

2024 Regular Session

SENATE BILL NO. 263

BY SENATOR SEABAUGH

SCHOOLS. Provides for payroll deductions for school employees for certain purposes. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 17:438(C) and (D), and to enact R.S. 17:438(E), (F), and (G),

3 relative to permitted deduction and withholdings of a specific amount for dues owed;

4 to provide for the authorization of teachers and other employees to pay any

5 organization monies for dues; to provide for prohibiting using dues for political

6 activity; to provide for the amount to be remitted to the organization on a schedule

7 basis; to provide for the right to end the deduction and withholding of monies for

8 dues; to provide for annual renewal of organization dues; to provide for notification

9 in writing or by email of certain rights; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 17:438(C) and (D) are hereby amended and reenacted and R.S.
12 17:438(E), (F), and (G) are hereby enacted to read as follows:

13 §438. Permitted withholdings; exceptions

14 * * *

15 C. Any organization that requests the state of Louisiana, a parish, a city,

16 a local school board, or any other governmental agency to arrange by salary

17 deduction or otherwise for the collection of membership dues of persons

1 employed by the state of Louisiana, a parish, a city, a local school board, or any
2 other governmental agency shall certify to the appropriate governmental entity
3 that none of the membership dues will be used for political activity. Thereafter,
4 at the conclusion of each calendar year, each organization that has arranged for
5 the collection of its membership dues of persons employed by the state of
6 Louisiana, a parish, a city, a local school board, or any other governmental
7 agency shall provide the appropriate governmental entity a detailed breakdown
8 of the expenditure of the membership dues of persons employed by the state of
9 Louisiana, a parish, a city, a local school board, or any other governmental
10 agency collected by the governmental entity. Any organization that fails to
11 provide the required certifications, that reports any expenditures for political
12 activity, or that files false information about political activity in any of its
13 reports shall be permanently barred from arranging for the collection of its
14 membership dues by any governmental entity.

15 D. Any amount withheld in accordance with the provisions of this Section
16 shall be remitted to the organization designated on a regularly scheduled basis as
17 determined by the employing board.

18 ~~D. E.~~ This Section shall not apply to a city or parish school board operating
19 under the terms of a collective bargaining agreement applicable to teachers employed
20 by the board. (1) Upon the submission of a written or email request to the state
21 of Louisiana, a parish, a city, a local school board, or any other governmental
22 agency, any employee shall have the right to immediately cease the withholding
23 of membership dues from his wages. Upon receipt of a request, the state of
24 Louisiana, a parish, a city, a local school board, or any other governmental
25 agency shall immediately provide written or email notification to the
26 organization of the employee's decision.

27 (2) The organization shall cease any withholding of dues from the
28 employee's wages and the employee will not accrue any further debt. The
29 employee's right to immediately resign and immediately end any financial

1 obligation to an organization shall not be waived.

2 (3) All authorizations for organization dues shall not exceed one year and
3 are required to be renewed annually. Any prior authorizations for organization
4 dues are deemed invalid.

5 (4) The requirements of this Section do not affect any collective
6 bargaining agreement in effect and the terms of the collective bargaining
7 agreement shall remain valid until the expiration of the collective bargaining
8 agreement.

9 F.(1) The state of Louisiana, a parish, a city, a local school board, or any
10 other governmental agency shall notify the employee of his right to cease
11 payment of member organization dues. The state of Louisiana, a parish, a city,
12 a local school board, or any other governmental agency shall provide written or
13 email notification, at least annually, to the employee to inform him that he can
14 withdraw from the organization.

15 (2) All authorizations shall be on a form prescribed by the employer and
16 contain the following statement in fourteen-point boldface font:

17 "The state of Louisiana wishes to inform you that you have a First Amendment
18 right to join or refrain from joining and paying dues to a labor organization.
19 Membership and payment of dues are voluntary and you may not be
20 discriminated against for your decision or your refusal to join or financially
21 support a labor organization. You may authorize your employer to deduct
22 union dues from your salary in the amount specified in accordance with a labor
23 organization's bylaws. You may revoke this authorization at any time".

24 (3) All authorizations shall be submitted to the employer and contain the
25 employee's full name, position, employee organization, and signature. Before
26 starting any deductions, the employer shall confirm the authorization by
27 emailing the employee at his employer-provided email address and the
28 employer shall wait for confirmation of the authorization. If the employee does
29 not possess an employer-provided email address then the employer may use

1 other means it deems appropriate to confirm the authorization.

2 G. No state, parish, municipal city, town, or like governmental officer,
 3 agent, or governing body is vested with or possesses any authority to recognize
 4 any labor union or other employee association as a bargaining or meet and
 5 confer agent of any public officers or employees, or to collectively bargain, meet
 6 and confer, or enter into any collective bargaining contract or memorandum of
 7 understanding that outlines terms and conditions of employment with any such
 8 union or association or its agents with respect to any matter relating to them or
 9 their employment or service.

10 Section 2. This Act shall become effective upon signature by the governor or, if not
 11 signed by the governor, upon expiration of the time for bills to become law without signature
 12 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 13 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 14 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Michael Bell.

DIGEST

SB 263 Original

2024 Regular Session

Seabaugh

Present law provides that any teacher or other employee of a parish or city school board may authorize his employing school board to deduct and withhold from his earnings a specific amount, for such pay periods as may be designated, for the payment of regular dues owed by a teacher or other employee to any organization of teachers or other school employees.

Proposed law retains present law but prohibits the dues to be used for political activity.

Proposed law provides that, at the end of each calendar year, each organization that has arranged for the collection of its membership dues of persons employed by the state of Louisiana, a parish, a city, a local school board, or any other governmental agency must provide the appropriate governmental entity a detailed breakdown of the expenditure of the membership dues of persons employed by the state of Louisiana, a parish, a city, a local school board, or any other governmental agency collected by the governmental entity.

Proposed law provides that the state of Louisiana, a parish, a city, a local school board, or any other governmental agency must notify the employee of his right to cease payment of member organization dues, and further provides for written or email notification, at least annually, to the employee to inform him that he can withdraw from the organization.

Proposed law provides that the employee's right to immediately resign and immediately end any financial obligation to an organization cannot be waived.

Proposed law requires that all authorizations must be on a form prescribed by the employer

and contain a statement in 14 point boldface font.

Proposed law provides that all authorizations must be submitted to the employer and contain the employee's full name, position, employee organization, and signature.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 17:438(C) and (D); adds R.S. 17:438(E), (F), and (G))