

**BYLAWS
OF
MUNICIPAL ACCOUNTABILITY REVIEW BOARD**

ARTICLE I. AUTHORITY

Section 1. - The Act

The Municipal Accountability Review Board (the “Board”) was established by Section 367 of Public Act 17-2, June Special Session (the “Act”) as a board of the State of Connecticut. The Board shall be in the Office of Policy and Management for administrative purposes only. The establishment of the Board was part of the statutory provisions contained in sections 346 to 376 of the Act to provide certain assistance and related accountability with respect to municipalities experiencing various levels of fiscal distress.

ARTICLE II. BOARD MEMBERSHIP

Section 2.1 - Voting Members

Under the Act, the Board is comprised of eleven voting members, including the Secretary of the Office of Policy and Management, or the Secretary’s designee, who shall be the chairperson of the Board and the State Treasurer, or State Treasurer’s designee, who shall be the co-chairperson of the Board. Five members of the Board shall be appointed by the Governor, one of whom shall be a municipal finance director, one of whom shall be a municipal bond or bankruptcy attorney, one of whom shall be a town manager, one of whom shall have significant experience representing organized labor and who shall be selected from a list of three recommendation by the American Federation of State, County and Municipal Employees and one of whom shall have significant experience as a teacher of representing a teacher’s organization and who shall be selected from a list of three joint recommendations by the Connecticut Education Association and the American Federation of Teachers-Connecticut. Four members of the Board shall be appointed by leadership of the General Assembly, including one member by the President Pro-Tempore of the Senate, one member by the Speaker of the House of Representatives, one by the Minority Leader of the Senate, and one by the Minority Leader of the House of Representatives. The members appointed by the legislative leaders shall have experience in business, finance or municipal management.

Section 2.2 - Term of the Voting Members

All appointed members shall serve for terms of six years and until a successor is appointed except that two of the five appointments by the Governor shall be for an initial term or three years with all subsequent appointments being for a term of six years. The filling of any vacancy shall be for the remainder of the applicable member’s term.

Section 2.3 - Alternate Voting Members

If there are two or more municipalities designated as Tier II, III or IV municipalities under the Act, the Governor may appoint alternates for one or more of the appointments made by the Governor. Any such alternate shall have the same qualifications and coinciding term as the member for whom they serve as the alternate.

Section 2.4 - Ex-Officio Nonvoting Members

For any municipality designated as a Tier IV municipality in accordance with the Act, the following four members will serve as ex-officio nonvoting members for the municipality they represent: the chief elected official of the municipality, or the chief elected officials designee, an elected member of the local legislative body of the municipality, or such member’s designee, as selected by a majority vote of the body, the elected municipal treasurer, or other municipal official responsible for the issuance of bonds, and a member of the minority party of the municipality’s legislative body as elected by such minority party members. Such additional members shall only serve for purposes of the Tier IV municipality that they represent.

Section 2.5 - Compensation of Board Members

The members of the Board shall serve without compensation, but shall be reimbursed for expenses incurred in the performance of their duties. These reimbursements shall be subject to applicable State policies and requirements.

Section 2.6 - Chairperson and Co-Chairperson

The chairperson and co-chairperson of the Board shall jointly establish each agenda for and preside over all regular and special meetings of the Board and shall call special meetings as deemed necessary. If and so long as the chairperson or co-chairperson, or their designee(s) shall be absent or incapacitated, the other shall perform such duties alone.

Section 2.7 - Committees

The Board may establish one or more standing committees comprised of three or more voting and nonvoting members as it deems necessary to further the purposes of the Act. Each committee shall perform such duties as the Board, by a resolution or action approved by the Board and as permitted by State law, may assign to it. The Board may also establish such other work groups or entities as it deems necessary to carry out its responsibilities, the membership of which may include, at the Board’s discretion, non-Board members. Any committee, work group or entity may be discontinued by the Board at its pleasure. The Board and any of the committees, work groups and entities are considered to be public agencies under the State’s Freedom of Information laws and must comply with the requirements of such laws.

Section 2.8 - Designation by Ex-Officio Members

The ex-officio voting members of the Board, in accordance with the Act and any applicable State laws, may designate another person to represent him or her at meetings of the Board, or committees thereof, with full powers to act and vote on his or her behalf. Designations for voting members, if any, shall be made by the filing of a certificate, using the following format, by the ex-officio member with the chairperson and co-chairperson of the Board and shall be maintained in the official records of the Board.

I, _____, _____, an ex-officio member of the Municipal Accountability Review Board, hereby designate, _____, to, in my absence, represent me at meetings of the Board, or committees thereof, with full powers to act and vote in my behalf.

Signed: _____

Any such designation shall be revocable at any time upon written notice by such ex-officio member submitted to the chairperson and co-chairperson of the Board.

ARTICLE III. MEETINGS

Section 3.1 - Quorum

A majority of the voting Members of the Board shall constitute a quorum. The affirmative vote of a majority of the members present at a meeting of the Board at which a quorum is present shall be necessary and sufficient for any action taken by the Board except as otherwise indicated in the Act or other applicable state law. The affirmative vote of at least five members shall be required to approve obligations issued by a Tier III or Tier IV municipality eligible to issue bonds pursuant to the provisions of section 7-575 of the general statutes, the issuance of refunding bonds pursuant to section 7-370c of the general statutes, and section 50 of public act 17-147.

Section 3.2 - Regular Meetings

Regular meetings of the Board shall be held at the times and on the dates determined by the Board for each calendar year and shall be determined by the Board in advance of January 31 of that year. The location and agenda of the regular meetings of the Board shall be available to the public and filed not less than twenty-four hours before the meetings. Upon the affirmative votes of two thirds of the directors of the Board present and voting, additional items may be placed on the agenda of a regular meeting and may be considered and acted upon at such meeting. Meeting notices and the agenda shall be posted with the Secretary of the State and on the website of the Office of Policy and Management.

Section 3.3 - Special Meetings

Special meetings of the Board may be called jointly by the Chairperson and Co-chairperson. In the case of the absence or incapacity of the chairperson or co-chairperson, or their designee(s), the available person shall have the authority to call special meetings. Notice of each special meeting of the Board so called shall be given not less than twenty-four hours prior to the time of such meeting by filing a notice of the time and place thereof in the office of the Secretary of the State and posting such notice on the website of the Office of Policy and Management. In case of emergency, any special meeting may be held without complying with the foregoing requirement for the filing of notice, but a copy of the minutes of every such emergency special meeting adequately setting forth the nature of the emergency and the proceedings occurring at such meeting shall be filed with the Secretary of the State not later than seventy-two hours following the holding of such meeting. The notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meetings. In addition, such written notice shall be delivered to the usual place of abode of each member of the board so that the same is received prior to such special meeting. The requirement of delivery of such written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the chairperson of the board a written waiver of delivery of such notice. The requirement of delivery of such written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes.

Section 3.4 - Participation in Meetings by Telephone

One or more of the members may participate and act in their membership role in regular or special meetings of the Board or any committee thereof by means of a conference telephone or similar communication equipment.

Section 3.5 – Action by the Board; Board and Committee Records

Any action taken by the Board or any of its committees may be authorized by a motion or resolution at any regular or special meeting and shall take effect immediately unless otherwise provided in the resolution and shall be included in the minutes of the meeting. The chairpersons of the Board and the chairs of any of its committees shall cause and ensure that meeting agendas and minutes are prepared and posted in accordance with state law. Records including agendas, minutes, documents and papers associated with the work of the Board and its committees, work groups and other entities shall be maintained by and within the State Office of Policy and Management.

Section 3.6 – Adjournment

The public agency may adjourn any regular or special meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular or special meeting was held, within twenty-four hours after the time of the adjournment. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings, by ordinance, resolution, by law or other rule.

ARTICLE IV. · RULES FOR BINDING ARBITRATION FORTIER IV MUNICIPALITIES

Section 4.1 - Rules for Conduct of Collective Bargaining Hearing

The Board shall have the power to impose binding arbitration hearings according to the rules set forth in Conn. Gen. Stat. § 7-576e(a)(3)(iv)(v), as it modifies the Municipal Employee Relations Act, Conn. Gen. Stat. § 7-467-477(“MERA”) and the Teacher Negotiation Act, §§ 10-153a-453o(“TNA”). The rules governing Tier IV binding arbitration negotiations and proceedings are attached hereto as Exhibit A. The Board shall have the same opportunity to appear and participate in the binding arbitration hearing as the parties and shall be given the opportunity to make a presentation to the Arbitrator as set forth in Conn. Gen. Stat. § 7-576e(a)(3)(v).

Section 4.2 - Location of Hearings

Arbitration hearings shall be scheduled by the arbitrator and written notices will be emailed to the parties setting forth the time and location. Hearings shall take place in the City of Hartford unless the appointed arbitrator selects an alternative site.

Section 4.3 - Postponements

Postponements will typically not be granted except in cases where the parties stipulate to waive timelines and such waivers are permissible under the applicable Labor Relations Statutes or the June Sp. Sess. P.A.

17-2, as amended. The arbitrator will generally grant postponements of hearings where, in his/her discretion, the arbitrator determines that the hearing can be concluded within the time required by statute. The arbitrator reserves the right to request documentation of the reason or reasons advanced in support of a request for postponement.

Section 4.4 - Stenographic Records

The Board, acting through the Office of Policy and Management, shall hire a court reporter service to make a record of arbitration hearings. Either party may request copies of the stenographic record, provided they pay the cost of obtaining copies of the transcript from the reporting service or the Board.

Section 4.5 – Adjournments

The arbitrator may adjourn a hearing either upon his/her own initiative or in response to a request by the Board or either party if good cause is shown.

Section 4.6 - Arbitration in the Absence of a Party

An arbitration hearing may proceed in the absence of any party, who, after due notice, fails to be present or fails to obtain a postponement or adjournment. An award shall not be made solely on the default of a party. The arbitrator shall require the appearing party to submit such evidence as may be required for making an award.

Section 4.7 – Principal Spokesperson

Consistent with Conn. Gen. Stat. § 7-576e, each party shall be represented at the hearing by a principal spokesperson who shall present the party's case. The principal spokesperson may be an attorney or other authorized representative.

Section 4.8 - Attendance at Hearings: Subpoenas

- a. Persons having a direct interest in the arbitration proceedings are entitled to attend the hearings. Consistent with established governing law, it shall be discretionary with the arbitrator and subject to agreement of all parties, whether any other persons may attend.
- b. The subpoena power of the arbitrator may be used at his/her discretion when it becomes evident that the arbitrator will be unable to render a fair and just decision without the appearance of a material witness or pertinent records or documents. The arbitrator may also, subpoena witnesses who, in his/her judgment, provide evidence that may assist in deciding on any of the issues that the Board or parties have raised.

Section 4.9 - Opening the Hearing

- a. Hearings shall open with the recording of the time, date and place of the hearing, the identity of the arbitrator, Board members and their representatives present, and the identities of parties and their representatives present.
- b. Witnesses who may be called to present evidence shall be sworn in by the arbitrator or the court reporter (e.g., Conn. Gen. Stat. § 1-24(2)) prior to testifying. Nothing shall require the arbitrator to

re-swear witnesses who are called to testify on subsequent hearing dates, if they have been initially sworn at the time that they first testify.

Section 4.10 – Order of Proceedings

- a. Typically, the party who raises an issue that deviates from current contract language or provisions will proceed first in the presentation of evidence before the Arbitrator. Where both parties have proposed initial positions that appear to call for a change in the status quo, the arbitrator will attempt to fairly distribute the initial presentation of proof on the issues to both parties. The arbitrator shall, in all cases, have discretion to vary the normal procedure, but shall afford full and fair opportunities to all parties for presentation of relevant evidence.
- b. The Board and each party will be permitted to make an opening statement through its principal spokesperson. Opening statements shall be limited to twenty (20) minutes, subject to enlargement at the discretion of the arbitrator.
- c. The Board and each party will have a full opportunity to present relevant evidence and to cross-examine witnesses, subject to the rulings of the arbitrator.
- d. The Board and each party's representative will have an opportunity to make a closing statement to the arbitrator. Closing statements to the arbitrator shall not exceed twenty-five (25) minutes unless such time is enlarged at the discretion of the arbitrator.
- e. Once a hearing is commenced, the arbitrator may continue the hearing to a specific date: (1) on his/her own initiative or, (2) on the request of the Board or a party where the arbitrator finds that good cause is shown, provided, however, that the arbitrator shall schedule subsequent hearing dates in such a manner as to permit the case to be fully adjudicated within the time period(s) specified by statute.
- f. The arbitrator expects the Board and all parties to be prepared to conclude the hearings without delay. The Board and the parties may, at any time, present to the arbitrator a stipulation settling all outstanding issues presented. No settlement shall be approved by the arbitrator unless the arbitrator determines, in his/her discretion, that the settlement is consistent with the financial capability of the City and the public interest as provided in Conn. Gen. Stat. § 7-576e(a)(3)(v).

Section 4.11 – Evidence

- a. The Board and the parties may offer such evidence as they desire and shall produce such additional evidence as the arbitrator may deem necessary to assist in understanding the dispute and making findings. The arbitrator shall be the judge of the relevance and materiality of the evidence offered. Conformity to legal rules of evidence shall not be necessary. All evidence shall be taken in the presence of the arbitrator, the Board and both parties, except where the Board or any party is absent, in default or has waived its right to be present.
- b. Documents, records, and other pertinent data, when offered by either party may be received in evidence by the arbitrator. Written evidence must be submitted either in the original or proper copies thereof. The names and addresses of all witnesses and exhibits in order received shall be made a part of the case file and recorded on the official hearing form supplied by the arbitrator. The

arbitrator shall not be required to return exhibits. In all hearings, the parties shall be required to submit seven (7) hard copies of each exhibit to the arbitrator at the hearing: one (1) copy for the arbitrator, one (1) copy for the other party, one (1) copy for the Board representative at the hearing and four (4) hard copies for the Office of Policy and Management administrative case file and staff in attendance at the hearing. The arbitrator may also decide to require the Board and the parties to pre-mark and submit exhibits electronically for identification purposes only in advance of hearing dates. The extra copy shall be distributed to the Office of Policy and Management support staff.

Section 4.12 – Witnesses

- a. All witnesses shall be sworn in. The arbitrator shall administer the following oath to all witnesses: “You solemnly swear that the evidence you shall give, concerning the case now in question shall be the truth, the whole truth and nothing but the truth, so help you God.” When any person, required to take an oath, from scruples of conscience declines to take it in the usual form, or when the arbitrator is satisfied that any person called as a witness does not believe in the existence of a supreme being, a solemn affirmation may be administered to him in the form of the oath prescribed, except that instead of the words “swear” the words “solemnly and sincerely affirm and declare” shall be used and instead of the words “so help you God” the words “upon the pains and penalties of perjury or false statements” shall be used. The witness shall be advised that all sworn testimony is subject to the Connecticut statutes on perjury.
- b. All witnesses shall be subject to direct examination by the Board and the party that calls such witness.
- c. All witnesses shall be subject to cross-examination after testifying on direct examination.
- d. The arbitrator may question witnesses at any point in the hearing.
- e. Any oral or documentary evidence may be received, but the arbitrator shall, as a matter of policy, provide for the exclusion or irrelevant, immaterial or unduly repetitious evidence, and the arbitrator, the Board, and the parties shall give effect to the rules of privilege recognized by law.
- f. The arbitrator shall have the power to require the retirement or sequestration of any witness or witnesses during the testimony of other witnesses, and a request by the Board or either party that a witness or witnesses be so retired may be granted if any possibility exists that the denial of such a request could affect the testimony of other witnesses, provided the following persons shall not be so retired:
 - (1) A person who is a direct party in interest; except that if such person is to be a witness, such person shall be first to present testimony.
 - (2) the principal spokesperson for the Board or a party; or
 - (3) a person whose duty it is to assist the principal spokesperson in preparing the case.

Section 4.13 – Evidence by Affidavit and Filing of Documents

- a. The arbitrator may receive and consider the evidence of witnesses by affidavit but shall only give it such weight as deemed proper after consideration of any objection made to its admission.
- b. All documents not filed with the arbitrator at the hearing, but which are arranged at the hearing or subsequently by agreement of the parties to be submitted, shall be filed with the arbitrator and the Board as follows:
 - Addressed to:
 - Arbitrator
 - Office of Policy & Management Board Staff, 450 Capitol Avenue, Hartford, CT 06106; email: Kimberly.Kennison@ct.gov & John.Mehr@ct.gov
 - James Caley, Assistant Attorney General, Office of the Attorney General, 165 Capitol Ave, Hartford, CT 06106; email: James.Caley@ct.gov
- c. All parties shall be afforded an opportunity to examine such documents.

Section 4.14 – Inspection

Whenever the arbitrator judges it necessary, and on-site inspection may be made at the premises in connection with the subject matter of the dispute, after written notice of the parties, who may be present at such inspection.

Section 4.15 – Briefs

- a. After the presentation of evidence, the Board and each party shall be permitted to file a brief.
- b. The arbitrator may require the Board and the parties to submit briefs on the issues in dispute and may require a brief on a particular point or question.
- c. The briefing schedule shall be set by the arbitrator and shall be strictly adhered to by the Board and the parties. The parties and the Board shall submit their briefs electronically directly to the arbitrator and to each other with seven (7) copies to the Board in accordance with such schedule. The Board and any party wishing to reserve the right to file a reply brief shall do so at the hearing. Any requests for extension of the briefing schedule shall be made only to the arbitrator. The arbitrator may grant a request for extension only where sufficient cause is shown by the requesting Board or party, and only where the granting of the extension shall not prevent the arbitrator from issuing a decision in accordance with applicable statutory timelines. For purposes of this subsection, sufficient cause means an occurrence which could not have been known or anticipated by a reasonable person at the time the briefing schedule was agreed upon, which the requesting party or parties argues created the need for delay. An extension may be considered by the arbitrator only where the request has been received by the arbitrator at least one week prior to the due date, unless sufficient cause has been shown for making the request later. Late briefs shall be returned to the filing party, and will not be considered, absent a showing of extraordinary circumstances.

Section 4.16 – Closing of Hearings

- a. The arbitrator shall inquire of the Board and both parties whether they have any further evidence to offer or witnesses to be heard. Upon receiving negative replies, the arbitrator shall declare the hearings closed.
- b. If briefs or other documents are to be filed, the hearing shall be declared closed as of the final date set by the arbitrator for the filing of said summary briefs or documents with the arbitrator.

Section 4.17 – Award

The arbitrator shall render a written award in compliance with the Conn. Gen. Stat. § 7-576e.

Section 4.18 – Delivery of Award

The award, incorporating the arbitrator’s decision, will be sent by first class mail to the Board and the parties and by email.

Section 4.19 – Expenses

The arbitrator shall provide binding interest arbitration for a fee that shall be split by the administrative unit of the municipality and the employee organizations appearing before the arbitrator. The parties shall work with OPM to provide the necessary funding source for the reimbursement of the arbitrator’s fees and costs. The failure of the parties to establish a reimbursement arrangement shall result in the arbitration not proceeding. The parties shall also be fully responsible for any fees for obtaining transcripts or other documents requested by the parties.

Section 4.20 – Communication with Arbitrator

There shall be no ex-parte communication concerning the pending case between the Board, the parties and the arbitrator. Any other oral or written communication, other than briefs and reply briefs, from the Board or the parties to the arbitrator shall be directed to the Office of Policy and Management staff for transmittal to the arbitrator, with copy to the opposing party.

ARTICLE V. BUDGET AND BOARD STAFF

Section 5.1 – Budget and Board Expenses

According to the Act, with respect to municipalities designated as Tier III or IV municipalities, the expenses for the Board for staff consultants and other expenses may, following consultation with any such designated municipality, be charged to the municipality by the Board and may be paid from the proceeds of any deficit obligation or debt restructuring bonds issued by the municipality. Prior to the start of each fiscal year, the Board shall adopt a budget for its expenses reflecting, as appropriate, any expenses to be charged to individual Tier III and IV municipalities and any other resources of the Board, which Budget may be amended by the Board as needed at any time. The Office of Policy and Management shall produce a periodic report, but not less than quarterly, of such resources and expenses.

Section 5.2 – Staff Positions

The Board, at its discretion, may establish staff positions as it deems necessary to carry out its functions. Any such positions shall be reflected in the budget required in Section 1 of this article.

ARTICLE VI. PROMULGATION OF POLICIES AND PROCEDURES

The Board shall adopt such policy, administrative and operating procedures which it deems necessary to carry out its responsibilities and purposes under the Act.

ARTICLE VII. AMENDMENT

The Board shall have the power, from time to time, to ratify, adopt, amend and repeal bylaws for the conduct of its affairs upon the affirmative vote of two-thirds of the voting members of the Board then serving.

Revised: March 25, 2024

EXHIBIT A

TIER IV COLLECTIVE BARGAINING AGREEMENTS SUBJECT TO MUNICIPAL ACCOUNTABILITY REVIEW BOARD NEGOTIATION & ARBITRATION PROCEDURAL HEARING RULES

A. Negotiations

1. Negotiations for any collective bargaining agreement must commence at least 120 days prior to expiration of the collective bargaining agreement and the parties shall provide the Board written notice ten (10) days prior to the parties starting negotiations of the commencement of such negotiations. Conn. Gen. Stat. § 7-576d(c).
2. The municipality or Board of Education submitting a collective bargaining agreement, modification, amendment, or reopener for approval, shall provide the Board with a summary of the agreement, a fiscal impact analysis of the provisions of the agreement including detailed salary and step analysis, a comparison to provisions in similar agreements in comparable municipalities, and other such data as may reasonably be requested by the Board as detailed further in the board's policies and procedures.
3. Prior to taking action on any such modification, amendment or reopener, the parties shall be provided an opportunity to make a presentation to the Board. Conn. Gen. Stat. § 7-576e(a)(3)(iv).
4. Any collective bargaining agreement or amendments negotiated by a board of education shall (A) be submitted to the Board by the bargaining representative of such board of education not later than fourteen (14) days after any such agreement is reached, and (B) such agreement shall be considered approved thirty days after such submission if the Board has failed to approve or reject such agreement. Conn. Gen. Stat. §§ 7-576d(b)(6) & 7-576e(a)(3)(iv).
5. Any collective bargaining agreement or amendments negotiated by the municipality shall be submitted to the Board by the bargaining representative of such municipality not later than five (5) days after any such agreement is reached and ratified by the parties. Conn. Gen. Stat. § 7-576d(c).
6. With respect to education worker(s) collective bargaining agreements negotiated pursuant to General Statute section 10-153d and arbitration awards issued pursuant to General Statute section 10-153f, the provisions of General Statutes 7-576e(3)(v) shall not apply until the Board has rejected such agreement or award pursuant to subdivision (7) of subsection (b) of General Statute section 7-576d on two (2) occasions. Conn. Gen. Stat. § 7-576e(a)(3)(v).
7. Following any rejection of a proposed collective bargaining agreement for new term *or* following a rejection of modifications, amendments or reopeners to collective bargaining agreements entered by the municipality or any of its agencies or administrative units, including the board of education, the parties to the agreement shall have ten (10) days from

the date of the Board's rejection to consider the Board's concerns and propose modifications. Conn. Gen. Stat. § 7-576e(a)(3)(iv).

8. At any time during negotiations and prior to reaching any agreement, or a modified agreement, the parties, by mutual agreement, may request guidance from the Board as to the level and areas of savings that may be acceptable to the Board in a new agreement. Conn. Gen. Stat. § 7-576e(a)(3)(iv).
9. If it rejects any such modification, the Board shall indicate the specific provisions of the proposed agreement for a new term that is either present or missing which caused the rejection, as well as the rationale for the rejection. If it rejects a proposed modification, amendment or reopener, the Board shall indicate the specific provisions of the proposed modification, amendment or reopener which caused the rejection, as well as its rationale for the rejection. The Board may indicate the total cost impact or savings acceptable for a new agreement or in a modification, amendment, or reopener situation. Conn. Gen. Stat. § 7-576e(a)(3)(iv).
10. If the Board imposes binding arbitration, or if the Board replaces an established binding arbitration panel, it shall adopt a resolution establishing the issues to be arbitrated. When establishing the issues to be arbitrated, the Board shall not be limited to the last best offers of, or matters raised or negotiated by the parties. If the Board raises matters not negotiated by the parties, the resolution shall indicate the reasons for raising such matters. Conn. Gen. Stat. § 7-576e(a)(3)(iv)(v).

B. Binding Arbitration

1. With respect to a designated tier IV municipality, the Board shall have the same powers and responsibilities as it has with respect to designated tier III municipalities in addition to which it shall have the following additional or superseding authority and responsibilities set forth below in Conn. Gen. Stat. § 7-576e(a)(3).
2. Except as otherwise provided in Conn. Gen. Stat. § 7-576e(a)(3)(v), with respect to collective bargaining agreements of the municipality or any of its agencies or administrative units, including, but not limited to, the board of education, that are in or are subject to binding arbitration, the Board shall have the power to impose binding arbitration upon the parties any time after the seventy-fifth (75) day following the commencement of negotiations or to reject any arbitration award pending municipal or board of education action pursuant to General Statute sections 7-473c or 10-153f on the date the Board is established. Conn. Gen. Stat. § 7-576e(a)(3)(v).
3. If, upon the date of a municipality's designation as a tier IV municipality, the parties are in binding arbitration, or if the Board rejects a pending arbitration award, the Board shall immediately replace any established binding arbitration panel with an arbitrator selected in accordance with Conn. Gen. Stat. § 7-576e(a)(3)(v).
4. The Board shall impose binding arbitration upon the parties after the expiration of the ten (10) day period if the Board rejects any modification by the parties to the proposed collective bargaining agreement for new term *or* any modifications, amendments or

reopens to collective bargaining agreements entered into by the municipality or any of its agencies or administrative units, including the Board of education, or the parties have been unable to reach or agree any modifications. Conn. Gen. Stat. § 7-576e(a)(3)(iv).

5. If the Board imposes binding arbitration, or if the Board replaces an established binding arbitration panel, the Board shall provide the Governor a list of three (3) potential arbitrators that shall include former judges of the state or federal judicial systems or other persons who have experience with arbitration or similar proceedings. The parties may provide recommendations for such selection to the Board. The Board shall not be limited to selecting arbitrators from those recommended by the parties. The arbitrator will be selected by the Governor from the list of three (3) potential arbitrators approved by the Board Conn. Gen. Stat. § 7-576e(a)(3)(v).
6. Within ten (10) days of the Governor's appointment of the arbitrator, the arbitrator shall hold a hearing with the parties in Hartford. Notice shall be sent at least five (5) days prior to the hearing to the Board and the two parties. The arbitrator selected by the Governor shall preside over the hearing. The arbitrator shall have the power to take testimony, to administer oaths and to subpoena any person whose testimony would be pertinent, together with any records or other documents relating to such matters.
7. The Board may reduce the time limits in the applicable provisions of the general statutes or any public or special acts governing binding arbitration by one-half. Conn. Gen. Stat. § 7-576e(a)(3)(v).
8. The Board shall be given the opportunity to make a presentation before the arbitrator. Conn. Gen. Stat. § 7-576e(a)(3)(v).
9. The hearing referred to in number B.3 above may be continued but shall be concluded within ten (10) days after its commencement. Notwithstanding the foregoing, the arbitrator shall, in all cases, have discretion to vary the timeframe to accommodate scheduling conflicts.
10. Not less than one (1) day prior to hearing, each party shall file with the arbitrator and serve upon the opposing party sufficient copies of a proposed collective bargaining agreement in numbered paragraphs, which such party is willing to execute and related cost data. At the commencement of the hearing, each party shall supply the arbitrator with a reply indicating those paragraphs it is willing to accept or reject in the other party's proposed agreement, as well as alternative language it would find acceptable for those rejected paragraphs. Within five (5) days after the commencement of the hearing the arbitrator shall identify those paragraphs with which he/she has concerns. At any time prior to the issuance of the decision by the arbitrator, the parties may jointly file with the arbitrator those paragraphs on which the parties are now in agreement. Within two (2) days after the conclusion of taking testimony, the arbitrator shall file with each party an arbitration statement, indicating the items agreed to by the Board and both parties. In issuing such statement, the arbitrator shall not be limited to the proposed agreements on each issue presented by either or both parties, or the matters raised by or negotiated by the parties. In the statement, the arbitrator shall indicate the basis for its concerns for each item that remains unresolved. The arbitrator may, at its option, indicate the total cost impact or savings it would consider acceptable in

a new agreement; however, the arbitrator must identify the specific cost items that are of concern.

11. Within five (5) days of the conclusion of taking testimony, both parties shall file with the arbitrator ten (10) electronic copies of their statements of last-best offer setting forth the final agreement provisions proposed by each party on each of the unresolved issues included in the arbitration statement. Immediately upon receipt of both statements of last best offer, they shall be distributed to both parties.
12. Within three (3) days after distribution of the statements of last best offer or within three (3) days of the deadline for filing such statements, whichever is sooner, each party may file with the arbitrator copies of their briefs on the unresolved issues. Immediately upon receipt of both briefs or by the deadline for receiving such briefs, whichever is sooner, they shall be distributed to both parties and the Board.
13. Within two (2) days after the distribution of the briefs, or within two (2) days of the last day for filing such briefs, whichever is sooner, each party may file with the arbitrator copies of a reply brief, responding to the briefs on the unresolved issues. Immediately upon receipt of the reply briefs or upon the expiration of the time for filing such reply briefs, whichever is sooner, they shall be distributed to both parties and the Board.
14. Within ten (10) days after the last day for filing such reply briefs, the arbitrator shall issue, his/her decision on all unresolved issues in the arbitration statement, which shall be binding upon both parties. In arriving at his/her decision, the arbitrator shall not be limited to consideration and inclusion in the collective bargaining agreement of last best offers or the matters raised by or negotiated by the parties. The arbitrator must indicate the specific reasons used in making its decisions on the issues.
15. The parties may jointly request that the arbitrator modify, defer, or waive any or all the above provisions and processes. The arbitrator may grant such requests that are consistent with Conn. Gen. Stat. § 7-576e(a)(3).
16. In arriving at a decision, the arbitrator shall give the highest priority to the short and long-term fiscal exigencies that resulted in the municipality's designation as a tier IV municipality. The arbitrator shall further consider the following factors in light of such financial capability: (A) The negotiations between the parties prior to arbitration; (B) the interests and welfare of the employee group; (C) changes in the cost of living; (D) the existing conditions of employment of the employee group and those of similar groups; and (E) the wages, salaries, fringe benefits, and other conditions of employment prevailing in the labor market, including developments in private sector wages and benefits. Conn. Gen. Stat. § 7-576e(a)(3)(v).
17. Not later than ten (10) days after the issuance of any of the arbitrator's decisions on the matters subject to such binding arbitration, the Board may request reconsideration of one or more of such decisions and state its position as to the impact of such decisions on the short and long-term fiscal sustainability of the municipality. Conn. Gen. Stat. § 7-576e(a)(3)(v).

18. Not later than five (5) days after the Board's request for such reconsideration, the parties may submit comments to the arbitrator in response to the Board's stated position. Conn. Gen. Stat. § 7-576e(a)(3)(v).
19. Not later than thirty (30) days following the Board's request for such reconsideration, the arbitrator, based on the record of the arbitration, may either modify or maintain the original arbitration decisions. Conn. Gen. Stat. § 7-576e(a)(3)(v).
20. The arbitrator's decisions shall be binding upon the parties. Conn. Gen. Stat. § 7-576e(a)(3)(v).