



NEA's Guide to Union Strength and List Acquisition

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The National Education Association (NEA), the nation's largest professional employee organization, is committed to advancing the cause of public education. NEA's nearly three million members work at every level of education—from pre-school to university graduate programs. NEA has affiliate organizations in every state and in more than 14,000 communities across the United States.

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Collective Bargaining and Member Advocacy:
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Introduction: Why Is It Important to Have Good Lists?

Now more than ever, strong public sector unions depend on their members. It is essential to meet and organize prospective members as early as possible. Accessing and maintaining up-to-date information on all employees represented by the Local Association is an essential building block to a strong and effective organization.

There are a number of strategies used by affiliates across the country to access and maintain up-to-date contact and worksite information. The opportunities below are recommended in order of strength: the higher the recommendation, the more durable and secure your union's rights to effectively represent and organize your members and potential members. However, the most successful unions do it all: secure rights through policy change; embed those rights in negotiated language and improve on them wherever possible; cultivate employer relationships to secure data and access most efficiently; and track public sources of information, using FOIA requests as needed.

1

Policy Change:

Policy change can be achieved at the state level through legislation or administrative/executive action, or at the local level through ordinances or school board policy changes. Many states have passed bills that require employers to provide union representatives with contact information for new hires and for all employees in the bargaining unit and to grant access to new employee orientations. We can seek policy changes even in states or localities that do not allow full collective bargaining laws.

2

Negotiated Language:

Associations can and should negotiate contract language that requires every employer to provide contact information for new hires and for all employees in the bargaining unit. Even in states without collective bargaining, it is possible to secure language through the “meet and confer” process by writing these priorities into employee policy manuals and other formal documents.

3

Relational Information Request:

Many Associations have good working relationships with districts and can get employee contact information by submitting an information request to the district superintendent or human resources director. Where the Association has formal recognition as the exclusive representative, that status usually carries with it an obligation to represent the interests of everyone in the “unit”—whether they are Association members or not. Therefore, the Association has a right to know who that includes and how to contact them. Even in units without exclusive representation, employers should honor information requests. Nevertheless, relationships can change, so we recommend that the local push for policy changes or negotiated language whenever possible.

4

Utilize Publicly Available Data:

In many districts, it is possible to assemble worksite data on education employees by systematically culling information from publicly available school websites. Local/Association Representatives and/or Member Organizers can also collect data at the worksite by leveraging relationships with school administrators and Education Support Staff. Once collected, they can be given to UniServ Directors for processing into NEA360 and other data systems.

5

FOIA Request:

When a superintendent or school board is unwilling to voluntarily agree to share the necessary information, filing an official “Freedom of Information Act” or “Right to Know” request under your state law may provide access to some basic information on public employees. However, we should advocate in favor of limiting what information is available through FOIA; we have a legitimate need and purpose for this data, but others might use it to harass and invade the privacy of our members. This should be used as a very last resort.

Which Data Fields Are Most Important?

Basic identification and contact information is essential. This should include:

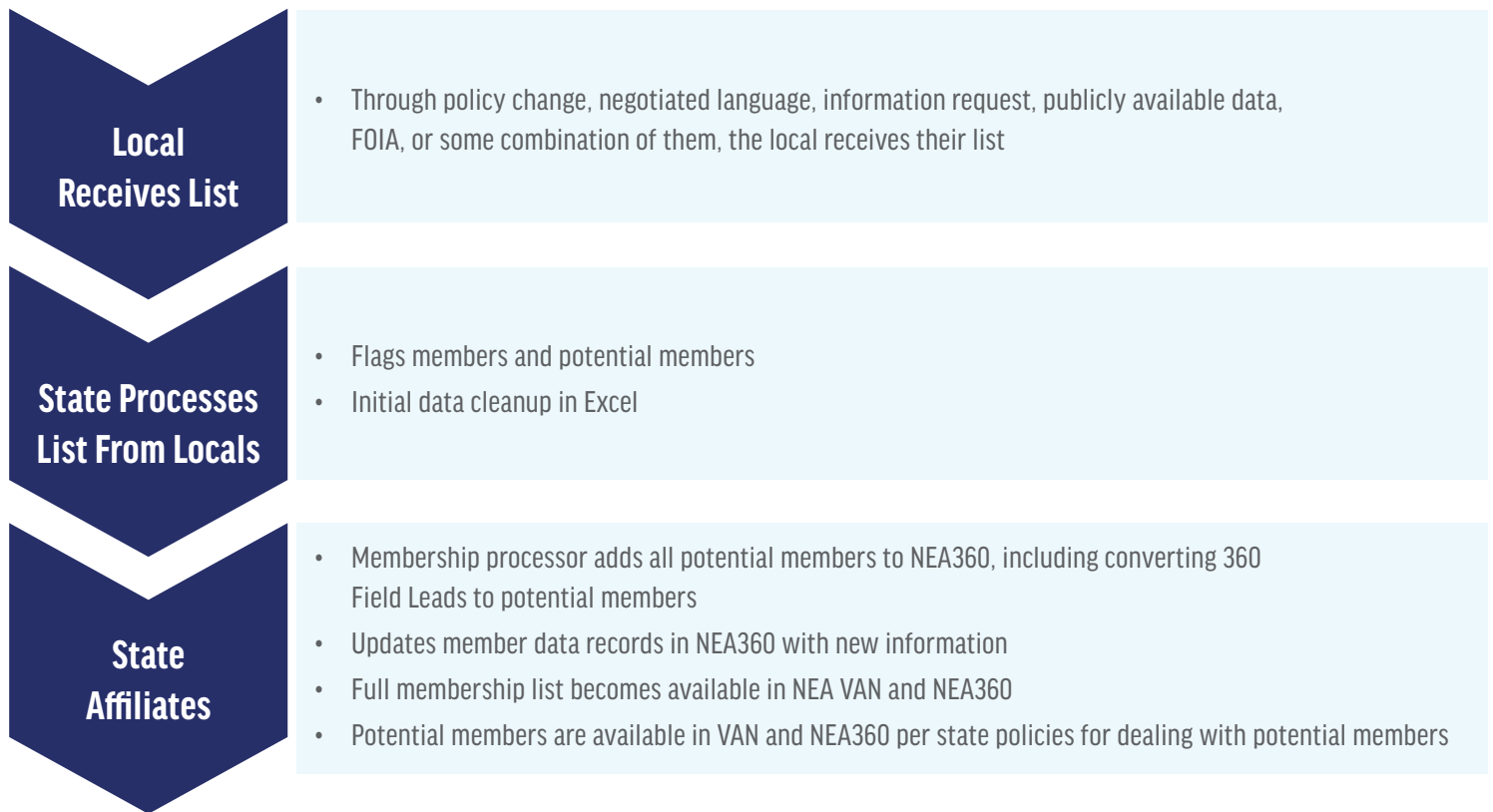
- ▶ **First name**
- ▶ **Last name**
- ▶ **Work location**
- ▶ **Home address** *(if full home address is not available, including a ZIP code is helpful)*
- ▶ **Home telephone number**
- ▶ **Personal cell phone number**
- ▶ **Personal email address**

Basic worksite information is also essential. This should include:

- ▶ **Job title**
- ▶ **Work location**
- ▶ **Employee ID number**
- ▶ **Work email address**
- ▶ **Date of hire**



Model List Acquisition Processes



NEA membership data is stored within our “IMS System,” which was designed for storing membership information for processing dues. NEA360 is being built over IMS as a portal for members to maintain their contact information and allow more online interaction with their union. In addition to membership information being stored in IMS, the data is synced twice per month to bring the data into NEA VAN and NEA360: software that is available for field staff and local affiliate leaders for organizing and engaging both current and potential members.

No action is needed for states to bring their membership information into NEA VAN; however, potential member data, which is often not in IMS, can either be included within the regular IMS data entry coded as “Potential Members,” or the lists can be matched to the Catalist voter file and uploaded to NEA VAN.

The Catalist data match may enhance the data with additional contact information (*phone number, address, and email*) that was not included in the source file. This provides additional options for contact, and the software provides tools for outreach through door-to-door canvass, phone calls, or worksite visits. The data can also be exported for mail vendors.

Bargaining unit lists—and new hire lists—can either be processed through NEA360 or they can be added to NEA VAN. When imported to NEA VAN, they are saved in a folder for direct access.

See Appendix A for a case study on The South Carolina Education Association’s process for list acquisition that focuses on roles and responsibilities at the local and state levels.

Opportunity 1: Policy Change

Policy change can be achieved at the state level through legislation or administrative/executive action or at the local level through school board policy changes or local ordinances.

- ▶ **STATE LEGISLATION:** State legislation is an important way to secure access to data on the educators we represent. Armed with statutory language, we can bargain stronger contracts and secure regular access to information without frequent requests.
- ▶ **STATE ADMINISTRATIVE POLICY OR EXECUTIVE ACTION:** Working with the governor and within the relevant state departments (*ex. Education, Labor*), states have secured policy changes that support access to data on the educators we represent.
- ▶ **SCHOOL BOARD POLICY:** Without action taken at the statewide level through legislation or administrative action, Local Associations may secure policy at the school board level to secure access to data on the educators we represent.

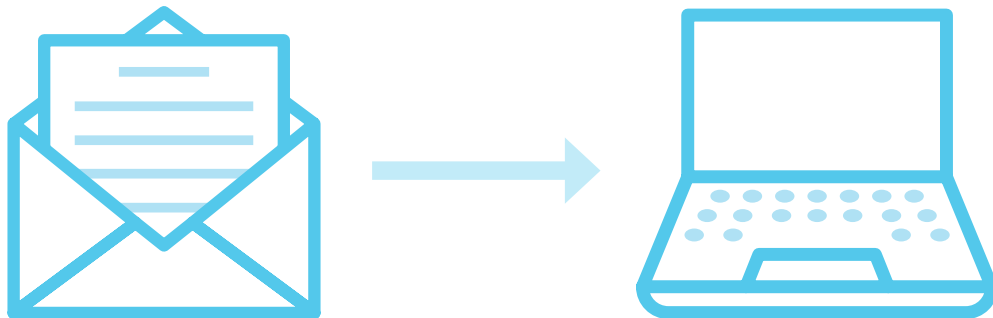
Affiliates' efforts have focused on two main areas:

- Data & Lists: Securing Rights to Contact Information for New Hires and All Represented Employees
- New Employee Orientations (*NEOs*) and other access to New Employees

Data & Lists: Securing Rights to Contact Information for New Hires and All Represented Employees

In order to engage and sign up new bargaining unit members, we must know who they are as early as possible. In order to effectively represent everyone in the bargaining unit and recruit members at key times (*for example, during the contract process*), we need regular electronic delivery of bargaining unit lists. With rights to data secured through policy work, we have the framework we need to get educator data efficiently.

In 2017, California passed a model statute mandating early and frequent delivery of new employee data in AB119. Connecticut, Hawaii, Illinois, Maine, Maryland, Massachusetts, Minnesota, New Jersey, New Mexico, New York, Rhode Island, Vermont, and Washington have passed similar provisions. Key points to look for in language are 1) limiting data access to the bargaining agent and restricting access by third parties in order to protect our members from intrusive approaches from anti-worker, anti-union organizations; and 2) the delivery of data in electronic form. The language following this sentence, taken from the statute passed in New Jersey in 2018, provides a model; others are linked in Appendix B.



Model Legislative Language

- ▶ Within 10 calendar days from the date of hire of negotiations unit employees, public employers shall provide the following contact information to an exclusive representative employee organization in an Excel file format or other format agreed to by the exclusive representative employee organization: name, job title, worksite location, home address, work telephone numbers, and any home and 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. Every 120 calendar days beginning on January 1 following the effective date of this act, public employers shall provide exclusive representative employee organizations, in an Excel file or similar format agreed to by the employee organization, the following information for all negotiations unit employees: name, job title, worksite 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.



The home addresses, phone numbers, email addresses, dates of birth, and negotiation units and groupings of employees, and the emails or other communications between employee organizations and their members, prospective members, and non-members, are not government records and are exempt from any disclosure requirements of P.L.1963, c.73 (C.47:1A-1 et seq.).

Opportunity 2: Negotiated Language

Strong contract language not only specifies the data fields to be shared, but also guarantees that the employer provide the information in a regular, timely manner, preferably on a biweekly basis (*for example, with the regular transfer of payroll deductions*).

Further provisions can and should require that information on all new hires be provided immediately upon hiring, not simply after they begin working. The regular transfer of unit member information should also include a clear listing of employees who have retired, resigned, been dismissed, gone on long-term unpaid leave, been promoted or re-assigned, or otherwise left active employment in the unit.

Your state's right-to-know law may allow third parties to access personal employee information in order to harass educators. At the very least, bargain for notice to the union and an opportunity to respond when it happens. In addition to securing the union access to such information on an ongoing basis, affiliates should consider amendments to state FOIA and "Right to Know" laws that restrict the ability of third parties to access detailed employee information, or at the very least, give the union advance notice and an opportunity to respond when a third party has requested such information. Even if you have a state law providing union rights to lists, remember that the statutory requirements are a floor, not a ceiling: you may wish to bargain for additional information and/or more frequent or efficient delivery of data.

Model Contract Language for Unit Member Information

- ▶ **Section 1.** At the beginning of each school year, and at least every 60 days thereafter, the Employer shall supply the Union with the following information for each employee:
 - name, home address, telephone number, cell phone number, and email address;
 - employee identification number;
 - most recent date of hire and seniority date(s), if different;
 - job title, current assignment, work location, work telephone number, and work email address; and
 - salary and/or any other form of compensation.

- ▶ **Section 2.** At the beginning of each school year, and at least every 60 days thereafter, the Employer shall supply the Union with the following information for each employee:
 - new hires, resignations, retirements, long-term unpaid leaves of absence, dismissals, and/or any other separations from employment; and
 - any other changes in the information specified in Section 1 and the effective date of such changes.

- ▶ **Section 3.** The Employer shall furnish the Union with the information specified in Section 1 for each new employee within one week after his/her date of hire.

[NEA's Collective Bargaining and Member Advocacy Department](#) maintains a contract database for affiliate staff from across the country and can provide samples of contract language guaranteeing access to unit member information. Specific examples include:

Example: The Knox New Hope Education Association (OH)

The Employer shall annually provide the Association with updated information for all bargaining unit members to include name, home address, telephone number, work email, work location, and job title. Any updates to this information shall be provided to the Association at the time the Employer is made aware of any changes by the employee. The Employer shall provide new employee information to the Association within three (3) days of employment.

Here is another example of how the issue can be addressed in contract language:

UNIVERSITY PROFESSIONAL AND TECHNICAL EMPLOYEES, UNIVERSITY OF CALIFORNIA

On a monthly basis, the University shall provide UPTe with an electronic list via File Transfer Protocol (FTP) of all employees in the bargaining unit. The list will include the following: name, title, title code, date of hire, annual salary rate, percentage appointment, appointment type, work telephone number, work location, campus mailing address and hiring unit. In addition, the list will include the home address and telephone number of bargaining unit members unless the employee has specifically requested that the home information not be released. The list will also include personal cell and personal e-mail, if known, unless the employee has requested such information not be released. The University will provide UPTe a weekly list of changes (e.g., new hire, corrections, transfers, salary changes) via FTP that have occurred within the bargaining unit. Upon written request by UPTe, the University will provide the undisclosed home addresses to a mutually agreed-upon mailing service firm through which UPTe can correspond with said individuals. The mailing service shall keep confidential the home addresses of the employees who have requested that the home information not be released.

Opportunity 3: Relational Information Request

Where the Association is recognized as the exclusive representative of the employees in the unit, it can make information requests for employee information as needed for the union to fulfill its statutory bargaining obligations. Such requests should be specifically grounded in the union's statutory bargaining obligations so as to indicate that lists should only be given to the union because of its special status as the bargaining representative.

Where the Association does not have recognition as the exclusive representative of the employees, an information request may still bear fruit. Exercise caution with this approach, however, as the employer may conclude that it must share similar information with other third parties who request it. Wherever possible, we should stress our uniquely legitimate need for the data, given our role as a representative of public workers. Other relational approaches include having Association/ Building Reps or Member Organizers collect staff rosters from specific targeted schools. Rosters can also be captured by asking friendly school secretaries or administrators. These rosters can then be added to a bigger spreadsheet for matching in the NEA Data Systems.

See sample letters in Appendix E.

Opportunity 4: Freedom of Information Act (FOIA) Requests

Public information laws and privacy laws vary from state to state. In many states, NEA and affiliates have worked hard to protect member privacy by ensuring that detailed public employee personal information is not subject to disclosure to third parties under the state FOIA law. If the options above for obtaining employee information are not available or efforts are unsuccessful, you may be able to obtain some such information through your state's FOIA law. Check with your affiliate counsel before going this route, as you do not want to inadvertently open the door to disclosure of employee information to third parties if it does not currently exist in your state.

Where a FOIA request is available and makes sense to pursue, it can be submitted to the District Superintendent for information on district employees.

State and Local Associations can also submit FOIA requests to state retirement agencies and state certification agencies to gather information on members and prospective members who are either in state retirement plans and/or are certified by state agencies. This has proven a particularly insidious way for anti-worker organizations to gather lists of union employees; in some states, we have advocated to limit access to that information to secure the privacy of our members and retirees.

For a useful starting point in crafting such requests, see the model templates maintained by the National Freedom of Information Coalition (www.nfoic.org) for each state. As always, you should check with your affiliate counsel to confirm the reliability of the citations and models offered on that website.

<https://www.nfoic.org/organizations/state-sample-foia-request-letters>

APPENDIX A: The South Carolina Education Association List Acquisition Process

Results:

In the 2022-2023 school year, through the process perfected by The South Carolina Education Association (The SCEA), the state affiliate was able to create a usable list of over 48,000 potential members.

Through engagement tactics used by Member Organizers and The SCEA staff, the acquired list produced 1,065 new members, which resulted in a net growth of 580 by the end of the school year and an additional 400 during Early Enrollment (since April 1, 2023), which is three times higher than last year. 375 of these members joined via Join Now, an increase of 141 from last year.

The SCEA also increased their aspiring educator membership to 800, which is an increase of 764 from the 2020-2021 membership year.



How:

The SCEA purchased a list of 42,000 from an independent vendor. In addition to the vendor list, The SCEA collected over 6,400 YRO cards during back-to-school New Employee Orientations and the NEA Telephonic Organizing Campaign. After data collection had been completed with the help of the NEA360 team, it was loaded into the NEA360 database.

Records were marked as potential members if they had already been tagged, if we had data on them, or if they had previously been tagged as a member or potential member. This resulted in a list of 14,800 that the affiliate used to recruit and engage during the school year.

Potential Member List Management:

- Acquired list of all educators in South Carolina
- With support of CIT, D/A, and MMS team, used IMS Bulk Search process and identified members and non-members from that list
- Created IMS Potential Member Records using National Standard of PM-1/2/0 for non-members with sufficient PII to meet IMS standards
- Used the YRO Data Process for all conversations with members and potential members, applying the YRO Data to existing NEA360 records for those members or potential members AND created new potential member records for any NEW contacts made
- Regularly converted field leads generated from the YRO Data Process into potential member records in IMS
- Regularly converted Join Now Abandon Application Data into potential member records in IMS
- Regularly merged and purged duplicates created to maintain the data

APPENDIX B: Union Strength Labor Law Reform

NEA Office of General Counsel Updated November 3, 2023

In recent years, many states have reformed their public-sector labor laws to ensure that unions can effectively organize and represent their members. We have compiled an overview of what states have won since 2017 in the map below, tracking the three major categories: 1) Data & Lists, 2) Access, and 3) Dues. Each category is described in greater detail below.

At this time, of the 19 states with some ability to pass union-strength legislation, 12 states—WA, OR, CA, NM, MN, IL, VT, NY, MA, CT, NJ, and MD—have won substantial reforms in each category. An additional two—HI and ME—have made important reforms but could do more. The remaining five—NV, CO, MI, RI, and DE—are at the beginning of the process. NEA OGC can provide resources, model provisions, and help to craft language for each state's particular needs.

CATEGORIES:

1) Data & Lists

To engage and sign-up new members, unions must be able to reach represented educators on all communication platforms as early as possible. To effectively represent everyone in the bargaining unit and to recruit members at key times (for example, during the contract process), unions need periodic updates of bargaining unit lists. Legislation should secure rights to regular, electronic provision of data and lists of both new hires and bargaining unit employees; it should also limit disclosure of that data.

Statutory provisions charted in this category concern:

- **New Hires:** Ensures that union representatives receive timely delivery of new hire lists with contact information, including cell phone numbers and email addresses.
- **Bargaining Unit:** Ensures that union representatives get periodic delivery of bargaining unit lists with contact information, including cell phone numbers and email addresses.
- **Electronic Delivery:** Requires employers to deliver lists electronically.
- **Employee Privacy:** Limits public disclosure of this data to protect employee privacy.

2) Access

Unions should have early and continuing opportunities to meet with represented employees. First, legislation can secure union rights to participate in mandatory new employee orientations (“NEOs”) and/or protect dedicated work time to meet with each new hire. These early opportunities provide the best opportunity for educators to learn about their union and become members. Second, legislation can provide union representatives with continued access to bargaining unit employees in employer facilities to support effective organizing, negotiating, and grievance handling. As we learned during the pandemic, both physical and virtual access should be available: representational work happens in conference rooms and Google Meets, through bulletin boards and mailboxes as well as email and text platforms. Finally, strengthened employer nondiscrimination (“neutrality”) provisions ensure meaningful access rights.

Statutory provisions charted in this category address:

- **New Employee Orientations (NEOs):** Guarantees union representatives access to new employee orientations (“NEOs”) and new hire orientations (“NHOs”) to explain the union’s role and benefits, as well as provide the opportunity to become a member.
- **Dedicated Time with New Employees:** Guarantees union representatives access to new employees on paid work time to explain the union’s role and benefits, as well as provide the opportunity to become a member.
- **Bargaining Unit Members:** Grants access to employees at the workplace on work time to discuss grievances and work-related complaints, and on non-work time for other union matters.

APPENDIX B: Union Strength Labor Law Reform *(Continued)*

- **Employer Facilities:** Grants access to employer bulletin boards, mailboxes, and meeting rooms for certain union activities—and should permit access to the virtual equivalents of those facilities.
- **Employer Email:** Guarantees access to the employer’s email system for certain union activities. Access to communications on texting platforms can be included.
- **Employer Nondiscrimination (“Neutrality”):** Ratchets up limits on, and consequences of, conduct that discourages employees from joining, supporting, or paying dues to a union.

3) Dues




Legislation should guarantee employee rights to payroll deduction (“PRD”) of membership dues and contributions. This remains the most secure and reliable method of payment for both unions and their members. Best-practice legislation requires employers to implement payroll dues deductions pursuant to the reasonable terms of authorization agreements between unions and their members. The terms of those member authorizations may include maintenance of payment (“MOP”) provisions in which the member agrees to pay their annual dues even if they choose to resign union membership. Draft these provisions with care: statutory provisions and collective bargaining language implementing PRD should require employers to honor the terms of an employee’s clear, voluntary authorization to pay dues through payroll deduction, but not dictate the terms of that commitment. Consulting with counsel is especially important given ongoing attacks on PRD and the risk of litigation over dues.

Statutory provisions charted in this category cover:






- **Payroll Dues Deduction (PRD):** Requires employers to administer payroll dues deductions pursuant to the terms of employee authorizations and honor union notice to start, change, or stop deductions.
- **Maintenance of Payment (MOP):** Requires employers to honor members’ commitments, made on union authorization forms, to pay annual dues regardless of membership status.
- **Custodian of Record (COR):** Requires employers to process deductions pursuant to the union’s certified list of authorizations; the union, not the employer, keeps records of those authorizations.
- **Electronic Signatures:** Clarifies that state law allows employees to sign/authorize commitments electronically. (All state laws already provide for this under their electronic transactions acts.)

APPENDIX C: State Laws Supporting Effective Union Representation

NEA Office of General Counsel November 6, 2023





State	Yr. Passed	Bill No.	Key Provisions
 California	2017	AB 119	<p>Data & Lists: Grants certified representative timely, regular access to information regarding new hires and represented employees; sets timelines for receiving lists.</p> <p>New Employee Orientations (NEOs): Provides certified representative mandatory access to NEOs, sets requirements for notice. Grants rights to bargain and arbitrate over the structure, time, and manner of NEOs.</p>
	2018	SB 866	<p>NEOs: Expands coverage of NEO law, restricts access to information regarding time and place of NEOs.</p> <p>Dues Deduction, Maintenance of Payment (MOP): Requires employer to honor the terms of the employee's deduction authorization, and provides that employers shall rely on information from employee organization regarding whether to end or change deductions.</p> <p>Dues Deduction, Custodian of Record (COR): Requires employer to process deductions pursuant to the employee organization's certified list of individual employee deduction authorizations without requiring submission of a copy of those authorizations, unless a dispute arises. Provides that employee organization shall indemnify the employer for employee claims made in reliance on its certification.</p> <p>Employer Nondiscrimination/Neutrality: Strengthens employer neutrality policy; sets requirements for union review of mass communications regarding public employee rights.</p>
 Colorado	2020	HB 1153 State EEs	<p>Data & Lists: State shall provide to certified organization, monthly, data on covered employees. Information shall be confidential and exempt from production under the Open Records Act.</p> <p>NEOs: Mandates access to NEOs, and access to new employees within 30 days of hire, on paid work time.</p> <p>Worksite Access: Provides reasonable access to represented employees at work, including electronically.</p> <p>Dues Deduction, MOP: State shall make authorized payroll dues deductions, and honor the terms of employees' authorizations made in any form that satisfies the requirements of the Colo. Uniform Electronic Transactions Act. Dues deduction authorizations may not be irrevocable for more than one year.</p> <p>Dues Deduction, COR: Requires state to process deductions pursuant to the employee organization's certified list of individual employee deduction authorizations without requiring submission of a copy of those authorizations, unless a dispute arises. Provides that employee organization shall indemnify the employer for employee claims made in reliance on its certification.</p>
	2023	SB 23-111	<p>Employer Nondiscrimination: The Protection for Public Workers Act, in addition to empowering all public employees to engage in protected concerted activity and organize without employer interference, prohibits public employers from discriminating against, coercing, intimidating, or interfering with employee exercise of rights covered by the Act, and provides an enforcement regime.</p>
 Connecticut	2021	SB 908	<p>Data & Lists: Requires employers to provide exclusive representative digital lists of employees in bargaining unit every 120 days, and new employees within 10 days of hire.</p> <p>NEOs: Provides access to NEOs, sets requirements for notice. Grants rights to bargain and arbitrate over the structure, time, and manner of NEOs.</p> <p>Access to New Employees: Grants right to one-on-one meetings with new employees at worksite and on paid time, for 30-120 minutes, within 30 days of hire.</p> <p>Worksite Access: Grants access to employees at worksite on work time for matters related to representation; access to facilities on non-work time; access to employer email.</p> <p>Dues Deduction, MOP: Requires employer to make deductions to exclusive representative per terms of employee's written/electronic authorization, including revocation terms of that authorization.</p> <p>Dues Deduction, COR: Employer shall make deductions in reliance on union certification of authorization, and shall rely on union information to change or cancel deductions; union shall indemnify employer for claims in reliance on that information. Disputes concerning dues deductions shall be resolved by the SBLR.</p> <p>Employer Nondiscrimination/Neutrality: Prohibited practice for employers to 1) encourage employees to decline or resign union membership; 2) encourage revocation of dues deduction authorization; 3) knowingly aid any such third-party effort; or 4) permit use of employer email by any third party seeking to discourage union membership or dues payments.</p>

APPENDIX C: State Laws Supporting Effective Union Representation *(Continued)*

State	Yr. Passed	Bill No.	Key Provisions
 Delaware	2018	HB 314	Dues Deduction, MOP: Requires employer to honor terms of dues authorization, including maintenance of dues payment. Further provides process to revoke where authorization is silent.*
 Hawaii	2018	HB 1725	Dues Deduction, MOP: Seeks to establish timeframe and process for employee revocation of dues deduction authorization.*
	2019	HB 845	NEOs: Mandates new hire orientation for state employees; gives exclusive representative access.
	2019	HB 157	Data & Lists: Requires employers to disclose to exclusive representative contact data on employees in bargaining unit, as well as data on new hires.
 Illinois	2019	SB 1784	<p>Data & Lists: Requires employers to provide exclusive representative digital lists of employees in bargaining unit, and new employees within 10 days of hire.</p> <p>Employee Data Protection: Protects some data, and communications between union and employees, from disclosure under state FOIA. Also protects data held by a pension fund or retirement system. Mandates employer disclosure to exclusive representative any such FOIAs; creates right to file ULP if unwarranted disclosures.</p> <p>Access to New Employees: Grants right to one-on-one meetings with new employees at worksite and on paid time, for up to 1 hour, within 2 weeks of hire.</p> <p>Worksite Access: Grants access to employees at worksite for matters related to representation; access to bulletin boards and mailboxes, email (if bargained).</p> <p>Dues Deduction, MOP: Requires employer to make deductions to exclusive representative per terms of employee's written authorization, including electronic authorization; permits reasonable MOP provisions.</p> <p>Dues Deduction, COR: Employee requests to authorize, revoke, or change deductions directed to exclusive representative, who shall provide to or notify employer of these requests. Employer shall make deductions pursuant to information provided by the exclusive representative, who shall indemnify employer for claims in reliance on that information. Failure to comply shall be ULP; IPLB shall have jurisdiction, hold disputed deductions in escrow.</p> <p>Neutrality: Employer shall not discourage, deter, etc. public employees from joining, authorizing representation by, or making payments to unions, nor permit third parties to use email to do so.</p>
 Maine	2019	HP 1063 - LD 1451	<p>Data & Lists: Requires employers to provide bargaining agent with contact information on employees in unit within 30 days of hire; restricts sharing of some data beyond bargaining agent.</p> <p>NEOs: Provides bargaining agent with right to meet with new hires during new employee orientations or in individual or group meetings.</p> <p>Worksite Access: Grants bargaining agent right to access members of unit at workplace, use employer email system for certain purposes.</p>
	2023	LD 1588	Data & Lists: Expands rights to receive contact data for all bargaining unit employees on a quarterly basis.
 Maryland	2018	SB 819	<p>Data & Lists: Grants certified representative of school employees timely, regular access to information regarding new hires and all represented employees.</p> <p>NEOs: Requires public school employers to provide exclusive representatives with access to new employee processing, and establishes right to negotiate the structure, time, and manner of that access.</p>
	2023	HB 984	<p>Data & Lists: Clarifies access to employee data, in electronic form.</p> <p>Access to New Employees/NEOs: Clarifies rights to access "new employee processing" including notice and rights to negotiate that access.</p> <p>Dues Deduction, MOP: Grants union rights to dues deduction consistent with rights available to all public employees, including MOP and electronic signatures.</p>





*Not best practice language.

APPENDIX C: State Laws Supporting Effective Union Representation *(Continued)*

State	Yr. Passed	Bill No.	Key Provisions
 Massachusetts	2019	H.3854	<p>Data & Lists: Establishes employee organization rights to contact data for public employees, protects information from general disclosure. Provides that employer must supply new hire information within 10 days after employee accepts an offer of employment.</p> <p>NEOs/Access to New Employees: Grants employee organization right to meet with new hires during NEOs or at individual or group meetings.</p> <p>Worksite Access: Grants employee organization rights to hold meetings at worksite, and access to employer email system and buildings, for certain purposes.</p> <p>Dues Deduction, MOP: Requires employer to make payroll deductions pursuant to the terms of the employee's written authorization, and provides that employers shall honor the revocation terms of that authorization provided it may be irrevocable for a period of no longer than 1 year.</p> <p>Representation Fees: Exclusive representative may require non-member to pay for reasonable costs of grieving or arbitrating a matter arising under a CBA; limits DFR to negotiation and enforcement of CBA terms.</p>
 Minnesota	2019	Ch. 53, Art. 11	<p>Data & Lists: Mandates timely, electronic provision of new hire lists and contact data (20 days), and regular provision of data regarding represented workers (120 days). Also requires employer to provide notice within 20 days of employee separation/transfer out of unit. Reinforces that employee data is private information on individuals.</p> <p>Access to New Employees/NEOs: Grants employee organization right to meet with new hires within 30 days of hire, for 30 minutes, on work time, during employer NEOs, or, if no NEO, at individual or group meetings in person or virtually. Provides processes for notice and limits attendance at NEOs.</p> <p>Worksite Access: Employer must allow exclusive representative to communicate on employer email with bargaining unit members on workplace-related issues and internal business of the union. Employer must allow facility access, on work time, for workplace-related issues and conduct of nonpolitical internal business of union.</p> <p>Dues Deduction, COR, MOP: Grants employees right to payroll deduction of dues and PAC contributions. Requires employer to rely on union certification of the authorization and union custody of authorization, providing process for resolving disputes and indemnification. Honors electronic signatures. States that PRD authorization remains in effect until union notifies employer of change or cancellation.</p> <p>Employer Nondiscrimination/Neutrality: MN law already deems a ULP discrimination and interference with employee and union rights. Law further states that employers who fail to begin PRD within 30 days of notice of authorization, or to remit dues to union within 30 days of deduction, can be required to reimburse the union for lost dues through ULP process.</p>
 Nevada	2019	SB 135 - State EEs	<p>Dues Deduction, MOP: Requires state to bargain provisions to deduct payments to the exclusive representative, and to revoke authorizations only in manner prescribed in the authorization.</p> <p>(State) Employer Nondiscrimination.</p>
 New Jersey	2018	A.3686	<p>Data & Lists: Mandates timely provision of new hire lists and contact data (10 days), and regular provision of data regarding represented workers. Protects sensitive data from public release.</p> <p>NEOs: Provides exclusive representative with right to access NEOs.</p> <p>Worksite Access: Secures exclusive representative rights to access NEOs, employee contract data, employer email systems, and employer buildings; protects access rights pursuant to grievance and binding arbitration procedures.</p> <p>Dues Deduction, MOP: Strengthens existing law on payroll deduction; clarifies validity of electronic authorization. Creates a statutorily-defined process for employees to revoke deduction authorization.*</p> <p>Employer Nondiscrimination/Neutrality: Establishes policy of public employer neutrality on union membership and support. If employer violates this section, relief shall include making the union whole for any losses suffered as a result of the employer's unlawful conduct.</p>



*Not best practice language.

APPENDIX C: State Laws Supporting Effective Union Representation *(Continued)*

State	Yr. Passed	Bill No.	Key Provisions
 New Mexico	2020	HB 364	<p>Data & Lists: Mandates provision of new hire lists and contact data (within 10 days of hire) and of bargaining unit lists every 120 days. Employee data shall not be disclosed under Public Records Act, and DOB and SSN specifically protected.</p> <p>NEOs: Provides exclusive representative with right to meet with new employees at NEO or, if no NEO held, at individual or group meetings.</p> <p>Worksite Access: Secures right to access represented employees during work time for workplace-related business, and to hold union meetings before or after work time. Grants limited rights to use employer email system.</p> <p>Dues Deduction, MOP: Payroll deduction of dues shall be a mandatory subject of bargaining, and deduction authorizations shall be honored until employee revokes in writing to the labor organization. Creates a statutorily-defined process for employees to revoke deduction authorization.*</p>
 New York	2018	S.1505-C (E)	<p>Data & Lists: Mandates timely provision of data on new hires, transfers, promotions into unit.</p> <p>NEOs: Grants union right to meet with new hires for specified amount of time (not NEO-specific).</p> <p>Dues Deduction, MOP: Provides obligation to deduct dues, and begin deductions in timely way; requires employer to honor terms of membership authorization to maintain dues payment.</p> <p>Representation: Clarifies that DFR does not reach beyond CBA. Permits negotiation to relieve union of obligation to represent non-members in certain cases.</p>
	2019	S.7509-C (RRR)	<p>Data & Lists: Mandates right to contact data for employees in bargaining unit on a quarterly basis. Prevents employers from disclosing employee data beyond strict limits.</p>
	2020	S.7505-B (W)	<p>Data & Lists: Clarifies union rights to employee data notwithstanding privacy provisions.</p> <p>NEOs: Mandates notice of and access to NEOs, if employer conducts NEOs.</p>
 Oregon	2019	HB 2016	<p>Data & Lists: Requires employer to provide employee contact data within 10 days for new hires, and every 120 days for employers in bargaining unit.</p> <p>NEOs: Provides right to meet with new employees on paid time during NEO or, if no NEO held, at individual or group meetings.</p> <p>Worksite Access: Mandates comprehensive access for exclusive representative, including access to new employees, and to bargaining unit employees for specified purposes; permits use of employer property and email for defined purposes; grants release time to engage in activities on behalf of exclusive representative, including participating in NEOs or other new hire meetings, pursuant to negotiation.</p> <p>Dues Deduction, MOP: Requires public employer to make payroll deductions authorized by employees; provides that deductions remain in effect until employee revokes pursuant to the terms of the authorization.</p> <p>Dues Deduction, COR: Labor organization shall provide to each employer a list of individual employees who have authorized deductions to the labor organization; public employer shall rely on the list to make deductions. Employer shall not be liable for unauthorized deductions made in reliance on the list; labor organization shall indemnify employer amount of any unauthorized deduction resulting from reliance on the list.</p>
 Rhode Island	2019	H.5259 - SUB A	<p>Data & Lists: Requires state, teacher, and municipal employers to provide exclusive representative with information on new hires.</p> <p>Dues Deduction (state employers): Requires state employers to make deductions, continue until employee files written notice to stop with bargaining representative.</p> <p>(State) Employer Neutrality.</p> <p>Representation Fees (teachers, local and state employees): Permits labor organizations to charge fees to cover reasonable costs of grievance hearings and arbitration.</p>

*Not best practice language.

APPENDIX C: State Laws Supporting Effective Union Representation *(Continued)*

State	Yr. Passed	Bill No.	Key Provisions
 Vermont	2020	S.254 (Act 180)	<p>Data & Lists: Requires employer to deliver exclusive representative contact information on newly hired employees. Mandates that employers provide an annual list of employees in bargaining unit, in electronic format. Requires that information be confidential and not subject to Public Records Act disclosure.</p> <p>NEOs: Provides opportunity for union to meet for 60 minutes with newly hired employees in a bargaining unit during NEO or, if no orientation is held, within 30 days of hire during paid work hours.</p> <p>Dues Deduction: Requires public employers to make deductions within 30 days of receipt of signed authorization from employee, and transmit dues to employee organization on day employee is paid.</p>
 Washington	2018	SB 6229	<p>NEOs: Requires employer to provide exclusive bargaining representative with reasonable access to new employees, during an NEO provided by employer or at another mutually agreed time.</p>
	2019	HB 1575	<p>Dues Deduction, MOP, COR: Requires employer to deduct dues following employee's authorization to the exclusive bargaining representative. States that deductions shall begin upon notice of authorization from exclusive representative, and shall remain in effect until revoked in accordance with terms of authorization, and following confirmation from the exclusive representative. Employer shall rely on information provided by the exclusive representative regarding authorization and revocation of deductions.</p>
	2023	HB 1200	<p>Data & Lists: Mandates electronic delivery of employee contact data for new hires (within 21 days of DOH) and bargaining unit members (every 120 days).</p> <p>Employee Privacy: Use of employee data limited to representation purposes.</p>

APPENDIX D: Sample FOIA Letter

Dear <DISTRICT SUPERINTENDENT/CONTACT>,

Pursuant to the Colorado Open Records Act § 24-72-201 et seq. and/or the Colorado Criminal Justice Records Act § 24-72-301 et seq., I request that you make available for inspection and copying the following public records: The names of all school employees, their worksite, and grade/subject assignments. This file should be in Excel format and include publicly available contact information on file with the employer. If you are not the custodian of records for this request, please forward this letter to the appropriate person or let me know which person(s) has custody of these records.

This information is not being sought for commercial purposes. If there are any fees for searching or copying these records, please inform me if the cost will exceed \$__.

Please set a date and hour, within three working days following receipt of this letter, at which time the records will be made available for inspection. If access to these records will take longer, please cite the extenuating circumstances and let me know when I should expect copies or the ability to inspect the requested records.

I ask that records available in electronic format be transmitted by email to [Your Email Address].

If you deny any portion, or all, of this request, please provide me with a written explanation of the reason(s) for your denial, including a citation to each specific statutory exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

If you conclude that portions of the records that I request are exempt from disclosure, please release the remainder of such records for inspection and copying, redacting only the portion or portions that you claim are exempt.

Please contact me with any questions about my request. Thank you for your time.

Sincerely,

<Local President Name>

<Street Address>

<City, State ZIP Code>

<President's Phone Number>

<President's Email Address>

As we know from our experience in right-to-work states, having detailed information on prospective members is essential. And given the growing national onslaught against union rights, we cannot take our access to unit member information for granted. If you have questions or need assistance, please contact the Data and Analytics Department at datahelp@nea.org or the NEA Collective Bargaining and Member Advocacy Department at collectivebargaining@nea.org.

APPENDIX E: Sample Relational Request Letters

(Exclusive Representative & Not Exclusive Representative)

Letter 1:

Dear <DISTRICT SUPERINTENDENT/CONTACT>,

As the exclusive representative for the <INSERT UNIT DESCRIPTION> unit, the Association has an obligation to represent all the employees in the unit. Therefore, in order to fulfill that obligation, we are requesting the following information about the employees in the unit.

We are requesting that the data be provided electronically, in Excel format, with the following fields:

- First name
- Last name
- Employee ID number
- Home address
- Home telephone number
- Personal cell phone number
- Personal email address
- Job title
- Work location
- Current assignment
- Work phone number
- Work email address
- Date of hire

I am sure you can appreciate why it is necessary for the Association to have comprehensive, up-to-date information on all the employees that we have an obligation to represent, so that we can both identify and communicate with them.

If you have any questions, please let me know. I look forward to working with you or your staff, both to fulfill this request and in our continuing shared efforts to protect and improve our public schools.

Sincerely,

<Local President Name>

<Local Association Name>

Letter 2:

Dear <DISTRICT SUPERINTENDENT/CONTACT>,

As we move into the new school year, we hope to continue building on our partnership in the pursuit of excellent public education in <District Name>. We share with you a deep commitment to advocating for our schools and our students.

We are writing to request an electronic list of the employees in the <INSERT UNIT DESCRIPTION>, so that we may reach out to them to ensure that they continue to be informed and effective ambassadors and advocates for our schools and our students.

We are requesting that the data be provided electronically, in Excel format, with the following fields:

- First name
- Last name
- Employee ID number
- Home address
- Home telephone number
- Personal cell phone number
- Personal email address
- Job title
- Work location
- Current assignment
- Work phone number
- Work email address
- Date of hire

We look forward to working with you on this, and on protecting and preserving our system of public education for years to come. Please let me know if there are any questions, along with what the next steps should be to make this happen.

Sincerely,

<Local President Name>

<Local Association Name>