General Assembly
Amendment
January Session, 2019
LCO No. 10099

Offered by:
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To: House Bill No. 6935
File No. 478
Cal. No. 303

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

Strike everything after the enacting clause and substitute the following in lieu thereof:

"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, in an editable digital file format, when reasonable and agreed to by the public employer and exclusive union representative, the following information if on file with the employer: Name, job title, department, work location, work telephone number and, subject to section 1-217 of the general statutes, the home address of any newly hired employee. The public employer shall provide the exclusive union representative such information, when reasonable, with-real time electronic transmission of new hire data but in no event 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. For purposes of this section, "public employer" means (1) "employer", as defined in section 5-270 of the general statutes, (2)
"municipal employer", as defined in section 7-467 of the general statutes, and (3) local and regional boards of education.

(b) (1) Each public employer shall provide the exclusive union representative of a public employee union with access to its new employee orientations. The public employer shall give the exclusive union representative not less than seven days' written or electronic notice in advance of such an orientation, except a shorter notice may be provided in any instance where there is an urgent need critical to the public employer's operations. The exclusive union representative shall provide the public employer with the physical and electronic address regarding such notice annually by January thirty-first of each year. The structure, time and manner of such exclusive union representative's access shall be determined through a mutual agreement between the parties, subject to the provisions of this subsection. Nothing in this section shall require a public employer to hold an employee orientation if it is the custom and practice of the public employer not to do so.

(2) Upon request of the public employer or the exclusive union representative, the parties shall negotiate regarding the structure, time and manner of access by the exclusive union representative to a new employee orientation. Failure to reach agreement on such structure, time and manner of such access shall be subject to compulsory interest arbitration pursuant to this subsection. The failure of the public employer and exclusive union representative to reach agreement and the initiation of arbitration pursuant to this subsection shall not stay or otherwise prevent the public employer from proceeding with the employee orientation at issue.

(3) When negotiating access regarding a new employee orientation pursuant to subdivision (2) of this subsection, if a dispute has not been resolved within forty-five days after the first meeting of the parties or within 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 union representative to communicate with the public
employees it represents, (B) the legal obligations of the exclusive union
representative to such 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 and day-to-day operations of similarly
situated public agencies, (F) the structure, time and manner of access
of the exclusive union 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 it represents,
and (H) any other factors that are normally or traditionally taken into
consideration in establishing the structure, time and manner of access
of the exclusive union representative to a new employee orientation.

(c) A public employer shall provide the exclusive union
representative access to the public employees that such exclusive
union 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 workday to investigate
and discuss grievances, workplace-related complaints, and other
workplace issues, (2) the right to conduct worksite meetings during
meal periods and during other paid or unpaid 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 up to sixty
minutes, within thirty calendar days from the date of hire.

(d) In addition to any labor organization's right to employee
information pursuant to the laws of this state or any applicable
collective bargaining agreement, beginning on January 1, 2020, every
one hundred twenty calendar days, unless more frequent or more
detailed lists are required by an agreement between the parties, a public employer shall provide the exclusive union representative, in an editable digital file format when reasonable and agreed to by the parties, the following information for all negotiations: Each bargaining unit employee’s name, job title, worksite location, work telephone number, date of hire, work electronic mail address and, if authorized by the employee via written authorization provided to the exclusive union representative, the employee’s home address, home telephone number, personal cellular mobile telephone number and personal electronic mail address if on file with the public employer. Any written authorization required under this subsection may be revoked by the employee at any time and such authorization or revocation shall be provided to the exclusive union representative at either the physical or electronic address provided by such representative pursuant to subdivision (1) of subsection (b) of this section. Any exclusive union representative that obtains information pursuant to this subsection shall not disclose such information to any unaffiliated third party, excluding vendors the exclusive union representative may use for purposes of printing or disseminating communications to members concerning the collective bargaining agreement and related negotiations. It shall be a prohibited labor practice for the exclusive union representative to use or release the information obtained pursuant to this subsection for any purpose other than concerning the collective bargaining agreement and related negotiations. The provisions of section 36a-701b of the general statutes shall apply to any improper release of any personal information, as defined in said section, obtained by the exclusive union representative pursuant to this section. Nothing in this section shall limit the right of an employee to seek additional remedies in court or otherwise for an improper release of information obtained pursuant to this section.

(e) The exclusive union representative 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. Any communications made pursuant to this section shall be
subject to chapter 14 of the general statutes. The provisions of this
subsection shall not limit the rights of a labor organization to
communicate with public employees.

(f) Consistent with the provisions of subsection (c) of this section,
the exclusive union representative shall have the right to use state and
municipal government buildings and other facilities that are owned or
leased by government entities to conduct meetings with bargaining
unit members. An exclusive union representative shall have the right
to hold such meetings at a reasonable time and place, provided the
meetings do not interfere with the public employer's operations. Use of
state and municipal government buildings and other facilities that are
owned or leased by government entities pursuant to this subsection
may be subject to customary and regular charges for such use, if any,
as uniformly applied to other persons or entities, consistent with
existing policies, if any, and as may be adopted or amended by the
government entity.

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

(h) Employees, including retired employees, of a public employer,
may authorize deductions, consistent with state and federal law, 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.

(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.

(k) A labor organization or public employer shall only be liable to each other for any amounts improperly deducted pursuant to this section. No further damages or penalties shall be awarded by any public agency or court. Nothing in this section shall limit the right of an employee to bring a claim or seek any relief against either the public
employer or exclusive union representative for amounts improperly
deducted.

(l) Notwithstanding any other provision of this section, a public
employer shall be liable to a labor organization, without recourse to
the employees, for the full amount of dues that such employer fails to
remit to the labor organization, provided the labor organization has
complied with the provisions of 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 sections 5-272, 5-274,
7-470, 7-471 and 10-153e of the general statutes, as applicable.

(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 deductions to an employee organization.

(o) It shall be a 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. It shall be a
prohibited labor practice for an exclusive union representative to
contact an employee who has advised the exclusive union
representative, in writing or via electronic mail at the address
provided in subdivision (1) of subsection (b) of this section that he or
she no longer wishes to be contacted by the exclusive union
representative, except that the exclusive union representative may
continue to contact any such employee in order to comply with its
Sec. 2. Section 5-271 of the general statutes is amended by adding subsection (g) as follows (Effective July 1, 2019):

(NEW) (g) Notwithstanding the provisions of subsections (a) to (f), inclusive, of this section, any employee may opt out of membership of any employee organization.

Sec. 3. Subsection (a) of section 5-280 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2019):

(a) If an exclusive representative has been designated for the employees in an appropriate collective bargaining unit, each employee in such unit who is not a member of the exclusive representative shall be required, as a condition of continued employment, to pay to such organization for the period that it is the exclusive representative, an amount equal to the regular dues, fees and assessments that a member is charged, provided any employee who has opted out of membership shall not be required to make such payment.

Sec. 4. Subsection (a) of section 7-468 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2019):

(a) Employees shall have, and shall be protected in the exercise of, the right of self-organization, to form, join, not join or assist any employee organization, to bargain collectively through representatives of their own choosing on questions of wages, hours and other conditions of employment and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, free from actual interference, restraint or coercion."
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