



General Assembly

February Session, 2020

***Raised Bill No. 232***

LCO No. 1576



Referred to Committee on LABOR AND PUBLIC EMPLOYEES

Introduced by:  
(LAB)

***AN ACT ESTABLISHING COLLECTIVE BARGAINING RIGHTS FOR CERTAIN AGRICULTURAL WORKERS.***

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

1 Section 1. Subdivision (2) of section 31-101 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective October*  
3 *1, 2020*):

4 (2) "Board" means the labor relations board provided for in section  
5 31-102, except that for labor disputes between agricultural employers  
6 and their employees or their employees' representatives, "board" means  
7 the agricultural employment relations board established pursuant to  
8 section 5 of this act;

9 Sec. 2. Subdivision (6) of section 31-101 of the general statutes is  
10 repealed and the following is substituted in lieu thereof (*Effective October*  
11 *1, 2020*):

12 (6) "Employee" includes, but shall not be restricted to, any individual  
13 employed by a labor organization, any individual whose employment  
14 has ceased as a consequence of, or in connection with, any current labor

15 dispute or because of any unfair labor practice, and who has not  
16 obtained any other regular and substantially equivalent employment,  
17 and shall not be limited to the employees of a particular employer; but  
18 shall not include any individual employed by his or her parent or  
19 spouse or in the domestic service of any person in his or her home, any  
20 individual employed only for the duration of a labor dispute or any  
21 individual employed as an agricultural worker (A) for less than six  
22 months during a twelve-month period, or (B) by a person who employs  
23 less than fifty employees, excluding family members;

24 Sec. 3. Subdivision (7) of section 31-101 of the general statutes is  
25 repealed and the following is substituted in lieu thereof (*Effective October*  
26 *1, 2020*):

27 (7) "Employer" means any person acting directly or indirectly in the  
28 interest of an employer in relation to an employee, but shall not include  
29 any person engaged in farming who employs less than fifty employees,  
30 excluding family members, or any person subject to the provisions of  
31 the National Labor Relations Act, unless the National Labor Relations  
32 Board has declined to assert jurisdiction over such person, or any person  
33 subject to the provisions of the Federal Railway Labor Act, or the state  
34 or any political or civil subdivision thereof or any religious agency or  
35 corporation, or any labor organization, except when acting as an  
36 employer, or any one acting as an officer or agent of such labor  
37 organization. An employer licensed by the Department of Public Health  
38 under section 19a-490 shall be subject to the provisions of this chapter  
39 with respect to all its employees except those licensed under chapters  
40 370 and 379, unless such employer is the state or any political  
41 subdivision thereof;

42 Sec. 4. Section 31-111a of the general statutes is repealed and the  
43 following is substituted in lieu thereof (*Effective October 1, 2020*):

44 (a) No employees of an employer licensed by the Department of  
45 Public Health under section 19a-490, or their representatives, or any  
46 other persons shall engage in or induce or encourage, or attempt to

47 engage in or induce or encourage, any strike, work stoppage, slowdown  
48 or withholding of goods or services by such employees or other persons  
49 at the institution where they are employed, provided nothing herein  
50 shall be construed to prohibit publicity, other than picketing, for the  
51 purpose of truthfully advising the public that a grievance or dispute, as  
52 defined by section 31-111b, exists at such employer's [premise]  
53 premises, as long as such publicity does not have the effect of inducing  
54 any persons to withhold goods or services at such employer's [premise]  
55 premises. No employer licensed by the Department of Public Health  
56 under said section 19a-490 shall institute, declare or cause, or attempt to  
57 institute, declare or cause, any lockout of the employees of such  
58 employer's [premise] premises.

59 (b) No employees of an employer engaged in farming, or their  
60 representatives, or any other persons shall engage in or induce or  
61 encourage, or attempt to engage in or induce or encourage, any strike,  
62 work stoppage, slowdown or withholding of goods or services by such  
63 employees or other persons upon the premises where they are  
64 employed. No employer engaged in farming shall institute, declare or  
65 cause, or attempt to institute, declare or cause, any lockout of the  
66 employees on such employer's premises.

67 Sec. 5. (NEW) (*Effective October 1, 2020*) (a) There is established, within  
68 the Labor Department, an agricultural employment relations board  
69 which shall consist of seven members who shall serve for a term of six  
70 years. Initial appointments to the board shall be made as follows: (1)  
71 Three public members with knowledge of agriculture, one each  
72 appointed by the Governor, the president pro tempore of the Senate and  
73 the speaker of the House of Representatives; (2) two members  
74 representing organized labor, one each appointed by the majority leader  
75 of the Senate and the majority leader of the House of Representatives;  
76 and (3) two members representing the agricultural industry, one each  
77 appointed by the minority leader of the Senate and the minority leader  
78 of the House of Representatives. The board shall select a chairperson  
79 and may select other officers from its membership and establish rules  
80 governing its internal procedures.

81 (b) On or before June first in the odd-numbered years, as the term of  
82 each member expires, the Governor shall, with the advice and consent  
83 of the General Assembly, appoint a successor to serve for a term of six  
84 years. Each member so appointed shall have been an elector in this state  
85 for at least one year next preceding such member's appointment. Any  
86 member may be removed by the Governor for cause shown in a public  
87 hearing after the accused has been given a copy of the charges made and  
88 has had an opportunity to answer such charges. The Governor shall fill  
89 any vacancy by appointment for the unexpired term. No member shall  
90 receive a salary but each member shall be paid one hundred fifty dollars  
91 in lieu of expenses for each day during which the member is engaged in  
92 the duties of the board.

93 (c) The offices of the board shall be in the Labor Department. The  
94 board may hold hearings or arbitrations at any place in this state. Subject  
95 to the provisions of chapter 67 of the general statutes, the board shall  
96 appoint such employees for such periods as may be necessary to carry  
97 out the work of the board, the provisions of chapter 561 of the general  
98 statutes as they apply to labor disputes between agricultural employers  
99 and their employees or their employees' representatives and the  
100 provisions of section 6 of this act without undue delay. All files, records  
101 and documents accumulated by the board shall be kept in offices  
102 provided by the department. All decisions shall be made by a majority  
103 of the board not later than thirty days after the hearing or arbitration is  
104 concluded and a copy of each decision or award shall be filed with the  
105 Labor Commissioner. As provided in section 4-60 of the general statutes  
106 and more frequently if required by the Governor, the board shall make  
107 a written report to the Governor, a copy of which shall be filed with both  
108 the Labor Commissioner and the Commissioner of Agriculture.

109 (d) Whenever conditions warrant, the Labor Commissioner, the  
110 Commissioner of Agriculture or the chairperson of the agricultural  
111 employment relations board shall request the Governor to appoint, and  
112 the Governor may appoint, alternate members of said board in such  
113 numbers and for such periods of time as the Governor may determine  
114 to be necessary but not longer than one year, in order that said board

115 may render efficient service in performing the duties committed to it by  
116 statute. Any such alternate shall meet the same qualifications and  
117 receive the same compensation as regular members of the board. An  
118 alternate member shall serve in place of an absent member of the board  
119 at any time when so directed by the board and while so serving shall  
120 have all the powers of members of the board. Alternate members so  
121 appointed shall have power to complete any matter pending at the  
122 expiration of the term for which they were appointed.

123       Sec. 6. (NEW) (*Effective October 1, 2020*) All impasses in collective  
124 bargaining agreement negotiations between agricultural employers and  
125 their employees or their employees' designated representatives shall be  
126 submitted to the agricultural labor relations board established pursuant  
127 to section 5 of this act not later than fourteen days after the parties reach  
128 impasse. Not later than thirty days after the impasse arbitration is  
129 concluded, the board shall issue a written arbitration award, which shall  
130 be final and binding on all parties.

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|---|------------------------|-------------|
| This act shall take effect as follows and shall amend the following sections: |                        |             |
| Section 1   | <i>October 1, 2020</i> | 31-101(2)   |
| Sec. 2  | <i>October 1, 2020</i> | 31-101(6)   |
| Sec. 3  | <i>October 1, 2020</i> | 31-101(7)   |
| Sec. 4  | <i>October 1, 2020</i> | 31-111a     |
| Sec. 5  | <i>October 1, 2020</i> | New section |
| Sec. 6  | <i>October 1, 2020</i> | New section |

**Statement of Purpose:**

To authorize certain agricultural workers to engage in collective bargaining.

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