2024 Regular Session

HOUSE BILL NO. 919

BY REPRESENTATIVE CHENEVERT

PUBLIC OFFLS/EMPS: Provides with respect to payroll deductions

1	AN ACT
2	To amend and reenact R.S. 17:438, R.S. 23:890(F), and R.S. 42:456(A)(1) and 457, relative
3	to payroll withholdings for payment of dues; to limit authorizations of such
4	withholdings and to provide for rescinding such authorizations; to prohibit use of
5	dues for political activities and to require reports related thereto; and to provide for
6	related matters.
7	Be it enacted by the Legislature of Louisiana:
8	Section 1. R.S. 17:438 is hereby amended and reenacted to read as follows:
9	§438. Permitted withholdings; exceptions
10	A. Any teacher or other employee of a parish or city school board may
11	authorize his employing school board to deduct and withhold from his earnings a
12	specific amount for such pay periods as may be designated, for the payment of
13	regular dues owed by such teacher or other employee to any organization of teachers
14	or other school employees. Any such authorization shall expire in one year but may
15	be renewed.
16	B. No deduction shall be made from the earnings of any teacher or other
17	employee for the purpose permitted by this Section unless fifty or more teachers or
18	other employees or ten percent of the total number of employees, including teachers,
19	whichever is less have requested such deduction be made and the deduction is
20	specifically and voluntarily authorized in writing by the teacher or other employee.

Page 1 of 6

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

HLS 24RS-1679

1	If such authority is provided and a request for such deduction made, the school board
2	shall honor the request and provide for the deduction; however, if any system
3	documents to the satisfaction of the State Board of Elementary and Secondary
4	Education that it has already acquired payroll checks that will not accommodate the
5	request, the school board shall provide for such deduction as soon as possible but,
6	in no case later than the beginning of the school year following the request.
7	C.(1) Any organization on behalf of which an employer withholds funds
8	pursuant to this Section shall certify to the employer that none of the membership
9	dues will be used for political activity.
10	(2) By the end of each calendar year, each such organization shall provide
11	the employer a detailed account of how employees' membership dues were
12	expended.
13	(3) Any organization that fails to comply with Paragraph (1) or (2) of this
14	Subsection shall be permanently barred from arranging for the collection of its
15	membership dues by the employer.
16	\underline{D} . Any amount withheld in accordance with the provisions of this Section
17	shall be remitted to the organization designated on a regularly scheduled basis as
18	determined by the employing board.
19	D. E. This Section shall not apply to a city or parish school board operating
20	under the terms of a collective bargaining agreement applicable to teachers employed
21	by the board. The requirements of this Section do not affect any collective
22	bargaining agreement in effect, and the terms of the collective bargaining agreement
23	shall remain valid until the expiration of the collective bargaining agreement.
24	<u>F.(1)</u> An employee may rescind his authorization of withholdings pursuant
25	to Subsection A of this Section at any time. The employee shall submit a written
26	request to his employer stating his desire to rescind the authorization, and the
27	employer shall notify the organization, in writing, that it is terminating the
28	withholdings as requested by the employee.

1	(2) The organization shall cease any withholding of dues from the		
2	employee's wages, and the employee shall not accrue any further debt. The		
3	employee's right to immediately resign and immediately end any financial obligation		
4	to an organization shall not be waived.		
5	Section 2. R.S. 23:890(F) is hereby amended and reenacted to read as follows:		
6	§890. Labor policy		
7	* * *		
8	F.(1) Employees of such publicly owned and/or or operated transportation		
9	systems hereafter acquired may authorize and upon such authorization the aforesaid		
10	municipality, transit authority, or other authority organized for the purpose may		
11	make deductions from wages and salaries of such employees:		
12	(1) (a) Pursuant to a collective bargaining agreement with a duly designated		
13	or certified labor organization for the payment of union dues, fees, or assessments.		
14	(2) (b) For the payment of contributions pursuant to any health and welfare		
15	plan or pension or retirement plan , and .		
16	(3) (c) For any purposes for which deductions may be authorized by		
17	employees of any private employer.		
18	(2) Any authorization pursuant to Subparagraph (1)(a) of this Subsection		
19	shall expire in one year but may be renewed.		
20	(3)(a) Any organization on behalf of which an employer withholds funds		
21	pursuant to Subparagraph (1)(a) of this Subsection shall certify to the employer that		
22	none of the membership dues will be used for political activity.		
23	(b) By the end of each calendar year, each such organization shall provide		
24	the employer a detailed account of how employees' membership dues were		
25	expended.		
26	(c) Any organization that fails to comply with Subparagraph (a) or (b) of this		
27	Paragraph shall be permanently barred from arranging for the collection of its		
28	membership dues by the employer.		

1	(4)(a) An employee may rescind his authorization of withholdings pursuant		
2	to Subparagraph (1)(a) of this Subsection at any time. The employee shall submit		
3	a written request to his employer stating his desire to rescind the authorization, and		
4	the employer shall notify the organization, in writing, that it is terminating the		
5	withholdings as requested by the employee.		
6	(b) The organization shall cease any withholding of dues from the		
7	employee's wages and the employee shall not accrue any further debt. The		
8	employee's right to immediately resign and immediately end any financial obligation		
9	to an organization shall not be waived.		
10	* * *		
11	Section 3. R.S. 42:456(A)(1) and 457 are hereby amended and reenacted to read as		
12	follows:		
13	§456. Permitted withholdings		
14	A. Payroll deductions shall be authorized only for the following:		
15	(1) Mandated federal or state income withholdings, credit unions,		
16	garnishments, liens, union dues in the manner provided by R.S. 42:457, savings		
17	bonds programs, qualified United Way entities, health and life insurance products		
18	offered through the Office of Group Benefits, and products having state participating		
19	contributions, sponsored by the Office of Group Benefits, which qualify and are		
20	offered under Section 125 of the Internal Revenue Code (Cafeteria Plan).		
21	* * *		
22	§457. Union dues		
23	A. Any state, parish, or city employee may authorize his employing		
24	department, board, or agency to withhold from his salary a specific amount for such		
25	pay periods as may be designated, for payment of his dues to any labor organization		
26	to which he belongs and which he designates therein. In such cases, the employee		
27	must voluntarily execute and furnish to the employing department, board, or agency		
28	a written and specific authorization for such deductions; however, the employing		
29	authority may elect whether or not to make such deductions. Any such authorization		

Page 4 of 6

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1	shall expire in one year but may be renewed. Any amount withheld in accordance
2	with the provisions of this Section shall be remitted on a regularly scheduled basis
3	as prescribed by rules promulgated by the Division of Administration division of
4	administration and administered by the state payroll office to the organization
5	designated.
6	<u>B.(1)</u> An employee may rescind his authorization of withholdings pursuant
7	to Subsection A of this Section at any time. The employee shall submit a written
8	request to his employer stating his desire to rescind the authorization, and the
9	employer shall notify the organization, in writing, that it is terminating the
10	withholdings as requested by the employee.
11	(2) Upon receipt of the notification provided for in Paragraph (1) of this
12	Subsection, the employer shall cease any withholding of dues from the employee's
13	wages, and the employee shall not accrue any further debt to the organization. The
14	employee's right to immediately resign and discontinue any financial obligation to
15	the labor organization or union shall not be waived.
16	(3) This Subsection shall apply prospectively to any new collective
17	bargaining agreement or contact that is entered into or any existing collective
18	bargaining agreement that is modified, extended, or otherwise affected by a new or
19	modified memorandum of understanding after August 1, 2024.
20	$\underline{C.(1)}$ Any organization on behalf of which an employer withholds funds
21	pursuant to this Section shall certify to the employer that none of the membership
22	dues will be used for political activity.
23	(2) By the end of each calendar year, each such organization shall provide
24	the employer a detailed account of how employees' membership dues were
25	expended.
26	(3) Any organization that fails to comply with Paragraph (1) or (2) of this
27	Subsection shall be permanently barred from arranging for the collection of its
28	membership dues by the employer.

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D. The provisions of this Section do not apply to law enforcement and

firefighter services.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 919 Original	2024 Regular Session	Chenevert
	202 - Hogaiai Sebbioli	

Abstract: Provides relative to payroll withholdings for the payment of dues to labor organizations.

<u>Present law</u> provides that an employee of a school board may authorize his employing school board to deduct and withhold from his earnings a specific amount for the payment of regular dues owed to any organization of school employees.

<u>Present law</u> provides that any state, parish, or city employee may authorize his employer to withhold from his salary a specific amount for payment of his dues to any labor organization. <u>Present law</u> provides that employees of certain publicly owned or operated transportation systems may authorize their employer to make deductions from wages and salaries pursuant to a collective bargaining agreement with a duly designated or certified labor organization for the payment of union dues, fees, or assessments.

<u>Proposed law</u> relative to all such payroll deductions, provides as follows:

- (1) Any such authorization shall expire in one year but may be renewed.
- (2) Authorizes an employee to request cessation of such withholdings. Provides that pursuant to such a request, the employee shall not accrue any further debt to the organization. Further provides that the employee's right to immediately discontinue any financial obligation to the organization shall not be waived.
- (3) Requires any organization on behalf of which an employer withholds funds to certify to the employer that membership dues are not used for political activity. Requires that organizations annually report to employers on the use of dues. Provides that an organization that violates <u>proposed law</u> is permanently barred from arranging for the collection of its membership dues by the employer.

(Amends R.S. 17:438, R.S. 23:890(F), and R.S. 42:456(A)(1) and 457)