



HARTFORD POLICE UNION

20-28 Sargeant Street Hartford, CT 06105

Tel. 860-548-1435 Fax 860-548-1329 E-mail: Hartford.union@att.net

PRESIDENT RICHARD HOLTON

Office of The President

Statement of

The Hartford Police Union

To the

Finance Committee

Opposes Raised SB Bill No.464

My name is Richard Holton, elected President of the Hartford Police Union, proudly representing over 400 men and women, who at great personal risk serve the residents, businesses and visitors of the City of Hartford. I come before the Finance Committee to strenuously voice the Hartford Police Union's opposition to SB 464.

I have heard this bill describe as a power grab, a creation of an elite monarchy, a dictatorship and blatant Union busting. These are not my words, but I would echo them just the same.

I have also heard this bill described as the "Waterbury Bill" this is not the "Waterbury Bill" and Hartford is not in the same fiscal crisis Waterbury was in. This bill goes much further and deeper than the Waterbury bill ever did, in the formation of the committee, limiting the powers of City Council, changing how the city is governed, the destruction of collective bargaining and violating binding arbitration laws.

There are other options available to this Mayor that he should be pursuing. One of them should not be asking you the legislature to violate existing law for a matter that is a "city issue". This matter should be handled at the City level with all of the stakeholders involved in an open, honest and transparent way. Unfortunately, this has not been done by this Mayor. This Mayor seeks to use a last resort as his first and only option in the form of SB 464.

This proposed legislation seeks to eliminate nearly fifty years of labor history and legislation as it relates to collective bargaining with City of Hartford employees. It imposes the elimination of unit bargaining for a single bargaining agent for all employees. As a 20-year member of the Hartford Police Department, I am well aware of the unique collective bargaining interest and priorities our unit of employees has when compared to other employees within the City as does the State legislature. Seeking to impose our representation as well as the other bargaining units in the city be conducted by a general labor representative is a direct violation of current labor law, an interference with our collective bargaining rights and consistent with union busting.

The Mayor has claimed he is not looking to change collective bargaining; however, this is exactly what he is asking you to authorize him to do with this bill. He is not only changing the collective bargaining process to the point of its' elimination, he is infringing upon each union's by-laws, by dictating how a proposal would be presented to the membership and mandating direct bargaining through the presentation of unresolved proposals for a vote by the union membership.



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Then there is the desire to be the overseer of binding arbitration. How can you claim to be an impartial party when you're an interested party? The employees of the City of Hartford deserve and have earned the same collective bargaining rights of other Municipal employees within the State.

The proposed bill ignores or attempts to minimize the duties and responsibility granted by City Charter to elected City officials and the Court of Common Council as they relate to financial approval and responsibility.

Financial stability is the challenging goal of all business, non-profits and governmental agencies; it is achieved through concentrated long term efforts and cooperation as well as governmental transparency. Over the last twenty years, not only the City, but the majority of towns and Cities have been challenged to balance their budgets and attempt to put themselves in sound financial positions. We support the Mayors efforts to achieve this through the process of involvement, not by the pursuit of SB 464 as written.

We will continue to and have helped the City in the past, our last contract that was negotiated "in Good Faith" established tremendous benefits for the city: by not taking general wage increases for the first two years of the contract, restructured our pension plan design and retirement health care. These changes saved the city approximately 3 million in wages and reduced the city's pension liability by 590,000 thousand dollars annually.

To seek such power through this proposed legislation on the premise of "potential financial shortfalls" from an individual who has been elected for less than 120 days, conducted no negotiations with any City bargaining unit and presented no real mitigation plan is irresponsible and a slap in the face to the dedicated employees of the City of Hartford.

Co-Chair, Senator Fonfara recently said the legislature should not become involved with setting rates for water companies and their customers. The same would be said for this matter, the legislature should not be creating special laws to allow the city of Hartford to violate establish labor laws.

I urge you to support the employees of the City of Hartford and if the Hartford Delegation does not support this bill as written then I urge you to **REJECT SB 464**.

Sergeant Richard Holton
Hartford Police Union President

***Attached to this testimony is a section by section comment of the Hartford Police Union's objections to purposed Senate Bill 464.



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Comments on Raised Bill No. 464 with respect to Collective Bargaining Obligations of both the City and Bargaining Units

General Comments

RB 464 completely guts the carefully worked out collective bargaining resolution provisions set up decades ago by the General Assembly under both the Municipal Employee Relations Act (MERA), CGS § 7-467 *et seq* and the Teacher Negotiation Act (TNA), CGS § 10-153a *et seq* and replaces it with a municipal controlled Commission that can impose, unilaterally, the terms and conditions of employment on Hartford City and Hartford Board of Education employees. Although the Bill purports to have a process and semblance of collective bargaining since, in the end, the Mayor and the proposed Commission can impose their will, it essentially eliminates, for all intents and purposes, collective bargaining for municipal employees in Hartford. The various proposal for opening up and renegotiating current collective bargaining agreements and then imposing unilateral changes if the Mayor doesn't get what he wants reduces the careful balancing of interests in both MERA and TNA from collective bargaining, implying a give-and-take of interest, to merely a "meet and confer" obligation on the part of the City. Collective bargaining would cease to exist for public employees in the City of Hartford.

Comments on Specific Provisions of the Bill

Section 3 (a): This provision gives the Mayor nearly complete control of the voting members of the Commission through his appointment authority.

Section 4 (a) (4) (a): This provision would set up the equivalent of SEBAC (State Employee Bargaining Agent Council) for the City of Hartford dealing with pension and health care issues. While a bargaining coalition dealing with pension and health care makes theoretical sense, in Hartford, unlike the State, bargaining units participate in a number of different pension plans that makes the kind of coalition bargaining this bill would require especially difficult. Since the general goals would appear to be the same between City Unions and the Administration on this (ie, pension plans funded at an acceptable rate to bonding agencies as well as pensions that met retiree needs) certainly unions and the City could agree on a general set of goals rather than a required coalition demanded by this bill.

Same with Health Care. If the agreed upon goal is for affordable care and decent benefits, Unions could agree, along with the City, to explore the State Partnership 2.0 and other options to cut insurance costs and bring the number of health plans to a few. None of this requires special legislation. This is what happens in collective bargaining.



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Section 4 (a)(4)(B): This provision is likely unconstitutional or at least contrary to MERA. Under current and well-settled law, public sector unions may not negotiate on behalf their former members who are retired. Obviously one of the concomitant rights derived from that is that public employers cannot reduce or eliminate vested benefits (such as pensions and some retiree health benefits) for those employees already retired. There are of course some small exceptions where, for example, a union agrees that as changes are made to the health insurance platform (deductibles, co-pays, etc.) for active members those same changes apply to retired members. That, of course, is a common sense solution which unions do all the time in collective bargaining without the force of a special Commission making that happen. The Bill proposes that the City would negotiate with a "coalition committee" composed of already retired City employees to achieve anticipated reductions in both pensions and retiree health care coverage. This is a complete fantasy. No such coalition committee currently exists nor is it likely one could ever exist for the purposes contemplated in the Bill. More over any retiree who did not consent to a "coalition committee" representing them for such purposes could likely sue both the City and any members of that "coalition committee" in Superior Court the moment any reduction was made in any of their vested benefits.

Sections 4(a) 5 and 6: These sections of the proposed bill would essentially eliminate all aspects of the current structure of both MERA and the TNA (to the extent the bill applies to Board of Education employees). They essentially permit the Commission to unilaterally establish the terms and conditions of all collective bargaining agreements where the City and the particular union have either been unable to reach an agreement or abrogate these in which an agreement has been reached. The Commission would become the interest arbitration panel setting forth the terms and conditions of any new or revised CBA. Since this bill also vests the sole power to reject or accept contracts in the Commission the process further guts the established elements of negotiation and interest arbitration under MERA and the TNA.

Section 4 (a) 12: These proposed provisions are both unworkable and they make internal union procedures no longer only a "permissible" subject of bargaining by statutorily altering the union's right to control its own organization. The Bill subjects a union's refusal to agree to open its contract for a proposed revision suggested by the Commission to a vote conducted by the State Board of Labor Relations following a membership meeting of that union bargaining unit convened by the State Board within ten days of the date the union rejected the demand to change its contract. At such a meeting¹ the Commission, but not the union, gets to present the proposed change in the contract, followed by the membership vote. While the law currently permits a public employer to inform

¹ Importantly the Bill fails to address whether members would be paid for attending the meeting and whether or not it would be held on work time and at the workplace.



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members of a bargaining unit about the terms of any proposal rejected by their union, it doesn't permit them to "directly deal" with the union's membership by meeting with them or conducting an election on the offer rejected by the union. This provision of the bill would alter state law and permit such direct dealing sanctioned by the State Board of Labor Relations under whose authority such "direct dealing" would be conducted. If a union agreed to re-open its contract for negotiation but subsequently rejected the proposed changes, the Bill would permit the Commission to require that its Last Best Offer (LBO) be submitted by the union to the union's membership for a vote. This provision would completely abrogate the union's right to manage its own affairs and decide, based on its own constitution and by-laws, what has to or needs to be brought to its members for a vote. This bill would override the union's own rules.

end of comments