

2020 Regular Session

HOUSE BILL NO. 572

BY REPRESENTATIVE CHARLES OWEN

LABOR: Provides relative to labor organizations for teachers and other school employees

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),
3 457, 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; to provide relative
5 to teachers and school employees to provide for labor organization and union dues;
6 to provide for payroll deductions; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 17:438(A) and (D) is hereby amended and reenacted and R.S.
9 17:438(E) is hereby enacted to read as follows:

10 §438. Permitted withholdings; exceptions

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

16 * * *

17 D. ~~This Section shall not apply to a city or parish school board operating~~
18 ~~under the terms of a collective bargaining agreement applicable to teachers employed~~
19 ~~by the board.~~ Upon the submission of a written or email request to his employing
20 school board, any teacher or other employee shall have the right to immediately

1 cease the withholding of labor organization dues from his wages. Upon receipt of
2 a request, the school board shall immediately provide written or email notification
3 to the labor organization of the teacher's or other employee's decision. The labor
4 organization shall cease any withholding of dues from the teacher or other
5 employees' wages and the teacher or other school employee will not accrue any
6 further debt. The school board shall notify the employee of his right to cease
7 payment of labor organization dues. The employee's right to immediately resign and
8 immediately end any financial obligation to a labor organization shall not be waived.
9 The school board shall provide written or email notification, at least annually, to the
10 teacher or other employee to inform him that he can withdraw from the organization.

11 E. All authorization for labor organization dues shall not exceed one year and
12 shall be renewed annually to be effective. Any prior authorizations for organization
13 dues are deemed invalid.

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

16 "I am aware that I have a First Amendment right, as recognized by the U.S.
17 Supreme Court, to refrain from joining and paying dues to a labor organization. I
18 further realize that membership and payment of dues are voluntary and that I may
19 not be discriminated against for my refusal to join or financially support a labor
20 organization. I authorize my employer to deduct union dues from my salary in the
21 amounts specified in accordance with my organization's bylaws. I understand that
22 I may revoke this authorization at any time."

23 (2) All authorizations, which shall be submitted to the school board, shall
24 contain a teacher's or other employee's full name, position, employee organization,
25 and signature. Before starting any deductions, the school board shall confirm the
26 authorization by emailing the teacher or other employee at his employer-provided
27 email address and the school board shall wait for confirmation of the authorization.
28 If the teacher or other employee does not possess an employer-provided email

1 address then the school board may use other means it deems appropriate to confirm
2 the authorization.

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

4 §890. Labor policy

5 * * *

6 F. Employees of such publicly owned and/or operated transportation systems
7 hereafter acquired may authorize and upon such authorization the aforesaid
8 municipality, transit authority or other authority organized for the purpose may make
9 deductions from wages and salaries of such employees:

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

13 * * *

14 Section 3. R.S. 42:456(A)(1), 457, and 457.1 are hereby amended and reenacted and
15 R.S. 42:457.2 is hereby enacted to read as follows:

16 §456. Permitted withholdings

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

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

24 * * *

25 §457. Union dues

26 A. Any state, parish, or city employee may authorize his employing
27 department, board, or agency to withhold from his salary a specific amount for such
28 pay periods as may be designated, for payment of his dues to any labor organization
29 to which he belongs and which he designates therein. In such cases, the employee

1 must voluntarily execute and furnish to the employing department, board, or agency
 2 a written and specific authorization for such deductions in the manner authorized by
 3 Subsection C of this Section; however, the employing authority may elect whether
 4 or not to make such deductions. Any amount withheld in accordance with the
 5 provisions of this Section shall be remitted on a regularly scheduled basis as
 6 prescribed by rules promulgated by the Division of Administration and administered
 7 by the state payroll office to the organization designated.

8 B. Upon the submission of a written or email request to his employer, an
 9 employee shall have the right to immediately cease the withholding of labor
 10 organization dues from his wages. Upon receipt of a request, the employer shall
 11 immediately provide written or email notification of the employee's decision to the
 12 labor organization. The labor organization shall cease any withholding of dues from
 13 the employees' wages and the employee will not accrue any further debt to the labor
 14 organization. The employer shall notify the employee of his right to cease payment
 15 of labor organization dues and that his right to immediately resign and end any
 16 financial obligation to labor organization shall not be waived. The employer shall
 17 provide written or email notification, at least annually, to the employee of his right
 18 to cease payment of labor organization dues and to withdraw from the labor
 19 organization.

20 C. All authorizations for labor organization dues shall not exceed one year
 21 and shall be renewed annually to be effective. Any prior authorizations for
 22 organization dues are invalid.

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

25 "I am aware that I have a First Amendment right, as recognized by the U.S.
 26 Supreme Court, to refrain from joining and paying dues to a labor organization. I
 27 further realize that membership and payment of dues are voluntary and that I may
 28 not be discriminated against for my refusal to join or financially support a labor
 29 organization. I authorize my employer to deduct union dues from my salary in the

1 amounts specified in accordance with my organization's bylaws. I understand that
2 I may revoke this authorization at any time."

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

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 shall 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 local
22 sheriff's office or parish law enforcement district.

23 B. Upon 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 of the employee's decision to the association.
27 The association shall cease any withholding of dues from the employees' wages and
28 the employee will not accrue any further debt to the association. Further, the
29 employee's right to immediately resign and end any financial obligation to

1 association shall not be waived. The employer shall provide written or email
2 notification, at least annually, to the employee to notify him of his right to cease
3 payment of association dues and to withdraw from the association.

4 C. All authorizations for association dues shall not exceed one year and will
5 be renewed annually to be effective. Any prior authorizations for organization dues
6 are invalid.

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

9 "I am aware that I have a First Amendment right, as recognized by the U.S.
10 Supreme Court, to refrain from joining and paying dues to a labor organization. I
11 further realize that membership and payment of dues are voluntary and that I may
12 not be discriminated against for my refusal to join or financially support a labor
13 organization. I authorize my employer to deduct union dues from my salary in the
14 amounts specified in accordance with my organization's bylaws. I understand that
15 I may revoke this authorization at any time."

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

23 §457.2 Public employees labor organization or union dues

24 A. A public employee shall have the right to immediately cease the
25 withholding of labor organization or union dues from his wages at any time upon the
26 submission of a written or email request to his employer. Upon receipt of a request,
27 the employer shall immediately provide written or email notification of the
28 employee's decision to the labor organization. The labor organization shall cease any
29 withholding of dues from the employee's wages and no further debt to the labor

1 organization shall accrue. The right to immediately resign and immediately end any
2 financial obligation to a labor organization shall not be waived. The employer shall
3 provide written or email notification, at least annually, to the employee to inform
4 him of his right to cease payment of dues to the labor organization and to withdraw
5 from the labor organization.

6 B. All authorizations for labor organization dues shall not exceed one year
7 and shall be renewed annually to be effective.

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

10 "I am aware that I have a First Amendment right, as recognized by the U.S.
11 Supreme Court, to refrain from joining and paying dues to a labor organization. I
12 further realize that membership and payment of dues are voluntary and that I may
13 not be discriminated against for my refusal to join or financially support a labor
14 organization. I authorize my employer to deduct union dues from my salary in the
15 amounts specified in accordance with my organization's bylaws. I understand that
16 I may revoke this authorization at any time."

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

24 Section 4. If any provision of this Act or the application thereof is held invalid, such
25 invalidity shall not affect other provisions or applications of this Act which can be given
26 effect without the invalid provisions or applications, and to this end the provisions of this
27 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 572 Original

2020 Regular Session

Charles Owen

Abstract: Provides relative to teachers' and other school employees' resignation from labor organizations.

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 from his pay check as designated.

Proposed law provides that any teacher or other employee of a parish or city school board may authorize in the manner provided by proposed law. Otherwise, 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.

Proposed law provides that teachers or other employees shall have the right to immediately cease withholding all labor organizations dues from their wages at any time upon the submission of a written or email request to his school board. Proposed law further provides that upon receipt of a request, the school board shall immediately provide written or email notification to the school board of the teacher's or other employee's decision.

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

Proposed law provides that all authorizations must contain a teacher's or other employee's full name, position, employee, organization, and signature. Further, all authorizations must be submitted to their school board. Proposed law provides that before starting any deductions, the school board must confirm the authorization by emailing the teacher's or other employee's school board at his employer-provided email address and the school board must await confirmation.

Present law provides that 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 retains present law and further states in the manner authorized by proposed law.

Proposed law provides that an employee shall have the right to immediately cease withholding all labor organizations dues from his wages at any time upon the submission of a written or email request to his employer. Proposed law further provides that upon receipt of a request, the employer shall immediately provide written or email notification to the labor organization of the employee's decision.

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

Proposed law provides that all authorizations shall be on a form prescribed by the employer and contain a statement in 14-point boldface font, which contains the following statement: "I am aware that I have a First Amendment right, as recognized by the U.S. Supreme Court, to refrain from joining and paying dues to a labor organization. I further realize that membership and payment of dues are voluntary and that I may not be discriminated against for my refusal to join or financially support a labor organization. I authorize my employer to deduct union dues from my salary in the amounts specified in accordance with my organization's bylaws. I understand that I may revoke this authorization at any time."

Proposed law provides public employees shall have the right to immediately cease withholding all labor organizations dues from their wages at any time upon the submission of a written or email request to his employer. Proposed law further provides that upon receipt of a request, the employer shall immediately provide written or email notification to the labor organization of the employee's decision.

Proposed law requires the labor organization to cease withholding of dues out of the public employee's wages. Proposed law further provides that the public employee will not accrue any further debt.

Proposed law provides for severability.

(Amends R.S. 17:438(A) and (D), R.S. 23:890(F)(1), 42:456(A)(1), 457, 457.1; and Adds R.S. 17:438(E) and R.S. 42:457.2)