

2020 Regular Session

HOUSE BILL NO. 273

BY REPRESENTATIVE EDMONDS

SCHOOLS/EMPLOYEES: Provides relative to authorized payroll withholdings for professional organization dues and certain contracts with school boards

1 AN ACT

2 To amend and reenact R.S. 17:438 and R.S. 42:456(A)(1), relative to earnings withholdings  
3 of certain employees and to certain contracts with school boards; to authorize city,  
4 parish, and other local public school boards to retain a percentage of certain earnings  
5 withholdings of school employees used for the payment of dues to professional  
6 organizations to cover administrative costs; to provide relative to the effectiveness  
7 of certain collective bargaining agreements; to provide exceptions; to authorize state  
8 employee payroll withholdings for the payment of dues to professional associations  
9 and organizations; to provide for effectiveness; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 17:438 is hereby amended and reenacted to read as follows:

12 §438. Permitted withholdings; exceptions

13 A. ~~Any~~ A teacher or other employee of a ~~parish or city, parish, or other local~~  
14 public school board may authorize his employing school board to deduct and  
15 withhold from his earnings a specific amount for such pay periods as may be  
16 designated, for the payment of regular dues owed by ~~such teacher or other~~ the  
17 employee to any organization of teachers or other school employees.

18 B. No deduction shall be made from the earnings of ~~any~~ a teacher or other  
19 employee for the purpose permitted by this Section unless fifty or more teachers or

1 other employees or ten percent of the total number of employees, including teachers,  
 2 whichever is less, have requested such deduction be made and the deduction is  
 3 specifically and voluntarily authorized in writing by the teacher or other employee.  
 4 If such authority is provided and a request for such deduction made, the school board  
 5 shall honor the request and provide for the deduction; however, if any system  
 6 documents to the satisfaction of the State Board of Elementary and Secondary  
 7 Education that it has already acquired payroll checks that will not accommodate the  
 8 request, the school board shall provide for such deduction as soon as possible but,  
 9 in no case later than the beginning of the school year following the request.

10 C. ~~Any~~ The amount withheld in accordance with the provisions of this  
 11 Section shall be remitted to the organization designated on a regularly scheduled  
 12 basis as determined by the employing board except that the board may retain an  
 13 administrative fee of up to three percent of the amount to be remitted. Any  
 14 administrative fee collected by the board shall be applied to all competing  
 15 organizations of teachers or other school employees.

16 D. This Section shall not apply to a city, ~~or~~ parish, or other local public  
 17 school board operating under the terms of a collective bargaining agreement entered  
 18 into prior to July 1, 2018, applicable to teachers employed by the board. Any  
 19 collective bargaining agreement or other contract entered into on or after July 1,  
 20 2018, that conflicts with this Section is void in its entirety.

21 Section 2. R.S. 42:456(A)(1) is hereby amended and reenacted to read as follows:  
 22 §456. Permitted withholdings

23 A. Payroll deductions shall be authorized only for the following:  
 24 (1) Mandated federal or state income withholdings, credit unions,  
 25 garnishments, liens, union dues, dues to professional associations and professional  
 26 organizations, savings bonds programs, qualified United Way entities, health and life  
 27 insurance products offered through the Office of Group Benefits, and products  
 28 having state participating contributions, sponsored by the Office of Group Benefits,

1           which qualify and are offered under Section 125 of the Internal Revenue Code  
2           (Cafeteria Plan).

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4           Section 3. This Act shall become effective on July 1, 2020.

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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)]

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HB 273 Original

2020 Regular Session

Edmonds

**Abstract:** Authorizes city, parish, and other local public school boards to retain an administrative fee of up to 3% of payroll withholdings for the payment of dues to professional organizations. Authorizes state employee payroll withholdings for the payment of dues to professional associations and organizations.

Present law (R.S. 17:438) provides that an employee of a school board may authorize the board to deduct and withhold from his earnings a specific amount for the payment of regular dues owed by the employee to any organization of teachers or other school employees. Provides that no deduction shall be made unless 50 or 10% of employees, whichever is less, request it and the deduction is authorized in writing by the employee. Requires that any amount withheld shall be remitted to the organization designated on a regularly scheduled basis. Specifies that present law does not apply to a parish or city school board operating under the terms of a collective bargaining agreement applicable to teachers employed by the board.

Proposed law retains present law but authorizes school boards to retain an administrative fee of up to 3% of the amount to be remitted and requires each board to apply the fee uniformly to all organizations of teachers or other school employees. Limits exception relative to boards with collective bargaining agreements to only those boards with agreements entered into prior to July 1, 2018. Provides that any collective bargaining agreement or other contract entered into on or after July 1, 2018, that conflicts with present law and proposed law shall be void in its entirety.

Present law (R.S. 42:456(A)) authorizes state employee payroll withholdings for the following:

- (1) Mandated federal or state income withholdings, credit unions, garnishments, liens, union dues, savings bonds programs, qualified United Way entities, health and life insurance products offered through the Office of Group Benefits, and products having state participating contributions, sponsored by the Office of Group Benefits, that qualify and are offered under Section 125 of the Internal Revenue Code (Cafeteria Plan).
- (2) Products offered without state contributory participation that have been evaluated and approved in accordance with rules and procedures promulgated by the commissioner of administration.
- (3) Donations to any qualified nonprofit community health and human services charities, coordinated and payable through the La. Assoc. of United Ways, upon written authorization from the employee, that has been evaluated and approved in

accordance with rules and procedures promulgated by the commissioner of administration.

Proposed law additionally authorizes withholdings for the payment of dues to professional associations and organizations. Otherwise retains present law.

Effective July 1, 2020.

(Amends R.S. 17:438 and R.S. 42:456(A)(1))