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## **OLR Bill Analysis**

### **HB 6935**

#### ***AN ACT CONCERNING THE RIGHT OF A PUBLIC EMPLOYEE TO JOIN OR SUPPORT A UNION.***

#### **SUMMARY**

This bill establishes requirements for public employers (presumably, the state, municipalities, and local or regional boards of education) to provide public employee union representatives with the following:

1. certain information about newly hired and current employees;
2. access to new employee orientations (if the parties cannot agree on how to provide such access, the bill requires them to have an arbitration over the matter); and
3. access to (a) the public employees that they represent and (b) government buildings and facilities to conduct meetings with bargaining unit members.

The bill also sets certain requirements and criteria related to payroll deductions for dues paid to public employee organizations (e.g., unions). Among other things, these require:

1. public employers to rely on an employee organization's certification that it has and will maintain the deduction authorizations signed by the individuals from whose pay the deductions will be made;
2. the organizations to indemnify public employers for any employee claims about deductions that relied on that certification; and
3. public employers to direct employee requests to cancel or change their deductions to the organization, rather than the employer.

Under the bill, deductions may only be revoked under the terms of the employee's written authorization. And if a dispute arises between an employee and the labor organization over an authorization's existence, validity, or revocation, the bill requires it to be resolved through a prohibited labor practice proceeding under the state's laws (presumably, adjudication before the State Board of Labor Relations, although the bill does not specify).

Lastly, the bill prohibits a public employer from deterring or discouraging public employees or job applicants from (1) becoming or remaining members of an employee organization, (2) authorizing representation by an employee organization, or (3) authorizing dues or fee deductions to an employee organization. It makes it a prohibited labor practice for a public employer to do the following:

1. encourage an employee to resign or decline membership in a labor organization,
2. encourage an employee to revoke authorization for a payroll deduction of dues to a labor organization,
3. knowingly aid any such effort by another entity, or
4. allow an entity to use the employer's email system to discourage membership in a labor organization or discourage authorization of payroll deduction of the organization's dues.

EFFECTIVE DATE: October 1, 2019

## **EMPLOYEE INFORMATION**

### ***Union Officials***

The bill requires public employers to provide the exclusive union representative of a public employee union (presumably, a union official, but the bill does not further identify this person) with certain information about a newly hired employee (1) within 10 days after the employee is hired or (2) before the first pay period of the month after the employee was hired. The required information is the employee's (1) name; (2) job title, department, and work location; (3) work, home,

and personal cell phone numbers; (4) personal email address on file with the employer; and (5) home address.

The bill also requires a public employer to provide this union official with a list of this information for all employees in the bargaining unit, including, when possible, real time electronic transmission of new hire data, at least every 30 days, unless the parties agree to more frequent or detailed lists.

### ***Unions***

The bill similarly requires public employers, within 10 days after a public employee is hired, to provide the employee's exclusive representative (presumably, the employee's union, but it is unclear) with the same information as above, plus the employee's date of hire and work email address. The information must be provided in an editable digital file format to which the union agrees.

Beginning on January 1, 2020, the bill also requires public employers to provide exclusive representatives, every 120 days, with the same information for each bargaining unit employee. This information is required in addition to any other employee information the union is entitled to under state law or an applicable collective bargaining agreement.

### **NEW EMPLOYEE ORIENTATION ACCESS**

The bill requires public employers to provide the exclusive union representative of a public employee union with mandatory access to its new employee orientations. The employer must give the union official written notice about an orientation at least 10 days in advance, unless there is an urgent need critical to the employer's operations that the employer could not reasonably foresee. The bill prohibits public employers from disclosing an orientation's date, time, and location to anyone except the public employees, the union, or a vendor that is contracted to provide orientation services.

The bill requires the parties to (1) determine the structure, time, and manner of the official's access to an orientation through a mutual

agreement and (2) negotiate over these issues upon either party's request. If they fail to reach an agreement within 45 days after first meeting, or 60 days after the request to negotiate, whichever is earlier, the bill allows either party to demand compulsory interest arbitration. If a party makes such a demand, any procedure prescribed in state law applies, but the arbitrator must consider the following factors:

1. the official's ability to communicate with the employees he or she represents;
2. the official's legal obligations to the employees;
3. applicable state, federal, and local laws;
4. stipulations by the parties;
5. the public's interest and welfare and the financial condition of any public agencies;
6. the structure, time, and manner of access to new employee orientations in comparable public agencies, including access provisions in other memoranda of understanding or collective bargaining agreements;
7. the labor organization's (presumably, union's) need to meaningfully communicate through cost-effective and efficient means with the employees on whose behalf it acts; and
8. any other factors that are normally or traditionally considered when establishing how a union official may access new employee orientations.

## **EMPLOYEE, PUBLIC BUILDING, AND FACILITY ACCESS**

### ***Employees***

The bill requires public employers to provide an exclusive representative (it is unclear if this is the union official or the union itself) with access to the public employees that the representative represents. This includes the right to:

1. meet with individual employees on the employer's premises during work days to investigate and discuss grievances, workplace-related complaints, and other workplace issues;
2. conduct worksite meetings on the employer's premises before and after the workday and during meal periods and other non-work breaks; and
3. meet with a newly hired employee within the bargaining unit, without charge to the employee's pay or leave time, for between 30 and 120 minutes, (a) within 30 calendar days after the employee is hired, (b) during new employee orientations, or (c) if the employer does not conduct such orientations, at individual or group meetings.

### ***Buildings and Facilities***

The bill gives exclusive representatives the right to use government-owned or -leased buildings and facilities to conduct meetings with bargaining unit members. It gives the representatives the right to hold such meetings (1) at a time and place of their choice, as long as the meetings do not interfere with the public employer's operations, and (2) without undue interference. In addition, the bill allows the representatives to place reasonable restrictions on the conduct of people attending the meetings.

The bill also gives exclusive representatives the right to use public employers' email systems to communicate with bargaining unit members about collective bargaining, administering collective bargaining agreements, investigating grievances, other workplace-related complaints and issues, and internal union matters involving the union's governance or business. The bill specifies that this provision does not limit a labor organization's rights to communicate with public employees.

### ***Greater Access Permitted***

The bill specifies that its provisions regarding an exclusive representative's access to and communication with bargaining unit

employees does not prevent a public employer from granting the representative greater access to or communication with public employees.

## **PAYROLL DEDUCTIONS**

### ***Deduction Authorizations***

The bill allows a public employer's employees and retirees to authorize deductions from their salaries, wages, or retirement benefits to pay dues in or for a service, program, or committee that is provided or sponsored by an employee organization (e.g., union). The organization's membership must be entirely or partly comprised of the public employer's and the organization's employees and its objectives must include improving the employees' terms or conditions of employment to advance the employees' welfare.

The bill requires public employers to honor the employee deduction authorizations that a labor organization creates or adopts, as long as they are in a form that satisfies the CT Uniform Electronic Transactions Act, including electronic and voice authorizations that meet the act's electronic signature requirements. The authorization's revocability must be determined by the authorization's terms.

Under the bill, public employers that administer employee-authorized payroll deductions must rely on an employee organization's certification that it has and will maintain authorizations, signed by the individuals from whose pay the deductions will be made. An organization that makes such a certification does not have to provide copies of the authorizations to the public employer unless a dispute arises about an authorization's existence or terms. The organizations must indemnify the public employer for any claims an employee makes about deductions that relied on the certification.

### ***Deduction Cancellations, Changes, or Revocations***

The bill also requires public employers to direct employee requests to cancel or change their deductions to the employee organization, rather than the employer. It requires the (1) employer to rely on information provided by the organization about whether the

deductions were properly canceled or changed and (2) organization to indemnify the employer for any claims an employee makes about deductions that relied on such information. Under the bill, deductions may only be revoked under the terms of the employee's written authorization.

***Liability***

The bill limits a labor organization's or public employer's liability to any amounts improperly deducted. It prohibits a public agency or court from awarding further damages or penalties.

The bill also makes employers (presumably, public employers) liable to labor organizations, without recourse to the employees, for the full amount of dues that an employer fails to withhold or remit to the labor organization, as long as the organization complied with its obligation to provide the list required by the bill (it is unclear what list this references, as the bill does not require employee organizations to provide any lists to public employers).

**COMMITTEE ACTION**

Labor and Public Employees Committee

Joint Favorable

Yea 9      Nay 4      (03/21/2019)