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# Guidelines for Collective Bargaining

Under the School Board-  
Teacher Negotiation Act

10015

State of Connecticut  
Department of Education 1984

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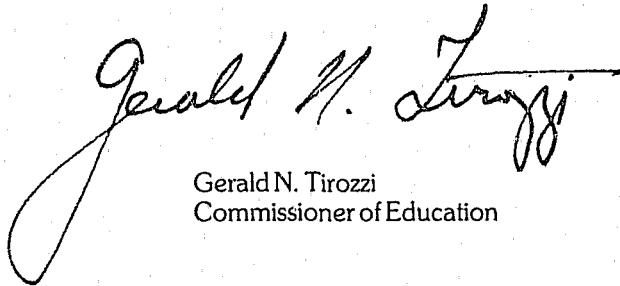
**Foreword**

The Connecticut State Department of Education has prepared this booklet, *Guidelines for Collective Bargaining*, for use by boards of education and professional employee organizations which operate under the School Board-Teacher Negotiation Act, Section 10-153a *et seq.*, of the Connecticut General Statutes, as amended. The booklet is intended to provide general procedural and operational guidance to these parties. It is not intended, however, as a compendium of either substantive or procedural law, nor can it be a substitute for a complete knowledge of the law.

The booklet contains revised and expanded material not contained in the previous edition. The contents may be used as a framework for statutory conduct. Therefore, where applicable, it is recommended that guidelines be adopted as ground rules by the parties.

The booklet has been prepared in consultation with labor experts representing the interests of the Connecticut State Department of Education, Connecticut boards of education and professional employee organizations representing Connecticut teachers and administrators. Their generous assistance and guidance is greatly appreciated.

As always, the Office of the Commissioner is available to all parties at all times to assist in the collective bargaining process.

A large, stylized handwritten signature in black ink, reading "Gerald N. Tirozzi". The signature is written in a cursive style with a large loop at the end of the last name.

Gerald N. Tirozzi  
Commissioner of Education

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For further information about teacher-board negotiations, contact Leslie A. Williamson, Jr., 566-2135.

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ACQUISITIONS

# Petition and Selection of Exclusive Bargaining Representatives

These guidelines serve as the basis for the administration by the Department of Education of elections under the School Board-Teacher Negotiation Act. In addition, it is recommended that appropriate sections of these guidelines be adopted, as election ground rules, by organizations representing certified professional employees.

## **Jurisdiction**

Jurisdiction of the commissioner of education extends to all procedures concerning the designation or election of certified professional employees employed by local or regional boards of education, private endowed academies and regional service centers, but excludes the actual conduct of the election.

## **Bargaining units**

The statute permits three units:

**Administrator Unit** Comprised of certified professional employees employed by the school district in positions requiring an intermediate administrator or supervisor certificate, or the equivalent; who perform at least 50 percent of their assigned time on administrative or supervisory duties; and who are not excluded from the act (see Sec. 10-153b(a)(1));

**Teacher Unit** Comprised of certified professional employees employed by the school district in positions requiring a teacher or other certificate and not included in the administrators' unit or excluded from the purview of the act (see Sec. 10-153b(a)(2));

**Combined Unit** Comprised of both teachers and administrators, provided such unit was in existence on July 1, 1969.

## **Excluded and eligible employees**

The following employees of the board of education are excluded from the purview of the act, and therefore are ineligible to sign any petition: superin-

tendents of schools; assistant superintendents; certified professional employees who act for the board in negotiations with certified professional personnel or are directly responsible to the board for personnel relations or budget preparation; temporary substitutes; all noncertified employees (see Sec. 10-153b(b)), and all certified employees employed in positions not requiring an appropriate certificate (see Sec. 10-153b(a)(1) and Sec. 10-153b(a)(2)).

Permanent part-time certified professional employees are included in the appropriate unit and are eligible to sign a petition, provided that their part-time work during each week or other calendar period demonstrates that they have a substantial and continuing interest in salaries and other conditions of employment of the unit members.

Certified professional employees on leave from their employing board of education are eligible to sign a petition.

### **Qualifications of organizations representing certified professional employees**

Despite any lack of structural formality manifested by the absence of a constitution, bylaws or dues, any organization which admits certified professional employees to membership, was established for the purpose of representing bargaining unit members and intends to do so, if certified, shall be deemed an appropriate organization. Representative organizations, whether or not they are the exclusive bargaining representative, must file a "Statutory Agent of Service of Process" form with the commissioner of education. (See Sec. 10-153b and Sec. 10-153c and Appendix E.)

### **Petitioning**

Three types of petitions are specified in the Connecticut General Statutes – designation, election and intervention (see Table 1, p. 4).

**Designation petitions** Designation petitions may be filed with a local board of education between March 1st and March 31st. Employing boards of education should determine a valid showing of interest as evidenced by a petition signed by a majority of eligible certified professional employees in the appropriate unit.

Individual authorization must be dated, contain the printed name and signature of the employee and the location of employment. Signatures dated six months prior to the filing of a designation petition are deemed not current.

Within three school days after receipt, within which time a determination as to the valid showing of interest shall be made, the employing board shall post a notice on each bulletin board for teachers in every school in the district or, if there is no such bulletin board, shall give each affected employee a copy of such notice. The notice must contain the name of the organization designated by the petitioners, the unit to be represented and the date the petition was filed with the employing board.

A copy of the posted notice shall be mailed to the commissioner of education. The posted notice shall not be the signed petition.

If no election petition is filed with the commissioner of education within thirty (30) days after the employing board has posted a notice of the receipt of a designation petition, the commissioner of education will notify, in a timely manner, the employing board and the petitioning organization that no election petition has been received. The employing board of education shall then recognize the petitioning organization as the exclusive bargaining representative for employees in the petitioned-for unit.

If a valid election petition is filed with the commissioner of education within the appropriate time frame, the board will be so notified and shall not recognize any organization as the exclusive bargaining agent until the results of an election and certification of the exclusive bargaining agent are forthcoming from the commissioner of education.

**Election and  
intervention  
petitions**

Election petitions, unlike designation petitions, are filed with the commissioner of education. Upon request of the commissioner of education, employing boards of education shall submit, in a timely manner, a list of eligible certified professional employees in the petitioned-for unit. Boards of education shall also make available to the commissioner of education, or his agent, documents by which signature comparisons may be made. Employing boards of education should also insure that a copy of the current collective bargaining contract, or written board policy, is on file with the commissioner of education (see Sec. 10-153d(b)).



**Election and  
intervention  
petitions  
(continued)**

Upon a determination of a valid showing of interest, the commissioner of education will file within the statutorily mandated time period, a notice of receipt of an election or intervention petition. Within three (3) school days following receipt of such notice, the employing board shall post the notice on each bulletin board for teachers in every school in the district or, if there is no such bulletin board, shall give each affected employee a copy of such notice.

**Showing of interest**

A showing of interest may be evidenced by the filing of an appropriate petition, i.e., designation, election, intervention, or by the filing of individual cards.

Determination as to the number of employees employed by the board of education must be made at a date certain in order to compute the showing of interest. The date is the payroll period preceding the date of petition filing.

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**Table I  
Petitioning**

<b>Type of Petition</b>	<b>Statutory Reference</b>	<b>Who May File</b>	<b>With Whom</b>
<b>Designation</b>	Sec. 10-153b(c)	A majority of eligible certified professional employees in either the teacher or administrator unit	Employing board of education
<b>Election</b>	10-153b(c) 10-153b(d)	Twenty percent or more of eligible certified professional employees in either the teacher or administrator unit	Commissioner of Education
<b>Intervention</b>	10-153b(d)	Ten percent of eligible certified professional employees in either the teacher or administrator unit	Commissioner of Education

No petition is required by the incumbent employee organization (see Sec. 10-153b(d)).

### **Validity of interest**

Evidence of interest consisting of an employee's intent to be represented by a specific employee organization must bear the valid signature of such employee. Signatures are presumed to be genuine unless there is some indication to the contrary.

Individual authorization, i.e., signatures, must be dated, contain the printed name and signature of the employee and the location (school) of employment. Signatures dated six months prior to the filing of the petition are deemed not to be current.

Any employee who signs more than one petition filed between March 1st and April 30th in any one school year is deemed not to have signed any petition (see Sec. 10-153b (d)). The commissioner of education, or his agent, may review the signature on any petition.

<b>What</b>	<b>When</b>	<b>Prerequisite</b>
Designation petition (see Appendices A and B)	Between March 1st and March 31st of any school year	No exclusive bargaining agent representing the petitioned for unit
Election petition (see Appendices C and D)	Within 30 days of the posting of receipt of a designation petition by a local board of education OR between March 1st and April 30th of any school year	No contract bar (see Sec. 10-153b(3) and discussion on contract bar)
Election petition (see Appendices C and D)	Within three school days of posting by a local board of education that an election petition has been filed with the Commissioner of Education	Filing of a valid election petition and the posting of a notice of such by the local board of education

The commissioner, or his agent, may examine any petition filed with said commissioner for sufficiency and will determine the adequacy of the showing of interest. Such an examination may include a check of petition signatures against signatures of employees on file with the employing board of education and verification of signature by questioning purported signatories.

The names of individuals signing any petition filed with the commissioner of education are confidential. These names will not be divulged except upon court order (see Sec. 10-153b(d)).

### **Challenge to a showing of interest**

When a party contends that a showing of interest was obtained by fraud, duress or coercion, the party alleging such shall submit to the commissioner of education any proof it might have. Any challenge upon the genuineness of signatures should be made by submitting any proof to the commissioner of education.

A showing of interest is not subject to attack on the ground that the intent of the individual employee has been revoked or withdrawn. Such an attack is best resolved on the basis of an election by secret ballot.

When evidence is submitted which gives reasonable cause for believing that a showing of interest may be invalidated by fraud or otherwise, the commissioner will investigate such allegation where practicable, prior to the election. No investigation will be made unless the allegations of invalidity are accompanied by supporting evidence. Parties must still meet and discuss election ground rules and hold the election during the statutory time period. If an allegation is not disposed of prior to an election, it will be deemed to constitute a timely filed objection.

### **Dismissal of petition**

Where it is apparent that no question concerning representation exists, or the showing of interest is inadequate, or the unit sought is inappropriate, or the petition is not timely filed, or the petition does not meet the test of sufficiency for any other reason, it will be dismissed by the commissioner of education.

### **Disclaimer**

A valid written disclaimer may be filed with the commissioner of education by a named employee organization stating, in a clear and unequivocal man-

ner, that a filed petition has been inappropriately filed on its behalf and that it is, with regard to that petition, abandoning any claim to representation. If, upon review of the disclaimer, the commissioner of education, or his agent, determines there is sufficient evidence to sustain the employee organization's claim, the commissioner shall dismiss the petition.

## **Withdrawal**

Petitions may be withdrawn only with the consent of the commissioner of education.

## **Elections**

An election and, if necessary, a runoff election shall be conducted by secret ballot (see Sec. 10-153b(d)).

**Date** An election must be held between twenty (20) and forty-five (45) days after the filing of an election petition with the commissioner of education. If there is no majority among the choices on the ballot, a runoff election shall be held within ten (10) days after the initial election (see Sec. 10-153b(d)).

**Contract bar** When an election petition is filed seeking an election among employees covered by an existing multiyear collective bargaining contract, the commissioner of education must determine whether the contract exists and whether, by its duration clause, there will be a bar to the petition, thereby requiring the petition to be dismissed. Election petitions are timely filed, and thus not subject to a contract bar, if filed with the commissioner of education between March first and April thirtieth, after two years of the existing multiyear collective bargaining contract have elapsed or it is filed between March first and April thirtieth, with the commissioner of education, of the calendar year prior to the year of expiration of the existing collective bargaining contract, whichever is sooner. (See Sec. 10-153b(d)).

To serve as a bar to an election, the contract requires the following criteria:

- **Written contract.** The contract must be reduced to writing, or incorporated as official board policy in the minutes of the board or issued as an arbitration award. In short, there must be objective evidence of the existence of a contract.

**Contract bar (continued)** A set of individual contracts is not sufficient to evidence a written contract since these contracts do not indicate that employees intended to be bound, as a group, by the result of good faith negotiations.

- ◉ **Signature.** The contract must contain the signatures of the authorized representative(s) of all parties or be incorporated in the official minutes of the employing board of education or be issued by a duly constituted arbitration panel.
- ◉ **Substantial terms and conditions.** The contract must contain terms of employment sufficient to stabilize the bargaining relationship of the parties for the duration of the contract.
- ◉ **Coverage.** The contract must, by its terms, cover employees in the petitioned-for unit. The fact that the status of unit members may be in dispute is insufficient reason to have the contract serve as a bar.
- ◉ **Duration.** The contract must contain a duration clause with a specific commencement and ending date. The existence of a holdover clause will not serve to bar an appropriately filed election petition.

**Election year bar** Only one representative election shall be held, in any one school year, for each eligible unit. This bar does not apply to runoff elections. (See Sec. 10-153b(d)).

**Agency to conduct** The incumbent organization and the petitioning organization(s) select the impartial agency or person to conduct the election and, if necessary, the runoff election (see Sec. 10-153b(d)).

If the parties to an election are unable to agree as to the agency or person to conduct the election, such decision shall be submitted to an arbitration board. Any party may request the establishment of the arbitration board upon the written request to do so submitted to the other party(ies) to the election. Once requested, arbitrators shall be selected within five (5) days. Within five (5) days after their selection, the party arbitrators shall select an impartial arbitrator.

The arbitration board shall select the agency or person to conduct the election. Its decision shall be binding on the parties (see Sec. 10-153c).

The impartial agency or person selected shall decide all procedural matters relating to the election and shall conduct the election fairly. The Department of Education does not consider a local or regional board of education an impartial agency for the purpose of conducting an election.

NEITHER THE DEPARTMENT OF EDUCATION NOR THE CONNECTICUT STATE BOARD OF LABOR RELATIONS WILL CONDUCT ELECTIONS UNDER THE TEACHER NEGOTIATION ACT UNLESS SPECIFICALLY AUTHORIZED TO DO SO BY STATUTE. THEREFORE, IF PARTIES TO AN ELECTION OR AN ARBITRATION BOARD DESIGNATE EITHER OF THE TWO AFOREMENTIONED STATE AGENCIES TO CONDUCT THE ELECTION, THE STATE AGENCIES WILL DECLINE SUCH DESIGNATION.

**Ballots** The ballots are to be furnished by the person or agency conducting the election. Ballots for the initial election shall contain the following choices, in the order agreed to by the parties or designated by the person or agency conducting the election:

- choice for the name of the incumbent organization
- choice for the name of the petitioning organization
- choice for the name of an intervening organization
- choice for no organization

Runoff ballots, if necessary, shall contain the two choices receiving the highest and second highest number of votes in the initial election (see Sec. 10-153b(d)).

**Polling places** Elections shall be held within the local school district.

**Notice of election** A notice of election should be used by the agency or person conducting the election to inform eligible voters of the time(s), date(s) and procedures for balloting. The notice should contain a sample ballot, a description of the unit, the date(s), place(s) and hour(s) of the election and a statement of employee rights under the Act. Other relevant information may be included at the discretion of the agency or person conducting the election. Copies of the notice should be posted on bulletin boards throughout the school system not less than forty-eight (48) hours prior to the opening of the polls.

**Notice of election (continued)** The employing board of education should permit the agency or person conducting the election to post the notices of election.

**Voter eligibility** Only those certified professional employees in the appropriate petitioned-for bargaining unit may vote in the election. Any dispute as to the eligibility of personnel to vote in an election or, if necessary, runoff election, shall be submitted to the agency or person conducting the election or to a board of arbitration (see Sec. 10-153c).

To be eligible to vote, an employee must be in the appropriate unit, and not excluded from the Act, during the payroll period immediately preceding the date of the election and in employee status on the date of the election. Employees who are on authorized leave are considered in employee status.

An employee employed on the date of the election but intending to quit after the election is eligible to vote. Employees hired on the eligibility date but who have not reported for work until a later date are ineligible to vote.

The test applicable to the eligibility of laid-off employees is whether there exists a reasonable expectation of employment in the near future.

In a runoff election, eligibility is based on the same eligibility date as used in the initial election, but employee status is required on the date of the runoff.

Employees who are the subject of pending prohibited-practice complaints alleging their unlawful discharge are permitted to vote, subject to challenge.

**Observers** Each party to the election or runoff election may have an equal number of observers at the polling place(s). This privilege is extended to the parties to the election or runoff election but not to nonparticipating organizations or representatives of "no union" groups.

**Closing of the polls** The hour for the closing of the polls should be included in the notice of election. The polls should be declared closed at the designated time. All eligible certified employees in the voting line at the scheduled time for the closing of the polls should be permitted to vote. At the close of balloting at each polling place, observers should be asked to sign a certificate that the election has been conducted properly.

- Mail ballots** Voting may be conducted by mail. In mixed manual-mail elections, mail ballots are sent to those eligible employees who cannot vote in person. Such persons are determined by the agency or person conducting the election.
- Challenges** Any designated employee organization observer has a right to challenge for cause. The person or agency conducting the election may challenge for cause anyone who is not eligible to vote. Employees in job classifications specifically excluded by the Act shall be refused a ballot, even under a challenge. Challenges as to the eligibility to vote are resolved by the agency or person conducting the election (see Sec. 10-153c).
- Tally of ballots** The agency or person selected to conduct the election shall tally the ballots and immediately report by certified mail return receipt requested, the result of such tally to the commissioner of education and to the parties involved in the election.
- Objections** Objections to the election must be filed by the objecting party to the election with the commissioner of education within five (5) days after receipt of the tally of ballot. Objections must contain a statement of the reasons for the objection, in terms which are specific, not conclusory. The party filing objections must furnish evidence sufficient to provide a prima facie case in support of the objections. Objections which are not filed timely will be dismissed.

The commissioner may conduct, or cause to be conducted by an agent of the commissioner, an investigation and/or hearing into the objections if it appears that a substantial and material factual issue exists which, in the exercise of reasonable discretion, might inappropriately have influenced the outcome of the election. Hearings will be held, where practical, within ten (10) days after the filing of the objection. Hearings will be conducted under the provisions of the Uniform Administrative Procedure Act.

A decision will be issued by the commissioner based upon his review of the hearing evidence or the report of the commissioner's agent. The commissioner may accept, reject or return for further hearing, the report of the commissioner's agent.



**Objections (continued)** The commissioner's decision may sustain or overrule the objections, in whole or in part. If the objections are sustained so as to be, in the judgment of the commissioner, determinative of the outcome of the election, the election or runoff will be set aside and the commissioner shall order a new election to be conducted within five (5) days of this decision. The eligibility period remains the same for the new election.

**Certification** If satisfied that the election and runoff election, if necessary, has been conducted properly, the commissioner shall certify that the organization receiving the majority of votes is the exclusive representative of the employees in the petitioned-for unit. Notice of certification shall be sent to the employing board of education and to the parties to the election and to the runoff election, if required.

**Combined unit representation** Any employee organization representing teachers and administrators in a combined unit, such unit being in existence on July 1, 1969, may continue to represent both groups of employees until or unless employees in either of the two units file a valid designation or election petition.

The filing of either petition severs the combined unit. No combined units may be established anew.

## Guidelines for Negotiations

To establish a consistent frame of reference for the parties in negotiation, definitions of some commonly used terms may be helpful.

<b>disputed issue</b>	For the purpose of determining an issue in dispute, the following should be considered: <ul style="list-style-type: none"><li>• each paragraph of a contract on a particular topic should be viewed as a separate issue;</li><li>• economic issues should be viewed separately, as single issues, e.g., overall percentage increase, method of distribution, number of steps, degree differential, insurance.</li></ul>
<b>mandatory item of negotiation</b>	those subjects which must be negotiated when requested by either party
<b>permissive negotiation</b>	those subjects which may be negotiated only upon the concurrence of both parties
<b>illegal items of negotiation</b>	those subjects which may not be negotiated into a contract regardless of the requests or concurrence of the parties and which, if included, are unenforceable

### Negotiation process

Both parties to the negotiation process must negotiate in good faith. This means:

- meeting at reasonable times, including meetings appropriately related to the budget-making process;
- actively participating in negotiations with a present intention of reaching agreement with respect to salaries and other conditions of employment, and
- executing a written contract, incorporating any agreement reached, if requested by either party.

The duty to enter into good faith negotiations, however, does not require either party to agree to a proposal or make a concession (see Sec. 10-153e(d)).

The local board of education has a responsibility to meet and confer with its fiscal authority within thirty (30) days prior to the date upon which negotiations are to begin. Also, the board of education is responsible for providing the commissioner of education and the exclusive bargaining agent with notice as to its budget submission date. (See Sec. 10-153b(a)(5) for the definition of budget submission date.)

Good faith negotiations shall commence not less than one hundred and eighty (180) days prior to the board's budget submission date. The parties negotiating the contract shall notify the commissioner of education of the day on which negotiations are commenced.

Boards of education and exclusive bargaining agents may negotiate directly with each other or may negotiate through duly authorized agents.

Agreements reached during negotiations need not be in writing unless requested by either party. If a contract is not reduced to writing, it should be adopted by the board of education and recorded in the official minutes of the board.

Signed agreements are to be filed with the town clerk and the commissioner of education. In a regional school district, signed copies of the contract must be filed with the town clerk in each member town.

## **Guidelines for Mediation**

If the parties have not reached an agreement by the one hundred and tenth (110th) day prior to a board of education's budget submission date, the parties shall so inform the commissioner of education. In addition, on the one hundred and tenth (110th day), the parties shall inform the commissioner of

- the name of a mutually selected mediator;
- the name of a mutually selected alternate mediator, in case the initial choice is unavailable;
- the mutually agreed dates (minimum of two) that the parties would like the mediator to consider for the initial mediation session;
- the mutually agreed upon beginning time that the mediator may consider for the initial mediation session, and
- the mutually agreed upon location for the initial mediation session.

### **Commencement of mediation**

THE INITIAL MEDIATION SESSION SHALL COMMENCE NO LATER THAN THE NINETIETH (90th) DAY PRIOR TO BUDGET SUBMISSION.

Either party may request, in writing, mediation before the one hundred and tenth (110th) day prior to budget submission. Such written request, which shall contain the dates and the duration of the parties' negotiation sessions, shall be sent to the commissioner of education and, in addition to requesting early mediation, shall include, if such request is a mutual request, the five items listed above. The commissioner may grant the request for early mediation or instruct the parties to resume negotiations.

If the parties fail to comply with the statutory requirement for naming a mediator, then the commissioner shall designate a mediator.

Mediators may be members of the Mediation Panel of the Department of Education or any other persons mutually agreed to by the parties. Parties are encouraged, however, to select mediators from the Mediation Panel of the Department of Education.

Mediators from the Department of Education may be accompanied by interns from the Mediator Training Program of the Department of Education. If either party determines that it would be inappropriate for an intern to accompany the mediator, the party should notify the Department of Education and no intern will accompany the mediator.

### **Arrangements for initial mediation session**

Arrangements for the initial mediation session will be coordinated by the office of the commissioner of education. A written notice of the initial mediation session will be transmitted to all pertinent parties not less than five (5) calendar days prior to such session.

ANY RESCHEDULING, CONTINUANCE OR CANCELLATION OF THE INITIAL MEDIATION SESSION SHALL BE THE RESPONSIBILITY OF THE PARTIES IN COOPERATION WITH THE MEDIATOR. THE COMMISSIONER'S OFFICE SHALL BE NOTIFIED OF SUCH ACTION.

### **Mediation session**

The mediator should receive from the parties, either jointly or separately, prior to the first mediation session:

- a copy of the current contract, if any;
- a list of those issues in the current contract which have not been in dispute during negotiation and are therefore deemed resolved;
- a list of those issues which each party believes to have been resolved in negotiations, including the language they believe to be agreed upon;
- a list of all issues that each party believes still to be in dispute, with their current proposals for these issues, and
- any other information which the parties may deem to be helpful to the mediator.

If the parties separately submit the above items, then each party shall transmit a copy of the information to the other party in the dispute at the same time that such information is submitted to the mediator.

The mediation session shall be regarded as a nonpublic session. Only official representatives of the parties may be in attendance, unless the parties, after consultation with the mediator, agree to permit other individuals to attend the mediation session.

If the parties reach an agreement on all issues during mediation, the mediator shall inform the commissioner of that fact in writing. If the parties have not agreed upon the specific language or term of certain items, the mediator shall so note.

If the parties do not reach agreement they shall submit in writing, to the mediator, prior to completion of the last mediation session, each party's position on each item still in dispute.

Prior to the initial arbitration hearing, the parties, with the assistance of the mediator, shall determine and reduce to writing a joint memorandum signed by the parties stating:

- any issue that was never in dispute and is agreed upon (i.e., present contract provision that will remain status quo);
- any issue that is agreed upon, including the specific language;
- any issue that was agreed upon but for which the parties have not agreed upon the specific language, and
- any issue not agreed upon and therefore in dispute.

### **Fee schedule for mediators**

A per diem fee schedule for mediators shall be filed with the commissioner of education and such information shall be available to any requesting person. (See Appendix J for the information form.) The cost of mediation shall be shared equally by the parties.

A mediator shall not disclose confidential communications made to the mediator in the course of mediation, unless the party which made the communication waives the privilege of confidentiality.

## **Guidelines for Arbitration**

IT IS THE POSITION OF THE DEPARTMENT OF EDUCATION THAT PARTIES WHICH ENTER THE ARBITRATION PROCESS ARE VALIDLY AT IMPASSE AND ARE THEREFORE COMMENCING THIS STATUTORILY MANDATED ARBITRATION PROCESS TO RESOLVE DISPUTED ISSUES. HOWEVER, THE PARTIES ARE ENCOURAGED TO CONTINUE THE NEGOTIATION PROCESS DURING THE ARBITRATION PERIOD, WITH OR WITHOUT THE SERVICES OF A MEDIATOR.

### **Commencement of arbitration**

If an agreement has not been reached on the eighty-fifth (85th) day prior to budget submission or on the fourth (4th) day after the mediator has terminated mediation, whichever is sooner, the parties are to name, by mutual agreement, a single impartial arbitrator or name their respective party arbitrators.

Arbitrators must be selected from the Arbitration Panel of the Department of Education.

Unless the parties have mutually agreed to a single impartial arbitrator, the party arbitrators shall select an impartial arbitrator within five (5) days after the selection of the party arbitrators, but no later than the eightieth (80th) day prior to budget submission.

Prior to the initial arbitration hearing, the parties shall be informed, by the arbitrator that represents their interests or by the single arbitrator, the extent of the initial arbitration hearing. When there is a tripartite panel, the three members of the panel will consult and determine, based upon the time available for the hearing, what will be required from the parties at such first hearing.

### **Initial arbitration hearing**

All arbitration hearings are to be conducted in the school district. The *initial* arbitration hearing shall be held in the school district between the seventh (7th) and fifteenth (15th) days, inclusive, after the selection of the impartial arbitrator. The impartial arbitrator shall set the date, time and place for the hearing, after discussion with the party arbitrators.

Notice of the initial arbitration hearing will be sent by the commissioner's office, certified mail return receipt requested, prior to the initial hearing. Notice shall be sent to all parties.

At the commencement of the initial hearing, the parties shall present, in writing, to the chairperson of the arbitration panel or the single arbitrator, the names and addresses of the individuals who should receive an official copy of the decision on behalf of each of the parties.

Each party shall designate its spokesperson(s). Such individual(s) will present their party's offers and submit all relevant evidence, introduce documents and written material, including questioning any pertinent witnesses, and may argue on behalf of their party's positions, in regard to such offers.

The parties may agree to waive, prior to the commencement of the arbitration hearing, any requirement that witnesses take an oath prior to testimony.

The parties shall submit, at the initial arbitration hearing, to each of the three arbitrators or the single arbitrator, a copy of the present contract.

The joint memorandum written during mediation also shall be submitted at the initial arbitration hearing.

Only those issues still in dispute will be presented by the parties at the hearing. Those issues which were agreed upon and/or were never in dispute will not be addressed at the hearing but will be noted and incorporated in the arbitration decision.

### **Subsequent hearings**

It is the responsibility of the impartial arbitrator to notify the parties of any rescheduling or continuance and/or cancellations, subsequent to the initial hearing. The commissioner's office shall be informed by the impartial arbitrator of all rescheduling, continuances and/or cancellations. However, the hearing shall be concluded within twenty-five (25) calendar days after its commencement.

A stenographic record shall be made of the arbitration hearing. The parties shall share the cost of such record. If either party wishes a transcription of such record, that party shall pay for the transcription; if both parties request a transcription, they shall share equally the cost of the transcription.

Each party shall present to the arbitration panel or the single arbitrator, and the other party, no later than the second session of the arbitration hearing, its offers in writing, issue by issue, which shall constitute such party's proposal for each disputed issue. The offer for each disputed issue shall be



on a separate sheet of paper. The submission of each offer shall consist of (1) title of the issue and (2) the language of such proposal on such issue. If the issue is in the present contract, it shall be cited by article and section of the contract with the language of such article and section.

### **Last best offer**

During the hearing each party may change its written offer on any disputed issue, according to the established procedures outlined below.

- If any offer is changed during the hearing, such change shall be in writing. It shall then become such party's proposal for such issue. The other party shall have the opportunity to reevaluate its offer as a result of such change, but any change by such party must be in writing.
- The chairperson of the arbitration panel or the single arbitrator shall inform the parties prior to the close of the arbitration hearing that they shall make their LAST BEST OFFER on each issue still in dispute. The date for such submission shall not be later than the twentieth (20th) day after the initial arbitration hearing.
- If a party does not change a proposal and wishes it to become its LAST BEST OFFER on that issue, the party shall note that on the record and in writing, stating that such proposal (identified) is now its LAST BEST OFFER.
- If a party's LAST BEST OFFER is different from its proposal, it shall state the LAST BEST OFFER in writing (listing each LAST BEST OFFER on a separate sheet of paper).

If the parties reach an agreement on any issue prior to any final decision of the arbitration panel or the single arbitrator, the parties may so stipulate, in writing, and jointly file with the arbitrators or the single arbitrator such stipulation setting forth the contract provisions which both parties agree to accept. These stipulations must include the exact language agreed upon by the parties. Section 10-153f(c) (4), of the Connecticut General Statutes as amended, requires that the decision of the arbitrators or the single arbitrator incorporate those items of agreement the parties have reached prior to the issuance of a decision.

No hearing shall extend beyond twenty-five (25) calendar days from its commencement. Once the hearing has been terminated, the decision of the arbitration panel or the single arbitrator shall be rendered, in writing, within twenty (20) calendar days of the close of such hearing.

The arbitration hearing shall be regarded as a nonpublic session, with only pertinent individuals in attendance, unless the arbitration panel or the single arbitrator, after consultation with the parties, decides otherwise.

The parties should follow, where applicable, the provisions of the Uniform Administrative Procedure Act, as delineated in Section 4-166 *et seq.* of the Connecticut General Statutes, as amended.

Each impartial arbitrator, representing the interests of the public in general, shall be guided by the objectives and the principles set forth in the "Code of Professional Responsibility for Arbitrators of Labor-Management Disputes" of the National Academy of Arbitrators, American Arbitration Association, and the Federal Mediation and Conciliation Service. All arbitrators shall sign, and make part of the record, arbitrator oaths.

### **Arbitration award**

The award shall include:

- names of parties to the dispute
- name(s) of arbitrator(s)
- date of the decision
- name(s) and titles(s) of spokesperson(s)
- all issues never in dispute and there agreed upon by the parties, including those issues which may have been stipulated in writing and filed with the arbitrators
- list of issues in dispute
- decision of the arbitrator(s) on each issue in dispute, including the specific language stating in detail the nature of the decision (see Section 10-153f(c)(4))
- notation, immediately after each issue, of any dissent, with name of dissenting arbitrator

(A more detailed dissent may be attached to the decision with the first and second items noted above, listed on the first page of such dissent for identification. This detailed dissent, if any, shall be subscribed by the dissenter. Such dissent shall be attached to the decision and submitted at the same time as the decision in accordance with the time lines.)

- decision, subscribed to by the arbitrator(s)

A copy of such decision shall be mailed, not later than the next business day after signing by the arbitration panel or the single arbitrator, but no later

than the twenty-first (21st) calendar day after the close of the hearing, by the chairperson of the arbitration panel or the single arbitrator, certified, return receipt requested, to

- the commissioner of education
- the individual(s) designated by each party to receive such decision;
- each town clerk in the school district involved.

All documents and exhibits shall be retained by the chairperson until otherwise instructed in writing by the commissioner of education.

The arbitration decision shall become the contract between the parties (unless modified or vacated by the court in accordance with Section 10-153f(c)(7) as amended), and shall therefore state or incorporate by reference all the terms and conditions agreed upon and/or stipulated by the parties, and the decision of the arbitration panel or the single arbitrator in regard to the parties LAST BEST OFFER for each disputed issue.

#### **Arbitrators' per diem**

Arbitrators' per diem fee schedules shall be filed with the commissioner of education and such information shall be available to any requesting party. (See Appendix J for the information form.)

**Appendix A**  
**An Act Concerning School**  
**Board-Teacher Negotiations**

**Source:** Connecticut General Statutes

The following is the full text of the revised Connecticut statute concerning the Right of Certified Professional Employees to Negotiate with Boards of Education (Sections 10-153a through 10-153n of the Connecticut General Statutes), as amended by Public Act Number 83-72 (effective July 1, 1983), Public Act Number 83-342 (effective July 1, 1983), Public Act Number 83-359 (effective October 1, 1983), Public Act Number 84-225 (effective October 1, 1984), Public Act Number 84-459 (effective July 1, 1984) and Public Act Number 84-546 (effective June 14, 1984).

**SECTION 10-153a. RIGHTS CONCERNING PROFESSIONAL ORGANIZATION AND NEGOTIATIONS. ANNUAL SERVICE FEES NEGOTIABLE ITEM.**

(a) Members of the teaching profession shall have and shall be protected in the exercise of the right to form, join or assist, or refuse to form, join or assist, any organization for professional or economic improvement and to negotiate in good faith through representatives of their own choosing with respect to salaries and other conditions of employment free from interference, restraint, coercion or discriminatory practices by any employing board of education or administrative agents or representatives thereof in derogation of the rights guaranteed by this section and sections 10-153b to 10-153n, inclusive.

⚡ **Right of educators to organize and negotiate through representatives**

(b) Nothing in this section or in any other section of the General Statutes shall preclude a local or regional board of education from making an agreement with an exclusive bargaining representative to require as a condition of employment that all employees in a bargaining unit pay to the exclusive bargaining representative of such employees an annual service fee, not greater than the amount of dues uniformly required of members of the exclusive bargaining representative organization, which represents the costs of collective bargaining, contracts administration and grievance adjustment; and that such service fee be collected by means of a payroll deduction from each employee in the bargaining unit.

⚡ **Right to bargain annual service fee**

⚡ **Annual service fee defined**

SECTION 10-153b. SELECTION OF TEACHERS' REPRESENTATIVES.

- Administrators' unit defined** ¶ (a) Whenever used in this section or in sections 10-153c to 10-153n, inclusive: (1) (A) The "administrators' unit" means those certified professional employees in a school district who are not excluded from the purview of Sections 10-153a to 10-153n, inclusive, and who are employed in positions requiring an intermediate administrator or supervisor certificate, or the equivalent thereof. (B) On and after October 1, 1983, the "administrators' unit" shall mean those certified professional employees in a school district who are not excluded from the purview of Sections 10-153a to 10-153n, inclusive, who are employed in positions requiring an intermediate administrator or supervisor certificate, or the equivalent thereof, and whose administrative or supervisory duties, for purposes of determining membership in the administrators' unit, shall equal at least fifty percent of the assigned time of such employee. Certified professional employees covered by the terms and conditions of a contract in effect prior to the effective date of Public Act 83-359 shall continue to be covered by such contract or any successor contract until such time as the employee is covered by the terms and conditions of a contract negotiated by the exclusive bargaining unit of which the employee is a member for purposes of collective bargaining pursuant to the provisions of this section.
- Fifty percent or more provision** ¶ (2) The "teachers' unit" means the group of certified professional employees who are employed by a local or regional board of education in positions requiring a teaching or other certificate and are not included in the administrators' unit or excluded from the purview of sections 10-153a to 10-153n, inclusive. (3) "Commissioner" means the commissioner of education. (4) "To post a notice" means to post a copy of the indicated material on each bulletin board for teachers in every school in the school district or, if there are no such bulletin boards, to give a copy of such information to each employee in the unit affected by such notice. (5) "Budget submission date" means the date on which a school district is to submit its itemized estimate of the cost of maintenance of public schools for the next following year to the board of finance in each town having a board of finance, to the board of selectmen in each town having no board of finance and, in any city having a board of finance, to said board, and otherwise to the authority making appropriations therein. (6) "Days" means calendar days.
- Teachers' unit defined** ¶
- Commissioner defined** ¶
- To post notice defined** ¶
- Budget submission date defined** ¶
- Days defined** ¶

(b) The superintendent of schools, assistant superintendents, certified professional employees who act for the board of education in negotiations with certified professional personnel or are directly responsible to the board of education for personnel relations or budget preparation, temporary substitutes and all noncertified employees of the board of education are excluded from the purview of this section and sections 10-153c to 10-153n, inclusive.

(c) The employees in either unit defined in this section may designate any organization of certified professional employees to represent them in negotiations with respect to salaries and other conditions of employment with the local or regional board of education which employs them by filing, during the period between March first and March thirty-first of any school year, with the board of education a petition which requests recognition of such organization for purposes of negotiation under this section and sections 10-153c to 10-153n, inclusive, and is signed by a majority of the employees in such unit. Where a new school district is formed as the result of the creation or dissolution of a regional school district, a petition for designation shall also be considered timely if it is filed at any time during the first school year of operation of any such school district. Within three school days next following the receipt of such petition, such board shall post a notice of such request for recognition and mail a copy thereof to the commissioner. Such notice shall state the name of the organization designated by the petitioners, the unit to be represented and the date of receipt of such petition by the board. If no petition which requests a representation election and is signed by twenty per cent of the employees in such unit is filed in accordance with the provisions of subsection (d) of this section, with the commissioner within the thirty days next following the date on which the board of education posts notice of the designation petition, such board shall recognize the designated organization as the exclusive representative of the employees in such unit for a period of one year or until a representation election has been held for such unit pursuant to this section and section 10-153c, whichever occurs later. If a petition complying with the provisions of subsection (d) of this section is filed within such period of thirty days, the local or regional board of education shall not recognize any organization so designated until an election has been held pursuant to said sections to determine which organization shall represent such unit.

❖ Educators excluded from the purview of this act

❖ Designation procedure

❖ New school district designation provision

<p><b>Election petition procedure</b> ♦</p> <p><b>Date for filing with commissioner</b> ♦</p> <p><b>New school district election provision</b> ♦</p> <p><b>Multiple-year contract bar</b> ♦</p> <p><b>Action of the commissioner</b> ♦</p> <p><b>Board shall post a copy of notice from the commissioner</b> ♦</p> <p><b>Intervening petitions</b> ♦</p> <p><b>Incumbent organization</b> ♦</p> <p><b>Selection of impartial agency to conduct the election</b> ♦</p>	<p>(d) Twenty per cent or more of the personnel in an administrators' unit or teachers' unit may file during the period between March first and April thirtieth of any school year with the commissioner a petition requesting that a representation election be held to elect an organization to represent such unit.</p> <p>Where a new school district is formed as the result of the creation or dissolution of a regional school district, a petition for a representation election shall also be considered timely if it is filed at any time during the first school year of operation of any such school district. Whenever a multiple-year contract is in effect, a petition requesting that a representation election be held to elect an organization to represent such unit shall be considered timely if it is filed with the commissioner between March first and April thirtieth after two years of a contract have elapsed or is filed between March first and April thirtieth of the calendar year prior to the year of expiration of the collective bargaining contract covering the employees who are the subject of the petition, whichever is sooner. The commissioner shall file notice of such petition with the local or regional board of education on or before the fifth school day following receipt of the petition. The commissioner shall not divulge the names on such petition or any petition filed with the commissioner pursuant to this section to anyone except upon court order. Such notice shall state the name of the petitioning group, the unit for which an election is sought and the date the petition was filed. Within three school days after receipt of such notice, the local or regional board of education shall post a copy of the notice. Any organization interested in representing personnel in such unit may intervene within three school days after the board posts notice of such petition by filing with the commissioner a petition signed by ten per cent of the employees in such unit provided that any employee who signs more than one such petition between March first and April thirtieth in any one school year shall not be deemed to have signed any such petition. The commissioner shall notify the local or regional board on or before the third day following receipt of the intervening petition, and such board shall post notice of the intervening petition within three days following receipt thereof. No intervening petition shall be required from any incumbent organization previously designated by the board or elected and such incumbent organization shall be listed on the ballot if a petition for a representation election is filed. The petitioning organization, the incumbent organization, if any, and any intervening organization may agree on an impartial</p>
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person or agency to conduct such an election consistent with the other provisions of this section, provided not more than one such election shall be held to elect an organization to represent the employees in such unit in any one school year, except, however, if no organization receives a majority of the vote validly cast, the election shall not be deemed completed and within ten days after the initial election a run-off election shall be held. In the event of a disagreement on the agency to conduct the election, the method shall be determined by the board of arbitration selected in accordance with section 10-153c. The person or agency so selected shall conduct, between twenty and forty-five days after the first petition requesting an election is filed with the commissioner, an election by secret ballot to determine which organization, if any, shall represent such unit, provided if no organization receives a majority of the vote validly cast, such election shall not be deemed completed and a run-off election between the two choices receiving the largest and second largest number of valid votes cast in the election, shall be held within ten days after the initial election. The organizations participating in the election and the organizations participating in the run-off election shall share equally in the cost incurred by the impartial person or agency selected to conduct each election. Such person or agency shall immediately report the results of the election or run-off election to the commissioner. Within five days after receipt of the tally of ballots in the election or run-off election, any party to said election or run-off election may file with the commissioner any objection to said election or run-off election. If timely objections are found to be valid and they affected the results of the election or run-off election, the commissioner shall order another election or run-off election, as appropriate, to be conducted within ten days of the commissioner's decision. If satisfied that the election or run-off election has been conducted properly, the commissioner shall certify that the organization receiving a majority of votes is the exclusive representative of the employees in such unit.

(e) The representative designated or elected in accordance with this section shall, from the date of such designation or election, be the exclusive representative of all the employees in such unit for the purposes of negotiating with respect to salaries and other conditions of employment, provided any certified professional employee or group of such employees shall have the right at any time to present any grievance to such persons as the local or

- ◆ Time period for conducting election
- ◆ Secret ballot
- ◆ Run-off election
- ◆ Cost of elections
- ◆ Certification of election results
- ◆ Filing of objection
- ◆ Certification of exclusive bargaining representative
- ◆ Duty of designated representative



regional board of education shall designate for that purpose. The terms of any existing contract shall not be abrogated by the election or designation of a new representative. During the balance of the term of such contract the board of education and the new representative shall have the duty to negotiate pursuant to section 10-153d concerning a successor agreement. The new representative shall, from the date of designation or election, acquire the rights and powers and shall assume the duties and obligations of the existing contract during the period of its effectiveness.

**Combined unit representation**

(f) Any organization which has been designated or elected the exclusive representative of a unit which includes teachers and administrators shall continue to be the exclusive representative of such personnel upon expiration of the salary agreement in effect between such organization and the board of education employing such personnel on July 1, 1969, until or unless employees of such board of education in either of the units defined in this section initiate a petition for designation or election of an organization to represent them in accordance with the procedures set forth in sections 10-153a to 10-153n, inclusive.

**SECTION 10-153c. DISPUTES AS TO ELECTIONS.**

**Disputes as to eligibility of persons voting or agency to conduct the election**

Any dispute as to the eligibility of personnel to vote in an election, or the agency to conduct the election required by section 10-153b, shall be submitted to a board of arbitration for a binding decision with respect thereto. If there are two or more organizations seeking to represent employees, each may name an arbitrator within five days after receipt of a request for arbitration made in writing by any party to the dispute. Such arbitrators shall select an additional impartial member thereof within five days after the arbitrators have been named by the parties. The impartial agency selected to conduct the election shall decide all procedural matters relating to such election and shall conduct such election fairly. Each organization shall have, during the election process, equal access to school mail boxes and facilities.

**Negotiations**

**SECTION 10-153d. MEETING BETWEEN BOARD OF EDUCATION AND FISCAL AUTHORITY REQUIRED. DUTY TO NEGOTIATE.**

**Board of education to meet with authority for making appropriations**

(a) Within thirty days prior to the date on which the local or regional board of education is to

commence negotiations pursuant to this section, such board of education shall meet and confer with the board of finance in each town or city having a board of finance, with the board of selectmen in each town having no board of finance and otherwise with the authority making appropriations therein. A member of such board of finance, such board of selectmen, or such other authority making appropriations, shall be permitted to be present during negotiations pursuant to this section and shall provide such fiscal information as may be requested by the board of education.

(b) The local or regional board of education and the organization designated or elected as the exclusive representative for the appropriate unit, through designated officials or their representatives, shall have the duty to negotiate with respect to salaries and other conditions of employment about which either party wishes to negotiate. Such negotiations shall commence not less than one hundred eighty days prior to the budget submission date. Any local board of education shall file forthwith a signed copy of any contract with the town clerk and with the commissioner of education. Any regional board of education shall file forthwith a signed copy of any such contract with the town clerk in each member town and with the commissioner of education. Upon receipt of a signed copy of such contract the clerk of such town shall give public notice of such filing. The terms of such contract shall be binding on the legislative body of the local or regional school district, unless such body rejects such contract at a regular or special meeting called and convened for such purpose within thirty days of the filing of the contract. If a vote on such contract is petitioned for in accordance with the provisions of section 7-7, in order to reject such contract, a minimum number of those persons eligible to vote equal to fifteen per cent of the electors of such local or regional school district shall be required to participate in the voting and a majority of those voting shall be required to reject. Any regional board of education shall call a district meeting to consider such contract within such thirty-day period if the chief executive officer of any member town so requests in writing within fifteen days of the receipt of the signed copy of the contract by the town clerk in such town. The body charged with making annual appropriations in any school district shall appropriate to the board of education whatever funds are required to implement the terms of any contract not rejected pursuant to this section. All organizations seeking to

⚡ **Authority for appropriations to be present during negotiations and provide fiscal information**

⚡ **Duty to negotiate**

**Negotiations to commence not less than 180 days prior to the budget submission date**

⚡ **Filing a signed contract**

⚡ **Terms of a contract binding unless the local legislative body rejects it**

**Equal treatment to organizations seeking to represent members of the teaching profession**

represent members of the teaching profession shall be accorded equal treatment with respect to access to teachers, principals, members of the board of education, records, mail boxes and school facilities and, in the absence of any recognition or certification as the exclusive representative as provided by section 10-153b, participation in discussions with respect to salaries and other conditions of employment.

**If the legislative body rejects**

(c) If the legislative body rejects the contract pursuant to the provisions of subsection (b) of this section, the parties shall commence the arbitration process, in accordance with the provisions of subsection (c) of section 10-153f, on the fifth day next following the rejection which, for the purposes of this procedure, shall serve as the equivalent of the eighty-fifth day prior to the budget submission date, provided, if requested by either party, the parties shall mediate the contract dispute prior to the initial arbitration hearing. The parties shall meet with a mediator mutually selected by them, provided such parties shall inform the commissioner of the name of such mediator. If the parties are unable to mutually select a mediator, then the parties shall meet with the commissioner or the commissioner's agent or a mediator designated by said commissioner. Mediators shall be chosen from a panel of mediators selected by the State Board of Education or from outside such panel if mutually agreed by the parties. Such mediators shall receive a per diem fee determined on the basis of the prevailing rate for such services, and the parties shall share equally in the cost of such mediation. In any civil or criminal case, any proceeding preliminary thereto, or in any legislative or administrative proceeding, a mediator shall not disclose any confidential communication made to such mediator in the course of mediation unless the party making such communication waives such privilege. The parties shall provide such information as the commissioner may require. The commissioner may recommend a basis for settlement but such recommendations shall not be binding upon the parties.

**SECTION 10-153e. STRIKES PROHIBITED. INTERFERENCE WITH THE EXERCISE OF EMPLOYEES' RIGHTS PROHIBITED. HEARING BEFORE STATE BOARD OF LABOR RELATIONS. APPEAL. PENALTY.**

**No strikes**

(a) No certified professional employee shall, in an effort to effect a settlement of any disagreement with the employing board of education, en-

gage in any strike or concerted refusal to render services. This provision may be enforced in the superior court for any judicial district in which said board of education is located by an injunction issued by said court or a judge thereof pursuant to sections 52-471 to 52-479, inclusive, provided the commissioner of education shall be given notice of any hearing and the commissioner or said commissioner's designee shall be an interested party for the purposes of section 52-474.

◆ **Issuance of injunctions**

(b) The local or regional board of education or its representatives or agents are prohibited from:

◆ **Board of education prohibitions**

(1) Interfering, restraining or coercing certified professional employees in the exercise of the rights guaranteed in sections 10-153a to 10-153n, inclusive; (2) dominating or interfering with the formation, existence or administration of any employees' bargaining agent or representative; (3) discharging or otherwise discriminating against or for any certified professional employee because such employee has signed or filed any affidavit, petition or complaint under said sections; (4) refusing to negotiate in good faith with the employees' bargaining agent or representative which has been designated or elected as the exclusive representative in an appropriate unit in accordance with the provisions of said sections; or (5) refusing to participate in good faith in mediation or arbitration. A prohibited practice committed by a board of education, its representatives or agents shall not be a defense to an illegal strike or concerted refusal to render services.

(c) Any organization of certified professional employees or its agents is prohibited from: (1) Interfering, restraining or coercing (A) certified professional employees in the exercise of the rights guaranteed in this section and sections 10-153a to 10-153c, inclusive, provided that this shall not impair the right of an employees' bargaining agent or representative to prescribe its own rules with respect to acquisition or retention of membership provided such rules are not discriminatory and (B) a board of education in the selection of its representatives or agents; (2) discriminating against or for any certified professional employee because such employee has signed or filed any affidavit, petition or complaint under said sections; (3) refusing to negotiate in good faith with the employing board of education, if such organization has been designated or elected as the exclusive representative in an appropriate unit; (4) refusing to participate in good faith in mediation or arbitration; or (5) soliciting or ad-

◆ **Professional employees organization prohibitions**

vocating support from public school students for activities of certified professional employees or organizations of such employees.

**'To negotiate in good faith' defined** †

(d) As used in this section, sections 10-153a to 10-153c, inclusive, and section 10-153g, "to negotiate in good faith" is the performance of the mutual obligation of the board of education or its representatives or agents and the organization designated or elected as the exclusive representative for the appropriate unit to meet at reasonable times, including meetings appropriately related to the budget-making process, and to participate actively so as to indicate a present intention to reach agreement with respect to salaries 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.

**Prohibitive practices** †

(e) Whenever a board of education or employees' representative organization has reason to believe that a prohibited practice, as defined in subsection (b) or (c) of this section, has been or is being committed, such board of education or representative shall file a written complaint with the state board of labor relations and shall mail a copy of such complaint to the party that is the subject of the complaint. Upon receipt of a properly filed complaint said board shall refer such complaint to the agent who shall, after investigation and within ninety days after the date of such referral, either (1) make a report to said board recommending dismissal of the complaint or (2) issue a written complaint charging prohibited practices. If no such report is made and no such written complaint is issued, the board of labor relations in its discretion may proceed to a hearing upon the party's original complaint of the violation of this chapter which shall in such case be treated for the purpose of this section as a complaint issued by the agent. Upon receiving a report from the agent recommending dismissal of a complaint, said board of labor relations may issue an order dismissing the complaint or may order a further investigation or a hearing thereon. Upon receiving a complaint issued by the agent, the board of labor relations shall set a time and place for the hearing. Any such complaint may be amended with the permission of said board. The party 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

**Filing complaint with state board of labor relations** †

**Investigation** †

**Report of investigation** †

**Hearing procedure** †

such other time as said board may limit. Such party shall have the right to appear in person or otherwise to defend against such complaint. In the discretion of said board any person may be allowed to intervene in such proceeding. In any hearing said board shall not be bound by technical rules of evidence prevailing in the courts. A stenographic or electronic record of the testimony shall be taken at all hearings of the board of labor relations and a transcript thereof shall be filed with said board upon its request. Said board shall have the power to order the taking of further testimony and further argument. If, upon all the testimony, said board determines that the party complained of has engaged in or is engaging in any prohibited practice, it shall state its finding of fact and shall issue and cause to be served on such party an order requiring it to cease and desist from such prohibited practice, and shall take such further affirmative action as will effectuate the policies of subsections (b) to (d), inclusive, of this section. Such order may further require such party to make reports from time to time showing the extent to which the order has been complied with. If upon all the testimony the board of labor relations is of the opinion that the party named in the complaint has not engaged in or is not engaging in any such prohibited practice, then said board shall make its finding of fact and shall issue an order dismissing the complaint. Until a transcript of the record in a case has been filed in the superior court, as provided in subsection (g) of this section, said board may at any time, upon notice, modify or set aside in whole or in part any finding or order made or issued by it. Proceedings before said board shall be held with all possible expedition. Any party who wishes to have a transcript of the proceedings before the board of labor relations shall apply therefor. The parties may agree on the sharing of the costs of the transcript but, in the absence of such agreement, the costs shall be paid by the requesting party.

‡ Post-hearing action

(f) For the purpose of hearings pursuant to this section before the board of labor relations said board shall have power to administer oaths and affirmations and to issue subpoenas requiring the attendance of witnesses. In case of contumacy or refusal to obey a subpoena issued to any person, the superior court, upon application by said board, shall have jurisdiction to order such person to appear before said board to produce evidence or to give testimony touching the matter under investigation or in question, and any failure to obey such order may

‡ Powers of board of labor relations

be punished by said court as a contempt thereof. No person shall be excused from attending and testifying or from producing books, records, correspondence, documents or other evidence in obedience to the subpoena of the board, on the ground that the testimony or evidence required may tend to incriminate or subject such person to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which such individual is compelled, after claiming a privilege against self-incrimination, to testify or produce evidence, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying. Complaints, orders and other processes and papers of the board of labor relations or the agent may be served personally, by registered or certified mail, by telegraph or by leaving a copy thereof at the principal office or place of business of the person required to be served. The verified return of service shall be proof of such service. Witnesses summoned before said board or the agent shall be paid the same fees and mileage allowances that are paid witnesses in the courts of this state, and witnesses whose depositions are taken and the person taking the same shall severally be entitled to the same fees as are paid for like services in the courts of this state. All processes of any court to which an application or petition may be made under this chapter may be served in the judicial district wherein the person or persons required to be served reside or may be found.

**Board of labor relations †  
may petition the superior  
court for enforcement**

(g) (1) The board of labor relations may petition the superior court for the judicial district wherein the prohibited practice in question occurred or wherein any party charged with the prohibited practice resides or transacts business, or, if said court is not in session, any judge of said court, for the enforcement of an order and for appropriate temporary relief or a restraining order, and shall certify and file in the court a transcript of the entire record of the proceedings, including the pleadings and testimony upon which such order was made and the finding and orders of said board. Within five days after filing such petition in the superior court, said board shall cause a notice of such petition to be sent by registered or certified mail to all parties or their representatives. The superior court, or, if said court is not in session, any judge of said court, shall have jurisdiction of the proceedings and of the questions determined thereon, and shall have the power to grant such relief, including temporary re-

lief, as it deems just and suitable and to make and enter a decree enforcing, modifying and enforcing as so modified, or setting aside in whole or in part, the order of said board. (2) No objection that has not been urged before the board of labor relations shall be considered by the court, unless the failure to urge such objection is excused because of extraordinary circumstances. The findings of said board as to the facts, if supported by substantial evidence, shall be conclusive. If either party applies to the court for leave to adduce additional evidence and shows to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before said board, the court may order such additional evidence to be taken before said board and to be made part of the transcript. The board of labor relations may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken, and it shall file such modified or new findings, which, if supported by substantial evidence, shall be conclusive, and shall file its recommendations, if any, for the modification or setting aside of its original order. (3) The jurisdiction of the superior court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the supreme court, on appeal, by either party, irrespective of the nature of the decree or judgment or the amount involved. Such appeal shall be taken and prosecuted in the same manner and form and with the same effect as is provided in other cases of appeal to the supreme court, and the record so certified shall contain all that was before the lower court. (4) Any party aggrieved by a final order of the board of labor relations granting or denying in whole or in part the relief sought may obtain a review of such order in the superior court for the judicial district where the prohibited practice was alleged to have occurred or in the judicial district wherein such party resides or transacts business by filing in the court, or, if said court is not in session, with any judge thereof, within two weeks from the date of such order, a written petition in duplicate praying that the order of said board be modified or set aside. The clerk of the superior court shall thereupon mail the duplicate copy to said board. The board of labor relations shall then file in said court a transcript of the entire record in the proceeding, certified by said board, including the pleadings, testimony and order of the board. Upon such filing said court or such judge shall proceed in the same manner as in the case of a petition by said board under

¶ Jurisdiction of the superior court

¶ Review



this section and shall have the same exclusive jurisdiction to grant to the party such temporary relief or restraining order as it deems just and suitable, and in like manner to make and enter a decree enforcing or modifying and enforcing as so modified or setting aside, in whole or in part, the order of said board. Unless otherwise directed by the court, commencement of proceedings under subdivisions (1) and (4) of this subsection shall not operate as a stay of such order. (5) Petitions filed under this subsection shall be heard expeditiously and determined upon the transcript filed, without requirement of printing. Hearings in the superior court or supreme court under this chapter shall take precedence over all other matters, except matters of the same character.

(h) Subject to regulations to be made by the board of laborrelations, the complaints, orders and testimony relating to a proceeding instituted under subsection (e) of this section may be available for inspection or copying. All proceedings pursuant to said subsection shall be open to the public.

(i) Any person who willfully resists, prevents or interferes with any member of the board of labor relations or the agent in the performance of duties pursuant to subsections (e) to (i), inclusive, of this section shall be fined not more than five hundred dollars or imprisoned not more than six months or both.

#### SECTION 10-153f. MEDIATION AND ARBITRATION OF DISAGREEMENTS.

##### Arbitration panel ¶

(a) There shall be in the department of education an arbitration panel of twenty-one persons to serve as provided in subsection (c) of this section. The governor shall appoint such panel, with the advice and consent of the general assembly, as follows: (1) Seven members shall be representative of the interests of local and regional boards of education and shall be selected from lists of names submitted by such boards; (2) seven members shall be representative of the interests of exclusive bargaining representatives of certified employees and shall be selected from lists of names submitted by such bargaining representatives; and (3) seven members shall be impartial representatives of the interests of the public in general and shall be selected from lists of names submitted by the state board of education. Each member of the panel shall serve a term concurrent with that of the governor provided each arbitrator shall hold office until a suc-

cessor is appointed and, provided further, any arbitrator not reappointed shall finish to conclusion any arbitration for which such arbitrator has been selected or appointed. Arbitrators may be removed for good cause. If any vacancy occurs in such panel, the governor shall act within forty days to fill such vacancy in the manner provided in section 4-19. Persons appointed to the arbitration panel shall serve without compensation but each shall receive a per diem fee for each day during which he or she is engaged in the arbitration of a dispute pursuant to this section. The parties to the dispute so arbitrated shall pay the fee in accordance with subsection (c) of this section.

(b) If any local or regional board of education cannot agree with the exclusive representatives of a teachers' or administrators' unit after negotiation concerning the terms and conditions of employment applicable to the employees in such unit, either party may submit the issues to the commissioner for mediation. On the one hundred tenth day prior to the budget submission date, the commissioner shall order the parties to report their settlement. If, on such one hundred tenth day, the parties have not reached agreement and have failed to initiate mediation, the commissioner shall order the parties to notify the commissioner of the name of a mutually selected mediator and to commence mediation. The commissioner may order the parties to appear before said commissioner during the mediation period. In either case, the parties shall meet with a mediator mutually selected by them, provided such parties shall inform the commissioner of the name of such mediator, or with the commissioner or commissioner's agents or a mediator designated by said commissioner. Mediators shall be chosen from a panel of mediators selected by the state board of education or from outside such panel if mutually agreed by the parties. Such mediators shall receive a per diem fee determined on the basis of the prevailing rate for such services, and the parties shall share equally in the cost of such mediation. In any civil or criminal case, any proceeding preliminary thereto, or in any legislative or administrative proceeding, a mediator shall not disclose any confidential communication made to such mediator in the course of mediation unless the party making such communication waives such privilege. The parties shall provide such information as the commissioner may require. The commissioner may recommend a basis for settlement but such recommendations shall not be binding upon

◆ **Mediation**

◆ **Either party may request**

◆ **The mediation process to commence 110 days prior to budget submission date**

◆ **Selection of mediator**

◆ **Parties to share the cost**

◆ **Recommendation for settlement**

the parties. Such recommendation shall be made within twenty-five days after the day on which mediation begins.

Commencement of the  
arbitration process

Selection of arbitrator(s)

(c) (1) On the fourth day next following the end of the mediation session or on the eighty-fifth day prior to the budget submission date, whichever is sooner, the commissioner shall order the parties to report their settlement of the dispute or, if there is no settlement, to notify the commissioner of the name of the single arbitrator mutually selected by them or shall notify the commissioner of the name of the arbitrator selected by each of them. The commissioner may order the parties to appear before said commissioner during the arbitration period. Unless the parties have agreed to submit their dispute to a single arbitrator, their designated arbitrators shall select a third arbitrator, who shall be an impartial representative of the interests of the public in general, within five days after the parties have selected their arbitrators as provided above, and they shall notify the commissioner of the name of such third arbitrator. If either party fails to notify the commissioner of the name of an arbitrator, the commissioner shall designate an arbitrator to serve and the two arbitrators shall select a third who shall be an impartial representative of the interests of the public in general. If in either case the two arbitrators fail to agree on the selection of a third arbitrator within five days after the parties have selected or the commissioner has designated such arbitrators as provided above, the commissioner shall select the third arbitrator who shall be an impartial representative of the interests of the public in general. If both parties fail to select an arbitrator, the commissioner shall recommend to the parties the names of three arbitrators, who shall be impartial representatives of the interests of the public in general, and the parties shall mutually select one of those so recommended to arbitrate the dispute, provided that if the parties are unable to agree on the selection of such arbitrator, the commissioner shall designate such arbitrator. Arbitrators shall be selected from the panel appointed pursuant to subsection (a) of this section and shall receive a per diem fee determined on the basis of the prevailing rate for such services. Whenever a panel of three arbitrators is selected, the chairperson of such panel shall be the impartial representative of the interests of the public in general.

Arbitration hearing

(2) The chairperson of the arbitration panel or the single arbitrator shall set the date, time and place for a hearing to be held in the school district be-

tween the seventh and fifteenth day, inclusive, after such chairperson or such single arbitrator is designated. At least five days prior to such hearing, a written notice of the date, time and place of the hearing shall be sent to the board of education and the representative organization which are parties to the dispute, and, if a three-member arbitration panel is selected or designated, to the other members of such panel. Such written notice shall also be sent to the fiscal authority having budgetary responsibility or charged with making appropriations for the school district, and a representative designated by such body may be heard at the hearing as part of the presentation and participation of the board of education. At the hearing each party shall have full opportunity to submit all relevant evidence, to introduce relevant documents and written material, and to argue on behalf of its positions. The chairperson of the arbitration panel or the single arbitrator shall preside over such hearing.

(3) The hearing may, at the discretion of the arbitration panel or the single arbitrator, be continued but in any event shall be concluded within twenty-five days after its commencement.

(4) After hearing all the issues, the arbitrators or the single arbitrator shall, within twenty days, render a decision in writing, signed by a majority of the arbitrators or the single arbitrator, which states in detail the nature of the decision and the disposition of the issues by the arbitrators or the single arbitrator. Such written decision shall include a narrative explaining the evaluation by the arbitrators or the single arbitrator of the evidence presented for each item upon which a decision was rendered by the arbitrators or the single arbitrator. The arbitrators or the single arbitrator shall file one copy of the decision with the commissioner, each town clerk in the school district involved and the board of education and organization which are parties to the dispute. The decision of the arbitrators or the single arbitrator shall be final and binding upon the parties to the dispute. Such decision of the arbitrators or the single arbitrator shall incorporate those items of agreement the parties have reached prior to its issuance. At any time prior to the issuance of a decision by the arbitrators or the single arbitrator, the parties may jointly file with the arbitrators or the single arbitrator, any stipulations setting forth contract provisions which both parties agree to accept. The factors to be considered by the arbitrators or the single arbitrator in arriving at a decision shall include (A) The negotiations between the parties

⚡ **Filing a written decision**

⚡ **Decision shall be final and binding**

⚡ **Incorporation of previously agreed items**

⚡ **Factors to be considered in arriving at a decision**

Last best offer ♦	prior to arbitration; (B) the public interest and the financial capability of the school district; (C) the interests and welfare of the employee group; (D) changes in the cost of living; (E) the existing conditions of employment of the employee group and those of similar groups and (F) the salaries, fringe benefits, and other conditions of employment prevailing in the state labor market. The parties shall submit to the arbitrators or the single arbitrator their respective positions on each individual issue in dispute between them in the form of a last best offer.
Issue by issue ♦	The arbitrators or the single arbitrator shall resolve separately each individual disputed issue by accepting the last best offer thereon of either of the parties, and shall incorporate in a decision each such accepted individual last best offer. Notwithstanding the provisions of subsection (b) of section 10-153d the decision of the arbitrators or the single arbitrator shall not be subject to rejection by the legislative body of the local or regional school district or by referendum. The parties shall each pay the fee of the arbitrator selected by or for them and share equally the fee of the third arbitrator or the single arbitrator and all other costs incidental to the arbitration.
Not subject to legislative body rejection ♦	
	(5) The commissioner shall assist the arbitration panel or the single arbitrator as may be required in the course of arbitration pursuant to this section.
	(6) If the day for filing any document required pursuant to this section falls on Saturday, Sunday or a holiday, the time for such filing shall be extended to the next business day thereafter.
Judicial review ♦	(7) The decision of the arbitrators or a single arbitrator shall be subject to judicial review upon the filing by a party to the arbitration, within thirty days following receipt of a final decision, of a motion to vacate or modify such decision in the superior court for the judicial district wherein the school district involved is located. The superior court, after hearing, may vacate or modify the decision if substantial rights of a party have been prejudiced because such decision is: (A) In violation of constitutional or statutory provisions; (B) in excess of the statutory authority of the panel; (C) made upon unlawful procedure; (D) affected by other error of law; (E) clearly erroneous in view of the reliable, probative and substantial evidence on the whole record; or (F) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion. In any action brought pursuant to this subdivision to vacate or modify the decision of the
Prevention of frivolous appeals ♦	

arbitrators or single arbitrator, reasonable attorney's fees, costs and legal interest on salaries withheld as the result of an appeal of said decision may be awarded in accordance with the following: Where the board of education moves to vacate or modify the decision and the decision is not vacated or modified, the court may award to the organization which is the exclusive representative reasonable attorney's fees, costs and legal interest on salaries withheld as the result of an appeal; or, where the organization which is the exclusive representative moves to vacate or modify the decision and the decision is not vacated or modified, the court may award to the board of education reasonable attorney's fees, costs and legal interest on salary withheld as the result of an appeal.

(d) The commissioner and the arbitrators or single arbitrator shall have the same powers and duties as the board under section 31-108 for the purposes of mediation or arbitration pursuant to this section, and subsection (c) of section 10-153d, and all provisions in section 31-108 with respect to procedure, jurisdiction of the superior court, witnesses and penalties shall apply.

❖ **Powers and duties of the commissioner and arbitrator(s)**

**SECTION 10-153g. NEGOTIATIONS CONCERNING SALARIES AND CONDITIONS OF EMPLOYMENT UNAFFECTED BY SPECIAL ACTS, CHARTERS, ORDINANCES.**

Notwithstanding the provisions of any special act, municipal charter or local ordinance, the provisions of sections 10-153a to 10-153n, inclusive, shall apply to negotiations concerning salaries and conditions of employment conducted by boards of education and certified personnel.

**SECTION 10-153h. APPROPRIATION.**

Section 10-153h is repealed.

**SECTION 10-153i. DESIGNATION OF STATUTORY AGENT FOR SERVICE OF PROCESS.**

(a) (1) Each administrators' or teachers' representative organization shall file with the commissioner a written designation, on such form as the commissioner shall prescribe, of a statutory agent for service of process who shall be the statutory agent for all members of the administrators' unit or teachers' unit, as defined in subsection (a) of section 10-153b, who shall be (A) a natural person

❖ **Filing of statutory agent form required for all representative organizations**

who is a resident of this state, or (B) a domestic corporation. (2) Each written appointment shall be signed by the president or vice president or secretary of the appointing organization. Each written appointment shall also be signed by the statutory agent for service therein appointed.

**Changing statutory agent**

(b) If a statutory agent for service dies, dissolves, removes from the state or resigns, the organization shall forthwith appoint another statutory agent for service. If the statutory agent for service changes such agent's address within the state from that appearing upon the record in the office of the commissioner, the organization shall forthwith file with the commissioner notice of the new address. A statutory agent for service may resign by filing with the commissioner a signed statement in duplicate to that effect. The commissioner shall forthwith file one copy and mail the other copy of such statement to the organization at its principal office. Upon the expiration of thirty days after such filing, the resignation shall be effective and the authority of such statutory agent for service shall terminate. An organization may revoke the appointment of a statutory agent for service by making a new appointment as provided in this section and any new appointment so made shall revoke all appointments theretofore made.

**SECTION 10-153j. THE MAKING OF SERVICE OF PROCESS, NOTICE OR DEMAND.**

(a) Except for citations for contempt, any process, notice or demand in connection with any action or proceeding pursuant to subsection (a) of section 10-153e, to be served upon any member of an administrators' or any member of a teachers' unit as defined in subsection (a) of section 10-153b, may be served upon the statutory agent for service by any proper officer or other person lawfully empowered to make service. The person making service of such process, notice or demand shall immediately send a true and attested copy thereof by registered or certified mail to each person named in such process, notice or demand.

(b) If it appears from the records of the commissioner that such an organization has failed to appoint or maintain a statutory agent for service, or if it appears by affidavit endorsed on the return of the officer or other proper person directed to serve any process, notice or demand upon such a statutory agent for service appearing on the records of the commissioner that such agent cannot, with reason-

able diligence, be found at the address shown on such records as the agent's address, service of such process, notice or demand may, when timely made, be made by such officer or other proper person by: (1) Leaving a true and attested copy thereof at the office of the commissioner or depositing the same in the United States mails, by registered or certified mail, postage prepaid, addressed to such office, and (2) depositing in the United States mails, by registered or certified mail, postage prepaid, a true and attested copy thereof, together with a statement by such officer that service is being made pursuant to this section, addressed to such organization at its principal office and to each person named in such process, notice or demand.

(c) The commissioner shall file the copy of each process, notice or demand received by him as provided in subsection (b) and keep a record of the day and hour of such receipt. Service made as provided in this section shall be effective as of such day and hour.

#### **SECTION 10-153k. TEACHER NEGOTIATION ACT APPLIES TO INCORPORATED OR ENDOWED HIGH SCHOOLS OR ACADEMIES.**

The provisions of sections 10-153a to 10-153n, inclusive, shall apply to all certified professional employees of an incorporated or endowed high school or academy approved pursuant to section 10-34.

#### **SECTION 10-153l. APPLICABILITY OF EMPLOYMENT OF TEACHERS STATUTE AND TEACHER NEGOTIATION LAW TO INCORPORATED OR ENDOWED HIGH SCHOOLS OR ACADEMIES.**

The provisions of section 10-151 as it pertains to employment of certified professional employees of an incorporated or endowed high school or academy approved pursuant to section 10-34 and the provisions of section 10-153k shall not become effective until a majority of all the certified professional employees at such incorporated or endowed high school or academy elect to come under the provisions of said sections 10-151 and 10-153k. The election shall be conducted by secret ballot in September, 1979 and the results thereof certified to the commissioner of education.



**SECTION 10-153m. PAYMENT OF ATTORNEY'S FEES IN PROCEEDINGS TO VACATE OR CONFIRM TEACHER GRIEVANCE ARBITRATION AWARDS.**

In any action brought pursuant to section 52-418 to vacate an arbitration award rendered in a controversy between a board of education and a teacher or the organization which is the exclusive representative of a group of teachers, or to confirm, pursuant to section 52-417, such an arbitration award, reasonable attorney's fees and costs may be awarded in accordance with the following: (1) Where the board of education moves to vacate an award and the award is not vacated, the court may award reasonable attorney's fees and costs to the teacher; (2) where the teacher moves to vacate an award and the award is not vacated, the court may award reasonable attorney's fees and costs to the board of education; (3) where the teacher moves to confirm an award, if the board of education refuses to stipulate to such confirmation and if the award is confirmed, the court may award reasonable attorney's fees and costs to the teacher; (4) where the board of education moves to confirm an award, if the teacher refuses to stipulate to such confirmation and if the award is confirmed, the court may award reasonable attorney's fees and costs to the board of education.

**SECTION 10-153n. APPLICABILITY OF EMPLOYMENT OF TEACHERS STATUTE AND TEACHER NEGOTIATION LAW TO THE GILBERT SCHOOL IN WINCHESTER.**

Notwithstanding the provisions of section 10-153l, the provisions of section 10-151 as it pertains to employment of certified professional employees of an incorporated or endowed high school or academy approved pursuant to section 10-34, and the provisions of sections 10-153a to 10-153m, inclusive, shall apply to all certified professional employees of the Gilbert School in Winchester.

# Appendix B Regulations Concerning Prohibited Practice Complaints

Source: State Board of Labor Relations

## Preface

Prohibited practice jurisdiction i.e. unfair labor practices, under the School Board-Teacher Negotiation Act is vested in the Connecticut State Board of Labor Relations. Below are the regulations promulgated by the Board. It should be noted that the Act only permits boards of education or employees' representative organizations to file prohibited practice complaints. (See: Sec. 10-153e(c)).

## Regulations

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**School Board — Teacher Negotiations**

**Article I**

**Description of Organization and Definitions**

**Sec. 10-153e-1. Creation and authority**

The Connecticut State Board of Labor Relations was established in 1945 by section 31-102 of the General Statutes and administers various labor relations statutes including the Act Concerning School Board-Teacher Negotiations, sections 10-153a to 10-153j of the General Statutes.

The three Board members are appointed by the governor with the advice and consent of the General Assembly. Pursuant to section 31-103, the Board appoints an agent and a general counsel for four-year terms of office, and may appoint such assistant agents and other employees as are needed to carry out the work of the Board without undue delay.

(Effective May 7, 1980)

**Sec. 10-153e-2. Functions**

It is the function of the quasi-judicial Board to enforce the collective bargaining statutes by deciding prohibited practice cases. The board also promulgates regulations and exercises other powers necessary to the administration of the collective bargaining statutes under its jurisdiction.

The agent and assistant agents hold informal investigation and mediation conferences with parties to a complaint in an effort to resolve the labor relations dispute before a board hearing. If settlement is not possible the agent may recommend dismissal of a complaint or assign the matter for a hearing before the Board.

The general counsel is the legal advisor to the Board and staff and represents the Board in court appeals, enforcement proceedings and other judicial and administrative proceedings to which the Board is a party or is interested.

(Effective May 7, 1980)

**Sec. 10-153e-3. Official address**

All communications should be addressed to the State Board of Labor Relations, 200 Folly Brook Boulevard, Wethersfield, Connecticut 06109.

(Effective May 7, 1980)

**Sec. 10-153e-4. Public information**

The public may inspect the regulations, decisions and public records of the board at its offices in Wethersfield. There is no prescribed form for requests for information. Written requests should be submitted to the Board at its above stated official address.

(Effective May 7, 1980)

**Sec. 10-153e-5. Signature of documents**

The duly authorized and official documents of the Board of every description, and without exception, including but not limited to the Board de-

cisions, orders, notices, subpoenas, and communications shall be signed in behalf of the Board by any Board member, the agent, the general counsel, or any staff member empowered to sign in the Board's behalf. Such a signature shall be presumed to be duly authorized by the Board unless and until the contrary is demonstrated in any board proceeding or hearing.  
(Effective May 7, 1980)

**Sec. 10-153e-6. Act; board; complainant; respondent; agent**

The term "Act" as used herein means the Act Concerning School Board-Teacher Negotiations, section 10-153 (e) of the general statutes, as amended, and the term "Board" means the Connecticut State Board of Labor Relations. In proceedings under this section, the party charging a prohibited practice shall be called the "Complainant"; and the party alleged to have committed such prohibited practice shall be called the "Respondent." The term "Agent" herein shall mean the Agent of the Board and shall include the Assistant Agents.  
(Effective May 7, 1980)

**Sec. 10-153e-7. Other terms**

The terms defined in section 10-153 (b) (a) of the general statutes shall have the same meanings in these regulations.  
(Effective May 7, 1980)

**Sec. 10-153e-8. Time limitations**

Whenever the time limited in these regulations for any act is seven (7) days or more, Saturdays, Sundays and holidays shall be included in making the computation. Whenever the time so limited is less than seven (7) days, Saturdays, Sundays and holidays shall be excluded.  
(Effective May 7, 1980)

**Article II**

**Prohibited Practice Complaints**

**Sec. 10-153e-9. Complaint**

A complaint that any person, employee representative organization or school board has engaged in or is engaging in any prohibited practice under the Act may be filed by a board of education or an employee representative organization either of which may hereafter be referred to as the person filing the complaint.  
(Effective May 7, 1980)

**Sec. 10-153e-10. Complaint; form and filing; certification of service**

A complaint shall be in writing. The original shall be signed and sworn to before any person authorized to administer an oath. The original and four (4) copies of the complaint shall be filed with the Board. The complaint shall include a certification also signed and sworn to before any person authorized to administer an oath, stating that a copy of the complaint has been served upon the Respondent by registered or certified mail or in person. Blank forms for making the complaint shall be supplied by the Board upon request.  
(Effective May 7, 1980)

**Sec. 10-153e-11. Contents of complaint**

A complaint shall contain the following:

- (a) The full name and address of the person making the complaint;
- (b) The full name and address of the person against whom the complaint is filed;
- (c) A clear and concise description of the acts which are claimed to constitute prohibited practices, including, where known, the appropriate dates and places of such acts and names of Respondent's agents or other representatives by whom committed. If, in any such case, the required specification is impossible, the reason why it is impossible shall be stated, and other facts shall be included which are sufficient to describe the nature of the conduct complained of;
- (d) An enumeration of the subdivision or subdivisions of the Act claimed to have been violated;
- (e) A statement of the relief to which the Complainant deems himself entitled. Such claim for relief shall not limit the powers of the Board vested in it by the Act.

(Effective May 7, 1980)

**Sec. 10-153e-12. Withdrawal of complaint**

A complaint, or any part thereof, may be withdrawn only with the consent of the Board and upon such conditions as the Board may deem proper.

(Effective May 7, 1980)

**Sec. 10-153e-13. Reference of complaint to agent; investigation; more specific statement**

All complaints filed with the Board shall be automatically referred to the Agent, who shall investigate the same with due diligence. Provided however, that the Agent may return to the Complainant, without investigation, any complaint which does not comply with section 10-153e-11 of these regulations.

(Effective May 7, 1980)

**Sec. 10-153e-14. Report by agent to board**

Within 90 days of the date when a sufficient complaint was filed, the Agent shall report to the Board upon the complaint, recommending its dismissal or issuing a complaint of his own. If the Agent recommends dismissal, he shall do so in writing and shall forthwith serve a copy of his recommendation upon all parties in interest. If the Agent issues a complaint, he may use the original complaint filed by the Complainant in whole or in part. He may also draft new language to conform with the facts adduced by his investigation. If any such party files a written objection to the Agent's recommendation of dismissal within fourteen (14) days of its service upon him, the Board shall order a hearing to be held upon the complaint, in the manner provided in section 10-153e-15. Unless such objection is so filed, the Board will dismiss the complaint.

(Effective May 7, 1980)

**Sec. 10-153e-15. Action by board upon agent's report; notice of hearing**

The Board shall act promptly upon the Agent's report. If it orders a hearing, it shall cause to be issued and served upon each person complained

of a copy of the complaint and a notice of hearing before the Board at the time and place therein fixed, to be held not less than seven (7) days after the service of such complaint. Notice of the hearing shall be given to the person filing the complaint or his representative.

(Effective May 7, 1980)

**Sec. 10-153e-16. Acceleration of hearing**

The parties to the proceedings may consent by stipulation to a hearing within less than seven (7) days after the service of the complaint.

(Effective May 7, 1980)

**Sec. 10-153e-17. Amendment to complaint**

Any complaint may be amended by any party or the Board at any time before final decision or order, upon such terms and conditions as the Board deems just and proper.

(Effective May 7, 1980)

**Sec. 10-153e-18. Service and filing of answer**

The Respondent against whom the complaint is issued shall have the right to file an answer thereto within five (5) days from the service of the complaint. Such answer shall be in writing, the original being signed by the Respondent or his, or its, attorney. The Respondent or his, or its, attorney, shall file the answer and four (4) copies thereof with the Board and serve copies of the answer on each party to the proceeding.

(Effective May 7, 1980)

**Sec. 10-153e-19. Denial**

The Respondent shall admit or deny each of the allegations contained in the complaint unless the Respondent is without knowledge or information sufficient to form a belief as to the truth of an averment, in which case the Respondent shall so state, such statement operating as a denial. The answer may contain a plain statement of any explanation or new matter which constitutes the grounds of defense.

(Effective May 7, 1980)

**Sec. 10-153e-20. Defense and new matter**

Any allegation of new matter contained in the answer is to be deemed denied or avoided without the necessity of a reply.

(Effective May 7, 1980)

**Sec. 10-153e-21. Extension of time to answer; amendment**

Upon the Board's own motion or upon application of the Respondent, the Board may extend the time within which the answer may be filed. The answer may be amended at any time with the permission of the Board, upon such terms and conditions as it deems just.

(Effective May 7, 1980)

**Sec. 10-153e-22. Amendment of answer; following amendment of complaint**

In any case where a complaint has been amended, the Respondent shall have an opportunity to amend his answer within such period as may be fixed by the Board.

(Effective May 7, 1980)

**Sec. 10-153e-23. Failure to file answer**

Notwithstanding any failure of the Respondent to file an answer within the time provided in section 10-153e-18, the Board may proceed to hold a hearing at the time and place specified in the notice of hearing, and may make its findings of fact and enter its order upon the testimony so taken. In any case where a respondent fails to answer and appear at the hearing the board may take the allegations in the complaint as admitted and may issue an appropriate order.

(Effective May 7, 1980)

**Sec. 10-153e-24. Pleadings; construction**

All pleadings shall be liberally construed.

(Effective May 7, 1980)

**Sec. 10-153e-25. Back pay proceedings**

(a) After a Board order directing the payment of back pay has been issued or after enforcement of such order by the Superior Court, if informal efforts to dispose of the matter prove unsuccessful, the agent is then authorized in his discretion to issue a back pay specification in the name of the Board and a notice of hearing before the Board, both of which shall be sent by registered or certified mail to the parties involved. The specification sets forth the computations showing gross and net back pay due and any other pertinent information. The respondent must file an answer within fifteen (15) days of the receipt of the specification setting forth a particularized statement of its defense.

(b) In the alternative, and in his discretion, the agent under the circumstances specified above, may issue and send to the parties a notice of hearing only without a specification. Such notice shall contain in addition to the time and place of hearing before the Board, a brief statement of the matters in controversy.

(Effective May 7, 1980)

**Article III**

**Miscellaneous Proceedings**

**Sec. 10-153e-26. Declaratory ruling; form of petition**

Whenever there is a substantial and immediate threat to rights protected by the Act Concerning School Board-Teacher Negotiations a person or organization may request a declaratory ruling by the Board with respect to the applicability to such person or organization of any statute, regulation, or order enforced, administered or promulgated by the Board in the following form:

(a) A petition stating the factual background of the issue must be in writing and sent to the board by mail or delivered in person during normal business hours.

(b) The petition shall be signed by a person or representative of an organization in whose behalf the inquiry is made and shall state the address of such person or organization and the name and address of the petitioner's attorney, if applicable.

(c) A petitioner shall send a copy of the petition by registered or certified mail to any person or organization that may be immediately affected by the petition. The petition shall state the persons or organizations so notified. If the petitioner is in doubt as to who should be notified it may apply to



the Board for an order of notice.

(d) The petition shall state clearly and concisely the substance and nature of the request. It shall identify the statute, regulation or order concerning which the request is made and shall identify the particular aspect thereof to which the question of applicability is directed.

(e) The petition shall state the position of the petitioner with respect to the question of applicability.

(f) The petition or brief attached thereto may include an argument in support of the position of the petitioner with such legal citation as may be appropriate.

(Effective May 7, 1980)

**Sec. 10-153e-27. Declaratory ruling; procedure after filing**

(a) The Board may give notice to any other person or organization that such a declaratory ruling has been requested and may receive and consider facts, arguments, and opinions from persons other than the petitioner.

(b) If the Board deems a hearing necessary or helpful in determining any issue concerning the request for declaratory ruling, the Board shall schedule such hearing and give such notice thereof as shall be appropriate.

(Effective May 7, 1980)

**Sec. 10-153e-28. Scope of bargaining determination**

Any employee organization, employer, or arbitrator may request the Board to determine the scope of collective bargaining if

(1) during the course of collective negotiations one party seeks to negotiate with respect to a matter or matters which the other party contends is not a mandatory subject for collective negotiations or

(2) one party seeks to submit a matter to a fact finder or binding interest arbitrator which the other party contends is not a mandatory subject for collective negotiations or

(3) a party alleges that an illegal subject of bargaining is improperly submitted to a grievance arbitrator.

A request for such a determination shall be submitted to the Board in the same form as a request for a declaratory ruling and shall be subject to the same procedure. If such a request has the effect of delaying negotiations or arbitration, the Board shall make every effort to expedite the proceeding.

(Effective May 7, 1980)

**Sec. 10-153e-29. Petitions concerning adoption of regulations**

(a) Any person or organization may at any time petition the Board to promulgate, amend or repeal any regulation. The petition shall set forth clearly and concisely the text of the proposed regulation, amendment, or repeal. Such petition shall also state the facts and arguments that favor the action it proposes by including such data, facts and arguments in the petition or in a brief annexed thereto. The petition shall be signed by the petitioner and shall furnish the address of the petitioner and the name of the petitioner's attorney, if applicable.

(b) Within thirty (30) days following receipt of the petition, the Board shall determine whether to deny the petition, or to initiate regulation making proceedings in accordance with the petition. If the petition is denied, the petitioner shall be notified in writing of the reasons for said denial.

(Effective May 7, 1980)

**Sec. 10-153e-30. Settlement of cases**

Informal disposition may be made of any complaint or petition by stipulation, agreed settlement, consent order, or default.

(Effective May 7, 1980)

**Sec. 10-153e-31. Pre-trial hearings**

Prior to any scheduled hearing the Board or agent may order the parties to meet with a Board member, agent or other staff member for the purpose of obtaining stipulations of fact, joint exhibits, disclosure of evidence and identification of witnesses and issues to be raised at the formal hearing.

Failure to disclose evidence, witnesses or issues at the pre-trial hearing may result in the Board's denying the introduction of such evidence, testimony or issues at the formal hearing.

(Effective May 7, 1980)

**Article IV**

**General Provisions Relating to Parties and Procedure**

**Applicable to All Proceedings**

**Sec. 10-153e-32. Quorum of board**

A vacancy in the Board, or the absence or disqualification of a member of the Board, shall not impair the right of the remaining members to exercise all of the powers of the Board, and two members of the Board shall at all times constitute a quorum.

(Effective May 7, 1980)

**Sec. 10-153e-33. Nonjoinder and misjoinder of parties**

No proceeding under the Act will be dismissed because a person directly concerned is not a party thereto. If it is necessary for the determination of the matter in dispute so to do, the Board may allow parties to be added or substituted and unnecessary parties to be dropped at any time in the proceeding.

(Effective May 7, 1980)

**Sec. 10-153e-34. Parties; relief**

All persons alleged to have engaged in any prohibited practices may be joined as Respondents, whether jointly, severally or in the alternative, and a decision may be rendered against such one or more of the Respondents as is appropriate upon all the evidence. The Board may award any relief appropriate under law and the facts proven, and shall not be limited to the relief demanded.

(Effective May 7, 1980)

**Sec. 10-153e-35. During pendency of hearing**

All motions made at a hearing shall be stated orally, shall be included in the stenographic report of the hearing and shall be decided by the Board. All motions, rulings, decisions and orders shall become part of the record in the proceeding.

(Effective May 7, 1980)

**Sec. 10-153e-36. Motion made before or after hearing**

All motions made, other than those made during a hearing or hearings, shall be filed in writing with the Board and shall state the order or relief

applied for and the grounds for such motion. The moving party shall serve copies of all such papers on all parties and shall within three (3) days thereafter, file an original, with proof of due service, and four (4) copies of all papers with and for the use of the Board. Answering statements, if any, shall be served on all parties and an original thereof, with proof of due service, and four (4) copies shall be filed with the Board within three (3) days after service of the moving party or parties, unless otherwise directed by the Board. All motions shall be decided by the Board upon the papers filed with it, unless the Board, in its discretion, shall decide to hear oral argument, or take testimony, in which event the Board shall notify the parties of such fact and of the time and place for such argument or for the taking of such testimony.

(Effective May 7, 1980)

**Sec. 10-153e-37. Intervention; procedure; contents; filings and service**

Any board of education or employee organization desiring to intervene in any proceeding shall file with the Board a sworn petition and four (4) copies thereof in writing, setting forth the facts upon which such board of education or employee organization claims an interest in the proceeding. Such petition shall be served on all the parties. Petitions shall be filed with the Board, with proof of service, at least two (2) days prior to the first hearing. Failure to serve or file such petition, as above provided, shall be deemed sufficient cause for the denial thereof unless it shall be determined that good and sufficient reason exists why it was not served or filed as herein provided. The Board shall rule upon all such petitions and may permit intervention to such an extent and upon such terms and conditions as it shall determine may effectuate the policies of the Act.

(Effective May 7, 1980)

**Sec. 10-153e-38. Consolidation or severance**

Two or more proceedings under the Act may be consolidated by the Board, in its discretion, and such proceedings may be severed by the Board, in its discretion.

(Effective May 7, 1980)

**Sec. 10-153e-39. Witnesses; examination; depositions**

Witnesses at all hearings shall be examined orally, under oath or affirmation. If a witness resides outside the state or through illness or other cause is unable to testify before the Board, his or her testimony or deposition may be taken within or without the state in such manner and in such form as may be directed by the Board. All applications shall be made by motion to the Board in accordance with the motion practice herein set forth.

(Effective May 7, 1980)

**Sec. 10-153e-40. Record**

A record of the proceedings shall be made by the Board.

(Effective May 7, 1980)

**Sec. 10-153e-41. Application for subpoenas**

Any party to a proceeding may apply to the Board for the issuance of a subpoena or subpoena duces tecum, requiring the attendance during a hearing of any person, party or witness and directing the production at a hearing of any books, records or correspondence or other evidence relat-

ing to any matter under investigation or any question before the Board. Such application shall be timely, shall be in writing and shall specify the name of the witness or the documents or things, the production of which is desired, with such particularity as will enable such documents to be identified for purposes of production and the return date desired. Such application shall be made and filed with the Board and need not be served on any other party. Any subpoena issued by the Board shall be mailed or delivered forthwith to the party applying therefor. Arrangements for the service of the subpoena, according to law, shall be made by such party.

(Effective May 7, 1980)

**Sec. 10-153e-42. Witness fees**

Witnesses summoned before the Board or its Agent shall be paid the same fees and mileage that are paid witnesses in the courts of the state, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the state. Witness fees and mileage shall be paid by the party at whose instance with witnesses appear and shall be paid by the Board when they appear by the Board's instance, and the person taking the deposition shall be paid by the party at whose instance the deposition is taken or by the Board if the deposition is taken at its instance.

(Effective May 7, 1980)

**Sec. 10-153e-43. Board shall conduct hearings**

A hearing for the purpose of taking testimony upon a complaint, or upon a complaint and answer, shall be conducted by the Board. Such hearings shall be open to the public.

(Effective May 7, 1980)

**Sec. 10-153e-44. Hearings; powers and duties of the board**

During the course of any hearing, the Board shall have the full authority to control the conduct and procedure of the hearings, and the records thereof, to admit or exclude testimony or other evidence, and to rule upon all motions and objections made during the course of the hearing. The Board shall provide that a full inquiry is made into all the facts in issue and shall obtain a full and complete record of all facts necessary for a fair determination of the issues. In any hearing, the Board shall have the right to call and examine witnesses, to direct the production of papers or documents and to introduce into the record such papers or documents.

(Effective May 7, 1980)

**Sec. 10-153e-45. Examination of witnesses; introduction of evidence**

In any hearing, the Agent and all parties shall have the right to call, examine and cross-examine witnesses and to introduce into the record papers and documents or other evidence subject to the ruling of the Board.

(Effective May 7, 1980)

**Sec. 10-153e-46. Hearings; evidence**

The Board shall not be bound by technical rules of evidence. All findings of the Board as to facts shall be supported by substantial evidence.

(Effective May 7, 1980)

**Sec. 10-153e-47. Hearings; stipulations**

At a hearing, stipulations may be introduced in evidence with respect

to any issue, subject to the ruling of the Board.  
(Effective May 7, 1980)

**Sec. 10-153e-48. Continuation of hearings**

In the discretion of the Board, the hearing may be continued from day to day or adjourned to a later date, or to a different place, by announcement thereof at the hearing by the Board or by other appropriate notice designated by the Board.  
(Effective May 7, 1980)

**Sec. 10-153e-49. Contemptuous conduct at hearings**

Any person who engages in contemptuous conduct before the Board may, in the discretion of the Board, be excluded from the hearing room or further participation in the proceeding.  
(Effective May 7, 1980)

**Sec. 10-153e-50. Waiver of hearing; consent order**

Nothing in these regulations shall prevent the entry of an order with the consent of the Respondent, and on notice to all parties and without the holding of any hearing or the making of any findings of fact or conclusions of law, if the Respondent shall waive the holding of any hearing and making of the findings of fact and conclusions of law.  
(Effective May 7, 1980)

**Sec. 10-153e-51. Oral argument or briefs at the close of hearings**

In all hearings under the Act the Board may, in its discretion, permit the parties to argue orally before it at the close of the hearings or to file briefs. The time for oral argument or filing briefs shall be fixed by the Board. Any request for oral argument before the Board shall be submitted at the close of the hearing. The granting or denial of permission to argue orally before the Board shall be within the discretion of the Board. Arguments shall be included in the stenographic report unless the Board directs otherwise.  
(Effective May 7, 1980)

**Sec. 10-153e-52. Variance between pleading and proof**

(a) A variance between the pleading in a prohibited practice proceeding and the proof shall be considered immaterial unless it prejudicially misleads any party of the Board. Where a variance is not material, the Board may admit such proof and the facts may be found accordingly. Where a variance is material, the Board may permit an amendment at any time before the final order of the Board upon such terms as it deems just. Any party or the Board may move to conform the pleadings to the proof.

(b) The Board shall disregard all defects in pleading and procedure wherever this may be done without impairing the substantial rights of any party, if justice so requires.  
(Effective May 7, 1980)

**Sec. 10-153e-53. Motions and objections at hearings**

Motions made during the hearing and objections with respect to the conduct of the hearing, including objections to the introduction of evidence, shall be stated orally and shall be included in the stenographic report of the hearing.  
(Effective May 7, 1980)

**Sec. 10-153e-54. Application for leave to reopen a hearing on grounds of newly discovered evidence.**

No motion for leave to reopen a hearing because of newly discovered evidence shall be entertained unless it is shown that such additional evidence is material, that the motion has been timely made and that there were reasonable grounds for the failure to adduce such evidence at the hearing. Nothing contained in this section shall be deemed to limit the right and power of the Board in its discretion and on its own motion to reopen a hearing and take further testimony.

(Effective May 7, 1980)

**Sec. 10-153e-55. Findings of fact; conclusions of law; decision and order; exception**

The Board shall, at any time after the close of a hearing issue its findings of fact, conclusions of law, decision and order. Such findings of fact, conclusions of law, decision and order shall contain, but need not be limited to (a) a statement of the case and preliminary procedure before the Board, (b) findings of fact, (c) conclusions of law, (d) decision and order.

(Effective May 7, 1980)

**Sec. 10-153e-56. Record of proceedings before the board**

(a) The record of the proceedings before the Board shall consist of the complaint or amended complaint, any other pleadings, notices of hearing, motions, orders, stenographic report, exhibits, depositions, findings of fact, conclusions of law, the decision and order.

(b) If a prohibited practice proceeding is predicated in whole or in part upon a prior representation proceeding, the record of such representation proceeding shall be obtained, if available, and will be deemed a part of the record in the prohibited practice proceeding for all purposes.

(Effective May 7, 1980)

**Sec. 10-153e-57. Public record**

The record as defined in the preceding section shall constitute the public record of cases and shall be made available for inspection or copying under such conditions as the Board may prescribe.

(Effective May 7, 1980)

**Sec. 10-153e-58. Practice before the board**

Any person who at any time has been a member of or employed by the Board shall not be permitted to appear before the Board as an attorney or representative for any person, school board or employee representative organization until the expiration of six (6) months from the termination of his employment with the Board, nor shall he at any time be permitted to appear in any case which was pending before the Board during the period of his employment with the Board.

(Effective May 7, 1980)

**Article V**

**Service of Complaints, Orders and Other Processes**

**Sec. 10-153e-59. Method; proof; complaints; orders and other processes and papers of the board and agent**

Complaints, decisions and orders and other processes and papers of the

Board and Agent may be served personally, by registered or certified mail, by telegraph or by leaving a copy thereof in the principal office or place of business of persons to be served. The verified return by the individual so serving the same, setting forth the manner of such service, shall be proof of the same and the return post office receipt or telegraph receipt therefor, when registered or certified and mailed or telegraphed as aforesaid, shall be proof of service of the same.

(Effective May 7, 1980)

**Sec. 10-153e-60. Service by a party**

Service of papers by a party to the proceeding shall be made by registered or certified mail or in person. The verified return by the individual so serving the same, setting forth the manner of such service, shall be proof of such service. When service is made by registered or certified mail, the return post office receipt shall be proof of service.

(Effective May 7, 1980)

**Sec. 10-153e-61. Service upon attorney**

If a party appears by her, his or its attorney, all papers other than the complaint, notice of original hearings, and final decisions and orders may be served, as herein provided, upon such attorney with the same force and effect as though served upon the party.

(Effective May 7, 1980)

**Article VI**

**Construction, Amendments or Application of Regulations**

**Sec. 10-153e-62. Construction of regulations**

These regulations shall be liberally construed and shall not be deemed to limit the powers conferred upon the Board by the Act.

(Effective May 7, 1980)

**Sec. 10-153e-63. Application of general regulations**

These regulations and any amendments thereto shall govern all proceedings filed with the Board on or after the effective date of these regulations.

(Effective May 7, 1980)

## Appendix C Teacher Designation Petition

**Source:** Connecticut State  
Department of Education

PETITION TO THE \_\_\_\_\_ BOARD OF EDUCATION

We, the undersigned certified professional employees of the \_\_\_\_\_  
\_\_\_\_\_ Board of Education, constituting a majority of the employees in the  
TEACHER UNIT, as defined in subsection (a) of Section 10-153b of the Connecti-  
cut General Statutes, as amended, do hereby designate, pursuant to subsection (c)  
of Section 10-153b of the Connecticut General Statutes the \_\_\_\_\_

(name of organization)

\_\_\_\_\_ as the representative for all employees in the TEACHER UNIT for  
the purposes of negotiating and administering a collective bargaining agreement,  
and hereby request the \_\_\_\_\_ Board of Education,  
pursuant to subsection (c) of Section 10-153b of the Connecticut General Statutes,  
as amended, to recognize and certify the \_\_\_\_\_ as

(name of organization)

the exclusive representative for all employees in the TEACHER UNIT. The  
TEACHER UNIT consists of all certified professional employees of the aforemen-  
tioned Board of Education employed in positions requiring possession of a teaching  
or special services certificate, or requiring possession of an administrator or super-  
visor certificate, provided that an employee possessing such certificate performs ad-  
ministrative or supervisory duties less than fifty percent of the assigned time.

NAME (Signature)	NAME (Print)	SCHOOL	DATE
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			

Petition Circulated by: \_\_\_\_\_  
NAME (Signature) NAME (Print)  
 \_\_\_\_\_  
 \_\_\_\_\_  
(Address)



## Appendix D Administrator Designation Petition

**Source:** Connecticut State  
Department of Education

PETITION TO THE \_\_\_\_\_ BOARD OF EDUCATION

We, the undersigned certified professional employees of the \_\_\_\_\_  
Board of Education, constituting a majority of the employees in the  
ADMINISTRATOR UNIT, as defined in subsection (a) of Section 10-153b of the  
Connecticut General Statutes, as amended, do hereby designate, pursuant to sub-  
section (c) of Section 10-153b of the Connecticut General Statutes, the \_\_\_\_\_  
(name of organization) as the representative for all employees in the ADMIN-

ISTRATOR UNIT for the purposes of negotiating and administering a collective bar-  
gaining agreement, and hereby request the \_\_\_\_\_  
Board of Education, pursuant to subsection (c) of Section 10-153b of the Connecti-  
cut General Statutes, as amended, to recognize and certify the \_\_\_\_\_  
(name of organization)

\_\_\_\_\_ as the exclusive representative for all employees in the ADMIN-  
ISTRATOR UNIT. The ADMINISTRATOR UNIT consists of all certified professional  
employees of the aforementioned Board of Education employed in positions requir-  
ing possession of an administrator or supervisor certificate, or the equivalent, pro-  
vided that an employee possessing such certificate performs administrative or super-  
visory duties at least fifty percent of the assigned time.

NAME (Signature)	NAME (Print)	SCHOOL	DATE
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4.			
5.			
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7.			
8.			
9.			
10.			

Petition Circulated by:

\_\_\_\_\_  
NAME (Signature)

\_\_\_\_\_  
NAME (Print)

\_\_\_\_\_  
(Address)

## Appendix E Teacher Election Petition

**Source:** Connecticut State  
Department of Education

### PETITION TO THE COMMISSIONER OF EDUCATION

We, the undersigned certified professional employees of the \_\_\_\_\_  
\_\_\_\_\_ Board of Education, constituting twenty percent or more of the em-  
ployees in the TEACHER UNIT, as defined in subsection (a) of Section 10-153b  
of the Connecticut General Statutes, as amended, do hereby request, pursuant to  
subsection (d) of Section 10-153b of the Connecticut General Statutes, as  
amended, that a TEACHER REPRESENTATION ELECTION be held to elect the  
\_\_\_\_\_ as the exclusive representative for all em-

(name of organization)

ployees in the TEACHER UNIT for the purposes of negotiating and administering  
a collective bargaining agreement. The TEACHER UNIT consists of all certified pro-  
fessional employees of the aforementioned Board of Education employed in posi-  
tions requiring possession of a teaching or special services certificate, or requiring  
possession of an administrator or supervisor certificate, provided that an employee  
possessing such certificate performs administrative or supervisory duties less than  
fifty percent of the assigned time.

NAME (Signature)	NAME (Print)	SCHOOL	DATE
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8.			
9.			
10.			

Petition Circulated by: \_\_\_\_\_  
NAME (Signature)
NAME (Print)

\_\_\_\_\_  
 \_\_\_\_\_  
 (Address)

## Appendix F Administrator Election Petition

**Source:** Connecticut State  
Department of Education

### PETITION TO THE COMMISSIONER OF EDUCATION

We, the undersigned certified professional employees of the \_\_\_\_\_  
\_\_\_\_\_ Board of Education, constituting twenty percent or more of the em-  
ployees in the ADMINISTRATOR UNIT, as defined in subsection (a) of Section 10-  
153b of the Connecticut General Statutes, as amended, do hereby request, pur-  
suant to subsection (d) of Section 10-153b of the Connecticut General Statutes, as  
amended, that an ADMINISTRATOR REPRESENTATION ELECTION be held to  
elect the \_\_\_\_\_ as the exclusive representative for  
(name of organization)

all employees in the ADMINISTRATOR UNIT for the purposes of negotiating and  
administering a collective bargaining agreement. The ADMINISTRATOR UNIT con-  
sists of all certified professional employees of the aforementioned Board of Educa-  
tion employed in positions requiring possession of an administrator or supervisor  
certificate, or the equivalent, provided that an employee possessing such certificate  
performs administrative or supervisory duties at least fifty percent of the assigned  
time.

NAME (Signature)	NAME (Print)	SCHOOL	DATE
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10.			

Petition Circulated by: \_\_\_\_\_

NAME (Signature)

NAME (Print)

\_\_\_\_\_  
(Address)

**Appendix G  
Statutory Agent  
for Service of Process**

**Source:** Connecticut State Department  
of Education, Office of Legal Affairs

**Section 10-153i of the Connecticut General Statutes**

Representative Organization \_\_\_\_\_

Unit \_\_\_\_\_

Date \_\_\_\_\_

Statutory Agent \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

Telephone \_\_\_\_\_

\_\_\_\_\_  
President/Vice President/Secretary  
Representative Organization

\_\_\_\_\_  
Statutory Agent for Service

Please return to:

Leslie A. Williamson, Jr., Esquire  
Consultant, Teacher/Board Negotiations  
Office of Legal Affairs  
Department of Education  
P.O. Box 2219  
Hartford, Connecticut 06145

## **Appendix H Mediator Panel**

**Source:** Connecticut State  
Department of Education

Peter Adomeit  
98 Lancaster Road  
West Hartford, Connecticut 06119  
(413) 782-3111 (O)  
(203) 233-7364 (H)

Peter Blum  
1 Linden Place  
Apartment 301  
Hartford, Connecticut 06106  
(203) 527-8111 (O)  
(203) 232-2131 (H)

Deborah A. Calloway  
University of Connecticut  
School of Law  
65 Elizabeth Street  
Hartford, Connecticut 06105-2290  
(203) 241-4681 (O)  
(203) 651-3863 (H)

Thomas F. Carey  
646 Parkside Drive  
Jericho, New York 11753  
(212) 690-5395/7903 (O)  
(516) 433-7596 (H)

Bernard Christianson  
129 Russo Drive  
Hamden, Connecticut 06518  
(203) 789-7903 (O)  
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## **Appendix I Arbitration Panel**

**Source:** Connecticut State  
Department of Education

### **Impartial Arbitrators Representing the Interests of the Public in General**

Peter Blum  
1 Linden Place  
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(203) 527-8111 (O)  
(203) 232-2132 (H)

Susan Halperin  
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(203) 233-7018 (H)

Albert Murphy  
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Hartford, Connecticut 06105  
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Rocco Orlando  
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(203) 393-1844 (H)  
(203) 397-4575 (O)

Jerome Wenig  
5 Lamplight Lane  
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(203) 227-6837 (H)

### **Arbitrators Representing the Interests of Local and Regional Boards of Education**

Howard B. Bennett  
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P.O. Box 17  
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(203) 379-7152 (H)

Victor Carlucci, Jr.  
P.O. 1937  
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(203) 787-3497 (H)

Victor Muschell  
104 Church Street  
Torrington, Connecticut 06790  
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(203) 489-4378 (H)

Jeffrey Pingpank  
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(203) 677-8796 (H)

Leonard Rovins  
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(212) 702-2200 (O)  
(203) 227-6505 (H)

Stephen Sedensky, Jr.  
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(203) 366-3463 (O)  
(203) 366-2893 (H)

Thomas N. Sullivan  
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**Arbitrators Representing the Interests of Exclusive Bargaining Representatives  
of Certified Employees**

Gerald Braffman  
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New Haven, Connecticut 06510  
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(203) 389-6119 (H)

Donald Deneen  
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Windsor, Connecticut 06095  
(203) 688-8505 (O)  
(203) 688-3360 (H)

James Doyle  
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(203) 582-6732 (O)  
(203) 584-7773 (O)

Charles Flynn  
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(203) 853-4400 (O)  
(203) 762-9127 (H)

John Gesmonde  
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(203) 484-2139 (H)

John F. Malsbenden  
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Colchester, Connecticut 06415  
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Albert McGrail  
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**Appendix J**  
**Arbitrator/Mediator**  
**Per Diem Fee Schedule**

**Source:** Connecticut State  
 Department of Education

NAME \_\_\_\_\_ TELEPHONE \_\_\_\_\_  
 ADDRESS \_\_\_\_\_

PER DIEM FEE \$ \_\_\_\_\_ FOR \_\_\_\_\_ HOURS OF SERVICE

1. Does your per diem fee include the following:

- |                 |                        |          |
|-----------------|------------------------|----------|
| A. Hearing Time | _____ Yes              | _____ No |
| B. Study Time   | _____ Yes              | _____ No |
| C. Travel Time  | _____ Yes <sup>a</sup> | _____ No |
| D. Expenses     | _____ Yes <sup>b</sup> | _____ No |

a. If you respond yes to this item, state location where travel time is normally calculated from.

\_\_\_\_\_

b. If you respond yes to this item, state specific expense items (e.g. mileage, hotel).

\_\_\_\_\_

2. If you respond no to any item in number 1 above, please explain the manner of charge, if any, for that particular item.

\_\_\_\_\_  
 \_\_\_\_\_

3. Please list your postponement of cancellation policy, include the circumstances under which such charges will be assessed or waived.

\_\_\_\_\_  
 \_\_\_\_\_

4. Please prepare a short biographical sketch (do not send/attach resume).

\_\_\_\_\_  
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**Connecticut State  
Department of Education**

**Gerald N. Tirozzi  
Commissioner of Education**

**Frank A. Altieri  
Deputy Commissioner  
Finance and Operations**

**Lorraine M. Aronson  
Deputy Commissioner  
Program and Support Services**

**Office of Legal Affairs  
Mark A. Stapleton  
Chief**

**Leslie A. Williamson, Jr.  
Consultant, Teacher-Board Negotiations**

**Velma A. Adams**