



General Assembly

January Session, 2019

Amendment

LCO No. 10099



Offered by:

REP. PORTER, 94th Dist.

REP. D'AGOSTINO, 91st Dist.

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."

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

3 "Section 1. (NEW) (*Effective October 1, 2019*) (a) Except as otherwise
4 provided in this section, a public employer shall provide the exclusive
5 union representative of a public employee union, in an editable digital
6 file format, when reasonable and agreed to by the public employer and
7 exclusive union representative, the following information if on file
8 with the employer: Name, job title, department, work location, work
9 telephone number and, subject to section 1-217 of the general statutes,
10 the home address of any newly hired employee. The public employer
11 shall provide the exclusive union representative such information,
12 when reasonable, with-real time electronic transmission of new hire
13 data but in no event later than ten days after such employee is hired or
14 not later than the first pay period of the month following the hiring of
15 such employee. For purposes of this section, "public employer" means
16 (1) "employer", as defined in section 5-270 of the general statutes, (2)

17 "municipal employer", as defined in section 7-467 of the general
18 statutes, and (3) local and regional boards of education.

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

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

44 (3) When negotiating access regarding a new employee orientation
45 pursuant to subdivision (2) of this subsection, if a dispute has not been
46 resolved within forty-five days after the first meeting of the parties or
47 within sixty days after the initial request to negotiate was made,
48 whichever is earlier, either party may make a demand for compulsory
49 interest arbitration. If such a demand is made, any procedure

50 prescribed pursuant to the general statutes shall apply, except that the
51 factors considered by the arbitrator shall be: (A) The ability of the
52 exclusive union representative to communicate with the public
53 employees it represents, (B) the legal obligations of the exclusive union
54 representative to such public employees, (C) state, federal and local
55 laws that are applicable to the employer and the employees, (D)
56 stipulations of the parties, (E) the interests and welfare of the public
57 and the financial condition and day-to-day operations of similarly
58 situated public agencies, (F) the structure, time and manner of access
59 of the exclusive union representative to a new employee orientation in
60 comparable public agencies, including, but not limited to, access
61 provisions in other memoranda of understanding or collective
62 bargaining agreements containing such provisions, (G) the labor
63 organization's need to meaningfully communicate through cost-
64 effective and efficient means with the public employees it represents,
65 and (H) any other factors that are normally or traditionally taken into
66 consideration in establishing the structure, time and manner of access
67 of the exclusive union representative to a new employee orientation.

68 (c) A public employer shall provide the exclusive union
69 representative access to the public employees that such exclusive
70 union representative represents. Such access includes, but shall not be
71 limited to: (1) The right to meet with individual employees on the
72 premises of the public employer during the workday to investigate
73 and discuss grievances, workplace-related complaints, and other
74 workplace issues, (2) the right to conduct worksite meetings during
75 meal periods and during other paid or unpaid breaks, and before and
76 after the workday, on the employer's premises, and (3) the right to
77 meet with newly hired employees within the bargaining unit, without
78 charge to the pay or leave time of the employees, for up to sixty
79 minutes, within thirty calendar days from the date of hire.

80 (d) In addition to any labor organization's right to employee
81 information pursuant to the laws of this state or any applicable
82 collective bargaining agreement, beginning on January 1, 2020, every
83 one hundred twenty calendar days, unless more frequent or more

84 detailed lists are required by an agreement between the parties, a
85 public employer shall provide the exclusive union representative, in an
86 editable digital file format when reasonable and agreed to by the
87 parties, the following information for all negotiations: Each bargaining
88 unit employee's name, job title, worksite location, work telephone
89 number, date of hire, work electronic mail address and, if authorized
90 by the employee via written authorization provided to the exclusive
91 union representative, the employee's home address, home telephone
92 number, personal cellular mobile telephone number and personal
93 electronic mail address if on file with the public employer. Any written
94 authorization required under this subsection may be revoked by the
95 employee at any time and such authorization or revocation shall be
96 provided to the exclusive union representative at either the physical or
97 electronic address provided by such representative pursuant to
98 subdivision (1) of subsection (b) of this section. Any exclusive union
99 representative that obtains information pursuant to this subsection
100 shall not disclose such information to any unaffiliated third party,
101 excluding vendors the exclusive union representative may use for
102 purposes of printing or disseminating communications to members
103 concerning the collective bargaining agreement and related
104 negotiations. It shall be a prohibited labor practice for the exclusive
105 union representative to use or release the information obtained
106 pursuant to this subsection for any purpose other than concerning the
107 collective bargaining agreement and related negotiations. The
108 provisions of section 36a-701b of the general statutes shall apply to any
109 improper release of any personal information, as defined in said
110 section, obtained by the exclusive union representative pursuant to
111 this section. Nothing in this section shall limit the right of an employee
112 to seek additional remedies in court or otherwise for an improper
113 release of information obtained pursuant to this section.

114 (e) The exclusive union representative shall have the right to use the
115 electronic mail systems of public employers to communicate with
116 bargaining unit members regarding collective bargaining, the
117 administration of collective bargaining agreements, the investigation

118 of grievances, other workplace-related complaints and issues and
119 internal union matters involving the governance or business of the
120 union. Any communications made pursuant to this section shall be
121 subject to chapter 14 of the general statutes. The provisions of this
122 subsection shall not limit the rights of a labor organization to
123 communicate with public employees.

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

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

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

151 employees.

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

159 (j) Public employers that provide for the administration of payroll
160 deductions authorized by employees for employee organizations shall:
161 (1) Rely on a certification from any employee organization requesting a
162 deduction or reduction that such organization has and will maintain
163 an authorization, signed by the individual from whose salary or wages
164 the deduction or reduction is to be made. An employee organization
165 that certifies that it has and will maintain individual employee
166 authorizations shall not be required to provide a copy of an individual
167 authorization to the public employer unless a dispute arises about the
168 existence or terms of the authorization. The employee organization
169 shall indemnify the public employer for any claims made by the
170 employee for deductions made in reliance on that certification, and (2)
171 direct employee requests to cancel or change deductions for employee
172 organizations to the employee organization, rather than to the public
173 employer. The public employer shall rely on information provided by
174 the employee organization regarding whether deductions for an
175 employee organization were properly canceled or changed, and the
176 employee organization shall indemnify the public employer for any
177 claims made by the employee for deductions made in reliance on such
178 information.

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

184 employer or exclusive union representative for amounts improperly
185 deducted.

186 (l) Notwithstanding any other provision of this section, a public
187 employer shall be liable to a labor organization, without recourse to
188 the employees, for the full amount of dues that such employer fails to
189 remit to the labor organization, provided the labor organization has
190 complied with the provisions of this section.

191 (m) If a dispute arises between the employee and the labor
192 organization regarding the existence, validity or revocation of a payroll
193 deduction authorization, the dispute shall be resolved through a
194 prohibited labor practice proceeding pursuant to sections 5-272, 5-274,
195 7-470, 7-471 and 10-153e of the general statutes, as applicable.

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

201 (o) It shall be a prohibited labor practice for a public employer to: (1)
202 Encourage an employee to resign or decline to obtain membership in a
203 labor organization, (2) encourage an employee to revoke authorization
204 for a payroll deduction of dues to a labor organization, (3) knowingly
205 aid any such effort by any other entity, and (4) permit use of the
206 employer's electronic mail system by any entity to discourage
207 membership in a labor organization or discourage authorization of
208 payroll deduction of dues to a labor organization. It shall be a
209 prohibited labor practice for an exclusive union representative to
210 contact an employee who has advised the exclusive union
211 representative, in writing or via electronic mail at the address
212 provided in subdivision (1) of subsection (b) of this section that he or
213 she no longer wishes to be contacted by the exclusive union
214 representative, except that the exclusive union representative may
215 continue to contact any such employee in order to comply with its

216 duty of fair representation under section 5-271 of the general statutes.

217 Sec. 2. Section 5-271 of the general statutes is amended by adding
218 subsection (g) as follows (*Effective July 1, 2019*):

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

222 Sec. 3. Subsection (a) of section 5-280 of the general statutes is
223 repealed and the following is substituted in lieu thereof (*Effective July*
224 *1, 2019*):

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

233 Sec. 4. Subsection (a) of section 7-468 of the general statutes is
234 repealed and the following is substituted in lieu thereof (*Effective July*
235 *1, 2019*):

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

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

Sec. 2	<i>July 1, 2019</i>	5-271
Sec. 3	<i>July 1, 2019</i>	5-280(a)
Sec. 4	<i>July 1, 2019</i>	7-468(a)