

SENATE BILL NO. 312

BY SENATOR TALBOT AND REPRESENTATIVE MELERINE

1 AN ACT

2 To amend and reenact R.S. 42:457 and to enact R.S. 17:438(E) and (F), relative to labor
3 organizations; to provide for employee dues and fees to labor organizations; to
4 provide for employee withdrawals from labor organizations; to provide for collective
5 bargaining agreements or contracts; to provide for reporting and notification
6 requirements; to provide for costs; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

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

9 §438. Permitted withholdings; exceptions

10 * * *

11 **E.(1) Upon the submission of an electronic request to the employer, the**
12 **employee shall have the right to immediately cease any withholding of dues or**
13 **fees from his wages. Upon receipt of a request from the employee to cease the**
14 **withholding, the employer shall immediately provide electronic notification to**
15 **the labor organization or union of the employee's decision. If the employer**
16 **receives the employee's request to cease withholding after payroll for the**
17 **current pay period has been submitted or processed, the cessation of**
18 **withholding shall take effect as soon as practicable, but no later than the**
19 **employee's next paycheck.**

20 **(2) Upon receipt of the notification provided for in Paragraph (1) of this**
21 **Subsection, the employer shall cease withholding dues or fees from the**
22 **employee's wages, and the employee shall not accrue any further debt to the**
23 **labor organization or union. The employee's right to immediately discontinue**

1 any financial obligation to the labor organization or union shall not be waived.

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

6 F.(1) The labor organization or union in which the employee has
7 membership shall notify the employee of his right to cease payment of member
8 dues or fees, and shall provide electronic notification, at least annually, to the
9 employee to inform him that he is allowed to withdraw from the organization.
10 The labor organization or union shall have the burden of proof to establish that
11 it has met this requirement.

12 (2) All withholding authorizations shall be on a form prescribed by the
13 attorney general and contain the following statement in fourteen-point boldface
14 font:

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

23 (3) All authorizations shall be submitted to the employer and contain the
24 employee's full name and signature. Before starting any deductions, the
25 employer shall confirm the authorization by emailing the employee at his email
26 address. If the employee does not possess an employer-provided email address,
27 then the employer may use other means it deems appropriate to confirm the
28 authorization. The labor organization or union shall be responsible for all
29 demonstrative administrative costs shown to have been incurred from the
30 collection of its dues or fees or from an employee's election to discontinue the

1 **withholding of any dues or fees.**

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

3 §457. Union dues

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

15 **B.(1) Upon the submission of an electronic request to the employer, the**
16 **employee shall have the right to immediately cease any withholding of dues or**
17 **fees from his wages. Upon receipt of a request from the employee to cease the**
18 **withholding, the employer shall immediately provide electronic notification to**
19 **the labor organization or union of the employee's decision. If the employer**
20 **receives the employee's request to cease withholding after payroll for the**
21 **current pay period has been submitted or processed, the cessation of**
22 **withholding shall take effect as soon as practicable, but no later than the**
23 **employee's next paycheck.**

24 **(2) Upon receipt of the notification provided for in Paragraph (1) of this**
25 **Subsection, the employer shall cease any withholding of dues or fees from the**
26 **employee's wages, and the employee shall not accrue any further debt to the**
27 **labor organization or union. The employee's right to immediately discontinue**
28 **any financial obligation to the labor organization or union shall not be waived.**

29 **(3) This Subsection shall apply prospectively to any new collective**
30 **bargaining agreement or contract that is entered into or any existing collective**

1 bargaining agreement that is modified, extended, or otherwise affected by a new
2 or modified memorandum of understanding.

3 C.(1) The labor organization or union in which the employee has
4 membership shall notify the employee of his right to cease payment of member
5 organization dues or fees, and shall provide electronic notification, at least
6 annually, to the employee to inform him that he is allowed to withdraw from the
7 organization. The labor organization or union shall have the burden of proof to
8 establish that it has met this requirement.

9 (2) All withholding authorizations shall be on a form prescribed by the
10 attorney general containing the following statement in fourteen-point boldface
11 font:

12 "The state of Louisiana wishes to inform you that you have a First
13 Amendment right to join or refrain from joining and paying dues or fees to a
14 labor organization. Membership and payment of dues or fees are voluntary, and
15 you may not be discriminated against for your decision or your refusal to join
16 or financially support a labor organization. You may authorize your employer
17 to deduct labor organization dues or fees from your salary in the amount
18 specified in accordance with the labor organization's bylaws. You may revoke
19 this authorization at any time."

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

22 (b) The employer shall not deduct any portion of an employee's salary
23 for purposes of payment of labor organization or union dues or fees without the
24 employee's authorization. If the employee does not possess an employer-
25 provided email address, then the employer may use other means it deems
26 appropriate to confirm the authorization.

27 (c) The labor organization or union shall be responsible for all
28 demonstrative administrative costs shown to have been incurred from the
29 collection of its dues or fees or from an employee's election to discontinue the
30 withholding of any dues or fees.

1 D.(1) After receiving notice by the United States Department of Labor
 2 that the employer's protective arrangement covering mass transit employees
 3 does not meet the requirements provided for in 49 U.S.C. 5333(b), which would
 4 jeopardize the employer's continued eligibility to receive Federal Transit
 5 Administration funding, an employer may petition the secretary of Louisiana
 6 Works to waive compliance with the requirements provided for in this Section.

7 (2) To the extent necessary, the secretary of Louisiana Works may waive
 8 any of the requirements provided for in this Section for a labor organization or
 9 union serving as exclusive representative of mass transit employees in order for
 10 an employer to comply with the requirements provided for in 49 U.S.C. 5333(b).

11 E. The provisions of this Section shall not apply to law enforcement,
 12 mass transit employees, and firefighters.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____