CHAPTER 561*

LABOR RELATIONS ACT


Corresponding sections of the Norris-La Guardia Act (National Labor Relations Act). 8 CS 330; 17 CS 289. Modeled closely after National Labor Relations Act of 1935. 22 CS 137. Where an action for a declaratory judgment invokes court's independent, rather than its appellate, jurisdiction, claimed fact that an appeal would not lie because ruling was interlocutory and because Labor Relations Act did not provide for judicial review was not a ground of abatement. 23 CS 30. Connecticut State Labor Relations Act (CSLRA) cited. 43 CS 340, 342, 344.

Sec. 31-101. Definitions. When used in this chapter:

(1) "Agent" means the representative of the board who handles all investigations of complaints and violations of this chapter;

(2) "Board" means the labor relations board provided for in section 31-102;

(3) "Commissioner" means the Labor Commissioner or any representative designated by him;

(4) "Company union" means any committee, employee representation plan or association of employees which exists for the purpose, in whole or in part, of dealing with employers concerning grievances or terms and conditions of employment which the employer has initiated or created or whose initiation or creation he has suggested or participated in or the formulation of whose governing rules or policies or the conduct of whose management, policies or elections the employer participates in or supervises or which the employer manages, finances, controls, dominates or assists in maintaining or financing, whether by compensation to anyone for service performed in its behalf or by donating free service, equipment, materials, office or meeting space or anything else of value or by any other means;

(5) "Department" means the Labor Department;
(6) "Employee" includes, but shall not be restricted to, any individual employed by a labor organization, any individual whose employment has ceased as a consequence of, or in connection with, any current labor dispute or because of any unfair labor practice, and who has not obtained any other regular and substantially equivalent employment, and shall not be limited to the employees of a particular employer; but shall not include any individual employed by his parent or spouse or in the domestic service of any person in his home, any individual employed only for the duration of a labor dispute or any individual employed as an agricultural worker;

(7) "Employer" means any person acting directly or indirectly in the interest of an employer in relation to an employee, but shall not include any person engaged in farming, or any person subject to the provisions of the National Labor Relations Act, unless the National Labor Relations Board has declined to assert jurisdiction over such person, or any person subject to the provisions of the Federal Railway Labor Act, or the state or any political or civil subdivision thereof or any religious agency or corporation, or any labor organization, except when acting as an employer, or any one acting as an officer or agent of such labor organization. An employer licensed by the Department of Public Health under section 19a-490 shall be subject to the provisions of this chapter with respect to all its employees except those licensed under chapters 370 and 379, unless such employer is the state or any political subdivision thereof;

(8) "Labor dispute" includes, but shall not be restricted to, any controversy between employers and employees or their representatives concerning terms, tenure or conditions of employment or concerning the association or representation of persons in negotiating, fixing or maintaining, or seeking to negotiate, fix, maintain or change, terms or conditions of employment;

(9) "Labor organization" means any organization which exists and is constituted for the purpose, in whole or in part, of collective bargaining, or of dealing with employers concerning grievances, terms or conditions of employment, or other mutual aid or protection, and which is not a company union as defined herein;

(10) "Person" includes individuals, partnerships, associations, corporations, limited liability companies, trustees, receivers and legal representatives;

(11) "Representative" includes a labor organization or an individual, whether or not employed by the employer or those whom he represents;

(12) "Unfair labor practice" means only those unfair labor practices listed in section 31-105;
(13) "Supervisor" means any individual having authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward or discipline other employees, or responsibility to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment, and such individuals shall be "employees" within the meaning of subdivision (6) of this section;

(14) "Professional employee" means (A) any employee engaged in work (I) predominantly intellectual and varied in character as opposed to routine mental, manual, mechanical or physical work; (ii) involving the consistent exercise of discretion and judgment in its performance; (iii) of such a character that the output produced or the result accomplished cannot be standardized in relation to a given period of time; and (iv) requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning or a hospital, as distinguished from a general academic education or from an apprenticeship or from training in the performance of routine mental, manual or physical processes; or (B) any employee who (I) has completed the courses of specialized intellectual instruction and study described in clause (iv) of subparagraph (A), and (ii) is performing related work under the supervision of a professional person to qualify himself to become a professional employee as defined in subparagraph (A).


History: 1967 act deleted exclusion of charitable and educational agencies and corporations in definition of "employer" and added provision setting forth conditions under which employers licensed by health department are subject to provisions of chapter, and added definitions of "supervisor" and "professional employee"; P.A. 77-614 replaced health department with department of health services, effective January 1, 1979; in Subdiv. (14) lower case alphabetic Subpara. indicators were replaced with upper case indicators editorially in 1991; P.A. 93-381 replaced department of health services with department of public health and addiction services, effective July 1, 1993; P.A. 95-79 redefined "person" to include limited liability companies, effective May 31, 1995; P.A. 95-257 replaced Commissioner and Department of Public Health and Addiction Services with Commissioner and Department of Public Health, effective July 1, 1995.

Cited. 142 C. 457. Definitional section does not provide exclusion for nonprofit entities. 175 C. 165, 167.
Cited. 22 CS 31, id., 140.
Subdiv. (6):
Cited. 175 C. 165, 168.
Sec. 31-102. State Board of Labor Relations. (a) There shall continue to be in the Labor Department the Connecticut State Board of Labor Relations, which shall be composed of three members. On or before June first in the odd-numbered years, as the term of each member expires, the Governor shall, with the advice and consent of the General Assembly, appoint a successor to serve for a term of six years. Each member of the board shall have been an elector in this state for at least one year next preceding his appointment. Any member may be removed by the Governor for cause shown in a public hearing after the accused has been given a copy of the charges made and has had an opportunity to answer such charges. The Governor shall fill any vacancy by appointment for the unexpired term. No member shall receive a salary but each member shall be paid one hundred fifty dollars in lieu of expenses for each day during which he is engaged in the duties of the board. The offices of the board shall be in the department at Wethersfield. The board is authorized to hold hearings at any place in this state. Subject to the provisions of chapter 67, the board shall appoint such employees, including an assistant to the agent, for such periods as may be necessary to carry out the work of the board and the provisions of this chapter without undue delay. All files, records and documents accumulated by the board shall be kept in offices provided by the department. All decisions shall be made by a majority of the board and a copy shall be filed with the commissioner. As provided in section 4-60 and more frequently if required by the governor, the board shall make a written report to the Governor, a copy of which shall be filed with the commissioner.

(b) Whenever conditions warrant, the Labor Commissioner or the chairman of the board shall request the Governor to appoint, and the Governor shall have authority to appoint, alternate members of said board in such numbers and for such periods of time as he may determine to be necessary but not longer than one year, in order that said board may render efficient service in performing the duties committed to it by statute. Any such alternate shall meet the same qualifications and receive the same compensation as regular members of the board. An alternate member shall serve in place of an absent member of the board at any time when
so directed by the board and while so serving shall have all the powers of members of the board. Alternate members so appointed shall have power to complete any matter pending at the expiration of the term for which they were appointed.


History: 1967 acts added Subsec. (b) re alternate members and increased per diem payments from fifty to sixty dollars; P.A. 75-15 changed location of board offices from Hartford to Wethersfield; P.A. 77-91 changed maximum term of appointment for alternates from six months to one year; P.A. 79-610 increased per diem payments to seventy-five dollars; P.A. 87-284 increased per diem payments to one hundred fifty dollars.

Cited. 142 C. 457.

Sec. 31-103. Appointment and removal of agent. Testimonial privilege.
Appointment and removal of legal counsel. (a) The board shall, on or before July 1, 1973, and quadrennially thereafter, appoint an agent, who shall be the representative of the board, for a term of four years at an annual salary to be set by the board, subject to the approval of the Commissioner of Administrative Services and the Secretary of the Office of Policy and Management in accordance with the provisions of section 4-40. Said agent may be removed by the board for cause shown in public hearing, after the agent has been given a copy of the charges made and has had an opportunity to answer such charges. The board may fill any vacancy in this office by appointment for the unexpired term. Said agent shall diligently investigate any complaints referred to him by the board and any other violations of this chapter that come to his attention. If the agent finds reasonable ground for any complaint or considers that there has been a violation of this chapter, he shall issue, and cause to be served upon the person complained of, a petition stating the charges and containing a notice of a hearing before the board at the time and place therein fixed, to be held not less than seven days after the service of such complaint. If the agent considers that there has been no violation of this chapter, he shall report in writing to the board, stating fully his reasons and recommendations. In any civil or criminal case, any preliminary proceeding to such case, or any legislative or administrative proceeding, the agent or assistant agent shall not disclose any confidential communication made to him in the course of his duties under any of the statutes administered by the board, unless the party making such communication waives such privilege.

(b) There shall be established the full-time position of legal counsel for the State Board of Labor Relations. On or before October 1, 1977, and quadrennially thereafter, the board shall appoint said counsel for a term of four years, at an annual salary to be set
by the board subject to the approval of the Commissioner of Administrative Services and
the Secretary of the Office of Policy and Management in accordance with the provisions
of section 4-40. Said counsel may be removed by the board for cause shown in public
hearing, after said counsel has been given
a copy of the charges made and has an opportunity to answer such charges. The board
may fill any vacancy in this office by appointment for the unexpired term.
Notwithstanding the provisions of section 3-125, said counsel shall represent the State
Board of Labor Relations in court on all matters in which the board is a party or is
interested, or in which the official acts or doings of said board are called in question,
investigate legal questions for the board, and aid in the preparation of
decisions. Said counsel shall also represent the State Board of Mediation and Arbitration
in all matters involving collective bargaining rights of state employees. The board shall
designate
the agent appointed under subsection (a) of this section or any assistant agent who is an
attorney to serve as assistant counsel as it deems necessary.

(1949 Rev., S. 7390; 1949, S. 3032d; P.A. 77-610, S. 2, 3; P.A. 81-22; P.A. 82-472, S.
106, 183.)

History: P.A. 77-610 added Subsec. (b) establishing position of legal council for board
of labor relations; P.A. 81-22 afforded agents and assistant agents a testimonial privilege
in order to prevent disclosure of confidential communications made by parties to an agent
in the course of his duties unless the right is waived by the affected party; P.A. 82-472
made technical correction.

Sec. 31-104. Rights of employees. Employees shall have the right of
self-organization, to form, join or assist labor organizations, to bargain collectively
through representatives of their own choice and to engage in concerted activities for the
purpose of collective bargaining or other mutual aid or protection, free from actual
interference, restraint or coercion by employers.

(1949 Rev., S. 7391.)

Cited. 138 C. 277. Guarantees to employees right of self-organization free from
coercion by employers. 139 C. 95. Cited. 142 C. 497. Allows employees to decide
whether to join a
labor organization, except where there is a valid closed or union shop agreement. 146 C.
Cited. 14 CS 72; 17 CS 203; 22 CS 136.

Sec. 31-105. Unfair labor practices. It shall be an unfair labor practice for an
employer: (1) To spy upon or keep under surveillance, whether directly or through agents
or any other person, any activities of employees or their representatives in the exercise of
the rights set forth in section 31-104; (2) to prepare, maintain, distribute or circulate any
blacklist of individuals for the purpose of preventing any of such individuals from
obtaining or retaining employment because of the exercise by such individuals of any of
the rights set forth in section 31-104; (3) to dominate or actually interfere with the formation, existence or administration of any employee organization or association, agency or plan which exists in whole or in part for the purpose of dealing with employers concerning terms or conditions of employment, labor disputes or grievances, or to contribute financial or other support to any such organization, by any means, including but not limited to the following: (A) By participating or assisting in, supervising, controlling or dominating (i) the initiation or creation of any such employee organization or association, agency or plan or (ii) the meetings, management, operation, elections, formulation or amendment of the constitution, rules or policies of any such employee organization or association, agency or plan; (B) by urging the employees to join any such employee organization or association, agency or plan for the purpose of encouraging membership in the same; (C) by compensating any employee or individual for services performed in behalf of any such employee organization or association, agency or plan, or by donating free services, equipment, materials, office or meeting space or anything else of value for the use of any such employee organization or association, agency or plan, provided an employer shall not be prohibited from permitting employees to confer with him during working hours without loss of time or pay; (4) to require an employee or one seeking employment as a condition of employment to reveal membership, past membership or nonmembership in a labor organization, either by the use of written application forms, questionnaires or oral inquiries, or to join any company union or to refrain from forming or joining or assisting a labor organization of his own choosing; (5) to encourage membership in any company union or discourage membership in any labor organization by discrimination in regard to hire or tenure or in any term or condition of employment, provided nothing in this chapter shall preclude an employer from making an agreement with a labor organization requiring as a condition of employment membership therein, if such labor organization is the representative of employees as provided in section 31-106; (6) to refuse to bargain collectively with the representatives of employees, subject to the provisions of said section 31-106; (7) to refuse to discuss grievances with representatives of employees, subject to the provisions of said section 31-106; (8) to discharge or otherwise discriminate against an employee because he has signed or filed any affidavit, petition or complaint or given any information or testimony under this chapter; (9) to distribute or circulate any blacklist of individuals exercising any right created or confirmed by this chapter or of members of labor organizations, or to inform any person of the exercise by any individual of such right, or of the membership of any individual in a labor organization for the purpose of preventing individuals so blacklisted or so named from obtaining or retaining employment; or (10) to do any acts other than those enumerated in this section which
restrain, coerce or interfere with employees in the exercise of the rights set forth in section 31-104.

(1949 Rev., S. 7392; February, 1965, P.A. 256.)

History: 1965 act amended Subdiv. (4) to specify that requiring employee or potential employee to reveal membership, past membership or nonmembership in a labor organization is an unfair practice; in Subdiv. (3) lower case alphabetic Subpara. indicators were replaced with upper case alphabetic indicators editorially in 1991.

Subsec. (2):
See Sec. 31-51 re blacklisting.


Cited. 14 CS 72; 20 CS 11. The hiring of men known not to be in favor of the union in order to destroy union's majority status held to be an unfair labor practice. 19 CS 280. See note to section 31-236. Failure of union to properly represent an employee held an unfair labor practice under federal statute. 20 CS 438. Cited. 22 CS 138.

Although defendant was a union representative, employer did not violate this subdivision by refusing to discuss grievances with him because there was no claim by defendant nor finding of the court that he was the duly designated or selected representative of the employees as required. 3 Conn. Cir. Ct. 529.

Subsec. (3):
Cited. 175 C. 625, 641.

Subsec. (5):
Union shop clause expressly provided for. 180 C. 459, 462.

Subsec. (6):
An unfair labor practice under this subsection must be a failure to bargain with a union which in fact had been selected as bargaining agent for a unit. 147 C. 344. If collective bargaining agreement does not permit individual employee to seek arbitration personally, then employee must seek relief through bargaining agent. 147 C. 608. Cited. Id. Cited. 175 C. 165, 167. Refusal to bargain collectively with certified representatives of one's employees violates this section. Id., 625, 631. Cited. 232 C. 57, 59, 60.

Cited. 43 CS 340, 342.

Subsec. (10):
Picketing to compel employer to violate provision of this subsection is unlawful. 146 C. 93.
Sec. 31-106. Election of representatives. (a) Representatives designated or selected for the purposes of collective bargaining by the majority of the employees in a unit appropriate for such purposes or by the majority of the employees voting in an election conducted pursuant to this section shall be the exclusive representative of all the employees in such unit for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment or other conditions of employment, provided any employee, directly or through representatives, shall have the right at any time to present any grievance to his employer. In order to secure to employees the full benefit of this chapter, the board shall decide in each case whether the appropriate unit shall be an employer unit, craft unit, plant unit or any other unit, except that, when the majority of the employees of a craft so decide, the board shall designate such craft as the appropriate unit. In the case of an employer licensed by the Department of Public Health under section 19a-490 and subject to the provisions of this chapter, the board shall not decide (1) that any unit is appropriate if such unit includes both professional employees and employees who are not professional employees unless a majority of such professional employees or of any group of such professional employees as determined by the board vote for inclusion in such unit or (2) that any unit is appropriate if such unit includes more than one group of professional employees unless a majority of each group of such professional employees as determined by the board vote for inclusion in such unit or (3) that any unit of employees is appropriate which includes both supervisors and nonsupervisors in the same unit or (4) that more than five nonsupervisory professional units are appropriate.

(b) In accordance with such regulations as may be adopted by the board according to the provisions of chapter 54, whenever a petition is filed with the board by an employee or his representative complaining that a question or controversy concerning the representation of employees exists, or by an employer or his representative that there is a question or controversy concerning the representation of employees between two or more labor organizations, the board shall refer the petition to its agent who shall investigate the petition. He shall issue a direction of election and conduct a secret ballot election to determine whether and by which employee organization the employees desire to be represented if he has reasonable cause to believe that a question of representation exists, or issue a recommendation to dismiss the petition if he finds that there is not such reasonable cause, or refer the petition to the board for a hearing without having conducted an election or issuing a recommendation of dismissal, in which event the board shall conduct an appropriate hearing upon due notice. The agent shall report his action to the board. The board shall issue an order confirming the agent's direction of election and certifying the results of the election, or issue an order confirming the agent's recommendation for dismissal, or order a further investigation, or provide for an appropriate hearing upon due notice. Before
taking any of the aforesaid actions, the board shall provide the parties with an opportunity
to file briefs on the questions at issue and shall fully consider any such briefs filed. After
a hearing, the board shall order any of the aforesaid actions on the petition, or shall upon
good cause order any other suitable method to determine whether and by which employee
organization the employees desire to be represented. The board shall certify the results.

(c) The board shall have the power to determine who may participate in the election
and to establish the rules governing such election, provided no election need be directed
by the board
solely because of the request of an employer or of employees prompted thereto by their
employer, nor shall any individual employed for the duration of a strike or a lockout be
eligible to vote in such election, nor shall such election be conducted with the employer's
participation, assistance or supervision.

(d) If, at an election conducted pursuant to this section, three or more nominees for
exclusive collective bargaining representatives appear on the ballot and no one of them
receives a majority of the votes cast at the election, the two nominees who receive the
highest number of votes shall appear on the ballot of a second election to be conducted
hereunder, and the one receiving a majority of the votes cast at the second election shall
be the exclusive representative of all the employees in such unit for the purpose of
collective bargaining in respect to rates of pay, wages, hours of employment or other
conditions of employment.

(e) A labor organization nominated as the representative of employees shall be listed
by name on the ballots authorized by subsections (b) and (c) of this section. If, after the
hearing provided for in subsection (b) of this section, the board finds that any committee,
employee, employee representation plan or association of employees involved is a
company union, or if any such committee, employee representation plan or association of
employees is found to be a company union, it shall not be listed on the ballots or
otherwise recognized as eligible to be the representative of employees under this chapter.

(f) The board shall have no powers of investigation.

(g) All elections ordered by the board shall be by secret ballot.

P.A. 81-29, S. 1; P.A. 93-381, S. 9, 39; P.A. 95-257, S. 12, 21, 58.)

History: 1967 act added provisions in Subsec. (a) limiting board's power to decide
whether bargaining units are appropriate if employer is licensed by the state department
of health; P.A.
77-614 replaced department of health with department of health services, effective
January 1, 1979; P.A. 81-29 amended Subsec. (b) to provide that the board's agent shall
have increased powers over petitions concerning the election of representatives, while
resting final action with the board and to give the board power to adopt regulations
controlling the handling of such petitions under Subsec. (b); P.A. 93-381 replaced
department of health services with department of public health and addiction services, effective July 1, 1993; P.A. 95-257 replaced Commissioner and Department of Public Health and Addiction Services with Commissioner and Department of Public Health, effective July 1, 1995.

Cited. 138 C. 277; 139 C. 99; 146 C. 93. When unit composed of single employee is deemed to have appointed a collective bargaining agent. 147 C. 344. Union membership alone does not warrant presumption union has been designated as such agent. Id. Cited. 162 C. 579. Board has wide discretion to determine appropriate bargaining units. 175 C. 165, 171.

Board is without authority to order an election unless an employee complains that a question or controversy exists. 14 CS 72. Employer must recognize a certification rightfully given for a reasonable period of time, regardless of changed conditions. 19 CS 282. In selection of appropriate bargaining unit, board has wide discretion and decision is conclusive unless it is arbitrary or capricious. 22 CS 139. A majority of votes cast in election is sufficient for choice of bargaining representative. Id., 143.

Cited. 3 Conn. Cir. Ct. 524, 529.
Subsec. (b):
Cited. 175 C. 625, 626, 629, 641.
Subsec. (e):
Cited. 175 C. 625, 639.

Sec. 31-107. Complaints of unfair labor practices. Investigations, complaints, hearings and orders. (a) The board is empowered and directed to prevent any unfair labor practices.

When a complaint has been made to the board that any employer has engaged in or is engaging in an unfair labor practice, the board shall refer such complaint to the agent who shall, after investigation and within ninety days after the date of such referral, either (1) make a report to the board recommending dismissal of the complaint or (2) issue a written complaint charging unfair labor practices. If no such report is made and no such written complaint is issued, the board may in its discretion proceed to a hearing upon the party’s original complaint of the violation of this chapter which shall in such case be treated for the purpose of this section as a complaint issued by the agent. Upon receiving a report from the agent recommending dismissal of a complaint, the board may issue an order dismissing the complaint or may order a further investigation or a hearing thereon.

(b) Upon receiving a complaint issued by the agent, the board shall set a time and place for the hearing, which time and place may be changed by the board at the request of the agent or the employer for cause shown. Any such complaint may be amended with the permission of the board. The person so complained of shall have the right to file an answer to the original or amended complaint within five days after the service of such complaint or within such other time as the board may limit. Such person shall have the right to appear in person or otherwise to defend against such complaint. In the discretion of the board any person may be allowed to intervene in such proceeding. In any hearing the board shall not be bound by technical rules of evidence prevailing in the courts.
(c) A stenographic or electronic record of the testimony shall be taken at all hearings of the board and a transcript thereof shall be filed with the board upon its request. The board shall have the power to order the taking of further testimony and for further argument. If, upon all the testimony, the board determines that the employer has engaged in or is engaging in any unfair labor practice, it shall state its finding of fact and shall issue and cause to be served on such employer an order requiring him to cease and desist from such unfair labor practice, and shall take such further affirmatory action as will effectuate the policies of this chapter, including, but not limited to: (1) Withdrawal of recognition from and refraining from bargaining collectively with any company union, established, maintained or assisted by any action defined in this chapter as an unfair labor practice; (2) awarding of back pay; (3) reinstatement with or without back pay of any employee discriminated against in violation of section 31-105 or by maintenance of a preferential list from which such employee shall be returned to work; (4) reinstatement with or without back pay of all employees whose work has ceased or whose return to work has been delayed or prevented as the result of unfair labor practice in respect to any employee or employees or the maintenance of a preferential list from which such employees shall be returned to work. Such order may further require such person to make reports from time to time showing the extent to which the order has been complied with. If upon all the testimony the board is of the opinion that the person or persons named in the complaint have not engaged in or are not engaging in any such unfair labor practice, then the board shall make its finding of fact and shall issue an order dismissing the complaint. The board shall not require as a condition of taking action or issuing any order under this chapter that employees on strike or engaged in any other lawful concerted activity shall discontinue such strike or such activity. Until a transcript of the record in a case has been filed in the Superior Court, as provided in section 31-109, the board may, at any time, upon notice, modify or set aside in whole or in part any finding or order made or issued by it. Proceedings before the board shall be held with all possible expedition.

(1949 Rev., S. 7394; 1969, P.A. 357; P.A. 73-120, S. 1, 3.)

History: 1969 act detailed agent's responsibility to make report or issue written complaint and procedure if agent neither makes report nor issues complaint in Subsec. (a); P.A. 73-120 amended Subsec. (c) to substitute "stenographic or electronic record" for "transcript" and to require filing of transcript with board "upon its request" where previously such filing was mandatory.

See note to Sec. 31-109.

When agent filed report recommending dismissal of charges, board held a hearing to review agent's action; held, though board did not follow procedure set out in statute, in effect its action
amounted to a hearing on the merits of the controversy. 148 C. 135. If board at one
hearing found probable cause on a complaint, it is not barred from then sitting in
judgment on such complaint. Id.
   Cited. 22 CS 144.
   Subsec. (a):
   Cited. 43 CS 340, 342.
   Subsec. (c):

Sec. 31-107a. Application for transcript. Costs. Any party who wishes to have a
transcript of the proceedings before the labor relations board shall apply therefor. The
parties may agree
on the sharing of the costs of the transcript but, in the absence of such agreement, the
costs shall be paid by the requesting party.

(P.A. 73-120, S. 2, 3.)

Sec. 31-108. Oaths. Subpoenas. Service of process. For the purpose of hearings
before the board, the board shall have power to administer oaths and affirmations and to
issue subpoenas
requiring the attendance of witnesses. In case of contumacy or refusal to obey a subpoena
issued to any person, the Superior Court, upon application by the board, shall have
jurisdiction to
order such person to appear before the board to produce evidence or to give testimony
touching the matter under investigation or in question, and any failure to obey such order
may be punished
by said court as a contempt thereof. No person shall be excused from attending and
testifying or from producing books, records, correspondence, documents or other
evidence in obedience to the
subpoena of the board, on the ground that the testimony or evidence required of him may
tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall
be prosecuted or subjected to any penalty or forfeiture for or on account of any
transaction, matter or thing concerning which he is compelled, after having claimed his
privilege against self-incrimination, to testify or produce evidence, except that such
individual so testifying shall not be exempt from
prosecution and punishment for perjury committed in so testifying. Complaints, orders
and other processes and papers of the board or the agent may be served personally, by
registered or
certified mail, by telegraph or by leaving a copy thereof at the principal office or place of
business of the person required to be served. The verified return of service shall be proof
of such service. Witnesses summoned before the board or the agent shall be paid the
same fees and mileage allowances that are paid witnesses in the courts of this state, and
witnesses whose depositions are taken and the person taking the same shall severally be
entitled to the same fees as are paid for like services in the courts of this state. All
processes of any court to which an application or petition may be made under this chapter
may be served in the judicial district wherein the person
or persons required to be served reside or may be found.

(1949 Rev., S. 7396; P.A. 78-280, S. 2, 127.)

History: P.A. 78-280 substituted "judicial district" for "county".

See Sec. 52-260 re witness fees.

Cited. 234 C. 704, 717.
Cited. 33 CS 205, 206.

Sec. 31-109. Enforcement of orders. Appeals. (a) The board may petition the superior court for the judicial district wherein the unfair labor practice in question occurred or wherein any person charged with the unfair labor practice resides or transacts business, or, if said court is not in session, any judge of said court, for the enforcement of an order and for appropriate temporary relief or a restraining order, and shall certify and file in the court a transcript of the entire record of the proceedings, including the pleadings and testimony upon which such order was made and the finding and orders of the board. In the event an appeal has not been filed pursuant to section 4-183 or subsection (d) of this section, the board may file its petition in the superior court for the judicial district of Hartford, or, if said court is not in session, the board may petition any judge of said court. Within five days after filing such petition in the superior court, the board shall cause a notice of such petition to be sent by registered or certified mail to all parties or their representatives. The superior court, or, if said court is not in session, any judge of said court, shall have jurisdiction of the proceedings and of the questions determined thereon, and shall have the power to grant such relief, including temporary relief, as it deems just and suitable and to make and enter a decree enforcing, modifying and enforcing as so modified, or setting aside in whole or in part, the order of the board.

(b) No objection that has not been urged before the board shall be considered by the court, unless the failure to urge such objection is excused because of extraordinary circumstances. The findings of the board as to the facts, if supported by substantial evidence, shall be conclusive. If either party applies to the court for leave to adduce additional evidence and shows to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the board, the court may order such additional evidence to be taken before the board and to be made part of the transcript. The board may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken, and it shall file such modified or new findings, which, if supported by substantial evidence, shall be conclusive, and shall file its recommendations, if any, for the modification or setting aside of its original order.
(c) The jurisdiction of the Superior Court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the Appellate Court, on appeal, by either party, irrespective of the nature of the decree or judgment or the amount involved. Such appeal shall be taken and prosecuted in the same manner and form and with the same effect as is provided under section 51-197b.

(d) Any person aggrieved by a final order of the board granting or denying in whole or in part the relief sought may appeal pursuant to the provisions of chapter 54 to the superior court for the judicial district where the unfair labor practice was alleged to have occurred, in the judicial district of Hartford, or in the judicial district wherein such person resides or transacts business.

(e) Any employer who appeals from an order or part of an order containing a direction to pay back pay to employees need not comply with so much of such order as directs such payment during the pendency of an appeal to the Superior Court or the Appellate Court.

(f) Except as provided in subsection (e) of this section, unless otherwise directed by the court, commencement of proceedings under subsections (a) and (d) shall not operate as a stay of such order.

(g) Petitions filed under this section shall be heard expeditiously and determined upon the transcript filed, without requirement of printing. Hearings in the Superior Court or Appellate Court under this chapter shall take precedence over all other matters, except matters of the same character.


History: P.A. 76-436 added references to judicial districts and replaced provision in Subsec. (c) which stated that appeals be taken as in other cases of appeal to the supreme court and that record is to contain "all that was before the lower court" with provision requiring that appeals be taken as provided "under section 52-7", effective July 1, 1978; P.A. 78-280 deleted references to counties; P.A. 83-308 amended Subsec. (a) to allow the board to file its petition for enforcement of an order in the superior court for the judicial district of Hartford-New Britain if an appeal of the order has not been filed; June Sp. Sess. P.A. 83-29 deleted reference to supreme court and substituted appellate court in lieu thereof; P.A. 88-230 replaced "judicial district of Hartford-New Britain" with "judicial district of Hartford", effective September 1, 1991; P.A. 88-317 amended Subsec. (d) to require an appeal to be made "pursuant to the provisions of chapter 54," instead of specifying the procedure for the appeal, and allowed an appeal to be made to the superior court.


Board's decision conclusive if supported by substantial evidence. 14 CS 72; 19 CS 283.

Court should allow reasonable time in which to act after modification. 17 CS 293.

Certification of bargaining agent is not an order which is reviewable. 22 CS 132. Id., 137. Specification of reasons why appellant claims to be aggrieved should be set forth in appeal. 22 CS 136.

Subsec. (a):
Cited. 39 CS 338, 343, 346.

Subsec. (b):
"Substantial evidence" defined. 147 C. 142. On review, superior court can do no more, on factual questions presented, than to examine record to determine whether ultimate findings were supported by substantial evidence. 148 C. 135. Substantial evidence defined. Id. Cited. 149 C. 7. So long as there is substantial evidence supporting board's findings, court is unable to interfere. 150 C. 597. Finding of fact by board cannot be disturbed unless not supported by substantial evidence. 160 C. 285. Cited. 173 C. 210, 214. Cited. 175 C. 165, 170; id., 349, 365.

Cited. 8 CA 57, 61.

Cited. 39 CS 338, 345.

Subsec. (c):
Appeal to supreme court from judgment of superior court rendered pursuant to Municipal Employees Relations Act is to be taken and prosecuted in same manner as other appeals to supreme court. 159 C. 46.

Subsec. (d):
Labor relations board decision as to appropriate bargaining unit and directing an election among members of that unit is not a final order of board and not directly appealable. 154 C. 530.


Cited. 8 CA 57, 60. Cited. Id., 197, 199, 202.


Sec. 31-110. Records and proceedings to be public. Subject to regulations to be made by the board, the complaints, orders and testimony relating to a proceeding instituted under section 31-107 may be available for inspection or copying. All proceedings pursuant to said section shall be open to the public.
Sec. 31-111. Penalty. Any person who wilfully resists, prevents or interferes with any member of the board or the agent in the performance of duties pursuant to this chapter, or who interferes with the free exercise by employees of the right to select representatives in an election directed by the board pursuant to section 31-106, shall be fined not more than five hundred dollars or imprisoned not more than six months or both.

Sec. 31-111a. Strike, work stoppage or lockout of hospital employees prohibited. No employees of an employer licensed by the Department of Public Health under section 19a-490, or their representatives, or any other persons shall engage in or induce or encourage, or attempt to engage in or induce or encourage, any strike, work stoppage, slowdown or withholding of goods or services by such employees or other persons at the institution where they are employed, provided nothing herein shall be construed to prohibit publicity, other than picketing, for the purpose of truthfully advising the public that a grievance or dispute, as defined by section 31-111b, exists at such employer's premise, as long as such publicity does not have the effect of inducing any persons to withhold goods or services at such employer's premise. No employer licensed by the Department of Public Health under said section 19a-490 shall institute, declare or cause, or attempt to institute, declare or cause, any lockout of the employees of such employer's premise.

Sec. 31-111b. Determination of grievances and disputes between hospital employees and employer. (a) As used in this section, "grievance" means any controversy or claim arising out of or relating to the interpretation, application or breach of the provisions of an existing collective bargaining contract and "dispute" means all other controversies, claims or disputes between the employees of an employer licensed by the Department of Public Health under section 19a-490, or their representatives, and such employer, concerning wages, hours, union security, seniority or other economic matters, including, but not
limited to, controversies, claims or disputes arising in the course of negotiating, fixing, maintaining, changing or arranging such terms or conditions.

(b) Every collective bargaining contract between the employees of an employer licensed by the Department of Public Health under said section 19a-490, or their representatives, and such employer, which does not contain provisions for the final and binding determination of grievances shall be deemed to include provision for the submission of such grievances, upon the request of either or both parties, to arbitration pursuant to such rules as may be established from time to time by the State Board of Mediation and Arbitration, and all such contracts for such employer shall have a common expiration date for all units.

(c) Every collective bargaining contract between the employees of an employer so licensed by the Department of Public Health, or their representatives, and such employer, which does not contain provisions for the final and binding determination of disputes shall be deemed to include provisions for: (1) The appointment of a fact-finding commission by the State Board of Mediation and Arbitration upon the request of both parties to the dispute, or by the Labor Commissioner upon his own motion and upon certification by said board that in its opinion efforts to effect a voluntary settlement of the dispute have been unsuccessful. Such fact-finding commission shall have all of the powers and duties, including the power to make recommendations for the settlement of the dispute, as are vested in the State Board of Mediation and Arbitration under section 31-99, and (2) the submission of the dispute to arbitration, pursuant to such rules as may be established from time to time by the State Board of Mediation and Arbitration, by said board upon request of both parties to the dispute, or by the Labor Commissioner upon his own motion and upon certification by said board that in its opinion efforts to effect a voluntary settlement of the dispute have been unsuccessful.

(d) In the absence of a collective bargaining contract between the employees of an employer so licensed by the Department of Public Health, or their representatives, and such employer, the State Board of Mediation and Arbitration and the Labor Commissioner may, in the manner and upon the conditions provided in subsection (c) of this section, exercise all of the powers vested in them by the provisions of said subsection.

(e) Nothing in this section shall be deemed to affect, impair or alter any collective bargaining contract between the employees of an employer so licensed by the Department of Public Health, or their representatives, and such employer, which was executed prior to July 1, 1967, during the term of such contract.

(f) The Superior Court shall have jurisdiction to confirm, modify, correct or vacate any arbitration award made pursuant to the procedure established by this section, in the manner provided by chapter 909. The Superior Court shall have jurisdiction, upon such notice as it deems appropriate, to restrain or enjoin any violation of the provisions of this section or section 31-111a.
and to grant such other and further equitable relief as may be appropriate. The provisions of section 31-113 shall not apply to an action or proceeding instituted pursuant to this section or section 31-111a.


History: P.A. 77-614 replaced department of health with department of health services, effective January 1, 1979; P.A. 93-381 replaced department of health services with department of public health and addiction services, effective July 1, 1993; P.A. 95-257 replaced Commissioner and Department of Public Health and Addiction Services with Commissioner and Department of Public Health, effective July 1, 1995.

Subsec. (a):
Cited. 201 C. 685, 693.