

2024 Regular Session

HOUSE BILL NO. 523

BY REPRESENTATIVE WILDER

LABOR/COLLECTIVE BARGAIN: Provides relative to the election of a collective bargaining representative

1 AN ACT

2 To enact R.S. 23:988, relative to collective bargaining; to provide definitions; to provide for
3 an election to certify a collective bargaining representative; to provide an exception
4 for law enforcement and firefighter services; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 23:988 is hereby enacted to read as follows:

7 §988. Collective bargaining

8 A. In this Section, unless the context clearly indicates otherwise, the
9 following terms shall have the meanings ascribed to them:

10 (1) "Collective bargaining representative" means a labor organization that
11 engages in collective bargaining on a collective bargaining unit's behalf.

12 (2) "Collective bargaining unit" means a group of public employees
13 represented by a single labor organization for purposes of collective bargaining.

14 (3) "Labor organization" means any organization of any kind, or agency or
15 employee representation committee, which exists for the purpose, in whole or in part,
16 of dealing with employers concerning wages, rates of pay, hours of work, or other
17 conditions of employment.

18 (4) "Public employee" means any individual who is employed by a public
19 employer.

1 (5) "Public employer" means the state of Louisiana or any branch,
2 department, division, agency, authority, or parish, city, town, school board, or any
3 political subdivision of this state.

4 (6) "Third-party election facilitator" means an entity that, as part of the
5 entity's operations, provides impartial election administration, including ballot
6 preparation, tabulation, and results certification.

7 B.(1) Beginning August 1, 2024, and every second calendar year thereafter,
8 a collective bargaining representative shall, at the collective bargaining
9 representative's expense, engage a third-party election facilitator to conduct a secret
10 ballot election to certify the collective bargaining representative.

11 (2) The third-party election facilitator shall conduct the election no later than
12 December first.

13 C.(1) If, in an election, at least sixty percent of all employees in the
14 collective bargaining vote in favor of certifying the collective bargaining
15 representative, the collective bargaining representative may continue to serve as the
16 representative of the collective bargaining unit.

17 (2) If, in an election, less than sixty percent of all employees in the collective
18 bargaining unit vote in favor of certifying the collective bargaining unit and the
19 collective bargaining unit is unrepresented in collective bargaining as of January
20 first, immediately following the election, or the second January first following the
21 election, whichever occurs later, the provisions of Paragraph (3) of this Subsection
22 apply.

23 (3) If a collective bargaining unit votes not to certify a collective bargaining
24 representative as provided for in Paragraph (2) of this Subsection, the representative
25 shall not be included in a substantially similar collective bargaining unit for twelve
26 months after the day on which the collective bargaining representative's
27 representation ceases.

28 D. Nothing in this Section shall provide a public employee a right to
29 collective bargaining.

- 1 E. The provisions of this Section shall not apply to law enforcement and
 2 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 523 Engrossed

2024 Regular Session

Wilder

Abstract: Provides relative to collective bargaining.

Proposed law defines "collective bargaining representative", "collective bargaining unit", "labor organization", "public employee", "public employer", and "third-party election facilitator".

Proposed law provides that beginning August 1, 2024, and every second calendar year thereafter, a collective bargaining representative shall, at the collective bargaining representative's expense, engage a third-party election facilitator to conduct a secret ballot election to certify the collective bargaining representative.

Proposed law the third-party election facilitator shall conduct the election no later than December 1st.

Proposed law provides that if, in an election, at least 60% of all employees in the collective bargaining vote in favor of certifying the collective bargaining representative, the collective bargaining representative may continue to serve as the representative of the collective bargaining unit.

Proposed law provides that if, in an election, less than 60% of all employees in the collective bargaining vote in favor of certifying the collective bargaining representative and the collective bargaining is unrepresented in collective bargaining as of January 1st, immediately following the election, or the second January 1st following the election, whichever occurs later, the provisions of proposed law (R.S. 23:988 (C)(3)) shall apply.

Proposed law provides that if a collective bargaining unit votes not to certify a collective bargaining representative, the representative shall not be included in a substantially similar collective bargaining unit for 12 months after the day on which the representative's representation ceases.

Proposed law provides that nothing in the provisions of proposed law shall provide a public employee a right to collective bargaining.

Proposed law exempts law enforcement and firefighter services from the applicability of proposed law.

(Adds R.S. 23:988)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Labor and Industrial Relations to the original bill:

1. Make a technical change.