

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.

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 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 F.(1) 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        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                B.(1) 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 contract 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               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.

- 1                    D. The provisions of this Section do 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 919 Original

2024 Regular Session

Chenevert

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

Present law 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.

Present law 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. Present law 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.

Proposed law 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 proposed law 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)