



**Substitute Senate Bill No. 908**

**Public Act No. 21-25**

**AN ACT CONCERNING ACCESS TO CERTAIN PUBLIC EMPLOYEES BY THE EXCLUSIVE BARGAINING REPRESENTATIVE OF A PUBLIC EMPLOYER BARGAINING UNIT.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (NEW) (*Effective October 1, 2021*) (a) Except as otherwise provided in this section, a public employer shall provide an exclusive representative, in an editable digital file format, and, if possible, in a format agreed to by the exclusive representative, the following information if on file with the employer: Name, job title, department, work location, work telephone number and the home address of any newly hired employee. The public employer shall provide the exclusive representative such information, if possible, with real-time electronic transmission of new hire data but in no event later than ten days after such employee is hired or the first pay period of the month following the hiring of such employee, whichever is earlier. For purposes of this section, (1) "public employer" means (A) "employer", as defined in section 5-270 of the general statutes, (B) "municipal employer", as defined in section 7-467 of the general statutes, and (C) local and regional boards of education, (2) "public employee organization" means any lawful association, labor organization, federation or council having as a primary purpose the improvement of wages, hours and other conditions of employment among employees of public employers, and

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(3) "exclusive representative" means the public employee organization certified or recognized in accordance with state law to be the exclusive bargaining representative of a public employer bargaining unit.

(b) (1) Each public employer shall provide the exclusive representative access to its new employee orientations. The public employer shall give the exclusive representative not less than ten 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 that prevents the ten days' notice. The exclusive representative shall provide to the public employer, on or before January thirty-first of each year, the physical and electronic address to which such notice shall be sent annually. The structure, time and manner of such exclusive representative's access shall be determined through mutual agreement between the parties, subject to the provisions of this subsection.

(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 such 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 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, the applicable arbitration 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

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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 representative to a new employee orientation for comparable public employers, including, but not limited to, access provisions in other memoranda of understanding or collective bargaining agreements containing such provisions, (G) the public employee 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 representative to a new employee orientation.

(c) A public employer shall provide the 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 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 not less than thirty minutes nor more than one hundred twenty minutes, within thirty calendar days after the date of hire, during new employee orientations, or if the public employer does not conduct new employee orientation, at individual or group meetings.

(d) In addition to any public employee organization's right to employee information pursuant to the laws of this state or any

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applicable collective bargaining agreement, beginning on January 1, 2022, every one hundred twenty calendar days, unless more frequent or more detailed lists are required by agreement between the parties, a public employer shall provide the exclusive representative, in an editable digital file format agreed to by the exclusive representative, the following information: Each bargaining unit employee's name, job title, worksite location, work telephone number, date of hire, work electronic mail address, home address and, if authorized by the employee via written authorization provided to the exclusive representative, the employee's 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 representative at either the physical or electronic address provided by such representative pursuant to subdivision (1) of subsection (b) of this section.

(e) The exclusive 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 matters involving the governance or business of the public employee organization. The provisions of this subsection shall not limit the rights of a public employee organization to communicate with public employees.

(f) Consistent with the provisions of subsection (c) of this section, the exclusive representative shall have the right to use state and municipal government buildings and other facilities that are owned or leased by public employers to conduct meetings with bargaining unit members. An exclusive representative shall have the right to hold such meetings at a reasonable time and place, provided the meetings do not interfere

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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 an individual 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 the 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 to, or for any other service, program or committee provided or sponsored by, any public employee organization.

(i) A public employer shall honor employee authorizations created or adopted by a public employee organization for the deductions described in subsection (h) of this section in any form that satisfies the requirements of 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 sections. 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 public employee organizations shall: (1) Rely on a certification from any public 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. A public employee organization that certifies that it has and will maintain individual employee authorizations shall not be required to provide a copy of an

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individual authorization to the public employer unless a dispute arises about the existence or terms of the authorization. The public 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 public employee organizations to the employee organization, rather than to the public employer. The public employer shall rely on information provided by the public employee organization regarding whether deductions for the 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 an employee's written authorization.

(k) A public employee 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, a public employer shall be liable to a public employee organization, without recourse to the employees, for the full amount of dues that such employer fails to remit to the public employee organization, provided the public employee organization has complied with the provisions of this section. The failure of an employer to comply with the provisions of this section shall be a violation of the duty to bargain and an unfair labor practice. The provisions of a collective bargaining agreement that contain the obligations set forth in this section may be enforced in accordance with the provisions of this section.

(m) If a dispute arises between the employee and the public employee organization regarding the existence, validity or revocation of a payroll deduction authorization, the dispute shall be resolved through a

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proceeding pursuant to sections 5-274, 7-471 and 10-153e of the general statutes, as applicable, to resolve a question of a prohibited practice.

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

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

Approved June 4, 2021