



House of Representatives

General Assembly

File No. 478

January Session, 2019

House Bill No. 6935

House of Representatives, April 8, 2019

The Committee on Labor and Public Employees reported through REP. PORTER, R. of the 94th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

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

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

1 Section 1. (NEW) (*Effective October 1, 2019*) (a) Except as otherwise
2 provided in this section, a public employer shall provide the exclusive
3 union representative of a public employee union with the name, job
4 title, department, work location, work, home, personal cellular
5 telephone number, personal electronic mail address on file with the
6 employer and home address of any newly hired employee not later
7 than ten days after such employee is hired or not later than the first
8 pay period of the month following the hiring of such employee. The
9 public employer shall provide the exclusive representative with a list
10 of all such information for all employees in the bargaining unit,
11 including, when possible, real time electronic transmission of new hire
12 data, not later than every thirty days, unless more frequent or more
13 detailed lists are required by an agreement between the parties.

14 (b) (1) Each public employer shall provide the exclusive union
15 representative of a public employee union mandatory access to its new
16 employee orientations. The public employer shall give the exclusive

17 representative not less than ten days' written notice in advance of such
18 an orientation, except a shorter notice may be provided in any instance
19 where there is an urgent need critical to the public employer's
20 operations that was not reasonably foreseeable by the public employer.
21 The structure, time and manner of such exclusive representative access
22 shall be determined through mutual agreement between the parties,
23 subject to the provisions of this subsection. The date, time and place of
24 the orientation shall not be disclosed by the public employer to anyone
25 other than the public employees, the exclusive representative or a
26 vendor that is contracted to provide a service for purposes of the
27 orientation.

28 (2) Upon request of the public employer or the exclusive
29 representative, the parties shall negotiate regarding the structure, time
30 and manner of access by the exclusive representative to a new
31 employee orientation. Failure to reach agreement on such structure,
32 time and manner of access shall be subject to compulsory interest
33 arbitration pursuant to this subsection.

34 (3) When negotiating access regarding a new employee orientation
35 pursuant to subdivision (2) of this subsection, if a dispute has not been
36 resolved not later than forty-five days after the first meeting of the
37 parties or not later than sixty days after the initial request to negotiate
38 was made, whichever is earlier, either party may make a demand for
39 compulsory interest arbitration. If such a demand is made, any
40 procedure prescribed pursuant to the general statutes shall apply,
41 except that the factors considered by the arbitrator shall be: (A) The
42 ability of the exclusive representative to communicate with the public
43 employees it represents, (B) the legal obligations of the exclusive
44 representative to the public employees, (C) state, federal and local laws
45 that are applicable to the employer and the employees, (D) stipulations
46 of the parties, (E) the interests and welfare of the public and the
47 financial condition of any public agencies, (F) the structure, time and
48 manner of access of an exclusive representative to a new employee
49 orientation in comparable public agencies, including, but not limited
50 to, access provisions in other memoranda of understanding or

51 collective bargaining agreements containing such provisions, (G) the
52 labor organization's need to meaningfully communicate through cost-
53 effective and efficient means with the public employees on whose
54 behalf it acts, and (H) any other factors that are normally or
55 traditionally taken into consideration in establishing the structure, time
56 and manner of access of an exclusive representative to a new employee
57 orientation.

58 (c) A public employer shall provide an exclusive representative
59 access to the public employees that such exclusive representative
60 represents. Such access includes, but shall not be limited to: (1) The
61 right to meet with individual employees on the premises of the public
62 employer during the work day to investigate and discuss grievances,
63 workplace-related complaints, and other workplace issues, (2) the right
64 to conduct worksite meetings during meal periods and other nonwork
65 breaks, and before and after the workday, on the employer's premises,
66 and (3) the right to meet with newly hired employees within the
67 bargaining unit, without charge to the pay or leave time of the
68 employees, for not less than thirty minutes nor more than one hundred
69 twenty minutes, within thirty calendar days from the date of hire,
70 during new employee orientations, or, if the public employer does not
71 conduct new employee orientations, at individual or group meetings.

72 (d) Not later than ten calendar days after the date of hire of a public
73 employee, a public employer shall provide the following contact
74 information to such employee's exclusive representative, in an editable
75 digital file format agreed to by the exclusive representative: Name, job
76 title, worksite location, home address, work telephone numbers, and
77 any home and personal cellular telephone numbers on file with the
78 public employer, date of hire, work electronic mail address and any
79 personal electronic mail address on file with the public employer. In
80 addition to any labor organization's right to employee information
81 pursuant to the laws of this state or any applicable collective
82 bargaining agreement, every one hundred twenty calendar days,
83 beginning on January 1, 2020, a public employer shall provide the
84 exclusive representative, in an editable digital file format agreed to by

85 the parties, the following information for all negotiations: Each
86 bargaining unit employee's name, job title, worksite location, home
87 address, work, home and personal cellular telephone numbers, date of
88 hire, work electronic mail address and personal electronic mail address
89 on file with the public employer.

90 (e) Exclusive representatives shall have the right to use the
91 electronic mail systems of public employers to communicate with
92 bargaining unit members regarding collective bargaining, the
93 administration of collective bargaining agreements, the investigation
94 of grievances, other workplace-related complaints and issues and
95 internal union matters involving the governance or business of the
96 union. The provisions of this subsection shall not limit the rights of a
97 labor organization to communicate with public employees.

98 (f) Exclusive representatives shall have the right to use government
99 buildings and other facilities that are owned or leased by government
100 entities to conduct meetings with bargaining unit members. An
101 exclusive representative shall have the right to hold such meetings at a
102 time and place of his or her choice, provided the meetings do not
103 interfere with the public employer's operations. An exclusive
104 representative shall have the right to conduct such meetings without
105 undue interference and may place reasonable restrictions on the
106 conduct of individuals attending such meetings.

107 (g) The requirements set forth in this section establish the minimum
108 requirements for access to and communication with bargaining unit
109 employees by an exclusive representative and shall not prevent a
110 public employer from granting the exclusive representative greater
111 access to or communication with public employees.

112 (h) Employees, including retired employees, of a public employer,
113 may authorize deductions to be made from their salaries, wages or
114 retirement allowances for the payment of dues in, or for any other
115 service, program or committee provided or sponsored by any
116 employee organization or bona fide association whose membership is
117 comprised, in whole or in part, of employees of the public employer

118 and employees of such organization and which has as one of its
119 objectives improvements in the terms or conditions of employment for
120 the advancement of the welfare of such employees.

121 (i) A public employer shall honor employee authorizations created
122 or adopted by a labor organization for the deductions described in any
123 form that satisfies the requirements of the Connecticut Uniform
124 Electronic Transactions Act, sections 1-266 to 1-286, inclusive, of the
125 general statutes including, but not limited to, electronic and voice
126 authorizations that meet the requirements of an electronic signature
127 pursuant to said act. The revocability of an authorization shall be
128 determined by the terms of the authorization.

129 (j) Public employers that provide for the administration of payroll
130 deductions authorized by employees for employee organizations shall:
131 (1) Rely on a certification from any employee organization requesting a
132 deduction or reduction that such organization has and will maintain
133 an authorization, signed by the individual from whose salary or wages
134 the deduction or reduction is to be made. An employee organization
135 that certifies that it has and will maintain individual employee
136 authorizations shall not be required to provide a copy of an individual
137 authorization to the public employer unless a dispute arises about the
138 existence or terms of the authorization. The employee organization
139 shall indemnify the public employer for any claims made by the
140 employee for deductions made in reliance on that certification, and (2)
141 direct employee requests to cancel or change deductions for employee
142 organizations to the employee organization, rather than to the public
143 employer. The public employer shall rely on information provided by
144 the employee organization regarding whether deductions for an
145 employee organization were properly canceled or changed, and the
146 employee organization shall indemnify the public employer for any
147 claims made by the employee for deductions made in reliance on such
148 information. Deductions may be revoked only pursuant to the terms of
149 the employee's written authorization.

150 (k) A labor organization or public employer shall only be liable for

151 any amounts improperly deducted pursuant to this section. No further
152 damages or penalties shall be awarded by any public agency or court.

153 (l) Notwithstanding any other provision of this section, employers
154 shall be liable to labor organizations, without recourse to the
155 employees, for the full amount of dues that an employer fails to
156 withhold or remit to the labor organization, provided the labor
157 organization complied with its obligation to provide the list required
158 pursuant to this section.

159 (m) If a dispute arises between the employee and the labor
160 organization regarding the existence, validity or revocation of a payroll
161 deduction authorization, the dispute shall be resolved through a
162 prohibited labor practice proceeding pursuant to the laws of this state.

163 (n) A public employer shall not deter or discourage public
164 employees or applicants for public employee positions from becoming
165 or remaining members of an employee organization, or from
166 authorizing representation by an employee organization, or from
167 authorizing dues or fee deductions to an employee organization.

168 (o) It shall be a prohibited labor practice for a public employer to: (1)
169 Encourage an employee to resign or decline to obtain membership in a
170 labor organization, (2) encourage an employee to revoke authorization
171 for a payroll deduction of dues to a labor organization, (3) knowingly
172 aid any such effort by any other entity, and (4) permit use of the
173 employer's electronic mail system by any entity to discourage
174 membership in a labor organization or discourage authorization of
175 payroll deduction of dues to a labor organization.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2019	New section

LAB *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note**State Impact:** None**Municipal Impact:** None**Explanation**

The bill, which provides guidelines for public employers regarding the rights of their employees to join or remain members of a union, has no fiscal impact to the State or municipalities.

The Out Years**State Impact:** None**Municipal Impact:** None

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)