



General Assembly

February Session, 2020

Raised Bill No. 228

LCO No. 1716



Referred to Committee on LABOR AND PUBLIC EMPLOYEES

Introduced by:
(LAB)

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, 2020*) (a) Except as otherwise
2 provided in this section, a public employer shall provide the exclusive
3 representative of a public employee organization, in an editable digital
4 file format, when reasonable and agreed to by the public employer and
5 exclusive representative, the following information if on file with the
6 employer: Name, job title, department, work location, work telephone
7 number and, subject to section 1-217 of the general statutes, the home
8 address of any newly hired employee. The public employer shall
9 provide the exclusive representative such information, when
10 reasonable, with real-time electronic transmission of new hire data but
11 in no event later than ten days after such employee is hired or not later
12 than the first pay period of the month following the hiring of such
13 employee. For purposes of this section, (1) "public employer" means (A)
14 "employer", as defined in section 5-270 of the general statutes, (B)
15 "municipal employer", as defined in section 7-467 of the general statutes,
16 and (C) local and regional boards of education, and (2) "public employee

17 organization" means any lawful association, labor organization,
18 federation or council having as a primary purpose the improvement of
19 wages, hours and other conditions of employment among employees of
20 public employers.

21 (b) (1) Each public employer shall provide the exclusive
22 representative of a public employee organization access to its new
23 employee orientations. The public employer shall give the exclusive
24 representative not less than ten days' written or electronic notice in
25 advance of such an orientation, except a shorter notice may be provided
26 in any instance where there is an urgent need critical to the public
27 employer's operations. The exclusive representative shall provide the
28 public employer with the physical and electronic address to which such
29 notice shall be sent annually on or before January thirty-first of each
30 year. The structure, time and manner of such exclusive representative's
31 access shall be determined through mutual agreement between the
32 parties, subject to the provisions of this subsection.

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

39 (3) When negotiating access regarding a new employee orientation
40 pursuant to subdivision (2) of this subsection, if a dispute has not been
41 resolved within forty-five days after the first meeting of the parties or
42 within sixty days after the initial request to negotiate was made,
43 whichever is earlier, either party may make a demand for compulsory
44 interest arbitration. If such a demand is made, any procedure prescribed
45 pursuant to the general statutes shall apply, except that the factors
46 considered by the arbitrator shall be: (A) The ability of the exclusive
47 representative to communicate with the public employees it represents,
48 (B) the legal obligations of the exclusive representative to such public
49 employees, (C) state, federal and local laws that are applicable to the

50 employer and the employees, (D) stipulations of the parties, (E) the
51 interests and welfare of the public and the financial condition and day-
52 to-day operations of similarly situated public agencies, (F) the structure,
53 time and manner of access of the exclusive representative to a new
54 employee orientation in comparable public employers, including, but
55 not limited to, access provisions in other memoranda of understanding
56 or collective bargaining agreements containing such provisions, (G) the
57 public employee organization's need to meaningfully communicate
58 through cost-effective and efficient means with the public employees it
59 represents, and (H) any other factors that are normally or traditionally
60 taken into consideration in establishing the structure, time and manner
61 of access of the exclusive representative to a new employee orientation.

62 (c) A public employer shall provide the exclusive representative
63 access to the public employees that such exclusive representative
64 represents. Such access includes, but shall not be limited to: (1) The right
65 to meet with individual employees on the premises of the public
66 employer during the workday to investigate and discuss grievances,
67 workplace-related complaints and other workplace issues, (2) the right
68 to conduct worksite meetings during meal periods and during other
69 paid or unpaid breaks, and before and after the workday, on the
70 employer's premises, and (3) the right to meet with newly hired
71 employees within the bargaining unit, without charge to the pay or
72 leave time of the employees, for up to one hundred twenty minutes,
73 within thirty calendar days after the date of hire, during new employee
74 orientations, or if the public employer does not conduct new employee
75 orientation, at individual or group meetings.

76 (d) In addition to any public employee organization's right to
77 employee information pursuant to the laws of this state or any
78 applicable collective bargaining agreement, beginning on January 1,
79 2021, every one hundred twenty calendar days, unless more frequent or
80 more detailed lists are required by agreement between the parties, a
81 public employer shall provide the exclusive representative, in an
82 editable digital file format when reasonable and agreed to by the parties,
83 the following information for all negotiations: Each bargaining unit

84 employee's name, job title, worksite location, work telephone number,
85 date of hire, work electronic mail address and, if authorized by the
86 employee via written authorization provided to the exclusive
87 representative, the employee's home address, home telephone number,
88 personal cellular mobile telephone number and personal electronic mail
89 address if on file with the public employer. Any written authorization
90 required under this subsection may be revoked by the employee at any
91 time and such authorization or revocation shall be provided to the
92 exclusive representative at either the physical or electronic address
93 provided by such representative pursuant to subdivision (1) of
94 subsection (b) of this section. Any exclusive representative who obtains
95 information pursuant to this subsection shall not disclose such
96 information to any unaffiliated third party, excluding vendors the
97 exclusive representative may use for purposes of printing or
98 disseminating communications to members. The provisions of section
99 36a-701b of the general statutes shall apply to any improper release of
100 any personal information, as defined in said section, obtained by the
101 exclusive representative pursuant to this section. Nothing in this section
102 shall limit the right of an employee to seek additional remedies in court
103 or otherwise for an improper release of information obtained pursuant
104 to this section.

105 (e) The exclusive representative shall have the right to use the
106 electronic mail systems of public employers to communicate with
107 bargaining unit members regarding collective bargaining, the
108 administration of collective bargaining agreements, the investigation of
109 grievances, other workplace-related complaints and issues, and internal
110 matters involving the governance or business of the public employee
111 organization. Any communications made pursuant to this section shall
112 be subject to chapter 14 of the general statutes. The provisions of this
113 subsection shall not limit the rights of a public employee organization
114 to communicate with public employees.

115 (f) Consistent with the provisions of subsection (c) of this section, the
116 exclusive representative shall have the right to use state and municipal
117 government buildings and other facilities that are owned or leased by

118 public employers to conduct meetings with bargaining unit members.
119 An exclusive representative shall have the right to hold such meetings
120 at a reasonable time and place, provided the meetings do not interfere
121 with the public employer's operations. An exclusive representative shall
122 have the right to conduct such meetings without undue interference and
123 may place reasonable restrictions on the conduct of an individual
124 attending such meetings.

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

130 (h) Employees, including retired employees, of a public employer
131 may authorize deductions, consistent with state and federal law, to be
132 made from their salaries, wages or retirement allowances for the
133 payment of dues in, or for any other service, program or committee
134 provided or sponsored by any public employee organization.

135 (i) A public employer shall honor employee authorizations created or
136 adopted by a public employee organization for the deductions
137 described in any form that satisfies the requirements of sections 1-266 to
138 1-286, inclusive, of the general statutes, including, but not limited to,
139 electronic and voice authorizations that meet the requirements of an
140 electronic signature pursuant to said sections. The revocability of an
141 authorization shall be determined by the terms of the authorization.

142 (j) Public employers that provide for the administration of payroll
143 deductions authorized by employees for public employee organizations
144 shall: (1) Rely on a certification from any public employee organization
145 requesting a deduction or reduction that such organization has and will
146 maintain an authorization, signed by the individual from whose salary
147 or wages the deduction or reduction is to be made. A public employee
148 organization that certifies that it has and will maintain individual
149 employee authorizations shall not be required to provide a copy of an

150 individual authorization to the public employer unless a dispute arises
151 about the existence or terms of the authorization. The public employee
152 organization shall indemnify the public employer for any claims made
153 by the employee for deductions made in reliance on that certification,
154 and (2) direct employee requests to cancel or change deductions for
155 public employee organizations to the employee organization, rather
156 than to the public employer. The public employer shall rely on
157 information provided by the public employee organization regarding
158 whether deductions for the employee organization were properly
159 canceled or changed, and the employee organization shall indemnify
160 the public employer for any claims made by the employee for
161 deductions made in reliance on such information. Deductions may be
162 revoked only pursuant to the terms of the employees' written
163 authorization.

164 (k) A public employee organization or public employer shall only be
165 liable to each other for any amounts improperly deducted pursuant to
166 this section. No further damages or penalties shall be awarded by any
167 public agency or court.

168 (l) Notwithstanding any other provision of this section, a public
169 employer shall be liable to a public employee organization, without
170 recourse to the employees, for the full amount of dues that such
171 employer fails to remit to the public employee organization, provided
172 the public employee organization has complied with the provisions of
173 this section.

174 (m) If a dispute arises between the employee and the public employee
175 organization regarding the existence, validity or revocation of a payroll
176 deduction authorization, the dispute shall be resolved through a
177 proceeding pursuant to sections 5-272, 5-274, 7-470, 7-471 and 10-153e of
178 the general statutes, as applicable, to resolve a question of a prohibited
179 practice.

180 (n) The failure of an employer to comply with the provisions of this
181 section shall be a violation of the duty to bargain and an unfair labor

182 practice. Relief for the violation shall be reimbursement by the public
183 employer of dues that should have been deducted or paid based on a
184 valid authorization given by the employee or employees. The provisions
185 of a collective bargaining agreement that contain the obligations set
186 forth in this section may be enforced in accordance with the provisions
187 of this section.

188 (o) A public employer shall not deter or discourage public employees
189 or applicants for public employee positions from becoming or
190 remaining members of a public employee organization, or from
191 authorizing representation by a public employee organization, or from
192 authorizing dues or deductions to a public employee organization.

193 (p) It shall be a prohibited practice for a public employer to: (1)
194 Encourage an employee to resign or decline to obtain membership in a
195 public employee organization, (2) encourage an employee to revoke
196 authorization for a payroll deduction of dues to a public employee
197 organization, (3) knowingly aid any such effort by any other entity, and
198 (4) permit use of the employer's electronic mail system by any entity to
199 discourage membership in a public employee organization or
200 discourage authorization of payroll deduction of dues to a public
201 employee organization.

202 Sec. 2. Section 5-271 of the general statutes is amended by adding
203 subsection (g) as follows (*Effective July 1, 2020*):

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

207 Sec. 3. Subsection (a) of section 5-280 of the general statutes is
208 repealed and the following is substituted in lieu thereof (*Effective July 1,*
209 *2020*):

210 (a) If an exclusive representative has been designated for the
211 employees in an appropriate collective bargaining unit, each employee
212 in such unit who is not a member of the exclusive representative shall

213 be required, as a condition of continued employment, to pay to such
214 organization for the period that it is the exclusive representative, an
215 amount equal to the regular dues, fees and assessments that a member
216 is charged, provided any employee who has opted out of membership
217 shall not be required to make such payment.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2020</i>	New section
Sec. 2	<i>July 1, 2020</i>	5-271
Sec. 3	<i>July 1, 2020</i>	5-280(a)

Statement of Purpose:

To protect the rights of public employees to join or support unions.

[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.]