

Committee on Governmental Oversight and Accountability

CS/SB 1746 — Public Employees

by Rules Committee and Senator Ingoglia

The bill modifies the requirements for employee organizations and bargaining units to maintain registration and certification requirements. Specifically, the bill:

- Clarifies the Public Employee Relations Commission’s (PERC) authority to waive requirements regarding the prohibition on dues and assessment deductions applies only to mass transit employees who have signed membership authorization forms and submitted the forms to the public employer as part of the employees’ authorizations for the public employer to deduct amounts from the employees’ salaries.
- Requires a public employee to submit the signed membership authorization form to the bargaining agent if the employee wants to join the bargaining unit. Under current law, these forms must be maintained by the employee organization and are subject to inspection by the PERC.
- Exempts from the membership authorization form requirements those bargaining units (not the employee organization generally) the majority of whose employees eligible for representation are employed as law enforcement officers, correctional officers, correctional probation officers, firefighters, 911 public safety telecommunicators, emergency medical technicians, or paramedics.
- Clarifies that an employee organization has the right to have its dues and assessments deducted from employees’ salaries only for a bargaining unit the majority of whose employees eligible for representation are employed in particular occupations. The occupations that are eligible to have union dues and assessments deducted from public salaries are expanded to include 911 public safety telecommunicators, emergency medical technicians and paramedics.
- Modifies the information an employee organization must submit to the PERC during the renewal of registration process to include the frequency of membership dues collection and data on expenditures. The annual financial statement will no longer be required to be “audited” by a certified public accountant. Instead, the statement must be “prepared” by a certified public accountant.
- Requires an employee organization that has not had 60 percent of its unit employees pay dues during its last registration period **and** submit membership authorization forms to the employee organization to petition the PERC for recertification as the bargaining agent within 30 days (rather than 1 month) after the date the employee organization applied for renewal of registration. If the employee organization fails to petition timely, the certification as the bargaining agent is revoked.
- Modifies the circumstances under which the PERC may revoke an employee organization’s registration or certification as a bargaining agent to include:
 - o The employee organization’s refusal to permit the PERC to inspect membership authorization forms or revocations.
 - o The employee organization’s intentional misrepresentation of any information submitted for its registration renewal rather than just the information submitted to

determine whether a bargaining unit has 60 percent of its eligible employees paying dues to the employee organization.

- Modifies the exemption regarding the submission of membership information and the associated consequences if a bargaining unit does not meet the 60 percent threshold. The exemption is applicable to a bargaining unit, the majority of whose employees eligible for representation are employed as law enforcement officers, correctional officers, correctional probation officers, firefighters, 911 public safety telecommunicators, emergency medical technicians, or paramedics. This clarifies that the exemption is applicable to the bargaining unit rather than the employee organization as a whole. Moreover, the occupations exempted are expanded to include 911 public safety telecommunicators, emergency medical technicians, and paramedics.
- Modifies the requirements placed on each employee organization to make certain information available to its members. The annual financial report will no longer be required to be “audited” by a certified public accountant. Instead, the report must be “prepared” by a certified public accountant. In addition, the PERC is granted authority to prescribe the categories of revenues and expenditures to be included in the annual financial report.
- Requires only a financial statement prepared by a CPA, in lieu of an audited financial statement from an employee organization for a renewal of registration between July 1, 2023 and the effective date of this bill. Consistent with this change, the PERC is prohibited from denying a renewal of registration or revoking a certification as the bargaining agent based solely upon an employee organization’s failure to submit an audited financial statement during the renewal process during this same period.

If approved by the Governor, or allowed to become law without the Governor’s signature, these provisions take effect upon becoming law.

Vote: Senate 21-14; House 77-36