

SUBCHAPTER 12. LABOR ORGANIZATIONS REGISTRATION

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19:41-12.1 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise.

"Affiliates" means labor organizations chartered by the same parent body, or governed by the same constitution and bylaws, or labor organizations having the relation of parent and subordinate.

"Certified bargaining representative" means a labor organization which has been certified as the representative of employees under the National Labor Relations Act, as amended.

"Fiduciary to pension or welfare system" means a person is a fiduciary with respect to a pension or welfare system to the extent:

1. He exercises any discretionary authority or discretionary control

respecting management of such plan or exercises any authority or control respecting management or disposition of its assets;

2. He renders investment advice for a fee or other compensation, direct or indirect, with respect to any moneys or other property of such plan, or has any authority or responsibility to do so; or

3. He has any discretionary authority or discretionary responsibility in the administration of such plan.

"Labor organization" means any organization of any kind, any union, any agency, or employee representation committee, group, association, or plan in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment, and any conference, general committee, joint or systems board, or joint council which is subordinate to a national or international labor organization.

"Labor organization agent" or "agent" means any person, whether compensated or not, who is authorized or allowed to represent a labor organization in any employment matter relating to employees who are employed in a casino hotel, casino or casino simulcasting facility by a casino licensee, or who undertakes on behalf of the labor organization to promote, facilitate or otherwise influence the relations between the labor organization and the casino licensee.

"Labor organization officer" or "officer" means any constitutional officer, any person authorized to perform the functions of president, vice president, secretary/treasurer or other executive functions of a labor organization, and any member of its executive board or similar governing body.

"Labor organization principal employee" or "principal employee" means any employee of a labor organization who, by reason of remuneration or of a management, supervisory or policy making position exercises any authority, discretion or influence with regard to any matter relating to employees who are employed in a casino hotel, casino or casino simulcasting facility by a casino

licensee.

"Officers and agents of pension or welfare systems" means all elected officials and key administrative personnel, whether elected or appointed, including administrators, trustees, and all other fiduciaries to the system.

"Pension or welfare system maintained by a labor organization" means any pension or welfare system created or established by a labor organization or one or more of the trustees or one or more members of the governing body of which is selected or appointed by the labor organization.

"Pension system" means any plan, fund or program which is maintained by a labor organization, or by a labor organization and an employer, to the extent that by its express terms or as a result of surrounding circumstances such plan, fund or program provides retirement income to employees or results in a deferral of income by employees for periods extending to the termination of covered employment or beyond, regardless of the method of calculating the contributions made to the plan, the method of calculating the benefits under the plan or the method of distributing benefits from the plan.

"Welfare system" means any plan, fund or program which is maintained by a labor organization or by a labor organization and an employer, to the extent that such plan, fund or program was established or is maintained for the purposes of providing for its participants, or their beneficiaries, through the purchase of insurance or otherwise, medical surgical, or hospital care or benefits, or benefits in the event of sickness, accident disability, death or unemployment, or vacation benefits, apprenticeship or other training programs, or day care centers, scholarship funds, or prepaid legal services, or any other such benefit other than pension on retirement or death, and insurance to provide such pensions.

As amended, effective: 06/05/95

19:41-12.2 Registration required

Each labor organization, union or affiliate representing or seeking to represent employees who are employed in a casino hotel, casino, or casino simulcasting facility by a casino licensee shall register with the Commission biennially in accordance with N.J.S.A. 5:12-93 and the rules of the Commission.

As amended, effective: 06/05/95

As amended, effective: 09/08/09

19:41-12.3 Registration exemption; standards and findings

(a) The Commission may in its discretion exempt any labor organization, union, or affiliate from registration in accordance with the requirements of N.J.S.A. 5:12-93a.

(b) The Commission may find that a labor organization which is an affiliate of a registered labor organization is exempt from the registration requirements of Section 93 of the Act based upon the information provided to the Commission by the registrant labor organization. Where the Commission bases an exemption finding on such information, the exemption shall be subject to revocation upon disclosure to the Commission either by the registrant, by the Division or otherwise of any information which indicates that the affiliate does not meet the standards for exemption.

As amended, effective: 06/05/95

As amended, effective: 09/08/09

19:41-12.4 Initial filing of registration statement

(a) Within 30 days of the date on which it begins organizing activities directed at the employees who are employed in a casino hotel, casino or casino simulcasting facility by a casino licensee, or within such additional time as the Commission may, upon a showing of good cause, permit, a labor organization,

union or affiliate shall file with the Commission an application for labor organization registration in accordance with N.J.A.C. 19:41-12.4A.

(b) For purposes of this section, organizing activities shall include, without limitation, soliciting membership by means of any direct personal contact, or any public notices such as the posting or distribution of fliers, posters or advertisements.

As amended, effective: 06/05/95

19:41-12.4A Application for initial and renewal of labor organization registration

(a) An application for initial or renewal labor organization registration shall consist of the fee specified in N.J.A.C. 19:41-9.10 and a completed original and one copy of the following:

1. A Labor Organization Registration Statement as set forth in N.J.A.C. 19:41-5.13, and
2. The information required by N.J.A.C. 19:41-12.9(d) for each officer, agent and principal employee.

As adopted, effective: 06/05/95

As amended, effective: 03/18/96; Operative: 07/01/96

19:41-12.5 Duration of registration; renewal

An initial labor organization registration shall be for a period of one year from the date on which the initial Labor Organization Registration Statement is accepted for filing by the Commission. Subsequent Labor Organization Registration Statements shall be filed biennially pursuant to N.J.A.C. 19:41-12.4A no later than 120 days prior to the expiration of the current registration period.

As amended, effective: 10/08/81

As amended, effective: 06/05/95

As amended, effective: 09/08/09

19:41-12.6 Continuing duty to disclose

Every registered labor organization shall be under a continuing duty to promptly disclose any change in the information contained in the Labor Organization Registration Statement set forth in N.J.A.C. 19:41-5.13 or any information otherwise requested by the Commission or the Division.

As amended, effective: 06/05/95

19:41-12.7 Federal reports exception

Notwithstanding the reporting requirements imposed by N.J.S.A. 5:12-93 and the rules of the Commission, no labor organization, union, affiliate or person shall be required to furnish any information which is included in a report filed by any labor organization, union, affiliate or person with the Secretary of Labor pursuant to 29 U.S.C. Section 431, et seq. (Labor-Management Reporting and Disclosure Act) or 29 U.S.C. Section 1001 et seq. (Employee Retirement Income Security Act) if a copy of such report, or if the portion thereof containing such information, is furnished to the Commission pursuant to the aforesaid Federal provisions.

As amended, effective: 06/05/95

19:41-12.8 (Reserved)

Repealed, effective: 06/05/95

19:41-12.9 Officers, agents and principal employees; initial and renewal filing requirements

(a) Every officer, agent and principal employee of a labor organization, union or affiliate required to register with the Commission pursuant to N.J.S.A. 5:12-93 and the rules of the Commission shall file with the Commission a completed original and one copy of a Labor Organization Individual Disclosure Form as set forth in N.J.A.C. 19:41-5.14.

(b) Notwithstanding (a) above, a Labor Organization Individual Disclosure Form need not be filed by an officer of a national or international labor organization who exercises no authority, discretion or influence over the operation of such labor organization with regard to any employment matter relating to employees who are employed in a casino hotel, casino or casino simulcasting facility by a casino licensee provided that the Commission or the Division may direct such officer to file such form or to provide any other information in the same manner and to the same extent as may be required of any other officer of a labor organization which is required to register pursuant to N.J.S.A. 5:12-93.

(c) Each officer, agent or principal employee required to file a Labor Organization Individual Disclosure Form shall do so initially at the time the pertinent labor organization, union or affiliate applies or should apply for registration, or within 30 days of the date on which the individual is elected, appointed or hired, whichever is later, or within such additional time as the Commission may, upon a showing of good cause, permit.

(d) Each individual who has filed an initial Labor Organization Individual Disclosure Form shall file the following with the Commission biennially at the time the pertinent labor organization files for renewal of its registration pursuant to N.J.A.C. 19:41-12.4A:

1. An original and one copy of a Labor Organization Individual Disclosure Form; and

2. Either a certification by the Division that the applicant has been fingerprinted or fingerprint impression cards in accordance with N.J.A.C. 19:41-7.7.

(e) Notwithstanding the requirements of N.J.S.A. 5:12-93 and this section, the Commission may waive any disqualification criterion of N.J.S.A. 5:12-86 with respect to any officer, agent or principal employee of a labor organization, union or affiliate in accordance with the standards set forth in N.J.S.A. 5:12-93b.

As amended, effective: 06/05/95

As amended, effective: 03/18/96; Operative: 07/01/96

As amended, effective: 09/08/09

19:41-12.10 (Reserved)

Repealed, effective: 06/05/95

19:41-12.11 Interest in casino hotel or casino licensee prohibited

In accordance with N.J.S.A. 5:12-93c, neither a labor organization, union or affiliate nor its officers and agents not otherwise individually licensed under the Act and employed by a casino licensee may hold any financial interest whatsoever in the casino hotel, casino, casino simulcasting facility or casino licensee whose employees they represent.

As amended, effective: 06/05/95

19:41-12.12 Failure to comply; consequences

(a) The Commission may impose any sanction permitted by the Act including the imposition of fines or the revocation of any registration, if:

1. A labor organization, union or affiliate fails to properly register with the Commission pursuant to N.J.A.C. 19:41-12.4 and 12.5 or fails to

provide all information requested by the Commission or Division in accordance with the provisions of the Act or the rules of the Commission;

2. Any officer, agent or principal employee of such labor organization, union or affiliate has been found disqualified by the Commission in accordance with the provisions of the Act or the rules of the Commission;

3. The labor organization, union, affiliate or any officer or agent thereof holds a prohibited interest in a casino hotel, casino, or casino simulcasting facility, or casino licensee; or

4. An officer, agent or principal employee of a labor organization, union or affiliate fails to properly register with the Commission pursuant to N.J.A.C. 19:41-12.9 or fails to provide all information requested by the Commission or Division in accordance with the provisions of the Act or the rules of the Commission.

As amended, effective: 06/05/95