



General Assembly

Raised Bill No. 6793

January Session, 2023

LCO No. 4720



Referred to Committee on LABOR AND PUBLIC
EMPLOYEES

Introduced by:
(LAB)

***AN ACT MODIFYING THE STATE BOARD OF LABOR RELATIONS'
REMEDIES FOR PROHIBITED PRACTICES FOR CERTIFIED
EMPLOYEES.***

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Subsection (e) of section 10-153e of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective July*
3 *1, 2023*):

4 (e) Whenever a board of education or employees' representative
5 organization has reason to believe that a prohibited practice, as
6 defined in subsection (b) or (c) of this section, has been or is being
7 committed, or whenever a certified employee believes a breach of the
8 duty of fair representation under subdivision (3) of subsection (c) of
9 this section has occurred or is occurring, such board of education,
10 representative organization or certified employee shall file a written
11 complaint with the State Board of Labor Relations and shall mail a
12 copy of such complaint to the party that is the subject of the complaint.
13 Upon receipt of a properly filed complaint said board shall refer such
14 complaint to the agent who shall, after investigation and within ninety

15 days after the date of such referral, either (1) make a report to said
16 board recommending dismissal of the complaint or (2) issue a written
17 complaint charging prohibited practices. If no such report is made and
18 no such written complaint is issued, the Board of Labor Relations in its
19 discretion may proceed to a hearing upon the party's original
20 complaint of the violation of this chapter which shall in such case be
21 treated for the purpose of this section as a complaint issued by the
22 agent. Upon receiving a report from the agent recommending
23 dismissal of a complaint, said Board of Labor Relations may issue an
24 order dismissing the complaint or may order a further investigation or
25 a hearing thereon. Upon receiving a complaint issued by the agent, the
26 Board of Labor Relations shall set a time and place for the hearing. If
27 the alleged prohibited practice or breach of duty is ongoing, the board
28 may issue and cause to be served on the party committing the act or
29 practice an order requiring such party to cease and desist from such act
30 or practice until the board has made its determination. Any such
31 complaint may be amended with the permission of said board. The
32 party so complained of shall have the right to file an answer to the
33 original or amended complaint within five days after the service of
34 such complaint or within such other time as said board may limit.
35 Such party shall have the right to appear in person or otherwise to
36 defend against such complaint. In the discretion of said board any
37 person may be allowed to intervene in such proceeding. In any hearing
38 said board shall not be bound by technical rules of evidence prevailing
39 in the courts. A stenographic or electronic record of the testimony shall
40 be taken at all hearings of the Board of Labor Relations and a transcript
41 thereof shall be filed with said board upon its request. Said board shall
42 have the power to order the taking of further testimony and further
43 argument. If, upon all the testimony, said board determines that the
44 party complained of has engaged in or is engaging in any prohibited
45 practice, it shall state its finding of fact and shall issue and cause to be
46 served on such party an order requiring it to cease and desist from
47 such prohibited practice, and shall take such further affirmative action
48 as will effectuate the policies of subsections (b) to (d), inclusive, of this
49 section. Such order may further require such party to make reports

50 from time to time showing the extent to which the order has been
51 complied with. If upon all the testimony the Board of Labor Relations
52 is of the opinion that the party named in the complaint has not
53 engaged in or is not engaging in any such prohibited practice, then
54 said board shall make its finding of fact and shall issue an order
55 dismissing the complaint. Until a transcript of the record in a case has
56 been filed in the Superior Court, as provided in subsection (g) of this
57 section, said board may at any time, upon notice, modify or set aside in
58 whole or in part any finding or order made or issued by it.
59 Proceedings before said board shall be held with all possible
60 expedition. Any party who wishes to have a transcript of the
61 proceedings before the Board of Labor Relations shall apply therefor.
62 The parties may agree on the sharing of the costs of the transcript but,
63 in the absence of such agreement, the costs shall be paid by the
64 requesting party.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2023</i>	10-153e(e)

LAB *Joint Favorable*