th to summarize House "A".

GERALD F. STEVENS:

Thank you, Mr. Speaker. House Amendment Schedule "A" addresses itself to Section 4 of the bill, which, as Representative Badolato indicated, is, indeed, the heart of the bill in terms of the new arbitration procedure, and the thrust of the amendment is as follows: that all members selected for the arbitration panel

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shall, at the time of their selection, be electors of the municipality participating in such arbitration. The amendment goes on to indicate that no arbitrator could be chosen who is an attorney for, or a member of, the negotiating teams by the municipal employer or municipal employee or organization, or who is an elected or appointed official of the municipality, or who is a member of the organization which is bargaining. In essence, the amendment indicates that the three individuals...one selected by the municipal employee unit, one selected by the municipality, and the third chosen by those two...all three individuals must be electors in that particular municipality, and they must be electors who are not members of either the municipal family or the employee unit family. The thrust of the amendment is to attempt to address that argument which has been raised by the Mayors and First Selectmen that under the file copy individuals from without the municipality would be having this authority that is ordinarily vested in elected individuals, and it is an attempt to compromise that argument to make the bill more acceptable to others who feel that some finality must be put into the negotiation process that does not exist at the present time. The prohibition on members of the unit is so that you could not have a municipality, for instance, choose its city attorney, who is an expert, to sit on the arbitration panel. That would not be allowed. It must be an individual from without one of the units, and I know that an argument against this amendment that will be put forth is that you do not have people in the community who have the expertise to serve as arbitrators. I would answer that by saying I don't think that

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in any one of the 169 towns that argument holds water, because efr
in every one of those towns you elect Selectmen, Board of Fi-
nance people, individuals who serve in municipal employee units
where they are organized, and certainly communities that can give
rise to those individuals have other people who are capable of
serving as the arbitrators, and I think that with this amendment
it makes the file copy of the bill a great deal more acceptable.
I would ask, Mr. Speaker, that the amendment be printed in the
Journal according to our rules, and that when...I would ask, Mr.
Speaker, that according to our rules, the amendment be printed
in the Journal, and that when the vote be taken, it be taken by
roll call, and in case I did not move it, Mr. Speaker, I move
the adoption of the amendment...in case I did not say that.

MR. SPEAKER:

The question's on adoption of House Amendment Schedule
"A". At the request of the gentleman of the 119th, House "A"
will be printed in the Journal of today's proceedings. The
further motion is for a roll call when appropriate. All those
in favor of the vote on House "A" being taken by roll will indi-
cate by saying "aye". In the opinion of the Chair, in excess of
20% of the Members present in the Chamber are in support of the
motion. A roll call will be ordered when appropriate. Will you
remark further on House Amendment Schedule "A"?

DOMINIC J. BADOLATO:

Mr. Speaker, I rise to oppose the amendment, and I
would like to point out to you that there's good reason for op-
posing the amendment, and at the hearing on March 5th there was

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no such objection raised by the officials that were representing efr
the communities of the State of Connecticut. Their objections
were faced up to by the Committee. The Committee, in their de-
liberation, determined that the arbitrators should be residents
of the State of Connecticut. That was one of the objections that
was raised at the hearing, and the Committee recognized that ob-
jection and said, "Yes. We will provide that the three arbitrators
must be residents of the State of Connecticut." I'd like to point
out something else to you that is in this amendment. It's un-
fortunate that all of you don't have copies of it, but it goes
far beyond what the Minority Leader pointed out. It's true that
it says that the town attorney, or/^{an} attorney who did not serve as
the town attorney...or did serve, rather, as the town attorney...
could not serve as an arbitrator, but there have been many other
town attorneys that hold other city positions. There are many
other town attorneys that certainly can be and would be appointed
by the community, and I don't object to that either, because
under the present law, or under the present file copy, the towns
are free to select whomever they please. The town Chief Executive
may well place himself in that position, and there's no objections
to that. Who knows better than the Chief Executive, or whomever
he wants to name...whether he wants to name the person that was
negotiating for him or not...who knows better what the situation
is, and who, better than him, or that person...whether it be he
or she...who knows better than that person what has transpired in
the past, and certainly that person ought to be able to serve on
there if the Chief Executive chooses to name him, and the present

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file copy provides for that, and the same thing applies for the employee organization. They ought to be free to select whomever they wish...whether he be a resident or not. They have hired someone to represent them in negotiations, and the law clearly states that neither party shall interfere with the choice of either the employer or the employee organization as to who will represent them in negotiations, and what this amendment would do is it would deny them the right of a free choice who would be representing them on that panel. Now, the third individual, if this amendment were to pass, would wind up with a stacked deck against the employee organization. There would be a resident as the chairman of the committee, a resident as the employee representative...employer representative, and a single representative representing the employee organization, and if that's not a stacked deck, I don't know what is a stacked deck, and I wonder whether those residents would be concerned as to what effect any decision they make would have on their own personal...on their own personal taxes in that community. It may very well have some effect on their decision-making. But aside from that, I think that there's a more compelling reason for denying this amendment. There is a cost involved in naming the State Board ...the arbitrators. The present file copy requires that each party pays the cost of their own representatives, and they share the cost of the chairman of the panel. So that the community can name their own and could name someone that is on payroll, and there won't be any cost for that individual. The employee organization could name the individual that they have on staff

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representing them, and there won't be any cost to the employee organization insofar as their representative is concerned. So that the only cost involved under the file copy is the cost of chairman of the panel. Under the amendment presented before you, the parties would have to share the cost of the three members of that panel. Each would have to pay the cost of their own representative, and then pay the cost of the chairman of the panel. Now, that's fine, if you're talking about large employee organizations. Connecticut does not happen to be a community with large population in those communities. We've only got six communities in the State of Connecticut that have a population of 80,000 or more. We've only got, I guess, about eight units... bargaining units in the State of Connecticut that have a membership of 500 or more. The average bargaining unit in the State of Connecticut is somewhere in the neighborhood of 40 employees ...with a good number of them ten and fifteen, and, in fact, there are some...you may find it hard to believe that there is also one in the State of Connecticut with one employee in that unit...so that what would happen here is that you would be costing out, and you would be putting out of business, those employee organizations that could not afford to go to arbitration, because of the prohibitive cost of the arbitrators. So that you'll get an idea of what the cost would be...arbitrators today that are named by the triple A...that's the American Arbitration Association...receive a fee of \$200 a day, plus expenses, and some even get more than that depending on who the individual is. Fact-finders under the file copy receive a efr

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sliding scale depending on the size of the community, and the highest fee for the largest community is \$150 a day. So that if an employee organization is compelled to go to arbitration under the file copy, arbitration would take...I would venture to guess that it would take at least five or six meetings depending on the mood of the panel as to whether they want to spend time on attempting to mediate or whether they want to arbitrate, and it would then take two or three more days for them to deliberate before they make their findings, and you could then see that the cost to the small organizations involved would be prohibitive to a point where you would be denying these organizations the opportunity to use binding arbitration. So that I would urge you to consider all of these facts and reject this amendment.

efr

MICHAEL V. NATALINO:

Mr. Speaker, may I excuse myself because of a conflict of interest?

MR. SPEAKER:

The Journal will so note. Will you remark further on House Amendment Schedule "A"?

WILLIAM T. MORIARTY:

Mr. Speaker, I rise to oppose this amendment. It is true, as the Minority Leader has said, one of the arguments I'm going to use is the fact that there will not be competent arbitrators available in all of the towns where you may need to have arbitrators in these situations. Arbitration in labor disputes is a highly specialized field. Just anybody cannot do it. You may be a lawyer, or you may be a doctor...you may be something

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else...but you're not an arbitrator. These people are specialists. efr
It's a very sensitive deal, and it requires a great deal of training.
Furthermore, if we have 169 towns arbitrating 169 disputes,
you're going to have a hodge-podge of all kinds of rates,
(inaudible) and wages. If we have a central agency who is going
to handle the arbitration for these various towns, you'll have
some rhyme or reason to what is going on throughout the State of
Connecticut, and it would be a great deal better off for the
State to have a central experienced arbitration body handling
these cases so they know what is going on in the State. They
know what is going on in the various municipalities, and they can
bring a sense of rhythm and a sense of coordination to the job
conditions throughout the State of Connecticut. I oppose the
amendment.

MR. SPEAKER:

Are there further remarks on House "A".

JOHN G. MATTHEWS:

Mr. Speaker, may I ask a question of Mr. Badolato,
please?

MR. SPEAKER:

Please frame your question, sir.

JOHN G. MATTHEWS:

Through you, sir, did I understand you, Mr. Badolato,
to say that in at least one or two small communities the matter
of being able to pay for the arbitration would be prohibitive?

MR. SPEAKER:

Gentleman of the 23rd care to respond?

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DOMINIC J. BADOLATO:

efr

Mr. Speaker, no. I did not say in the matter of one or two. I said in the greatest majority of the communities of the State of Connecticut the cost would be prohibitive.

JOHN G. MATTHEWS:

For, through you, sir, do you mean prohibitive to employ an arbitrator?

DOMINIC J. BADOLATO:

Mr. Speaker, prohibitive to the employee organizations, because the State of Connecticut is such that most employee organizations in the State of Connecticut are so small in numbers that financially they just couldn't afford to go to arbitration, if this amendment were to pass, and the additional cost to the communities that all of us are saying are starving because they need money.

JOHN G. MATTHEWS:

Thank you, sir. Commenting briefly on that, Mr. Badolato. The question in the bill itself will come up at a later time. Thank you very much.

JOSEPH BOGDAN:

Mr. Speaker, gentlemen and ladies of the Assembly, I'd like to point out only one thing in connection with this particular amendment. The opposition to this amendment is based on the same reasons that the proponents of this entire bill are attempting to undercut the local legislative body and take the control of their fiscal affairs away from the local taxpayers. The opposition to the supporters of the amendment, and the opposition

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to the bill are interested in giving...leaving with the local efr
legislative bodies this control. In no way do the proponents of
this want to leave the municipality in control of their own fiscal
destiny. Thank you.

MR. SPEAKER:

Further remarks?

WALTER J. HENDERSON:

Mr. Speaker. Yes, Mr. Speaker. Mr. Speaker, I cannot support this amendment. I think the most compelling reason for not supporting it is the threat of political collusion, political cronyism. It would creep into this. The distinguished Minority Leader has stated that he believes that the most important reason for the bill...or the amendment...is the fear of the Mayors of a third party entering in and having a say in the tax rate of a town or municipality. I don't think that is the real fear for Mayors or of the Executive Officers of the town, but in addressing ourself to this amendment, I'd have to say that arbitrators have to be like Caesar's wife. They have to be without suspicion. I don't think it would be possible to select people from a town that would not have an opinion one way or the other going in to an arbitration meeting, and, further, I think that they would be hand-picked, and I think they'd be hand-picked mainly on their allegiance to what the Mayors...to what the Executive Officers of the town want them to say and want them to do. I oppose this amendment.

MR. SPEAKER:

Further remarks on the amendment?

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GEORGE J. RITTER:

efr

Mr. Speaker, first I'd like to commend the Minority Leader for one of the most lucid presentations that I've heard on this question. I really believe that your introductory remarks, through you, Mr. Speaker, were very helpful, and I think set a high tone, which I hope we'll all follow. I can't, however, support this amendment, because I believe this amendment does introduce an element of irrationality. It brings in an element of sentiment and irrationality that the whole measure...the basic bill...is trying to avoid. Indeed, I don't feel very comfortable with the notion that one has to be from Connecticut to be an arbitrator. I think that flies in the face of rationality as well. What we're trying to do as I understand it is try to have fairness...have a decision made on fairness...or be substituted essentially for a politically-determined process...and if that is essentially what we're about to require that one of the arbitrators live in a particular geographical location, would tend to fly, in my judgement, in the face of that objective of trying to have as rational, unbiased approach as possible. Certainly if you were the head of the Ford Motor Company, or of the United Aircraft, you wouldn't be very comfortable with a provision which stated that one of the arbitrators had to live in the particular town in which that particular plant was located. The effort, I suspect, on the part of all of us here today is to evolve a new procedure for us which is going to be worthy of being a substitute for a procedure which is outmoded...which is no longer capable of arriving at fair decisions...just as in my view this

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Legislature demonstrated it wasn't capable of preventing political efr
...overwhelming political considerations entering into the quite
real objective question about what's fair for us to do as em-
ployers for our employees. So, Mr. Speaker, and Members of the
House, I think we should oppose this amendment on the basis that
it really tries, unwittingly perhaps, effectively to undo what
the whole main thrust of this measure is trying to accomplish...
to wit, to substitute knowledge, fairness for political manipu-
lation, or even political decisions arrived at in good faith.

MR. SPEAKER:

Further remarks on House "A"?

ANDREW R. GRANDE:

Mr. Speaker, I rise to oppose this amendment. In doing
so, I feel that if in the event like some of the previous speak-
ers indicated you do have somebody from a community the excessive
pressure would be too great for them to really negotiate in a
responsive manner. I'm sure that when they feel and they're
aware of the fact that their decision will be binding, you're
going to have much more responsive people in this area, and I
think they will come in and look at a community in a more re-
sponsive manner. As was indicated before, this is a highly
specialized field, and if you do restrict it to one community,
you may not have the people in this community. Where do you go
from there? So in that, Mr. Speaker, very briefly, I rise to
oppose the amendment.

MR. SPEAKER:

Will you remark further on the amendment?

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ROBERT J. VICINO:

efr

Mr. Speaker. Thank you, Mr. Speaker. Mr. Speaker, I rise to oppose this amendment, and I'd like, if I may, to give you an example of something I think the House should be aware of, and it concerns me a great deal. I represent a district that is very heavily labor-orientated, and who have followed the labor movement very strongly over the years, and traditionally have supported most of labor's endeavors to...in behalf of enhancing the position of labor. However, these same people are also residents of our city, and as a resident, they look at themselves in a different light, because now they are also an employer, and I find that many times, and it still surprises me and amazes me that these people are not sympathetic to the problems that we are aware of and that now are in front of us that address themselves to the municipal employers and employees, and I could never come to terms with this, except to say to myself when an individual is an employer, and I suppose every one of us who is a resident of a town looks at ourselves as an employer, because what we do in the city will affect us in taxes, and, however, on the other hand, when we are, in fact, an employee, we look upon the situation in a very different manner. So, I have to oppose this amendment, Mr. Speaker, because I am concerned that using local, or confining it to local residents, would not give the necessary objectivity that would be important here to obtain a fair and equitable solution to a problem that might exist in the area of binding arbitration.

MR. SPEAKER:

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Will you remark further on the amendment?

efr

ERNEST N. ABATE:

Mr. Speaker. Thank you very much, Mr. Speaker. I rise in opposition to this amendment, Mr. Speaker. The (inaudible) is complete impartiality. Arbiters must be in a position to make a decision based upon the facts as they hear them during the course of negotiations. If you select arbiters on a compelling basis from the locality involved, there is a possibility...just a possibility...that these individuals would have made a decision on certain issues that are going to be litigated during the course of arbitration. They're there. They're getting information, through the press in many cases. They're formulating opinions, and because of that, they are not in a position to render a completely impartial decision, and because of that, and because of that alone, I feel that we should leave the arbiters to be selected from a locale that is beyond just that of the municipality. Let's make it optional. They can now select them from their municipality if they want to, but I don't see any reason for making it mandatory for the very obvious reasons of the possibility of impartiality in rendering a decision. Thank you very much.

MR. SPEAKER:

Are you prepared to vote? The Chair will announce an immediate roll call. Are there further remarks?

PAUL C. MANCHESTER:

Thank you, Mr. Speaker. I don't quite follow the line of thought that arbitrators can't be impartial if they're appointed

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from within the township in which the bargaining is going on... efr
number one. Number two, it seems to me as though the arbitrators
are appointed by one by the one side and one by the other side.
Therefore, they will tend to be partial rather than impartial any-
way. So that I would suggest to you it makes little difference
whether, on that point alone, whether or not they are appointed
from within the township in which the bargaining is going on.
Additionally, I feel quite strongly that the arbitrators should
be from within the township wherein the bargaining is going on
since they would then have some degree of knowledge of the pro-
blems and concerns of both sides, as they should have. Certain-
ly, a previous speaker mentioned fiscal problems. On the other
side of the coin are the problems of the employees, and an arbi-
trator from within the town would know what those problems and
concerns of the employees are. Therefore, I would strongly sup-
port the amendment. Thank you, Mr. Speaker.

MR. SPEAKER:

Gentleman from the 148th, for the second time on House
"A".

ERNEST N. ABATE:

Mr. Speaker, it is not to be assumed that ^{if} an arbitrator
or an arbiter is selected from within the confines of a munici- TAPE
pality that he, in fact, is not going to be impartial. The #16
point is that there's a possibility of a lack of impartiality.
When an arbiter functioning in the role of judge comes in to make
a decision in a specific matter being negotiated, he should make
his decision based upon knowledge that he acquires during the

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course of negotiation. He should not make a decision based upon efr
knowledge that he has prior to the course of negotiation. Thank
you very much.

ALAN H. NEVAS:

Mr. Speaker, for the benefit of those Members who have just returned to the Hall, I'd like the opportunity to summarize the amendment that we're discussing now, if I may, and I think, ladies and gentlemen, that should pay careful attention, because there are going to be a series of amendments offered here today, and I think that this is a very serious and important matter that we're dealing with. In my view, I think we're dealing with the future...yes, the future...and the survival of the towns and cities of this State as we know them today. The amendment which has been offered and about which we have been debating provides very simply that if there is to be binding arbitration the members selected for the arbitration panel must, at the time of their selection, be electors. They must live and vote in the community in which the dispute is then taking place. The amendment further provides that no one can be selected as an arbitrator who has been, or is, acting as an attorney or as a member of the negotiating team for either the town or the bargaining unit, and, in addition, it bars from selection as an arbitrator anyone who's an elected or appointed official of that community or who is a member of the bargaining unit. During the course of the debate that took place, in my opinion I think there was some misunderstanding of the import of the file copy which we are seeking to amend with respect to the appointment of the

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arbitrators. If you examine the file copy, you will note that it efr now provides that the town can select one person, the bargaining unit selects one person, and those two select a third person, and that third person serves as chairman. How far away from impartiality can you get when the town selects their spokesman... the bargaining unit selects their spokesman...and those two pick a third? The only person on that panel, under the file copy of this bill, who's impartial is the chairman. The other two are advocates...not impartial arbitrators...but advocates...espousing and advocating the cause of the person or the unit which selected them. Our amendment, ladies and gentlemen, avoids that problem, and for those of you who got up and spoke and talked about your fear of impartiality...or the requirement for impartiality...and thus you spoke against the amendment, I would hope that you would re-examine the file copy, and think of this in terms of the amendment which we're offering, because your concern about impartiality, I think, is allayed if you support this amendment, because this amendment guarantees impartiality. Ladies and gentlemen, it seems to me that the whole purpose of arbitration is for arbitrators to act as a tribunal. They act as a court...as judges. They listen to the evidence. They listen to the claims of the parties, whether it's the town or the bargaining unit, and they reach a decision. They hear witnesses. They examine evidence. They examine exhibits, and they make a decision. How can you have effective arbitration if you've got advocates...lawyers...union negotiators...sitting as members of the arbitration panel? The only one, as I've

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indicated, who's impartial is the chairman, and under those circumstances, I think we're asking him to assume an almost impossible burden. Mr. Badolato indicated that reference was made to attorneys who couldn't be appointed, but other city attorneys could be appointed, and I'm sure that if he re-reads the amendment, he will be satisfied that that cannot be the case, since I've indicated, ladies and gentlemen, that the amendment provides that no one who is an elected or appointed official of the community can serve on the panel. Now, reference was made to the fact that persons who are residents, or electors, of the community somehow or another are influenced adversely in terms of their ability to decide this dispute. How much more...for example, I think someone raised the question and gave as an example the fact that their own personal taxes on the house they might own might be increased as a result of their decision in consequence of their service as an arbitrator, and thus they would be influenced. Ladies and gentlemen, I think we're all too sophisticated to accept such a silly argument. Would they be any more influenced in their determination and their deliberation than we are in this Assembly when we vote to raise taxes...to increase the Sales Tax...to impose other taxes? We're taxpayers. It affects us. And I don't think there's anybody in this Assembly who's ever given that second thought in terms of the decision they reach with respect to their own conscience and their own concern when they decide whether to vote to raise or lower taxes, and I submit, ladies and gentlemen, that the citizens of the towns and cities of this State who might be eligible to serve as

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arbitrators are no less qualified. Reference was made to the fact that in some communities you would not have competent or qualified people to serve as arbitrators. Again, a silly argument. In terms of qualifications, what qualifications are established for any one of us to run for this Assembly? Where does it say in the General Statutes that you have to be thus and so, or A, B, C, D or E? Nowhere. And it shouldn't say. The strength of this State and the strength of the cities and towns of this State are the good people who serve on the boards and commissions and devote hours and hours of their time in the service of their communities, and no matter how small...no matter how large the community...there are people who serve unstintingly as members of Boards of Finance, which takes a degree of expertise...members of Boards of Education...city councilmen...aldermen...members of Boards of Selectmen. Nowhere does it say they have to be qualified. Mr. Henderson spoke about members of this board as being like Caesar's wife. They have to be above suspicion. And I suspect that Mr. Henderson had not read the file copy, because if he had, I think he would have realized that if he votes against this amendment to support the file copy, he, in effect, is putting persons who are suspect on these boards of arbitrators, because he's putting advocates on there...not impartial, objective arbitrators. Ladies and gentlemen, I urge your support of this amendment.

MR. SPEAKER:

Will you remark further on House Amendment Schedule "A"?

ROBERT W. SHERWOOD:

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Mr. Speaker. Thank you, Mr. Speaker. I think it will be impossible for three arbitrators to be chosen who will be impartial in coming from the same locality. As in criminal cases, or publicized trials, it is usually found to be impossible to select impartial jurors. Therefore, a change of venue is called for, and usually agreed to so to get an impartial jury. I oppose this amendment.

MR. SPEAKER:

Will you remark further on the amendment?

ROBERT J. VICINO:

Mr. Speaker, briefly, I would like to rise again to oppose this amendment. Representative Nevas talked about the responsibility that we have here in the House and not being concerned about taxes when we vote, and we cast our vote many times, and I agree with him, but I submit to you, sir, that the reason for this is that we're all professionals sitting here, and I also submit, sir, that probably the only impartial way to correct this amendment would be to exclude also every taxpayer in the city or municipality from participating as a member of the board of arbitration. Can you imagine now, sir, if I may, if a member of your family had a very serious illness, and they said to you, "Well, you'll have to call on some consultants...some physicians...from out of town," and we say, "No. I'm sorry. We can't do that. We want to keep it here locally, because they have a better understanding of the situation", or you can't get an attorney to represent you who's from out of town. They have a better feeling about zoning problems, because they live with it every day here

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in the city...in our city...so we must stay within the confines efr
of using people that are more familiar with the situation, and
they are also taxpayers? I submit to you, sir, that if this
amendment is passed that you will not have a fair and equitable
solution to the binding arbitration or the selection of the panel
which would reach the final conclusion on how the situation
should be resolved. I urge a "no" vote on this amendment.

MR. SPEAKER:

The Chair would note that there are five further amend-
ments on this bill. Will you remark further on House Amendment
Schedule "A"?

PAUL PAWLAK, SR.;

Mr. Speaker, I should just like to ask Representative
Nevas a question. He referred to the...or he made the claim
that persons elected from the town would be more inclined, in
fact, very much inclined, to be impartial and objective as an
arbitrator. I would like to ask him whether a person who was
elected as an arbitrator and owned \$150,000 or \$200,000 taxable
property could be expected to be impartial and objective as an
arbitrator?

MR. SPEAKER:

Gentleman of the 136th care to respond?

ALAN H. NEVAS:

Mr. Speaker, I think the gentleman really missed the
point of what I had to say, and for his benefit, since he's
given me that opportunity, I'll repeat it. What I said was
that arbitration...persons who serve as arbitrators serve as

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members of a tribunal, and that when you, as the file copy provides, put advocates on that tribunal, you have destroyed the method of resolving the dispute. That was the point that I was making, Mr. Speaker.

THOMAS C. CLARK:

Mr. Speaker, a question, if I might, through you, to Mr. Nevas.

MR. SPEAKER:

Please frame your question, sir.

THOMAS C. CLARK:

Is there a requirement in the amendment that the arbitrator that is chosen by either side, if you will, not be an advocate for that side?

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MR. SPEAKER:

Gentleman from the 136th care to respond?

ALAN H. NEVAS:

There is no such specific requirement, Mr. Speaker, although as I indicated earlier, the amendment provides that no one can be selected who is an elected or appointed official of the town, or who is a member of the bargaining unit, or who is a member or attorney for either one of the negotiating teams. So, to that extent, the arbitrators selected by either side would not have previously participated in the negotiations in any way.

THOMAS C. CLARK:

Mr. Speaker, speaking on the amendment, if I might, I think that while it might be a noble attempt to insure that

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you do not have advocates, in fact I don't think it would work efr
that way, and I think a better assurance would be to allow that
the arbitrators involved would be able to come from without the
town, rather than attempt to delineate who is going to be an ad-
vocate and who is not going to be an advocate within the town.

MR. SPEAKER:

Are you prepared to vote on House "A"? If so, will the
Members please be seated, and the staff come to the well. Will
the Members please be seated; the staff come to the well. Are
you prepared to vote? Will you remark further?

GEORGE J. RITTER:

Mr. Speaker, Mr. Nevas has made much of the point that
two of the three arbitrators are appointed as advocates...one by
the employer...one by the employee, and he has decried that.
The reality is that that's the dominant pattern in both indus-
trial and in municipal and State arbitration, and there's good
reason for that. The alternative, essentially, is a one person
arbitrator...man or woman...and it's evolved that it's pre-
ferable to have three, two of whom are opposite advocates, so
that the one single arbitrator has the full benefit...the im-
partial arbitrator...has the full benefit of the bi-play that
comes as a result of having each side represented behind the
closed door when the ultimate facts are reviewed and the final
decision is achieved, and that process through industrial and
through municipal and State arbitration has, through the years,
has demonstrated itself to be the most effective way of handling
these matters.

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MR. SPEAKER:

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Are you prepared to vote? The Members please be seated, and the staff come to the well. The machine will be opened. Have all the Members voted, and is your vote properly recorded? If so, the machine will be closed, and the Clerk will take a tally.

The following is the result of the vote:

Total number voting	148
Necessary for adoption.	75
Those voting yea.	44
Those voting nay.	104
Those absent and not voting	3

House "A" is rejected. Will you remark further on the bill?

CHRISTOPHER SHAYS:

Mr. Speaker. Thank you, Mr. Speaker. The Clerk has an amendment, L.C.O. 9195.

THE CLERK:

House Amendment Schedule "B".

MR. SPEAKER:

The Clerk please call House Amendment Schedule "B", L.C.O. 9195.

THE CLERK:

House Amendment Schedule "B", L.C.O. No. 9195, offered by Mr. Coatsworth, of the 32nd; Mr. Serrani, of the 144th; Mr. Shays, of the 147th.

CHRISTOPHER SHAYS:

Mr. Speaker, I request permission to summarize the

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amendment.

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MR. SPEAKER:

Is there objection to the gentleman of the 147th summarizing in lieu of reading? Hearing none, the gentleman from the 147th to summarize.

CHRISTOPHER SHAYS:

Thank you, Mr. Speaker. This amendment adds three basic concepts to this bill. First, it requires the filing of the expiration date of any collective bargaining agreement with the State Board of Mediation and Arbitration. Second, it mandates a schedule for negotiation, mediation, and fact-finding before arbitration can begin. And, third, it triggers, or mandates, arbitration 90 days after the expiration of the current collective bargaining agreement. The first concept is self-explanatory. I'd like to just give you some of the dates of the second. This amendment requires negotiation 120 days before the end of the current collective bargaining agreement. Mediation would begin 70 days before. Fact-finding would begin 45 days before. The fact-finder's report would be due 14 days before the end of the current collective bargaining agreement. There is a period then of 40 days for there to be a meeting for the presentation of the fact-finder's report, and then there's a period of 20 days at maximum for the acceptance or rejection of the fact-finder's report. Then there is a period of 46 days, if it is rejected, where both sides can continue to negotiate, but 90 days after the end of the current collective bargaining agreement, binding arbitration must begin. Mr. Speaker, I move.

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adoption of Amendment "B".

efr

MR. SPEAKER:

Will you remark further on adoption of House Amendment Schedule "B"?

DOMINIC J. BADOLATO:

Mr. Speaker, in a bipartisan effort to make a bill...a good bill...a better one for Representative Coatsworth and myself, I support the amendment.

MR. SPEAKER:

Will you remark further on House "B"? If not, the question's on its adoption. All those in favor will indicate by saying "aye". Opposed. House "B" is adopted. Will you remark further on the bill as amended?

CHRISTOPHER SHAYS:

Mr. Speaker, the Clerk has an amendment.

MR. SPEAKER:

The gentleman of the 147th...would the gentleman be kind enough to indicate the L.C.O. number?

CHRISTOPHER SHAYS:

L.C.O. 9871.

MR. SPEAKER:

The Clerk please call L.C.O. 9871, House Amendment Schedule "C".

THE CLERK:

House Amendment Schedule "C", L.C.O. No. 9871, offered by Mr. Shays, of the 147th; Mr. Serrani, of the 144th. After line 234, add a new Section 5 as follows: "Sec. 5. The

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chairman of any arbitration panel appointed in accordance with efr
the provisions of this Act shall be a resident of the municipali-
ty for which the collective bargaining agreement is being arbi-
trated."

MR. SPEAKER:

You have the amendment.

CHRISTOPHER SHAYS:

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

MR. SPEAKER:

The question's on adoption of House "C". Will you
remark, sir?

CHRISTOPHER SHAYS:

Just very briefly, Mr. Speaker, I feel that this is a
very sensible amendment that would require that one of the three
people be from the town. It would require that that individual
be chosen by the arbitrator for the municipality and the arbi-
trator for the labor employees be from that town, and this issue
has been debated, and I won't speak longer on it, but it does
require only one of the three to be from the town.

WALTER J. HENDERSON:

Point of order, Mr. Speaker.

MR. SPEAKER:

Will you remark further on House Amendment Schedule
"C"?

WALTER J. HENDERSON:

Point of order, Mr. Speaker. Mr. Speaker, I believe...

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thank you, Mr. Speaker. Mr. Speaker, I believe under Rule 29 of our rules, this matter is not properly before us, as this was a prior motion substantive of this same amendment was recently defeated. Mr. Speaker, may I speak on that point of order?

MR. SPEAKER:

The Chair has not invited debate. The Chair is prepared to rule on the point of order raised by the gentleman of the 112th. The point of order is not well-taken. A portion of House Amendment Schedule "A"...there is a similarity in the thrust of both House "A" and House "C". However, there is not an identity. House Amendment Schedule "A" in lines 18 through 21 speaks of all members of the panel require they be elected. House Amendment Schedule "C", which is pending, speaks solely to the chairman of such arbitration panel with requirements simply that he be a resident...simply that he be a resident. There is dissimilarity. There is not identity. The point of order is not well-taken. Will you remark further on House "C"?

RICHARD O. BELDEN:

Mr. Speaker, I must touch briefly in order to discuss this amendment on a previous action. House "A" would have been workable. House "C" would not be workable in that we are talking about the appointment of a representative from labor...a representative from management...and then from within their scope of knowledge of other people who they feel would be impartial, they would choose a third member. Now, essentially, and as this amendment now indicates, these people would have to, in some way, canvas the particular municipality concerned to

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determine who, in effect, might be impartial, or who might, in effect, chair this panel. I think this is putting an undue burden on the other two appointees.

MR. SPEAKER:

Will you remark further on House "C"? If not, the question is on its adoption. All those in favor of adoption of House Amendment Schedule "C" will indicate by saying "aye". Opposed. The "nays" clearly have it. House "C" is rejected. Will you remark further on the bill?

CHRISTOPHER SHAYS:

Mr. Speaker, the Clerk has an amendment, L.C.O. 9199.

MR. SPEAKER:

Would the gentleman be kind enough to repeat the L.C.O.?

CHRISTOPHER SHAYS:

9199.

MR. SPEAKER:

The Clerk please call House Amendment Schedule "D", L.C.O. 9199.

THE CLERK:

House "D", L.C.O. No. 9199, Mr. Shays, of the 147th; Mr. Serrani, of the 144th. After line 234, insert a new Section 5 as follows: "Sec. 5. The arbitration panel shall have no authority to require the inclusion in any collective bargaining agreement of any provision which would limit the right or authority of the municipal employer to make reductions in the work force of such municipality at any time."

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CHRISTOPHER SHAYS:

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Mr. Speaker, I move the adoption of House Amendment "D". efr

MR. SPEAKER:

The question's on adoption of House "D". Will you remark, sir?

CHRISTOPHER SHAYS:

Yes, Mr. Speaker. To me the status quo in collective bargaining at the municipal level is entirely unacceptable. I want to vote for this bill. I want to vote for...

ROBERT J. VICINO:

Point of order, Mr. Speaker. Mr. Speaker, a point of parliamentary inquiry. I have a copy of two amendments...L.C.O. 9199, and the language is different in each copy.

MR. SPEAKER:

The Chamber will be at ease for a moment. The point of parliamentary inquiry raised by the gentleman of the 78th is quite correct. Apparently, and regrettably, the L.C.O. appeared on two amendments...separate and distinct...the exact same L.C.O. number. The Chair thanks the gentleman from the 78th for calling that to the Chamber's attention. I believe that we're now prepared to proceed with L.C.O. 9199, House Amendment Schedule "D", as read by the Clerk, and at the initiation of the Chair, in light of the situation, I would ask the Clerk to re-read L.C.O. 9199, that the gentleman from the 147th seeks to offer the Chamber. The Clerk please re-read 9199.

THE CLERK:

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L.C.O. 9199, House Amendment Schedule "D". After line efr
234, insert a new Section 5 as follows: "Sec. 5. The arbitra-
tion panel shall have no authority to require the inclusion in
any collective bargaining agreement of any provision which would
limit the right or authority of the municipal employer to make
reductions in the work force of such municipality at any time."

CHRISTOPHER SHAYS:

If I need to do it again, Mr. Speaker, I move adoption
of House Amendment "D".

MR. SPEAKER:

And will you remark on adoption of House "D", sir?

CHRISTOPHER SHAYS:

Yes, Mr. Speaker. I feel that this amendment makes
the binding arbitration bill a good bill and one that I can ac-
cept and one that I can vote for. To me, the present situation,
the status quos that exist now is not acceptable, but for me to
vote for this bill...at least for me to vote for it...I need
this amendment in it. What this does is prohibit the arbitrat-
ing panel to prevent any Chief Executive from reducing his work
force in the event that he chooses to reduce his work force. If
he has an arbitration settlement that requires him to raise his
taxes \$300,000...instead he chooses to reduce his work force in
the equivalent of \$150,000 and to increase his taxes \$150,000...
I feel the Chief Executive Officer should have this option. For
instance, if he decides to take a man off a fire truck and only
have three instead of four, this may not be a wise thing, but he
should have that option. If I were a candidate running against

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that Mayor, I might say that he has reduced the services to such an extent that he is to jeopardize the community. But still, that should be his decision. I hope the House will consider this amendment with all sincerity and adopt it.

GEORGE J. RITTER:

Mr. Speaker, I rise to oppose this amendment. I certainly consider it as being made in all sincerity and complete good faith. It is also true that most of the chief executive officers in this State are not elected. Most of the chief executive officers are appointed by Common Councils, or the equivalent. So, one doesn't have the direct opportunity to oppose them in election in the way in which the previous speaker indicated. That's the first point. The second point, and much more important, I think, is that this limits effectively the scope of collective bargaining. This essentially prevents collective bargaining from including perhaps one of the most important aspects of all of collective bargaining. But, perhaps the third and most important reason for opposing this is that it gives the chief executive officer, whether he be appointed or elected, the weapon which some will see fit to use to completely demolish collective bargaining and binding arbitration, and, indeed, use the club in advance and to threaten, and to say, "If you fellows go to...the union goes to collective...or to binding arbitration, and if the decision is in your favor, I'm going to have to lay off X number of people and take the position that you'd better not go to binding arbitration." Or, after binding arbitration, if the award is in favor of the employees, to take

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the position, "Okay. The arbitration board has spoken, and now efr
I will act by firing X number of people in order to demonstrate
that you shouldn't have gone to arbitration, and I told you that
before." So, on balance, Mr. Speaker, although I'm clear it's
made with great sincerity, and I'm clear there's some benefits
from having this amendment, I think on balance it needs to be
defeated.

CHRISTOPHER SHAYS:

Mr. Speaker, the gentleman is right. In effect, the
mayor or first selectman or town manager could use in that in the
bargaining, but he does it at a cost, and that was the point I
was trying to make...that he just can't do it without thinking of
the repercussions to his town and to his community. If he reduces
services, he has to pay a penalty for that. I think most chief
executives would not reduce their services. I think most arbi-
trations would be fair, but in the event that he chooses to, he
should have that option.

MR. SPEAKER:

Will you remark further on House "D"? If not, the
question's on adoption of House Amendment Schedule "D". All
those in favor will indicate by saying "aye". Opposed. There
is no doubt. The "nays" have it. House "D" is rejected. Will
you remark further on the bill?

JOSEPH BOGDAN:

Mr. Speaker, the Clerk has an amendment, L.C.O. No.
9798.

MR. SPEAKER:

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Will the Clerk read L.C.O. 9798, which will have the efr style of House Amendment Schedule "E", and hopefully there's only one of them.

JOSEPH BOGDAN:

There is.

THE CLERK:

House Amendment Schedule "E", L.C.O. 9798, offered by Mr. Bogdan, of the 117th. Strike out line 134, and insert in lieu thereof "i, j, k and l as follows:". After line 234, insert a new sub-section 1 as follows: "1. In any case in which the above provisions resulting in a binding arbitration award, the State of Connecticut shall reimburse the municipality involved for any cost resulting from the arbitration award."

MR. SPEAKER:

You have the amendment.

JOSEPH BOGDAN:

Mr. Chairman, and Members of this Assembly, the purpose of this amendment is to provide that the municipalities affected by this award would be reimbursed for the cost. We are mandating something upon a locality that will result in additional cost and which they cannot control, and, therefore, I think it's quite proper that the State should pick up the tab.

MR. SPEAKER:

Will you remark further on the amendment?

JOSEPH S. COATSWORTH:

Mr. Speaker, I'll yield to the proponent of the amendment, if he has not finished his remarks.

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JOSEPH BOGDAN:

efr

I believe I should make a motion to accept the amendment. I move that the amendment be passed and approved by the House.

MR. SPEAKER:

Will you remark further on adoption of House Amendment Schedule "E"?

JOSEPH S. COATSWORTH:

Mr. Speaker, if I may, a question, through you, sir, to the proponent of the amendment.

MR. SPEAKER:

Please frame your question, sir.

JOSEPH S. COATSWORTH:

Mr. Speaker, through you, I would like to ask the gentleman bringing out the amendment whether he has a fiscal impact...fiscal note attached to this amendment...what the cost factor is?

JOSEPH BOGDAN:

Through you, Mr. Speaker, I do. The cost factor is explained as follows: "The cost of this amendment could vary greatly from year to year depending on the number and size of the binding arbitration award settled for that year. In one year it would occur that no awards might be made, while in the next year, a number of pending cases might be settled resulting in a substantial cost." Mr. Speaker, I would move for a roll call vote on this amendment.

MR. SPEAKER:

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Well, the gentleman of the 32nd still has the floor. efr

You were responding, sir, to an inquiry posed by the gentleman from the 32nd, and the Chair will not entertain a motion from a Member other than the Member who has the floor.

JOSEPH S. COATSWORTH:

Mr. Speaker, very briefly on this proposed amendment, it would be extremely difficult to determine what cost was the result of any binding arbitration award rendered in a municipality, and I believe the amendment would cause enormous problems in the working of this bill should it pass the House and Senate and be signed by the Governor. I can't really believe that this would add to the bill. In fact, it would subtract to the extent that it would mandate cost to the State of Connecticut which this State is simply unprepared to accept. For that reason, and many others, I oppose the amendment. TAPE #19

MR. SPEAKER:

Will you remark further on adoption of House Amendment Schedule "E"?

JOSEPH BOGDAN:

Mr. Speaker, the gentleman from the 32nd indicated that it would mandate cost to the State of Connecticut. The purpose of my amendment...the point of it is exactly that...that we are mandating cost to the municipalities, and I would urge the passage of this amendment. Mr. Speaker, may I now move for a roll call vote?

MR. SPEAKER:

The motion is for a roll call vote on the question of

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adoption of House Amendment Schedule "E". All those in favor of efr
the vote being taken by roll indicate by saying "aye". In the
opinion of the Chair, an insufficient number were supportive of
the motion, and a roll call will not be ordered. Will you remark
further on the amendment? Will you remark further on the amend-
ment?

PAUL PAWLAK, SR.:

Mr. Speaker, I have a question to the proponent of the
amendment, Mr. Speaker. Is it my understanding that the language
of the amendment will provide that if an arbitrator...the final
decision of the arbitrator is that the employees shall be...
should have their hospitalization and medical insurance and other
fringe benefits removed from them that the State will then make
the employees (inaudible)?

JOSEPH BOGDAN:

No. The amendment simply states that any additional
cost to the municipality as a result of the arbitration award
would be reimbursed by the State.

MR. SPEAKER:

Gentleman of the 105th has the floor.

PAUL PAWLAK, SR.:

I can see that there is a lopsidedness in the bill,
Mr. Speaker. The proponent says that it is okay for the State
to make the towns and cities (inaudible) for anything the...a
final decision might cost them, but that the workers would
continue to suffer, or would suffer very greatly, in the event
the decision went against them. I oppose the amendment.

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MR. SPEAKER:

efr

Further remarks on the amendment?

DOROTHY C. GOODWIN:

Mr. Speaker, I would urge opposition to this amendment. I certainly don't pose as an expert on labor negotiations, but it is my understanding of collective bargaining that it functions only if it functions under enormous tension, and if you remove all the tension from one side of the table, I think what you're going to have is the most extravagant and exorbitant settlements that you can imagine. I certainly do not think this is a wise amendment, much as I sympathize with the motives of the maker.

MR. SPEAKER:

Will you remark further on the amendment?

ROBERT J. VICINO:

Mr. Speaker, I rise to oppose this amendment. The statement made by the proponent of the amendment was that we are mandating cost to the cities and towns in the State of Connecticut, and I feel that is an assumption on his part. He is assuming that all the awards will be made in favor of the cities, and I don't think he can do that, so I urge your defeat of this amendment.

MR. SPEAKER:

Will you remark further on the amendment?

GARDNER E. WRIGHT, JR.:

Mr. Speaker, just briefly, speaking in opposition to this amendment, if this amendment passes there will never be a negotiated agreement reached in the State of Connecticut. Every

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town will hold out, go to binding arbitration, and then say, "The entire settlement was the result of arbitration, and the State has to pick up the cost." This would absolutely ruin negotiations in Connecticut.

MR. SPEAKER:

Will you remark further? If not, the question's on adoption of House Amendment Schedule "E". All those in favor will indicate by saying "aye". All those opposed. The "nays" clearly have it. House "E" is rejected. Will you remark further on the bill?

CHRISTOPHER SHAYS:

Mr. Speaker, I'd like to ask the proponent of the bill one question.

MR. SPEAKER:

Please frame your question, sir.

CHRISTOPHER SHAYS:

I'd like to know in the event that an arbitration panel rules that a town must settle for say a cost of \$400,000, what is the alternative to the town in that event?

MR. SPEAKER:

The gentleman care to respond?

DOMINIC J. BADOLATO:

Mr. Speaker, it's a hypothetical question. I don't know how I can answer it.

CHRISTOPHER SHAYS:

Let me ask it a little differently. It is a hypothetical question. I'd like to know if the only alternative is for

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the town to raise taxes to the equivalent of that amount? efr

MR. SPEAKER:

The gentleman care to respond?

DOMINIC J. BADOLATO:

Mr. Speaker, any settlement, regardless of whether it's \$1.00 or \$20.00, certainly the only place that you can get the revenues for it is through taxes.

CHRISTOPHER SHAYS:

Mr. Speaker, then, just speaking very briefly, I'd just like to remind the Members here that if you do support this bill, you may not like the status quo, and you may think there should be an improvement to it, like I do, but I cannot accept this, because it does one thing. It requires that they have only one alternative...to raise taxes. It's not the mayor's decision. It's not the Legislature's decision. It's just the decision of a panel of people, and I think that's very unfortunate...if we vote for this bill as it is now.

MR. SPEAKER:

Further remarks?

ALAN H. NEVAS:

Mr. Speaker, would the Clerk call L.C.O. No. 9831, please?

MR. SPEAKER:

The Clerk please call L.C.O. 9831, House Amendment Schedule "F".

THE CLERK:

House Amendment Schedule "F", L.C.O. 9831, offered by

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Mr. Nevas, of the 136th. In line 185, delete everything after efr the period. Delete lines 186 through 200, inclusive.

ALAN H. NEVAS:

Mr. Speaker, I move adoption of the amendment.

MR. SPEAKER:

The question's on adoption of House Amendment Schedule "F". Will you remark, sir?

ALAN H. NEVAS:

Yes. Mr. Speaker, the file copy at lines 185 through 200 contains language which gives to the panel of arbitrators the right to grant immunity from prosecution. Should a witness who's been subpoenaed to testify before the panel refuse to testify, under existing law in Connecticut, no one has this right or power, other than a Judge of the Superior Court, generally on recommendation of a State's Attorney or Prosecuting Attorney, and it is my feeling, and I believe, Mr. Speaker, it is shared by the Chairman of the Judiciary Committee, and by Mr. Badolato, that we should not grant this power and authority to the panel of arbitrators created by the file copy, and, thus, I urge support of the amendment, and it is my understanding that it will be supported by the gentlemen I have just indicated.

MR. SPEAKER:

Will you remark further on the amendment?

JOSEPH S. COATSWORTH:

Mr. Speaker, Representative Nevas is correct. We are prepared to support his amendment and think that it would contribute to making the bill better.

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MR. SPEAKER:

efr

Will you remark further on the amendment?

JAMES T. HEALEY:

Mr. Speaker, I concur.

MR. SPEAKER:

Will you remark further on the amendment?

DOMINIC J. BADOLATO:

I agree, also.

MR. SPEAKER:

Will you remark further on the amendment?

ROBERT J. VICINO:

Me, too, Mr. Speaker.

MR. SPEAKER:

Are there any further sweet harmonics on House Amendment Schedule "F"? If not, the question's on its adoption. All those in favor of House "F" will indicate by saying "aye". Opposed. House "F" is adopted. Will you remark further on the bill as amended by House Amendment Schedules "B" and "F"?

JOHN G. MATTHEWS:

Mr. Speaker. Yes, Mr. Speaker. I'd like to address myself to the bill in as brief a manner but as comprehensive as I can get all of the things that I wish to say in. I'd like to first ask...

MR. SPEAKER:

Excuse me, sir. Will the Members please be seated.

Thank you.

JOHN G. MATTHEWS:

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Thanks very much, sir. In commenting on 6969, binding arbitration for municipal employees (inaudible), it seems to me that we have a very serious matter before this House...one in which we will be considering perhaps the most important bill to the towns and cities of this State that we have taken up this year. Now, I would like to make the observation that I am convinced, and I think that if I asked the question of anyone in this House...could we be absolutely certain that there would be no stoppage of work if there were binding arbitration in this State...I think the answer would have to be "no", because it's been proven to be so where binding arbitration exists in other states and other countries. In the City of New York, there's binding arbitration, and they have had their problems with it. There have been stoppages. They may call them job actions. They may call them other things. But they have occurred. Now, we have 169 municipalities, 3,000,000 people. We owe them I think the most sensible, practical and available procedure that we can give to them at the appropriate and most workable expense, or lease expense, if you want to put it that way. It does not occur to me in any way that we can provide this by introducing binding arbitration. Most of the information that I've been able to obtain indicates that there have been, on occasion, long delays in bargaining in municipal activities. This is also true in all sectors of the country when it comes to collective bargaining. When you're dealing with human beings and their relationships in trying to settle disputes, or trying to form agreements, there is bound to be some of them very lengthy, but in the

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vast majority of cases, you will find that this has worked in the efr way that the fact-finding procedure has established and has operated in the past. Now, to dwell on some of the things that may be known to you, but may not, very briefly, the arbitration would be another State mandate resulting in additional State mandating municipal expenditures. Resulting municipal outlays would necessitate increases in the property tax. Binding arbitration would take away the right of the citizens of the towns and cities to set their own tax rates and determine the level of services to be provided in this communities. I don't believe that this is what our communities want. I think if the people in the communities really understood and knew what this was going to be involved with, they would not favor it. Powers would be placed in the hands of an outside third party with no political accountability at all. They would have the freedom to make a recommendation which could affect us in all areas of this State very drastically. The availability of binding arbitration, I believe, undermines^{the} collective bargaining process. You have the two parties set up to try to work out their agreement. I think you give them the time. We have a new procedure of fact-finding. It has had only the year, or two, or three to work itself into an acceptable and useful facility in settling grievance procedures and impasses. We have had success with it. We are not perfect in it. We have better understanding people who are negotiating and working with it...have a much more and much more comprehensive understanding of what to do with it and how it works to their benefit on both sides...labor and management. If the

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gentleman suddenly believes the problem extended negotiations are serious enough to warrant statutory revision, a far less disruptive and more effective solution than the compulsory arbitration is readily available, and that is our fact-finding procedure.

Now, a few specifics...some of these I'm sure other people will have/^acomment about...but in any case, Professor Stutz of the University of Connecticut has made a study of the fact-finding process in Connecticut. His general conclusion is that it works quite well. Professor Stern at the University of Wisconsin made a similar study several years ago of the fact-finding procedure in Wisconsin and reached about the same conclusion. There's a recent book by two Yale professors...Wallington and Weiner... published by the Brookings Institution, which reviews the various dispute settlement procedures in the public sector. Some of the economic counted strengths on both sides...the political constraints on both sides...and winds up with basically an argument against binding arbitration or a step in that direction. The taxpayers in this State should not be left holding the bag. If there is money to be spent, it should be the taxpayers who make that decision...not a third party who mandates tax expenditures. This bill, in my mind, and I think you will see it this way, too, if you think about it carefully, is taxation without representation. Connecticut, as part of the United States, is a proud state. We say in this country this is the land of the free...the home of the brave...and it's really my impression that with this bill and the implications behind it, all we are doing is making it the land of the spree and the

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home of the grave. I oppose this bill.

efr

ERNEST N. ABATE:

Mr. Speaker. Thank you very much, Mr. Speaker. I rise in support of this bill, Mr. Speaker. This bill takes procedures which are patently unfair and brings them into the realm of fairness. Yes, this is the land of the free and the home of the brave. The land of the free is a land where individuals ought to have some say in negotiation. Under the existing procedures, municipal employees have absolutely no say in negotiation. They have to accept whatever it is the municipality's offering. If they don't accept what the municipality is offering, they're forced to act in accordance with an existing, although terminated or expired, contract. It just isn't fair. They don't have the right to strike. We have to make some provision for municipal employees as an offset to the powers that the municipalities have. In this particular situation, under the provisions of this bill, we have a three-step procedure. We have a fact-finding procedure. We have an arbitration procedure, and all does not end there. We have an appeal procedure. If the arbitrators have acted in total deregation of their responsibilities...if they have not awarded a...or made a decision which is mutual in its finality...there is a right to appeal to the Superior Court. An effort can be made to overturn the decision of the board of arbitration. The presumption seems to be that the arbitrators are going to act mindlessly of fiscal considerations. We have no reason to assume that they are not going to make their decision based upon reason, that they are not going to

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be fair. Let's give them the opportunity, and let's see if it efr
works. Thank you very much.

WALTER J. HENDERSON:

Mr. Speaker, the distinguished gentleman from New
Canaan recited a long litany of things he thinks the cities will
be deprived of under this bill. I maintain that the cities will
only be deprived of one thing, and that's a superior weapon...a
club that they use to beat employees into the ground. This bill
is a cry for justice...a cry for justice that is long overdue.
I urge passage of this bill.

MR. SPEAKER:

Further remarks on the bill?

NEAL B. HANLON:

Mr. Speaker. Thank you, Mr. Speaker. Through you, a
question to the proponent of the bill, Mr. Speaker.

MR. SPEAKER:

Please frame your question, sir.

NEAL B. HANLON:

Is it true that under the file copy of the bill as
amended by Amendment "B" that the parties to a municipal labor
dispute could find themselves in arbitration whether they want
it or not? Is this the impact of Amendment "B"?

MR. SPEAKER:

Gentleman of the 23rd care to respond?

DOMINIC J. BADOLATO:

Mr. Speaker, procedures in "B" establish a time period
which will ultimately bring them to arbitration if they, in fact,

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have not reached an agreement. It does not, at any time, prevent efr them from mediating their dispute with the panel. In fact, the record shows that in most cases where there is arbitration, the arbitrators have been successful in mediating the impasse to a final settlement rather than awarding or making an award.

NEAL B. HANLON:

Through you, Mr. Speaker, but if they are not able to reach an agreement through mediation by the board, is it not true that they can find themselves in a situation of binding arbitration even though they may not want it themselves?

DOMINIC J. BADOLATO:

Mr. Speaker, I can't envision that situation, but, yes, they would be in binding arbitration.

NEAL B. HANLON:

Thank you, Mr. Speaker. Mr. Speaker, speaking briefly on the bill, several weeks ago I had several conversations with municipal employees in my town, and very frankly they presented to me very forceful arguments to vote in favor of this bill for binding arbitration. However, as the bill is presently drafted and with particular reference to Amendment "B", I simply cannot support the bill. Under the bill as originally drafted, either party could...it was not mandatory...could elect to go through the arbitration proceedings in which case it would result in a binding award by the arbitrator. However, with Amendment "B", the parties can find themselves in the arbitration proceedings even if they don't want it. If the employees don't want it...if the municipality doesn't want it...they could still find

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themselves in the proceeding in a binding arbitration proceeding efr
and have an award binding on both parties. I think this is an
infringement on their rights to enter into contracts with each
other. I think it's an infringement on the basic rights of the
towns and of the employees, and I'm, therefore, going to oppose
the bill on that basis.

MR. SPEAKER:

Further remarks.

JOSEPH BOGDAN:

Mr. Speaker, I shall not review all the arguments
against this particular bill. I would just point out to this
side of the aisle that if binding arbitration had existed on
the State level a few days ago, we could not have made the deci-
sion we made relating to a certain matter. I urge you to defeat
this particular bill.

MR. SPEAKER:

Further remarks.

RICHARD O. BELDEN:

Thank you, Mr. Speaker. I have a red coat on today,
and I may be the only one over here speaking in the way I'm
going to speak. That may set me also apart from the others.
We are here today because of past legislation that has been en-
acted by this General Assembly, and it's been alluded to, but
not said, and that is that there are statutes on the books that
say that municipal employees cannot strike. It's not been said
here today. I don't know why. We put that law on the books a
-number of years ago. Since that point in time, in effect, the

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municipalities, should they so desire, can hang up the negotiations year in and year out. This has increasingly been occurring. This can be seen from the various studies that have occurred in the past year or two. Now, we've talked about what's morally right. We've talked about minority representation. We have these municipal workers out on a limb and nowhere to go. They can't strike, so they theoretically take some types of job actions and get the populous all upset. This is not any way to run a city. What do you think the efficiency level is of these municipal employees who are unhappy? It's no secret. I get a letter about every two days from my Mayor reiterating his position on this bill. Nowhere has the Mayor indicated that perhaps through this bill the union demands will not be such that they can't be met. In our particular town the regular Police Department demanded that they not be scheduled for any Saturday and Sunday work. Now, no binding arbitration in the world would take that fact into account...that would leave a town without a regular policeman on a Saturday or Sunday. So, in effect, this is a good bill in some instances for municipalities, and it'll kind of get the unions in line a little bit, so they won't ask for the moon to start out with. No Mayor has made mention of this fact. We're in a situation here where we have laws on the books that have gotten us into a corner. Now, how do we get out of it? At this point in time, I know of no other way than to enact this legislation. I would have liked to have seen House Amendment "A", I believe it was, that would allow the municipal ...the arbitration panel to be selected by the municipality...

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people from within the municipality...but even without that, I efr
don't think we have any recourse at this point but to pass this
bill, and I so urge.

ROBERT J. VICINO:

Mr. Speaker, I rise in support of this bill, and I would like to remark that the opponents of this bill have indicated...or they have assumed...that this will cost the cities and towns throughout the State of Connecticut much more money than they are expending right now, and I ask you this question. If so, does this mean in any way that the city employees...town employees throughout the State of Connecticut...are not being paid enough, because if you can assume that it will cost the cities money, then I can follow that through with another assumption that the city employees throughout the State of Connecticut are not being paid enough. Should they be treated any differently than the private sector? I ask you that question. Does a loaf of bread cost them any less? A pair of shoes? All the basics and staples that we need to keep our families going? Does it cost city employees, town employees, any less than it does in the private sector? Should not there be a terminal point in negotiations? Should not the levers of justice be equalized? I ask you these questions. I ask your serious consideration before you cast your vote. I ask you to support this bill.

MR. SPEAKER:

Will you remark further on the bill?

PAUL PAWLAK, SR.::

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Mr. Speaker, I should like to address myself to a couple of remarks made by previous speakers. One which was repeated several times was that the...it is quite unwise to permit a so-called third party to have anything to say or do in the matter of labor disputes. Well, I submit, Mr. Speaker, this is the rankest kind of nonsense, because if we were to subscribe to that philosophy, we would have no judicial system in our State nor in our country. Now, I can think of one case in particular where chaos might have resulted if we did not have a proper system of justice. That involved the City of New Haven, where, I believe, the U.I. wanted to run a set of high voltage power lines across the harbor. There were many people who objected to that, including, I believe, the City of New Haven. Now, had we no way of resolving that dispute, what might have happened? Maybe the U.I. people would have put the power lines up, and some disgruntled people, in the absence of a rational, reasonable means of resolving the dispute, might have strapped some dynamite or plastic explosive to them...at the top of the towers...and blown them down. But that didn't happen. If my memory serves me correctly, a Federal judge decided the question. The Judge was not, to my knowledge, a resident of the City of New Haven, or a member of the administration of the City of New Haven, nor was he, to my knowledge, an employee of the U.I. or a member of management. He was a third person. How else, except through the action of a third person, could that problem have been reasonably and satisfactorily resolved? When I say satisfactorily, I mean a way in which, while in constant bickering and dispute, it precluded?

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There is no other way that I could think of for having taken care of that situation. I belong to a labor union, Mr. Speaker, and we do not have the right to strike as is the case with municipal employees. They don't have the right to strike, and this State Legislature, a third party, has told the employees of not only my town but every town and city in the State that it is illegal for them to strike. Now, in our case, we gave up the right to strike. For what purpose? For the purpose of getting our compulsory arbitration...binding arbitration...if you will. So, this has not resulted in a panacea, or cornucopia, for the employees and members of my union. In many cases, Mr. Speaker, the issue of discharge of a union member has come up. In some cases, the action of the arbitrator resulted in a reinstatement of that employee. In other cases, the firing was sustained by the arbitrator. This is a two-way street. We don't agree with everything a third party suggests or he decides, but it is, it seems to me, the best way we can think of to take chaos, ferment, and in some cases violence out of labor negotiations as we have been witnessing them in the past several years. I strongly urge passage of the bill.

MR. SPEAKER:

Will you remark further on the bill? Are you prepared to vote?

JOHN F. MANNIX:

Mr. Speaker. Very briefly, Mr. Speaker, this is a very difficult issue for me to vote on. Initially, when I arrived up here, I put a bill in the hopper that would require State employees,

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or require the State to provide to provide for State employees efr
for compulsory arbitration. There are good arguments on both
sides of this issue. You're sort of damned if you do, and damned
if you don't on this particular issue. Most of them have been
reviewed here, and I won't go into them. In fact, this bill pos-
sibly could save money for my towns, because I think we've been
very generous to our municipal employees. Representative Col-
lins, at lunchtime, pointed out I think a very important factor
here. Municipal employees are also voters. They take part in
political activity, and they do have, I think, more of a say on
the other side of the issue than purely employees of business.
On balance, I'm going to...I've arrived at the decision to vote
against this bill, because municipal employees are in good shape
right now, and I think that it would be wrong to, at this point
in time at least...it's not necessary, I should say...not be
wrong...it's not necessary at this time to vote in favor of
compulsory arbitration.

CHARLES R. MATTIES:

Mr. Speaker, I rise in support of the bill. I agree
with the many speakers who today have stated the fact that we
need a terminal point in some of the negotiations that have gone
on unreasonably long. Also, like so many others in the House,
I've received from our local governing body...legislative body
...the request to oppose this bill. Each time I have had that
request, I have asked for evidence of the fact that binding ar-
bitration increases the cost to the towns. The only thing I can
tell you is to this point I have not received any evidence to

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that effect. Therefore, I think someone started an argument efr
stating that it would cost more money, but noone has produced
the evidence. Therefore, I do see, on balance, this bill is
helping the constituents.

JOSEPH S. COATSWORTH:

Mr. Speaker, I believe this bill before us today is
one great step forward in labor relations for the cities and
towns of the State of Connecticut. There have been some reserva-
tions expressed by those who govern the cities and towns in this
State, and I believe their fears are generally fears of the un-
known, and not based upon facts or substance. This bill, if
passed by the House and Senate, and signed by the Governor,
should create a more orderly procedure in labor relations for
municipal employees in the State of Connecticut, and for that
reason deserves our support here this evening.

MR. SPEAKER:

Will you remark further? Are you prepared to vote?
The Chair will announce an immediate roll call. Will the Members
please be seated. Will the staff come to the well...and guests.
Will the Members please be seated. Are you prepared to vote?

DOROTHY K. OSLER:

Mr. Speaker, may I ask a quick question, please, of
any one of the proponents of the bill? I think I am right in
that teachers are not considered municipal employees. Is that
a correct assumption?

DOMINIC J. BADOLATO:

Mr. Speaker, teachers are not covered under this Act.

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DOROTHY K. OSLER:

efr

Thank you.

MR. SPEAKER:

Will the Members please be seated. Will our guests come to the well. The machine will be opened. Have all the Members voted? Will guests and others please refrain from entering on the Members' floor area during the pendency of the roll call. Have all the Members voted, and is your vote properly recorded? Have all the Members voted? If so, the machine will be closed, and the Clerk will take a tally. Will the Clerk please announce the tally.

The following is the result of the vote:

Total number voting	146
Necessary for passage	74
Those voting yea.	95
Those voting nay.	51
Those absent and not voting	5

The bill as amended is passed.

WILLIAM A. O'NEILL:

Mr. Speaker, I move for suspension of the rules for the immediate transmittal of all House bills, double-starred, acted favorably upon today.

MR. SPEAKER:

Is there objection? Is there objection? Hearing none, the rules are suspended. All matters favorably entertained in this Chamber this day and appropriate for transmittal to the Senate are transmitted forthwith.

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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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LFU

THE SPEAKER:

The Bill is passed. Gentleman from the 34th.

REPRESENTATIVE O'NEILL (34th):

Mr. Speaker, I move for Suspension of the Rules for immediate transmittal to the Senate, of all items passed that need further Senate action.

THE SPEAKER:

Is there objection to Suspension for immediate transmittal to the Senate of all matters requiring action by that Chamber favorably entertained to this point this date? Hearing none, the Rules are suspended and all matters relative to the Motion to transmit to the Senate.

THE CLERK:

HB-6969 Page five, Calendar 1086, AN ACT CONCERNING BINDING ARBITRATION FOR MUNICIPAL COLLECTIVE BARGAINING AGREEMENTS, amended by House Amendment Schedule B, F and Senate A.

THE SPEAKER:

Gentleman from the 32nd.

REPRESENTATIVE COATSWORTH (32nd):

Mr. Speaker, I move acceptance of the Joint Committee's Favorable Report and passage of the Bill as amended by House Amendment, Schedule B and House Amendment, Schedule F.

THE SPEAKER:

Question is on acceptance and passage as amended by House B and House F. Will you remark?

REPRESENTATIVE COATSWORTH (32nd):

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Mr. Speaker, will the Clerk please call Senate Amendment, Schedule A?

THE SPEAKER:

Clerk please call the heading on Senate A.

THE CLERK:

Senate Amendment, Schedule A, LCO No.9905.

THE SPEAKER:

Gentleman from the 32nd.

REPRESENTATIVE COATSWORTH (32nd):

Mr. Speaker, I move the adoption of Senate Amendment, Schedule A.

THE SPEAKER:

REPRESENTATIVE COATSWORTH (32nd):

Yes, sir, I do.

THE SPEAKER:

Is there objection? The gentleman from the 32nd to summarize Senate A.

REPRESENTATIVE COATSWORTH (32nd):

Thank you. Mr. Speaker, Senate Amendment, Schedule A is a document that every member has, I believe, on his desk. The Amendment is fourteen pages long and begins with the sentence - "Strike out everything after the enacting clause and substitute the following in lieu thereof." I believe that for the Members of this House to thoroughly understand the Amendment, this Amendment in effect repeats the Bill which we passed last week on Binding Arbitration and adds only one major change in the Amendment to the Bill. The change is that Binding Arbitration under this Amendment

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would be the last best offer by issue type of Binding Arbitration and let me explain, if I may, what that means. Last best offer arbitration by issue means that an arbitrator must chose between the two parties last best proposals on each individual subject or issue and this is an improvement, I believe on the initial Bill passed by this Chamber and I move adoption of the Amendment.

THE SPEAKER:

Remark on adoption of Senate A? Gentleman from the 97th.

REPRESENTATIVE NATALINO (97th):

May I excuse myself from this debate because of conflict of interest?

THE SPEAKER:

The gentleman from the 97th is excused. Are there further Members who seek to be excused at this time on this basis? For further remarks on Senate A, the gentleman from the 72nd.

REPRESENTATIVE HEALEY (72nd):

Mr. Speaker, thank you. I commend Mr. Coatsworth in support of this Amendment. I believe that this approach will force both sides to be realistic in their demands. The municipality dare not stonewall. The bargaining agency for the employees dare not ask for pie in the sky because it is the obligation of the arbitrator to take the last offer from each side which is more reasonable. I think this will force them into a more reasonable position because they would be extremely concerned that they would be so far off base that the other side's offer would be accepted. I think that it is a great improvement on the Bill and I urge favorable action on Senate Amendment A.

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THE SPEAKER:

Will you remark further on Senate A? Gentleman from the 70th.

REPRESENTATIVE HANLON (70th):

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

THE SPEAKER:

Will you frame the question, sir.

REPRESENTATIVE HANLON (70th):

Mr. Coatsworth, in Section 2b and 2c, provisions are made for mediation and fact-finding by the State Board of Mediation and Arbitration. Through you, Mr. Speaker, how does the State Board receive notice of the fact that a collective bargaining agreement has not been approved?

THE SPEAKER:

Does the gentleman care to respond?

REPRESENTATIVE COATSWORTH (32nd):

Mr. Speaker, I don't believe I understood the question. If Mr. Hanlon would repeat it, I'd be glad to answer it.

REPRESENTATIVE HANLON (70th):

Through you, Mr. Speaker, is there a requirement that either the municipality or the labor organization notify the State Board of Arbitration that in fact they have not reached an agreement?

THE SPEAKER:

Gentleman from the 32nd.

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REPRESENTATIVE COATSWORTH (32nd):

Through you, sir, the answer is no.

REPRESENTATIVE HANLON (70th):

Through you, Mr. Speaker, how then does the State Board of Arbitration and Mediation find out an agreement has not been reached?

THE SPEAKER:

Gentleman from the 32nd.

REPRESENTATIVE COATSWORTH (32nd):

Mr. Speaker, through you, sir, the answer to that question is by inquiring of the parties involved.

REPRESENTATIVE HANLON (70th):

Through you, Mr. Speaker, is this going to necessitate more staff on the part of the State Board of Arbitration and Mediation to find this out from 169 towns in the State of Connecticut?

REPRESENTATIVE COATSWORTH (32nd):

Mr. Speaker, through you, sir, the answer is no.

REPRESENTATIVE HANLON (70th):

Through you, Mr. Speaker, is the current staff of the State Board in your opinion, adequate to supervise this for 169 towns in the State?

REPRESENTATIVE COATSWORTH (32nd):

Mr. Speaker, my answer to that question through you, sir, would be yes and I might point out to all of the members of this House that we have a fiscal note attached to the Bill - the amendments - and asked for a fiscal note and the fiscal note states that any additional costs which are purely speculative could be absorbed within the State Department of Labor's Budget. I might point out further in response to the gentleman's

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question, that on this particular issue, we're not talking about 169 towns at this stage, we're talking about those towns which have bargaining units and that's a much, much lesser number than the total number of towns within the entire State of Connecticut.

REPRESENTATIVE HANLON (70th):

Through you, Mr. Speaker, does the State Board of Mediation and Arbitration currently carry on such functions as outlined in Sections 2b and 2c?

THE SPEAKER:

The gentleman care to respond?

REPRESENTATIVE COATSWORTH (32nd):

Mr. Speaker, through you, sir, the answer is no.

REPRESENTATIVE HANLON (70th):

Mr. Speaker, this is one small point in this rather lengthy Amendment that I have various questions about. I frankly question whether the State Board of Mediation and Arbitration can carry out this function within their current budget and with their current staff. It's a very important function and with no obligation on the part of either party in a municipal labor dispute to notify the State Board of Mediation and Arbitration, I frankly don't know how the State Board can find out that no agreement exists, particularly if either or both of the parties don't want to be subject to arbitration. I don't know how the State Board is going to find out about it.

THE SPEAKER:

The gentleman from the 143rd.

REPRESENTATIVE MATTHEWS (143rd):

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Mr. Speaker, if I might, I'd like to ask the proponent a question please, sir.

THE SPEAKER:

Please frame your question.

REPRESENTATIVE MATTHEWS (143rd):

Through you, sir, to Mr. Coatsworth. Can you tell me, sir, what happens to those people who are now presently negotiating a contract under the terms of the Amendment as presented?

THE SPEAKER:

Does the gentleman care to respond?

REPRESENTATIVE COATSWORTH (32nd):

Mr. Speaker, through you, sir, I did not understand the question.

REPRESENTATIVE MATTHEWS (143rd):

Well, under the Amendment, you are providing for a last offer - last best offer to be presented for arbitration and decision making and I'm asking the question that when this Bill goes into effect, what happens to those organizations who are negotiating? What will their position be in relation to the Bill as it is amended?

REPRESENTATIVE COATSWORTH (32nd):

Mr. Speaker, through you, sir, to answer the question - the answer to the gentleman's question, the effective date of this Bill is October 1st and it would not effect any negotiations going on prior to that and in fact, effects only contracts whose expirations are after the first of October.

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REPRESENTATIVE MATTHEWS (143rd):

Through you, sir, is it your conclusion Mr. Coatsworth, that that is clearly identified in the Amendment?

REPRESENTATIVE COATSWORTH (32nd):

(Tape #4)

Mr. Speaker, through you, sir, in answer to the gentleman's question, the answer is yes.

REPRESENTATIVE MATTHEWS (143rd):

Thank you sir. I think there is some doubt in my mind that it is not clearly identified. However, it's a point of some concern or unsettlement in my mind, let's put it that way. Now, another question through you, sir. Can you tell me, Mr. Coatsworth, if there is any other State in our country who has this form of settlement of issues in municipal employees' problems with municipal executives for all municipal employees?

REPRESENTATIVE COATSWORTH (32nd):

Mr. Speaker, through you sir, in answer to the gentleman's question, the State of Michigan has a similar proposal or similar law for all their employees. The State of Massachusetts has the same law for police and firemen.

REPRESENTATIVE MATTHEWS (143rd):

Thank you, sir. So we are - I am of the opinion from your comment, that there is one other State who in your comment, covers all municipal employees and one other State which is proceeding in the area with firemen and policemen. I don't think that the State of Connecticut necessarily has to be involved with following the State of Michigan or adjacent State of Massachusetts in the tendency to go in this direction. It appears to me that we have the same situation here as we did with the other Bill before. There

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are perhaps some advantages that you might account for but it seems to me that in the long run, you have a very difficult situation to identify this properly with the taxpayers in your community who are left out of circumstances in the same manner as the Bill that was here before us a week or so ago. There are certainly - there's no way for a strike or a job action or whatever words you wish to use to be prohibited because it has been proven in the past in many areas that people will leave their jobs one way or another, even though this type of arbitration, binding or otherwise, is in effect. Therefore, we in essence will not accomplish what we set out to do. I think also, that the same element exists that you can in essence, defeat arbitration or excuse me, you can defeat negotiations by weakening the whole bargaining process. The people will identify themselves with such comments as - well, if we can't settle it here, why don't worry, it'll be settled through the new process of last best offer issue binding arbitration. I think that weakens the status and the complexities are increased in bargaining. There is certainly a very vast delegation of power to the outsider who comes in and discusses the matter and does the work for the two parties involved. They have the privilege of practically identifying any expense that they decide they wish to. The taxpayer is the one who finally ends up suffering for it.

I think that you have a means of weakening the status of the First Selectman or the Mayor or whatever executive is in the community you're involved in because you have handing over his responsibilities or those designated by him to a third party. I don't see that that contributes anything. It can lead to expenses which can in turn lead to a more difficult

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tax problem within the community and possible layoffs. I see no change overall in this Amendment as opposed to the Bill which we had here a couple of weeks ago. I think the final comment in this particular last best offer is that it places the person who is doing the arbitration in the somewhat awkward position of trying to make a decision between two best offers and I think that kind of thing can very readily lead to either or both sides being very distressed and upset at each other and no real final settlement is adhered to in the long run. I cannot emphasize too strongly that the real and proper way to solve these problems is to discuss them - to talk them out. There have been information presented to all of us that only two percent of those which have gone to fact-finding in the past have been long-term unsettled issues. The private sector certainly has its difficulties and has items that run beyond the normal times. In dealing with human elements, it's bound to happen. There are just so many uncertainties in this kind of an approach to municipal bargaining, that I think it very unwise to accept it at this point, when in essence, we have had a fact-finding procedure established. We have improved on it. The municipalities and the people involved have been trying to work with it and it takes a little time for anything of complex nature such as fact-finding or to finalize its proper direction and help to solve the problems.

Two or three years - four years, is a very nominal time in this kind of a process and I think we have it working in that direction now and I think we should leave it the way it is with a fact-finder to assist in the settlement of the problem and not support Senate Amendment A.

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THE SPEAKER:

The gentleman from the 32nd.

REPRESENTATIVE COATSWORTH (32nd):

Mr. Speaker, if I can clarify a few parts of this Senate Amendment which I think represent the very best in Legislative effort to resolve a very, very difficult issue facing the General Assembly in this Session. This Amendment, with the last best offer arbitration method, really represents a meeting of the minds in a middle-of-the-road direction towards resolving municipal contract disputes. And I think if we take a very careful look and examine this Amendment very well, that we can understand that this Amendment may offer a lot more hope than the Bill this House passed last week in resolving labor disputes among municipal employees in the State of Connecticut. And so I would urge the adoption of this Amendment based on the fact that it is not a question - it is not a question of taking away power of the communities or bringing in people from the outside to impose their will on the towns and cities of this State.

This Amendment with last best offer arbitration means instead, Mr. Speaker, that the issues to be resolved which are in dispute and before the two parties, will in fact, be resolved by their own efforts and the arbitrator will chose the best offer available on each individual issue and this means, to me, and I'm sure to the Members of the Senate who passed this Amendment, that outsiders, if that's the word to be used, outside arbitrators will not affect the communities. The communities themselves and their own employees will negotiate a contract in good faith and resolve the disputes

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quickly and equitably and this Amendment represents the best effort we can possibly make regarding this issue in this year.

THE SPEAKER:

The gentleman from the 49th.

REPRESENTATIVE MAZZOLA (49th):

Yes, Mr. Speaker. The question which I've noticed in the Amendment - Mr. Speaker, at this point, I'd like to yield to my friend from the 62nd so he may exempt himself.

THE SPEAKER:

Certainly. The gentleman from the 62nd.

REPRESENTATIVE POST (62nd):

Thank you, Representative Mazzola. Mr. Speaker, under the Code of Ethics, I wish to excuse myself from debate and vote on this issue.

THE SPEAKER:

The Journal will so note. Gentleman from the 49th.

REPRESENTATIVE MAZZOLA (49th):

Thank you, Mr. Speaker. A question which I've noticed in the Amendment, through you, sir, to my friend, Mr. Coatsworth reporting out the Bill. If he would turn to Line 94 of the Amendment, it deals with a delegation of power where the Legislative body if the Town Meeting, it delegates a certain amount of power from the Town Meeting to the Board of Selectmen. Now, my question is this. It says at the present time a Board of Selectmen is not given the authority to expend money without, at least in my town, without going through the Board of Finance or a Town Meeting. Are we getting into a problem here as far as cutting the Board of Finance out of the whole negotiation procedure?

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REPRESENTATIVE COATSWORTH (32nd):

Mr. Speaker, this part of the Act - this part of the Amendment was identical to and simply repeats House Bill 6927 passed four weeks ago in this Chamber. And if we're talking about the Board of Selectmen being the bargaining agent, that's been true for 100 years and so I have trouble understanding the gentleman's question. If we're talking on the Board of Finance insofar as binding arbitration is concerned, no the Board - or no other power or body in a town would have the power to say it cannot uphold an agreement that's been accepted by the arbitrators.

REPRESENTATIVE MAZZOLA (49th):

Thank you, sir.

THE SPEAKER:

Gentleman from the 147th.

REPRESENTATIVE SHAYS (147th):

Mr. Speaker, I believe I probably will be voting against the Bill but I think this Amendment makes it a better Bill and I urge its adoption.

THE SPEAKER:

Will you remark further on the Amendment? Gentleman from the 117th.

REPRESENTATIVE BOGDAN (117th):

Mr. Speaker, Senate Amendment A, in my opinion, though I oppose the concept of binding arbitration, Senate Amendment A does improve the Bill vastly. I believe if you're going to have binding arbitration, it's best with the type of Amendment the Senate inserted into the Bill and I would support the Amendment.

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THE SPEAKER:

Gentleman from the 66th.

REPRESENTATIVE HARLOW (66th):

Thank you, Mr. Speaker. Mr. Speaker, I'd just like to say that in my opinion, this last best offer concept does not deal with the shortcoming of the Bill. It still would mean that people who are not elected and who are not accountable to the taxpayers would have a direct roll in determining what monies are going to be spent and that the judgment of the arbitrator and others on the panel would, in effect, determine our municipal tax rates. And if there is one thing that we're doing in local government today, it's struggling with increased costs, strikes by local employees and reduced tax collections. This last best offer Amendment, in effect, could only lead to uncontrollable increases in local Government and though it sounds good in writing or in wordage, in effect, it could be a disaster and it doesn't address itself to the real failure of this Bill. I oppose the Amendment.

THE SPEAKER:

Further remarks? Gentleman from the 136th.

REPRESENTATIVE NEVAS (136th):

Mr. Speaker, if I may, I'd like to ask a few questions of Mr. Coatsworth.

THE SPEAKER:

Please frame your question.

REPRESENTATIVE NEVAS (136th):

In the course of discussion with respect to this Bill and the considerations, did the Committee originally give consideration to inclusion of last

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best offer?

THE SPEAKER:

The gentleman from the 132nd.

REPRESENTATIVE COATSWORTH (132nd):

Mr. Speaker, through you, sir, in answer to the gentleman's question, the Committee gave consideration to every conceivable type of binding arbitration,

THE SPEAKER:

Gentleman from the 136th has the floor.

(Page #5)

REPRESENTATIVE NEVAS (136th):

Mr. Speaker, through you sir, why in the file copy of the Bill that came to the floor of this House for action, was the concept of last best offer not included?

REPRESENTATIVE COATSWORTH (32nd):

Mr. Speaker, through you sir, in answer to the question, I believe that File Copy, House Bill 6969 spoke for itself insofar as the feelings of the Committee at that point in time were concerned.

REPRESENTATIVE NEVAS (136th):

Mr. Speaker, to pursue the question which still has not been answered, did the Chairman or the Committee research the question of the concept of last best offer in terms of the experience of other States who have used this method?

REPRESENTATIVE COATSWORTH (32nd):

Mr. Speaker, through you sir, the answer to that question is yes.

REPRESENTATIVE NEVAS (136th):

Would the gentleman share with us, the results of the experience of

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these other States as determined by the Committee?

REPRESENTATIVE COATSWORTH (32nd):

Mr. Speaker, through you sir, no.

THE SPEAKER:

Gentleman from the 136th.

REPRESENTATIVE NEVAS (136th):

Mr. Speaker, it seems to me that the Chairman, in refusing to indicate the results of the consideration of the Committee of this concept and by his further refusal to indicate what the experience of other States has been with the concept of last best offer, after admitting that he is familiar with the experience of these States, indicates that what appears to be, as Mr. Harlow indicates, a satisfactory or what we are being told is a satisfactory compromise, may very well be a very dangerous step on the part of this General Assembly in enacting or adopting this Amendment. I think we're operating in a vacuum. The Committee Chairman refuses to tell us what they discussed and why they did not include last best offer in their Bill. He refuses to tell us what they have found out as to the experience of other States with last best offer and yet he asks us to support the Amendment. My understanding of the experience of other States who have used last best offer is that in many instances, it has been disastrous. Because what happens, as a practical matter, as I am told by persons experienced in this field, is that the party make outrageous demands. That is, the union makes an outrageous demand; the municipality or the management side makes an outrageous offer and instead of encouraging negotiations across the table, it discourages it. And it doesn't work. And I think what Mr. Harlow is alluding to was that if, in certain instances, where last best offer is

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utilized, and the union makes what I have termed an outrageous demand, and the arbitrators, for whatever reason, settle on that demand, the municipality can be impacted beyond our wildest imagination. Now, we're not dealing with negotiations in the private sector where you have a Board of Directors and you have stockholders and if they get socked in a labor dispute they can raise their prices or they can cut back in advertising or do the myriad things that are available to management in the private sector. We're talking about the towns and cities in the State of Connecticut and the only recourse they have is to raise taxes. And I think that the - while at first when I was informed that the Senate had in fact adopted this Amendment, my initial reaction was I wasn't in favor of the Bill. I voted against the Bill. I didn't like it but it's an improvement and if we have to have the Bill, we might just as well have last best offer. But upon reflection, and upon inquiry and upon discussions with persons far more knowledgeable than myself in this area, I've changed my mind. And I think it's bad. And in fact, instead of making a bad Bill a little better, in my opinion, it makes a bad Bill a little worse.

THE SPEAKER:

Will you remark further? The gentleman from the 20th.

REPRESENTATIVE MATTIES (20th):

Mr. Speaker, my reflections indicate a different decision. A week or so ago, when we initially debated binding arbitration, all we heard on this floor was the fact that we were taking away totally from the municipalities their ability to give some input into a decision. Today, we are being told that the last best offer will be considered. In my opinion, it's going to

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remove some of the poker playing from arbitration. It's going to make people honest because they know that one of the two offers will have to be accepted. Many of the statements today I think are predicated on the assumption that both parties are going to be totally irresponsible. I can't buy that. I think that when the union and management get down to sit down and talk, they're going to realize their responsibilities; they're going to try to come in with something that's reasonable and we should give this method a trial.

THE SPEAKER:

Gentleman from the 78th.

REPRESENTATIVE VICINO (78th):

Mr. Speaker, this is not the first time that an Amendment had come before this House; an Amendment that hasn't been considered by a Committee. It's happened very often and frequently here in the House. And the question to a Chairman of a Committee to ask him - has your Committee or did your Committee consider this Amendment - I don't think is fair. Because we consider literally dozens of Amendments each Session and sometimes each day that have not the options presented in this Amendment and Amendments that have not been considered by the Committee. And Representative Nevas mentioned the private sector and that local municipalities are not to be compared with private sectors. But do we consider the fact that the people who work for the cities and towns have to compete at the marketplace, at the stores, when they make their purchases and I said this two weeks ago. A loaf of bread costs the same for them as it does for those who work in the private sector and a pair of shoes does and food on that table. We must consider that.

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When you mention private sector, think of the both sides of the coin and both sides of the question. City employees have to pay the cost of living is the same for those who work in the private sector. I urge the acceptance of this Amendment.

THE SPEAKER:

Gentleman from the 148th.

REPRESENTATIVE ABATE (148th):

Thank you, Mr. Speaker. I also rise in support of Senate Amendment, Schedule A. As has been pointed out previously during the course of debate today, when we last debated this particular issue, a great deal of time was spent during the course of debate discussing the problems that municipalities would have if we had no feeders on the discretion of the arbitration panel. With last best offer arbitration, we don't have complete restriction on discretion of the arbitration panel but we do have some limitations. It is not likely that in the course of debate or in the course of negotiation, that one side to those negotiations will make a totally unreasonable offer, recognizing the fact that the other side make a reasonable offer that might then be accepted by the arbitration panel. There is a circumstantial guarantee of fairness here. It's not likely we're going to have unreasonableness at all. Recognize also, the fact that should the arbitration panel accept an offer which is unreasonable, there still remains the last course, the course of appeal. At that level, an unreasonable offer, should it in fact be determined to have been unreasonable, can be rejected by the appellate tribunal. Thank you very much.

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THE SPEAKER:

Prepare to vote. The lady from the 150th.

REPRESENTATIVE OSLER (150th):

Mr. Speaker, just a brief comment. This last best offer Amendment seems to me to make a bad Bill just an impossible Bill. In the Education Committee, we did talk just a little bit about last best offer as regards teacher negotiations and it seems to me that this, as one of the proponents of the Bill or the Amendment said, that this would keep either side - labor or management - from stonewalling it. I feel that it very well might make them stonewall it even more than they normally would. I think either both sides make outrageous offers, as Representative Nevas said, or they may do absolutely no bargaining at all, feeling that the arbitrator is going to have to pick one or the other and they need not even begin to negotiate. They can stick to their guns from the very first instance and make no concessions on either side and one of them is going to come out a winner and the other is going to come out a big loser. I think I would rather wait a number of years and see how this kind of last best offer is working in other States before we even begin to consider it for our State of Connecticut.

THE SPEAKER:

Gentleman from the 111th.

REPRESENTATIVE CAMP (111th):

Mr. Speaker, through you please, one question to the proponent of the Bill.

THE SPEAKER:

Please frame your question, sir.

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REPRESENTATIVE CAMP (111th):

This is something I'm quite unknowledgeable about. Just one question. Is it possible for either of the parties to seek a last best offer of the other before or is there any negotiating in that sense, before a determination by the arbitrator is made?

REPRESENTATIVE COATSWORTH (32nd):

Through you, Mr. Speaker, in answer to the gentleman's question, both parties get a copy of each other's offer simultaneously, at the end of the period.

REPRESENTATIVE CAMP (111th):

I assume then, that there is no opportunity for either to correct or change their own offer at the time they're making it. Mr. Speaker, this appeal, as again, I say, I'm very little confidence frankly, it seems to me that it's a far greater improvement from what the Bill was originally because it does put the people back into the picture. I would think possibly, it might be something that we lawyers might consider in some of our settlements as well. In any event, I think the Bill generally is a cop-out. The theory of having somebody else make your decisions for you is one I think we've seen too much in our current society. But at any rate, this is a bit of an improvement so I would support the Amendment, although I will vote against the Bill.

THE SPEAKER:

Gentleman from the 39th.

REPRESENTATIVE MARTIN (39th):

Mr. Speaker, I rise to support the Chairman of the Committee on Labor. We've had a lot of interesting dialogue today and in the past, about the

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cost of this type of Legislation on home communities but I wonder how many of us stop to think the cost on home communities to operate under the Legislation we presently function under, Chief Administrators are spending almost their entire time with their extra key people, trying to arrive at an agrrement. Various bargaining groups are spending a great deal of time trying to arrive at an agreement. Administrators are making proposals in bad faith and some instances, labor is making proposals in bad faith. We get long drawn out dialogue which is a cost to the community which you can't put a figure on because nobody computes it. I can recite an instance in my own community where the administrative head of our community who was charged by statute with the authority to negotiate an agreement attempted to accomplish that for about eighteen or nineteen (Tape #6) months and finally decided to delegate that authority to a sub-committee of the Council and we settled the argument in one hour.

This kind of Legislation, Mr. Speaker, is going to give to collective bargaining what they have not had before. They've always had the right to negotiate an agreement but they never had the right to agree to an agreement. This is going to put a stop-gap area on both parties. They're both going to be aware of the fact that at some point in time, their best offer is going to be the offer that could be accepted. It's going to bring responsibility to negotiations and I would support it. To listen to some of the dialogue that's taken place here in the last couple of weeks, I imagine the only kind of bargaining bill that would get through this Chamber in some Member's minds, is that that would repeal the right to collect from a negotiated agreement. I would point out to you that it wasn't many years ago when municipal employees

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did not have the right to even talk to the Legislative body about a salary increase let alone hope to get one. So I think this is a giant step forward. It's not as far as I'd like to see it go, but I'm willing to give it an opportunity to work. I would urge support of the Chairman of the Committee.

THE SPEAKER:

Remark further? Gentleman of the 136th.

REPRESENTATIVE NEVAS (136th):

Mr. Speaker, I'd like to ask Mr. Abate a question, if I may.

THE SPEAKER:

Please frame your question, sir.

REPRESENTATIVE NEVAS (136th):

During the course of his remarks, I think he gave the House - the Members of the House, the impression that an additional safeguard here, in terms of the substance of any arbitration award has the additional protection of an appeal procedure. And I'd like to ask Mr. Abate if he's familiar with the general statutes and the provisions respecting appeal of arbitration awards?

REPRESENTATIVE ABATE (148th):

Through you, Mr. Speaker, I am familiar with the specific section that would have application here, Mr. Nevas.

REPRESENTATIVE NEVAS (136th):

And through you, Mr. Speaker, I would inquire of Mr. Abate whether or not that section of the general statutes permits any kind of hearing de novo, or any kind of treatment of the substance of an award and does it not, in fact, deal only with technical problems that may have developed

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during the course of the proceedings in terms of appointment of arbitrators, total abuse of discretion and the like.

REPRESENTATIVE ABATE (148th):

Through you, Mr. Speaker, the section that is pertinent here would allow the appellate tribunal to overturn an arbitrator's award in several enumerated instances; one of which is a case where the award is determined to be not mutual or excessive.

THE SPEAKER:

The gentleman from the 136th has the floor.

REPRESENTATIVE NEVAS (136th):

I'd like the sections of the statutes that the gentleman is referring to.

REPRESENTATIVE ABATE (148th):

Sections 52-418 and 52-419 of the Connecticut General Statutes.

THE SPEAKER:

The gentleman from the 136th.

REPRESENTATIVE NEVAS (136th):

Does that language appear in the Amendment that we have before us?

REPRESENTATIVE ABATE (148th):

It does, Mr. Speaker.

REPRESENTATIVE NEVAS (136th):

Would the gentleman indicate the lines?

REPRESENTATIVE ABATE (148th):

It's 362 through 366.

THE SPEAKER:

Gentleman from the 136th.

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REPRESENTATIVE NEVAS (136th):

Mr. Speaker, I would just like to comment that I've just looked at the sections of the Statutes that the gentleman indicated and I don't think that the protection that he indicated is really available because my recollection of the Statute was in fact correct and the limitation on the Court for the vacation of an arbitration award is very, very limited. And the language that the gentleman referred to when he talks about the arbitrators exceeding their powers so that a mutual, final and definite award upon the subject matter was not made. We're talking about awards that were, in fact, made which may have been excessive and I still submit, Mr. Speaker, that there is no appellate review of such an award and the town and, in fact, the bargaining unit is really at the mercy of the arbitrators.

THE SPEAKER:

Will you remark further? Will the Members please be seated. Gentleman from the 106th.

REPRESENTATIVE ANDERSON (106th):

Mr. Speaker, I rise to support this Amendment. I think collective bargaining on the municipal level has become a technique of confrontation and foot dragging. This Amendment will put good faith back in collective bargaining and I support it.

THE SPEAKER:

Prepare to vote. Members please be seated and the staff come to the well. The machine will be opened. Correction. The Chair stands corrected. We're on Senate Amendment, Schedule A. There has been no Motion for a roll call. The machine will be cleared. The question is on adoption of Senate Amend

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Schedule A. All those in favor of its adoption will indicate by saying aye. Opposed? There is absolutely no doubt and it is totally clear to the Chair that the ayes have it and Senate A is adopted. Will you remark further on the Bill as amended by House Amendment Schedule B and Senate Amendment, Schedule A? The gentleman from the 147th.

REPRESENTATIVE SHAYS (147th):

Thank you, Mr. Speaker. I'd like to ask the gentleman, the Chairman of the Labor Committee a few questions.

THE SPEAKER:

Please frame your question, sir.

REPRESENTATIVE SHAYS (147th):

I'd like to know if there is anything in the Senate Amendment A which provides or prohibits discussions of manpower decisions to be negotiated.

REPRESENTATIVE COATSWORTH (32nd.):

Mr. Speaker, through you, the answer is no.

REPRESENTATIVE SHAYS (147th):

Members of the House, the one problem with this Bill, and it's a good Bill except for this one problem, is that in the State of Connecticut, we allow negotiations on almost all matters including manpower decision matters. therefore, it's an area of negotiations to determine how many men on a fire truck or how many people or how many policemen we have in a city and what this means then, is that the arbitrator, in arbitrating panels, in their decisions, can determine that a town must have a certain number of people. Therefore, a First Selectman would be bound by one thing. He would have to increase taxes. He may not be able to reduce his work force if, in fact, the arbitrating panel has said that he has to have a certain number of people

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working. It should be understood by this House that many States do not allow manpower decisions being part of the negotiations and for this reason, I will have to vote against the Bill.

THE SPEAKER:

Will you remark further on the Bill as amended? Gentleman from the 70th.

REPRESENTATIVE HANLON (70th):

Mr. Speaker, I rise to oppose this Bill, as amended. I'd just like to start my comments by saying that in the course of presenting the Amendment, Mr. Coatsworth said that all of us who had a chance to examine the Amendment closely could see various things in the Amendment. I'd just like to point out that I had this fourteen page Amendment on my desk as of around 9:30 or 10:00 this morning and very frankly, I didn't have time to examine it as closely as I would like to and I'm sure that many members here in the House similarly did not have enough opportunity to examine this closely. I think it's too bad that we are presented with a Bill and an Amendment of this scope and which presents new matters so late in the Session - so late in the day on the last day of the Session. I oppose this Bill. I think that many of the arguments were presented last week or two weeks ago when we voted on the original version of the Bill. The Mayor of my Town; the Mayor who incidently happens to be a member of the Democratic Party was in Hartford the day before yesterday and he indicated that whoever drafted this Bill or whoever originally proposed it should have his head examined. I don't entirely concur with the Mayor's evaluation of this draft of the Bill. However, I think it is an example

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of the absolute frustration which people - serving people on the municipal level have with this Bill. The Mayors and the Councilmen and the Aldermen of the State of Connecticut have a lot to cope with as it is and this is just adding one more burden and one more thing that they have to be concerned with and one more unpredictable item - one more burden on the taxpayers of the municipalities. I served for four years on a municipal legislative body before I came to this House of Representatives. I believe that I am a little bit familiar with the problems that municipalities face and I think this is going to be one more burden on municipalities and on the taxpayers of this State. One final comment that I'd like to make with regard to the questions that I raised regarding Sections 2b and 2c of the Amendment, the - I'd just like to point out that although there is no mechanism for notifying the State Board of Mediation and Arbitration that no agreement has been reached, the State Board is mandated and it says shall appoint a mediator. He shall appoint a fact finder in certain circumstances and very frankly, I don't know how the State Board can serve this mandate, can observe this mandate if it doesn't know that an agreement hasn't been reached. I oppose the Bill.

THE SPEAKER:

Are you ready to vote on the Bill? Gentleman from the 90th.

REPRESENTATIVE VARIS (90th):

Mr. Speaker, I'd like to offer this to members of this House to muse about just slightly. From the District I represent, two towns have contacted me relative to this. One a Democratic town and one a Republican town. Those two towns collectively, have eighteen councilmen. These councilmen were elected

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by the same people that elected you and I and have to be answerable to them the same way as you and I. In those two towns, they voted seventeen to one against this and many of them voiced strong opposition to me. The question is - who do we really represent here? Our communities are faced with the responsibility of setting a tax rate. They have the same problems in the municipalities that we have up here. Yet time and time again, during this Session, you said you didn't have the money to do it. We're setting a double standard. We can't do it for the State but we're willing to saddle a municipality with something like this. I urge rejection of the Bill.

THE SPEAKER:

Prepare to vote. Gentleman from the 136th

REPRESENTATIVE NEVAS (136th):

Mr. Speaker, would the Clerk call LCO 96 - 7693 please.

THE SPEAKER:

Will the Clerk please call LCO 7693 which will be House Amendment, Schedule G.

THE CLERK:

House G, LCO No. 7693.

THE SPEAKER:

The Chair will observe that the Amendment amounts to a half a page and the Chair would appreciate it if the Clerk would read it.

THE CLERK:

In Line 152, after the word organization, insert the following. Representing firefighting personnel and public safety officers. In Line 263, after the word organization, insert the following. Representing firefighting personnel or public safety officers. In Line 268 delete the words is now and

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substitute in lieu thereof the words will, at the request of either of said parties, b.

(Tape #7)

THE SPEAKER:

The Chair, pursuant to the request of the gentleman from the 136th, called what was offered as an Amendment to the Bill. The gentleman didn't hear the LCO number. The Chair gave it the style of House Amendment, Schedule G, subsequent to which it was read. It having been read, it would appear to be an Amendment to an Amendment. Would the gentleman from the 136th please come to the well? Will the Chamber please be at ease for a moment. Will the Chamber please come to order. The Chair appreciates the gentleman from the 136th coming to the well to confer with the Chair and the Clerk. The Chair would observe that Senate Amendment A might otherwise be confused with a new file number and in effect, . . . Had that been the case, LCO 7693 would have line references to a second file and would indeed, be a further House Amendment. . . . LCO 7693. . . now that we have acted favorably upon 7693. . . so the matter will continue to be nominated as House Amendment, Schedule G. The gentleman from the 136th, I do not believe the adoption of G has yet been -

REPRESENTATIVE NEVAS (136th):

I would move adoption of House Amendment, Schedule G.

THE SPEAKER:

Question is on adoption of House Amendment, Schedule G. Will you remark, sir?

REPRESENTATIVE NEVAS (136th):

Mr. Speaker, I appreciate the Speaker's concern and the opportunity to consult with the Speaker at the well. Mr. Speaker and Members of the

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House, this Amendment I think, a very important Amendment. It does basically, two things. First, it limits the application of this statute to policemen and firemen. Secondly, it deletes the language of the statute which automatically triggers binding arbitration and that language was contained in an Amendment adopted by this House and I honestly don't think that ~~many~~ many Members of this House were aware of the fact when they voted in favor of that Amendment, that they were voting in support of language which automatically triggered binding arbitration because if you look at this Amendment, you will see that there are time frames that advance and at the end, if the time frame - the previous time frames have elapsed, you must and I repeat - you must go into binding arbitration. My Amendment, the second part of my Amendment, will permit negotiations to continue if both parties agree that they wish the negotiations to continue and binding arbitration will not be triggered unless either of the parties request it. I think that's reasonable and I think that's fair. If the parties wish to continue to negotiate without being forced into binding arbitration and without the consequences of binding arbitration and the last best offer and all that is entailed once you get into binding arbitration or into a formal arbitration posture, then I think they should be permitted that option and if at any time either party wishes to terminate the discussion and to go into binding arbitration, either one has the right to do it. I think if the Members of this House think about that, that's fair. It's equitable. I'm sure that it's what the communities you represent would think would be fair and equitable.

Mr. Coatsworth, in his remarks, indicated that there was nothing in this Bill that would prevent the parties from continuing to negotiate and that it

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let's limit it to police and firemen. I urge adoption of the Amendment.

THE SPEAKER:

Will you remark further on the Amendment? Gentleman from the 32nd.

REPRESENTATIVE COATSWORTH (32nd):

Mr. Speaker, the Amendment before us is not acceptable to me at this time and I would make it clear that I believe that many of the injections that Mr. Nevas referred to his Amendment are taken care of by Section 7 of the Amendment, Sub-section e which allows either party or both parties to waive the requirement that we go to binding arbitration as an automatic step in the process. And I would also point out that the point of passing labor laws in the field of binding arbitration for municipal employees is to resolve disputes which take, in some cases, as many as a year and a half to two years, three years, that both parties still have under this Bill, the responsibility to negotiate a contract in good faith. If they cannot and they fail to do so, then the provisions of this time schedule apply and so we're really simply pointing out a schedule and a procedure to resolve labor disputes. Mr. Speaker, I think that's what we're here for.

THE SPEAKER:

Will you remark further on House Amendment, Schedule G? Gentleman from the 111th.

REPRESENTATIVE CAMP (111th):

Mr. Speaker, because I think this is an important question for our various municipalities and I think they will be interested in how we vote on it, I would ask that when the vote be taken, it be taken by roll call.

THE SPEAKER:

Motion is for a roll call vote. All those in favor of the vote being

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was all voluntary and normal negotiations could continue. And I would submit, Mr. Speaker, that I think he is in error because the language of the Amendment that we adopted last week which I am now seeking to change, I think does not bear out his statements. And I think the adoption of this Amendment would, in fact, bear out Mr. Coatsworth's statement and make it a situation where the parties could voluntarily continue to negotiate. The first part of my Amendment deals with limiting binding arbitration to policemen and firemen. I am advised that the binding arbitration Bill which we are being asked to approve today goes further than any other binding arbitration Bill in any other State in the United States. That this binding arbitration Bill covers every single municipal employee and that in many, many States that have binding arbitration, it is limited to policemen and firemen. The reason, I think, is probably the fact that policemen and firemen, by statute, are prohibited from striking and because they have a particularly sensitive area in terms of their employment, *visa ve* the community.

Much has been said with respect to the delegation of authority to the arbitrator that we are conveying, by the adoption of this legislation, and at least, ladies and gentlemen, if we're going to go that far and take this giant step, at least let's limit it to policemen and firemen. Let's crawl before we walk. Let's experience binding arbitration in that limited area and, if it works, and if the Mayors and First Selectmen and Boards of Aldermen and City Councilmen who for the most part have been telling you to vote against this Bill, if they a year or two or three years from now come back and say - it's worked, it's successful, we think it's good, then, we have the opportunity to extend it to the rest of municipal employees. For starters,

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taken by roll, indicate by saying aye. The Chair is of the opinion that more than a sufficient number support it and a roll call when appropriate, will be ordered. The gentleman from the 111th has the floor.

REPRESENTATIVE CAMP (111th):

Mr. Speaker, as to the Amendment itself, I think sometimes it's not a bad idea to learn to crawl before you can walk and in a field which is as untried as this, it would not be a bad idea if made this experiment in one field before we adopted a broad scale throughout the State. For that reason in particular, I rise in support of this Amendment. Thank you.

THE SPEAKER:

(Tape #8)

Further remarks on House Amendment, Schedule G. The gentleman from the 112th.

REPRESENTATIVE HANDERSON (112th):

Thank you, Mr. Speaker. Mr. Speaker, here on the last day of the Session, we have finally come down to the essential difference between Democrats and Republicans. Democrats seem to make plans carefully and then do something else. Republicans, however, carry out plans their grandfathers made for them. I cannot support this Amendment. The distinguished Minority Leader talks about crawling before we walk. Well, I don't like crawling and I don't think our municipal employees like crawling. I don't like this discrimination between the essential services of police and fire and our town; all employees, our public works employees - I think this is totally discriminatory. I cannot support this Amendment.

THE SPEAKER:

The gentleman from the 119th.

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REPRESENTATIVE STEVENS (119th):

Mr. Speaker, I purposely have been restraining myself from this debate because I have somewhat mixed emotions about the subject before us. But I'm not going to stand still for remarks like I just heard. It's an insult to the Legislative process to bring a fourteen page Amendment out on the last day and to anybody standing here criticizing Members for not having Amendments ready or for asking questions when we're asked to accept radical changes adopted by the Senate last night with six or seven hours to go, without the time to study it, without the time for Members to correlate Line numbers to Amendments that they can offer on the floor. It destroys the entire Legislative process. In fact, I think the way we're operating today it's going to set us back in terms of the public, to the late 1960's which many of us on a bi-partisan basis worked very hard and constructively to change. But no one should have the audacity to stand here today and criticize the motives of Members on a day of confusion and chaos like we are embarked upon. This is what the first of major amendments that members have never seen before today.

THE SPEAKER:

The gentleman of the 23rd.

REPRESENTATIVE BADOLATO (23rd):

Mr. Speaker, as the Minority Leader, I didn't care to get involved, not that I didn't care to, but I didn't want to get involved in the debate on this issue. I don't agree with him that we have chaos. I think we have

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order. I think the effort on the other side of the aisle is to create chaos and I don't believe that we will stand for it on this side of the aisle. There is nothing more than a delaying tactic on the part of the people on the other side - on the Republican side. They know full well that this issue has been debated at length. We all know what the issues are. The Amendment that was put on by the Senate did not drastically change the file copies. It simply provided a means -

THE SPEAKER:

Excuse me, sir. Will the Members please be seated. The Chair is well aware of the considerations on June 4th - intellectual, physical and emotion exhaustion. We have conducted ourselves in a manner, to date, I think, befitting the honorable seats we hold in the Chamber that we come together in. The Chair would very much hope that in the last day, we will not indulge ourselves in emotional, partisan dialogue or rhetoric from either side of the aisle. We will address ourselves to the issues at hand and will remain seated and be attentive to the dialogue and as the necessities of life demand we leave the room, then for no other reason. The Chair is aware of no chaos and the Chair - this Chair won't tolerate any chaos on this date. The debate will proceed. The gentleman from the 23rd has the floor.

REPRESENTATIVE BADOLATO (23rd):

Thank you, Mr. Speaker. Mr. Speaker, I would urge all of you to consider the remarks that were made on the debate when the Bill first came before us. There's no question about it in my mind that - and I'm sure

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that there's no question about it in your mind, that there is a problem on a municipal level insofar as resolving impasses in negotiations with municipal employees. No question about it in my mind that you all recognize that negotiations have been protracted and have gone on for two, three and four years. But I don't see any reason why we have to repeat all of the arguments that were presented here when the Bill first came before us. This Amendment, in my opinion, is nothing more than an effort on the part of those that are in the minority in numbers on this issue in their effort to try to prevent this Bill from coming to a final vote in this session of the General Assembly. If you are attempting to provide a means for resolving impasses for policemen and firemen with this Amendment, I say to you then you ought to do the same for the other municipal employees. And I would suggest that probably you ought to provide a means which would resolve an impasse by putting in an Amendment and insure passage of course, that they would have a right to strike. And I know that you won't do that. So that I would urge all of you let's get down to the business at hand. We do have a great deal more work to do. Let's cut it out and let's get down to work. Let's vote on the Bill. We know in our minds what we're going to do on the issue. We know our minds are made up already. I'm sure yours are. I hope ours are. And I would hope that we would reject this Amendment and vote yes on the Bill.

THE SPEAKER:

The gentleman from the 70th.

REPRESENTATIVE HANLON:

Mr. Speaker, very briefly. I just rise to support this Amendment. It addresses itself to a problem that I raised a couple of weeks ago when

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we debated the original Bill regarding the triggering of the arbitration process if neither of the parties want it. The fact that this Amendment addresses itself to that particular problem I think is worthy of support in and of itself. As the Bill is presently drafted, as amended before us, if neither party wants an arbitration proceeding once the mechanism has begun, they're stuck with it, whether - even if both labor and management does not want arbitration. They're stuck with it. I think this Amendment addresses itself to that problem. Therefore, I support it.

THE SPEAKER:

Gentleman from the 143rd.

REPRESENTATIVE MATTHEWS (143rd):

I also support the Amendment. I think I follow the same thinking process that Mr. Nevas and others have presented. I see no need that we should force upon the taxpayers a whole gamut of possible expenses if it's possible to do less than that until we are sure and I've been shown that the expenses are worthy of the need. I would strongly support the Amendment.

THE SPEAKER:

Will you remark further on the Amendment? No further remarks, then the Members be seated and the staff will come to the well. The machine will be opened. Have all the Members voted? Is your vote properly recorded? If so, the machine will be closed. The Clerk will take a tally.

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THE SPEAKER:

The gentleman from the 5th.

REPRESENTATIVE CARRAGHER (5th):

Negative, please.

THE SPEAKER:

Will the Clerk please note. The Chair is again going to ask staff to remain from going on the floor area during the pendency of a roll call vote. The Chair will insist upon this behavior this date. The Clerk prepare to announce the tally.

THE CLERK:

Total number Voting	136
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THE SPEAKER:

The gentleman from the 135th.

REPRESENTATIVE MANCIESTER (135th):

May I please be recorded in the affirmative.

THE SPEAKER:

The gentleman from the 135th in the affirmative.

THE CLERK:

Total Number Voting	137
Necessary for adoption	69
Those Voting Yea	41
Those Voting Nay	96
Those absent and not voting	14

THE SPEAKER:

House Amendment, Schedule G failed. Will you remark further on the Bill as amended? Now, will the Members please be seated. The

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gentleman from the 136th.

REPRESENTATIVE NEVAS (136th):

Mr. Speaker, I rise in opposition to the Bill. I think the Bill before us today, as it was last week, will continue to erode and weaken the ability of local government - the mayors and the first selectmen of the communities which we represent - it will erode and weaken their ability to manage local affairs and even more important Mr. Speaker, it will inhibit them in their attempt sometimes difficult, sometimes vain, to control the ever escalating costs of local government. We are know that the local governments - the towns and cities of this State - are struggling to survive in the tide - against the tide of increased costs. We know that because of the economic climate in this State, tax collections are down and this has further aggravated the problem of our local communities. For those of you who are concerned both Democrat and Republican about the trend toward the weakening of local government, I think you ought to think long and hard about your vote on this Bill because this Bill takes a giant step toward the almost complete abdication of local authority over one of the most significant areas of any budget and that is it's contract with municipal employees. And it will lead to increased local government costs. In looking at (Tape #9) the Senate Amendment on the question of factors that can be considered by the arbitrators, it's interesting to note that they can give consideration to wages, salaries, fringe benefits, working conditions prevailing in the labor market, the ability of the municipal employer to pay and the interests and welfare of the employees. It occurred to me that in reading that, it occurred to me, Mr. Speaker, in reading that, that it somehow

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ignores a problem that is prevalent in the communities and that is, that the overwhelming percentage of any local budget is education and in the community I represent, it probably is somewhere between sixty five and seventy percent of the budget we adopt each year. In some communities it's probably a little higher. In others, less. But it certainly runs anywhere from fifty to seventy percent - in that range of the overwhelming percentage of the towns and cities of this State. What about that as a factor? What about that as a consideration? Are the arbitrators to ignore that fact? That the town, the board of education has got to negotiate with teachers who, as has been indicated, are not included in this Bill. What consideration should be given to that factor? The Bill, the file copy, the Amendment, says nothing. Does that mean they can ignore it? I think it's a sleeper. I think it's going to create a nightmare of problems for our communities and they are our communities. We're here representing them. We're not here representing municipal employees or firemen or policemen or doctors or lawyers or plumbers or electricians. We're representing all the people of Connecticut. And that includes the towns and cities and the boards of aldermen and all the hard working people who served their communities on a voluntary basis who are going to have to struggle with the consequences of what we're doing here today. Mr. Speaker, ladies and gentlemen, I think what we're doing when we vote on this Bill is very serious. The consequences for our communities are very serious and I urge you to vote no.

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THE SPEAKER:

Will you remark further on the Bill as amended? The gentleman from the 20th.

REPRESENTATIVE MATTIES (20th):

Mr. Speaker, without taking exception to the remarks, I believe that every person in the Hall of this House is voting in a manner that they think best represents their constituents. We are not here to represent the Town Council or the Board of Selectmen. We're here to do what we think is best for the entire community. Some of us think that this Legislation might avoid some of the labor unrest and some of the inequities that have existed and I would urge support of the Bill.

THE SPEAKER:

Gentleman from the 143rd.

REPRESENTATIVE MATTHEWS (143rd):

Mr. Speaker, I rise to ask you to vote against the Bill. I don't know how one can explain the real depth with which this Bill and the implications that are involved in it can go in your communities. Number one, an argument pro and con have been given, but number one is that there is no assurance that this will solve the problem which you're going to present to your communities as a solution for the problem of impasses, etc., related to negotiations in collective bargaining. We have evidence - evidence that in places where this type of situation existed is not working. Sure it may be working in some other areas but maybe it would be working whether this type of situation existed or not. I think we have to use the examples that we can place our fingers on to identify where it is not working and where it has failed such as Montreal, New York City and a number of other places. And

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I think the second point which is important is that the money which is going to be involved in this and I don't know how anyone can tell you - if you have four or five groups that negotiate contracts in your community and you have four or five arbitrations every year or two years or whatever it may be, the cost is going to start to mount up. Arbitrators fees are not cheap. You don't know how long it's going to take to work the problems out. At \$100.00 a day which is very, very nominal today, most arbitrators are getting \$200.00 and \$300.00 a day and if you have three of them, that could run nearly to \$1,000.00 a day with the added office expenses and so forth that go on. Now, if you do that for ~~twenty~~ five days, that's \$25,000.00 and if you do it with three of your negotiating teams, that's \$75,000.00. Now, okay for a big City like Hartford or New Haven who, as I understand may have financial difficulty to some degree, but in the small communities, \$75,000.00 is a lot of money to explain to your taxpayer. Where is this money going? And they're going to say why don't you sit down and work this problem out with those people? Like you're supposed to - like we vote you in to do and that's what you ought to be doing with those people right now. You ought to be going back to them and saying look, get together and work this problem out. And I think that this is a point that has been grossly misunderstood and not accepted by the people in this House. There's no question but that it's a meaningful and very unknown factor. I think that whenever - anytime that there's a problem and the executives in your communities are going to point to you as a Legislator and say don't blame us people, don't blame us voters in this communities, there's the - those are the people who did it. The Legislators. And it gives them a way to get out of something. Why take that away from them? Why not make them plant their feet in the

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ground and work out their problems. That's what they were elected to do. I think you ought to have the courage to do that and to reject this Bill and to let the process of fact finding, which has been in affect for several years, proceed in a development stage which has proven its worth. Thank you.

THE SPEAKER:

Gentleman from the 32nd.

REPRESENTATIVE COATSWORTH (32nd):

Mr. Speaker, speaking in favor of the Bill, as amended by the two House Amendments and Senate Amendment, Schedule A, it occurs to me that reasonable men disagree and the people on the other side of the aisle and on this side of the aisle also, can legitimately have strong philosophical disagreement with the issue at hand before us this afternoon. But with all due respect to each and every individual in this House, it also occurs to me the final determining factor on whether this Bill passes as amended, is a roll call vote. And I think it might do us all more good to express our opinion in that manner at this time, given the place we are and the time of the day and the state of the Session than to continue to discuss what I believe has been fully debated and aired on at least two occasions before this House. And I don't mean to preclude any debate or take away anyone's right to discuss or amend the Bill further. I take exception to any remarks that might have been stated that this was a partisan way of delaying the Bill. I don't believe that. I think every member of this House has a right to amend this Bill further if they so desire. In the interest of doing the business of the people of the State of Connecticut, I think that we should get on with the Bill before us and express our views

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on that board. I think the Amendment and the Bill as amended, has been properly explained and philosophical differences remain between us and they will remain between us for quite some time to come on this Bill and others. I move passage of the Bill as amended.

THE SPEAKER:

Prepare to vote. Members please be seated.

REPRESENTATIVE SAYRE (68th):

Mr. Speaker, the Clerk has an Amendment, LCO 9291.

THE SPEAKER:

W Will the Clerk please call LCO 9291, House Amendment, Schedule H.

THE CLERK:

House Amendment, Schedule H, LCO 9291, offered by Representative Sayre of the 68th District.

REPRESENTATIVE SAYRE (68th):

Would the Clerk please read it?

THE SPEAKER:

Would the gentleman care to summarize?

REPRESENTATIVE SAYRE (68th):

Yes. I will summarize, sir.

THE SPEAKER:

Is there objection if the gentleman summarizes? Hearing none, the gentleman from the 68th to summarize.

REPRESENTATIVE SAYRE (68th):

Thank you, Mr. Speaker. This Amendment deals with public referenda - the right of the people of a municipality to either accept or reject the

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award of the arbitrator on the last best contract offer and the plurality of the votes cast shall be sufficient to determine whether the award of the arbitrator shall go into effect. This must take place within fifteen and thirty days of the issuance of the report, pursuant to Section 7 of this Act. And I would move acceptance and passage, sir.

THE SPEAKER:

(Tape #10)

Question is on adoption of House Amendment, Schedule H. Will you remark? The gentleman from the 32nd.

REPRESENTATIVE COATSWORTH (32nd):

Mr. Speaker, I oppose the adoption of this Amendment. The Amendment was brought out in the Senate when this Bill was before the Senate, and defeated. I think it's had consideration both in the Committee and the Connecticut General Assembly in the State Senate and apparently will have consideration here now and I oppose the Amendment.

THE SPEAKER:

The gentleman from the 68th.

REPRESENTATIVE SAYRE (68th):

Mr. Speaker, this may have had the consideration of the Senate. What I ask this Amendment be given and the Bill be given, is the consideration of the people who live in the towns and cities of this State. This Amendment is designed to let our taxpayers vote on how much money will be appropriated for municipal salaries. This is a check and balance of binding arbitration and I submit to you, sir, that this is really necessary for the taxpayers of this State who are already overburdened with many taxes that they be able to have a voice in what salaries are paid to their municipal people. And I would ask, Mr. Speaker, that when the vote be taken, it be taken by roll call.

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THE SPEAKER:

All those in favor of the vote being taken by roll call will indicate by saying aye. Sufficient numbers support it and when appropriate, a roll call will be ordered. Will you remark further on House Amendment, Schedule H?

UNIDENTIFIED SPEAKER:

Just briefly, Mr. Speaker, I oppose the Amendment. Every referendum that's going to take place in the City of Stamford for every contract is going to cost the taxpayers \$25,000.00.

THE SPEAKER:

Prepare to vote. Members be seated. Staff please come to the well and the machine will be opened. Have all the Members voted and is your vote properly recorded? If so, the machine will be closed and the Clerk will take a tally.

THE CLERK:

Total Number Voting	132
Necessary for passage	67
Those Voting Yea	131
Those Voting Nay	101
Those Absent and not Voting	19

THE SPEAKER:

House Amendment H is rejected. Will you remark further on the Bill? Prepare to vote. Members please be seated and the staff please come to the well. The machine will be opened. The machine is still open. Have all the Members voted and is your vote properly recorded? If so, the machine will be closed and the Clerk will take a tally. Gentleman from

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the 146th.

REPRESENTATIVE LOWDEN (146th):

I'd like to have my vote recorded in the affirmative.

THE SPEAKER:

The gentleman from the 146th in the affirmative. Gentleman from
24th.

REPRESENTATIVE BORDIERE (24th):

Mr. Speaker, in the affirmative please.

THE SPEAKER:

The gentleman from the 24th in the affirmative. Gentleman from
the 83rd.

REPRESENTATIVE WIEGAND (83rd):

Mr. Speaker, in the affirmative please.

THE SPEAKER:

The gentleman from the 83rd in the affirmative. Will the Clerk
please announce the tally.

THE CLERK:

Total Number Voting	143
Necessary for Passage	72
Those Voting Yea	96
Those Voting Nay	47
Those Absent and Not Voting	9

THE SPEAKER:

The Bill as amended, is passed.

**JOINT
STANDING
COMMITTEE
HEARINGS**

LABOR

1975

LABOR

March 5, 1975
7:00 P.M.

PRESIDING: Co-Chairmen; Senator Salvatore C. DePiano
Representative Joseph S. Coatsworth

COMMITTEE MEMBERS PRESENT:

SENATORS: DePiano, chm.,

REPRESENTATIVES: Coatsworth, chm., Martin, Bogdan,
Moriarty, Pawlak, McGuirk, Gosselin, DelPercio,
Matthews, Belden, Matties, Turiano, Mastrianni,
Badolato, Henderson, Serrani

REPRESENTATIVE JOSEPH S. COATSWORTH: You see the House Gallery directly above me. The procedure we're going to use tonight is to speak on the bills by subject matter. It's the belief of this Committee, the Labor Committee, many of the people here present are interested in finding arbitration bills, and as a result, we'll ask you at the appropriate time to line up at two microphones. One is on my left, the minority leader's microphone. One on my right, the majority leader's desk. We will alternate that way to make sure everyone has a chance to be heard. My name is Joe Coatsworth, Chairman of the House Committee and Labor and Industrial Relations. This Committee will stay here as long as it takes for each of you wishes to, to express your views on the serious legislation regarding this Committee of the General Assembly of this session. So, if you will be so kind as to line up hear those desks and speak into the microphone and indentify yourself by name, we'll get on with this hearing. The subject for the first part of this hearing is finding arbitration for municipal employees. I am told that the first speaker to my left is William Lewis, First Selectman for the Town of Greenwich. Mr. Lewis.

MR. WILLIAM LEWIS: Mr. Chairman, thank you very much. I've never testified before a legislative hearing, so if I don't follow the script right, forgive me. I don't consider myself an expert in labor relations, but I should say that in Greewich I represent the town in negotiating with well over a thousand employees, including, police, fire teachers, white-collars, nurses, and now managerial. I've been doing so for almost four years now, and we don't have any contracts that has not been completed. During this time we've probably negotiated over 10 to 14 contracts and had them approved by a representative town meeting, consisting of 232 people. You're talking probably, annually, in terms of salaries of some 6 to 8 million dollars. I'm aware that your committee is studying a number of bills, including House Bill 6925 and 6969 and a number of others. In one way or another which would mandate compulsory binding arbitration.....municipalityemployee organization
Now, Mr. Chairman, gentlemen, I'm against compulsory binding

MR. LEWIS: (CONTD.): arbitration.....first one is I believe that compulsory binding arbitration has a very chilling and negative affect on negotiations. I think they're going to throw out of the window hard bargaining and good faith bargaining at least throughout the state, generally speaking, I'm not an expert on the rest of the state, at least with the one town I'm familiar with. This is basically the way they've been viewing it.....control over two of the most vital things in the community. That is the amount of money being spent on personal services and the level of services rendered by municipal employees, and they can substitute an arbitrator for an outside community, a. he doesn't pay the taxes, and b. he's not the beneficiary of any of the services in the community...substitute him for the elected officials of the community, who pay the taxes who are the beneficiary of services. So, for those two reasons I urge your Committee and the General Assembly, itself, not to go towards compulsory binding arbitration. Essentially, I believe on the basis of my experience, even though it is Municipal Employees Relations Act is working essentially well, essentially throughout the state....I think if you take the state as a whole that our present law is functioning. Now, I'm not saying it's perfect. I'm not saying it can't be improved here and there, but I think(TESTIMONY EXTREMELY FAINT WITH MUCH STATIC, POSSIBILITY RECORDING MACHINE NOT ADJUSTED PROPERLY)

REPRESENTATIVE COATSWORTH: Thank you. I've been asked to announce that Human Services Committee Public HearingJuciciary Room.....Please identify yourself.

MR. LEONARD DUBE: Thank you, Mr. Chairman, members of the committee, my name is Leonard Dube, and I'm President of the Connecticut State United Auto Workers, Community Action Program. And we're here this evening to support binding arbitration contract negotiation for municipal employees. During contract negotiations management may be unresponsive to means ofmembership. It's not the place for proper amount of importance on solving the problems of the membership. Management at times uses every tactic available to them to stall and try to set demands which they do not favor, and they will sit at the bargaining table, and they'll admit that they are wrong, but refuse toThis type of situation in the majority.....has the right to strike. The use of strike is one of the most powerful weapons to the working class in their struggle against the exploitation and oppression of management. Now, municipal employee relation to that prohibit municipal employees to strike.....after fact-finding has been exhausted would act as an alternative right to strike, while strenghtening the municipal employee's position and act as.....By allowing municipal employees to work under their expired contract until a new contract is signed, rather than work without a contract during the impasse period to remove the doubt of what type contract he or she will be working under. When employees are hired they are informed of their rights under the present contract...the rights should prevail...contract.....making it an unfair labor practice

MR. DUBE: (CONTD.): for any...employer or union to reject arbitration...unless they otherwise settle the dispute would allow the State Board of Labor Relations.....As in any dispute, labor or otherwise, someone must have the final word. This proposal is a threat of unfair labor practice to discourage the union and employer to settle the dispute and encourage quicker actionand the Connecticut United Auto Workers wishes to go on record supporting House Bill 6461, Bill 6712, Bill 6925, which will enrich the quality of collective bargaining and the grievance procedure. Thank you. (LOUD APPLAUSE) (VERY POOR TAPE, CANNOT BE HEARD CLEARLY ON LOUDEST VOLUME)

REPRESENTATIVE COATSWORTH: May I ask the Board recognize representative of Senator DeNardis, Mike Willet, on the microphone at the left.

MR. MIKE WILLET: Mr. Chairman.....

REPRESENTATIVE COATSWORTH: Would you identify yourself into the mike?

MR. WILLET: My name is Mike Willet.....DeNardis, concerning Senate Bill 749, which concerns the restrictive strike-off of public employees. For nearly 2 million unionized workers at all levels of government the American labor movement has entered the era of public employees. In Connecticut there are 37 state and local employees for every 1,000 residents, double the number 25 years ago, and in 25 more years there'll almost 40,000 state and 80,000 local employees who will increase by at least 30% by conservative estimates. Public employees are fighting for rights and opportunities of collective bargaining long ago accorded to the private and industrial sector. In recent years the General Assembly passed legislation of Public Act 159, in 1965, which guarantees municipal employees the right to bargain collectively on questions of wage, hours and conditions of work. To this day, however, employees do not have this right and neither group can legally strike. It is obvious that public employees become embittered because wages and benefits in the private sector are increasing while those in the public sector fails to keep pace. In addition, in a time when control over the work place and participation of management reaches greater heights in the private sector, the public employee finds himself more entangled in bureaucratic red tape than ever before and as a result feels left out of the mainstream and is coming to regard himself as the forgotten man.

A "restricted strike law", with procedures like those in Proposed Bill 749 which I first introduced in the 1971 General Assembly, would be a step forward for public employees in Connecticut. It would permit a committee made up of representatives of government, labor, and the community at large to determine "the areas of public employment in which a strike would endanger the public health or safety and may prohibit strikes in these areas", however, in areas in which a limited strike is not dangerous to the public it could "establish regulations permitting work stoppages". The restricted strike would inconvenience the community but not paralyze it as in the case of illegal