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:

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

(b) (1) Each public employer shall provide the exclusive union representative of a public employee union mandatory access to its new employee orientations. The public employer shall give the exclusive
representative not less than ten days' written notice in advance of such orientation, except a shorter notice may be provided in any instance where there is an urgent need critical to the public employer's operations that was not reasonably foreseeable by the public employer. The structure, time and manner of such exclusive representative access shall be determined through mutual agreement between the parties, subject to the provisions of this subsection. The date, time and place of the orientation shall not be disclosed by the public employer to anyone other than the public employees, the exclusive representative or a vendor that is contracted to provide a service for purposes of the orientation.

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

(3) When negotiating access regarding a new employee orientation pursuant to subdivision (2) of this subsection, if a dispute has not been resolved not later than forty-five days after the first meeting of the parties or not later than sixty days after the initial request to negotiate was made, whichever is earlier, either party may make a demand for compulsory interest arbitration. If such a demand is made, any procedure prescribed pursuant to the general statutes shall apply, except that the factors considered by the arbitrator shall be: (A) The ability of the exclusive representative to communicate with the public employees it represents, (B) the legal obligations of the exclusive representative to the public employees, (C) state, federal and local laws that are applicable to the employer and the employees, (D) stipulations of the parties, (E) the interests and welfare of the public and the financial condition of any public agencies, (F) the structure, time and manner of access of an exclusive representative to a new employee orientation in comparable public agencies, including, but not limited
to, access provisions in other memoranda of understanding or collective bargaining agreements containing such provisions, (G) the labor organization's need to meaningfully communicate through cost-effective and efficient means with the public employees on whose behalf it acts, and (H) any other factors that are normally or traditionally taken into consideration in establishing the structure, time and manner of access of an exclusive representative to a new employee orientation.

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

(d) Not later than ten calendar days after the date of hire of a public employee, a public employer shall provide the following contact information to such employee's exclusive representative, in an editable digital file format agreed to by the exclusive representative: Name, job title, worksite location, home address, work telephone numbers, and any home and personal cellular telephone numbers on file with the public employer, date of hire, work electronic mail address and any personal electronic mail address on file with the public employer. In addition to any labor organization's right to employee information pursuant to the laws of this state or any applicable collective bargaining agreement, every one-hundred-twenty calendar days,
beginning on January 1, 2020, a public employer shall provide the exclusive representative, in an editable digital file format agreed to by the parties, the following information for all negotiations: Each bargaining unit employee's name, job title, worksite location, home address, work, home and personal cellular telephone numbers, date of hire, work electronic mail address and personal electronic mail address on file with the public employer.

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

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

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

(h) Employees, including retired employees, of a public employer, may authorize deductions to be made from their salaries, wages or retirement allowances for the payment of dues in, or for any other
service, program or committee provided or sponsored by any employee organization or bona fide association whose membership is comprised, in whole or in part, of employees of the public employer and employees of such organization and which has as one of its objectives improvements in the terms or conditions of employment for the advancement of the welfare of such employees.

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

(j) Public employers that provide for the administration of payroll deductions authorized by employees for employee organizations shall:

(1) Rely on a certification from any employee organization requesting a deduction or reduction that such organization has and will maintain an authorization, signed by the individual from whose salary or wages the deduction or reduction is to be made. An employee organization that certifies that it has and will maintain individual employee authorizations shall not be required to provide a copy of an individual authorization to the public employer unless a dispute arises about the existence or terms of the authorization. The employee organization shall indemnify the public employer for any claims made by the employee for deductions made in reliance on that certification, and (2) direct employee requests to cancel or change deductions for employee organizations to the employee organization, rather than to the public employer. The public employer shall rely on information provided by the employee organization regarding whether deductions for an employee organization were properly canceled or changed, and the employee organization shall indemnify the public employer for any claims made by the employee for deductions made in reliance on such
information. Deductions may be revoked only pursuant to the terms of
the employee's written authorization.

(k) A labor organization or public employer shall only be liable for
any amounts improperly deducted pursuant to this section. No further
damages or penalties shall be awarded by any public agency or court.

(l) Notwithstanding any other provision of this section, employers
shall be 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, provided the labor
organization complied with its obligation to provide the list required
pursuant to this section.

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

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

(o) It shall be an prohibited labor practice for a public employer to:
(1) Encourage an employee to resign or decline to obtain 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 any other entity, and (4) permit
use of the employer's electronic mail system by any entity to
discourage membership in a labor organization or discourage
authorization of payroll deduction of dues to a labor organization.

This act shall take effect as follows and shall amend the following
sections:
Statement of Purpose:
To provide guidelines for public employers regarding the rights of employees to join or remain members of a union.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: REP. D'AGOSTINO, 91st Dist.; REP. PORTER, 94th Dist.
REP. ELLIOTT, 88th Dist.; REP. TERCYAK, 26th Dist.

H.B. 6935, 6936, 6926, 6930