

ASSEMBLY LABOR COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3686

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 19, 2018

The Assembly Labor Committee reports favorably and with committee amendments Assembly Bill No. 3686.

As amended, this bill, titled the “Workplace Democracy Enhancement Act,” is designed to ensure that employee organizations which are the exclusive representatives of public employees in collective negotiations are able to carry out their statutory duties by having access to and being able to communicate with the employees they represent.

The bill requires public employers to provide exclusive representative employee organizations with access to members of the negotiations units. The rights of the organization to access required by the bill include:

1. the right to meet with individual employees on the premises of the public employer, during the work day, to investigate and discuss grievances, workplace-related complaints, and other workplace issues;
2. the right to conduct worksite meetings during lunch and other non-work breaks, and before and after the workday to discuss workplace issues, collective negotiations, the administration of collective negotiations agreements, other matters related to the duties of the organization, and internal union matters involving the governance or business of the organization; and
3. the right to meet with newly hired employees, without charge to the pay or leave time of the employees, for a minimum of 30 and a maximum of 120 minutes, within 30 calendar days from the date of hire of each employee, during new employee orientations, or if the employer does not conduct new employee orientations, at individual or group meetings.

A public employer is required, within 10 calendar days of hiring, to provide the organization the following information about a new employee: name, job title, worksite location, home address, work telephone number, date of hire, work email address, and any personal email address and home and personal cellular telephone numbers on file with the public employer. Public employers are required to provide updates to the employee organizations of that information every 120 calendar days.

The bill specifies that home addresses, phone numbers, email addresses, birth dates, employee negotiation units and groupings, and communications between employee organizations and their members, prospective members, and non-members, are not government records and are exempt from the disclosure requirements of P.L.1963, c.73 (C.47:1A-1 et seq.).

The bill grants employee organizations the right to use the public employer email systems to communicate with their members, and government buildings to meet with their members, regarding negotiations and administration of collective negotiations agreements, grievances and other workplace-related complaints and issues, and internal organization matters. The meetings may not be for the purposes of supporting or opposing candidates for partisan political office or distributing literature regarding partisan elections.

A public employer is required to negotiate, upon employee organization request, contractual provisions to memorialize the parties' agreement to implement the provisions of the bill listed above. The bill sets forth procedures and time line regarding the resolution of any disagreement in the negotiations.

The bill prohibits a public employer from encouraging employees to resign, relinquish membership in an employee organization, or revoke authorization of the deduction of fees to an employee organization, or encouraging or discouraging employees from joining, forming or assisting an employee organization. Violations are regarded as an unfair practice, and, upon a finding that the violation has occurred, the Public Employment Relations Commission, is directed to order the public employer to make whole the employee organization for any losses suffered by the organization as a result of the unfair practice.

The bill modifies the procedures for an employee to withdraw authorization for payroll deduction of fees to employee organizations. The bill provides that an employee may do so by providing written notice to their public employer during the 10 days following each anniversary date of the employee's employment, and the public employer is then required to inform the employee organization of the withdrawal. A withdrawal would take effect on the 30th day after the anniversary date.

COMMITTEE AMENDMENTS

The committee amended the bill to limit the time representative employee organizations have to meet with newly hired employees, to a maximum of 120 minutes.

The committee also amended the bill to include certain communications between employee organizations and prospective members and non-members as communications that are considered non-governmental records and exempt from OPRA requests under the bill.