

**Proposed Substitute
Bill No. 5270**

LCO No. 2949

**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 an exclusive
3 representative, in an editable digital file format, and, if possible, in a
4 format agreed to by the exclusive representative, the following
5 information if on file with the employer: Name, job title, department,
6 work location, work telephone number and the home address of any
7 newly hired employee. The public employer shall provide the exclusive
8 representative such information, if possible, with real-time electronic
9 transmission of new hire data but in no event later than ten days after
10 such employee is hired or not later than the first pay period of the month
11 following the hiring of such employee. For purposes of this section, (1)
12 "public employer" means (A) "employer", as defined in section 5-270 of
13 the general statutes, (B) "municipal employer", as defined in section 7-
14 467 of the general statutes, and (C) local and regional boards of
15 education, (2) "public employee organization" means any lawful
16 association, labor organization, federation or council having as a
17 primary purpose the improvement of wages, hours and other
18 conditions of employment among employees of public employers, and
19 (3) "exclusive representative" means the public employee organization
20 certified or recognized in accordance with state law to be the exclusive

21 bargaining representative of a public employer bargaining unit.

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

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

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

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

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

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

86 date of hire, work electronic mail address, home address and, if
87 authorized by the employee via written authorization provided to the
88 exclusive representative, the employee's home telephone number,
89 personal cellular mobile telephone number and personal electronic mail
90 address if on file with the public employer. Any written authorization
91 required under this subsection may be revoked by the employee at any
92 time and such authorization or revocation shall be provided to the
93 exclusive representative at either the physical or electronic address
94 provided by such representative pursuant to subdivision (1) of
95 subsection (b) of this section. Any exclusive representative who obtains
96 information pursuant to this subsection shall not disclose such
97 information to any unaffiliated third party, excluding vendors the
98 exclusive representative may use for purposes of printing or
99 disseminating communications to members.

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

110 (f) Consistent with the provisions of subsection (c) of this section, the
111 exclusive representative shall have the right to use state and municipal
112 government buildings and other facilities that are owned or leased by
113 public employers to conduct meetings with bargaining unit members.
114 An exclusive representative shall have the right to hold such meetings
115 at a reasonable time and place, provided the meetings do not interfere
116 with the public employer's operations. An exclusive representative shall
117 have the right to conduct such meetings without undue interference and
118 may place reasonable restrictions on the conduct of an individual

119 attending such meetings.

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

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

130 (i) A public employer shall honor employee authorizations created or
131 adopted by a public employee organization for the deductions
132 described in any form that satisfies the requirements of sections 1-266 to
133 1-286, inclusive, of the general statutes, including, but not limited to,
134 electronic and voice authorizations that meet the requirements of an
135 electronic signature pursuant to said sections. The revocability of an
136 authorization shall be determined by the terms of the authorization.

137 (j) Public employers that provide for the administration of payroll
138 deductions authorized by employees for public employee organizations
139 shall: (1) Rely on a certification from any public employee organization
140 requesting a deduction or reduction that such organization has and will
141 maintain an authorization, signed by the individual from whose salary
142 or wages the deduction or reduction is to be made. A public employee
143 organization that certifies that it has and will maintain individual
144 employee authorizations shall not be required to provide a copy of an
145 individual authorization to the public employer unless a dispute arises
146 about the existence or terms of the authorization. The public employee
147 organization shall indemnify the public employer for any claims made
148 by the employee for deductions made in reliance on that certification,
149 and (2) direct employee requests to cancel or change deductions for
150 public employee organizations to the employee organization, rather

151 than to the public employer. The public employer shall rely on
152 information provided by the public employee organization regarding
153 whether deductions for the employee organization were properly
154 canceled or changed, and the employee organization shall indemnify
155 the public employer for any claims made by the employee for
156 deductions made in reliance on such information. Deductions may be
157 revoked only pursuant to the terms of the employees' written
158 authorization.

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

163 (l) Notwithstanding any other provision of this section, a public
164 employer shall be liable to a public employee organization, without
165 recourse to the employees, for the full amount of dues that such
166 employer fails to remit to the public employee organization, provided
167 the public employee organization has complied with the provisions of
168 this section. The failure of an employer to comply with the provisions of
169 this section shall be a violation of the duty to bargain and an unfair labor
170 practice. The provisions of a collective bargaining agreement that
171 contain the obligations set forth in this section may be enforced in
172 accordance with the provisions of this section.

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

179 (n) A public employer shall not deter or discourage public employees
180 or applicants for public employee positions from becoming or
181 remaining members of a public employee organization, or from
182 authorizing representation by a public employee organization, or from

183 authorizing dues or deductions to a public employee organization.

184 (o) It shall be a prohibited practice for a public employer to: (1)
185 Encourage an employee to resign or decline to obtain membership in a
186 public employee organization, (2) encourage an employee to revoke
187 authorization for a payroll deduction of dues to a public employee
188 organization, (3) knowingly aid any such effort by any other entity, or
189 (4) permit use of the employer's electronic mail system by any entity to
190 discourage membership in a public employee organization or
191 discourage authorization of payroll deduction of dues to a public
192 employee organization.

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

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

198 Sec. 3. Subsection (a) of section 5-280 of the general statutes is
199 repealed and the following is substituted in lieu thereof (*Effective July 1,*
200 *2020*):

201 (a) [If] Nothing in this section shall preclude an exclusive
202 representative that has been designated for the employees in an
203 appropriate collective bargaining unit, and the public employer, from
204 requiring each employee in such unit who is not a member of the
205 exclusive representative, [shall be required,] as a condition of continued
206 employment, to pay to such organization [for the period that it is the
207 exclusive representative, an] such amount [equal to the regular dues,
208 fees and assessments that a member is charged] as may be permitted
209 under state and federal law.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2020</i>	New section

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Sec. 2	<i>July 1, 2020</i>	5-271
Sec. 3	<i>July 1, 2020</i>	5-280(a)