

§§3-5
C.34:13A-5.1a
to 34:13A-5.1c
§§6-14
C.34:13A-65
to 34:13A-73
§15
Note

P.L. 2025, CHAPTER 244, *approved January 12, 2026*
Assembly, No. 4182 (*Second Reprint*)

1 AN ACT concerning conditions of employment for certain cannabis
2 ¹**[workers]** ²**[and private]**² employees¹, amending P.L.1968,
3 c.303 ¹and P.L.1941, c.100¹, and supplementing Title 34 of the
4 Revised Statutes.
5
6 **BE IT ENACTED** *by the Senate and General Assembly of the State*
7 *of New Jersey:*
8
9 ¹1. Section 3 of P.L.1941, c.100 (C.34:13A-3) is amended to
10 read as follows:
11 3. When used in this act:
12 The term "board" shall mean New Jersey State Board of
13 Mediation.
14 The term "commission" shall mean New Jersey Public
15 Employment Relations Commission.
16 "Cannabis employee" means an employee who is an employee of
17 a cannabis employer and who is not subject to the provisions of the
18 National Labor Relations Act (29 U.S.C. s.151 et seq.). ²**[Cannabis**
19 **employees are included in the term "private employees," as used in**
20 **P.L. , c. (C.) (pending before the Legislature as this**
21 **bill).]**²
22 "Cannabis employer" means any private employer who is
23 provided a permit, license, or other authorization to operate as a
24 medical cannabis cultivator, medical cannabis manufacturer,
25 medical cannabis dispensary, clinical registrant, cannabis cultivator,
26 cannabis manufacturer, cannabis wholesaler, cannabis distributor,
27 cannabis retailer, or cannabis delivery service, and who employs
28 workers not subject to the provisions of the National Labor
29 Relations Act (29 U.S.C. s.151 et seq.).
30 "Director" means the Director of the Division of Private
31 Employment Dispute Settlement.
32 "Division" means the Division of Private Employment Dispute
33 Settlement.

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:
¹Senate SBA committee amendments adopted December 15, 2025.
²Senate floor amendments adopted December 18, 2025.

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

6 The term "employer" includes an employer and any person
7 acting, directly or indirectly, on behalf of or in the interest of an
8 employer with the employer's knowledge or ratification, but a labor
9 organization, or any officer or agent thereof, shall be considered an
10 employer only with respect to individuals employed by such
11 organization. This term shall include "public employers" and shall
12 mean the State of New Jersey, or the several counties and
13 municipalities thereof, or any other political subdivision of the
14 State, or a school district, or any special district, or any authority,
15 commission, or board, or any branch or agency of the public
16 service. The term shall also include the Delaware River Port
17 Authority, established pursuant to R.S.32:3-1 et seq.

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

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

46 “Labor dispute” means and includes any controversy concerning
47 terms, tenure, or conditions of employment, or concerning the

1 association or representation of persons in negotiating, fixing,
2 maintaining, changing, or seeking to arrange terms or conditions of
3 employment, regardless of whether the disputants stand in the
4 proximate relation of employer and employee.

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

11 “Majority support petition” means the filing of a petition with
12 the New Jersey State Board of Mediation ²or Division of Private
13 Employment Dispute Settlement² that provides proof of support
14 from a majority of the ²[private] cannabis² employees sought to be
15 represented through authorization cards or petition signatures. Over
16 50 percent of the proposed bargaining unit shall constitute a
17 majority of the ²[private] cannabis² employees. If the ²[private]
18 cannabis² employees or union demonstrates majority support in this
19 way, the New Jersey State Board of Mediation shall certify the
20 union as the exclusive bargaining representative for the workforce.

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

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

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

39 “Remotely” means, when used with respect to voting in a
40 representation election, a vote cast at a site chosen by a participant
41 voting in a representation election.

42 “Telephone voting system” means a voting system in which
43 participants may cast a vote remotely using a telephone.

44 "Managerial executives" of a public employer, in the case of the
45 State of New Jersey, means persons who formulate management
46 policies and practices, but shall not mean persons who are charged
47 with the responsibility of directing the effectuation of such

1 management policies and practices, except that, in the case of the
2 Executive Branch of the State of New Jersey, "managerial
3 executive" shall include only personnel at or above the level of
4 assistant commissioner.

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

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

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

21 (cf: P.L.2024, c.77, s.1)¹

22
23 ¹~~1.~~ ²2.¹ Section 5 of P.L.1968, c.303 (C.34:13A-5.1) is
24 amended to read as follows:

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

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

40 (b) ¹The Division of Private Employment Dispute Settlement
41 shall be concerned with matters of private employment related to
42 determining negotiating units, elections, certifications and
43 settlement of private employee representative and employer
44 disputes and grievance procedures for private employees not
45 covered by the National Labor Relations Act (29 U.S.C. s.151 et
46 seq.).¹ The Division of Private Employment Dispute Settlement
47 shall assist the New Jersey State Board of Mediation in the

1 resolution of disputes in private employment. The New Jersey State
 2 Board of Mediation, its objectives and the powers and duties
 3 granted by this act and the act of which this act is amendatory and
 4 supplementary shall be concerned exclusively with matters of
 5 private employment and ¹["the office"] shall ¹["continue to be
 6 located"] have offices¹ in the city of Newark ¹and anywhere in the
 7 State as deemed appropriate and necessary to fulfill its duties under
 8 P.L.1941, c.100 (C.34:13A-1 et seq.). Additionally, the Division of
 9 Private Employment Dispute Settlement shall have offices
 10 throughout the State as deemed appropriate to fulfill its roles and
 11 responsibilities set forth under P.L.1941, c.100 (C.34:13A-1 et
 12 seq.)¹.

13 (c) In the case of a private employer that has any employees not
 14 subject to the provisions of the National Labor Relations Act (29
 15 U.S.C. s.151 et seq.), or is not regulated by the National Labor
 16 Relations Board pursuant to ["the National Labor Relations Act (29
 17 U.S.C. s.151 et seq.)"] that act, the ¹["New Jersey State Board of
 18 Mediation"] Division of Private Employment Dispute Settlement¹
 19 shall designate a representative for a unit of those employees of the
 20 private employer, or any employees of the employer if the employer
 21 is not regulated by that act, for the purposes of collective bargaining
 22 ¹["when:

23 (1) ¹ : ¹ In any case in which the ¹["board"] Division of Private
 24 Employment Dispute Settlement¹ determines that there is no current
 25 majority representative and only one employee organization is
 26 seeking to be the majority representative, that organization
 27 demonstrates that a majority of employees in the unit have shown
 28 their preference to have that organization be their representative by
 29 signing authorization cards ¹or Majority Support Petition¹
 30 indicating that preference¹["; or

31 (2) The employees in the unit have selected a representative by
 32 an election that conforms with the procedures outlined in section
 33 159 of the National Labor Relations Act (29 U.S.C. s.159)] as
 34 specified in section 8 of P.L. , c. (C.) (pending before the
 35 Legislature as this bill)¹.

36 For the purposes of ¹["paragraph (1) of"]¹ this subsection, an
 37 authorization card ¹or Majority Support Petition¹ indicating
 38 preference shall not be valid unless it is printed in a language
 39 understood by the employee who signs it.

40 An employee organization seeking to be recognized as a majority
 41 representative, either by a card authorization ¹or Majority Support
 42 Petition¹ procedure pursuant to ¹["paragraph (1) of"]¹ this subsection
 43 ¹["or by an election pursuant to paragraph (2) of this subsection,"]¹ is
 44 permitted, but not required, to petition the ¹["New Jersey State
 45 Board of Mediation"] Division of Private Employment Dispute

1 Settlement¹ to require the employer to file, within not more than 48
2 hours, and in the manner required by the ¹['board'] division¹, a
3 complete and accurate list of the full names, current street
4 addresses, and job classifications of the current employees, and
5 phone numbers or other employee contact information available to
6 the employer, which the ¹['board'] division¹ shall immediately
7 convey to the employee organization. Any employer who refuses to
8 provide information requested by the New Jersey State Board of
9 Mediation ¹or the Division of Private Employment Dispute
10 Settlement¹ or otherwise acts to prevent the board ¹or division¹ from
11 carrying out its responsibilities pursuant to this subsection (c) shall
12 have violated this subsection and shall be liable to a fine of not
13 more than ~~[\$1,000]~~ \$5,000 for each day that the employer fails to
14 provide a complete response or otherwise prevents the board ¹or
15 division¹ from carrying out its responsibilities, to be recovered
16 ¹['under the "Penalty Enforcement Law of 1999," P.L.1999, c.274
17 (C.2A:58-10 et seq.)'] in accordance with the "Administrative
18 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.)¹ in the name of
19 the board and to be used by the board for costs of implementing this
20 subsection. In addition, an employee organization seeking to
21 represent the employees of the employer may institute an action in a
22 court of competent jurisdiction to obtain an injunction to restrain
23 any continuation of the violation, to reimburse the employee
24 organization or any affected employee for any damages caused by
25 the violation plus reasonable costs and attorney's fees of the action.

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

30 (d) In the case of a private employer regulated by the National
31 Labor Relations Board pursuant to the National Labor Relations Act
32 (29 U.S.C. s. 151 et seq.), the New Jersey State Board of Mediation
33 shall, based on the mutual agreement of the private employer and an
34 organization seeking to represent employees of the employer,
35 designate a representative for a unit of employees of the private
36 employer for the purposes of collective bargaining when:

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

44 (2) the employees in the unit have selected the representative by
45 an election that conforms with the procedures outlined in section
46 159 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

²2. 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,

1 that organization demonstrates that a majority of employees in the
2 unit have shown their preference to have that organization be their
3 representative by signing authorization cards indicating that
4 preference; **or**

5 (2) The employees in the unit have selected a representative by
6 an election that conforms with the procedures outlined in section
7 159 of the National Labor Relations Act (29 U.S.C. s.159); or

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

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

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

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

32 (d) In the case of a private employer regulated by the National
33 Labor Relations Board pursuant to the National Labor Relations Act
34 (29 U.S.C. s. 151 et seq.), the New Jersey State Board of Mediation
35 shall, based on the mutual agreement of the private employer and an
36 organization seeking to represent employees of the employer,
37 designate a representative for a unit of employees of the private
38 employer for the purposes of collective bargaining when:

39 (1) In any case in which the board determines that only one
40 employee organization is seeking to be the majority representative,
41 that organization demonstrates, in a manner mutually agreed upon
42 by the representative and the employer, that a majority of
43 employees in the unit have shown their preference to have that
44 organization be their representative by signing authorization cards
45 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.

1 c. The State Board of Mediation shall have exclusive power to
2 prevent anyone from engaging in any unfair practice listed in
3 subsections a. and b. of this section. Whenever it is charged that
4 any party has engaged or is engaging in an unfair practice, the
5 board, or its designated agent, shall have authority to issue and
6 cause to be served upon the party a complaint stating the specific
7 unfair practice charged and including a notice of hearing containing
8 the date and place of hearing before the board or its designated
9 agent, except that no complaint shall be based on an unfair practice
10 occurring more than six months prior to the filing of the charge
11 unless the aggrieved person was prevented from filing the charge, in
12 which event the six-month period shall be computed from the day
13 the person was no longer prevented. If the board determines that
14 any party charged has engaged or is engaging in an unfair practice,
15 the board shall state its findings of fact and conclusions of law and
16 issue and cause to be served on the party an order requiring the
17 party to cease and desist from the unfair practice, and to take
18 reasonable remedial or affirmative action as will effectuate the
19 policies of P.L. , c. (C.) (pending before the Legislature as
20 this bill), which shall, in the case of a discharge or other
21 discrimination against any employee for exercising rights
22 guaranteed by P.L. , c. (C.) (pending before the Legislature
23 as this bill), include reinstatement to any employment from which
24 the employee was discharged, the payment of any wages lost due to
25 the discrimination, reasonable costs of action, and liquidated
26 damages equal to the wages due. Any case in which a complaint
27 and notice of hearing are issued by the board shall be prosecuted
28 before the board by a representative of the employee organization
29 or other party filing the charge.

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

38
39 ¹【3.(New section) a. If an employee organization seeking to be
40 a majority representative of cannabis workers employed by a
41 cannabis employer petitions the New Jersey State Board of
42 Mediation to require the employer to provide a list of the current
43 employees with contact information pursuant to section 5 of
44 P.L.1968, c.303 (C.34:13A-5.1), the employer shall, along with
45 providing the list and contact information, provide the employee
46 organization access to the employees. The required access to
47 employees shall include, but not be limited to, permitting

1 representatives of the organization to meet with employees on the
2 premises of the employer during the work day, and permitting
3 representatives of the organization to meet with employees at any
4 employee living quarters under the control of the employer.

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

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

10 (2) to conduct worksite meetings during non-work breaks, and
11 before and after the workday, to discuss workplace issues, collective
12 negotiations, the administration of collective negotiations agreements,
13 other matters related to the governance, business, and duties of the
14 employee organization; and

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

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

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

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

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

39
40 ¹【4.(New section) Notwithstanding any law to the contrary, an
41 organization representing cannabis workers, and its members,
42 representatives, and supporters, shall have the right to engage in
43 publicity, including picketing, for the purpose of truthfully advising
44 the public, including consumers, that products or the ingredients of
45 products are produced by a cannabis employer with which the
46 organization has a dispute, including publicity which has the effect
47 of requesting the public to cease patronizing businesses which

1 distribute or sell those products. Nothing in
2 P.L. , c. (C.)(pending before the Legislature as this bill) shall
3 be construed so as to interfere with or impede or diminish in any
4 way the right of employees of private employers to strike or engage
5 in other concerted actions.】¹

6
7 ¹【5.(New section) The New Jersey State Board of Mediation
8 shall adopt regulations as needed regarding the conduct of the
9 selection of majority representatives through election or
10 authorization card procedures pursuant to subsection (c) of section
11 5 of P.L.1968, c.303 (C.34:13A-5.1), procedures for negotiations
12 between majority representatives and cannabis employers, the
13 resolution of grievances, the collection of dues and fees for the
14 majority representatives, and other matters concerning terms and
15 conditions of employment.】¹

16
17 ¹【6.(New section) For the purposes of sections 2 through 6 of
18 P.L. , c. (C.)(pending before the Legislature as this bill):

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

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

30 “Majority representative” means an employee organization
31 designated by the State Board of Mediation pursuant to subsection
32 (c) of section 5 of P.L.1968, c.303 (C.34:13A-5.1) to be a
33 representative of a unit of employees of a cannabis employer.】¹

34
35 ¹【7. This act shall take effect immediately.】¹

36
37 ¹3. (New section) Scope of responsibilities and authority,
38 Division of Private Employment Dispute Settlement

39 The Division of Private Employment Dispute Settlement, in
40 addition to the powers and duties granted by P.L. , c. (C.)
41 (pending before the Legislature as this bill), shall handle all matters
42 with regard to ²【private】 cannabis² employees’ right to organize,
43 form unions and bargain collectively in the State of New Jersey.
44 The Division of Private Employment Dispute Settlement shall make
45 policy and establish rules and regulations concerning employer-
46 employee relations in private employment relating to dispute

1 settlement, grievance procedures and administration including
2 enforcement of statutory provisions concerning representative
3 elections and related matters and to implement fully all the
4 provisions of P.L. , c. (C.) (pending before the Legislature as
5 this bill) for the employees listed above.¹

6
7 ¹4. (New section) Powers and duties, Division of Private
8 Employment Dispute Settlement

9 a. Upon its own motion, in an existing, imminent or threatened
10 labor dispute in ²**[private]** cannabis² employment, the Division of
11 Private Employment Dispute Settlement may, or upon the request of
12 either party to the dispute shall, take such steps as it may deem
13 expedient to effect a voluntary, amicable and expeditious
14 adjustment and settlement of the differences and issues between
15 employer and employees which have precipitated or culminated in
16 or threaten to precipitate or culminate in the labor dispute.

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

26 c. In the employment of ²**[private]** cannabis² employees, the
27 division shall take the following steps to avoid or terminate labor
28 disputes: (1) to arrange for, hold, adjourn or reconvene a conference
29 or conferences between the disputants or one or more of their
30 representatives or any of them; (2) to invite the disputants or their
31 representatives or any of them to attend a conference and submit,
32 either orally or in writing, the grievances of and differences
33 between the disputants; (3) to discuss the grievances and
34 differences with the disputants and their representatives; and (4) to
35 assist in negotiating and drafting agreements for the adjustment in
36 settlement of the grievances and differences and for the termination
37 or avoidance, as the case may be, of the existing or threatened labor
38 dispute.

39 d. The Division of Private Employment Dispute Settlement is
40 hereby empowered to resolve questions concerning representation
41 of ²**[private]** cannabis² employees by conducting a secret ballot
42 election or utilizing any other appropriate and suitable method
43 designed to ascertain the free choice of the employees. The
44 division shall decide in each instance which unit of employees is
45 appropriate for collective negotiation. All of the powers and duties
46 conferred or imposed upon the division that are necessary for the
47 administration of this subsection, and not inconsistent with it, are to

1 that extent hereby made applicable. Should formal hearings be
2 required, in the opinion of the division to determine the appropriate
3 unit, it shall have the power to issue subpoenas as described below,
4 and shall determine the rules and regulations for the conduct of a
5 hearing or hearings.

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

13
14 ¹5. (New section) Investigatory Powers, Division of Private
15 Settlement Dispute

16 a. The Director of the Division of Private Employment Dispute
17 Settlement, or the director's designee, shall at all reasonable times
18 have access to, for the purpose of examination, and the right to copy,
19 any evidence of any person being investigated or proceeded against
20 that relates to any matter under investigation or in question. The
21 director, or the director's designee, shall have the right of free access
22 to all places of labor. The director, or the director's designee, shall
23 upon application of any party to the proceedings, issue to the party
24 subpoenas requiring the attendance and testimony of witnesses or the
25 production of any evidence in the proceeding or investigation
26 requested in the application. Within five days after the service of a
27 subpoena on any person requiring the production of any evidence in
28 that person's possession or under that person's control, the person may
29 petition the New Jersey State Board of Mediation to revoke, and the
30 division shall revoke, that subpoena if in the New Jersey State Board
31 of Mediation's opinion the evidence whose production is required does
32 not relate to any matter under investigation, or any matter in question
33 in the proceedings, or if in its opinion the subpoena does not describe
34 with sufficient particularity the evidence whose production is required.
35 The division may administer oaths and affirmations, examine
36 witnesses, and receive evidence. The attendance of witnesses and the
37 production of evidence may be required from any place in the State at
38 any designated place of hearing.

39 b. In case of refusal to obey a subpoena issued to any person, any
40 superior court in any jurisdiction of which the inquiry is carried on, or
41 within the jurisdiction of which the person allegedly guilty of refusal
42 to obey is found or resides or transacts business, shall, upon
43 application by the Division of Private Employment Dispute
44 Settlement, have jurisdiction to issue to that person an order requiring
45 the person to appear before the division, there to produce evidence if
46 so ordered, or there to give testimony touching the matter under

1 investigation or in question. Any failure to obey an order of the court
2 may be punished by the court as constituting contempt.

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

5 d. Any person who shall willfully resist, prevent, impede, or
6 interfere with any member of the Division of Private Employment
7 Dispute Settlement or any of its agents or agencies in the performance
8 of duties pursuant to P.L. , c. (C.) (pending before the
9 Legislature as this bill) shall be guilty of a misdemeanor, and shall be
10 punished by a fine of not more than \$5,000.¹

11
12 ¹6. (New section) Rights of Cannabis Employees

13 a. Cannabis employees shall have the right to self-organization,
14 to form, join, or assist labor organizations, to bargain collectively
15 through representatives of their own choosing, and to engage in
16 other concerted activities for the purpose of collective bargaining or
17 other mutual aid or protection, and shall also have the right to
18 refrain from those activities except to the extent that the right may
19 be affected by an agreement requiring membership in a labor
20 organization as a condition of employment as authorized in section
21 7 of P.L. , c. (C.) (pending before the Legislature as this
22 bill).

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

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

35 d. If the cannabis employer is to hire workers to complete the
36 job duties of striking ²【private】 cannabis² employees, the employer
37 shall be obligated to employ the striking ²【private】 cannabis²
38 employees once the labor unrest has ceased. Nothing in P.L. , c.
39 (C.) (pending before the Legislature as this bill) shall give the
40 employer the right to preeminently fire or cease employment of
41 ²【private】 cannabis² employees for engaging in protected activity
42 covered under P.L. , c. (C.) (pending before the
43 Legislature as this bill), including the right to strike.

44 e. When the cannabis employer hires employees of the same or
45 similar designation as covered by the bargaining unit, the newly
46 hired employees shall be added to ²the² collective bargaining unit
47 of the labor organization and be covered by the collective

1 bargaining agreement after a designated period decided by the labor
2 organization and the employer. This period may be instantaneous
3 upon hiring or after a predetermined probationary period as
4 specified in the collective bargaining agreement.¹

5
6 ¹7. (New section) Unfair Labor Practices; Cannabis Employers

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

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

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

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

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

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

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

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

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

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

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

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

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

12 (13) to lockout its cannabis employees through a refusal to
13 permit cannabis employees to work as a result of a dispute with the
14 cannabis employees or the labor organization representing them that
15 affects wages, hours and other terms and condition of employment.
16 This shall not prevent a cannabis employer from terminating the
17 employment for good cause that does not involve the terminated
18 cannabis employees' exercising any rights guaranteed by section 6
19 of P.L. , c. (C.) (pending before the Legislature as this
20 bill).

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

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

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

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

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

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

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

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

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

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

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

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

42 (2) If after the expiration of the 90-day period beginning on the
43 date on which bargaining is commenced, or an additional period as
44 the parties may agree upon, the parties have failed to reach an
45 agreement, either party may notify the New Jersey State Board of
46 Mediation of the existence of a dispute and request conciliation or
47 mediation or both. Whenever a request is received, it shall be the

1 duty of the board promptly to put itself in communication with the
 2 parties and to use its best efforts, by mediation and conciliation, to
 3 bring them to agreement.

4 (3) If after the expiration of the 30-day period beginning on the
 5 date on which the request for mediation is made, or an additional
 6 period as the parties may agree upon, the New Jersey State Board of
 7 Mediation is not able to bring the parties to agreement by
 8 conciliation or mediation, the board shall refer the dispute to an
 9 arbitration panel established in accordance with such regulations as
 10 may be prescribed by the board, with one member selected by the
 11 labor organization, one member selected by the employer, and one
 12 neutral member mutually agreed to by the parties. The labor
 13 organization and employer shall each select the members of the
 14 tripartite arbitration panel within 14 days of the board's referral; if
 15 the labor organization or employer fail to do so, the board shall
 16 designate any members not selected by the labor organization or the
 17 employer. An arbitration panel shall render a decision settling the
 18 dispute as soon as practicable and not later than within 120 days,
 19 absent extraordinary circumstances or by agreement or permission
 20 of the parties, and the decision shall be binding upon the parties for
 21 a period of two years, unless amended during a period by written
 22 consent of the parties. The decision shall be based on:

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

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

26 (c) the cannabis employees' cost of living;

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

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

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

36 ¹8. (New section) Representatives and Elections; ²**[Private]**
 37 **Cannabis² Employees**

38 a. Representatives designated or selected for the purposes of
 39 collective bargaining by the majority of the ²**[private]** cannabis²
 40 employees in a unit appropriate for those purposes shall be the
 41 exclusive representatives of all the ²**[private]** cannabis² employees
 42 in that unit for the purposes of collective bargaining in respect to
 43 rates of pay, wages, hours of employment, or other conditions of
 44 employment, provided that any individual employee or a group of
 45 employees shall have the right at any time to present grievances to
 46 their employer and to have their grievances adjusted, without the
 47 intervention of the bargaining representative, as long as the

1 adjustment is not inconsistent with the terms of a collective
2 bargaining contract or agreement then in effect, provided further,
3 that the bargaining representative has been given opportunity to be
4 present at the adjustment.

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

12 c. A labor organization may become the exclusive
13 representative for the covered employees of an appropriate
14 bargaining unit for purposes of collective bargaining with respect to
15 rates of pay, wages, hours of employment, or other conditions of
16 employment by filing a Majority Support Petition with the Division
17 of Private Employment Dispute Settlement alleging that a majority
18 of the employees in the bargaining unit wish to be represented by
19 that organization. The petition shall describe the geographical area
20 that constitutes the unit claimed to be appropriate and shall be
21 accompanied by proof of majority support, through authorization
22 cards, Majority Support Petitions, or other appropriate proof of
23 majority support.

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

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

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

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

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

1 f. A labor organization submitting a Majority Support Petition
2 shall personally serve the petition on the employer on the same day
3 that the petition is filed with the Division of Private Employment
4 Dispute Settlement. Within 48 hours after the petition is served, the
5 ²[private] cannabis² employer shall file with the division, and
6 personally serve upon the labor organization that filed the petition,
7 its response to the petition. As part of the response, the employer
8 shall provide a complete and accurate list of the full names, current
9 street addresses, telephone numbers, job classifications, and crew or
10 department of all currently employed employees in the bargaining
11 unit employed as of the payroll period immediately preceding the
12 filing of the petition. The employer shall organize the employees'
13 names and addresses and other information by crew or department
14 and shall provide the list to the division and petitioning labor
15 organization in hardcopy and electronic format. The employee's
16 first name, middle name or initial, last name, address, city, state,
17 ZIP Code, telephone number, classification, and crew or department
18 shall be organized into separate columns. Immediately upon
19 receiving the employer response and employee list, the division
20 shall provide the response and employee list by hardcopy and
21 electronic copy to the labor organization that filed the Majority
22 Support Petition.

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

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

46 (3) If the division determines that the labor organization has
47 submitted proof of majority support and met the requirements set

1 forth in this section, it shall immediately certify the labor
2 organization as the exclusive bargaining representative of the
3 employees in the bargaining unit. An employer's duty to bargain
4 with the labor organization commences immediately after the labor
5 organization is certified.

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

11 h. (1) Within five days after the division certifies a labor
12 organization through a majority support election, the ²[private]
13 cannabis² employer or the labor organization may file with the
14 division a petition objecting to the certification on one or more of
15 the following grounds:

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

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

19 (c) The majority support election was conducted improperly.

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

22 (2) Upon receipt of a petition objecting to certification, the
23 Division of Private Employment Dispute Settlement may
24 administratively rule on the petitioner's objections or may choose to
25 conduct a hearing to rule on the petitioner's objections. If the
26 division decides to conduct a hearing on the objections, it shall mail
27 a notice of the time and place of the hearing to the petitioner and
28 the labor organization whose certification is being challenged. The
29 division shall conduct the hearing within 14 days of the filing of an
30 objection, unless an extension is agreed to by the labor
31 organization. If the division finds at the hearing that any of the
32 allegations in the petition of the grounds set forth in paragraph (1)
33 of this subsection are true, the division shall revoke the certification
34 issued under subsection g. of this section.

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

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

43 j. If a cannabis employer commits an unfair labor practice, as
44 set forth in section 7 of P.L. , c. (C.) (pending before the
45 Legislature as this bill), including vote suppression²[,]² during a
46 labor organization's Majority Support Petition campaign, and the
47 employer's unfair labor practice or misconduct would render slight

1 the chances of a new majority support campaign reflecting the free
2 and fair choice of the cannabis employees covered under section 7
3 of P.L. , c. (C.) (pending before the Legislature as this
4 bill), the labor organization shall be certified by the Division of
5 Private Employment Dispute Settlement as the exclusive bargaining
6 representative for the bargaining unit. For purposes of a finding of
7 an unfair labor practice or misconduct under this subsection, a
8 misrepresentation of fact or law by a cannabis employer, a cannabis
9 employer's representative, or agent is an unfair labor practice or
10 misconduct whether or not a labor organization has had an
11 opportunity to respond to or correct the misrepresentation.

12 k. If a ²[private] cannabis² employer disciplines, suspends,
13 demotes, lays off, terminates, or otherwise takes adverse action
14 against a ²[private] cannabis² employee during a labor
15 organization's Majority Support Petition campaign, there shall be a
16 presumption that the adverse action was retaliatory. The employer
17 may rebut the presumption if they can provide clear and convincing
18 evidence that the adverse action would have been taken in the
19 absence of the Majority Support Petition campaign.

20 l. If the Division of Private Employment Dispute Settlement
21 invalidates signatures towards the Majority Support Petition so that
22 the Majority Support Petition alleging that a majority of the
23 employees in the bargaining unit wish to be represented by that
24 organization is no longer a majority, under 50 percent plus one of
25 the proposed bargaining unit, the labor organization or the
26 ²[private] cannabis² employees alleging the majority shall either
27 correct the deficiency or proceed with an election.

28 m. If the number of ²[private] cannabis² employees does not
29 rise to a majority of the proposed bargaining unit, the labor
30 organization shall provide proof of 30 percent or more of the
31 ²[private] cannabis² employees in the proposed bargaining unit to
32 secure an election for representation.

33 n. In the case of an election for representation by the labor
34 organization, ²[private] cannabis² employees to be covered by the
35 bargaining unit shall have the right to vote by electronic voting
36 system, Internet voting system, telephone voting system or remotely
37 as provided in section 3 of P.L.1941, c.100 (C.34:13A-3).

38 o. In any election in which the Division of Private Employment
39 Dispute Settlement determines, following a post-election hearing,
40 that a ²[private] cannabis² employer has committed a violation of
41 P.L. , c. (C.) (pending before the Legislature as this bill)
42 or otherwise interfered with a fair election, and the employer has
43 not demonstrated that the violation or other interference is unlikely
44 to have affected the outcome of the election, the division shall,
45 without ordering a new election, set aside the election and certify
46 the labor organization as the representative of the ²[private]

1 cannabis² employees in such unit and issue an order requiring the
2 employer to bargain with the labor organization.

3 p. If a ²【private】 cannabis² employer disagrees with the
4 coverage of ²【private】 cannabis² employees in the bargaining unit
5 as ²【private】 cannabis² employees, the employer shall petition the
6 Division of Private Employment Dispute Settlement. The division
7 shall seek a response from the labor organization or ²【private】
8 cannabis² employees seeking certification. The division shall issue
9 a decision citing to previous National Labor Relations Board rulings
10 on private employees as applied to the prospective bargaining unit.
11 An appeal of the decision shall be preserved pending the final
12 decision on certification by the division.¹

13
14 ¹9. (New section) Collective bargaining procedures; ²【Private】
15 Cannabis² Employees

16 a. To bargain collectively is the performance of the mutual
17 obligation of the ²【private】 cannabis² employer and the
18 representative of the ²【private】 cannabis² employees to meet at
19 reasonable times and confer in good faith with respect to wages,
20 hours, and other terms and conditions of employment, or the
21 negotiation of an agreement or any question arising thereunder, and
22 the execution of a written contract incorporating any agreement
23 reached if requested by either party, but this obligation shall not
24 compel either party to agree to a proposal or require the making of a
25 concession, provided, that where there is in effect a collective
26 bargaining contract covering employees in an industry affecting
27 commerce, the duty to bargain collectively shall also mean that no
28 party to the contract shall terminate or modify the contract, unless
29 the party desiring the termination or modification:

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

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

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

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

45 b. Whenever collective bargaining is for the purpose of
46 establishing an initial collective bargaining agreement following

1 certification or recognition of a labor organization, the following
2 shall apply:

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

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

20 (3) If after the expiration of the 30-day period beginning on the
21 date on which the request for mediation is made, or an additional
22 period as the parties may agree upon, the Board of Mediation is not
23 able to bring the parties to agreement by conciliation or mediation,
24 the Board of Mediation shall refer the dispute to an arbitration panel
25 established in accordance with regulations as may be prescribed by
26 the Board of Mediation, with one member selected by the labor
27 organization, one member selected by the employer, and one neutral
28 member mutually agreed to by the parties. The labor organization
29 and employer shall each select the members of the tripartite
30 arbitration panel within 14 days of the Board of Mediation's
31 referral; if the labor organization or employer fail to do so, the
32 Board of Mediation shall designate any members not selected by the
33 labor organization or the employer. An arbitration panel shall
34 render a decision settling the dispute as soon as practicable and not
35 later than within 120 days, absent extraordinary circumstances or by
36 agreement or permission of the parties, and the decision shall be
37 binding upon the parties for a period of two years, unless amended
38 during a period by written consent of the parties. The decision shall
39 be based on:

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

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

42 (c) the employees' cost of living;

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

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

¹10. (New section) Decertification; ²**[Private]** Cannabis²
Employees

²**[a.]**² The Division of Private Employment Dispute Settlement shall decertify a labor organization ²representing cannabis employees² 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

¹11. (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). ²The 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

1 may be allowed to intervene in the proceeding and to present
2 testimony. The proceeding shall, so far as practicable, be
3 conducted in accordance with the New Jersey Rules of Evidence.
4 All proceedings shall be appropriately reported.

5 c. The testimony taken by the Division of Private Employment
6 Dispute Settlement shall be reduced to writing and filed with the
7 division. Thereafter, in its discretion, the division, upon notice,
8 may take further testimony or hear argument. If, upon the
9 preponderance of the evidence and testimony taken, the division
10 shall be of the opinion that any person named in the complaint has
11 engaged in or is engaging in an unfair labor practice, the division
12 shall state its findings of fact and shall issue and cause to be served
13 on the person an order requiring the person to cease and desist from
14 the unfair labor practice or refusal to adhere to representative,
15 election, and bargaining procedures, to take affirmative action,
16 including reinstatement of employees with backpay, and making
17 employees whole, when the division deems that relief appropriate,
18 for the loss of pay resulting from the employer's refusal to bargain,
19 and to provide such other relief as will effectuate the policies of
20 P.L. , c. (C.) (pending before the Legislature as this bill).

21 Where an order directs reinstatement of an employee, the order may
22 require the employer or labor organization that is responsible for the
23 discrimination suffered by the employee to pay the employee
24 backpack. The order may further require the person to make reports
25 from time to time showing the extent to which it has complied with
26 the order. If, upon the preponderance of the evidence and testimony
27 taken, the division finds that the person named in the complaint has
28 not engaged in or is not engaging in any unfair labor practice, the
29 division shall state its findings of fact and shall issue an order
30 dismissing the complaint. No order of the division shall require the
31 reinstatement of any individual as an employee who has been
32 suspended or discharged, or the payment to the employee of any
33 backpay, if the individual was suspended or discharged for cause.
34 In case the evidence is presented before the division, the division
35 shall issue and cause to be served on the parties to the proceedings a
36 proposed report, together with a recommended order, which shall be
37 filed with the division, and, if no exceptions are filed within 20
38 days after service thereof upon the parties, or within a further
39 period as the division may authorize, the recommended order shall
40 become the order of the division and become effective as therein
41 prescribed. If exceptions have been filed and the division issues an
42 order finding that the person named in the complaint has engaged in
43 or is engaging in any unfair labor practice or refusal to adhere to
44 representative, election, and bargaining procedures and directing
45 payment of a monetary remedy, the division shall order further
46 proceedings to determine the specific amount of the monetary
47 remedy or, if the monetary remedy is continuing to accrue, the

1 amount accrued as of the date of the division's order. In these cases,
2 the division's order does not become final until the division has
3 issued its determination of the specific amount of the monetary
4 remedy.

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

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

23 (2) When the alleged unfair labor practice or refusal to adhere to
24 representative, election, and bargaining procedures would interfere
25 with the free choice of employees to choose or not choose an
26 exclusive bargaining representative, appropriate temporary relief or
27 a restraining order shall issue on a showing that reasonable cause
28 exists to believe that the unfair labor practice or refusal to adhere to
29 representative, election, and bargaining procedures has occurred.
30 The order shall remain in effect until an election has been held or
31 for 30 days, whichever occurs first. Thereafter, a preliminary
32 injunction may issue if it is shown to be just and proper.

33 f. Whenever it is charged that any person has engaged in an
34 unfair labor practice within the meaning of section 7 of
35 P.L. , c. (C.) (pending before the Legislature as this bill),
36 refusal to adhere to representative and election procedures within
37 the meaning of section 8 of P.L. , c. (C.) (pending before
38 the Legislature as this bill), or refusal to adhere to bargaining
39 procedures within the meaning of section 9
40 of P.L. , c. (C.) (pending before the Legislature as this
41 bill), the Division of Private Employment Dispute Settlement is
42 empowered and directed to hear and determine the dispute out of
43 which the unfair labor practice or refusal to adhere to
44 representative, election, and bargaining procedures has arisen,
45 unless within 10 days after notice that the charge has been filed, the
46 parties to the dispute submit to the division satisfactory evidence
47 that they have adjusted, or agreed upon methods for the voluntary

1 adjustment of the dispute. Upon compliance by the parties to the
2 dispute with the decision of the division or upon the voluntary
3 adjustment of the dispute, the charge shall be dismissed.

4 g. (1) Any person aggrieved by the final order of the Division of
5 Private Employment Dispute Settlement granting or denying in
6 whole or in part the relief sought may obtain a review of the order
7 in the court of appeal having jurisdiction over the county wherein
8 the unfair labor practice or refusal to adhere to representative,
9 election, and bargaining procedures in question was alleged to have
10 been engaged in, or wherein the person resides or transacts
11 business, by filing in the court a written petition requesting that the
12 order of the division be modified or set aside. The petition shall be
13 filed with the court within 30 days from the date of the issuance of
14 the division's order. Upon the filing of the petition, the court shall
15 cause notice to be served upon the division and thereupon shall
16 have jurisdiction of the proceeding. The division shall file in the
17 court the record of the proceeding, certified by the division within
18 10 days after the clerk's notice unless the time is extended by the
19 court for good cause shown. The court shall have jurisdiction to
20 grant to the division a temporary relief or restraining order it deems
21 just and proper and in like manner to make and enter a decree
22 enforcing, modifying and enforcing as so modified, or setting aside
23 in whole or in part, the order of the division. The findings of the
24 division with respect to questions of fact if supported by substantial
25 evidence on the record considered as a whole shall in like manner
26 be conclusive.

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

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

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

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

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

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

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

16 (3) The financial circumstances of the employer.

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

25
26 ¹12. (New section) a. If an employee organization seeking to be a
27 majority representative of cannabis employees employed by a cannabis
28 employer petitions the division to require the employer to provide a
29 list of the current employees with contact information pursuant to
30 section 5 of P.L.1968, c.303 (C.34:13A-5.1), the employer shall, along
31 with providing the list and contact information, provide the employee
32 organization access to the employees.

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

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

38 (2) to conduct worksite meetings during non-work breaks, and
39 before and after the workday, to discuss workplace issues, collective
40 negotiations, the administration of collective negotiations agreements,
41 other matters related to the governance, business, and duties of the
42 employee organization; and

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

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

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

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

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

19
20 ¹13. (New section) Notwithstanding any law to the contrary, an
21 organization representing cannabis employees, and its members,
22 representatives, and supporters, shall have the right to engage in
23 publicity, including picketing, for the purpose of truthfully advising
24 the public, including consumers, that products or the ingredients of
25 products are produced by a cannabis employer with which the
26 organization has a dispute, including publicity which has the effect of
27 requesting the public to cease patronizing businesses which distribute
28 or sell those products. Nothing in P.L. , c. (C.)(pending before
29 the Legislature as this bill) shall be construed so as to interfere with or
30 impede or diminish in any way the right of employees of private
31 employers to strike or engage in other concerted actions.

32
33 ¹14. (New Section) The New Jersey State Board of Mediation, in
34 consultation with the Division of Private Employment Dispute
35 Settlement, may adopt rules and regulations pursuant to the
36 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.),
37 to effectuate the purpose of P.L. , c. (C.) (pending before the
38 Legislature as this bill).¹

39
40 ¹15. This act shall take effect on the 120th day following
41 enactment, except that the New Jersey State Board of Mediation and
42 the Division of Private Employment Dispute Settlement may take
43 anticipatory actions to effectuate the purpose of this act.¹

1 _____
2
3 Concerns conditions of employment of certain cannabis
4 employees.