



General Assembly

February Session, 2024

Raised Bill No. 411

LCO No. 2680



Referred to Committee on LABOR AND PUBLIC EMPLOYEES

Introduced by:
(LAB)

AN ACT CONCERNING TEMPORARY STATE EMPLOYEES AND COLLECTIVE BARGAINING.

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

1 Section 1. Section 5-270 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 When used in sections 5-270 to 5-280, inclusive, as amended by this
4 act, and sections 2 and 3 of this act:

5 (a) "Employer" means the state of Connecticut, its executive and
6 judicial branches, including, without limitation, any board, department,
7 commission, institution, or agency of such branches or any appropriate
8 unit thereof and any board of trustees of a state-owned or supported
9 college or university and branches thereof, public and quasi-public state
10 corporation, or authority established by state law, or any person or
11 persons designated by the employer to act in its interest in dealing with
12 employees, but shall not include the State Board of Labor Relations or
13 the State Board of Mediation and Arbitration; [.]

14 (b) "Employee" means any employee of an employer, whether or not

15 in the classified service of the employer, except elected or appointed
16 officials other than special deputy sheriffs, board and commission
17 members, disability policy specialists assigned to the Council on
18 Developmental Disabilities, managerial employees and confidential
19 employees; [.]

20 (c) "Professional employee" means: (1) Any employee engaged in
21 work (A) predominantly intellectual and varied in character as opposed
22 to routine mental, manual, mechanical or physical work; (B) involving
23 the consistent exercise of discretion and judgment in its performance;
24 (C) of such a character that the output produced or the result
25 accomplished cannot be standardized in relation to a given time period;
26 (D) requiring knowledge of an advanced type in a field of science or
27 learning customarily acquired by a prolonged course of specialized
28 intellectual instruction and study in an institution of higher learning or
29 a hospital, as distinguished from a general academic education or from
30 an apprenticeship or from training in the performance of routine mental,
31 manual or physical processes; or (2) any employee who has completed
32 the courses of specialized intellectual instruction and study described in
33 [subsection (c)(1)(D)] subparagraph (D) of subdivision (1) of this
34 subsection and is performing related work under the supervision of a
35 professional person to qualify himself to become a professional
36 employee as defined in [subsection (c)(1).] subdivision (1) of this
37 subsection;

38 (d) "Employee organization" means any lawful association, labor
39 organization, federation or council having as a primary purpose the
40 improvement of wages, hours and other conditions of employment
41 among state employees; [.]

42 (e) "Confidential employee" means any public employee who would
43 have access to confidential information used in collective bargaining; [.]

44 (f) "Supervisory employee" means any individual in a position in
45 which the principal functions are characterized by not fewer than two
46 of the following: (1) Performing such management control duties as

47 scheduling, assigning, overseeing and reviewing the work of
48 subordinate employees; (2) performing such duties as are distinct and
49 dissimilar from those performed by the employees supervised; (3)
50 exercising judgment in adjusting grievances, applying other established
51 personnel policies and procedures and in enforcing the provisions of a
52 collective bargaining agreement; and (4) establishing or participating in
53 the establishment of performance standards for subordinate employees
54 and taking corrective measures to implement those standards, provided
55 in connection with any of the foregoing the exercise of such authority is
56 not merely of a routine or clerical nature, but requires the use of
57 independent judgment, and such individuals shall be employees within
58 the meaning of subsection (b) of this section. The above criteria for
59 supervisory positions shall not necessarily apply to police or fire
60 departments; [.]

61 (g) "Managerial employee" means any individual in a position in
62 which the principal functions are characterized by not fewer than two
63 of the following, provided for any position in any unit of the system of
64 higher education, one of such two functions shall be as specified in
65 subdivision (4) of this subsection: (1) Responsibility for direction of a
66 subunit or facility of a major division of an agency or assignment to an
67 agency head's staff; (2) development, implementation and evaluation of
68 goals and objectives consistent with agency mission and policy; (3)
69 participation in the formulation of agency policy; or (4) a major role in
70 the administration of collective bargaining agreements or major
71 personnel decisions, or both, including staffing, hiring, firing,
72 evaluation, promotion and training of employees; and

73 (h) "Temporary employee" means an individual who has been hired
74 for a limited term, including, but not limited to, a casual employee,
75 seasonal employee, periodic employee, extra help employee, relief
76 employee and per diem employee.

77 Sec. 2. (NEW) (*Effective from passage*) (a) Upon the request of an
78 exclusive representative of a bargaining unit, temporary employees (1)
79 who are employed to perform the same or similar types of work as

80 permanent employees in such bargaining unit, and (2) whose
81 classification as a temporary employee is not currently included in such
82 bargaining unit shall be included in such bargaining unit for purposes
83 of collective bargaining.

84 (b) Upon inclusion of temporary employees in a bargaining unit
85 pursuant to subsection (a) of this section, the employer shall promptly
86 commence negotiations with such bargaining unit's exclusive
87 representative, in accordance with section 5-276a of the general statutes,
88 to establish wages, hours and terms and conditions of employment for
89 such temporary employees, including, but not limited to, whether (1) a
90 temporary employee who obtains permanent employment receives
91 seniority or any other credit or benefit for such temporary employee's
92 employment as a temporary employee, and (2) a temporary employee
93 receives preferential hiring over external candidates for permanent
94 positions. Any agreement reached by such negotiations shall be added
95 as an addendum to such bargaining unit's existing collective bargaining
96 agreement. Thereafter, any terms and conditions of employment of
97 permanent and temporary employees negotiated by the parties shall be
98 included in a successor collective bargaining agreement.

99 (c) Upon hire, the employer shall provide a temporary employee with
100 such temporary employee's wage rates, eligibility for benefits,
101 anticipated length of employment and procedures explaining how to
102 apply for permanent positions. The employer shall also provide such
103 information to the exclusive representative of the bargaining unit of
104 such temporary employee.

105 (d) Nothing in this section shall require the same terms and
106 conditions of employment for permanent and temporary employees.

107 Sec. 3. Subsection (a) of section 31-40bb of the general statutes is
108 repealed and the following is substituted in lieu thereof (*Effective October*
109 *1, 2024*):

110 (a) Except as otherwise provided in this section, a public employer
111 shall provide an exclusive representative, in an editable digital file

112 format, and, if possible, in a format agreed to by the exclusive
 113 representative, the following information if on file with the employer:
 114 Name, job title, department, work location, work telephone number and
 115 the home address of any newly hired employee. The public employer
 116 shall provide the exclusive representative such information, if possible,
 117 with real-time electronic transmission of new hire data but in no event
 118 later than ten days after such employee is hired or the first pay period
 119 of the month following the hiring of such employee, whichever is
 120 earlier. An employer, as defined in section 5-270, as amended by this act,
 121 shall provide an exclusive representative with the anticipated end date
 122 for a newly hired temporary employee or, for a temporary employee
 123 whose employment has ended, the actual end date of such temporary
 124 employee's employment. For purposes of this section, (1) "public
 125 employer" means (A) "employer", as defined in section 5-270, as
 126 amended by this act, (B) "municipal employer", as defined in section 7-
 127 467, and (C) local and regional boards of education, (2) "public employee
 128 organization" means any lawful association, labor organization,
 129 federation or council having as a primary purpose the improvement of
 130 wages, hours and other conditions of employment among employees of
 131 public employers, and (3) "exclusive representative" means the public
 132 employee organization certified or recognized in accordance with state
 133 law to be the exclusive bargaining representative of a public employer
 134 bargaining unit.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	5-270
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>October 1, 2024</i>	31-40bb(a)

Statement of Purpose:

To ensure that temporary state employees are considered part of the same collective bargaining unit as permanent employees in similarly situated positions.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

