



House of Representatives

General Assembly

File No. 304

February Session, 2022

House Bill No. 5444

House of Representatives, April 5, 2022

The Committee on Labor and Public Employees reported through REP. PORTER of the 94th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING UNION WORKERS.

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

1 Section 1. Section 31-105 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2022*):

3 It shall be an unfair labor practice for an employer: (1) To spy upon
4 or keep under surveillance, whether directly or through agents or any
5 other person, any activities of employees or their representatives in the
6 exercise of the rights set forth in section 31-104; (2) to prepare, maintain,
7 distribute or circulate any blacklist of individuals for the purpose of
8 preventing any of such individuals from obtaining or retaining
9 employment because of the exercise by such individuals of any of the
10 rights set forth in section 31-104; (3) to dominate or actually interfere
11 with the formation, existence or administration of any employee
12 organization or association, agency or plan which exists in whole or in
13 part for the purpose of dealing with employers concerning terms or
14 conditions of employment, labor disputes or grievances, or to contribute
15 financial or other support to any such organization, by any means,

16 including, but not limited to, the following: (A) By participating or
17 assisting in, supervising, controlling or dominating (i) the initiation or
18 creation of any such employee organization or association, agency or
19 plan, or (ii) the meetings, management, operation, elections,
20 formulation or amendment of the constitution, rules or policies of any
21 such employee organization or association, agency or plan; (B) by
22 urging the employees to join any such employee organization or
23 association, agency or plan for the purpose of encouraging membership
24 in the same; or (C) by compensating any employee or individual for
25 services performed on behalf of any such employee organization or
26 association, agency or plan, or by donating free services, equipment,
27 materials, office or meeting space or anything else of value for the use
28 of any such employee organization or association, agency or plan,
29 provided an employer shall not be prohibited from permitting
30 employees to confer with him during working hours without loss of
31 time or pay; (4) to require an employee or one seeking employment as a
32 condition of employment to reveal membership, past membership or
33 nonmembership in a labor organization, either by the use of written
34 application forms, questionnaires or oral inquiries, or to join any
35 company union or to refrain from forming or joining or assisting a labor
36 organization of his own choosing; (5) to encourage membership in any
37 company union or discourage membership in any labor organization by
38 discrimination in regard to hire or tenure or in any term or condition of
39 employment, provided nothing in this chapter shall preclude an
40 employer from making an agreement with a labor organization
41 requiring as a condition of employment membership therein, if such
42 labor organization is the representative of employees as provided in
43 section 31-106, as amended by this act; (6) to refuse to bargain
44 collectively with the representatives of employees, subject to the
45 provisions of said section 31-106; (7) to refuse to discuss grievances with
46 representatives of employees, subject to the provisions of said section
47 31-106; (8) to discharge or otherwise discriminate against an employee
48 because the employee has signed or filed any affidavit, petition or
49 complaint or given any information or testimony under this chapter; (9)
50 to distribute or circulate any blacklist of individuals exercising any right

51 created or confirmed by this chapter or of members of labor
52 organizations, or to inform any person of the exercise by any individual
53 of such right, or of the membership of any individual in a labor
54 organization for the purpose of preventing individuals so blacklisted or
55 so named from obtaining or retaining employment; [or] (10) to do any
56 acts other than those enumerated in this section which restrain, coerce
57 or interfere with employees in the exercise of the rights set forth in
58 section 31-104; (11) to misrepresent to an employee that the employee is
59 included or excluded from a bargaining unit; or (12) to permanently
60 replace an employee who participates in a strike.

61 Sec. 2. Section 31-106 of the general statutes is repealed and the
62 following is substituted in lieu thereof (*Effective July 1, 2022*):

63 (a) Representatives designated or selected for the purposes of
64 collective bargaining by the majority of the employees in a unit
65 appropriate for such purposes or by the majority of the employees
66 voting in an election conducted pursuant to this section shall be the
67 exclusive representative of all the employees in such unit for the
68 purposes of collective bargaining in respect to rates of pay, wages, hours
69 of employment or other conditions of employment, provided any
70 employee, directly or through representatives, shall have the right at
71 any time to present any grievance to his employer. In order to secure to
72 employees the full benefit of this chapter, the board shall decide in each
73 case whether the appropriate unit shall be an employer unit, craft unit,
74 plant unit or any other unit, except that, when the majority of the
75 employees of a craft so decide, the board shall designate such craft as
76 the appropriate unit. In the case of an employer licensed by the
77 Department of Public Health under section 19a-490 and subject to the
78 provisions of this chapter, the board shall not decide (1) that any unit is
79 appropriate if such unit includes both professional employees and
80 employees who are not professional employees unless a majority of
81 such professional employees or of any group of such professional
82 employees as determined by the board vote for inclusion in such unit or
83 (2) that any unit is appropriate if such unit includes more than one
84 group of professional employees unless a majority of each group of such

85 professional employees as determined by the board vote for inclusion
86 in such unit or (3) that any unit of employees is appropriate which
87 includes both supervisors and nonsupervisors in the same unit or (4)
88 that more than five nonsupervisory professional units are appropriate.

89 (b) In accordance with such regulations as may be adopted by the
90 board according to the provisions of chapter 54, whenever a petition is
91 filed with the board by an employee or his representative complaining
92 that a question or controversy concerning the representation of
93 employees exists, or by an employer or his representative that there is a
94 question or controversy concerning the representation of employees
95 between two or more labor organizations, the board shall refer the
96 petition to its agent who shall investigate the petition. He shall issue a
97 direction of election and conduct a secret ballot election to determine
98 whether and by which employee organization the employees desire to
99 be represented if he has reasonable cause to believe that a question of
100 representation exists, or issue a recommendation to dismiss the petition
101 if he finds that there is not such reasonable cause, or refer the petition to
102 the board for a hearing without having conducted an election or issuing
103 a recommendation of dismissal, in which event the board shall conduct
104 an appropriate hearing upon due notice. The agent shall report his
105 action to the board. The board shall issue an order confirming the
106 agent's direction of election and certifying the results of the election, or
107 issue an order confirming the agent's recommendation for dismissal, or
108 order a further investigation, or provide for an appropriate hearing
109 upon due notice. Before taking any of the aforesaid actions, the board
110 shall provide the parties with an opportunity to file briefs on the
111 questions at issue and shall fully consider any such briefs filed. After a
112 hearing, the board shall order any of the aforesaid actions on the
113 petition, or shall upon good cause order any other suitable method to
114 determine whether and by which employee organization the employees
115 desire to be represented. The board shall certify the results.

116 (c) The board shall have the power to determine who may participate
117 in the election and to establish the rules governing such election,
118 provided no election need be directed by the board solely because of the

119 request of an employer or of employees prompted thereto by their
120 employer, nor shall any individual employed for the duration of a strike
121 or a lockout be eligible to vote in such election, nor shall such election
122 be conducted with the employer's participation, assistance or
123 supervision.

124 (d) If, at an election conducted pursuant to this section, three or more
125 nominees for exclusive collective bargaining representatives appear on
126 the ballot and no one of them receives a majority of the votes cast at the
127 election, the two nominees who receive the highest number of votes
128 shall appear on the ballot of a second election to be conducted
129 hereunder, and the one receiving a majority of the votes cast at the
130 second election shall be the exclusive representative of all the employees
131 in such unit for the purpose of collective bargaining in respect to rates
132 of pay, wages, hours of employment or other conditions of employment.

133 (e) A labor organization nominated as the representative of
134 employees shall be listed by name on the ballots authorized by
135 subsections (b) and (c) of this section. If, after the hearing provided for
136 in subsection (b) of this section, the board finds that any committee,
137 employee, employee representation plan or association of employees
138 involved is a company union, or if any such committee, employee
139 representation plan or association of employees is found to be a
140 company union, it shall not be listed on the ballots or otherwise
141 recognized as eligible to be the representative of employees under this
142 chapter.

143 (f) The board shall have no powers of investigation.

144 (g) All elections ordered by the board shall be by secret ballot.

145 (h) An employer and the organization designated or elected as the
146 exclusive representative of employees in accordance with this section,
147 shall have the duty to negotiate with respect to wages, hours of
148 employment and other conditions of employment about which either
149 party wishes to negotiate. Such negotiations shall commence not later
150 than thirty days after such designation or election, unless both parties

151 mutually agree to delay the commencement of such negotiations to a
152 date certain or a delay is ordered by the board.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2022</i>	31-105
Sec. 2	<i>July 1, 2022</i>	31-106

LAB *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill, which expands the list of unfair labor practices and sets a deadline for contract negotiations following a unions' designation or election, does not result in any fiscal impact to the state or municipalities.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**HB 5444*****AN ACT CONCERNING UNION WORKERS.*****SUMMARY**

This bill expands the State Labor Relations Act's list of unfair labor practices and generally requires employers and unions to begin contract negotiations within 30 days after the union's designation or election.

The bill expands the list of unfair labor practices to include (1) misrepresenting to an employee his or her status in a bargaining unit and (2) permanently replacing a striking employee. These unfair practices apply to private employers that are not covered by the National Labor Relations Act.

By law, the State Board of Labor Relations (SBLR) receives and designates an agent to investigate complaints of unfair labor practices. If, after the investigation and a hearing on the matter, an employer is found to commit an unfair labor practice, the board shall issue a cease and desist order for the violation and may require things like back pay, employee reinstatement, or filing reports showing ongoing compliance. The board may seek to enforce orders in Superior Court (CGS § 31-107).

The bill also requires an employer and the labor organization representing its employees (i.e., union) to begin negotiations on wages, hours, and other conditions of employment within 30 days after the organization is designated or elected to represent the employees. Under the bill, the employer and organization have a duty to negotiate and may agree to delay the start of negotiations to a certain date or if SBLR orders it.

EFFECTIVE DATE: July 1, 2022

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable

Yea 9 Nay 4 (03/22/2022)