[Second Reprint]

ASSEMBLY, No. 4182

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED APRIL 15, 2024

Sponsored by:
Assemblyman WAYNE P. DEANGELO
District 14 (Mercer and Middlesex)
Assemblyman REGINALD W. ATKINS
District 20 (Union)
Assemblywoman ANNETTE QUIJANO
District 20 (Union)
Senator TROY SINGLETON
District 7 (Burlington)
Senator JAMES BEACH
District 6 (Burlington and Camden)

Co-Sponsored by:
Senators Polistina, Lagana and Wimberly

SYNOPSIS

Concerns conditions of employment of certain cannabis employees.

CURRENT VERSION OF TEXT

As amended by the Senate on December 18, 2025.

(Sponsorship Updated As Of: 12/22/2025)

AN ACT concerning conditions of employment for certain cannabis [1]**[**workers**]** [2]**[**and private**]**[2] employees[1], amending P.L.1968, c.303 [1]and P.L.1941, c.100[1], and supplementing Title 34 of the Revised Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

[1]1. Section 3 of P.L.1941, c.100 (C.34:13A-3) is amended to read as follows:

3. When used in this act:

The term "board" shall mean New Jersey State Board of Mediation.

The term "commission" shall mean New Jersey Public Employment Relations Commission.

"Cannabis employee" means an employee who is an employee of a cannabis employer and who is not subject to the provisions of the National Labor Relations Act (29 U.S.C. s.151 et seq.). [2]**[**Cannabis employees are included in the term "private employees," as used in P.L. , c. (C.) (pending before the Legislature as this bill).**]**[2]

"Cannabis employer" means any private employer who is provided a permit, license, or other authorization to operate as a medical cannabis cultivator, medical cannabis manufacturer, medical cannabis dispensary, clinical registrant, cannabis cultivator, cannabis manufacturer, cannabis wholesaler, cannabis distributor, cannabis retailer, or cannabis delivery service, and who employs workers not subject to the provisions of the National Labor Relations Act (29 U.S.C. s.151 et seq.).

"Director" means the Director of the Division of Private Employment Dispute Settlement.

"Division" means the Division of Private Employment Dispute Settlement.

"Electronic voting system" means an internet voting system and a telephone voting system; and does not mean machines used for casting votes at a polling site or an electronic tabulation system where votes are cast non-electronically but counted electronically, such as a punch card or optical scanning system.

The term "employer" includes an employer and any person acting, directly or indirectly, on behalf of or in the interest of an employer with the employer's knowledge or ratification, but a labor organization, or any officer or agent thereof, shall be considered an employer only with respect to individuals employed by such organization. This term shall include "public employers" and shall

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.
Matter enclosed in superscript numerals has been adopted as follows:
[1]Senate SBA committee amendments adopted December 15, 2025.
[2]Senate floor amendments adopted December 18, 2025.

mean the State of New Jersey, or the several counties and municipalities thereof, or any other political subdivision of the State, or a school district, or any special district, or any authority, commission, or board, or any branch or agency of the public service. The term shall also include the Delaware River Port Authority, established pursuant to R.S.32:3-1 et seq.

The term "employee" shall include any employee, and shall not be limited to the employees of a particular employer unless this act explicitly states otherwise, and shall include any individual whose work has ceased as a consequence of or in connection with any current labor dispute or because of any unfair labor practice and who has not obtained any other regular and substantially equivalent employment. This term, however, shall not include any individual taking the place of any employee whose work has ceased as aforesaid, nor shall it include any individual employed by his parent or spouse, or in the domestic service of any person in the home of the employer, or individuals employed by any company owning or operating a railroad or railway express subject to the provisions of the Railway Labor Act (45 U.S.C. s.151 et seq.). This term shall also not include any individual covered by the National Labor Relations Act (29 U.S.C. s. 151 et seq.). The term "employee" shall include any public employee, i.e., any person holding a position, by appointment or contract, or employment in the service of a public employer, including the Delaware River Port Authority, except elected officials, members of boards and commissions, managerial executives and confidential employees. The exclusion of members of boards and commissions from the definition of "employee" contained within this subsection shall not apply to members of the Board of Review established pursuant to section 19 of P.L.1948, c.446 (C.34:1A-19) and subsection (d) of R.S. 43:21-10.

"Internet voting system" means an internet-based voting system that allows a participant to cast a ballot remotely using a personal computer or other mobile electronic device that is connected to the internet.

"Labor dispute" means and includes any controversy concerning terms, tenure, or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of employment, regardless of whether the disputants stand in the proximate relation of employer and employee.

"Labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate, and which exists, in whole or in part, for the purpose of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work for employees.

"Majority support petition" means the filing of a petition with the New Jersey State Board of Mediation [2]or Division of Private

Employment Dispute Settlement[2] that provides proof of support from a majority of the [2][private] cannabis[2] employees sought to be represented through authorization cards or petition signatures. Over 50 percent of the proposed bargaining unit shall constitute a majority of the [2][private] cannabis[2] employees. If the [2][private] cannabis[2] employees or union demonstrates majority support in this way, the New Jersey State Board of Mediation shall certify the union as the exclusive bargaining representative for the workforce.

"Person" means one or more individuals, corporations, partnerships, limited liability companies, associations, legal representatives, trustees in bankruptcy, receivers, or any other legal entity, employer, or labor organization having an interest in the outcome of a proceeding under P.L.1941, c.100 (C.34:13A-1 et seq.).

[2]["Private employee" means an employee in the private sector who is not covered by the National Labor Relations Act (29 U.S.C. s.151 et seq.).][2]

The term "representative" is not limited to individuals but shall include labor organizations, and individual representatives need not themselves be employed by, and the labor organization serving as a representative need not be limited in membership to the employees of, the employer whose employees are represented. This term shall include any organization, agency or person authorized or designated by a public employer, public employee, group of public employees, or public employee association to act on its behalf and represent it or them.

"Remotely" means, when used with respect to voting in a representation election, a vote cast at a site chosen by a participant voting in a representation election.

"Telephone voting system" means a voting system in which participants may cast a vote remotely using a telephone.

"Managerial executives" of a public employer, in the case of the State of New Jersey, means persons who formulate management policies and practices, but shall not mean persons who are charged with the responsibility of directing the effectuation of such management policies and practices, except that, in the case of the Executive Branch of the State of New Jersey, "managerial executive" shall include only personnel at or above the level of assistant commissioner.

In the case of any public employer other than the State of New Jersey, "managerial executives" of a public employer means persons who formulate management policies and practices, and persons who are charged with the responsibility of directing the effectuation of such management policies and practices, except that in any school district this term shall include only the superintendent or other chief administrator, and the assistant superintendent of the district.

"Confidential employees" of a public employer means employees whose functional responsibilities or knowledge in connection with the issues involved in the collective negotiations process would make their membership in any appropriate negotiating unit incompatible with their official duties.

"Confidential employees" of the State of New Jersey means employees who have direct involvement in representing the State in the collective negotiations process making their membership in any appropriate negotiating unit incompatible with their official duties.

(cf: P.L.2024, c.77, s.1)[1]

[1][1.] [2][2.[1] Section 5 of P.L.1968, c.303 (C.34:13A-5.1) is amended to read as follows:

5. There is hereby established a Division of Public Employment Relations and a Division of Private Employment Dispute Settlement.

(a) The Division of Public Employment Relations shall be concerned exclusively with matters of public employment related to determining negotiating units, elections, certifications and settlement of public employee representative and public employer disputes and grievance procedures. For the purpose of complying with the provisions of Article V, Section IV, paragraph 1 of the New Jersey Constitution, the Division of Public Employment Relations is hereby allocated within the Department of Labor and Workforce Development, and located in the city of Trenton, but notwithstanding said allocation, the office shall be independent of any supervision or control by the department or by any board or officer thereof.

(b) [1]The Division of Private Employment Dispute Settlement shall be concerned with matters of private employment related to determining negotiating units, elections, certifications and settlement of private employee representative and employer disputes and grievance procedures for private employees not covered by the National Labor Relations Act (29 U.S.C. s.151 et seq.).[1] The Division of Private Employment Dispute Settlement shall assist the New Jersey State Board of Mediation in the resolution of disputes in private employment. The New Jersey State Board of Mediation, its objectives and the powers and duties granted by this act and the act of which this act is amendatory and supplementary shall be concerned exclusively with matters of private employment and [1][the office][1] shall [1][continue to be located] have offices[1] in the city of Newark [1]and anywhere in the State as deemed appropriate and necessary to fulfill its duties under P.L.1941, c.100 (C.34:13A-1 et seq.). Additionally, the Division of Private Employment Dispute Settlement shall have offices throughout the State as deemed appropriate to fulfill its roles and

responsibilities set forth under P.L.1941, c.100 (C.34:13A-1 et seq.)[1].

(c) In the case of a private employer that has any employees not subject to the provisions of the National Labor Relations Act (29 U.S.C. s.151 et seq.), or is not regulated by the National Labor Relations Board pursuant to [the National Labor Relations Act (29 U.S.C. s.151 et seq.)] that act, the [1][New Jersey State Board of Mediation] Division of Private Employment Dispute Settlement[1] shall designate a representative for a unit of those employees of the private employer, or any employees of the employer if the employer is not regulated by that act, for the purposes of collective bargaining [1][when:

(1)] .[1] In any case in which the [1][board] Division of Private Employment Dispute Settlement[1] determines that there is no current majority representative and only one employee organization is seeking to be the majority representative, that organization demonstrates that a majority of employees in the unit have shown their preference to have that organization be their representative by signing authorization cards [1]or Majority Support Petition[1] indicating that preference[1][; or

(2) The employees in the unit have selected a representative by an election that conforms with the procedures outlined in section 159 of the National Labor Relations Act (29 U.S.C. s.159)] as specified in section 8 of P.L. , c. (C.) (pending before the Legislature as this bill)[1].

For the purposes of [1][paragraph (1) of][1] this subsection, an authorization card [1]or Majority Support Petition[1] indicating preference shall not be valid unless it is printed in a language understood by the employee who signs it.

An employee organization seeking to be recognized as a majority representative, either by a card authorization [1]or Majority Support Petition[1] procedure pursuant to [1][paragraph (1) of][1] this subsection [1][or by an election pursuant to paragraph (2) of this subsection,][1] is permitted, but not required, to petition the [1][New Jersey State Board of Mediation] Division of Private Employment Dispute Settlement[1] to require the employer to file, within not more than 48 hours, and in the manner required by the [1][board] division[1], a complete and accurate list of the full names, current street addresses, and job classifications of the current employees, and phone numbers or other employee contact information available to the employer, which the [1][board] division[1] shall immediately convey to the employee organization. Any employer who refuses to provide information requested by the New Jersey State Board of Mediation [1]or the Division of Private Employment Dispute Settlement[1] or otherwise acts to prevent the board [1]or division[1] from carrying out its responsibilities pursuant to this subsection (c) shall

have violated this subsection and shall be liable to a fine of not more than ⟦$1,000⟧ $5,000 for each day that the employer fails to provide a complete response or otherwise prevents the board [1]or division[1] from carrying out its responsibilities, to be recovered [1]⟦under the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.)⟧ in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.)[1] in the name of the board and to be used by the board for costs of implementing this subsection. In addition, an employee organization seeking to represent the employees of the employer may institute an action in a court of competent jurisdiction to obtain an injunction to restrain any continuation of the violation, to reimburse the employee organization or any affected employee for any damages caused by the violation plus reasonable costs and attorney's fees of the action.

The provisions of this subsection (c) shall not apply to religious or parochial schools or their employees or to any private nonprofit organization exempt from federal taxation under section 501 of the Internal Revenue Code of 1986 (26 U.S.C. s. 501).

(d) In the case of a private employer regulated by the National Labor Relations Board pursuant to the National Labor Relations Act (29 U.S.C. s. 151 et seq.), the New Jersey State Board of Mediation shall, based on the mutual agreement of the private employer and an organization seeking to represent employees of the employer, designate a representative for a unit of employees of the private employer for the purposes of collective bargaining when:

(1) In any case in which the board determines that only one employee organization is seeking to be the majority representative, that organization demonstrates, in a manner mutually agreed upon by the representative and the employer, that a majority of employees in the unit have shown their preference to have that organization be their representative by signing authorization cards indicating that preference; or

(2) the employees in the unit have selected the representative by an election that conforms with the procedures outlined in section 159 of the National Labor Relations Act (29 U.S.C. s.159).

(e) For the purposes of subsections (c) and (d) of this section, "employee unit" means an appropriate group of employees for the purposes of collective bargaining as determined, if necessary, by the New Jersey State Board of Mediation.

(cf: P.L.2005, c.161, s.1)⟧[2]

[2]2. Section 5 of P.L.1968, c.303 (C.34:13A-5.1) is amended to read as follows:

5. There is hereby established a Division of Public Employment Relations and a Division of Private Employment Dispute Settlement.

(a) The Division of Public Employment Relations shall be concerned exclusively with matters of public employment related to determining negotiating units, elections, certifications and settlement of public employee representative and public employer disputes and grievance procedures. For the purpose of complying with the provisions of Article V, Section IV, paragraph 1 of the New Jersey Constitution, the Division of Public Employment Relations is hereby allocated within the Department of Labor and Workforce Development, and located in the city of Trenton, but notwithstanding said allocation, the office shall be independent of any supervision or control by the department or by any board or officer thereof.

(b) The Division of Private Employment Dispute Settlement shall assist the New Jersey State Board of Mediation in the resolution of disputes in private employment. The New Jersey State Board of Mediation, its objectives and the powers and duties granted by this act and the act of which this act is amendatory and supplementary shall be concerned exclusively with matters of private employment and **[**the office**]** shall **[**continue to be located**]** have offices in the city of Newark and anywhere in the State as deemed appropriate and necessary to fulfill its duties under P.L.1941, c.100 (C.34:13A-1 et seq.). Additionally, the Division of Private Employment Dispute Settlement shall have offices throughout the State as deemed appropriate to fulfill its roles and responsibilities set forth under P.L.1941, c.100 (C.34:13A-1 et seq.).

(c) In the case of a private employer not regulated by the National Labor Relations Board pursuant to the National Labor Relations Act (29 U.S.C. s.151 et seq.), the New Jersey State Board of Mediation or the Division of Private Employment Dispute Settlement pursuant to P.L. , c. (C.) (pending before the Legislature as this bill) shall designate a representative for a unit of employees of the private employer for the purposes of collective bargaining when:

(1) In any case in which the board determines that only one employee organization is seeking to be the majority representative, that organization demonstrates that a majority of employees in the unit have shown their preference to have that organization be their representative by signing authorization cards indicating that preference; **[**or**]**

(2) The employees in the unit have selected a representative by an election that conforms with the procedures outlined in section 159 of the National Labor Relations Act (29 U.S.C. s.159); or

(3) With respect to cannabis employees, as specified in P.L. , c. (C.) (pending before the Legislature as this bill).

For the purposes of paragraph (1) of this subsection, an authorization card indicating preference shall not be valid unless it is printed in a language understood by the employee who signs it.

Any employer who refuses to provide information requested by the New Jersey State Board of Mediation or the Division of Private Employment Dispute Settlement or otherwise acts to prevent the board or division from carrying out its responsibilities pursuant to this subsection (c) shall have violated this subsection and shall be liable to a fine of not more than $1,000, to be recovered under the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.) in the name of the board and to be used by the board for costs of implementing this subsection. In addition, an employee organization seeking to represent the employees of the employer may institute an action in a court of competent jurisdiction to obtain an injunction to restrain any continuation of the violation, to reimburse the employee organization or any affected employee for any damages caused by the violation plus reasonable costs and attorney's fees of the action.

The provisions of this subsection (c) shall not apply to religious or parochial schools or their employees or to any private nonprofit organization exempt from federal taxation under section 501 of the Internal Revenue Code of 1986 (26 U.S.C. s. 501).

(d) In the case of a private employer regulated by the National Labor Relations Board pursuant to the National Labor Relations Act (29 U.S.C. s. 151 et seq.), the New Jersey State Board of Mediation shall, based on the mutual agreement of the private employer and an organization seeking to represent employees of the employer, designate a representative for a unit of employees of the private employer for the purposes of collective bargaining when:

(1) In any case in which the board determines that only one employee organization is seeking to be the majority representative, that organization demonstrates, in a manner mutually agreed upon by the representative and the employer, that a majority of employees in the unit have shown their preference to have that organization be their representative by signing authorization cards indicating that preference; or

(2) the employees in the unit have selected the representative by an election that conforms with the procedures outlined in section 159 of the National Labor Relations Act (29 U.S.C. s.159).

(e) For the purposes of subsections (c) and (d) of this section, "employee unit" means an appropriate group of employees for the purposes of collective bargaining as determined, if necessary, by the New Jersey State Board of Mediation.[2]

(cf: P.L.2005, c.161, s.1)

[1][2. (New section) a. Cannabis employers and their representatives and agents are prohibited from the following unfair practices with respect to cannabis workers:

(1) Interfering with, restraining, or coercing employees in their exercise of rights guaranteed by P.L. , c. (C.) (pending before the Legislature as this bill).

(2) Dominating or interfering with the formation, existence or administration of any employee organization, including any violation of the provisions of section 3 of P.L. , c. (C.) (pending before the Legislature as this bill).

(3) Discharging, threatening to discharge, or otherwise discriminating with respect to hire or tenure of employment or any term or condition of employment to encourage or discourage employees from signing or filing an affidavit, petition or complaint or disclosing any information or testimony, or exercising any other rights guaranteed by P.L. , c. (C.) (pending before the Legislature as this bill).

(4) Refusing to negotiate in good faith with a majority representative of employees concerning terms and conditions of employment, refusing to process grievances, or refusing to reduce to writing and sign a negotiated agreement.

(5) Violating any rules or regulations adopted by the State Board of Mediation.

b. Organizations representing, or seeking to represent, cannabis workers and representatives and agents of those organizations and agents are prohibited from the following unfair practices with respect to cannabis workers:

(1) Interfering with, restraining or coercing employees in the exercise of the rights guaranteed to them by P.L. , c. (C.)(pending before the Legislature as this bill).

(2) Interfering with, restraining or coercing a cannabis employer in the selection of the employer's representative for the purposes of negotiations or the adjustment of grievances.

(3) Refusing to negotiate in good faith with a cannabis employer concerning terms and conditions of employment, or refusing to reduce to writing and sign a negotiated agreement.

(4) Violating any rules or regulations adopted by the State Board of Mediation.

c. The State Board of Mediation shall have exclusive power to prevent anyone from engaging in any unfair practice listed in subsections a. and b. of this section. Whenever it is charged that any party has engaged or is engaging in an unfair practice, the board, or its designated agent, shall have authority to issue and cause to be served upon the party a complaint stating the specific unfair practice charged and including a notice of hearing containing the date and place of hearing before the board or its designated agent, except that no complaint shall be based on an unfair practice occurring more than six months prior to the filing of the charge unless the aggrieved person was prevented from filing the charge, in which event the six-month period shall be computed from the day the person was no longer prevented. If the board determines that any party charged has engaged or is engaging in an unfair practice, the board shall state its findings of fact and conclusions of law and issue and cause to be served on the party an order requiring the

party to cease and desist from the unfair practice, and to take reasonable remedial or affirmative action as will effectuate the policies of P.L. , c. (C.) (pending before the Legislature as this bill), which shall, in the case of a discharge or other discrimination against any employee for exercising rights guaranteed by P.L. , c. (C.) (pending before the Legislature as this bill), include reinstatement to any employment from which the employee was discharged, the payment of any wages lost due to the discrimination, reasonable costs of action, and liquidated damages equal to the wages due. Any case in which a complaint and notice of hearing are issued by the board shall be prosecuted before the board by a representative of the employee organization or other party filing the charge.

d. The board shall have the power to apply to the Appellate Division of the Superior Court for an appropriate order enforcing any order of the board issued pursuant to subsection c. of this section, and its findings of fact, if based upon substantial evidence on the record as a whole, shall not be set aside or modified, and any order for remedial or affirmative action, if reasonably designed to effectuate the provisions of P.L. , c. (C.) (pending before the Legislature as this bill), shall be affirmed and enforced.**]**[1]

[1]**[**3. (New section) a. If an employee organization seeking to be a majority representative of cannabis workers employed by a cannabis employer petitions the New Jersey State Board of Mediation to require the employer to provide a list of the current employees with contact information pursuant to section 5 of P.L.1968, c.303 (C.34:13A-5.1), the employer shall, along with providing the list and contact information, provide the employee organization access to the employees. The required access to employees shall include, but not be limited to, permitting representatives of the organization to meet with employees on the premises of the employer during the work day, and permitting representatives of the organization to meet with employees at any employee living quarters under the control of the employer.

b. A cannabis employer shall permit any employee organization which is a majority representative of employees of the employer:

(1) to access the employer's premises to investigate and discuss with the employees grievances, workplace-related complaints, and other workplace issues;

(2) to conduct worksite meetings during 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 governance, business, and duties of the employee organization; and

(3) to meet with a newly hired employee within five days after hire, without charge to the pay or leave time of the employee.

c. A cannabis employer shall provide the majority representative with timely notification of any new hiring by the employer or change in the contact information of current employees.

d. A cannabis employer shall carry out payroll deductions of membership dues for the majority representative, and payroll deductions for representation fees from non-members, as agreed to in negotiations between the employer and the majority representative, or, if an agreement is not reached, as set by the State Board of Mediation.

e. A cannabis employer shall not discourage an employee from joining, forming or assisting an employee organization, or encourage employees to resign or relinquish membership in an employee organization, or revoke authorization of the deduction of dues or fees to an employee organization.

f. A cannabis employer who violates any provision of this section shall be regarded as having engaged in an unfair practice in violation of section 2 of P.L. , c. (C.) (pending before the Legislature as this bill), and, upon a finding that the violation has occurred, the board, in addition to implementing any other remedies authorized by that section, shall order the cannabis employer to make whole the employee organization for any losses suffered by the organization as a result of the violation.**]**[1]

[1]**[**4. (New section) Notwithstanding any law to the contrary, an organization representing cannabis workers, and its members, representatives, and supporters, shall have the right to engage in publicity, including picketing, for the purpose of truthfully advising the public, including consumers, that products or the ingredients of products are produced by a cannabis employer with which the organization has a dispute, including publicity which has the effect of requesting the public to cease patronizing businesses which distribute or sell those products. Nothing in P.L. , c. (C.)(pending before the Legislature as this bill) shall be construed so as to interfere with or impede or diminish in any way the right of employees of private employers to strike or engage in other concerted actions.**]**[1]

[1]**[**5. (New section) The New Jersey State Board of Mediation shall adopt regulations as needed regarding the conduct of the selection of majority representatives though election or authorization card procedures pursuant to subsection (c) of section 5 of P.L.1968, c.303 (C.34:13A-5.1), procedures for negotiations between majority representatives and cannabis employers, the resolution of grievances, the collection of dues and fees for the majority representatives, and other matters concerning terms and conditions of employment.**]**[1]

[1]**[**6. (New section) For the purposes of sections 2 through 6 of P.L. , c. (C.) (pending before the Legislature as this bill):

"Cannabis employer" means any private employer who is provided a permit, license, or other authorization to operate as a medical cannabis cultivator, medical cannabis manufacturer, medical cannabis dispensary, clinical registrant, cannabis cultivator, cannabis manufacturer, cannabis wholesaler, cannabis distributor, cannabis retailer, or cannabis delivery service, and who employs workers not subject to the provisions of the National Labor Relations Act (29 U.S.C. s.151 et seq.).

"Cannabis worker" means a worker who is an employee of a cannabis employer and is not subject to the provisions of the National Labor Relations Act (29 U.S.C. s.151 et seq.).

"Majority representative" means an employee organization designated by the State Board of Mediation pursuant to subsection (c) of section 5 of P.L.1968, c.303 (C.34:13A-5.1) to be a representative of a unit of employees of a cannabis employer.**]**[1]

[1]**[**7. This act shall take effect immediately.**]**[1]

[1]3. (New section) Scope of responsibilities and authority, Division of Private Employment Dispute Settlement

The Division of Private Employment Dispute Settlement, in addition to the powers and duties granted by P.L. , c. (C.) (pending before the Legislature as this bill), shall handle all matters with regard to [2]**[**private**]** cannabis[2] employees' right to organize, form unions and bargain collectively in the State of New Jersey. The Division of Private Employment Dispute Settlement shall make policy and establish rules and regulations concerning employer-employee relations in private employment relating to dispute settlement, grievance procedures and administration including enforcement of statutory provisions concerning representative elections and related matters and to implement fully all the provisions of P.L. , c. (C.) (pending before the Legislature as this bill) for the employees listed above.[1]

[1]4. (New section) Powers and duties, Division of Private Employment Dispute Settlement

a. Upon its own motion, in an existing, imminent or threatened labor dispute in [2]**[**private**]** cannabis[2] employment, the Division of Private Employment Dispute Settlement may, or upon the request of either party to the dispute shall, take such steps as it may deem expedient to effect a voluntary, amicable and expeditious adjustment and settlement of the differences and issues between employer and employees which have precipitated or culminated in or threaten to precipitate or culminate in the labor dispute.

b. Whenever negotiations between an employer and an exclusive representative concerning the terms and conditions of employment reach an impasse, the division shall, upon the request of either party, take such steps as it may deem expedient to effect a voluntary resolution of the impasse. In the event of a failure to resolve the impasse by conciliation and mediation, the board and the division are empowered to recommend or invoke fact-finding with recommendation for settlement, the cost of which shall be borne by the New Jersey State Board of Mediation.

c. In the employment of [2][private] cannabis[2] employees, the division shall take the following steps to avoid or terminate labor disputes: (1) to arrange for, hold, adjourn or reconvene a conference or conferences between the disputants or one or more of their representatives or any of them; (2) to invite the disputants or their representatives or any of them to attend a conference and submit, either orally or in writing, the grievances of and differences between the disputants; (3) to discuss the grievances and differences with the disputants and their representatives; and (4) to assist in negotiating and drafting agreements for the adjustment in settlement of the grievances and differences and for the termination or avoidance, as the case may be, of the existing or threatened labor dispute.

d. The Division of Private Employment Dispute Settlement is hereby empowered to resolve questions concerning representation of [2][private] cannabis[2] employees by conducting a secret ballot election or utilizing any other appropriate and suitable method designed to ascertain the free choice of the employees. The division shall decide in each instance which unit of employees is appropriate for collective negotiation. All of the powers and duties conferred or imposed upon the division that are necessary for the administration of this subsection, and not inconsistent with it, are to that extent hereby made applicable. Should formal hearings be required, in the opinion of the division to determine the appropriate unit, it shall have the power to issue subpoenas as described below, and shall determine the rules and regulations for the conduct of a hearing or hearings.

e. For the purposes of this section the Division of Private Employment Dispute Settlement shall have the authority and power to hold hearings, subpoena witnesses, compel their attendance, administer oaths, take the testimony or deposition of any person under oath, and in connection therewith, to issue subpoenas duces tecum, and to require the production and examination of any books or papers relating to any matter described above.[1]

[1]5. (New section) Investigatory Powers, Division of Private Settlement Dispute

a. The Director of the Division of Private Employment Dispute Settlement, or the director's designee, shall at all reasonable times

have access to, for the purpose of examination, and the right to copy, any evidence of any person being investigated or proceeded against that relates to any matter under investigation or in question. The director, or the director's designee, shall have the right of free access to all places of labor. The director, or the director's designee, shall upon application of any party to the proceedings, issue to the party subpoenas requiring the attendance and testimony of witnesses or the production of any evidence in the proceeding or investigation requested in the application. Within five days after the service of a subpoena on any person requiring the production of any evidence in that person's possession or under that person's control, the person may petition the New Jersey State Board of Mediation to revoke, and the division shall revoke, that subpoena if in the New Jersey State Board of Mediation's opinion the evidence whose production is required does not relate to any matter under investigation, or any matter in question in the proceedings, or if in its opinion the subpoena does not describe with sufficient particularity the evidence whose production is required. The division may administer oaths and affirmations, examine witnesses, and receive evidence. The attendance of witnesses and the production of evidence may be required from any place in the State at any designated place of hearing.

b. In case of refusal to obey a subpoena issued to any person, any superior court in any jurisdiction of which the inquiry is carried on, or within the jurisdiction of which the person allegedly guilty of refusal to obey is found or resides or transacts business, shall, upon application by the Division of Private Employment Dispute Settlement, have jurisdiction to issue to that person an order requiring the person to appear before the division, there to produce evidence if so ordered, or there to give testimony touching the matter under investigation or in question. Any failure to obey an order of the court may be punished by the court as constituting contempt.

c. Any party shall have the right to appear at any hearing in person, by counsel, or by other representative.

d. Any person who shall willfully resist, prevent, impede, or interfere with any member of the Division of Private Employment Dispute Settlement or any of its agents or agencies in the performance of duties pursuant to P.L. , c. (C.) (pending before the Legislature as this bill) shall be guilty of a misdemeanor, and shall be punished by a fine of not more than $5,000.[1]

[1]6. (New section) Rights of Cannabis Employees

a. Cannabis employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, and shall also have the right to refrain from those activities except to the extent that the right may be affected by an agreement requiring membership in a labor

organization as a condition of employment as authorized in section 7 of P.L. , c. (C.) (pending before the Legislature as this bill).

b. Cannabis employees shall have the right to engage in, or induce or encourage any individual employed by their employer to engage in, a strike or a refusal in the course of their employment to use, manufacture, process, transport, or otherwise handle or work on any goods, articles, materials, or commodities or to perform any services for another employer that is engaged in an ongoing labor dispute with their private employees.

c. Cannabis employees shall have the right to engage in, or induce or encourage any individual employed by their employer to engage in, a strike due to a finding of an unfair labor practice by the division as provided in section 7 of P.L. , c. (C.) (pending before the Legislature as this bill).

d. If the cannabis employer is to hire workers to complete the job duties of striking [2]⟦private⟧ cannabis[2] employees, the employer shall be obligated to employ the striking [2]⟦private⟧ cannabis[2] employees once the labor unrest has ceased. Nothing in P.L. , c. (C.) (pending before the Legislature as this bill) shall give the employer the right to preeminently fire or cease employment of [2]⟦private⟧ cannabis[2] employees for engaging in protected activity covered under P.L. , c. (C.) (pending before the Legislature as this bill), including the right to strike.

e. When the cannabis employer hires employees of the same or similar designation as covered by the bargaining unit, the newly hired employees shall be added to [2]the[2] collective bargaining unit of the labor organization and be covered by the collective bargaining agreement after a designated period decided by the labor organization and the employer. This period may be instantaneous upon hiring or after a predetermined probationary period as specified in the collective bargaining agreement.[1]

[1]7. (New section) Unfair Labor Practices; Cannabis Employers

a. It shall be an unfair labor practice for a cannabis employer to:

(1) interfere with, restrain, or coerce cannabis employees in the exercise of the rights guaranteed in section 6 of P.L. , c. (C.) (pending before the Legislature as this bill);

(2) dominate or interfere with the formation or administration of any labor organization representing cannabis employees or contribute financial support against it;

(3) discriminate in regard to the hiring or tenure of a cannabis employee or in any term or condition of employment to encourage or discourage membership in any labor organization;

(4) to discharge or otherwise discriminate against a cannabis employee because they have filed charges or given testimony under this section;

(5) take adverse action against a person within 90 days of the person's exercise of rights protected under P.L. , c. (C.) (pending before the Legislature as this bill). An adverse action shall raise a rebuttable presumption that the action was in retaliation for the exercise of those rights;

(6) refuse to bargain collectively with the representatives of its cannabis employees;

(7) discharge or discipline a cannabis employee who engages in, or induces or encourages any individual employed by the employer to engage in, a strike or a refusal in the course of their employment to use, manufacture, process, transport, or otherwise handle or work on any goods, articles, materials, or commodities or to perform any services for another employer that is engaged in an ongoing labor dispute with their cannabis employees;

(8) discharge or discipline a cannabis employee who declines to attend or participate in an employer-sponsored meeting or communication if the purpose of the meeting or communication is to dissuade employees from joining or forming a union, deliver anti-union messaging or communicate information that the cannabis employer is not required by law to communicate and it not necessary for those employees to perform their job duties, but rather is regarding the political views of the cannabis employer;

(9) to spy upon or keep under surveillance, whether directly or through agents or any other person, any activities of cannabis employees or their representatives in the exercise of the rights listed in this in section 6 of P.L. , c. (C.) (pending before the Legislature as this bill);

(10) to prepare, maintain, distribute, or circulate any blacklist of individuals for the purpose of preventing any of those individuals from obtaining or retaining employment because of the exercise by those individuals of any of the rights guaranteed in section 6 P.L. , c. (C.) (pending before the Legislature as this bill);

(11) to refuse to discuss grievances with representatives of cannabis employees;

(12) to utilize any State funding, appropriated for any purpose, to train personnel regarding methods to discourage union organization or to discourage an employee from participating in a union organizing drive; or

(13) to lockout its cannabis employees through a refusal to permit cannabis employees to work as a result of a dispute with the cannabis employees or the labor organization representing them that affects wages, hours and other terms and condition of employment. This shall not prevent a cannabis employer from terminating the employment for good cause that does not involve the terminated cannabis employees' exercising any rights guaranteed by section 6

of P.L. , c. (C.) (pending before the Legislature as this bill).

b. It shall be an unfair labor practice for a labor organization or its agents to:

(1) cause or attempt to cause an employer to discriminate against a cannabis employee in violation of section 6 of P.L. , c. (C.) (pending before the Legislature as this bill) or to discriminate against a cannabis employee with respect to whom membership in the organization has been denied or terminated on some ground other than the failure to tender the periodic dues and the initiation fees uniformly required as a condition of acquiring or retaining membership; or

(2) refuse to bargain collectively with a cannabis employer, provided it is the representative of the cannabis employees of that employer.

c. The expressing of any views, argument, or opinion, or the dissemination thereof, whether in written, printed, graphic, or visual form, shall not constitute or be evidence of an unfair labor practice under any of the provisions of P.L. , c. (C.) (pending before the Legislature as this bill), if the expression contains no threat of reprisal or force or promise of benefit.

d. For the purposes of this section, it shall be an unfair labor practice to not bargain in good faith in furtherance of the mutual obligation of the employer and the labor organization to produce and sign a collective bargaining agreement with respect to the wages, hours, and other terms and conditions of employment to govern the cannabis employees represented by the labor organization and the employer.

[2] [To bargain collectively is the performance of the mutual obligation of the employer and the representative of the cannabis employees to meet at reasonable times and confer in good faith with respect to wages, hours, and other terms and conditions of employment, or the negotiation of an agreement or any question arising thereunder, and the execution of a written contract incorporating any agreement reached if requested by either party, but the obligation does not compel either party to agree to a proposal or require the making of a concession, provided, that where there is in effect a collective bargaining contract covering cannabis employees in an industry affecting commerce, the duty to bargain collectively shall also mean that no party to the contract shall terminate or modify the contract, unless the party desiring the termination or modification:

(1) serves a written notice upon the other party to the contract of the proposed termination or modification 60 days prior to the expiration date thereof, or in the event the contract contains no expiration date, 60 days prior to the time it is proposed to make the termination or modification;

(2) offers to meet and confer with the other party for the purpose of negotiating a new contract or a contract containing the proposed modifications;

(3) notifies the Division of Private Employment Dispute Settlement within 30 days after the notice of the existence of a dispute; and

(4) continues in full force and effect, without resorting to strike or lockout, all the terms and conditions of the existing contract for a period of 60 days after such notice is given or until the expiration date of the contract, whichever occurs later.

e. Whenever collective bargaining is for the purpose of establishing an initial collective bargaining agreement following certification or recognition of a labor organization, the following shall apply:

(1) Not later than 10 days after receiving a written request for collective bargaining from an individual or labor organization that has been newly recognized or certified as a representative as defined in section 8 of P.L. , c. (C.) (pending before the Legislature as this bill), or within such further period as the parties agree upon, the parties shall meet and commence to bargain collectively and shall make every reasonable effort to conclude and sign a collective bargaining agreement.

(2) If after the expiration of the 90-day period beginning on the date on which bargaining is commenced, or an additional period as the parties may agree upon, the parties have failed to reach an agreement, either party may notify the New Jersey State Board of Mediation of the existence of a dispute and request conciliation or mediation or both. Whenever a request is received, it shall be the duty of the board promptly to put itself in communication with the parties and to use its best efforts, by mediation and conciliation, to bring them to agreement.

(3) If after the expiration of the 30-day period beginning on the date on which the request for mediation is made, or an additional period as the parties may agree upon, the New Jersey State Board of Mediation is not able to bring the parties to agreement by conciliation or mediation, the board shall refer the dispute to an arbitration panel established in accordance with such regulations as may be prescribed by the board, with one member selected by the labor organization, one member selected by the employer, and one neutral member mutually agreed to by the parties. The labor organization and employer shall each select the members of the tripartite arbitration panel within 14 days of the board's referral; if the labor organization or employer fail to do so, the board shall designate any members not selected by the labor organization or the employer. An arbitration panel shall render a decision settling the dispute as soon as practicable and not later than within 120 days, absent extraordinary circumstances or by agreement or permission of the parties, and the decision shall be binding upon the parties for

a period of two years, unless amended during a period by written consent of the parties. The decision shall be based on:

(a) the cannabis employer's financial status and prospects;

(b) the size and type of the cannabis employer's operations and business;

(c) the cannabis employees' cost of living;

(d) the cannabis employees' ability to sustain themselves, their families, and their dependents on the wages and benefits they earn from the employer; and

(e) the wages and benefits other cannabis employers in the same business provide their employees.

f.] e.[2] The board and the division retain explicit authority to promulgate the necessary administrative regulations to effectuate this section.[1]

[1]8. (New section) Representatives and Elections; [2][Private] Cannabis[2] Employees

a. Representatives designated or selected for the purposes of collective bargaining by the majority of the [2][private] cannabis[2] employees in a unit appropriate for those purposes shall be the exclusive representatives of all the [2][private] cannabis[2] employees in that unit for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, or other conditions of employment, provided that any individual employee or a group of employees shall have the right at any time to present grievances to their employer and to have their grievances adjusted, without the intervention of the bargaining representative, as long as the adjustment is not inconsistent with the terms of a collective bargaining contract or agreement then in effect, provided further, that the bargaining representative has been given opportunity to be present at the adjustment.

b. The Division of Private Employment Dispute Settlement shall decide in each case of contested unit membership whether, to assure to employees the fullest freedom in exercising the rights guaranteed by P.L. , c. (C.) (pending before the Legislature as this bill), the unit appropriate for the purposes of collective bargaining shall be the employer unit, craft unit, plant unit, or subdivision thereof.

c. A labor organization may become the exclusive representative for the covered employees of an appropriate bargaining unit for purposes of collective bargaining with respect to rates of pay, wages, hours of employment, or other conditions of employment by filing a Majority Support Petition with the Division of Private Employment Dispute Settlement alleging that a majority of the employees in the bargaining unit wish to be represented by that organization. The petition shall describe the geographical area that constitutes the unit claimed to be appropriate and shall be

accompanied by proof of majority support, through authorization cards, Majority Support Petitions, or other appropriate proof of majority support.

d. A labor organization that wishes to represent a particular bargaining unit may be certified as that unit's bargaining representative by submitting to the Division of Private Employment Dispute Settlement a Majority Support Petition. The petition shall allege all of the following:

(1) That the number of covered employees currently employed by the employer named in the Majority Support Petition, as determined from the employer's payroll immediately preceding the filing of the Majority Support Petition, is not less than 50 percent of the bargaining unit for purposes of collective bargaining.

(2) That no valid election has been conducted among the covered employees of the employer named in the Majority Support Petition within the 12 months immediately preceding the filing of the petition.

(3) That the Majority Support Petition is not barred by an existing collective bargaining agreement.

e. The Majority Support Petition described in subsection d. of this section shall be supported by a proof of majority support, through authorization cards, petitions, or other appropriate proof of majority support of the currently employed employees, as determined from the employer's payroll immediately preceding the filing of the Majority Support Petition. The showing of support shall be submitted together with the Majority Support Petition.

f. A labor organization submitting a Majority Support Petition shall personally serve the petition on the employer on the same day that the petition is filed with the Division of Private Employment Dispute Settlement. Within 48 hours after the petition is served, the [2][private] cannabis[2] employer shall file with the division, and personally serve upon the labor organization that filed the petition, its response to the petition. As part of the response, the employer shall provide a complete and accurate list of the full names, current street addresses, telephone numbers, job classifications, and crew or department of all currently employed employees in the bargaining unit employed as of the payroll period immediately preceding the filing of the petition. The employer shall organize the employees' names and addresses and other information by crew or department and shall provide the list to the division and petitioning labor organization in hardcopy and electronic format. The employee's first name, middle name or initial, last name, address, city, state, ZIP Code, telephone number, classification, and crew or department shall be organized into separate columns. Immediately upon receiving the employer response and employee list, the division shall provide the response and employee list by hardcopy and electronic copy to the labor organization that filed the Majority Support Petition.

g. (1) Upon receipt of a Majority Support Petition, the Division of Private Employment Dispute Settlement shall immediately commence an investigation regarding the validity of the petition and the proof of support submitted. Within five days of receipt of the petition, the division shall make an administrative determination as to whether the requirements set forth in subsection d. of this section are met by the petition and whether the labor organization submitting the petition has provided proof of majority support. In making this determination, the division shall compare the names on the proof of support submitted by the labor organization to the names on the list of currently employed employees provided by the employer. The division shall ignore discrepancies between the employee's name listed on the proof of support and the employee's name on the employer's list if the preponderance of the evidence, such as the employee's address, the name of the employee's foreman or forewoman, or evidence submitted by the labor organization or employee shows that the employee who signed the proof of support is the same person as the employee on the employer's list.

(2) The division shall return proof of majority support that it finds invalid to the labor organization that filed the Majority Support Petition, with an explanation as to why each proof of support was found to be invalid.

(3) If the division determines that the labor organization has submitted proof of majority support and met the requirements set forth in this section, it shall immediately certify the labor organization as the exclusive bargaining representative of the employees in the bargaining unit. An employer's duty to bargain with the labor organization commences immediately after the labor organization is certified.

(4) If the division determines that the labor organization has not submitted the requisite proof of majority support, the division shall notify the labor organization of the deficiency and grant the labor organization 30 days from the date it is notified to submit additional support.

h. (1) Within five days after the division certifies a labor organization through a majority support election, the [2][private] cannabis[2] employer or the labor organization may file with the division a petition objecting to the certification on one or more of the following grounds:

(a) Allegations in the Majority Support Petition were false.

(b) The division improperly determined the geographical scope of the bargaining unit.

(c) The majority support election was conducted improperly.

(d) Improper conduct affected the results of the majority support election.

(2) Upon receipt of a petition objecting to certification, the Division of Private Employment Dispute Settlement may

administratively rule on the petitioner's objections or may choose to conduct a hearing to rule on the petitioner's objections. If the division decides to conduct a hearing on the objections, it shall mail a notice of the time and place of the hearing to the petitioner and the labor organization whose certification is being challenged. The division shall conduct the hearing within 14 days of the filing of an objection, unless an extension is agreed to by the labor organization. If the division finds at the hearing that any of the allegations in the petition of the grounds set forth in paragraph (1) of this subsection are true, the division shall revoke the certification issued under subsection g. of this section.

(3) The filing of a petition objecting to a majority support election certification shall not diminish the duty to bargain or delay the running of the 90-day period.

i. The Division of Private Employment Dispute Settlement shall not permit the filing of any other election petition once a Majority Support Petition is filed until the division determines whether the labor organization filing the Majority Support Petition should be certified.

j. If a cannabis employer commits an unfair labor practice, as set forth in section 7 of P.L. , c. (C.) (pending before the Legislature as this bill), including vote suppression[2][,][2] during a labor organization's Majority Support Petition campaign, and the employer's unfair labor practice or misconduct would render slight the chances of a new majority support campaign reflecting the free and fair choice of the cannabis employees covered under section 7 of P.L. , c. (C.) (pending before the Legislature as this bill), the labor organization shall be certified by the Division of Private Employment Dispute Settlement as the exclusive bargaining representative for the bargaining unit. For purposes of a finding of an unfair labor practice or misconduct under this subsection, a misrepresentation of fact or law by a cannabis employer, a cannabis employer's representative, or agent is an unfair labor practice or misconduct whether or not a labor organization has had an opportunity to respond to or correct the misrepresentation.

k. If a [2][private] cannabis[2] employer disciplines, suspends, demotes, lays off, terminates, or otherwise takes adverse action against a [2][private] cannabis[2] employee during a labor organization's Majority Support Petition campaign, there shall be a presumption that the adverse action was retaliatory. The employer may rebut the presumption if they can provide clear and convincing evidence that the adverse action would have been taken in the absence of the Majority Support Petition campaign.

l. If the Division of Private Employment Dispute Settlement invalidates signatures towards the Majority Support Petition so that the Majority Support Petition alleging that a majority of the employees in the bargaining unit wish to be represented by that organization is no longer a majority, under 50 percent plus one of

the proposed bargaining unit, the labor organization or the [2]⟦private⟧ cannabis[2] employees alleging the majority shall either correct the deficiency or proceed with an election.

m. If the number of [2]⟦private⟧ cannabis[2] employees does not rise to a majority of the proposed bargaining unit, the labor organization shall provide proof of 30 percent or more of the [2]⟦private⟧ cannabis[2] employees in the proposed bargaining unit to secure an election for representation.

n. In the case of an election for representation by the labor organization, [2]⟦private⟧ cannabis[2] employees to be covered by the bargaining unit shall have the right to vote by electronic voting system, Internet voting system, telephone voting system or remotely as provided in section 3 of P.L.1941, c.100 (C.34:13A-3).

o. In any election in which the Division of Private Employment Dispute Settlement determines, following a post-election hearing, that a [2]⟦private⟧ cannabis[2] employer has committed a violation of P.L. , c. (C.) (pending before the Legislature as this bill) or otherwise interfered with a fair election, and the employer has not demonstrated that the violation or other interference is unlikely to have affected the outcome of the election, the division shall, without ordering a new election, set aside the election and certify the labor organization as the representative of the [2]⟦private⟧ cannabis[2] employees in such unit and issue an order requiring the employer to bargain with the labor organization.

p. If a [2]⟦private⟧ cannabis[2] employer disagrees with the coverage of [2]⟦private⟧ cannabis[2] employees in the bargaining unit as [2]⟦private⟧ cannabis[2] employees, the employer shall petition the Division of Private Employment Dispute Settlement. The division shall seek a response from the labor organization or [2]⟦private⟧ cannabis[2] employees seeking certification. The division shall issue a decision citing to previous National Labor Relations Board rulings on private employees as applied to the prospective bargaining unit. An appeal of the decision shall be preserved pending the final decision on certification by the division.[1]

[1]9. (New section) Collective bargaining procedures; [2]⟦Private⟧ Cannabis[2] Employees

a. To bargain collectively is the performance of the mutual obligation of the [2]⟦private⟧ cannabis[2] employer and the representative of the [2]⟦private⟧ cannabis[2] employees to meet at reasonable times and confer in good faith with respect to wages, hours, and other terms and conditions of employment, or the negotiation of an agreement or any question arising thereunder, and the execution of a written contract incorporating any agreement reached if requested by either party, but this obligation shall not compel either party to agree to a proposal or require the making of a

concession, provided, that where there is in effect a collective bargaining contract covering employees in an industry affecting commerce, the duty to bargain collectively shall also mean that no party to the contract shall terminate or modify the contract, unless the party desiring the termination or modification:

(1) serves a written notice upon the other party to the contract of the proposed termination or modification 60 days prior to the expiration date thereof, or in the event the contract contains no expiration date, 60 days prior to the time the termination or modification is proposed;

(2) offers to meet and confer with the other party for the purpose of negotiating a new contract or a contract containing the proposed modifications;

(3) notifies the Division of Private Employment Dispute Settlement within 30 days after such notice of the existence of a dispute; and

(4) continues in full force and effect, without resorting to strike or lockout, all the terms and conditions of the existing contract for a period of 60 days after the notice is given or until the expiration date of the contract, whichever occurs later.

b. Whenever collective bargaining is for the purpose of establishing an initial collective bargaining agreement following certification or recognition of a labor organization, the following shall apply:

(1) Not later than 10 days after receiving a written request for collective bargaining from an individual or labor organization that has been newly recognized or certified as a representative as defined in section 8 of P.L. , c. (C.) (pending before the Legislature as this bill), or within a further period as the parties agree upon, the parties shall meet and commence to bargain collectively and shall make every reasonable effort to conclude and sign a collective bargaining agreement.

(2) If after the expiration of the 90-day period beginning on the date on which bargaining is commenced, or an additional period as the parties may agree upon, the parties have failed to reach an agreement, either party may notify the Board of Mediation of the existence of a dispute and request conciliation or mediation or both. Whenever such a request is received, it shall be the duty of the Board of Mediation promptly to put itself in communication with the parties and to use its best efforts, by mediation and conciliation, to bring them to agreement.

(3) If after the expiration of the 30-day period beginning on the date on which the request for mediation is made, or an additional period as the parties may agree upon, the Board of Mediation is not able to bring the parties to agreement by conciliation or mediation, the Board of Mediation shall refer the dispute to an arbitration panel established in accordance with regulations as may be prescribed by the Board of Mediation, with one member selected by the labor

organization, one member selected by the employer, and one neutral member mutually agreed to by the parties. The labor organization and employer shall each select the members of the tripartite arbitration panel within 14 days of the Board of Mediation's referral; if the labor organization or employer fail to do so, the Board of Mediation shall designate any members not selected by the labor organization or the employer. An arbitration panel shall render a decision settling the dispute as soon as practicable and not later than within 120 days, absent extraordinary circumstances or by agreement or permission of the parties, and the decision shall be binding upon the parties for a period of two years, unless amended during a period by written consent of the parties. The decision shall be based on:

(a) the employer's financial status and prospects;

(b) the size and type of the employer's operations and business;

(c) the employees' cost of living;

(d) the employees' ability to sustain themselves, their families, and their dependents on the wages and benefits they earn from the employer; and

(e) the wages and benefits other employers in the same business provide their employees.[1]

[1]10. (New section) Decertification; [2][Private] Cannabis[2] Employees

[2][a.][2] The Division of Private Employment Dispute Settlement shall decertify a labor organization [2]representing cannabis employees[2] if either of the following occur:

[2][(1)] a.[2] The Division of Civil Rights Department finds that the labor organization engaged in discrimination on any basis listed in the "Law Against Discrimination," P.L.1945, c.169 (C.10:5-1 et seq.).

[2][(2)] b.[2] The United States Equal Employment Opportunity Commission finds, pursuant to 42 U.S.C. s.2000e-5, that the labor organization engaged in discrimination on the basis of race, color, national origin, religion, sex, or any other arbitrary or invidious classification in violation of Subchapter VI of Chapter 21 of Title 42 of the United States Code during the period of the labor organization's present certification.[1]

[1]11. (New section) Prevention of Unfair Labor Practices and Refusal to Adhere to Representative, Election, and Bargaining Procedures; Judicial Review and Enforcement

a. The Division of Private Employment Dispute Settlement is empowered, as provided in P.L. , c. (C.) (pending before the Legislature as this bill), to prevent any person from engaging in any unfair labor practice, as set forth in section 7 of P.L. , c. (C.) (pending before the Legislature as this bill), refusal to

adhere to representative and election procedures, as set forth in section 8 of P.L. , c. (C.) (pending before the Legislature as this bill), or refusal to adhere to bargaining procedures, as set forth in section 9 of P.L. , c. (C.) (pending before the Legislature as this bill). [2]The provisions of this section shall be limited to the enforcement of P.L. , c. (C.) (pending before the Legislature as this bill).[2]

b. Whenever it is charged that any person has engaged in or is engaging in an unfair labor practice, or refusal to adhere to representative, election, and bargaining procedures, the Director of the Division of Private Employment Dispute Settlement, or the director's designees, shall have power to issue and cause to be served upon that person a complaint stating the charges in that respect, and containing a notice of hearing before the division, at a place therein fixed, not less than five days after the serving of the complaint. Any complaint may be amended by the division in its discretion, at any time prior to the issuance of an order based thereon. The person so complained against shall have the right to file an answer to the original or amended complaint and to appear in person or otherwise and give testimony at the place and time fixed in the complaint. In the discretion of the division, any other person may be allowed to intervene in the proceeding and to present testimony. The proceeding shall, so far as practicable, be conducted in accordance with the New Jersey Rules of Evidence. All proceedings shall be appropriately reported.

c. The testimony taken by the Division of Private Employment Dispute Settlement shall be reduced to writing and filed with the division. Thereafter, in its discretion, the division, upon notice, may take further testimony or hear argument. If, upon the preponderance of the evidence and testimony taken, the division shall be of the opinion that any person named in the complaint has engaged in or is engaging in an unfair labor practice, the division shall state its findings of fact and shall issue and cause to be served on the person an order requiring the person to cease and desist from the unfair labor practice or refusal to adhere to representative, election, and bargaining procedures, to take affirmative action, including reinstatement of employees with backpay, and making employees whole, when the division deems that relief appropriate, for the loss of pay resulting from the employer's refusal to bargain, and to provide such other relief as will effectuate the policies of P.L. , c. (C.) (pending before the Legislature as this bill). Where an order directs reinstatement of an employee, the order may require the employer or labor organization that is responsible for the discrimination suffered by the employee to pay the employee backpack. The order may further require the person to make reports from time to time showing the extent to which it has complied with the order. If, upon the preponderance of the evidence and testimony taken, the division finds that the person named in the complaint has

not engaged in or is not engaging in any unfair labor practice, the division shall state its findings of fact and shall issue an order dismissing the complaint. No order of the division shall require the reinstatement of any individual as an employee who has been suspended or discharged, or the payment to the employee of any backpay, if the individual was suspended or discharged for cause. In case the evidence is presented before the division, the division shall issue and cause to be served on the parties to the proceedings a proposed report, together with a recommended order, which shall be filed with the division, and, if no exceptions are filed within 20 days after service thereof upon the parties, or within a further period as the division may authorize, the recommended order shall become the order of the division and become effective as therein prescribed. If exceptions have been filed and the division issues an order finding that the person named in the complaint has engaged in or is engaging in any unfair labor practice or refusal to adhere to representative, election, and bargaining procedures and directing payment of a monetary remedy, the division shall order further proceedings to determine the specific amount of the monetary remedy or, if the monetary remedy is continuing to accrue, the amount accrued as of the date of the division's order. In these cases, the division's order does not become final until the division has issued its determination of the specific amount of the monetary remedy.

d. The Division of Private Employment Dispute Settlement may, upon finding reasonable cause to believe that any person has engaged in or is engaging in an unfair labor practice or refusal to adhere to representative, election, and bargaining procedures, petition the superior court in any county wherein the unfair labor practice or refusal to adhere to representative, election, and bargaining procedures in question is alleged to have occurred, or wherein the person resides or transacts business, for appropriate temporary relief or restraining order. Upon the filing of the petition, the division shall cause notice thereof to be served upon the person, and thereupon the court shall have jurisdiction to grant to the division such temporary relief or restraining order as the court deems just and proper.

e. (1) In addition to any harm resulting directly from an adverse employment action or other allegedly unlawful action, the court shall consider the indirect effect upon protected rights of all employees of the employer in determining whether temporary relief or a restraining order is just and proper.

(2) When the alleged unfair labor practice or refusal to adhere to representative, election, and bargaining procedures would interfere with the free choice of employees to choose or not choose an exclusive bargaining representative, appropriate temporary relief or a restraining order shall issue on a showing that reasonable cause exists to believe that the unfair labor practice or refusal to adhere to

representative, election, and bargaining procedures has occurred. The order shall remain in effect until an election has been held or for 30 days, whichever occurs first. Thereafter, a preliminary injunction may issue if it is shown to be just and proper.

f. Whenever it is charged that any person has engaged in an unfair labor practice within the meaning of section 7 of P.L. , c. (C.) (pending before the Legislature as this bill), refusal to adhere to representative and election procedures within the meaning of section 8 of P.L. , c. (C.) (pending before the Legislature as this bill), or refusal to adhere to bargaining procedures within the meaning of section 9 of P.L. , c. (C.) (pending before the Legislature as this bill), the Division of Private Employment Dispute Settlement is empowered and directed to hear and determine the dispute out of which the unfair labor practice or refusal to adhere to representative, election, and bargaining procedures has arisen, unless within 10 days after notice that the charge has been filed, the parties to the dispute submit to the division satisfactory evidence that they have adjusted, or agreed upon methods for the voluntary adjustment of the dispute. Upon compliance by the parties to the dispute with the decision of the division or upon the voluntary adjustment of the dispute, the charge shall be dismissed.

g. (1) Any person aggrieved by the final order of the Division of Private Employment Dispute Settlement granting or denying in whole or in part the relief sought may obtain a review of the order in the court of appeal having jurisdiction over the county wherein the unfair labor practice or refusal to adhere to representative, election, and bargaining procedures in question was alleged to have been engaged in, or wherein the person resides or transacts business, by filing in the court a written petition requesting that the order of the division be modified or set aside. The petition shall be filed with the court within 30 days from the date of the issuance of the division's order. Upon the filing of the petition, the court shall cause notice to be served upon the division and thereupon shall have jurisdiction of the proceeding. The division shall file in the court the record of the proceeding, certified by the division within 10 days after the clerk's notice unless the time is extended by the court for good cause shown. The court shall have jurisdiction to grant to the division a temporary relief or restraining order it deems just and proper and in like manner to make and enter a decree enforcing, modifying and enforcing as so modified, or setting aside in whole or in part, the order of the division. The findings of the division with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall in like manner be conclusive.

(2) An order directing an election shall not be stayed pending review, but the order may be reviewed as in accordance with this subsection.

(3) If the time for review of the division's order has lapsed, and the person has not voluntarily complied with the division's order, the division may apply to the superior court in any county in which the unfair labor practice or refusal to adhere to representative, election, and bargaining procedures has occurred or wherein the person resides or transacts business for enforcement of its order. If after hearing, the court determines that the order was issued pursuant to procedures established by the division and that the person refuses to comply with the order, the court shall enforce the order by writ of injunction or other proper process. The court shall not review the merits of the order.

h. (1) Any employer who commits an unfair labor practice or refusal to adhere to representative, election, and bargaining procedures, in addition to any remedy ordered by the division, shall be subject to a civil penalty in an amount not to exceed $10,000 for each violation.

(2) In cases involving violations of paragraphs (2) or (3) of subsection a. of section 7, or involving any violation of section 7 that results in the discharge of an employee or other serious economic harm to an employee, the division shall double the amount of the penalty to an amount not to exceed $20,000.

i. In determining the amount of any civil penalty to be imposed under this section, the Division of Private Employment Dispute Settlement shall consider the following:

(1) The gravity of the unfair labor practice or refusal to adhere to representative, election, and bargaining procedures.

(2) The impact of the unfair labor practice or refusal to adhere to representative, election, and bargaining procedures on the charging party, on other persons seeking to exercise rights guaranteed by P.L. , c. (C.) (pending before the Legislature as this bill), and on the public interest.

(3) The financial circumstances of the employer.

j. If the Division of Private Employment Dispute Settlement determines, based on the particular facts and circumstances of a case, that imposing personal liability on a director or officer of an employer, a civil penalty pursuant to this section may also be assessed against a director or officer of the employer who directed or committed the violation, had established a policy that led to the violation, or had actual or constructive knowledge of, and the authority to prevent, the violation and failed to do so.[1]

[1]12. (New section) a. If an employee organization seeking to be a majority representative of cannabis employees employed by a cannabis employer petitions the division to require the employer to provide a list of the current employees with contact information pursuant to section 5 of P.L.1968, c.303 (C.34:13A-5.1), the employer shall, along with providing the list and contact information, provide the employee organization access to the employees.

b. A cannabis employer shall permit any employee organization which is a majority representative of employees of the employer:

(1) to access the employer's premises to investigate and discuss with the employees grievances, workplace-related complaints, and other workplace issues;

(2) to conduct worksite meetings during 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 governance, business, and duties of the employee organization; and

(3) to meet with a newly hired employee within five days after hire, without charge to the pay or leave time of the employee.

c. A cannabis employer shall provide the majority representative with timely notification of any new hiring by the employer or change in the contact information of current employees.

d. A cannabis employer shall carry out payroll deductions of membership dues for the majority representative, and payroll deductions for representation fees from non-members, as agreed to in negotiations between the employer and the majority representative, or, if an agreement is not reached, as set by the division.

e. A cannabis employer shall not discourage an employee from joining, forming or assisting an employee organization, or encourage employees to resign or relinquish membership in an employee organization, or revoke authorization of the deduction of dues or fees to an employee organization.

f. A cannabis employer who violates any provision of this section shall be regarded as having engaged in an unfair practice in violation of section 7 of P.L. , c. (C.) (pending before the Legislature as this bill), and, upon a finding that the violation has occurred, the division, in addition to implementing any other remedies authorized by that section, shall order the cannabis employer to make whole the employee organization for any losses suffered by the organization as a result of the violation.[1]

[1]13. (New section) Notwithstanding any law to the contrary, an organization representing cannabis employees, and its members, representatives, and supporters, shall have the right to engage in publicity, including picketing, for the purpose of truthfully advising the public, including consumers, that products or the ingredients of products are produced by a cannabis employer with which the organization has a dispute, including publicity which has the effect of requesting the public to cease patronizing businesses which distribute or sell those products. Nothing in P.L. , c. (C.)(pending before the Legislature as this bill) shall be construed so as to interfere with or impede or diminish in any way the right of employees of private employers to strike or engage in other concerted actions.[1]

[1]14. (New Section) The New Jersey State Board of Mediation, in consultation with the Division of Private Employment Dispute Settlement, may adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the purpose of P.L. , c. (C.) (pending before the Legislature as this bill).[1]

[1]15. This act shall take effect on the 120th day following enactment, except that the New Jersey State Board of Mediation and the Division of Private Employment Dispute Settlement may take anticipatory actions to effectuate the purpose of this act.[1]