



General Assembly

January Session, 2019

**Committee Bill No. 6935**

LCO No. 6374



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, 2019*) (a) Except as otherwise  
2 provided in this section, a public employer shall provide the exclusive  
3 union representative of a public employee union with the name, job  
4 title, department, work location, work, home, personal cellular  
5 telephone number, personal electronic mail address on file with the  
6 employer and home address of any newly hired employee not later  
7 than ten days after such employee is hired or not later than the first  
8 pay period of the month following the hiring of such employee. The  
9 public employer shall provide the exclusive representative with a list  
10 of all such information for all employees in the bargaining unit,  
11 including, when possible, real time electronic transmission of new hire  
12 data, not later than every thirty days, unless more frequent or more  
13 detailed lists are required by an agreement between the parties.

14 (b) (1) Each public employer shall provide the exclusive union  
15 representative of a public employee union mandatory access to its new  
16 employee orientations. The public employer shall give the exclusive

17 representative not less than ten days' written notice in advance of such  
18 an orientation, except a shorter notice may be provided in any instance  
19 where there is an urgent need critical to the public employer's  
20 operations that was not reasonably foreseeable by the public employer.  
21 The structure, time and manner of such exclusive representative access  
22 shall be determined through mutual agreement between the parties,  
23 subject to the provisions of this subsection. The date, time and place of  
24 the orientation shall not be disclosed by the public employer to anyone  
25 other than the public employees, the exclusive representative or a  
26 vendor that is contracted to provide a service for purposes of the  
27 orientation.

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

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

50 to, access provisions in other memoranda of understanding or  
51 collective bargaining agreements containing such provisions, (G) the  
52 labor organization's need to meaningfully communicate through cost-  
53 effective and efficient means with the public employees on whose  
54 behalf it acts, and (H) any other factors that are normally or  
55 traditionally taken into consideration in establishing the structure, time  
56 and manner of access of an exclusive representative to a new employee  
57 orientation.

58 (c) A public employer shall provide an exclusive representative  
59 access to the public employees that such exclusive representative  
60 represents. Such access includes, but shall not be limited to: (1) The  
61 right to meet with individual employees on the premises of the public  
62 employer during the work day to investigate and discuss grievances,  
63 workplace-related complaints, and other workplace issues, (2) the right  
64 to conduct worksite meetings during meal periods and other nonwork  
65 breaks, and before and after the workday, on the employer's premises,  
66 and (3) the right to meet with newly hired employees within the  
67 bargaining unit, without charge to the pay or leave time of the  
68 employees, for not less than thirty minutes nor more than one hundred  
69 twenty minutes, within thirty calendar days from the date of hire,  
70 during new employee orientations, or, if the public employer does not  
71 conduct new employee orientations, at individual or group meetings.

72 (d) Not later than ten calendar days after the date of hire of a public  
73 employee, a public employer shall provide the following contact  
74 information to such employee's exclusive representative, in an editable  
75 digital file format agreed to by the exclusive representative: Name, job  
76 title, worksite location, home address, work telephone numbers, and  
77 any home and personal cellular telephone numbers on file with the  
78 public employer, date of hire, work electronic mail address and any  
79 personal electronic mail address on file with the public employer. In  
80 addition to any labor organization's right to employee information  
81 pursuant to the laws of this state or any applicable collective  
82 bargaining agreement, every one-hundred-twenty calendar days,

83 beginning on January 1, 2020, a public employer shall provide the  
84 exclusive representative, in an editable digital file format agreed to by  
85 the parties, the following information for all negotiations: Each  
86 bargaining unit employee's name, job title, worksite location, home  
87 address, work, home and personal cellular telephone numbers, date of  
88 hire, work electronic mail address and personal electronic mail address  
89 on file with the public employer.

90 (e) Exclusive representatives shall have the right to use the  
91 electronic mail systems of public employers to communicate with  
92 bargaining unit members regarding collective bargaining, the  
93 administration of collective bargaining agreements, the investigation  
94 of grievances, other workplace-related complaints and issues and  
95 internal union matters involving the governance or business of the  
96 union. The provisions of this subsection shall not limit the rights of a  
97 labor organization to communicate with public employees.

98 (f) Exclusive representatives shall have the right to use government  
99 buildings and other facilities that are owned or leased by government  
100 entities to conduct meetings with bargaining unit members. An  
101 exclusive representative shall have the right to hold such meetings at a  
102 time and place of his or her choice, provided the meetings do not  
103 interfere with the public employer's operations. An exclusive  
104 representative shall have the right to conduct such meetings without  
105 undue interference and may place reasonable restrictions on the  
106 conduct of individuals attending such meetings.

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

112 (h) Employees, including retired employees, of a public employer,  
113 may authorize deductions to be made from their salaries, wages or  
114 retirement allowances for the payment of dues in, or for any other

115 service, program or committee provided or sponsored by any  
116 employee organization or bona fide association whose membership is  
117 comprised, in whole or in part, of employees of the public employer  
118 and employees of such organization and which has as one of its  
119 objectives improvements in the terms or conditions of employment for  
120 the advancement of the welfare of such employees.

121 (i) A public employer shall honor employee authorizations created  
122 or adopted by a labor organization for the deductions described in any  
123 form that satisfies the requirements of the Connecticut Uniform  
124 Electronic Transactions Act, sections 1-266 to 1-286, inclusive, of the  
125 general statutes including, but not limited to, electronic and voice  
126 authorizations that meet the requirements of an electronic signature  
127 pursuant to said act. The revocability of an authorization shall be  
128 determined by the terms of the authorization.

129 (j) Public employers that provide for the administration of payroll  
130 deductions authorized by employees for employee organizations shall:  
131 (1) Rely on a certification from any employee organization requesting a  
132 deduction or reduction that such organization has and will maintain  
133 an authorization, signed by the individual from whose salary or wages  
134 the deduction or reduction is to be made. An employee organization  
135 that certifies that it has and will maintain individual employee  
136 authorizations shall not be required to provide a copy of an individual  
137 authorization to the public employer unless a dispute arises about the  
138 existence or terms of the authorization. The employee organization  
139 shall indemnify the public employer for any claims made by the  
140 employee for deductions made in reliance on that certification, and (2)  
141 direct employee requests to cancel or change deductions for employee  
142 organizations to the employee organization, rather than to the public  
143 employer. The public employer shall rely on information provided by  
144 the employee organization regarding whether deductions for an  
145 employee organization were properly canceled or changed, and the  
146 employee organization shall indemnify the public employer for any  
147 claims made by the employee for deductions made in reliance on such

148 information. Deductions may be revoked only pursuant to the terms of  
149 the employee's written authorization.

150 (k) A labor organization or public employer shall only be liable for  
151 any amounts improperly deducted pursuant to this section. No further  
152 damages or penalties shall be awarded by any public agency or court.

153 (l) Notwithstanding any other provision of this section, employers  
154 shall be liable to labor organizations, without recourse to the  
155 employees, for the full amount of dues that an employer fails to  
156 withhold or remit to the labor organization, provided the labor  
157 organization complied with its obligation to provide the list required  
158 pursuant to this section.

159 (m) If a dispute arises between the employee and the labor  
160 organization regarding the existence, validity or revocation of a payroll  
161 deduction authorization, the dispute shall be resolved through a  
162 prohibited labor practice proceeding pursuant to the laws of this state.

163 (n) A public employer shall not deter or discourage public  
164 employees or applicants for public employee positions from becoming  
165 or remaining members of an employee organization, or from  
166 authorizing representation by an employee organization, or from  
167 authorizing dues or fee deductions to an employee organization.

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

This act shall take effect as follows and shall amend the following sections:

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Section 1	October 1, 2019	New section
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**Statement of Purpose:**

To provide guidelines for public employers regarding the rights of employees to join or remain members of a union.

*[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.]*

Co-Sponsors: REP. D'AGOSTINO, 91st Dist.; REP. PORTER, 94th Dist.  
REP. ELLIOTT, 88th Dist.; REP. TERCYAK, 26th Dist.

H.B. 6935, 6936, 6926, 6930