

Regulation of the  
**Connecticut State Board of Labor Relations**

Concerning  
**Technical and Procedural Amendments to the  
Regulations Implementing the Municipal  
Employee Relations Act, the State Employee  
Relations Act, the Teacher Negotiations Act,  
and the State Labor Relations Act**

Regulations adopted after July 1, 2013, become effective upon posting to the website of the Secretary of the State, or at a later date specified within the regulation.

Website posted on  
**October 11, 2013**

Effective Date  
***October 11, 2013***

Approved by the Attorney General on  
**July 18, 2013**

Approved by the Legislative Regulation Review  
Committee on  
**September 24, 2013**

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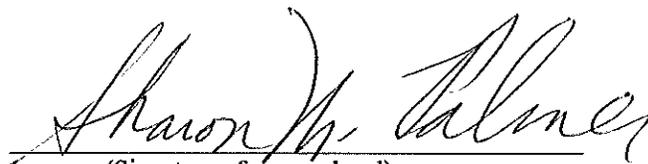
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## Electronic Copy Certification Statement

I, **Sharon M. Palmer, Commissioner**, of the **Connecticut Department of Labor**, in accordance with the provisions of Section 4-172 of the *General Statutes of the State of Connecticut*, do hereby certify:

That the electronic copy of a regulation concerning **Technical and Procedural Amendments to the Regulations Implementing the Municipal Employee Relations Act, the State Employee Relations Act, the Teacher Negotiation Act, and the State Labor Relations Act**, which was approved by the Legislative Regulation Review Committee on **September 24, 2013**, and which shall be submitted electronically for filing to the Secretary of the State by **Anne Rugens** of this agency on **October 7, 2013**, is a true and accurate copy of the original regulation approved in accordance with Sections 4-169 and 4-170 of the *General Statutes of the State of Connecticut*.

In testimony whereof, I have hereunto set my hand on **October 7, 2013**.

  
(Signature of agency head)

R-39 Rev. 03/2012  
(Title page)

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State of Connecticut  
**REGULATION**  
of  
SECRETARY OF THE STATE  
LEGISLATION & ELECTIONS  
ADMINISTRATION DIVISION

NAME OF AGENCY

Connecticut State Board of Labor Relations

Concerning

SUBJECT MATTER OF REGULATION

Technical and Procedural Amendments to the Regulations Implementing the Municipal Employee Relations Act, the State Employee Relations Act, the Teacher Negotiations Act, and the State Labor Relations Act

**Section 1. Section 5-273-1 of the Regulations of Connecticut State Agencies is amended to read as follows:**

**Creation and authority**

The Connecticut State Board of Labor Relations was established in 1945 by section 31-102 of the Connecticut General Statutes and administers various labor relations statutes including the Act Concerning [(collective)] Collective Bargaining for State Employees, sections 5-270 to 5-280 of the Connecticut General Statutes.

The three board members are appointed by the [governor] Governor with the advice and consent of the [general assembly] General Assembly. Alternate board members shall be appointed pursuant to section 31-102(b) of the Connecticut General Statutes and shall serve in place of an absent member of the board when so directed by the board and while so serving shall have all the powers of the members of the board. Pursuant to section 31-103 of the Connecticut General Statutes, the [Board] 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] board without undue delay.

**Sec. 2. Section 5-273-3 of the Regulations of Connecticut State Agencies is amended to read as follows:**

**Official address**

All communications should be addressed to the State Board of Labor Relations, [200 Folly Brook Boulevard,] 38 Wolcott Hill Road, Wethersfield, Connecticut 06109.

Sec. 3. Section 5-273-6 of the Regulations of Connecticut State Agencies is amended to read as follows:

**[Act; board; petitioner; complainant; respondent; agent] Definitions**

The term "Act" as used herein means the Act Concerning Collective Bargaining for State Employees, sections 5-270 to 5-280, inclusive, of the Connecticut General Statutes, and the term "Board" means the Connecticut State Board of Labor Relations. The term "Filing" as used herein means the delivery of required document(s) to the board's office address and any other means of delivery prescribed by the board. In proceedings for certification or election of representatives, the terms "Notification" and "Petition" shall be used interchangeably. [the] The term "Petitioner" means the party filing a notification, i.e., petition for such certification or election. In proceedings under Section 5-272 of the Connecticut General Statutes, 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] agent of the [Board] board and shall include the [Assistant Agents] assistant agents or other representatives of the [Agent] agent.

Sec. 4. Section 5-273-8 of the Regulations of Connecticut State Agencies is amended to read as follows:

**Time limitations**

Whenever the time limited in these Regulations for any act is [less than seven (7) day,] seven (7) days or more, Saturdays, Sundays, holidays, and other [non-work days as may be designated by the Governor] days when the board's offices are closed to the public shall be [excluded] included in making the computation. Whenever the time so limited [in these Regulations for any Act is seven (7) days or more,] is less than seven (7) days, such days shall be [included] excluded in making the computation.

Sec. 5. Subsection (b) of section 5-273-10 of the Regulations of Connecticut State Agencies is amended to read as follows:

(b) A notification will be considered timely if it is filed between August 1 and August 31 inclusive of the year prior to the expiration of the collective bargaining contract covering the employees who are the subject of the petition. [After the agent has determined the existence of the requisite showing of interest by the employee organization filing the notification and any party filing a challenge, the board may order an election or a hearing to show cause why an election should not be held. The show cause hearing, if ordered, shall be held by September 15,

and the board shall use its best efforts to schedule elections prior to October 1.] The board may consider petitions filed at other times if compelling reasons are shown for deviation from the above rule.

Sec. 6. Section 5-273-11 of the Regulations of Connecticut State Agencies is amended to read as follows:

**[Challenges] Intervenor**

Whenever a notification [had] has been filed with the [Board] board under subdivision (1) of subsection (a) of Section 5-275 of the Connecticut General Statutes any other employee organization may file with the [Board] board a challenge in writing which states that ten [per cent] percent (10%) or more of the employees have expressed the desire to have the intervenor as exclusive representative in writing in the manner specified in subdivision (2) of subsection (a) of Section 5-275 of the Connecticut General Statutes. [The employer may also file a challenge as to the appropriateness of the unit.] Such challenge shall be deemed to include a petition for intervention in the proceedings and shall, in addition to the requirements specified in this section, conform to the requirements set forth in section 5-273-10 (a), supra. A challenge must be filed within thirty (30) days of the filing of the notification.

Sec. 7. Subsection (b) of section 5-273-13 of the Regulations of Connecticut State Agencies is amended to read as follows:

(b) Proof of an employee's desire for representation may be established as follows:

The [organization] petitioner may present to the [Agent] agent membership or application for membership cards or collective bargaining authorization cards, [containing the following information:]

[(1) The date the cards are signed by the employees.]

[(2)] The cards [must] shall be dated and signed prior to the filing of [notification by the organization] the petition with the [Board,] board, and [must] shall contain the printed or typewritten name of the signer as well as [his] the signer's signature.

[(3)] The cards will be void if signed beyond a year before the filing of [notification] the petition with the [Board] board.

[(4) The cards must be obtained during the organizational campaign which culminated in the petition.]

[(5)] The card itself [must] shall [state] indicate the employee's [wish to be represented by the organization] desire with regard to representation.

Sec. 8. Section 5-273-14 of the Regulations of Connecticut State Agencies is amended to read as follows:

**Hearing; notice**

When a hearing has been ordered, [The Board] the board shall hold [a] such hearing upon reasonable notice and may either dismiss the petition or direct an election or elections. [When a hearing has been directed, the] The [Board] board or its [Agent] agent shall prepare and cause to be served upon the parties a notice of hearing before the [Board,] board, at a time and place fixed therein. Hearings relative to petitions for representation elections shall have precedence over all other cases. A copy of the petition shall be served with the notice of hearing.

**Sec. 9.** Section 5-273-17 of the Regulations of Connecticut State Agencies is amended to read as follows:

**Election; terms and conditions**

(a) If the board or the [Agent] agent determines that an election shall be held, it shall order that such election or elections shall be conducted by the [Agent,] agent, an [Assistant Agent,] assistant agent, or by such other person as may be designated by the [Board.] board.

(b) All elections shall be held at such times and places and upon such terms or conditions as the [Board] board or the [Agent] agent may specify. All elections shall be by secret ballot.

(c) The employees eligible to vote shall be those on the payroll on the date of the filing of the petition or such other date as the [Board] board or the [Agent] agent may order upon the showing of extraordinary circumstances or by consent of the parties, and who remain on the payroll on the date of the election.

(d) At least seven (7) days prior to the election, or at least three (3) weeks prior thereto in cases where units exceed five hundred (500) employees, the employer shall furnish, to each interested organization which is a party to the proceeding, a list of the names and addresses of the employees in the appropriate unit who were on the payroll on the date of the filing of the petition, or such other date as the [Board] board or the [Agent] agent may order upon the showing of extraordinary circumstances or by consent of the parties, and who are on the payroll at the time of the submission of the list.

(e) At least three (3) business days prior to the election, the employer shall post, in conspicuous places where the employees eligible to vote customarily assemble, copies of the notice of election as provided by the board. Failure to post election notices as required herein shall constitute grounds for the filing of timely objections pursuant to subsection (b) of section 5-273-20 of the Regulations of Connecticut State Agencies. Nothing herein shall be deemed to prevent an employer from posting such notices earlier.

**Sec. 10.** Section 5-273-18 of the Regulations of Connecticut State Agencies is amended to read as follows:

[Conduct of elections] Interference

(a) During the course of a representation campaign, [the following] certain conduct may interfere with the rights of employees and may result in the setting aside of the election[:].

Examples of such conduct include, but are not limited to, the following:

(1) Threatening loss of jobs or other disadvantages by employer or union.

(2) Misstating important facts by a union or an employer where the other party does not have a fair chance to reply.

(3) Promising or granting promotions, pay raises, or other benefits to influence the employee's vote by a party capable of carrying out such promises.

(4) An employer firing employees to discourage or encourage union activity or a union causing them to be fired to encourage union activity.

(5) Threatening physical force or violence to employees by a union or an employer to influence their votes.

(6) Failing to furnish information in accordance with section 5-273-17(d) of the Regulations of Connecticut State Agencies.

(7) Failing to post notices of election in accordance with section 5-273-17(e) of the Regulations of Connecticut State Agencies.

(b) In the absence of extraordinary circumstances, a party having knowledge of grounds for objection to an election pursuant to this section is required to make [his] such party's objection to the agent prior to the election. Failure to do so [will] may result in a waiver of the right to raise the objection.

**Sec. 11.** Section 5-273-19 of the Regulations of Connecticut State Agencies is amended to read as follows:

**Challenged ballots**

At any election, if the right of an employee to vote is challenged by the [Board] board, the agent or any party to the proceedings, the employee shall be permitted to vote, but [his] the employee's ballot shall be sealed by [him] the employee in a separate envelope provided for such purpose and the employee shall then deliver the envelope to the [Agent] agent or person duly designated by the [Board] board to conduct the election, who shall deliver the challenged ballot to the [Board] board for determination, provided, if the challenged ballots are insufficient in number to affect the result of the election, no determination with respect to them shall be made.

**Sec. 12.** Subsection (b) of section 5-273-20 of the Regulations of Connecticut State Agencies is amended to read as follows:

(b) [Within five (5) days thereafter,] Not later than five (5) days after the conclusion of the election, any party who intends to make an objection to the conduct of the election shall serve upon all other parties, with proof of service, and file with the [Board] board an original and four (4) copies of objections to the election or elections or to the report thereon. The objections shall contain a plain statement of the grounds of objection. The [Board] board may, either with or without a hearing, make its determination with respect to the objections or to any challenged ballots, provided that if the [Board] board finds any such objection presents a substantial or material issue of fact or law it shall hold a hearing thereon.

**Sec. 13.** Section 5-273-22 of the Regulations of Connecticut State Agencies is amended to read as follows:

#### **Complaint**

A complaint that any person, the employer, or an employee organization has engaged in or is engaging in any prohibited practice under the Act may be filed by an employee, a group of employees, [and] an employee organization or by the employer, any of whom may hereafter be referred to as the person filing the complaint.

**Sec. 14.** Section 5-273-23 of the Regulations of Connecticut State Agencies is amended to read as follows:

#### **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] 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] board upon request.

**Sec. 15.** Section 5-273-25 of the Regulations of Connecticut State Agencies is amended to read as follows:

#### **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] board deems proper.

Sec. 16. Section 5-273-26 of the Regulations of Connecticut State Agencies is amended to read as follows:

**Reference of complaint to agent; investigation[; more specific statement]**

All complaints filed with the [Board] board shall be automatically referred to its [Agent] 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 5-273-24 of these regulations.

Sec. 17. Section 5-273-30 of the Regulations of Connecticut State Agencies is amended to read as follows:

**Amendment to complaint**

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

Sec. 18. Section 5-273-38 of the Regulations of Connecticut State Agencies is amended to read as follows:

**[Back pay] Compliance proceedings**

(a) After a [Board] 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] the agent's discretion to issue a [back pay] specification in the name of the [Board] board and a notice of hearing before the [Board,] board, both of which shall be sent by registered or certified mail to the parties involved. The specification sets forth the relief owed, including but not limited to the computations showing [gross and net back pay] the amount of back pay or other monetary relief due and any other pertinent information. [The respondent must] Each party shall file an answer within fifteen (15) days of the receipt of the specification setting forth a particularized [statement of its defense] response including, when appropriate, alternative computations showing the amount of back pay or other monetary relief due and any other pertinent information.

(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 the hearing before the [Board] board, a brief statement of the matters in controversy.

Sec. 19. Section 5-273-48 of the Regulations of Connecticut State Agencies is amended to read as follows:

**[During pendency of] Motions during 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] board. All motions, rulings, decisions and orders shall be and become part of the record in the proceeding.

Sec. 20. Section 5-273-51 of the Regulations of Connecticut State Agencies is amended to read as follows:

**Consolidation or severance**

Two or more proceedings [under this Section of the Act] may be consolidated by the [Board,] board, in its discretion, and such proceedings may be severed by the [Board,] board, in its discretion.

Sec. 21. Section 5-273-53 of the Regulations of Connecticut State Agencies is amended to read as follows:

**Application for subpoenas**

(a) Any party to a proceeding may apply to the [Board] 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 relating to any matter under investigation or any question before the [Board.] 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] board and need not be served on any other party. Any subpoena issued by the [Board] 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.

(b) Upon proper application, the board shall issue subpoenas at any time, requiring persons, parties or witnesses to attend or be examined or give testimony and to produce any books, records, correspondence, documents or other evidence that relate to any matter under investigation or any question before the board.

Sec. 22. Section 5-273-57 of the Regulations of Connecticut State Agencies is amended to read as follows:

**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.] board. Each party shall provide four (4) copies of each paper, document or other evidence it wishes to submit to the board and sufficient additional copies for each party to the proceeding.

**Sec. 23.** Section 5-273-60 of the Regulations of Connecticut State Agencies is amended to read as follows:

**Continuation, adjournment or postponement of hearings**

(a) In the discretion of the [Board,] 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] board or by other appropriate notice designated by the [Board.] board.

(b) Where the board has scheduled an initial hearing, a party may within ten (10) days of receipt of the hearing notice request one postponement per case by: (1) Obtaining from the opposing party an agreement for the postponement, (2) confirming a new mutually acceptable hearing date, and (3) notifying the board of the agreement to postpone and the new mutually acceptable hearing date. Unless the parties have agreed on a postponement and a new hearing date and have so notified the board within ten (10) days, the request for postponement shall be granted by the board only where the requesting party or parties have demonstrated to the board that there is sufficient cause for such postponement.

**Sec. 24.** Section 5-273-62 of the Regulations of Connecticut State Agencies is amended to read as follows:

**Waiver of hearing; consent order**

(a) Nothing 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.

(b) Nothing in sections 5-273-22 to 5-273-77, inclusive, of the Regulations of Connecticut State Agencies, shall prevent the parties from agreeing to submit stipulations of facts and evidence.

**Sec. 25.** Section 5-273-63 of the Regulations of Connecticut State Agencies is amended to read as follows:

**Oral argument or briefs; requests for findings of fact or conclusions at the close of hearings**

(a) In all hearings under this Act the [Board] board may, in its discretion, permit the parties to argue orally before it at the close of the hearing or to file briefs, requests for findings of fact or conclusions with it. The time for oral argument, filing briefs or requests for findings of fact or conclusions shall be fixed by the [Board.] board. Any request for oral argument before the [Board] board shall be submitted at the close of the hearing. The granting or denial of permission to argue orally before the [Board] board shall be within the discretion of the [Board.] board. Arguments shall be included in the stenographic report unless the [Board] board directs otherwise.

(b) Briefs are to be submitted in accordance with the following procedure: (1) The original and four (4) copies of the brief shall be filed with the board on or before the due date of the brief; (2) all briefs shall contain a certification that a copy of the brief was supplied to other counsel or parties of record at the time the brief is filed with the board; and (3) requests for postponement of briefs shall be directed to the office of the general counsel and shall be in writing, stating the reasons for the request and setting forth the respective positions of all parties of record with regards to the request.

**Sec. 26.** Section 5-273-66 of the Regulations of Connecticut State Agencies is amended to read as follows:

**[Application for leave] Motion 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] board in its discretion and on its own motion to reopen a hearing and take further testimony.

**Sec. 27.** Section 5-273-67 of the Regulations of Connecticut State Agencies is amended to read as follows:

**Findings of fact; conclusions of law; decision and order[; exception]**

The [Board] board shall, within a reasonable time after the close of a hearing under the provision of this Act, 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] board (b) findings of fact; (c) conclusions of law; (d) decision and order.

Sec. 28. Section 5-273-69 of the Regulations of Connecticut State Agencies is amended to read as follows:

**Records of proceedings before the board; representation cases**

The record of the proceedings before the [Board] board in representation cases shall consist of the notification, petition or amended petition, notices of hearings, the agent's recommendation for dismissal of petition or direction of election, motions, orders, agreement, stenographic report, exhibits, decision and direction of election, report upon secret ballot, objections thereto, certification, dismissal or decision and order.

Section 29. Section 5-273-71 of the Regulations of Connecticut State Agencies is amended to read as follows:

**Practice before the board**

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

Sec. 30. Section 5-273-72 of the Regulations of Connecticut State Agencies is amended to read as follows:

**[Method; proof; complaints; orders; and other processes and papers of the board and agent] Service by board**

Complaints, decisions and orders and other processes and papers of the [Board] board and [Agent] 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.

Sec. 31. Section 5-273-73 of the Regulations of Connecticut State Agencies is amended to read as follows:

### Service by a party

Service of papers by a party to the proceeding shall be made by registered or certified mail, first class mail, postage pre-paid, 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.

**Sec. 32.** Section 7-471-1 of the Regulations of Connecticut State Agencies is amended to read as follows:

### Creation and authority

The Connecticut State Board of Labor Relations was established in 1945 by section 31-102 of the Connecticut General Statutes and administers various labor relations statutes including the Municipal Employee Relations Act, sections 7-467 to 7-477 of the Connecticut General Statutes.

The three board members are appointed by the [governor] Governor with the advice and consent of the General Assembly. Alternate board members shall be appointed pursuant to section 31-102(b) of the Connecticut General Statutes and shall serve in place of an absent member of the board when so directed by the board and while so serving shall have all of the powers of members of the board. Pursuant to section 31-103 of the Connecticut General Statutes, 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.

**Sec. 33.** Section 7-471-3 of the Regulations of Connecticut State Agencies is amended to read as follows:

### Official address

All communications should be addressed to the [state board of labor relations] State Board of Labor Relations, [200 Folly Brook Boulevard,] 38 Wolcott Hill Road, Wethersfield, Connecticut 06109.

**Sec. 34.** Section 7-471-6 of the Regulations of Connecticut State Agencies is amended to read as follows:

### Definitions

The term ["act"] "Act" as used herein means the Municipal Employee Relations Act, sections 7-467 to [7-477] 7-479, inclusive, of the [general statutes] Connecticut General Statutes, [as

amended,] and the term ["board"] "Board" means the Connecticut [state board of labor relations.] State Board of Labor Relations. The term "Filing" as used herein means the delivery of required document(s) to the board's office address and any other means of delivery prescribed by the board. In proceedings under [subdivision] subdivisions (1) and (4) of section 7-471 of the [general statutes] Connecticut General Statutes, for election of representatives, the term ["petitioner"] Petitioner means the party filing a petition for such election and the term "Substantial number of employees" means, under ordinary circumstances, thirty percent of the membership of the claimed unit. In proceedings under subdivision [(4)] (5) of said section, the party charging a prohibited practice shall be called the ["complainant"] Complainant; and the party alleged to have committed such prohibited practice shall be called the ["respondent."] Respondent. The terms defined in section 7-467 of the act shall have the same meanings in these regulations.

Sec. 35. Section 7-471-7 of the Regulations of Connecticut State Agencies is amended to read as follows:

#### **Computation of Time**

Whenever the time limited in these regulations for any act is seven (7) days or more, Saturdays, Sundays, [and] holidays and other days when the board's offices are closed to the public shall be included in making the computation. Whenever the time so limited is less than seven (7) days, [Saturdays, Sundays and holidays] such days shall be excluded in making the computation.

Sec. 36. Section 7-471-8 of the Regulations of Connecticut State Agencies is amended to read as follows:

#### **Filing of petition**

(a) A petition, in writing, for an election pursuant to subdivision (1) of section 7-471 of the Connecticut General Statutes may be filed with the [Board] board by an employee or group of employees or any employee organization acting in their behalf, or in special circumstances under section 7-471-10 of these regulations by a municipal employer. A petition, in writing, for clarification or modification of an existing unit pursuant to subdivision (4) of section 7-471 of the Connecticut General Statutes, may be filed with the board by an employee organization or municipal employer. The original of the petition shall be signed and sworn to by any person authorized to administer the oath and [the original and four copies thereof] shall be filed with the [Board.] board. The petition shall include a certification also signed and sworn to before any person authorized to administer an oath stating that a copy of the petition has been served upon the employer and any union claiming to represent the employees, by registered or certified mail or in person. If an employee files a petition it shall be served on all unions

claiming to represent the employees. Petition forms will be supplied by the board upon request.

(b) [a] A petition, including a petition to clarify or modify an existing unit, will be considered timely if it is filed between 180 and 150 days prior to the expiration of the collective bargaining agreement covering the employees who are the subject of the petition. Pursuant to subdivision (4) of section 7-471 of the Connecticut General Statutes, a petition to clarify or modify an existing unit, concerning either a newly created position or an unrepresented employee, may be filed at any time by an employee organization. The [Board] board may consider petitions filed at other times if compelling reasons are shown for deviation from the foregoing regulation.

**Sec. 37.** Section 7-471-9 of the Regulations of Connecticut State Agencies is amended to read as follows:

**Information in petition filed by employee or labor organization**

(a) A petition when filed by an employee, or a group of employees or any employee organization acting on their behalf, shall contain the information required by the form supplied by the [Board,] board, including the following:

[(a)] (1) [the] The name and address of the petitioner, and, if it is an employee organization, the length of time it has been in existence;

[(b)] (2) the name of the municipal employer;

[(c)] (3) the types, classifications or groups of employees in the bargaining unit or units claimed to be appropriate, the number of employees therein, the names and addresses of any other individuals or employee organizations who claim to be the representatives of any of the employees in the claimed bargaining unit or units and a brief description of any contract covering any employees in such unit or units;

[(d)] (4) [the approximate number of employees who,] an allegation that a substantial number of employees, as defined in section 7-471-6 of the Regulations of Connecticut State Agencies:

[(1)] (A) [wish] Wish to be represented for collective bargaining by an employee organization as exclusive representative, or

[(2)] (B) assert that the employee organization which has been certified or is currently being recognized as the bargaining representative is no longer the representative of a majority of employees in the unit; [, and also an allegation that said number of employees is substantial. Under ordinary circumstances, the [Board] board shall define "substantial" as thirty percent of the membership of the claimed unit;]

[(e)] (5) an allegation that a question or controversy exists concerning representation;

[(f)] (6) a request that the [Board] board certify the name or names of the representatives who have been designated or selected for the purposes of collective bargaining by the majority of the employees in the unit or units appropriate for such purposes; and

[(g)] (7) a certification signed and attested to before any person authorized to administer an oath, stating that a copy of the petition has been served upon the employer and any union claiming to represent the employees by registered or certified mail, or in person.

(b) If a petition has been filed with the board in compliance with subsections (1) through (7), inclusive, of this section, any other employee organization may file with the board a petition which states that ten percent (10%) or more of the employees have expressed in writing the desire to have the intervenor as exclusive representative and such petition for intervention shall be filed within fifteen (15) days of the initial petition and shall otherwise conform to the requirements specified in this section.

(c) If the petition is for clarification or modification of an existing bargaining unit filed by an employee organization, the petition shall also include, in addition to the foregoing, a statement that the petitioner wishes to clarify or modify an existing unit or positions therein, and a description of the desired changes to an existing bargaining unit.

Sec. 38. Section 7-471-10 of the Regulations of Connecticut State Agencies is amended to read as follows:

#### **Information in petition signed by employer**

Such petition, when filed by a municipal employer, shall contain the information required by the form supplied by the [Board,] board, including the following:

- (a) the name of the petitioning municipal employer;
- (b) the types, classifications or groups of employees in the bargaining unit or units claimed to be appropriate, and the number of employees employed in such bargaining unit or units;
- (c) the names and addresses of any employee organizations who claim to represent any of the employees in the alleged bargaining unit or units, and a brief description of any contract covering any employees in such unit or units;
- (d) an allegation that one or more employee organizations have presented to [him] it a claim to be recognized as the representative of a majority of employees in a bargaining unit[.];
- (e) [A] a certification signed and attested to before any person authorized to administer an oath, stating that a copy of the petition has been served on all unions claiming to represent the employees[.] ; and
- (f) if the petition is for clarification or modification of an existing bargaining unit, the petition shall also include, in addition to subsections (a) to (e), inclusive, of this section, a statement that the petitioner wishes to clarify or modify an existing unit or positions therein, and a description of the desired changes to an existing bargaining unit.

Sec. 39. Section 7-471-12 of the Regulations of Connecticut State Agencies is amended to read as follows:

#### **Duties of agent**

(a) When a petition for an election has been filed, the [Agent] agent shall confer with and may hold informal conferences with the interested parties and ascertain the facts. The agent shall ascertain whether a substantial number of employees desire the petitioner to represent them or whether a substantial number of employees wish to decertify an existing employee representative by making a card check or by such other appropriate means as the agent shall determine. In making a card check the agent may use the criteria set out in subsection (b) of this section. [He] The agent shall encourage the parties to agree upon the appropriate unit and a suitable method by which the representative is to be determined by the board. In cases where the parties agree that an election be held to ascertain the wishes of the employees, the [Agent] agent shall as soon as possible conduct an election by secret ballot. In cases where the parties agree upon other suitable methods by which the representative is to be determined, the [Agent] agent as soon as possible shall by such method ascertain the employees' wishes and report [his] the agent's findings promptly to the board.

(b) Proof of an employee's desire with regard to representation may be established as follows: The petitioner(s) may present to the agent membership or application for membership cards or collective bargaining authorization cards.

The cards shall be dated and signed by the employees prior to the filing of the petition with the board, and shall contain the printed or typewritten name of the signer.

The cards shall be void if signed beyond a year before the filing of the petition with the board.

The card itself shall indicate the employee's desire with regard to representation.

[(b)] (c) Whenever the [Agent,] agent, after investigation, has reasonable cause to believe that a question of representation exists, including but not limited to finding that the parties are unable to agree upon the appropriate unit and he is unable to settle the controversy concerning representation, [he] the agent shall issue a direction of election within 30 days of [his] the investigation and conduct a secret ballot election within 30 days of the issuance of the direction of election to determine whether and by which employee organization the employees desire to be represented. The election shall be conducted in accordance with the terms and condition set forth in Sections 7-471-14, 7-471-14a, 7-471-15, and 7-471-16 of these regulations and the [Agent] agent will report [his] the agent's action to the [Board.] board. In the event that the [Agent] agent determines that there is no reasonable cause to believe that a question of representation exists, [he] the agent shall issue a recommendation to dismiss the petition within 30 days after [his] the investigation and report [his] the agent's action to the [Board] board. In the event the [Agent] agent is unable to determine whether or not a question of representation exists, the [Agent] agent may, within 30 days of [his] the investigation, refer the petition directly to the [Board] board for a hearing without either having conducted an election or issuing a recommendation for dismissal, in which event the [Board] board shall conduct an appropriate hearing upon due notice as set forth in these regulations.

[(c)] (d) If the [Agent] agent determines either to conduct a secret ballot election or to recommend dismissal of the petition, the parties may object to the [Agent's] agent's

determination by filing objections in the form of a brief within 14 days of the [issuance] service of the order directing an election or within 14 days of the [Agent's] agent's recommendation for a dismissal filed with the [Board.] board . Briefs shall be certified to all parties.

[(d)] (e) If objections are timely filed, the agent shall prepare a record for the [Board] board which shall include the following: the petition, the [Agent's] agent's order directing an election, or the [Agent's] agent's recommendation for dismissal and any briefs filed by a party.

[(e)] (f) The Board, after considering the [Agent's] direction of election or the Agent's recommendation for dismissal, together with the briefs submitted, shall, as appropriate within 30 days of receiving the record:

- (1) issue an order confirming the [Agent's] agent's direction of election and certifying the results, or
- (2) issue an order confirming the [Agent's] agent's recommendation for dismissal, or
- (3) order further investigation, or
- (4) order a hearing upon due notice,

[(f)] (g) In the event the [Agent] agent has directly referred the petition to the [Board] board for a hearing without either directing an election or recommending dismissal, or if the [Board] board has ordered a hearing, a hearing will be held pursuant to Section 7-471-13 of the Regulations of Connecticut State Agencies.

[(g)] (h) If no objections are filed, the [Board] board shall certify the results of the election or dismiss the petition.

**Sec. 40.** Section 7-471-13 of the Regulations of Connecticut State Agencies is amended to read as follows:

**Hearing; notice; ascertainment of desires of employees**

When a hearing has been ordered, [The] the board shall hold [a] such hearing upon reasonable notice and may either dismiss the petition or direct an election or elections, or use other suitable methods to ascertain the wishes of employees. [When a hearing has been directed, the] The board or its agent shall prepare and cause to be served upon the parties a notice of hearing before the board, at a time and place fixed therein. Hearings relative to petitions for representation elections shall have precedence over all other cases except motions for interim relief. A copy of the petition shall be served with the notice of hearing.

**Sec. 41.** Section 7-471-14 of the Regulations of Connecticut State Agencies is amended to read as follows:

**Election; terms and conditions**

(a) If the [Board] board or the [Agent] agent determines that an election shall be held, it shall order that such election or elections shall be conducted by the [Agent,] agent, an [Assistant Agent,] assistant agent, or by such other person as may be designated by the [Board] board.

(b) All elections shall be held at such times and places and upon such terms or conditions as the [Board] board or the [Agent] agent may specify. All elections shall be by secret ballot.

(c) The employees eligible to vote shall be those on the payroll on the date of the filing of the petition or such other date as the [Board] board or the [Agent] agent may order upon the showing of extraordinary circumstances or by consent of the parties, and who remain on the payroll on the date of the election.

(d) At least seven (7) days prior to the election, the employer shall furnish, to each labor organization which is party to the proceeding, a list of the names and addresses of the employees in the appropriate unit who were on the payroll on the date of the filing of the petition, or such other date as the [Board] board or the [Agent] agent may order upon the showing of extraordinary circumstances or by consent of the parties, and who are on the payroll at the time of the submission of the list.

(e) Unless mutually agreed otherwise, at least three (3) business days prior to the election, the employer shall post, in conspicuous places where the employees eligible to vote customarily assemble, copies of the notice of election as provided by the board. Nothing herein shall be deemed to prevent an employer from posting such notices earlier.

**Sec. 42.** The Regulations of Connecticut State Agencies are amended by adding section 7-471-14a as follows:

**(NEW) Interference**

(a) During the course of a representation campaign, certain conduct may interfere with the rights of employees and may result in the setting aside of the election. Examples of such conduct include, but are not limited to, the following:

- (1) Threatening loss of jobs or other disadvantages by employer or union.
- (2) Misstating important facts by a union or an employer where the other party does not have a fair chance to reply.
- (3) Promising or granting promotions, pay raises, or other benefits to influence an employee's vote by a party capable of carrying out such promises.
- (4) An employer firing employees to discourage or encourage union activity or a union causing them to be fired to encourage union activity.

(5) Threatening physical force or violence to employees by a union or an employer to influence their votes.

(6) Failing to provide information in accordance with section 7-471-14(d) of the Regulations of Connecticut State Agencies.

(7) Failing to post notices of election in accordance with section 7-471-14(e) of the Regulations of Connecticut State Agencies.

(b) In the absence of extraordinary circumstances, a party having knowledge of grounds pursuant to this section for objection to an election is required to make such party's objection to the agent prior to the election. Failure to do so may result in a waiver of the right to raise the objection.

**Sec. 43.** Section 7-471-15 of the Regulations of Connecticut State Agencies is amended to read as follows:

#### **Challenged ballots**

At any election, if the right of an employee to vote is challenged by the [Board,] board, the [Agent,] agent, or any party to the proceeding, the employee shall be permitted to vote, but [his] the ballot shall be sealed by [him] the employee in a separate envelope provided for such purpose and the employee shall then deliver the envelope to the [Agent] agent or person duly designated by the [Board] board or the [Agent] agent to conduct the election, who shall deliver the challenged ballot to the [Board] board for determination, provided, if the challenged ballots are insufficient in number to affect the result of the election, no determination with respect to them shall be made.

**Sec. 44.** Subsection (b) of section 7-471-16 of the Regulations of Connecticut State Agencies is amended to read as follows:

#### **Procedure following elections; challenges and objections**

(b) [Within five days thereafter,] Not later than five (5) days after the conclusion of the election, any party who intends to make an objection to the conduct of the election shall serve upon all other parties, with proof of service, and file with the board an original and four copies of objections to the election or elections or to the report thereon. The objections shall contain a plain statement of the grounds of objection. The board may, either with or without a hearing, make its determination with respect to the objections or to any challenged ballots. Any defect in making objections warrants their dismissal by the board but shall not deprive the board of jurisdiction to entertain the objections in spite of such defect wherever the board deems that justice so requires.

**Sec. 45.** Section 7-471-20 of the Regulations of Connecticut State Agencies is amended to read as follows:

#### **Complaints; 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 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.

**Sec. 46.** Section 7-471-22 of the Regulations of Connecticut State Agencies is amended to read as follows:

**Withdrawal**

A complaint, or any part thereof, may be withdrawn [only with the consent of the board and] upon such conditions as the board deems proper.

**Section 47.** Section 7-471-23 of the Regulations of Connecticut State Agencies is amended to read as follows:

**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 7-471-21 of these regulations.

**Sec. 48.** Subsection (a) of section 7-471-35 of the Regulations of Connecticut State Agencies is amended to read as follows:

**[Back pay] Compliance 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] the agent's 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 relief owed, including but not limited to the computations showing [gross and net back pay] the amount of back pay or other monetary relief due and any other pertinent information. [The respondent must] Each party shall file an answer within fifteen (15) days of the receipt of the specification setting forth a particularized [statement of its defense.] response, including, when appropriate, alternative computations showing the amount of back pay or other monetary relief due and any other pertinent information.

**Sec. 49.** Subsections (c) through (f), inclusive, of section 7-471-36 of the Regulations of Connecticut State Agencies are amended to read as follows:

(c) Respondent shall have the right to file an answer and counter affidavits. Failure of respondent to file an answer and counter affidavits and to appear before the board or single member thereof shall not prevent the board from accepting as true the facts properly alleged in the complaint and affidavits and granting the [complaint's] complainant's request.

(d) After having considered the facts contained in complainant's request and affidavits, and respondent's answer and counter affidavits, if any, the board may in its discretion dismiss the request without a hearing.

(e) If the board does not dismiss the request as provided in subsection (d), supra, and the parties do not waive a hearing: A panel of the board or a single member thereof shall conduct a hearing [within ten (10) days of] as expeditiously as possible after its receipt of the motion for interim relief. If a panel of the board hears the motion it shall issue a decision within [twenty (20)] thirty (30) days of the close of the hearing.

(f) If a single member of the board hears the motion, that member shall issue a proposed decision within [ten (10)] thirty (30) days of the close of the hearing, and if no objections are filed it will be the decision of the board on the motion for interim relief. Specific written objections to the proposed decision [must] shall be filed within five (5) days, and the board may in its discretion conduct a hearing on the objections, but in any case, the board shall issue a decision on the motion within [twenty (20)] thirty (30) days of the issuance of the proposed decision.

**Sec. 50.** Section 7-471-45 of the Regulations of Connecticut State Agencies is amended to read as follows:

#### **Joining of respondents**

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 based on the facts found proven, and shall not be limited to the relief demanded.

**Sec. 51.** Section 7-471-56 of the Regulations of Connecticut State Agencies is amended to read as follows:

#### **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. Each party shall provide four (4) copies of each paper, document or other evidence it wishes to submit to the board and sufficient additional copies for each party to the proceeding.

**Sec. 52.** Section 7-471-59 of the Regulations of Connecticut State Agencies is amended to read as follows:

Continuation, [or] adjournment or postponement of hearing

(a) 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.

(b) Where the board has scheduled an initial hearing, a party may, within ten (10) days of receipt of the hearing notice, request one postponement per case by: (1) Obtaining from the opposing party an agreement for the postponement, (2) confirming a new mutually acceptable hearing date, and (3) notifying the board of the agreement to postpone and the new mutually acceptable hearing date. Unless the parties have agreed on a postponement and a new hearing date and have so notified the board within ten (10) days, the request for postponement shall be granted by the board only where the requesting party or parties have demonstrated to the board that there is sufficient cause for such postponement.

**Sec. 53.** Section 7-471-61 of the Regulations of Connecticut State Agencies is amended to read as follows:

**Waiver of hearing; consent orders**

(a) Nothing in sections 7-471-19 to 7-471-75, inclusive, of the Regulations of Connecticut State Agencies, 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.

(b) Nothing in sections 7-471-19 to 7-471-75, inclusive, of the Regulations of Connecticut State Agencies shall prevent the parties from agreeing to submit stipulations of facts and evidence.

**Sec. 54.** Section 7-471-62 of the Regulations of Connecticut State Agencies is amended to read as follows:

**Oral argument or briefs; requests for findings of fact and conclusions**

(a) In all hearings under section 7-471 of 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, requests for findings of fact or conclusions with it. The time for oral argument, filing briefs or requests for findings of fact or conclusions 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.

(b) Briefs are to be submitted in accordance with the following procedure: (1) An original and four copies shall be filed with the board on or before the due date of the brief; (2) all briefs shall contain a certification that a copy of the brief was supplied to other counsel or parties of record at the time the brief is filed with the board; and (3) requests for postponement of briefs shall be directed to the office of the general counsel and shall be in writing, stating the reasons for the request and setting forth the respective positions of all parties of record with regard to the request.

**Sec. 55.** Section 7-471-66 of the Regulations of Connecticut State Agencies is amended to read as follows:

### **Findings of fact and conclusions of law; decision and order[; exception]**

The board shall, at any time after the close of a hearing under section [7- 471(4) of the act] 7-471(5) of the Connecticut General Statutes 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[.]; and (d) decision and order.

**Sec. 56.** Section 7-471-68 of the Regulations of Connecticut State Agencies is amended to read as follows:

#### **Record of proceedings in representation cases**

The record of the proceedings before the board in representation cases shall consist of the petition or amended petition, notices of hearing, the agent's recommendation for dismissal of petition or direction of election, motions, orders, agreement, stenographic report, exhibits, decision and direction of election, report upon secret ballot, objections thereto, certification, dismissal or decision and order.

**Sec. 57.** Section 7-471-70 of the Regulations of Connecticut State Agencies is amended to read as follows:

#### **Limitation on board members and employees appearing before board**

Any person who at any time has been a member of or employed by the board shall not be permitted to appear as attorney or representative for any person, firm, corporation or organization until the expiration of [six months] one year from the termination of [his] such person's employment with the board, nor shall [he] such person at any time be permitted to appear in any case which was pending before the board during the period of [his] such person's employment with the board.

**Sec. 58.** Section 7-471-71 of the Regulations of Connecticut State Agencies is amended to read as follows:

#### **Service of documents by board**

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.

**Sec. 59.** Section 7-471-72 of the Regulations of Connecticut State Agencies is amended to read as follows:

**Services of papers by party**

Service of papers by a party to the proceeding shall be made by registered or certified mail or first class mail, postage pre-paid 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.

**Sec. 60.** Section 10-153e-1 of the Regulations of Connecticut State Agencies is amended to read as follows:

**Creation and authority**

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

The three [Board] board members are appointed by the [governor] Governor with the advice and consent of the General Assembly. Alternate board members shall be appointed pursuant to section 31-102(b) of the Connecticut General Statutes and shall serve in place of an absent member of the board when so directed by the board and while so serving shall have all of the powers of members of the board. Pursuant to section 31-103 of the Connecticut General Statutes, the [Board] board appoints an agent and a general counsel for four (4) year terms of office, and may appoint such assistant agents and other employees as are needed to carry out the work of the [Board] board without undue delay.

**Sec. 61.** Section 10-153e-3 of the Regulations of Connecticut State Agencies is amended to read as follows:

**Official address**

All communications should be addressed to the State Board of Labor Relations, [200 Folly Brook Boulevard,] 38 Wolcott Hill Road, Wethersfield, Connecticut 06109.

**Sec. 62.** Section 10-153e-6 of the Regulations of Connecticut State Agencies is amended to read as follows:

[Act; board; complainant; respondent; agent] Definitions

The term "Act" as used herein means the Act Concerning School Board-Teacher Negotiations, section [10-153(e)] 10-153e of the [general statutes] Connecticut General Statutes, [as amended,] and the term "Board" means the Connecticut State Board of Labor Relations. The term "Filing" as used herein means the delivery of required document(s) to the board's office address and any other means of delivery prescribed by the board. 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] agent of the [Board] board and shall include the [Assistant Agents] assistant agents. The terms defined in section 10-153b(a) of the Connecticut General Statutes shall have the same meanings in these regulations.

**Sec. 63.** Section 10-153e-8 of the Regulations of Connecticut State Agencies is amended to read as follows:

#### Time limitations

Whenever the time limited in these regulations for any act is seven (7) days or more, Saturdays, Sundays, [and] holidays and other days when the board's offices are closed to the public shall be included in making the computation. Whenever the time so limited is less than seven (7) days, [Saturdays, Sundays and holidays] such days shall be excluded in making the computation.

**Sec. 64.** Section 10-153e-9 of the Regulations of Connecticut State Agencies is amended to read as follows:

#### 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 or a complaint that an employee representative organization has violated section 10-153e(c)(3) may be filed by an employee, [either] any of which may hereafter be referred to as the person filing the complaint.

**Sec. 65.** Section 10-153e-10 of the Regulations of Connecticut State Agencies is amended to read as follows:

#### 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] 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] board upon request.

Sec. 66. Section 10-153e-12 of the Regulations of Connecticut State Agencies is amended to read as follows:

**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] board deems proper.

Sec. 67. Section 10-153e-13 of the Regulations of Connecticut State Agencies is amended to read as follows:

**Reference of complaint to agent; investigation[; more specific statement]**

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

Sec. 68. Subsection (a) of section 10-153e-25 of the Regulations of Connecticut State Agencies is amended to read as follows:

**[Back pay] Compliance proceedings**

(a) After a [Board] 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] the agent's discretion to issue a [back pay] specification in the name of the [Board] board and a notice of hearing before the [Board,] board, both of which shall be sent by registered or certified mail to the parties involved. The specification sets forth the relief owed, including but not limited to the computations showing [gross and net back pay] the amount of back pay or other monetary relief due and any other pertinent information. [The respondent must] Each party shall file an answer within fifteen (15) days of the receipt of the specification setting forth a particularized [statement of its defense] response, including, when appropriate, alternative computations showing the amount of back pay or other monetary relief due and any other pertinent information.

Sec. 69. Section 10-153e-35 of the Regulations of Connecticut State Agencies is amended to read as follows:

**[During pendency of] Motions during 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] board. All motions, rulings, decisions and orders shall become part of the record in the proceeding.

Sec. 70. Section 10-153e-39 of the Regulations of Connecticut State Agencies is amended to read as follows:

Witnesses at all hearings shall be examined orally, under oath or affirmation and a record of the proceedings shall be made and kept by the board. If a witness resides outside the state or through illness or other cause is unable to testify before the [Board,] 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] board. All applications shall be made by motion to the [Board] board in accordance with the motion practice herein set forth.

**Sec. 71.** Section 10-153e-41 of the Regulations of Connecticut State Agencies is amended to read as follows:

#### **Application for subpoenas**

(a) Any party to a proceeding may apply to the [Board] 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 relating to any matter under investigation or any question before the [Board] 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] board and need not be served on any other party. Any subpoena issued by the [Board] 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.

(b) Upon proper application, the board shall issue subpoenas at any time, requiring persons, parties or witnesses to attend or be examined or give testimony and to produce any books, records, correspondence, documents or other evidence that relate to any matter under investigation or any question before the board.

**Sec. 72.** Section 10-153e-45 of the Regulations of Connecticut State Agencies is amended to read as follows:

In any hearing, the [Agent] 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] board. Each party shall provide four (4) copies of each paper, document or other evidence it wishes to submit to the board and sufficient additional copies for each party to the proceeding.

**Sec. 73.** Section 10-153e-48 of the Regulations of Connecticut State Agencies is amended to read as follows:

#### **Continuation, adjournment or postponement of hearings**

(a) In the discretion of the [Board] 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] board or by other appropriate notice designated by the [Board.] board.

(b) Where the board has scheduled an initial hearing, a party may within ten (10) days of receipt of the hearing notice request one postponement per case by: (1) Obtaining from the opposing party an agreement for the postponement, (2) confirming a new mutually acceptable hearing date and (3) notifying the board of the agreement to postpone and the new mutually acceptable hearing date. Unless the parties have agreed on a postponement and a new hearing date and have so notified the board within ten (10) days, the request for postponement shall be granted by the board only where the requesting party or parties have demonstrated to the board that there is sufficient cause for such postponement.

**Sec. 74.** Section 10-153e-50 of the Regulations of Connecticut State Agencies is amended to read as follows:

**Waiver of hearing; consent order**

(a) 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.

(b) Nothing in sections 10-153e-9 to 10-153e-63, inclusive, of the Regulations of Connecticut State Agencies shall prevent the parties from agreeing to submit stipulations of facts and evidence.

**Sec. 75.** Section 10-153e-51 of the Regulations of Connecticut State Agencies is amended to read as follows:

**Oral argument or briefs at the close of hearings**

(a) In all hearings under the Act, the [Board] 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 of briefs shall be fixed by the [Board.] board. Any request for oral argument before the [Board] board shall be submitted at the close of the hearing. The granting or denial of permission to argue orally before the [Board] board shall be within the discretion of the [Board] board. Arguments shall be included in the stenographic report unless the [Board] board directs otherwise.

(b) Briefs are to be submitted in accordance with the following procedure: (1) An original and four (4) copies shall be filed with the board on or before the due date of the brief; (2) all briefs shall contain a certification that a copy of the brief was supplied to other counsel or parties of record at the time the brief is filed with the board; and (3) requests for postponement of briefs shall be directed to the office of the general counsel and shall be in writing, stating the reasons for the request and setting forth the respective positions of all parties of record with regard to the request.

**Sec. 76.** Section 10-153e-55 of the Regulations of Connecticut State Agencies is amended to read as follows:

**Findings of fact; conclusions of law; decision and order[; exception]**

The [Board] 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] board, (b) findings of fact, (c) conclusions of law, (d) decision and order.

Sec. 77. Section 10-153e-58 of the Regulations of Connecticut State Agencies is amended to read as follows:

**Practice before the board**

Any person who at any time has been a member of or employed by the [Board] board shall not be permitted to appear before the [Board] board as an attorney or representative for any person, school board or employee representative organization until the expiration of [six (6) months] one (1) year from the termination of [his] such person's employment with the [Board,] board, nor shall [he] such person at any time be permitted to appear in any case which was pending before the [Board] board during the period of [his] such person's employment with the [Board] board.

Sec. 78. Section 10-153e-59 of the Regulations of Connecticut State Agencies is amended to read as follows:

**[Method; proof; complaints; orders and other processes and papers of the board and agent]  
Service by board**

Complaints, decisions and orders and other processes and papers of the [Board] board and [Agent] 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.

Sec. 79. Section 10-153e-60 of the Regulations of Connecticut State Agencies is amended to read as follows:

Service of papers by a party to the proceeding shall be made by registered or certified mail or first class mail, postage pre-paid 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.

Sec. 80. Section 31-101-1 of the Regulations of Connecticut State Agencies is amended to read as follows:

**Creation and authority**

The Connecticut State Board of Labor Relations was established in 1945 by section 31-102 of the Connecticut General Statutes and administers various labor relations statutes including the Connecticut State Labor Relations Act, sections 31-101 to 31-111, inclusive, of the Connecticut General Statutes.

The three board members are appointed by the [governor] Governor with the advice and consent of the General Assembly. Alternate board members shall be appointed pursuant to section 31-102(b) of the Connecticut General Statutes and shall serve in place of an absent member of the board when so directed by the board and while so serving shall have all of the powers of members of the board. Pursuant to section 31-103 of the Connecticut General Statutes, 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.

**Sec. 81.** Section 31-101-3 of the Regulations of Connecticut State Agencies is amended to read as follows:

#### Official address

All communications should be addressed to the State Board of Labor Relations, [200 Folly Brook Boulevard,] 38 Wolcott Hill Road, Wethersfield, Connecticut 06109.

**Sec. 82.** Section 31-101-6 of the Regulations of Connecticut State Agencies is amended to read as follows:

#### [Act; board; petitioner; complainant; respondent] Definitions

The term ["act"] "Act" as used herein means the Connecticut [state labor relations act] State Labor Relations Act, sections [31-101—31-111] 31-101 to 31-111b, inclusive, of the [general statutes,] Connecticut General Statutes, and the term ["board"] "Board" means the Connecticut [state board of labor relations] State Board of Labor Relations. The term "Filing" as used herein means the delivery of required documents(s) to the board's office address and any other means of delivery prescribed by the board. In proceedings under section 31-106 of the act, for election of representatives, the term ["petitioner"] Petitioner means the party filing a petition for such election and the term "Substantial number of employees" means, under ordinary circumstances, thirty per cent (30%) of the membership of the claimed unit. In proceedings under section 31-105 of the act, the party charging an unfair labor practice shall be called the ["complainant"] Complainant; and the party alleged to have committed such unfair labor practice shall be called the ["respondent."] Respondent. The terms defined in section 31-101 of the act have the same meanings in these regulations.

**Sec. 83.** Section 31-101-7 of the Regulations of Connecticut State Agencies is amended to read as follows:

#### Time limitations

Whenever the time limited in these regulations for any act is seven (7) days or more, Saturdays, Sundays, [and] holidays and other days when the board's offices are closed to the public shall be

included in making the computation. Whenever the time so limited is less than seven (7) days, [Saturdays, Sundays and holidays] such days shall be excluded in making the computation.

**Sec. 84.** Section 31-101-8 of the Regulations of Connecticut State Agencies is amended to read as follows:

**Petition; filing**

A petition for an election pursuant to section 31-106 of the act may be filed with the board by an employee or [his] the employee's representative, or, in special circumstances under section 31-101-10 of these regulations, by an employer or [his] the employer's representative. The petition shall be in writing. The original shall be signed and sworn to before any person authorized to administer an oath. The original [and four copies of the] petition shall be filed with the board. The petition shall include a certification also signed and sworn to before any person authorized to administer an oath, stating that a copy of the petition has been served upon the employer and any union claiming to represent the employees, by registered or certified mail or in person. If an employer files a petition it shall be served on all unions claiming to represent the employees. Petition forms will be supplied by the board upon request.

**Sec. 85.** Section 31-101-9 of the Regulations of Connecticut State Agencies is amended to read as follows:

**Petition of employee or labor organization**

(a) A petition, when filed by an employee, [his] the employee's representative or a labor organization, shall contain the information required by the form supplied by the board, including the following:

[(a)] (1) [the] The name and address of the petitioner;

[(b)] (2) the name and address of the employer or employers concerned and the general nature of the business;

[(c)] (3) such information as the petitioner can secure concerning the approximate percentage of business or sales outside the state of Connecticut, and other facts concerning interstate commerce, if any;

[(d)] (4) the approximate total number of employees;

[(e)] (5) the types, classifications or groups of employees in the bargaining unit or units claimed to be appropriate, the number of employees therein, the names and addresses of any other individuals or labor organizations who claim to be the representatives of any of the employees in the alleged bargaining unit or units and a brief description of any contract covering any employees in such unit or units;

[(f)] (6) an allegation that a question or controversy exists concerning representation;

[(g)] (7) a request that the board certify the name or names of the representatives who have been designated or selected for the purposes of collective bargaining by the majority of the employees in the unit or units appropriate for such purposes[.]; and

(8) an allegation that a substantial number of employees, as defined in section 31-101-6 of the Regulations of Connecticut State Agencies, (A) wish to be represented for collective bargaining by an employee organization as exclusive representative or (B) assert that the employee organization

currently certified or recognized as the bargaining representative is no longer the representative of a majority of employees in the unit.

(b) If a petition has been filed with the board in compliance with subsections (1) to (8), inclusive, of this section, any other employee organization may file with the board a petition which states that ten (10%) percent or more of the employees have expressed in writing the desire to have the intervenor as exclusive representative and such petition for intervention shall be filed within fifteen (15) days of the initial petition and shall otherwise conform to the requirements specified in this section.

Sec. 86. Section 31-101-12 of the Regulations of Connecticut State Agencies is amended to read as follows:

#### Duties of agent

(a) When a petition for an election has been filed, the [Agent] agent shall confer with and may hold informal conferences with the interested parties and ascertain the facts. The agent shall ascertain whether a substantial number of employees desire the petitioner to represent them or whether a substantial number of employees wish to decertify an existing employee representative by making a card check or by such other appropriate means as the agent shall determine. In making a card check the agent may use the criteria set out in subsection (b) of this section. [He] The agent shall encourage the parties to agree upon the appropriate unit and a suitable method by which the representative is to be determined by the [Board.] board. In cases where the parties agree that an election be held to ascertain the wishes of the employees, the [Agent] agent shall as soon as possible conduct an election by secret ballot. In cases where the parties agree upon other suitable methods by which the representative is to be determined, the [Agent] agent as soon as possible shall by such method ascertain the employee's wishes and report [his] the agent's findings promptly to the [Board.] board. Whenever the [Agent,] agent, after investigation, has reasonable cause to believe that a question of representation exists, including but not limited to finding that the parties are unable to agree upon the appropriate unit and he is unable to settle the controversy concerning representation, [he] the agent shall issue a direction of election within 30 days of [his] the investigation and conduct a secret ballot election within [30] thirty (30) days of the issuance of the direction of election to determine whether and by which employee organization the employees desire to be represented. The election shall be conducted in accordance with the terms and conditions set forth in Sections 31-101-14, 31-101-14a, 31-101-15, and 31-101-16 of these regulations and the [Agent] agent shall report [his] the agent's action to the [Board] board. In the event that the agent determines that there is no reasonable cause to believe that a question of representation exists, [he] the agent shall issue a recommendation to dismiss the petition within [30] thirty (30) days after [his] the investigation and report [his] the agent's action to the [Board.] board. In the event the [Agent] agent is unable to determine whether or not a question of representation exists, the [Agent] agent may, within 30 days of [his] the agent's investigation, refer the petition directly to the [Board] board for a hearing without either having conducted an election or issuing a recommendation for dismissal, in which event the [Board] board shall conduct an appropriate hearing upon due notice as set forth in these regulations.

(b) Proof of an employee's desire with regard to representation may be established as follows: The petitioner may present to the agent membership or application for membership cards or collective bargaining authorization cards.

The cards shall be dated and signed by the employees prior to the filing of the petition with the board, and shall contain the printed or typewritten name of the signer.

The cards will be void if signed more than a year before the filing of the petition with the board.

The card itself shall indicate the employee's desire with regard to representation.

~~[(b)]~~ (c) If the [Agent] agent determines either to conduct a secret ballot election or to recommend dismissal of the petition, the parties may object to the [Agent's] agent's determination by filing objections in the form of a brief within [14] fourteen (14) days of the [issuance] service of the order directing an election or within 14 days of the [Agent's] agent's recommendation for a dismissal filed with the [Board.] board. Briefs shall be certified to all parties.

~~[(c)]~~ (d) If objections are timely filed, the [Agent] agent shall prepare a record for the [Board] board which shall include the following: the petition, the [Agent's] agent's order directing an election, or the [Agent's] agent's recommendation for dismissal and any briefs filed by a party.

~~[(d)]~~ (e) The [Board,] board, after considering the [Agent's] agent's direction of election or the [Agent's] agent's recommendation for dismissal, together with the briefs submitted, shall as appropriate within [30] thirty (30) days of receiving the record:

(1) [issue] Issue an order confirming the [Agent's] agent's direction of election and certifying the election results, [or]

(2) issue an order confirming the [Agent's] agent's recommendation for dismissal, [or]

(3) order further investigation, or

(4) order a hearing.

~~[(e)]~~ (f) In the event the [Agent] agent has directly referred the petition to the [Board] board for a hearing without either directing an election or recommending dismissal or if the [Board] board has ordered a hearing, a hearing will be held pursuant to Section 31-101-13.

~~[(f)]~~ (g) If no objections are filed, the [Board] board shall certify the results of the election or dismiss the petition.

**Sec. 87.** Section 31-101-13 of the Regulations of Connecticut State Agencies is amended to read as follows:

#### **Hearing; notice; ascertainment of desires of employees**

When a hearing has been ordered, [The] the board shall hold [a] such hearing upon reasonable notice and may either dismiss the petition or direct an election or elections, or use other suitable methods to ascertain the wishes of employees. When a hearing has been directed, the board or its agent shall prepare and cause to be served upon the parties a notice of hearing before the board, at a time and place fixed therein. Hearings relative to petitions for representation elections shall have precedence over all other cases. A copy of the petition shall be served with the notice of hearing.

**Sec. 88 .** Section 31-101-14 of the Regulations of Connecticut State Agencies is amended to read as follows:

#### **Elections; terms and conditions**

(a) If the [Board] board or the [Agent] agent determines that an election shall be held, it shall order that such election or elections shall be conducted by the [Agent, an Assistant Agent,] agent, an

assistant agent, or by such other person as may be designated by the [Board] board or the [Agent.] agent.

(b) All elections shall be held at such times and places and upon such terms and conditions as the [Board] board or the [Agent] agent may specify. All elections ordered by the [Board] board or the [Agent] agent shall be by secret ballot.

(c) The employees eligible to vote shall be those on the payroll on the date of filing of the petition, or such other date as the [Board] board or the [Agent] agent may order upon the showing of extraordinary circumstances or by consent of the parties, and who remain on the payroll on the date of the election.

(d) At least seven (7) days prior to the election the employer shall furnish to each labor organization which is a party to the proceeding, a list of the names and addresses of the employees in the appropriate unit who were on the payroll on the date of the filing of the petition, or such other date as the [Board] board or the [Agent] agent may order upon the showing of extraordinary circumstances or by consent of the parties, and who are on the payroll at the time of the submission of the list.

(e) Unless mutually agreed otherwise, at least three (3) business days prior to the election, the employer shall post, in conspicuous places where the employees eligible to vote customarily assemble, copies of the notice of election as provided by the board. Nothing herein shall be deemed to prevent an employer from posting such election notices earlier.

Sec. 89. The Regulations of Connecticut State Agencies are amended by adding section 31-101-14a as follows:

**(NEW) Interference**

(a) During the course of a representation campaign, the following conduct may interfere with the rights of employees and may result in the setting aside of the election. Examples of such conduct include, but are not limited to, the following:

(1) Threatening loss of jobs or other disadvantages by employer or union.

(2) Misstating important facts by a union or an employer where the other party does not have a fair chance to reply.

(3) Promising or granting promotions, pay raises, or other benefits to influence an employee's vote by a party capable of carrying out such promises.

(4) An employer firing employees to discourage or encourage union activity or a union causing them to be fired to encourage union activity.

(5) Threatening physical force or violence to employees by a union or an employer to influence their votes.

(6) Failing to provide information in accordance with section 31-101-14(d) of the Regulations of Connecticut State Agencies.

(7) Failing to post notices of election in accordance with section 31-101-14(e) of the Regulations of Connecticut State Agencies.

(b) in the absence of extraordinary circumstances, a party having knowledge of grounds for objection to an election is required to make the party's objection to the agent prior to the election. Failure to do so may result in a waiver of the right to raise the objection.

**Sec. 90.** Section 31-101-15 of the Regulations of Connecticut State Agencies is amended to read as follows:

#### **Challenged ballots**

At any election, whether ordered by the board or held by consent of the parties, if the right of an employee to vote is challenged by the board, the agent or any party to the proceeding, the employee shall be permitted to vote, but [his] the employee's ballot shall be sealed by him in a separate envelope provided for such purpose and the employee shall then deliver the envelope to the [Agent] agent or person duly designated by the [Board] board or the [Agent] agent to conduct the election, who shall deliver the challenged ballot to the [Board] board for determination, provided, if the challenged ballots are insufficient in number to affect the result of the election, no determination with respect to them shall be made.

**Sec. 91.** Subsection (b) of section 31-101-16 of the Regulations of Connecticut State Agencies is amended to read as follows:

(b) [Within five days (5) thereafter] Not later than five (5) days after the conclusion of the election, any party who intends to make an objection to the conduct of the election shall serve upon all other parties, with proof of service, and file with the board an original and four (4) copies of objections to the election or elections or to the report thereon. The objections shall contain a plain statement of the grounds of objection. The board may, either with or without a hearing, make its determination with respect to the objections or to any challenged ballots. Any defect in making objections warrants their dismissal by the board but shall not deprive the board of jurisdiction to entertain the objections in spite of such defect wherever the board deems that justice so requires.

**Sec. 92.** Section 31-101-17 of the Regulations of Connecticut State Agencies is amended to read as follows:

#### **Certification of representatives**

The board, after ascertaining the wishes of the employees, shall certify to the parties the name or names of the representatives or make other disposition of the matter. The board shall not issue a certification unless the wishes of the employees have been ascertained by secret ballot election.

**Sec. 93.** Subsection (a) of section 31-101-38 of the Regulations of Connecticut State Agencies is amended to read as follows:

#### **[Back pay] Compliance 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] the agent's 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 relief owed, including but not limited to the computations showing [gross and net back pay] the amount

of back pay or other monetary relief due and any other pertinent information. [The respondent must] each party shall file an answer within fifteen (15) days of the receipt of the specification setting forth a particularized [statement of its defense.] response including, when appropriate, alternative computation showing the amount of back pay or other monetary relief due and any other pertinent information.

**Sec. 94.** Section 31-101-47 of the Regulations of Connecticut State Agencies is amended to read as follows:

**Parties; relief**

All persons alleged to have engaged in any unfair labor 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 upon all the evidence. The board may award any relief appropriate under law and based on the facts found proven, and shall not be limited to the relief demanded.

**Sec. 95.** Section 31-101-48 of the Regulations of Connecticut State Agencies is amended to read as follows:

**[During pendency of] Motions during 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, except that motions made to intervene shall be made in the manner set forth in section 31-101-51 of these regulations. All motions, rulings, decisions and orders shall be and become part of the record in the proceeding.

**Sec. 96.** Section 31-101-59 of the Regulations of Connecticut State Agencies is amended to read as follows:

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. Each party shall provide four (4) copies of each paper, document or other evidence it wishes to submit to the board, and sufficient additional copies for each party to the proceeding.

**Sec. 97.** Section 31-101-62 of the Regulations of Connecticut State Agencies is amended to read as follows:

**Continuation, adjournment or postponement of hearing**

(a) 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.

(b) Where the board has scheduled an initial hearing, a party may within ten (10) days of receipt of the hearing notice request one postponement per case by: (1) Obtaining from the opposing party an agreement for the postponement, (2) confirming a new mutually acceptable hearing date, and (3)

notifying the board of the agreement to postpone and the new mutually acceptable hearing date. Unless the parties have agreed on a postponement and a new hearing date and have so notified the board within ten (10) days, the request for postponement shall be granted by the board only where the requesting party or parties have demonstrated to the board that there is sufficient cause for such postponement.

**Section 98.** Section 31-101-64 of the Regulations of Connecticut State Agencies is amended to read as follows:

**Waiver of hearing and consent order**

(a) 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 waives the holding of any hearing and making of the findings of fact and conclusions of law.

(b) Nothing in these regulations shall prevent the parties from agreeing to submit stipulations of facts and evidence.

**Sec. 99.** Section 31-101-65 of the Regulations of Connecticut State Agencies is amended to read as follows:

**Oral argument or briefs; requests for findings of fact or conclusions at the close of hearings**

(a) In all hearings under sections 31-106 and 31-107 [of the act] of the Connecticut General Statutes, the board may in its discretion permit the parties to argue orally before it at the close of the hearings or to file briefs, requests for findings of fact or conclusions with it. The time for oral argument, filing briefs or requests for findings of fact or conclusions 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.

(b) Briefs are to be submitted in accordance with the following procedure: (1) An original and four (4) copies shall be filed with the board on or before the due date of the brief; (2) all briefs shall contain a certification that a copy of the brief was supplied to other counsel or parties of record at the time the brief is filed with the board; and (3) requests for postponement of briefs shall be directed to the office of the general counsel and shall be in writing, stating the reasons for the request and setting forth the respective positions of all parties of record with regards to the request.

**Sec. 100.** Section 31-101-68 of the Regulations of Connecticut State Agencies is amended to read as follows:

[Application for leave to reopen a hearing on grounds of newly discovered evidence] Motion to reopen hearing

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.

**Sec. 101.** Section 31-101-71 of the Regulations of Connecticut State Agencies is amended to read as follows:

**Records of proceedings before the board; representation cases**

The record of the proceedings before the board in representation cases shall consist of the petition or amended petition, notices of hearing, the agent's recommendation for dismissal of petition or direction of election, motions, orders, agreements, stenographic report, exhibits, decision and direction of election, report on secret ballot, objections thereto, certification, dismissal or decision and order.

**Sec. 102.** Section 31-101-73 of the Regulations of Connecticut State Agencies is amended to read as follows:

**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 as attorney or representative for any person, firm, corporation or organization until the expiration of [six (6) months] one (1) year from the termination of [his] such person's employment with the board, nor shall [he] such person at any time be permitted to appear in any case which was pending before the board during the period of [his] such person's employment with the board.

**Sec. 103.** Section 31-101-74 of the Regulations of Connecticut State Agencies is amended to read as follows:

**[Method; proof; complaints; orders and other processes and papers of] Service of documents by 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.

**Sec. 104.** Section 31-101-75 of the Regulations of Connecticut State Agencies is amended to read as follows:

**Service by a party**

Service of papers by a party to the proceeding shall be made by registered or certified mail, first class mail, postage prepaid 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.

**Statement of Purpose**

*Pursuant to CGS Section 4-170(b)(3), "Each proposed regulation shall have a statement of its purpose following the final section of the regulation." Enter the statement here.*

**Statement of Purpose:** These proposed amendments to the Regulations of Connecticut State Agencies are intended to (a) bring the regulatory language into conformity with statutory language; (b) bring the regulatory language into conformity with the requirements of the Uniform Administrative Procedures Act, Sections 4-166 et seq. of the General Statutes; (c) bring the regulatory language into conformity with current administrative procedure of the board; (d) make technical corrections to the Regulations; and (e) create internal consistency among the regulations.

R-39 Rev. 03/2012  
(Certification page—see Instructions on back)

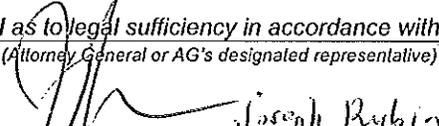
### CERTIFICATION

*This certification statement must be completed in full, including items 3 and 4, if they are applicable.*

- 1) I hereby certify that the above (check one)  Regulations  Emergency Regulations
- 2) are (check all that apply)  adopted  amended  repealed by this agency pursuant to the following authority(ies): (complete all that apply)
  - a. Connecticut General Statutes section(s) CGS §§ 4-8, 7-471, 10-153e, 5-273(b), 31-106(b).
  - b. Public Act Number(s) \_\_\_\_\_.  
(Provide public act number(s) if the act has not yet been codified in the Connecticut General Statutes.)
- 3) And I further certify that notice of intent to adopt, amend or repeal said regulations was published in the **Connecticut Law Journal** on 5/14/13;  
(Insert date of notice publication if publication was required by CGS Section 4-168.)
- 4) And that a public hearing regarding the proposed regulations was held on 6/10/13;  
(Insert date(s) of public hearing(s) held pursuant to CGS Section 4-168(a)(7), if any, or pursuant to other applicable statute.)
- 5) And that said regulations are **EFFECTIVE** (check one, and complete as applicable)
  - When filed with the Secretary of the State
  - OR  on (insert date) \_\_\_\_\_

DATE <u>6-27-2013</u>	SIGNED (Head of Board, Agency or Commission) 	OFFICIAL TITLE, DULY AUTHORIZED Chairman, Connecticut State Board of Labor Relations
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**APPROVED** by the Attorney General as to legal sufficiency in accordance with CGS Section 4-169, as amended

DATE <u>7/18/13</u>	SIGNED (Attorney General or AG's designated representative) 	OFFICIAL TITLE, DULY AUTHORIZED ASSOC. ATTY. GENER
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Proposed regulations are **DEEMED APPROVED** by the Attorney General in accordance with CGS Section 4-169, as amended, if the attorney General fails to give notice to the agency of any legal insufficiency within thirty (30) days of the receipt of the proposed regulation.

(For Regulation Review Committee Use ONLY)

- Approved  Rejected without prejudice
- Approved with technical corrections,  Disapproved in part, (Indicate Section Numbers disapproved only)  
*deletions, and removal of tech. corr. number 13*
- Deemed approved pursuant to CGS Section 4-170(c)

By the Legislative Regulation Review Committee in accordance with CGS Section 4-170, as amended	DATE <u>September 24, 2013</u>	SIGNED (Administrator, Legislative Regulation Review Committee) 
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Two certified copies received and filed and one such copy forwarded to the Commission on Official Legal Publications in accordance with CGS Section 4-172, as amended.

DATE	SIGNED (Secretary of the State)	BY
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(For Secretary of the State Use ONLY)