

2022 Regular Session

HOUSE BILL NO. 663

BY REPRESENTATIVE FRIEMAN

LABOR: Provides relative to resignation from labor organizations and certain professional associations

1 AN ACT

2 To amend and reenact R.S. 17:438(A) and (D), R.S. 23:890(F)(1), and R.S. 42:456(A)(1)
3 and 457.1 and to enact R.S. 17:438(E) and R.S. 42:457.2, relative to labor
4 organizations; to provide for resignation from labor organizations for teachers, other
5 school employees, and public employees; to provide for resignation from
6 professional law enforcement and firefighter association dues; to provide for labor
7 organization and union dues; to provide for collective bargaining agreements and
8 contracts; to provide for payroll deductions; to provide for severability; and to
9 provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

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

13 §438. Permitted withholdings; exceptions

14 A. Any teacher or other employee of a parish or city school board may
15 authorize in the manner provided by Subsection E of this Section his employing
16 school board to deduct and withhold from his earnings a specific amount for such
17 pay periods as may be designated, for the payment of regular dues owed by such
18 teacher or other employee to any organization of teachers or other school employees.

19 * * *

1 D.(1) ~~This Section shall not apply to a city or parish school board operating~~
2 ~~under the terms of a collective bargaining agreement applicable to teachers employed~~
3 ~~by the board.~~ Upon the submission of a written or email request to his employing
4 school board, any teacher or other school employee shall have the right to
5 immediately cease the withholding of labor organization dues from his wages. Upon
6 receipt of a request, the school board shall immediately provide written or email
7 notification to the labor organization of the teacher's or other employee's decision.

8 (2) The labor organization shall cease any withholding of dues from the
9 teacher's or other employee's wages and the teacher or other employee will not
10 accrue any further debt. The teacher's and other employee's right to immediately
11 resign and immediately end any financial obligation to a labor organization shall not
12 be waived.

13 (3) All authorizations for labor organization dues shall not exceed one year
14 and are required to be renewed annually in order to be effective. Any prior
15 authorizations for organization dues are deemed invalid.

16 (4) This Section shall apply only to any new collective bargaining agreement
17 or contract that is entered into or any existing collective bargaining agreement or
18 contract that is modified, extended, affected by a new or changed memorandum of
19 understanding, amendment, or is otherwise changed or altered in any way after this
20 Act goes into effect.

21 (5) The requirements of this Section do not affect any collective bargaining
22 agreement currently in effect and the terms of the collective bargaining agreement
23 shall remain valid until the adoption of a new collective bargaining agreement or
24 modification, extension, or alteration of an existing bargaining agreement pursuant
25 to this Section occurs.

26 E.(1) The school board shall notify the teacher or other employee of his right
27 to cease payment of labor organization dues. The school board shall provide written
28 or email notification, at least annually, to the teacher or other employee to inform
29 him that he can withdraw from the organization.

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

3 "The state of Louisiana wishes to inform you that you have a First Amendment right
4 to join or refrain from joining and paying dues to a labor organization. Membership
5 and payment of dues are voluntary and you may not be discriminated against for
6 your decision or your refusal to join or financially support a labor organization. You
7 may authorize your employer to deduct union dues from your salary in the amounts
8 specified in accordance with a labor organization's bylaws. You may revoke this
9 authorization at any time."

10 (3) All authorizations shall be submitted to the school board and contain the
11 teacher's or other employee's full name, position, employee organization, and
12 signature. Before starting any deductions, the school board shall confirm the
13 authorization by emailing the teacher or other employee at his employer-provided
14 email address and the school board shall wait for confirmation of the authorization.
15 If the teacher or other employee does not possess an employer-provided email
16 address then the school board may use other means it deems appropriate to confirm
17 the authorization.

18 Section 2. R.S. 23:890(F)(1) is hereby amended and reenacted to read as follows:

19 §890. Labor policy

20 * * *

21 F. Employees of such publicly owned ~~and/or~~ or operated transportation
22 systems hereafter acquired may authorize and upon such authorization the ~~aforsaid~~
23 municipality, transit authority or other authority organized for the purpose may make
24 deductions from wages and salaries of such employees:

25 (1) Pursuant to a collective bargaining agreement with a duly designated or
26 certified labor organization for the payment of union dues, fees or assessments in the
27 manner authorized by R.S. 42:457.2.

28 * * *

29 Section 3. R.S. 42:456(A)(1) and 457.1 are hereby amended and reenacted and R.S.
30 42:457.2 is hereby enacted to read as follows:

1 §456. Permitted withholdings

2 A. Payroll deductions shall be authorized only for the following:

3 (1) Mandated federal or state income withholdings, credit unions,
4 garnishments, liens, union dues in the manner authorized by R.S. 42:457.2, savings
5 bonds programs, qualified United Way entities, health and life insurance products
6 offered through the Office of Group Benefits, and products having state participating
7 contributions, sponsored by the Office of Group Benefits, which qualify and are
8 offered under Section 125 of the Internal Revenue Code (Cafeteria Plan).

9 * * *

10 §457.1. Professional law enforcement and firefighter association dues

11 A. Any employee of the state or of any political subdivision of the state may
12 authorize his employer to withhold from his salary a specific amount for such pay
13 periods as may be designated, for payment of his dues to any professional state or
14 local law enforcement or firefighter association which is located or is operating a
15 chapter within the respective jurisdiction and to which the employee belongs. The
16 employee must voluntarily execute and furnish to the employer a written and specific
17 authorization for such deduction. Upon receipt of such authorization, and in
18 accordance with the instructions contained therein, the employer shall begin to make
19 such deductions in the manner authorized by Subsection C of this Section. The
20 amounts withheld shall be remitted forthwith to the organization designated by the
21 employee. The provisions of this Section shall not apply to any employee of the
22 local sheriff's office or parish law enforcement district.

23 B.(1) Upon the submission of a written or email request to the employer, the
24 employee shall have the right to immediately cease the withholding of association
25 dues from his wages. Upon receipt of a request, the employer shall immediately
26 provide written or email notification to the association of the employee's decision.

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

1 (3) All authorizations for association dues shall not exceed one year and are
2 required to be renewed annually in order to be effective. Any prior authorizations
3 for association dues are deemed invalid.

4 (4) This Section shall apply only to any new collective bargaining agreement
5 or contract that is entered into or any existing collective bargaining agreement or
6 contract that is modified, extended, affected by a new or changed memorandum of
7 understanding, amendment, or is otherwise changed or altered in any way after this
8 Act goes into effect.

9 (5) The requirements of this Section do not affect any collective bargaining
10 agreement currently in effect and the terms of the collective bargaining agreement
11 shall remain valid until the adoption of a new collective bargaining agreement or
12 modification, extension, or alteration of an existing bargaining agreement pursuant
13 to this Section occurs.

14 C.(1) The employer shall provide written or email notification, at least
15 annually, to the employee of his right to cease payment of association dues and to
16 withdraw from the association.

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

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

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

1 provided email address then the employer may use other means he deems appropriate
2 to confirm the authorization.

3 §457.2. Public employees labor organization or union dues

4 A.(1) A public employee shall have the right to immediately cease the
5 withholding of labor organization or union dues from his wages at any time upon the
6 submission of a written or email request to his employer. Upon receipt of a request,
7 the employer shall immediately provide written or email notification to the labor
8 organization of the employee's decision.

9 (2) The labor organization shall cease any withholding of dues from the
10 employee's wages and the employee will not accrue any further debt to the labor
11 organization. The employer shall notify the employee of his right to cease payment
12 of labor organization dues and that his right to immediately resign and end any
13 financial obligation to a labor organization shall not be waived.

14 (3) All authorizations for labor organization dues shall not exceed one year
15 and are required to be renewed annually in order to be effective. Any prior
16 authorizations for organization dues are deemed invalid.

17 (4) This Section shall apply only to any new collective bargaining agreement
18 or contract that is entered into or any existing collective bargaining agreement or
19 contract that is modified, extended, affected by a new or changed memorandum of
20 understanding, amendment, or is otherwise changed or altered in any way after this
21 Act goes into effect.

22 (5) The requirements of this Section do not affect any collective bargaining
23 agreement currently in effect and the terms of the collective bargaining agreement
24 shall remain valid until the adoption of a new collective bargaining agreement or
25 modification, extension, or alteration of an existing bargaining agreement pursuant
26 to this Section occurs.

27 B.(1) The employer shall provide written or email notification, at least
28 annually, to the employee of his right to cease payment of labor organization dues
29 and to withdraw from the organization.

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

3 "The state of Louisiana wishes to inform you that you have a First Amendment right
4 to join or refrain from joining and paying dues to a labor organization. Membership
5 and payment of dues are voluntary and you may not be discriminated against for
6 your decision or your refusal to join or financially support a labor organization. You
7 may authorize your employer to deduct union dues from your salary in the amounts
8 specified in accordance with a labor organization's bylaws. You may revoke this
9 authorization at any time."

10 (3) All authorizations shall be submitted to the employer and contain the
11 employee's full name, position, employee organization, and signature. Before
12 starting any deductions, the employer shall confirm the authorization by emailing the
13 employee at his employer-provided email address and the employer shall wait for
14 confirmation of the authorization. If the employee does not possess an employer-
15 provided email address then the employer may use other means he deems appropriate
16 to confirm the authorization.

17 Section 4. If any provision of this Act or the application thereof is held invalid, such
18 invalidity shall not affect other provisions or applications of this Act which can be given
19 effect without the invalid provisions or applications, and to this end the provisions of this
20 Act are hereby declared severable.

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 663 Original

2022 Regular Session

Frieman

Abstract: Allows teachers, other school employees, and public employees to withdraw from paying labor organization dues and allows employees to withdraw from paying professional law enforcement and firefighter association dues.

TEACHER AND OTHER SCHOOL EMPLOYEES

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 designated, for the payment of regular dues owed by the teacher or other employee to any organization of teachers or other school employees.

Proposed law retains present law.

Proposed law provides that upon submission of a written or email request to his employing school board, any teacher or other school employee shall have the right to immediately cease the withholding of labor organization dues from his wages. Proposed law further provides that upon receipt of a request, the school board shall immediately send written or email notification of the teacher's or other school employee's decision to the labor organization.

Proposed law provides that the labor organization shall cease any withholding of dues from the teacher or other employee's wages. Proposed law further provides that the teacher or other employee will not accrue any further debt.

Proposed law provides that the teacher's and other employee's right to immediately resign and immediately end any financial obligation to a labor organization shall not be waived.

Proposed law provides that all authorizations for labor organization dues shall not exceed one year; and that all authorizations shall be renewed annually in order to be effective. Proposed law further provides that any prior authorizations for organization dues are deemed invalid.

Proposed law provides that proposed law applies only to any new collective bargaining agreement or contract that is entered into or any existing collective bargaining agreement or contract that is modified, extended, affected by a new or changed memorandum of understanding, amendment, or is otherwise changed or altered in any way after proposed law goes into effect.

Proposed law provides that the requirements of proposed law do not affect any collective bargaining agreement currently in effect. Proposed law further provides that the terms of the collective bargaining agreement shall remain valid until the adoption of a new collective bargaining agreement or modification, extension, or alteration of an existing bargaining agreement pursuant to proposed law occurs.

Proposed law provides that the school board shall notify the teacher or other employee of his right to cease payment of labor organization dues. Proposed law further provides that the school board shall provide written or email notification, at least annually, to the teacher or other employee to inform him that he can withdraw from the organization.

Proposed law provides that all authorizations shall be on a form prescribed by the school board and contain the following statement in fourteen-point boldface font.

"The state of La. wishes to inform you that you have a 1st Amendment right to join or refrain from joining and paying dues to a labor organization. Membership and payment of dues are voluntary and you may not be discriminated against for your decision or your refusal to join or financially support a labor organization. You may authorize your employer to deduct union dues from your salary in the amounts specified in accordance with a labor organization's bylaws. You may revoke this authorization at any time."

Proposed law provides that the school board shall confirm the authorization by emailing the teacher or other employee at his employer-provided email address or, if he does not have an employer-provided email, by other means the school board deems appropriate.

**EMPLOYEES WHO PAY PROFESSIONAL LAW ENFORCEMENT AND
FIREFIGHTER ASSOCIATION DUES**

Proposed law provides that upon submission of a written or email request to his employer, an employee shall have the right to immediately cease the withholding of association dues from his wages. Proposed law further provides that upon receipt of a request, the employer shall immediately send written or email notification of the employee's decision to the association.

Proposed law provides that the association shall cease any withholding of dues from the employee's wages. Proposed law further provides that the employee will not accrue any further debt.

Proposed law provides that the employee's right to immediately resign and immediately end any financial obligation to a association shall not be waived.

Proposed law provides that all authorizations for association dues shall not exceed one year; and that all authorizations shall be renewed annually in order to be effective. Proposed law further provides that any prior authorizations for association dues are deemed invalid.

Proposed law provides that proposed law applies only to any new collective bargaining agreement or contract that is entered into or any existing collective bargaining agreement or contract that is modified, extended, affected by a new or changed memorandum of understanding, amendment, or is otherwise changed or altered in any way after proposed law goes into effect.

Proposed law provides that the requirements of proposed law do not affect any collective bargaining agreement currently in effect. Proposed law further provides that the terms of the collective bargaining agreement shall remain valid until the adoption of a new collective bargaining agreement or modification, extension, or alteration of an existing bargaining agreement pursuant to proposed law occurs.

Proposed law provides that the employer shall notify the employee of his right to cease payment of association dues. Proposed law further provides that the employer shall provide written or email notification, at least annually, to the employee to inform him that he can withdraw from the association.

Proposed law provides that all authorizations shall be on a form prescribed by the school board and contain the following statement in fourteen-point boldface font.

"The state of La. wishes to inform you that you have a 1st Amendment right to join or refrain from joining and paying dues to an association. Membership and payment of dues are voluntary and you may not be discriminated against for your decision or your refusal to join or financially support an association. You may authorize your employer to deduct association dues from your salary in the amounts specified in accordance with an association's bylaws. You may revoke this authorization at any time."

Proposed law provides that the employer shall confirm the authorization by emailing the employee at his employer-provided email address or, if he does not have an employer-provided email, by other means the employer deems appropriate.

PUBLIC EMPLOYEES

Proposed law provides that upon submission of a written or email request to his employer, a public employee shall have the right to immediately cease the withholding of labor organization or unions dues from his wages. Proposed law further provides that upon receipt of a request, the employer shall immediately send written or email notification of the employee's decision to the labor organization.

Proposed law provides that the labor organization shall cease any withholding of dues from the employee's wages. Proposed law further provides that the employee will not accrue any further debt.

Proposed law provides that the employee's right to immediately resign and immediately end any financial obligation to a labor organization shall not be waived.

Proposed law provides that all authorizations for labor organization dues shall not exceed one year; and that all authorizations shall be renewed annually in order to be effective. Proposed law further provides that any prior authorizations for organization dues are deemed invalid.

Proposed law provides that proposed law applies only to any new collective bargaining agreement or contract that is entered into or any existing collective bargaining agreement or contract that is modified, extended, affected by a new or changed memorandum of understanding, amendment, or is otherwise changed or altered in any way after proposed law goes into effect.

Proposed law provides that the requirements of proposed law do not affect any collective bargaining agreement currently in effect. Proposed law further provides that the terms of the collective bargaining agreement shall remain valid until the adoption of a new collective bargaining agreement or modification, extension, or alteration of an existing bargaining agreement pursuant to proposed law occurs.

Proposed law provides that the employer shall notify the employee of his right to cease payment of labor organization dues. Proposed law further provides that the employer shall provide written or email notification, at least annually, to the employee to inform him that he can withdraw from the organization.

Proposed law provides that all authorizations shall be on a form prescribed by the school board and contain the following statement in fourteen-point boldface font.

"The state of La. wishes to inform you that you have a 1st Amendment right to join or refrain from joining and paying dues to a labor organization. Membership and payment of dues are voluntary and you may not be discriminated against for your decision or your refusal to join or financially support a labor organization. You may authorize your employer to deduct union dues from your salary in the amounts specified in accordance with a labor organization's bylaws. You may revoke this authorization at any time."

Proposed law provides that the employer shall confirm the authorization by emailing the employee at his employer-provided email address or, if he does not have an employer-provided email, by other means the employer deems appropriate.

Proposed law provides that if any provision of proposed law or the application thereof is held invalid, that invalidity shall not affect other provisions or applications of proposed law.

(Amends R.S. 17:438(A) and (D), R.S. 23:890(F)(1), and R.S. 42:456(A)(1) and 457.1; Adds R.S. 17:438(E), and R.S. 42:457.2)