

MUNICIPAL EMPLOYEES RELATIONS ACT (MERA)

Sec. 7-467. Collective bargaining. Definitions. When used in sections 7-467 to 7-477, inclusive:

(1) "Municipal employer" means any political subdivision of the state, including any town, city, borough, district, district department of health, school board, housing authority or other authority established by law, a private nonprofit corporation which has a valid contract with any town, city, borough or district to extinguish fires and to protect its inhabitants from loss by fire, and any person or persons designated by the municipal employer to act in its interest in dealing with municipal employees;

(2) "Employee" means any employee of a municipal employer, whether or not in the classified service of the municipal employer, except elected officials, administrative officials, board and commission members, certified teachers, part-time employees who work less than twenty hours per week on a seasonal basis, department heads and persons in such other positions as may be excluded from coverage under sections 7-467 to 7-477, inclusive, in accordance with subdivision (2) of section 7-471;

(3) "Seasonal basis" means working for a period of not more than one hundred twenty calendar days in any calendar year;

(4) "Department head" means an employee who heads any department in a municipal organization, has substantial supervisory control of a permanent nature over other municipal employees, and is directly accountable to the board of selectmen of a town, city or borough not having a charter or special act form of government, or to the chief executive officer of any other town, city or borough;

(5) "Department" means any major functional division in a municipal organization, notwithstanding the provisions of any charter or special act to the contrary;

(6) "Employee organization" means any lawful association, labor organization, federation or council having as a primary purpose the improvement of wages, hours and other conditions of employment among employees of municipal employers.

(February, 1965, P.A. 159, S. 1; 1969, P.A. 688, S. 5; P.A. 78-375, S. 1; P.A. 83-503; P.A. 85-40; P.A. 90-47, S. 1.)

History: 1969 act included district departments of health in definition of "municipal employer"; P.A. 78-375 excluded department heads from definition of "employee" and deleted reference to persons in supervisory positions; P.A. 83-503 defined "seasonal basis", "department head" and "department", and included part-time employees who do not work on a seasonal basis within the definition of "employee"; P.A. 85-40 redefined "seasonal basis" as work lasting not

more than one hundred twenty calendar days rather than as work lasting sixty-five working days; P.A. 90-47 added nonprofit fire-fighting corporations which contract with municipalities to the definition of "municipal employer".

See Sec. 10-153b et seq. re collective bargaining for teachers.

Cited. 154 C. 530, 534. Cited. 162 C. 579. Cited. 171 C. 347. Cited. 171 C. 420, 428. Cited. 171 C. 553, 564. Cited. 175 C. 349, 351, 353, 358, 367. Standing to test constitutionality of binding arbitration provisions of Municipal Employees Relations Act discussed. 181 C. 421-426. Cited. Id., 421, 422. Cited. 182 C. 93, 106-109. Cited. 185 C. 88, 92. Municipal Employees Relations Act cited. 196 C. 192, 200. Exhaustion of administrative remedies discussed. 200 C. 38, 39, 42. Municipal Employees Relations Act cited. Id. Cited. Id., 38, 39, 42, 43. Cited. 201 C. 577, 589, 592. Cited. 204 C. 746, 756. Municipal Employees Relations Act cited. 205 C. 116, 118, 119. Municipal Employees Relations Act (MERA) cited. 210 C. 549-551, 553, 558, 562; 212 C. 294, 298, 301. Sec. 7-467 et seq. cited. Id. Cited. 215 C. 14, 17, 30. Municipal Employees Relations Act (MERA) cited. 221 C. 244, 246, 247, 250-252. Municipal Employees Relations Act (MERA) (Sec. 7-467 et seq.) cited. 225 C. 297-303, 305. Municipal Employees Relations Act (MERA) Sec. 7-467 et seq. cited. 234 C. 123, 124, 131-133. Cited. 237 C. 378, 386.

Cited. 3 CA 1, 6. Cited. 16 CA 232, 237.

Cited. 28 CS 267. A public announcement of the plaintiff's intention to file a prohibited practice complaint against a union is protected by the Municipal Employees Relations Act when the complaint is actually filed at a later date. 31 CS 7. Cited. 31 CS 212. Municipal Employees Relations Act (section 7-467 et seq.) cited. 36 CS 18, 24. Secs. 7-467 through 7-477 cited. 42 CS 227, 235. Sec. 7-467 et seq. Municipal Employees Relations Act (MERA) cited. 43 CS 470, 473, 481, 482, 487, 496-501, 504.

Subdiv. (1):

Cited. 171 C. 345. Cited. 182 C. 93, 106. Cited. 239 C. 32.

Cited. 43 CS 340, 343.

Subdiv. (2):

Cited. 182 C. 93, 109. Cited. 196 C. 192, 200. Cited. 210 C. 549, 551. Cited. 225 C. 297-299, 301, 303, 305.

Subdiv. (3):

Cited. 171 C. 345. Cited. 225 C. 297-299, 301-303, 305.

Cited. 39 CS 1, 2, 5.

Subdiv. (4):

Cited. 210 C. 549, 553.

Subdiv. (6):

Cited. 221 C. 244, 251.

Sec. 7-467a. Qualification of employee organization. No employee organization, as defined in section 7-467, shall be eligible to petition for exclusive recognition or to participate in a recognition election under section 7-471 unless it has been in existence for not fewer than six months.

(1967, P.A. 491, S. 1.)

Cited. 175 C. 349, 351, 353, 358. Standing to test constitutionality of binding arbitration provisions of Municipal Employees Relations Act discussed. 181 C. 421-426. Cited. Id., 421, 422. Cited. 185 C. 88, 92. Municipal Employees Relations Act cited. 196 C. 192, 200. Cited. 200 C. 38, 39, 42, 43. Cited. 201 C. 577, 589, 592. Cited. 204 C. 746, 756. Municipal Employees Relations Act cited. 205 C. 116, 118, 119. Municipal Employees Relations Act (MERA) cited. 210 C. 549, 551, 553, 562; 212 C. 294, 298, 301. Sec. 7-467 et seq. cited. Id. Cited. 215 C. 14, 17, 30. Municipal Employees Relations Act (MERA) cited. 221 C. 244, 246, 247, 250-252. Municipal Employees Relations Act (MERA) (Sec. 7-467 et seq.) cited. 225 C. 297-303, 305.

Cited. 3 CA 1, 6. Cited. 16 CA 232, 237.

A public announcement of the plaintiff's intention to file a prohibited practice complaint against a union is protected by the Municipal Employees Relations Act when the complaint is actually filed at a later date. 31 CS 7. Secs. 7-467 through 7-477 cited. 42 CS 227, 235. Sec. 7-467 et seq. Municipal Employees Relations Act (MERA) cited. 43 CS 470, 473, 481, 482, 487, 496-501, 504.

Sec. 7-468. Rights of employees and representatives. Duty of fair representation. (a) Employees shall have, and shall be protected in the exercise of, the right of self-organization, to form, join or assist any employee organization, to bargain collectively through representatives of their own choosing on questions of wages, hours and other conditions of employment and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, free from actual interference, restraint or coercion.

(b) When an employee organization has been designated by the State Board of Labor Relations as the representative of the majority of the employees in an appropriate unit, or has been recognized by the chief executive officer of a municipal employer as the representative of the majority of employees in an appropriate unit, that employee organization shall be recognized by the municipal employer as the exclusive bargaining agent for the employees of such unit.

(c) When an employee organization has been designated in accordance with the provisions of sections 7-467 to 7-477, inclusive, as the exclusive representative of employees in an appropriate unit, it shall have the right to act for and to negotiate agreements covering all employees in the unit and shall be responsible for representing the interests of all such employees without discrimination and without regard to employee organization membership.

(d) When an employee organization has been designated in accordance with the provisions of sections 7-467 to 7-477, inclusive, as the exclusive representative of employees in an appropriate unit, it shall have a duty of fair representation to the members of that unit.

(e) An individual employee at any time may present a grievance to his employer and have the grievance adjusted, without intervention of an employee organization, provided the adjustment shall not be inconsistent with the terms of a collective bargaining agreement then in effect. The employee organization certified or recognized as the exclusive representative shall be given prompt notice of the adjustment.

(February, 1965, P.A. 159, S. 2; 1967, P.A. 491, S. 2; P.A. 93-426, S. 4.)

History: 1967 act amended Subsec. (b) to specify that recognition of employee representative be made by chief executive officer; P.A. 93-426 inserted new Subsec. (d) to impose a duty of fair representation on an employee organization which represents municipal employees and redesignated existing Subsec. (d) as (e).

Cited. 171 C. 347. Cited. 171 C. 553, 564. Cited. 175 C. 349, 351, 353, 354, 358, 365-367, 369. Standing to test constitutionality of binding arbitration provisions of Municipal Employees Relations Act discussed. 181 C. 421-426. Cited. Id., 421, 422. Cited. 182 C. 93, 106-109. Cited. 185 C. 88, 91, 92. Municipal Employees Relations Act cited. 196 C. 192, 200. Cited. 200 C. 38, 39, 42, 43. Cited. 201 C. 577, 589, 592. Cited. 204 C. 746, 756. Municipal Employees Relations Act cited. 205 C. 116, 118, 119. Municipal Employees Relations Act (MERA) cited. 210 C. 549, 551, 553, 562; 212 C. 294, 298, 301. Sec. 7-467 et seq. cited. Id. Cited. 215 C. 14, 17, 30. Municipal Employees Relations Act (MERA) cited. 221 C. 244, 246, 247, 250-252. Cited. 222 C. 233, 247. Cited. 224 C. 666, 667. Municipal Employees Relations Act (MERA) (Sec. 7-467 et seq.) cited. 225 C. 297303, 305. Municipal Employees Relations Act (MERA) Sec. 7-467 et seq. cited. 234 C. 123, 124, 131-133.

Cited. 3 CA 1, 6. Cited. 8 CA 57, 60. Cited. 16 CA 232, 237.

A public announcement of the plaintiff's intention to file a prohibited practice complaint against a union is protected by the Municipal Employees Relations Act when the complaint is actually filed at a later date. 31 CS 7. Cited. 31 CS 15, 18, 19. Secs. 7-467 through 7-477 cited; Sec. 7-468 et seq. also cited. 42 CS 227, 228, 235. Sec. 7-467 et seq. Municipal Employees Relations Act (MERA) cited. 43 CS 470, 473, 481, 482, 487, 496-501, 504.

Subsec. (a):

Cited. 171 C. 349, 353. Essentially same language as NLRA; judicial interpretation frequently accorded federal act is of great assistance and persuasive force in interpretation of our own acts. 175 C. 349, 365-367. Cited. 221 C. 244, 251. Cited. 225 C. 297, 298.

Cited. 8 CA 57, 60. Cited. 16 CA 232, 238.

Subsec. (b):

Cited. 39 CS 1, 5.

Subsec. (c):

Cited. 201 C. 685, 693.

Cited. 39 CS 1, 5.

Subsec. (d):

Cited. 239 C. 168.

Cited. 8 CA 57, 60.

Sec. 7-469. Duty to bargain collectively. The municipal employer and such employee organization as has been designated as exclusive representative of employees in an appropriate unit, through appropriate officials or their representatives, shall have the duty to bargain collectively. This duty extends to the obligation to bargain collectively as set forth in subsection (c) of section 7-470.

(February, 1965, P.A. 159, S. 3.)

Cited. 162 C. 579. Collective bargaining is a constitutional right. 164 C. 348. Cited. 171 C. 347. Cited. Id., 553, 559, 564. Cited. 175 C. 349, 351, 353, 358, 362. Standing to test constitutionality of binding arbitration provisions of Municipal Employees Relations Act discussed. 181 C. 421-426. Cited. Id., 421, 422. Cited. 182 C. 93, 106-109. Cited. 185 C. 88, 92. Municipal Employees Relations Act cited. 196 C. 192, 200. Cited. Id., 623, 626. Cited. 200 C. 38, 39, 42, 43. Cited. 201 C. 577, 588. Cited. Id., 577, 589, 592. Cited. 204 C. 746, 756. Municipal Employees Relations Act cited. 205 C. 116, 118, 119. Municipal Employees Relations Act (MERA) cited. 210 C. 549, 551, 553, 562. Cited. Id., 597, 601. Municipal Employees Relations Act (MERA) cited. 212 C. 294, 298, 301. Sec. 7-467 et seq. cited. Id. Cited. 215 C. 14, 17, 30. Municipal Employees Relations Act (MERA) cited. 221 C. 244, 246, 247, 250-252. Cited. 224 C. 666, 667. Municipal Employees Relations Act (MERA) (Sec. 7-467 et seq.) cited. 225 C. 297-303, 305. Cited. 232 C. 57, 59, 60, 63. Municipal Employees Relations Act (MERA) Sec. 7-467 et seq. cited. 234 C. 123, 124, 131-133.

Cited. 3 CA 1, 6. Cited. 16 CA 232, 237.

A public announcement of the plaintiff's intention to file a prohibited practice complaint against a union is protected by the Municipal Employees Relations Act when the complaint is actually filed at a later date. 31 CS 7. Secs. 7-467 through 7-477 cited; Sec. 7-468 et seq. also cited. 42 CS 227, 228, 235. Cited. 43 CS 340, 342, 355. Sec. 7-467 et seq. Municipal Employees Relations Act (MERA) cited. Id., 470, 473, 481, 482, 487, 496-501, 504.

Sec. 7-470. Prohibited acts of employers and employee organizations. (a) Municipal employers or their representatives or agents are prohibited from: (1) Interfering, restraining or coercing employees in the exercise of the rights guaranteed in section 7-468; (2) dominating or interfering with the formation, existence or administration of any employee organization; (3) discharging or otherwise discriminating against an employee because he has signed or filed any affidavit, petition or complaint or given any information or testimony under sections 7-467 to 7-477, inclusive; (4) refusing to bargain collectively in good faith with an employee organization which has been designated in accordance with the provisions of said sections as the exclusive representative of employees in an appropriate unit; (5) refusing to discuss grievances with the representatives of an employee organization designated as the exclusive representative in an appropriate unit in accordance with the provisions of said sections; (6) refusing to comply with a grievance settlement, or arbitration settlement, or a valid award or decision of an arbitration panel or arbitrator rendered in accordance with the provisions of section 7-472.

(b) Employee organizations or their agents are prohibited from: (1) Restraining or coercing (A) employees in the exercise of the rights guaranteed in subsection (a) of section 7-468, and (B) a municipal employer in the selection of his representative for purposes of collective bargaining or the adjustment of grievances; (2) refusing to bargain collectively in good faith with a municipal employer, if it has been designated in accordance with the provisions of sections 7-467 to 7-477, inclusive, as the exclusive representative of employees in an appropriate unit; (3) breaching their duty of fair representation pursuant to section 7-468; (4) refusing to comply with a grievance settlement, or arbitration settlement, or a valid award or decision of an arbitration panel or arbitrator rendered in accordance with the provisions of section 7-472.

(c) For the purposes of said sections, to bargain collectively is the performance of the mutual obligation of the municipal employer or his designated representatives and the representative of

the employees to meet at reasonable times, including meetings appropriately related to the budget-making process, and confer in good faith with respect to wages, hours and other conditions of employment, or the negotiation of an agreement, or any question arising thereunder, and the execution of a written contract incorporating any agreement reached if requested by either party, but such obligation shall not compel either party to agree to a proposal or require the making of a concession.

(February, 1965, P.A. 159, S. 4; P.A. 75-189, S. 1, 2; P.A. 93-426, S. 5.)

History: P.A. 75-189 amended Subsecs. (a) and (b) to prohibit refusing to comply terms of settlements, awards and decisions; P.A. 93-426 inserted new Subdiv. (3) in Subsec. (b) to prohibit an employee organization which represents municipal employees from breaching its duty of fair representation to its members and redesignated existing Subdiv. (3) as (4).

Cited. 154 C. 530, 535. Plaintiff union's appeal from defendant labor relations board properly dismissed by superior court where there was no evidence that municipality engaged in unfair labor practices claimed in union's complaint. 159 C. 46. Cited. 160 C. 285, 293. Cited. 171 C. 345. Cited. Id., 347, 564. Cited. 175 C. 349, 351, 353, 358, 362, 366, 369. Standing to test constitutionality of binding arbitration provisions of Municipal Employees Relations Act discussed. 181 C. 421-426. Cited. Id., 421, 422. Cited. 182 C. 93, 106-109. Cited. 185 C. 88, 92. Municipal Employees Relations Act cited. 196 C. 192, 200. Cited. 200 C. 38, 39, 42, 43. Cited. 201 C. 577, 589, 592. Cited. 204 C. 746, 756. Municipal Employees Relations Act cited. 205 C. 116, 118, 119. Municipal Employees Relations Act cited. 210 C. 549, 551, 553, 562; 212 C. 294, 298, 301, 302. Sec. 7-467 et seq. cited. Id. Cited. 215 C. 14, 17, 30. Municipal Employees Relations Act (MERA) cited. 221 C. 244, 246, 247, 250-252. Municipal Employees Relations Act (MERA) (Sec. 7-467 et seq.) cited. 225 C. 297-303, 305. Municipal Employees Relations Act (MERA) Sec. 7-467 et seq. cited. 234 C. 123, 124, 131-133.

Cited. 3 CA 1, 6. Cited. 16 CA 232, 237. Cited. 33 CA 541, 545.

A public announcement of the plaintiff's intention to file a prohibited practice complaint against a union is protected by the Municipal Employees Relations Act when the complaint is actually filed at a later date. 31 CS 7. The clause in a contract between a municipality and its firemen which gives the firemen parity with police is a restraint upon and interference with the police union's ability to negotiate with the municipality. 31 CS 15, 22. Residency requirement for municipal employees was condition of employment and therefore a mandatory subject of collective bargaining, and employer's unilateral change of such condition of employment was prohibited act. Failure of union to demand bargaining prior to enactment of ordinance did not constitute a waiver of its right to bargain. 36 CS 18-33. Secs. 7-467 through 7-477 cited; Sec. 7-468 et seq. also cited. 42 CS 227, 228, 235. Sec. 7-467 et seq. Municipal Employees Relations Act (MERA) cited. 43 CS 470, 473, 481, 482, 487, 496-501, 504.

Subsec. (a):

(1) Labor board cannot compel either party, directly or indirectly, to agree to any contractual position but it can require that employees bargain in good faith. 160 C. 285, 293. Cited. 171 C. 349. (4) See 160 C. 285, 293, above. (4) Cited. 171 C. 349, 352. (4) Unilateral change of pension benefits by employer did not constitute refusal to bargain where union had notice of change and opportunity to negotiate the issue. 173 C. 210, 214. Cited. Id., 210, 211, 214. (1) Cited. 175 C.

349, 369. (6) Cited. 206 C. 449, 451. (4) Cited. 210 C. 597, 601. Subdiv. (1) cited. 217 C. 110, 127. Subdiv. (4) cited. 232 C. 57, 59, 60.

Cited. 8 CA 57, 58, 60. (1) Cited. Id., 57, 59. (3) Cited. Id. Subdiv. (6) cited. 33 CA 541, 544, 546.

(4) Cited. 39 CS 338, 342. Subdiv. (4) cited. 42 CS 227, 230, 232, 234, 237, 238, 240. Subdiv. (4) cited. 43 CS 340, 342, 343.

Subsec. (b):

(1)(A) Cited. 171 C. 349.

(2) Cited. 40 CS 365, 373. (3) Cited. Id.

Subsec. (c):

Collective bargaining must be taken at reasonable time relative to town's budget-making process. 160 C. 285, 293. Cited. 162 C. 579. Cited. 171 C. 352, 353. Cited. Id., 553. "Conditions of employment" includes whether person shall continue in employment. 171 C. 553, 559, 560. Cited. 201 C. 577, 589. Cited. 210 C. 597, 601. Cited. 212 C. 294, 301. Cited. 216 C. 253, 261. Cited. 221 C. 244, 251. Cited. 224 C. 666, 667. Cited. 232 C. 57, 63.

Cited. 36 CS 18, 24, 28. Cited. 43 CS 340, 355.

Sec. 7-471. Powers of State Board of Labor Relations. The State Board of Labor Relations shall have the following power and authority in relation to collective bargaining in municipal employment:

(1) Whenever, in accordance with such regulations as may be prescribed by the board, a petition has been filed (A) by an employee or group of employees or any employee organization acting in their behalf alleging that a substantial number of employees (I) wish to be represented for collective bargaining by an employee organization as exclusive representative, or (ii) assert that the employee organization which has been certified or is currently being recognized by their municipal employer as the bargaining representative is no longer the representative of a majority of employees in the unit; (B) by a municipal employer alleging that one or more employee organizations have presented to him a claim to be recognized as the representative of a majority of employees in an appropriate unit; or (C) by either an employee organization or a municipal employer in accordance with subdivision (4) of this section, the board shall refer the petition to its agent who shall investigate the petition and issue a direction of election and conduct a secret ballot election to determine whether and by which employee organization the employees desire to be represented if he has reasonable cause to believe that a question of representation exists, or issue a recommendation to dismiss the petition if he finds that there is not such reasonable cause, or refer the petition to the board for a hearing without having conducted an election or issuing a recommendation of dismissal, in which event the board shall conduct an appropriate hearing upon due notice. The agent shall report his action to the board. The board shall issue an order confirming the agent's direction of election and certifying the results of the election, or issue an order confirming the agent's recommendation for dismissal, or order a further investigation, or provide for an appropriate hearing upon due notice. Before taking any of the aforesaid actions, the board shall provide the parties with an opportunity to file briefs on the questions at issue and shall fully consider any such briefs filed. After a hearing, the board shall order any of the aforesaid actions on the petition or shall, upon good cause, order any other suitable method to determine whether and by which employee organization the employees desire to be represented. The board shall certify the results. No election shall be directed in any bargaining unit or any

subdivision thereof within which in the preceding twelve-month period a valid election has been held. No election shall be directed by the board during the term of a written collective bargaining agreement, except for good cause. In any election where none of the choices on the ballot receives a majority, a runoff shall be conducted, the ballot providing for a selection between the two choices receiving the largest and the second largest number of valid votes cast in the election. An employee organization which receives a majority of votes cast in an election confirmed or ordered by the board shall be designated by the board as exclusive representative of the employees in the unit.

(2) The board shall have the power to determine whether a position is covered by sections 7-467 to 7-477, inclusive, in the event of a dispute between the municipal employer and an employee organization. In determining whether a position is supervisory the board shall consider, among other criteria, whether the principal functions of the position are characterized by not fewer than two of the following: (A) Performing such management control duties as scheduling, assigning, overseeing and reviewing the work of subordinate employees; (B) performing such duties as are distinct and dissimilar from those performed by the employees supervised; (C) exercising judgment in adjusting grievances, applying other established personnel policies and procedures and in enforcing the provisions of a collective bargaining agreement; and (D) establishing or participating in the establishment of performance standards for subordinate employees and taking corrective measures to implement those standards. The above criteria for supervisory positions shall not necessarily apply to police or fire departments.

(3) The board shall decide in each case whether, in order to insure to employees the fullest freedom in exercising the rights guaranteed by sections 7-467 to 7-477, inclusive, and in order to insure a clear and identifiable community of interest among employees concerned, the unit appropriate for purposes of collective bargaining shall be the municipal employer unit or any other unit thereof, provided no unit shall include both supervisory and nonsupervisory employees except there shall be a single unit for each fire department consisting of the uniformed and investigatory employees of each such fire department and a single unit for each police department consisting of the uniformed and investigatory employees of each such police department. No existing units shall be altered or modified to conform to this provision. No unit shall include both professional and nonprofessional employees unless a majority of such professional employees vote for inclusion in such unit, provided employees who are members of a profession may be included in a unit which includes nonprofessional employees if an employee organization has been designated by the board or has been recognized by the municipal employer as the exclusive representative of such unit and a majority of the employees in such profession vote for inclusion in such unit, in which event all of the employees in such profession shall be included in such unit. The term "professional employee" means: (A) Any employee engaged in work (i) predominantly intellectual and varied in character as opposed to routine mental, manual, mechanical or physical work; (ii) involving the consistent exercise of discretion and judgment in its performance; (iii) of such a character that the output produced or the result accomplished cannot be standardized in relation to a given time period; (iv) requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of

specialized intellectual instruction and study in an institution of higher learning or a hospital, as distinguished from a general academic education or from an apprenticeship or from training in the performance of routine mental, manual or physical processes; or (B) any employee who (I) has completed the courses of specialized intellectual instruction and study described in clause (iv) of subparagraph (A) and (ii) is performing related work under the supervision of a professional person to qualify himself to become a professional employee as defined in subparagraph (A) hereof.

(4) An employee organization or a municipal employer may file a petition with the board seeking a clarification or modification of an existing unit. The power of the board to make such clarifications and modifications shall be limited to those times when a petition for clarification or modification is filed by either an employee organization or a municipal employer. No petition seeking a clarification or modification of an existing unit shall be considered to be timely by the board during the term of a written collective bargaining agreement, except that a petition for clarification or modification filed by an employee organization concerning either (1) a newly created position or (2) any employee who is not represented by an employee organization, may be filed at any time.

(5) Whenever a question arises as to whether a practice prohibited by sections 7-467 to 7-477, inclusive, has been committed by a municipal employer or employee organization, the board shall consider that question in accordance with the following procedure: (A) When a complaint has been made to the board that a prohibited practice has been or is being committed, the board shall refer such complaint to its agent. Upon receiving a report from the agent, the board may issue an order dismissing the complaint or may order a further investigation or a hearing thereon. When a hearing is ordered, the board shall set the time and place for the hearing, which time and place may be changed by the board at the request of one of the parties for cause shown. Any complaint may be amended with the permission of the board. The municipal employer, the employee organization and the person so complained of shall have the right to file an answer to the original or amended complaint within five days after the service of such complaint or within such other time as the board may limit. Such municipal employer, such employee organization and such person shall have the right to appear in person or otherwise to defend against such complaint. In the discretion of the board any person may be allowed to intervene in such proceeding. In any hearing the board shall not be bound by the technical rules of evidence prevailing in the courts. A transcript of the testimony taken at any hearing before the board shall be filed with the board. (B) If, upon all the testimony, the board determines that a prohibited practice has been or is being committed, it shall state its findings of fact and shall issue and cause to be served on the party committing the prohibited practice an order requiring it or him to cease and desist from such prohibited practice, and shall take such further affirmative action as will effectuate the policies of sections 7-467 to 7-477, inclusive, including but not limited to: (i) Withdrawal of certification of an employee organization established or assisted by any action defined in said sections as a prohibited practice, (ii) reinstatement of an employee discriminated against in violation of said sections with or without back pay, or (iii) if either party is found to have refused to bargain collectively in good faith, ordering arbitration and directing the party found to have refused to bargain to pay the full costs of arbitration under section 7-473c, resulting from the negotiations in which the refusal to bargain occurred. (C) If, upon all of the testimony, the board determines that a prohibited practice has not been or is not

being committed, it shall state its finding of fact and shall issue an order dismissing the complaint. (D) For the purposes of hearings and enforcement of orders under sections 7-467 to 7-477, inclusive, the board shall have the same power and authority as it has in sections 31-107, 31-108 and 31-109, and the municipal employer and the employee organization shall have the right of appeal as provided therein. (E) If, by the thirtieth day following the date on which a complaint citing a violation of section 7-470 was made to the board, said board has not determined whether a prohibited practice has been or is being committed and if the violation is of an ongoing nature, said board may issue and cause to be served on the party committing the act or practice cited in such complaint an order requiring such party to cease and desist from such act or practice until said board has made its determination.

(February, 1965, P.A. 159, S. 5; 1967, P.A. 491, S. 3, 4; P.A. 78-375, S. 2; P.A. 79-313; P.A. 81-29, S. 3; P.A. 91-255, S. 2; P.A. 92-170, S. 16, 26.)

History: 1967 act amended Subdiv. (2) to require that at least two of the criteria enumerating characteristics of supervisory positions apply in determining exclusion from coverage and amended Subdiv. (3) to clarify that "single unit" refers to fire department and police department units rather than to uniformed and investigatory units within each and to set forth conditions in which professional and nonprofessional employees may be in same unit; P.A. 78-375 deleted reference to "supervisory" positions in Subdiv. (2) and amended Subdiv. (3) to prohibit units from including both supervisory and nonsupervisory employees except in police and fire departments and to exempt existing units from conformity with provision re supervisory and nonsupervisory employees; P.A. 79-313 added Subpara. (E) under Subdiv. (4) re cease and desist orders; P.A. 81-29 transferred certain powers of board to its agent re petitions concerning the election of representatives but rested final action with the board; P.A. 91-255 added Subpara. (C) re petitions filed by employee organizations or municipal employers to Subdiv. (1), added new Subdiv. (4) re petitions seeking clarification or modification of existing units and redesignated existing Subdiv. (4) as Subdiv. (5); P.A. 92-170 amended Subdiv. (5) to replace references to fact finding with arbitration, effective May 26, 1992, and applicable to arbitration proceedings commencing on or after that date.

There is no direct appeal from decision of board determining a bargaining unit and directing an election. National Labor Relations Act compared. 154 C. 530. Appeals to supreme court under this section shall be taken and prosecuted in same manner as other appeals to supreme court. 159 C. 46. Cited. 171 C. 347, 351. Cited. 171 C. 553, 564. Cited. 175 C. 349, 351, 353, 358-361.

One employee does not constitute an appropriate bargaining unit for purposes of the Municipal Employees Relations Act. 175 C. 349, 355, 359. Standing to test constitutionality of binding arbitration provisions of Municipal Employees Relations Act discussed. 181 C. 421-426. Cited. Id., 421, 422. Cited. 182 C. 93, 106-109. Cited. 185 C. 88, 92. Municipal Employees Relations Act cited. 196 C. 192, 200. Cited. 200 C. 38, 39, 42, 43. Cited. 201 C. 577, 589, 592. Cited 204 C. 746, 756. Municipal Employees Relations Act cited. 205 C. 116, 118, 119. Municipal Employees Relations Act (MERA) cited. 210 C. 549, 551, 553, 562; 212 C. 294, 298, 301. Sec. 7-467 et seq. cited. Id. Cited. 215 C. 14, 17, 30. Municipal Employees Relations Act (MERA) cited. 221 C. 244, 246, 247, 250-252. Municipal Employees Relations Act (MERA) (Sec. 7-467

et seq.) cited. 225 C. 297303, 305. Cited. 232 C. 57, 60. Municipal Employees Relations Act (MERA) Sec. 7-467 et seq. cited. 234 C. 123, 124, 131-133.

Cited. 3 CA 1, 6. Cited. 16 CA 232, 237.

A public announcement of the plaintiff's intention to file a prohibited practice complaint against a union is protected by the Municipal Employees Relations Act when the complaint is actually filed at a later date. 31 CS 7. Cited. 31 CS 15, 21, 22. Cited. 31 CS 212. Cited. 36 CS 18, 22. Secs. 7-467 through 7-477 cited; Sec. 7-468 et seq. cited. 42 CS 227-229, 235. Cited. 43 CS 340, 345. Sec. 7-467 et seq. Municipal Employees Relations Act (MERA) cited. Id., 470, 473, 481, 482, 487, 496-501, 504.

Subdiv. (1):

Section 1-1(f) is directory not mandatory, does not "require" singular and plural forms to be interchangeable and therefore where statute sets forth "a substantial number of employees" "employees" cannot be construed as singular. 175 C. 349, 360, 361

One year rule does not apply to designations by employer recognition agreements. Union's status must be recognized for a reasonable period. 39 CS 338, 339, 341, 343-345.

Subdiv. (2):

Cited. 200 C. 38, 42. Cited. 225 C. 297, 300.

Subdiv. (3):

Cited. 171 C. 351. There can be no community of interest where there is only a single employee. 175 C. 349, 358, 359.

Subdiv. (4):

Cited. 159 C. 46. Cited. 171 C. 344, 355. Standing to test constitutionality of binding arbitration provisions of Municipal Employees Relations Act discussed. 181 C. 421-426. Cited. Id., 421, 422. Cited. 200 C. 38, 42. Subpara. (B) cited. 210 C. 597, 608. Cited. 232 C. 57, 59, 63. Cited. 33 CA 541, 543.

Cited. 39 CS 338, 342. Cited. 40 CS 365, 373. Subpara. (E) cited. 42 CS 227, 230, 238.

Subdiv. (5):

Cited. 232 C. 57, 60, 63.

Subpara. (D) cited. 43 CS 340, 345. Cited. Id., 340, 345, 351.

Sec. 7-471a. Supervisory employees not required to form employees association.

Nothing in sections 7-467 and 7-471 shall require any employees in a supervisory position to form an employees association.

(P.A. 78-375, S. 3.)

Standing to test constitutionality of binding arbitration provisions of Municipal Employees Relations Act discussed. 181 C. 421-426. Cited. Id., 421, 422. Cited. 185 C. 88, 92. Municipal Employees Relations Act cited. 196 C. 192, 200. Cited. 200 C. 38, 39, 42, 43. Cited. 201 C. 577, 589, 592. Cited. 204 C. 746, 756. Municipal Employees Relations Act cited. 205 C. 116, 118, 119. Municipal Employees Relations Act (MERA) cited. 210 C. 549, 551, 553, 562; 212 C. 294, 298, 301. Sec. 7-467 et seq. cited. Id. Cited. 215 C. 14, 17, 30. Municipal Employees Relations Act (MERA) cited. 221 C. 244, 246, 247, 250252. Municipal Employees Relations Act (MERA) (Sec. 7-467 et seq.) cited. 225 C. 297-303, 305. Municipal Employees Relations Act (MERA) Sec. 7-467 et seq. cited. 234 C. 123, 124, 131-133.

Cited. 3 CA 1, 6. Cited. 16 CA 232, 237.

Secs. 7-467 through 7-477 cited; Sec. 7-468 et seq. also cited. 42 CS 227, 228, 235. Sec. 7-467 et seq. Municipal Employees Relations Act (MERA) cited. 43 CS 470, 473, 481, 482, 487, 496-501, 504.

Sec. 7-472. Mediation by State Board of Mediation and Arbitration. (a) The services of the State Board of Mediation and Arbitration shall be available to municipal employers and employee organizations for purposes of mediation of grievances or impasses in contract or contract reopener negotiations and for purposes of arbitration of disputes over the interpretation or application of the terms of a written agreement and, if such service is requested by both the municipal employer and the employee organization except as provided in section 7-473c for purposes of arbitration of impasses in contract or contract reopener negotiations. Whenever any impasse in contract or contract reopener negotiations is submitted to arbitration, the decision of the arbitration panel or arbitrator shall be rendered no later than twenty days prior to the final date by which time the budget-appropriating authority of the municipality is required to adopt its budget or forty days after the close of the arbitration hearing, whichever is later, provided that in no case except when such arbitration service is requested or mandated after the final budget adoption date shall such decision be rendered later than five days prior to such final budget adoption date. Nothing contained herein shall prevent any agreement from being entered into in accordance with the provisions of subsection (e) of section 7-474.

(b) Nothing in this section is intended to prevent the use of other arbitration tribunals in the resolution of disputes over the interpretation or application of the terms of written agreements between municipal employers and employee organizations.

(February, 1965, P.A. 159, S. 6; 1967, P.A. 491, S. 5; P.A. 75-570, S. 5; P.A. 82-37, S. 1; P.A. 93-17, S. 5, 6.)

History: 1967 act substituted "impasses in contract negotiations" for "contract disputes" in mediation provision and empowered board to arbitrate such impasses upon request of both parties, setting forth the arbitration procedure with time constraints on decision, etc., in Subsec. (a); P.A. 75-570 added exception to provision allowing arbitration of contract impasses, changed requirement that decision be rendered no later than ten days after hearing to forty days and added exception to final deadline of five days before budget adoption date for cases in which arbitration not instituted until after final deadline; P.A. 82-37 applied provisions of Subsec. (a) to "contract reopener" negotiations; P.A. 93-17 amended Subsec. (a) to delete obsolete reference to Subsecs. (h) to (k), inclusive, of Sec. 7-474, effective April 21, 1993.

Cited. 159 C. 49. Cited. 171 C. 347. Cited. Id., 353. Cited. Id., 553, 564. State board of mediation and arbitration may not arbitrate grievances except as they apply to disputes over interpretation or application of terms of a written agreement, or, by agreement, in cases of impasse in contract negotiations. 171 C. 613, 617-620. Cited. 175 C. 349, 351, 353, 358. Standing to test constitutionality of binding arbitration provisions of Municipal Employees Relations Act discussed. 181 C. 421-426. Cited. Id., 421, 422. Cited. 182 C. 93, 106-109. Cited. 185 C. 88, 92. Municipal Employees Relations Act cited. 196 C. 192, 200. Cited. 200 C. 38, 39, 42, 43. Cited. 201 C. 577, 589, 592. Cited. 204 C. 746, 756. Municipal Employees Relations Act cited. 205 C. 116, 118, 119. Municipal Employees Relations Act (MERA) cited. 210 C. 549,

551, 553, 562; 212 C. 294, 298, 301. Sec. 7-467 et seq. cited. Id. Cited. 215 C. 14, 17, 30. Cited. 217 C. 110, 118. Municipal Employees Relations Act (MERA) cited. 221 C. 244, 246, 247, 250-252. Municipal Employees Relations Act (MERA) (Sec. 7-467 et seq.) cited. 225 C. 297-303, 305. Municipal Employees Relations Act (MERA) Sec. 7-467 et seq. cited. 234 C. 123, 124, 131-133.

Cited. 3 CA 1, 6. Cited. 16 CA 232, 237. Cited. 33 CA 541, 542.

A public announcement of the plaintiff's intention to file a prohibited practice complaint against a union is protected by the Municipal Employees Relations Act when the complaint is actually filed at a later date. 31 CS 7. Secs. 7-467 through 7-477 cited; Sec. 7-468 et seq. also cited. 42 CS 227, 228, 235. Sec. 7-467 et seq. Municipal Employees Relations Act (MERA) cited. 43 CS 470, 473, 481, 482, 487, 496-501, 504.

Sec. 7-473. Petition to State Board of Mediation and Arbitration for fact finding. Fact finder's report and appearance before parties. Procedure for acceptance or rejection of report. Section 7-473 is repealed.

(February, 1965, P.A. 159, S. 7; P.A. 75-173, S. 1; 75-570, S. 3; P.A. 82-37, S. 2; P.A. 83-86; P.A. 92-170, S. 24, 26.)

Sec. 7-473a. Notice of expiration date of collective bargaining agreement. Notice of newly certified or recognized municipal employee organization. Filing; form. A notice of the expiration date of any collective bargaining agreement between a municipal employer and a municipal employee organization shall be filed by such employer with the State Board of Mediation and Arbitration within thirty days of the approval of such agreement. The State Board of Labor Relations shall notify the State Board of Mediation and Arbitration whenever a municipal employee organization has been certified or recognized, in accordance with section 7-471, as the bargaining representative for a group of municipal employees. When a bargaining representative is recognized in accordance with subsection (b) of section 7-468, either the newly certified or recognized employee organization or the municipal employer shall notify the State Board of Mediation and Arbitration of such recognition. The newly certified or recognized municipal employee organization and the municipal employer shall commence negotiations concerning the terms of an original collective bargaining agreement within thirty days of certification or recognition. The State Board of Mediation and Arbitration shall prescribe the form and content of the notice of the expiration date and the notice of the certification or recognition date.

(P.A. 75-570, S. 1; P.A. 93-17, S. 1, 6.)

History: P.A. 93-17 added provisions re notice of newly certified and recognized municipal employee organizations and provisions requiring such organizations to begin negotiations concerning original collective bargaining agreements no later than thirty days after certification or recognition, effective April 21, 1993.

Cited. 175 C. 349, 351, 353, 358. Standing to test constitutionality of binding arbitration provisions of Municipal Employees Relations Act discussed. 181 C. 421-426. Cited. Id., 421, 422. Cited. 185 C. 88, 92. Municipal Employees Relations Act cited. 196 C. 192, 200. Cited. 200

C. 38, 39, 42, 43. Cited. 201 C. 577, 589, 592. Cited. 204 C. 746, 756. Municipal Employees Relations Act cited. 205 C. 116, 118, 119. Municipal Employees Relations Act (MERA) cited. 210 C. 549, 551, 553, 562; 212 C. 294, 298, 301. Sec. 7-467 et seq. cited. Id. Cited. 215 C. 14, 17, 30. Municipal Employees Relations Act (MERA) cited. 221 C. 244, 246, 247, 250-252. Municipal Employees Relations Act (MERA) (Sec. 7-467 et seq.) cited. 225 C. 297-303, 305. Municipal Employees Relations Act (MERA) Sec. 7-467 et seq. cited. 234 C. 123, 124, 131-133. Cited. 3 CA 1, 6. Cited. 16 CA 232, 237.

Secs. 7-467 through 7-477 cited; Sec. 7-468 et seq. also cited. 42 CS 227, 228, 235. Sec. 7-467 et seq. Municipal Employees Relations Act (MERA) cited. 43 CS 470, 473, 481, 482, 487, 496-501, 504.

Sec. 7-473b. Mandatory timetable for negotiations. Appointment of mediator. (a) The negotiations between a municipal employer and a municipal employee organization shall commence at least one hundred twenty days prior to the expiration date of any current collective bargaining agreement subject to the provisions of sections 7-467 to 7-477, inclusive.

(b) If, within fifty days of the commencement of negotiations concerning the terms of a current collective bargaining agreement, or within eighty days of the certification or recognition of a newly certified or recognized municipal employee organization required to commence negotiations pursuant to section 7-473a, a collective bargaining agreement has not been approved, or either the municipal employer or the municipal employee organization has not requested the mediation services of the State Board of Mediation and Arbitration, said board shall appoint a mediator in accordance with the provisions of section 31-97.

(c) Either the municipal employer or the employee organization may request the mediation services of said board at any earlier time than that established in subsection (b) of this section, provided the mediation services are requested in accordance with the provisions of section 7-472.

(P.A. 75-570, S. 2; P.A. 84-242, S. 1; P.A. 92-170, S. 17, 26; P.A. 93-17, S. 2, 6.)

History: P.A. 84-242 amended Subsec. (c) to provide that the parties may jointly waive the fact finding requirement and thereafter be subject to mandatory binding arbitration; P.A. 92-170 deleted former Subsecs. (c) and (d) re timetables and procedures for fact-finding, relettering former Subsec. (e) accordingly and removing all references to fact-finding, effective May 26, 1992, and applicable to arbitration proceedings commencing after that date; P.A. 93-17 amended Subsec. (b) to require state board of mediation and arbitration to impose mediation on a newly certified or recognized municipal employee organization and a municipal employer if the parties fail to approve an original collective bargaining agreement within eighty days of the organization's certification or recognition, effective April 21, 1993.

Cited. 175 C. 349, 351, 353, 358. Standing to test constitutionality of binding arbitration provisions of Municipal Employees Relations Act discussed. 181 C. 421-426. Cited. Id., 421, 422. Cited. 185 C. 88, 92. Municipal Employees Relations Act cited. 196 C. 192, 200. Cited. Id., 623, 626. Cited. 200 C. 38, 39, 42, 43. Cited. 201 C. 577, 589, 592. Cited. Id., 685, 693. Cited. 204 C. 746, 756. Municipal Employees Relations Act cited. 205 C. 116, 118, 119. Municipal

Employees Relations Act (MERA) cited. 210 C. 549, 551, 553, 562; 212 C. 294, 298, 301. Sec. 7-467 et seq. cited. Id. Cited. 215 C. 14, 17, 30. Municipal Employees Relations Act (MERA) cited. 221 C. 244, 246, 247, 250-252. Municipal Employees Relations Act (MERA) (Sec. 7-467 et seq.) cited. 225 C. 297-303, 305. Municipal Employees Relations Act (MERA) Sec. 7-467 et seq. cited. 234 C. 123, 124, 131-133.

Cited. 3 CA 1, 6. Cited. 16 CA 232, 237.

Secs. 7-467 through 7-477 cited; Sec. 7-468 et seq. also cited. 42 CS 227, 228, 235. Sec. 7-467 et seq. Municipal Employees Relations Act (MERA) cited. 43 CS 470, 473, 481, 482, 487, 496-501, 504.

Subsec. (d):

Cited. 215 C. 277, 282.

§ 7-473c. Neutral Arbitrator Selection Committee. Panel of neutral arbitrators. Mandatory binding arbitration; procedure; apportionment of costs. Rejection of award by legislative body of the municipal employer. Second arbitration format

(a) The Labor Commissioner shall appoint a Neutral Arbitrator Selection Committee consisting of ten members, five of whom shall represent the interests of employees and employee organizations and five of whom shall represent the interests of municipal employers, provided one of the members representing the interests of municipal employers shall be a representative of the Connecticut Conference of Municipalities. The members of the selection committee shall serve for a term of four years. Arbitrators may be removed for good cause. The selection committee shall appoint a panel of neutral arbitrators consisting of not less than twenty impartial persons representing the interests of the public in general to serve as provided in this section. Each member of the panel shall be a resident of the state and shall be selected by a unanimous vote of the selection committee. The members of the panel shall serve for a term of two years.

(b) (1) If neither the municipal employer nor the municipal employee organization has requested the arbitration services of the State Board of Mediation and Arbitration (A) within one hundred eighty days after the certification or recognition of a newly certified or recognized municipal employee organization required to commence negotiations pursuant to section 7-473a, or (B) within thirty days after the expiration of the current collective bargaining agreement, or within thirty days after the specified date for implementation of reopener provisions in an existing collective bargaining agreement, or within thirty days after the date the parties to an existing collective bargaining agreement commence negotiations to revise said agreement on any matter affecting wages, hours, and other conditions of employment, said board shall notify the municipal employer and municipal employee organization that one hundred eighty days have passed since the certification or recognition of the newly certified or recognized municipal employee organization, or that thirty days have passed since the specified date for implementation of reopener provisions in an existing agreement, or the date the parties commenced negotiations to revise an existing agreement on any matter affecting wages, hours and other conditions of employment or the expiration of such collective bargaining agreement and that binding and final arbitration is now imposed on them, provided written notification of such imposition shall be sent by registered mail or certified mail, return receipt requested, to each party.

(2) Within ten days of receipt of the written notification required pursuant to subdivision (1) of this subsection, the chief executive officer of the municipal employer and the executive head of the municipal employee organization each shall select one member of the arbitration panel. Within five days of their appointment, the two members of the arbitration panel shall select a third member, who shall be an impartial representative of the interests of the public in general and who shall be selected from the panel of neutral arbitrators appointed pursuant to subsection (a) of this section. Such third member shall be the chairperson of the panel.

(3) In the event that the municipal employer or the municipal employee organization have not selected their respective members of the arbitration panel or the two members of the panel have not selected the third member, the State Board of Mediation and Arbitration shall appoint such members as are needed to complete the panel, provided (A) the member or members so appointed are residents of this state, and (B) the selection of the third member of the panel by the State Board of Mediation and Arbitration shall be made at random from among the members of the panel of neutral arbitrators appointed pursuant to subsection (a) of this section.

(c) Within ten days of appointment of the chairperson, the arbitration panel shall, by call of its chairperson, hold a hearing within the municipality involved. At least five days prior to such hearing, a written notice of the time and place of such hearing shall be sent to the municipal employer, the municipal employee organization and the other members of the panel. The chairperson of the panel shall preside over such hearing. Any member of the panel shall have the power to take testimony, to administer oaths and to summon, by subpoena, any person whose testimony may be pertinent to the matters before said panel, together with any records or other documents relating to such matters. In the case of contumacy or refusal to obey a subpoena issued to any person, the Superior Court, upon application by the panel, shall have jurisdiction to order such person to appear before the panel to produce evidence or to give testimony touching the matter under investigation or in question, and any failure to obey such order may be punished by said court as a contempt thereof.

(d) (1) The hearing may, at the discretion of the panel, be continued and shall be concluded within twenty days after its commencement. Not less than two days prior to the commencement of the hearing, each party shall file with the chairperson of the panel, and deliver to the other party, a proposed collective bargaining agreement, in numbered paragraphs, which such party is willing to execute and cost data for all provisions of such proposed agreement. At the commencement of the hearing each party shall file with the panel a reply setting forth (A) those paragraphs of the proposed agreement of the other party which it is willing to accept, and (B) those paragraphs of the proposed agreement of the other party which it is unwilling to accept, together with any alternative contract language which such party would accept in lieu of those paragraphs of the proposed agreement of the other party which it is unwilling to accept. At any time prior to the issuance of a decision by the panel, the parties may jointly file with the panel stipulations setting forth the agreement provisions which both parties have agreed to accept.

(2) Within five days after the conclusion of the taking of testimony, the panel shall forward to each party an arbitration statement, approved by a majority vote of the panel, setting forth all agreement provisions agreed upon by both parties in the proposed agreements and the replies, and in the stipulations, and stating, in numbered paragraphs, those issues which are unresolved.

(3) Within ten days after the conclusion of the taking of testimony, the parties shall file with the secretary of the State Board of Mediation and Arbitration five copies of their statements of last best offer setting forth, in numbered paragraphs corresponding to the statement of unresolved issues contained in the arbitration statement, the final agreement provisions proposed by such party. Immediately upon receipt of both statement of last best offer or upon the expiration of the time for filing such statements of last best offer, whichever is sooner, said secretary shall distribute a copy of each such statement of last best offer to the opposing party.

(4) Within seven days after the distribution of the statements of last best offer or within seven days of the expiration of the time for filing the statements of last best offer, whichever is sooner, the parties may file with the secretary of the State Board of Mediation and Arbitration five copies of their briefs on the unresolved issues. Immediately upon receipt of both briefs or upon the expiration of the time for filing such briefs, whichever is sooner, said secretary shall distribute a copy of each such brief to the opposing party.

(5) Within five days after the distribution of the briefs on the unresolved issues or within five days after the last day for filing such briefs, whichever is sooner, each party may file with said secretary five copies of a reply brief, responding to the briefs on the unresolved issues. Immediately upon receipt of the reply briefs or upon the expiration of the time for filing such reply briefs, whichever is sooner, said secretary shall simultaneously distribute a copy of each such reply brief to the opposing party.

(6) Within twenty days after the last day for filing such reply briefs, the panel shall issue, upon majority vote, and file with the State Board of Mediation and Arbitration its decision on all unresolved issues set forth in the arbitration statement, and said secretary shall immediately and simultaneously distribute a copy thereof to each party. The panel shall treat each unresolved issue set forth in the arbitration statement as a separate question to be decided by it. In deciding each such question, the panel agreement shall accept the final provision relating to such unresolved issue as contained in the statement of last best offer of one party or the other. As part of the arbitration decision, each member shall state the specific reasons and standards used in making a choice on each unresolved issue.

(7) The parties may jointly file with the panel stipulations modifying, deferring or waiving any or all provisions of this subsection.

(8) If the day for filing any document required or permitted to be filed under this subsection falls on a day which is not a business day of the State Board of Mediation and Arbitration then the time for such filing shall be extended to the next business day of such board.

(9) In arriving at a decision, the arbitration panel shall give priority to the public interest and the financial capability of the municipal employer, including consideration of other demands on the financial capability of the municipal employer. The panel shall further consider the following factors in light of such financial capability: (A) The negotiations between the parties prior to arbitration; (B) the interests and welfare of the employee group; (C) changes in the cost of living; (D) the existing conditions of employment of the employee group and those of similar groups; and (E) the wages, salaries, fringe benefits, and other conditions of employment prevailing in the labor market, including developments in private sector wages and benefits.

(10) The decision of **the** panel and the resolved issues shall be final and binding upon the municipal employer and the municipal employee organization except as provided in subdivision (12) of this subsection and, if such award is not rejected by the legislative body pursuant to said subdivision, except that a motion to vacate or modify such decision may be made in accordance with sections 52-4 18 and 52-4 19.

(11) In regard to all proceedings undertaken pursuant to this subsection the secretary of the State Board of Mediation and Arbitration shall serve as staff to the arbitration panel.

(12) Within twenty-five days of the receipt of an arbitration award issued pursuant to this section, the legislative body of the municipal employer may reject the award of the arbitrators or single arbitrator by a two-thirds majority vote of the members of such legislative body present at a regular or special meeting called and convened for such purpose.

(13) Within ten days after such rejection, the legislative body or its authorized representative shall be required to state, in writing, the reasons for such vote and shall submit such written statement to the State Board of Mediation and Arbitration and **the** municipal employee organization. Within ten days after receipt of such notice, the municipal employee organization shall prepare a written response to such rejection and shall submit it to the legislative body and the State Board of Mediation and Arbitration.

(14) Within ten days after receipt of such rejection notice, the State Board of Mediation and Arbitration shall select a review panel of three arbitrators or, if the parties agree, a single arbitrator who are residents of Connecticut and labor relations arbitrators approved by the American Arbitration Association and not members of the panel who issued the rejected award. Such arbitrators or single arbitrator shall review the decision on each such rejected issue. The review conducted pursuant to this subdivision shall be limited to the record and briefs of the hearing pursuant to subsection (c) of this section, the written explanation of the reasons for the vote and a written response by either party. In conducting such review, the arbitrators or single arbitrator shall be limited to consideration of the criteria set forth in subdivision (9) of this subsection. Such review shall be completed within twenty days of the appointment of the arbitrators or single arbitrator. The arbitrators or single arbitrator shall accept the last best offer of either of the parties.

(15) Within five days after the completion of such review the arbitrators or single arbitrator shall render a decision with respect to each rejected issue which shall be **final** and binding upon the municipal employer and the employee organization except that a motion to vacate or modify such award may be made in accordance with sections 52-418 and 52-4 19. The decision of the arbitrators or single arbitrator shall be in writing and shall include specific reasons and standards used by each arbitrator in making a decision on each issue. The decision shall be filed with the parties. The reasonable costs of the arbitrators or single arbitrator and the cost of the transcript shall be paid by the legislative body. Where the legislative body of a municipal employer is the town meeting, the board of selectmen shall perform all of the duties and shall have all of **the** authority and responsibilities required of and granted to the legislative body under **this** subsection.

(e) The cost of the arbitration panel shall be distributed among the parties in the following manner: (1) The municipal employer shall pay the costs of the arbitrator appointed by it, (2) the municipal employee organization shall pay the costs of the arbitrator appointed by it, (3) the municipal employer and the municipal employee

organization shall equally divide and pay the cost of the chairperson, and (4) the costs of any arbitrator appointed by the State Board of Mediation and Arbitration shall be paid by the party in whose absence the board appointed.

(f) A municipal employer and a municipal employee organization may, at any time, file with the State Board of Mediation and Arbitration a joint stipulation modifying, deferring or waiving any or all of the provisions of this section, or modifying, deferring or waiving any or all of the provisions of a previously filed stipulation, and any such stipulation shall be controlling over the provisions of this section or of any previously filed stipulation.

(g) No party may submit for binding arbitration pursuant to this section any issue or proposal which was not presented during the negotiation process, unless the submittal of such additional issue or proposal is agreed to by the parties.

(1975,P.A. 75-570, § 7; 1977, P.A. 77-117; 1982,P.A. 82-37, § 3; 1984, P.A. 84-242, § 2; 1985, P.A. 85-18, § 1; 1985, P.A. 85-31, § 1; 1987, P.A. 87-11; 1987, P.A. 87-100, § 1; 1992, P.A. 92-84, § 1, eff. July 1, 1992; 1992, P.A. 92-170, § 18; 1992, May Sp.Sess., P.A. 92-11, § 53, eff. June 1, 1992; 1993, P.A. 93-17, § 3, eff. April 21, 1993; 1999, P.A. 99-270, § 1.)

Sec. 7-474. Negotiations and agreements between municipality and employee representatives. Federal approval. Elective binding arbitration; procedure; apportionment of costs. (a) Except as hereinafter provided, when an employee organization has been designated, in accordance with the provisions of sections 7-467 to 7-477, inclusive, as the exclusive representative of employees in an appropriate unit, the chief executive officer, whether elected or appointed, or his designated representative or representatives, shall represent the municipal employer in collective bargaining with such employee organization.

(b) Any agreement reached by the negotiators shall be reduced to writing. Except where the legislative body is the town meeting, a request for funds necessary to implement such written agreement and for approval of any provisions of the agreement which are in conflict with any charter, special act, ordinance, rule or regulation adopted by the municipal employer or its agents, such as a personnel board or civil service commission, or any general statute directly regulating the hours of work of policemen or firemen or any general statute providing for the method or manner of covering or removing employees from coverage under the Connecticut municipal employees' retirement system or under the Policemen and Firemen Survivors' Benefit Fund shall be submitted by the bargaining representative of the municipality within fourteen days of the date on which such agreement is reached to the legislative body which may approve or reject such request as a whole by a majority vote of those present and voting on the matter;

but, if rejected, the matter shall be returned to the parties for further bargaining. Failure by the bargaining representative of the municipality to submit such request to the legislative body within such fourteen-day period shall be considered to be a prohibited practice committed by the municipal employer. Such request shall be considered approved if the legislative body fails to vote to approve or reject such request within thirty days of the end of the fourteen-day period for submission to said body. Where the legislative body is the town meeting, approval of the agreement by a majority of the selectmen shall make the agreement valid and binding upon the town and the board of finance shall appropriate or provide whatever funds are necessary to comply with such collective bargaining agreement.

(c) Notwithstanding any provision of any general statute, charter, special act or ordinance to the contrary, the budget-appropriating authority of any municipal employer shall appropriate whatever funds are required to comply with a collective bargaining agreement, provided the request called for in subsection (b) of this section has been approved by the legislative body of such municipal employer, or with a collective bargaining agreement approved as the result of an arbitration decision rendered in an impasse of contract negotiations under section 7-472, or rendered in accordance with the provisions of section 7-473c.

(d) If the municipal employer is a district, school board, housing authority or other authority established by law, or is a private nonprofit corporation which has a valid contract with any town, city, borough or district to extinguish fires and to protect its inhabitants from loss by fire, which by statute, charter, special act or ordinance has sole and exclusive control over the appointment of and the wages, hours and conditions of employment of its employees, such district, school board, housing authority, other authority or corporation, or its designated representatives, shall represent such municipal employer in collective bargaining and shall have the authority to enter into collective bargaining agreements with the employee organization which is the exclusive representative of such employees, and such agreements shall be binding on the parties thereto, provided, where any provisions of any such agreement require federal approval, such provisions shall be binding upon receipt of such approval, and no such agreement or any part thereof shall require approval of the legislative body of the municipality.

(e) No provision of any general statute, charter, special act or ordinance shall prevent negotiations between a municipal employer and an employee organization, which has been designated or recognized as the exclusive representative of employees in an appropriate unit, from continuing after the final date for making or setting the budget of such municipal employer. An agreement between a municipal employer and an employee organization shall be valid and in force under its terms when entered into in accordance with the provisions of sections 7-467 to 7-477, inclusive, and signed by the chief executive officer or administrator as a ministerial act. Such terms may make any such agreement effective on a date prior to the date on which such agreement is entered. No publication thereof shall be required to make it effective. The procedure for the making of an agreement between the municipal employer and an employee organization provided by said sections shall be the exclusive method for making a valid agreement for municipal employees represented by an employee organization, and any provisions in any general statute, charter or special act to the contrary shall not apply to such an agreement.

(f) Where there is a conflict between any agreement reached by a municipal employer and an employee organization and approved in accordance with the provisions of sections 7-467 to 7-477, inclusive, on matters appropriate to collective bargaining, as defined in said sections, and any charter, special act, ordinance, rules or regulations adopted by the municipal employer or its agents such as a personnel board or civil service commission, or any general statute directly regulating the hours of work of policemen or firemen, or any general statute providing for the method or manner of covering or removing employees from coverage under the Connecticut municipal employees' retirement system or under the Policemen and Firemen Survivors' Benefit Fund, the terms of such agreement shall prevail; provided, if participation of any employees in said system or said fund is effected by such agreement, the effective date of participation in said system or said fund, notwithstanding any contrary provision in such agreement, shall be the first day of the third month following the month in which a certified copy of such agreement is received by the Retirement Commission, or such later date as may be specified in the agreement.

(g) Nothing herein shall diminish the authority and power of any municipal civil service commission, personnel board, personnel agency or its agents established by statute, charter or special act to conduct and grade merit examinations and to rate candidates in the order of their relative excellence from which appointments or promotions may be made to positions in the competitive division of the classified service of the municipal employer served by such civil service commission or personnel board. The conduct and the grading of merit examinations, the rating of candidates and the establishment of lists from such examinations and the initial appointments from such lists and any provision of any municipal charter concerning political activity of municipal employees shall not be subject to collective bargaining, provided once the procedures for the promotional process have been established by the municipality, any changes to the process proposed by the municipality concerning the following issues shall be subject to collective bargaining: (1) The necessary qualifications for taking a promotional examination; (2) the relative weight to be attached to each method of examination; and (3) the use and determination of monitors for written, oral and performance examinations. In no event shall the content of any promotional examination be subject to collective bargaining.

(February, 1965, P.A. 159, S. 8; 1967, P.A. 491, S. 610; 708; 1969, P.A. 174; 1971, P.A. 532, S. 1, 2; P.A. 75-35; 75-173, S. 2; 75-570, S. 4, 6; P.A. 82-212, S. 1; P.A. 85-18, S. 2; 85-31, S. 2; P.A. 87-100, S. 2; P.A. 90-47, S. 2; P.A. 92-170, S. 19, 20, 26.)

History: 1967 acts amended Subsec. (b) by adding provision re conflict between agreement and any general statute concerning covering or removing coverage under municipal employees retirement system, by requiring submission of request for funds or approval of conflicting provisions be made within fourteen days of reaching agreement and by establishing failure to make submission within specified time as prohibited practice and setting forth terms re approval or rejection, amended Subsec. (d) by declaring binding nature of agreements made by districts, school boards, etc., amended Subsec. (e) by allowing bargaining to continue after budget deadline and by allowing retroactive effective dates for terms of agreement and amended Subsec. (f) to include conflicts with statutes concerning municipal employees retirement system and further amended Subsec. (b) to provide for cases where legislative body is town meeting; 1969 act amended Subsec. (f) to clarify effective date of provisions in agreements which affect participation of employees in municipal employees' retirement system; 1971 act amended

Subsecs. (b) and (f) by adding provision re conflict between agreement and coverage or noncoverage under policemen and firemen survivors' benefit fund; P.A. 75-35 added to Subsec. (d) provision re agreement terms which require federal approval; P.A. 75-173 and 75-570 amended Subsec. (c) to include agreements approved as result of arbitration decision or as result of failure to reject fact finder's report; P.A. 75-570 also added Subsecs. (h) to (k) re arbitration proceedings after rejection of fact finder's report; P.A. 82-212 added proviso in Subsec. (g) specifying types of proposed changes to promotional process which shall be subject to collective bargaining and declared "initial" appointments and content of promotional examinations to be not subject to collective bargaining; P.A. 85-18 amended Subdiv. (2) of Subsec. (j) to establish a more specific and extensive list of factors to be considered by the arbitration panel, including prior negotiations, public interest, employee interests, cost of living changes, existing conditions of employment of the employee group and prevailing conditions in the labor market; P.A. 85-31 amended Subsec. (j) to require each panel member to state the reasons and standards used in making his arbitration decision; P.A. 87-100 added Subsec. (l) which limited the presentation of new issues to binding arbitration; P.A. 90-47 amended Subsec. (d) to include nonprofit fire-fighting corporations as representatives for collective bargaining; P.A. 92-170 amended Subsec. (c) to remove references to fact-finding and removed Subsecs. (h) to (l), inclusive, concerning fact-finding, effective May 26, 1992, and applicable to arbitration proceedings commencing on or after that date, and obsolete reference in Subsec. (c) to "or subsections (h) to (k), inclusive, of this section" was deleted editorially.

Cited. 171 C. 347. Cited. Id., 553, 562, 564. Cited. 175 C. 349, 351, 353, 358. Standing to test constitutionality of binding arbitration provisions of Municipal Employees Relations Act discussed. 181 C. 421-426. Cited. Id., 421, 422. Cited. 182 C. 93, 106-109. Cited. 185 C. 88, 92. Municipal Employees Relations Act cited. 196 C. 192, 200. Cited. 200 C. 38, 39, 42, 43. Cited. 201 C. 577, 589, 592. Cited. Id., 685, 693. Cited. 204 C. 746, 756 Municipal Employees Relations Act cited. 205 C. 116, 118, 119. Municipal Employees Relations Act (MERA) cited. 210 C. 549, 551, 553, 562; 212 C. 294, 298, 301. Sec. 7-467 et seq. cited. Id. Cited. 215 C. 14, 17, 30. Cited. 217 C. 490, 492. Municipal Employees Relations Act (MERA) cited. 221 C. 244, 246, 247, 250-252. Municipal Employees Relations Act (MERA) (Sec. 7-467 et seq.) cited. 225 C. 297-303, 305. Cited. 234 C. 123-125, 131-134. Municipal Employees Relations Act (MERA) Sec. 7-467 et seq. cited. Id.

Cited. 3 CA 1, 6. Cited. 16 CA 232, 237.

Cited. 28 CS 267, 268. Subsections (f) and (g) not in conflict, since merit examination appointments not subject to collective bargaining agreements. 30 CS 259. A public announcement of the plaintiff's intention to file a prohibited practice complaint against a union is protected by the Municipal Employees Relations Act when the complaint is actually filed at a later date. 31 CS 7. Subsections (f) and (g) provide that the provisions of a municipal charter concerning political activity shall override the substantive and procedural provisions of any collective bargaining agreement on that subject. 35 CS 645, 651, 652. Secs. 7-467 through 7-477 cited; Sec. 7-468 et seq. also cited. 42 CS 227, 228, 235-237. Sec. 7-467 et seq. Municipal Employees Relations Act (MERA) cited. 43 CS 470, 473, 481, 482, 487, 496-501, 504.

Subsec. (b):

Cited. 205 C. 116, 119. Cited. 234 C. 123, 133, 134, 137. Cited. 239 C. 32.

Cited. 3 CA 1, 6.

Subsec. (d):

Cited. 182 C. 93, 94, 106, 109, 110. Right of a board under statute to act as exclusive negotiator in bargaining collectively with its employees is not impaired by subsequent subsections of Sec. 7-474. Id., 93, 110. Cited. 200 C. 38, 41. Cited. 205 C. 116, 119. Cited. 221 C. 244, 251.

Subsec. (e):

Cited. 234 C. 51, 65.

Subsec. (f):

Cited. 182 C. 93, 106, 108-110. Subsection determines the effect of a validly negotiated agreement and does not purport to prescribe the conditions of valid negotiation. Id., 93, 110. Cited. 185 C. 88, 96. Cited. 206 C. 563, 646.

Cited. 3 CA 1, 6. Cited. 16 CA 232, 237, 238.

Cited. 31 CS 125. Cited 35 CS 645, 651, 658. Cited. 36 CS 637, 638, 641. Cited. 42 CS 227, 235.

Subsec. (g):

Subsection does not address other sources of limitation on powers of local civil service commissions. 182 C. 93, 110. Cited. 206 C. 643, 646, 647. Cited. 215 C. 14, 23, 24. Collective bargaining is limited to changes in the promotional examination process. Decision on application of preexisting qualifications is not subject to collective bargaining. 234 C. 35-37, 40-51.

Cited. 7 CA 105, 109, 110. Cited. 11 CA 37, 41. Cited. 22 CA 402, 405. Cited. 32 CA 280, 285, 286. Cited. Id., 289, 292.

Appeal from dismissal of municipal employees for political activities proscribed by city charter properly brought to public employees appeal board. This statute excludes such charter provisions from collective bargaining; dismissal cannot be construed as a grievance required to be subject to binding arbitration as prescribed in the collective bargaining agreement. 35 CS 645, 651, 652. Cited. 39 CS 1, 5.

Subsec. (h):

Cited. 196 C. 623-625.

Subsec. (I):

Cited. 196 C. 623-625.

Subsec. (j):

Cited. 196 C. 623-625.

Sec. 7-475. Strikes prohibited. Nothing in sections 7-467 to 7-477, inclusive, shall constitute a grant of the right to strike to employees of any municipal employer and such strikes are prohibited. In the event an agreement expires before a new agreement has been approved by the municipal employer and the employee organization, the terms of the expired agreement shall remain in effect until such time as a new agreement is reached and approved in accordance with section 7-474. Nothing in this section shall affect the rights and duties of the municipal employer and the employee organization under sections 7-468 to 7-470, inclusive, during the period of time such expired agreement remains in effect.

(February, 1965, P.A. 159, S. 9; P.A. 75-81.)

History: P.A. 75-81 added provisions re continuance of previous agreement terms after their expiration and until new agreement made.

Cited. 171 C. 347. Cited. Id., 553, 564. Cited. 175 C. 349, 351, 353, 358. Standing to test constitutionality of binding arbitration provisions of Municipal Employees Relations Act discussed. 181 C. 421-426. Cited. Id., 421, 422. Cited. 182 C. 93, 106-109. Cited. 185 C. 88, 92. Municipal Employees Relations Act cited. 196 C. 192, 200. Cited. Id., 623, 635. Cited. 200 C. 38, 39, 42, 43. Cited. 201 C. 577, 589, 592. Cited. 204 C. 746, 756. Municipal Employees Relations Act cited. 205 C. 116, 118, 119. Municipal Employees Relations Act (MERA) cited. 210 C. 549, 551, 553, 562; 212 C. 294, 298, 301. Sec. 7-467 et seq. cited. Id. Cited. 215 C. 14, 17, 30. Cited. 217 C. 490, 492. Municipal Employees Relations Act (MERA) cited. 221 C. 244, 246, 247, 250-252. Municipal Employees Relations Act (MERA) (Sec. 7-467 et seq.) cited. 225 C. 297-303, 305. Municipal Employees Relations Act (MERA) Sec. 7-467 et seq. cited. 234 C. 123, 124, 131-133. Cited. 3 CA 1, 6. Cited. 16 CA 232, 237.

A public announcement of the plaintiff's intention to file a prohibited practice complaint against a union is protected by the Municipal Employees Relations Act when the complaint is actually filed at a later date. 31 CS 7. Duty to bargain collectively and in good faith takes on important dimension in public sector because of denial of right to strike. 36 CS 18, 25. Secs. 7-467 through 7-477 cited; Sec. 7-468 et seq. also cited. 42 CS 227, 228, 235. Sec. 7-467 et seq. Municipal Employees Relations Act (MERA) cited. 43 CS 470, 473, 481, 482, 487, 496-501, 504.

Sec. 7-476. Existing bargaining unit not altered during term of agreement.

Nothing in sections 7-467 to 7-477, inclusive, is intended to require that the composition of an existing bargaining unit be altered during the term of an existing agreement.

(February, 1965, P.A. 159, S. 10.)

Cited. 171 C. 347. Cited. Id., 553, 564. Cited. 175 C. 349, 351, 353, 358. Standing to test constitutionality of binding arbitration provisions of Municipal Employees Relations Act discussed. 181 C. 421-426. Cited. Id., 421, 422. Cited. 182 C. 93, 106-109. Cited. 185 C. 88, 92. Municipal Employees Relations Act cited. 196 C. 192, 200. Cited. 200 C. 38, 39, 42, 43. Cited. 201 C. 577, 589, 592. Cited. 204 C. 746, 756. Municipal Employees Relations Act cited. 205 C. 116, 118, 119. Municipal Employees Relations Act (MERA) cited. 210 C. 549, 551, 553, 562; 212 C. 294, 298, 301. Sec. 7-467 et seq. cited. Id. Cited. 215 C. 14, 17, 30. Municipal Employees Relations Act (MERA) cited. 221 C. 244, 246, 247, 250-252. Municipal Employees Relations Act (MERA) (Sec. 7-467 et seq.) cited. 225 C. 297-303, 305. Municipal Employees Relations Act (MERA) Sec. 7-467 et seq. cited. 234 C. 123, 124, 131-133.

Cited. 3 CA 1, 6. Cited. 16 CA 232, 237.

A public announcement of the plaintiff's intention to file a prohibited practice complaint against a union is protected by the Municipal Employees Relations Act when the complaint is actually filed at a later date. 31 CS 7. Secs. 7-467 through 7-477 cited; Sec. 7-468 et seq. also cited. 42 CS 227, 228, 235. Sec. 7-467 et seq. Municipal Employees Relations Act (MERA) cited. 43 CS 470, 473, 481, 482, 487, 496-501, 504.

Sec. 7-477. Payroll deductions of union dues authorized. Municipal employers and employee organizations are authorized to negotiate provisions in a collective bargaining agreement calling for the payroll deduction of employee organization dues and initiation fees.

(February, 1965, P.A. 159, S. 11.)

Cited. 171 C. 347. Cited. Id., 553, 564. Cited. 175 C. 349, 351, 353, 358. Standing to test constitutionality of binding arbitration provisions of Municipal Employees Relations Act discussed. 181 C. 421-426. Cited. Id., 421, 422. Cited. 182 C. 93, 106-109. Cited. 185 C. 88, 92. Municipal Employees Relations Act cited. 196 C. 192, 200. Cited. 200 C. 38, 39, 42, 43. Cited. 201 C. 577, 589, 592. Cited. Id., 685, 693. Cited. 204 C. 746, 756. Municipal Employees Relations Act cited. 205 C. 116, 118, 119. Municipal Employees Relations Act (MERA) cited. 210 C. 549, 551, 553, 562; 212 C. 294, 298, 301. Sec. 7-467 et seq. cited. Id. Cited. 215 C. 14, 17, 30. Municipal Employees Relations Act (MERA) cited. 221 C. 244, 246, 247, 250-252. Municipal Employees Relations Act (MERA) (Sec. 7-467 et seq.) cited. 225 C. 297-303, 365. Municipal Employees Relations Act (MERA) Sec. 7-467 et seq. cited. 234 C. 123, 124, 131-133.

Cited. 3 CA 1, 6. Cited. 16 CA 232, 237.

A public announcement of the plaintiff's intention to file a prohibited practice complaint against a union is protected by the Municipal Employees Relations Act when the complaint is actually filed at a later date. 31 CS 7. Secs. 7-467 through 7-477 cited; Sec. 7-468 et seq. also cited. 42 CS 227, 228, 235. Sec. 7-467 et seq. Municipal Employees Relations Act (MERA) cited. 43 CS 470, 473, 481, 482, 487, 496-501, 504.

§ 7-478a. Municipalities participating in interlocal agreements deemed a municipal employer subject to collective bargaining

(a) Two or more municipal employers participating in an interlocal agreement pursuant to sections 7-339a to 7-3391, inclusive, shall constitute a municipal employer as defined in section 7-467.

(b) Each employee organization, as defined in said section 7-467, of the municipal employers constituting a municipal employer under this section shall retain representation rights for collective bargaining. If two or more employee organizations have representation rights, the employee organizations shall act in coalition for all collective bargaining purposes.

(c) When a municipal employer is constituted under this section the collective bargaining agreement of each employee organization with representation rights shall remain in effect. A decision by a municipal employer to enter into or implement an interlocal agreement under sections 7-339a to 7-3391, inclusive, shall not be a subject of collective bargaining but the impact of such agreement upon wages, hours and other conditions of employment, shall be a subject of collective bargaining.

§ 7-478b. Collective bargaining agreement provision re closing of nonmunicipal offices on Martin Luther King Day

(a) Each municipality shall include a requirement in any collective bargaining agreement executed on or after April 26, 2000, that all nonessential municipal offices shall be closed on any day designated as Martin Luther King Day pursuant to section 1-4.

(b) Any municipality that did not observe the Martin Luther King Day legal holiday on January 17, 2000, by closing all nonessential municipal offices shall close all such nonessential municipal offices on any day designated as Martin Luther King Day pursuant to section 1-4.

§ 7-478c. Reopening of certain collective bargaining agreements for compensation or exchange of benefits for observance of Martin Luther King Day

Notwithstanding the provisions of the general statutes, each municipal employer and each employee organization in a municipality that is required to close all nonessential municipal offices in observance of Martin Luther King Day pursuant to subsection (b) of section 7-478b shall reopen each collective bargaining agreement approved in accordance with the provisions of sections 7-467 to 7-477, inclusive, for the sole purpose of negotiating compensation or exchange of benefits, if any, for the bargaining unit members covered by such agreement for observance of Martin Luther King Day.

7-478d. Duties of State Board of Mediation and Arbitration if no resolution

Notwithstanding the provisions of section 7-473c, if any such municipal employer and any such employee organization are unable to resolve the compensation or exchange of benefits issue after reopening the agreement pursuant to section 7-478c by May 31, 2000, the parties shall submit the issue to the State Board of Mediation and Arbitration, and said board shall make every effort to resolve the issue through mediation not later than **June 30, 2000**.

§ 7-478e. Mandatory binding arbitration for issues re observance of Martin Luther King Day. Panel of neutral arbitrators. Procedure. Criteria for decision. Apportionment of costs

Notwithstanding the provisions of section 7-473c:

(1) If the parties are unable to resolve the compensation or exchange of benefits issue pursuant to section 7-478d by June 30, 2000, the parties shall submit the issue to an arbitration panel for resolution through binding arbitration pursuant to this section not later than July 15, 2000.

(2) If neither the municipal employer nor the municipal employee organization has submitted the issue to an arbitration panel for resolution through binding arbitration pursuant to this section by July 15, 2000, said board shall notify the municipal employer and municipal employee organization that binding and final arbitration is now imposed on them, and the arbitration panel selected pursuant to this section shall resolve the issue through binding arbitration not later than September 30, 2000. Written notification of such imposition shall be sent by registered mail or certified mail, return receipt requested, to each party.

(3) Within two days of receipt of such notification, the chief executive officer of the municipal employer and the executive head of the municipal employee organization each shall select one member of the arbitration panel. Within two days of their appointment, the two members of the arbitration panel shall select a third member, who shall be an impartial representative of the interest of the public in general and who shall be selected from the panel of neutral arbitrators appointed pursuant to subsection (a) of section 7-473c. Such third member shall be the chairman of the panel. In the event the municipal employer or the municipal employee organization have not selected their respective members of the arbitration panel or the two members of the panel have not selected the third member, the State Board of Mediation and Arbitration shall appoint such members as are needed to complete the panel, provided (A) the member or members so appointed are residents of this state, and (B) the selection of the third member of the panel by the State Board of Mediation and Arbitration shall be made at random from among the members of the panel of neutral arbitrators appointed pursuant to subsection (a) of section 7-473c.

(4) The panel shall, within two days, by the call of its chairman, hold a hearing within the municipality involved. The chairman of the panel shall preside over such hearing. Any member of the panel shall have the power to take testimony, to administer oaths and to summon, by subpoena, any person whose testimony may be pertinent to the matters before said panel, together with any records or other documents relating to such matters. In the case of contumacy or refusal to obey a subpoena issued to any person, the Superior Court, upon application by the panel, shall have jurisdiction to order such person to appear before the panel to produce evidence or to give testimony touching the matter under investigation or in question, and any failure to obey such order may be punished by said court as a contempt thereof.

(5) The panel shall conclude the hearing within fifteen days after its commencement. Within ten days after the hearing, the panel shall issue, upon majority vote, and file with the State Board of Mediation and Arbitration its decision which shall immediately and simultaneously distribute a copy thereof to each party. In making its decision, the panel shall accept the last best offer of either of the parties. As part of the arbitration decision, each member shall state the specific reasons and standards in making a choice on each unresolved issue. In arriving at its decision, the panel shall be limited to the consideration of the criteria set forth in subdivision (2) of subsection (d) of section 7-473c. The decision of the panel shall be final and binding upon the municipal employer and the municipal

employee organization except as provided in section 7-478b and, if such award is not rejected by the legislative body pursuant to section 7-478b, except that a motion to vacate or modify such decision may be made in accordance with sections 52-418 and 52-4 19.

(6) In regard to all proceedings undertaken pursuant to this section the secretary of the State Board of Mediation and Arbitration shall serve as staff to the arbitration panel.

(7) The cost of the arbitration panel shall be distributed among the parties in the following manner: (A) The municipal employer shall pay the costs of the arbitrator appointed by it, (B) the municipal employee organization shall pay the costs of the arbitrator appointed by it, (C) the municipal employer and the municipal employee organization shall equally divide and pay the cost of the chairman, and (D) the costs of any arbitrator appointed by the State Board of Mediation and Arbitration shall be paid by the party in whose absence the board appointed.

§ 7-478f. Rejection of award by legislative body. Second arbitration format

Notwithstanding the provisions of section 7-473c:

(1) Not later than October 30, 2000, the legislative body of the municipal employer may reject the award of **the** arbitrators or single arbitrator issued pursuant to section 7-478e by a two-thirds majority vote of the members of such legislative body present at a regular or special meeting called and convened for such purpose.

(2) Not later than November 10, 2000, the legislative body or its authorized representative shall be required to state, in writing, the reasons for such vote and shall submit such written statement to the State Board of Mediation and Arbitration and the municipal employee organization. Not later than November 20, 2000, the municipal employee organization shall prepare a written response to such rejection and shall submit it to the legislative body and the State Board of Mediation and Arbitration.

(3) Not later than November 20, 2000, the State Board of Mediation and Arbitration shall select a review panel of three arbitrators or, if the parties agree, a single arbitrator who are residents of Connecticut and labor relations arbitrators approved by the American Arbitration Association and not members of the panel who issued the rejected award. Such arbitrators or single arbitrator shall review the decision on each such rejected issue. The review conducted pursuant to this subdivision shall be limited to the record of the hearing pursuant to section 7-478e, the written explanation of the reasons for the vote and a written response by either party. In conducting such review, the arbitrators or single arbitrator shall be limited to consideration of the criteria set forth in subdivision (2) of subsection (d) of section 7-473c. Such review shall be completed not later **than** December 10, 2000.

(4) Not later than December 15, 2000, after the completion of such review, the arbitrators or single arbitrator shall render a written decision with respect to each rejected issue which shall be final and binding upon the municipal employer and the employee organization except that a motion to vacate or modify such award may be made in accordance with sections 52-418 and 52-419. The arbitrators or single arbitrator shall accept the last best offer of either of the parties. The decision of the arbitrators or single arbitrator shall be in writing and shall include specific reasons and standards used by each arbitrator in making a decision on each issue. The decision shall be filed with **the** parties. The reasonable costs of the arbitrators or single arbitrator and the cost of the transcript shall be paid by the legislative body. Where the legislative body of a municipal employer is the town meeting, the board of selectmen shall perform all of the duties and shall have all of the authority and responsibilities required of and granted to the legislative body under this subsection.