

# **Summary of S-2137/A-3686**

## **NJ Workplace Democracy Enhancement Act**

### **I. Access to Unit Members**

#### **A. *Majority representative access to unit members:***

- (1) the right to meet with individual employees on the premises during the work day to investigate and discuss grievances, workplace-related complaints, and other workplace issues;
- (2) the right to conduct work site meetings during lunch and other non-work breaks and before and after the work day on the employer premises to discuss workplace issues, collective negotiations, internal union matters involving the governance and business of the majority representative, etc.;
- (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 either during new employee orientations or individual group meetings if the employer does not conduct orientations.

#### **B. *Unit Members' Contact Information***

The employer must provide the following contact information to the majority representative within 10 calendar days of the date of hire of a unit member in Excel or other agreed upon file format:

- (1) name, job title, work site location, home address, work telephone number and any home or personal cellular telephone numbers on file with the public employer, date of hire and work email address and any personal email address on file with the public employer;
- (2) every 120 calendar days beginning on January 1<sup>st</sup> following the effective date of this Act, public employers must provide the majority representative in the same format the following information for all unit employees: name, job title, work site location, home address, work, home and personal cellular telephone numbers, date of hire and work email address and personal email address on file with the public employer.

#### **C. *OPRA Exemption***

The following information is exempt from disclosure under OPRA and not considered a government record: home addresses, phone numbers, email addresses, dates of birth and

negotiation units and groupings of employees, the emails and other communications between employee organizations and their members, prospective members and non-members.

***D. Use of Email Systems***

Majority representatives have the right to use email systems of public employers to communicate with unit members regarding collective negotiations, the administration of agreements, investigation of grievances and other workplace-related complaints and issues and internal union matters involving the governance or business of the union.

***E. Use of Buildings***

Majority representatives have the right to use government buildings and other facilities that are owned or leased by government entities to conduct meetings with unit members. The meetings conducted shall not be for the purpose of supporting or opposing any candidate for political office or for the purpose of distributing literature or information regarding political elections.

- (1) Majority representatives conducting a meeting in government facilities may be charged for maintenance, security and other costs related to the use of the facility that would not otherwise be incurred by the governmental entity.

***F. Negotiations Obligations***

Upon the request of a majority representative, a public employer shall negotiate in good faith over contractual provisions to memorialize the parties' agreement to include the provisions of this Act.

- (1) Negotiations must commence within 10 calendar days from the date of the majority representative's request even if an agreement is in effect on the effective date of this Act.
- (2) Any agreements to implement the provisions of this Act described above shall be incorporated into the Agreement and shall be enforceable through the parties' grievance procedure " ... which shall include binding arbitration."
- (3) If the parties are unable to reach agreement within 30 calendar days from the commencement of negotiations, the majority representative may file a petition with PERC to resolve the dispute.
- (4) PERC will appoint an arbitrator who shall issue a binding award resolving the disputes consistent with these provisions.

- (5) PERC must also establish a panel of arbitrators to resolve disputes under the Act and to promulgate rules to implement this section.
- (6) The provisions of the Act represent the minimum requirements for access to and communication with members if the negotiations unit.

## **II. *Union Membership***

- A. An employer is prohibited both from encouraging unit members to resign or relinquish membership in the union and from encouraging unit members to revoke authorization of dues deductions.
- B. An employer is prohibited from encouraging or discouraging an employee from joining, forming or assisting an employee organization.
- C. An employer who violates these provisions commits an unfair practice in violation of subsection 5.4(a) of the EERA.
- D. In addition to any other remedies authorized by section 5.4, PERC also has the authority to order an employer to make the union whole for any losses suffered by the union as a result of the employer's unlawful conduct and any other remedial relief deemed appropriate.

## **III. *Unit Work***

- A. Requires all full-time and part-time employees who perform unit work to be included in the unit represented by the union.
- B. "Unit work" is defined to mean work performed by any employees who are included in the unit represented by a majority representative without regard to job title, job classification, number of hours worked, but excludes confidential employees, managerial executives, elected officials, members of boards and commissions, and casual employees.
  - (1) Casual employees are defined to mean employees who work an average of fewer than four hours per week over a 90-calendar day period.
- C. Employees who are performing unit work and were not included in the unit because they did not meet the threshold number of hours or percent of time worked as set forth in a certification of representative, recognition clause or other provisions in an agreement, must be included in the unit within 90 calendar days from the effective date of this Act.
- D. PERC must adopt rules to implement this section including rules to resolve disputes over the inclusion of employees performing unit work in the appropriate negotiations unit. The rules promulgated by PERC must include provisions for resolutions of disputes within

60 calendar days from the submission of the dispute to the Commission by either the union or the employer.

**IV. *Membership Dues***

A. Amends N.J.S.A. 52:14-15.9(e) to permit employees to submit via electronic communication an electronic signature to the proper disbursing officer of his/her desire to have deductions made from compensation for the purpose of paying dues.

B. Revocation of payroll deduction – employees may only revoke authorization by providing written notice during the 10 days following each anniversary date of their employment.

C. Within five days of receipt of notice from an employee of revocation of authorization, the employer must provide notice to the employee organization of the employee's revocation.

D. The notice of revocation shall be effective on the 30<sup>th</sup> day after the anniversary date of employment.

**V. *Effective Date***

The Act took effect immediately on Governor Murphy signing the bill on May 18.