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Responding to Janus: Collective Bargaining and Membership Engagement

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NYS Legislation - 2018

Union Protection Legislation In Budget Agreement

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Union Notification - New and Returning Hires

Within 30 days, employer must

- **Notify union of new or returning employees** (names, locations, contact info.)
- **Provide reasonable time during work hours for union to meet with all new hires, without loss of employee leave time**

Membership reinstated for

- **Members who have left service and return within a 1-year period**
- **Members who are placed on voluntary or involuntary leave, upon return to the public payroll**

Dues Authorization Cards

- **Individuals may sign dues authorization cards via means allowed by state technology law**
 - **Allows emails and other electronic means for signing**
- **The withdrawal process from the union may be determined by the dues authorization card**

Dues Collection

- Employers must start dues deduction no later than 30 days after proof of signed dues authorization card received
- Dues must be transmitted to the union within 30 days of deduction
- Dues deduction continues until an employee revokes membership in writing according to the **terms of the signed authorization card**
- Dues deduction resumes if an employee returns after unpaid leave of absence, consistent with previously signed dues authorization card

Duty of Fair Representation

- **Union's duty of fair representation continues to extend to collective bargaining and contract enforcement**
- **Union's obligation to represent non-members is limited to the negotiation and enforcement of the contract**
- **Union may decline to provide representation to a non-member in interrogations, in statutory or administrative actions, or in evaluation or disciplinary proceedings as long as the non-member may be represented by private counsel in such proceeding**
- **Union may limit legal, economic, or job-related services or benefits beyond those provided by the CBA to members only**
 - **Can offer benefits/services above and beyond a negotiated agreement to its members only**