



General Assembly

January Session, 2021

Substitute Bill No. 908



**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:

1 Section 1. (NEW) (*Effective October 1, 2021*) (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 the first pay period of the month following
11 the hiring of such employee, whichever is earlier. For purposes of this
12 section, (1) "public employer" means (A) "employer", as defined in
13 section 5-270 of the general statutes, (B) "municipal employer", as
14 defined in section 7-467 of the general statutes, and (C) local and
15 regional boards of education, (2) "public employee organization" means
16 any lawful association, labor organization, federation or council having
17 as a 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 that prevents the ten
28 days' notice. The exclusive representative shall provide to the public
29 employer, on or before January thirty-first of each year, the physical and
30 electronic address to which such notice shall be sent annually. The
31 structure, time and manner of such exclusive representative's access
32 shall be determined through mutual agreement between the parties,
33 subject to the provisions of this 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 for 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 not less than thirty minutes nor more
74 than one hundred twenty minutes, within thirty calendar days after the
75 date of hire, during new employee orientations, or if the public
76 employer does not conduct new employee orientation, at individual or
77 group meetings.

78 (d) In addition to any public employee organization's right to
79 employee information pursuant to the laws of this state or any
80 applicable collective bargaining agreement, beginning on January 1,
81 2022, every one hundred twenty calendar days, unless more frequent or
82 more detailed lists are required by agreement between the parties, a
83 public employer shall provide the exclusive representative, in an
84 editable digital file format agreed to by the exclusive representative,
85 and, if possible, the following information: Each bargaining unit

86 employee's name, job title, worksite location, work telephone number,
87 date of hire, work electronic mail address, home address and, if
88 authorized by the employee via written authorization provided to the
89 exclusive representative, the employee's home telephone number,
90 personal cellular mobile telephone number and personal electronic mail
91 address if on file with the public employer. Any written authorization
92 required under this subsection may be revoked by the employee at any
93 time and such authorization or revocation shall be provided to the
94 exclusive representative at either the physical or electronic address
95 provided by such representative pursuant to subdivision (1) of
96 subsection (b) of this section.

97 (e) The exclusive representative shall have the right to use the
98 electronic mail systems of public employers to communicate with
99 bargaining unit members regarding collective bargaining, the
100 administration of collective bargaining agreements, the investigation of
101 grievances, other workplace-related complaints and issues, and internal
102 matters involving the governance or business of the public employee
103 organization. The provisions of this subsection shall not limit the rights
104 of a public employee organization to communicate with public
105 employees.

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

116 (g) The requirements set forth in this section establish the minimum
117 requirements for access to and communication with bargaining unit
118 employees by the exclusive representative and shall not prevent a public

119 employer from granting the exclusive representative greater access to or
120 communication with public employees.

121 (h) Employees, including retired employees, of a public employer
122 may authorize deductions to be made from their salaries, wages or
123 retirement allowances for the payment of dues to, or for any other
124 service, program or committee provided or sponsored by, any public
125 employee organization.

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

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

152 the public employer for any claims made by the employee for
153 deductions made in reliance on such information. Deductions may be
154 revoked only pursuant to the terms of an employee's written
155 authorization.

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

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

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

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

181 (o) It shall be a prohibited practice for a public employer to: (1)
182 Encourage an employee to resign or decline to obtain membership in a

183 public employee organization, (2) encourage an employee to revoke
184 authorization for a payroll deduction of dues to a public employee
185 organization, (3) knowingly aid any such effort by any other entity, or
186 (4) permit use of the employer's electronic mail system by any entity to
187 discourage membership in a public employee organization or
188 discourage authorization of payroll deduction of dues to a public
189 employee organization.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2021	New section

Statement of Legislative Commissioners:

In Subsec. (a), the provision concerning the timeframe in which a public employer is required to provide new hire data was rewritten for clarity; in Subsec. (b)(1), "that prevents the ten days' notice" was inserted after "operations" for clarity and "annually on or before January thirty-first of each year" was moved to after "public employer" for accuracy; in Subsec. (i), "in subsection (h) of this section" was inserted after "described" for clarity; in Subsec. (j), "the employees' " was changed to "an employee's" for accuracy; and the title was changed for accuracy.

LAB *Joint Favorable Subst. -LCO*