

2019 Regular Session

HOUSE BILL NO. 453

BY REPRESENTATIVE MIGUEZ

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

LABOR/COLLECTIVE BARGAIN: Provides relative to teacher union representation in collective bargaining arrangements

1 AN ACT

2 To enact R.S. 17:81.1, relative to collective bargaining among public school employees and  
3 their employing school board; to provide for negotiations; to provide for elections  
4 held in accordance with rules promulgated by the Louisiana Workforce Commission;  
5 and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 17:81.1 is hereby enacted to read as follows:

8 §17:81.1. Local school boards; labor organizations

9 A.(1) No city, parish, or other local school board shall negotiate with or  
10 otherwise recognize a person as a representative of a labor organization authorized  
11 to accept or ratify a collective bargaining agreement unless the person is certified as  
12 a representative of the labor organization in accordance with this Section and the  
13 public employer chooses to bargain.

14 (2) No person shall present himself to a public employer as the  
15 representative of a labor organization unless he is certified as such in accordance  
16 with this Section.

17 B.(1) No person shall be certified as a representative of a labor organization  
18 unless he has received affirmative votes from a majority of all of the public  
19 employees who are employed by the employer for whom he wishes to be the  
20 certified representative.

1           (2) A certification pursuant to this Section is valid for two years, though a  
2           person may be recertified by an election held in accordance with this Section.

3           (3) If a certified representative fails to receive recertification, no election on  
4           the same labor organization shall be held for at least one year after such failure;  
5           however, the employees may certify a representative of a different labor organization  
6           within that one-year period if the organization is not a substantially similar or  
7           affiliated labor organization to the decertified labor organization.

8           C. The Louisiana Workforce Commission shall promulgate rules for  
9           conducting the elections to certify representatives of a labor organizations. Such  
10          rules:

11          (1) Shall include provisions for authorized modes of election, which may  
12          include voting in person, by mail, by phone, by internet, or other means or any  
13          combination.

14          (2) Shall include provisions for ensuring that such an election is fair and  
15          reliable and employee votes are confidential.

16          (3) Shall include provisions for recall of a certified representative if the  
17          public employees wish to elect a different person as their certified representative.

18          (4) May include provisions authorizing the employer to impose fees on the  
19          labor organization to cover the costs of such elections.

20          D.(1) Elections pursuant to this Section shall be conducted by the employer.  
21          No such election is required by this Section unless the employer, in its sole  
22          discretion, chooses to engage in collective bargaining with its employees.

23          (2) If no election is held, any existing certification shall expire, and the  
24          public employer shall not engage in collective bargaining.

25          (3) If an existing certification expires, the terms of any existing contract  
26          between the certified representative and the public employer shall continue and  
27          remain in effect for the remaining contract term except for any provisions involving,  
28          in any manner, the former certified representative, including but not limited to union  
29          security, dues and fees, and grievance and arbitration.

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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 453 Original

2019 Regular Session

Miguez

**Abstract:** Provides relative to teacher union representation in collective bargaining arrangements.

Proposed law prohibits school boards from entering into contracts with labor unions that are not certified.

Proposed law prohibits an individual from presenting himself to a school board or public school employees as a labor union representative if he does not have proper certification.

Proposed law provides labor union certifications for individuals are valid for 2 years. Such certification may be renewed at an election held pursuant to proposed law and rules promulgated by the La. Workforce Commission for such purposes. Such rules shall include provisions for ensuring such election is fair, reliable, and confidential and may include authorization to impose fees on a labor organization to cover election costs.

(Adds R.S. 17:81.1)