

Workplace Democracy Enhancement Act

What is the purpose of this new law?

The Workplace Democracy Enhancement Act is intended 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. NJEA supported this law.

What does the law do?

- ◆ It 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 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;
 - 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
 - meet with newly hired employees, without charge to the pay or leave time of the employees, for a minimum of 30 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.
- ◆ It requires public employers to provide (within 10 calendar days of hiring), 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,
 - Any personal email address and home and personal cellular telephone numbers on file with the public employer.
- ◆ It requires public employers to provide updates to the employee organizations of the above information every 120 calendar days. Data provided by the employer must be in an Excel file format or other electronic format agreed to by the exclusive bargaining agent.
- ◆ 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, are not government records and are exempt from the disclosure requirements of the Open Public Records Act.
- ◆ It 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. Meetings may not be for the purposes of supporting or opposing candidates for partisan political office or distributing literature regarding partisan elections.
- ◆ It requires a public employer to negotiate, upon employee organization request, contractual provisions to memorialize the parties' agreement to implement the provisions of the bill. The bill sets forth procedures and time line regarding the resolution of any disagreement in the negotiations.
- ◆ It 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.
- ◆ It modifies the procedures for an employee to withdraw authorization for payroll deduction of fees to employee organizations. The bill provides that an employee 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.