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**HOUSE COMMITTEE AMENDMENTS**

2024 Regular Session

Substitute for Original House Bill No. 712 by Representative Crews as proposed by the House Committee on Labor and Industrial Relations

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**This document reflects the content of a substitute bill but is not in a bill form; page numbers in this document DO NOT correspond to page numbers in the substitute bill itself.**

To amend and reenact R.S. 42:457 and to enact R.S. 17:438(E) and (F), relative to labor organizations; to provide for the resignation from labor organizations dues for teachers or other school employees; to provide for the resignation from labor organization and union dues for public employees; to provide for collective bargaining agreements or contracts; to provide for reporting and notification requirements; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:438(E) and (F) are hereby enacted to read as follows:

§438. Permitted withholdings; exceptions

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E.(1) A state, parish, city, local school board, or any other governmental agency shall notify the employee of his right to cease payment of member organization dues. The state, parish, city, local school board, or any other governmental agency shall provide written or email notification, at least annually, to the employee to inform him that he can withdraw from the organization.

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

"The state of Louisiana wishes to inform you that you have a First 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 amount specified in accordance with a labor organization's bylaws. You may revoke this authorization at any time."

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

F. The provisions of this Section shall not apply to law enforcement and firefighters.

Section 2. R.S. 42:457 is hereby amended and reenacted to read as follows:

§457. Union dues

A. Any state, parish, or city employee may authorize his employing department, board, or agency to withhold from his salary a specific amount for such pay periods as may be designated, for payment of his dues to any labor organization to which he belongs and which he designates therein. In such cases, the employee must voluntarily execute and furnish to the employing department, board, or agency a written and specific authorization for such deductions; however, the employing authority may elect whether or not to make such deductions. Any amount withheld in accordance with the provisions of this Section shall be remitted on a regularly scheduled basis as prescribed by rules promulgated by the Division of Administration and administered by the state payroll office to the organization designated.

B.(1) Upon the submission of a written or electronic request to the employer, the employee shall have the right to immediately cease the withholding of dues from his wages. Upon receipt of a request to withhold, the employer shall immediately provide written or electronic notification to the labor organization or union of the employee's decision.

(2) Upon receipt of the notification provided for in Paragraph (1) of Subsection, the employer shall cease any withholding of dues from the employee's wages and the employee shall not accrue any further debt to the labor organization

or union. The employee's right to immediately discontinue any financial obligation to the labor organization or union shall not be waived.

(3) All authorizations for use of salary deductions for payment of labor organization or union dues shall not exceed one year in duration and shall be annually renewed in order to remain effective. Any prior authorization for deductions for payment of association dues shall be deemed invalid.

(4) This Section shall apply prospectively to any new collective bargaining agreement or contract that is entered into or any existing collective bargaining agreement that is modified, extended, or otherwise affected by a new or modified memorandum of understanding.

C.(1) The employer shall provide written or electronic notification, at least annually, advising the employee of his right to cease payment of association dues and to withdraw membership from the labor organization or union.

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

"The state of Louisiana wishes to inform you that you have a First 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 labor organization dues from your salary in the amount specified in accordance with the labor organization's bylaws. You may revoke this authorization at any time."

(3)(a) All authorizations shall be submitted to the employer and contain the employee's full name, position, employee organization, and signature.

(b) The employer shall not deduct any portion of an employee's salary for purposes of payment of labor organization or union dues without emailed receipt of confirmation of the employee's authorization from the employee's employer-provided email address. If the employee does not have an employer-provided email address the employer may use other means it deems appropriate to confirm the authorization.

D. No state or local governmental officer, agent, or governing body shall be vested with or otherwise possess any authority to recognize any labor union or other employee association as a bargaining or meet-and-confer, or enter into any collective bargaining contract or memorandum of understanding that outlines terms and conditions of employment with any union or association or its agents with respect to any matter relating to them or their employment or service.

Section 3. The provisions of R.S. 42:457(B)(4) shall become applicable after August 1, 2024, for any new collective bargaining agreement or contract that is entered into or any existing collective bargaining agreement that is modified, extended, or otherwise affected by a new or modified memorandum of understanding.

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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 Draft

2024 Regular Session

**Abstract:** Allows teachers or other school employees from certain governing bodies to withdraw from paying labor organization dues and allows public employees to withdraw from paying labor organization dues.

#### TEACHERS AND OTHER SCHOOL EMPLOYEES

Present law allows a teacher or other employee of a parish or city school board to authorize his employing school board to deduct and withhold from his earnings a specific amount for the payment of labor organization dues.

Proposed law retains present law.

Present law prohibits deductions from a teacher's or other employee's earnings, unless 50 or more teachers or other employees or 10% of the total number of employees, including teachers, whichever is less, and such deduction is specifically and voluntarily authorized in writing by the teacher or other employee.

Proposed law retains present law.

Present law provides that present law shall not apply to a city or parish school board operating under the terms of a collective bargaining agreement applicable to teachers employed by the board.

Proposed law retains present law.

Proposed law requires a state, parish, city, local school board, or any other governmental agency, herein referred to as "the agency" to notify the employee of his right to cease payment of member organization dues. Proposed law further requires the agency to 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 employer and contain the following statement in fourteen-point boldface font.

"The state of La. wishes to inform you that you have a 1<sup>st</sup> 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 requires all authorizations to be submitted to the employer and contain the employee's full name, position, employee organization, and signature.

Proposed law requires, before starting any deductions, the employer to confirm the authorization by emailing the employee at his employer-provided email address and the employer shall wait for confirmation of the authorization.

Proposed law provides that if the employee does not possess an employer-provided address then the employer may use other means it deems appropriate to confirm the authorization.

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

#### **PUBLIC EMPLOYEES**

Present law provides that any state, parish, or city employee may authorize his employing department, board, or agency to withhold from his salary a specific amount for the designated pay periods for payment of labor organization dues.

Proposed law retains present law.

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

Proposed law requires, upon receipt of the notification required by proposed law, the employer to cease any withholding of dues from the employee's wages. Proposed law provides that the employee shall not accrue any further debt to the labor organization or union, and that his right to immediately discontinue any financial obligation to the labor organization or union shall not be waived.

Proposed law provides that proposed law shall apply prospectively to any new collective bargaining agreement or contract that is entered into or any existing collective bargaining agreement that is modified, extended, or otherwise affected by a new or modified memorandum of understanding.

Proposed law requires the employer to provide written or email notification, at least annually, advising the employee of his right to cease payment of association dues and to withdraw membership from the labor organization or union.

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

"The state of La. wishes to inform you that you have a 1<sup>st</sup> 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 requires all authorizations to be submitted to the employer and contain the employee's full name, position, employee organization, and signature.

Proposed law prohibits the employer from deducting any portion of an employee's salary for payment of labor organization or union dues without emailed receipt of confirmation of the employee's authorization from the employee's employer-provided email address.

Proposed law provides that if the employee does not possess an employer-provided address then the employer may use other means it deems appropriate to confirm the authorization.

Proposed law provides that no state or local governmental officer, agent, or governing body shall be vested with or otherwise possess any authority to recognize any labor union or other employee association as a bargaining or meet-and-confer, or enter into any collective bargaining contract or memorandum of understanding that outlines terms and conditions of employment with any union or association or its agents with respect to any matter relating to them or their employment or service.

Proposed law provides that provisions of proposed law (R.S. 42:457(B)(4)) shall become applicable after Aug. 1, 2024.

(Amends R.S. 42:457; Adds R.S. 17:438(E) and (F))