

SECOND REGULAR SESSION

SENATE BILL NO. 701

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR ONDER.

Pre-filed December 1, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4032S.03I

AN ACT

To repeal section 105.505, RSMo, and to enact in lieu thereof one new section relating to the authorization of the deduction of moneys from the paychecks of public employees for the benefit of public labor organizations.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 105.505, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 105.505, to read as follows:

105.505. 1. No sum shall be withheld from the earnings of any public
2 employee for the purpose of paying any portion of dues, agency shop fees, or any
3 other fees paid by members of a labor organization or public employees who are
4 nonmembers except [upon the annual] **with the informed** written or electronic
5 authorization of the member or nonmember **received by the department**
6 **within the previous twelve months. The department shall require clear**
7 **and compelling evidence that such authorization has been freely given**
8 **by a public employee. Submission of the form described in subsection**
9 **2 of this section shall constitute clear and compelling evidence that**
10 **authorization has been freely given.**

11 2. The authorization referred to in subsection 1 of this section
12 shall be made on the following form, the sole purpose of which is the
13 documentation of such authorization. The form's title shall read, in at
14 least twenty-four point bold type, "Consent for Withholding Union
15 Dues/Fees", and shall state in at least fourteen-point bold type, the
16 following specific text:

17 "Signing this form authorizes the amount of \$..... to be
18 withheld from your monthly earnings and allocated to your

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 labor union as a portion of your dues, agency shop fees, or
 20 other fee payments for the next twelve months. You are
 21 not obligated to sign this authorization. Your signature
 22 below is completely voluntary and cannot in any way affect
 23 your employment. As a public employee, you have a First
 24 Amendment right to refrain from joining or paying dues or
 25 fees to a labor union. By signing this form you are hereby
 26 waiving your right to refrain from union membership and
 27 dues payment. You may revoke this authorization at any
 28 time by providing notice to (public body)."

29 3. No labor organization shall use or obtain any portion of dues, agency
 30 shop fees, or any other fees paid by members of the labor organization or public
 31 employees who are nonmembers to make contributions, as defined in section
 32 130.011, or expenditures, as defined in section 130.011, except with the informed
 33 written or electronic authorization of such member or nonmember received by
 34 the department within the previous twelve months. The department shall
 35 require clear and compelling evidence that such authorization has been
 36 freely given by a public employee. Submission of the form described in
 37 subsection 4 of this section shall constitute clear and compelling
 38 evidence that authorization has been freely given.

39 [3.] 4. The authorization referred to in subsection 3 of this
 40 section shall be made on the following form, the sole purpose of which
 41 is the documentation of such authorization. The form's title shall read,
 42 in at least twenty-four point bold type, "Consent for Political Use of
 43 Dues/Fees", and shall state in at least fourteen point bold type, the
 44 following specific text:

45 "Signing this form authorizes your union to use the
 46 amount of \$..... from each of your dues or
 47 agency shop fee payments during the next twelve
 48 months as a political contribution or expenditure."

49 "Signing this form requests your union to use the
 50 amount of \$..... from each of your dues or
 51 agency shop fee payments during the next twelve
 52 months as a political contribution to a continuing
 53 committee formed by your public labor organization.

54 Check applicable box.

55 **You are not obligated to sign this authorization. Your signature below**
56 **is completely voluntary and cannot in any way affect your employment.**
57 **As a public employee, you have a First Amendment right to refrain**
58 **from joining or paying dues or fees to a labor union. By signing this**
59 **form you are hereby waiving your right to refrain from union**
60 **membership and dues payment. You may revoke this authorization at**
61 **any time by providing notice to (public body)."**

62 **5.** Public employees who do not authorize contributions or expenditures
63 under [subsection 2 of] this section shall not have their dues, agency shop fees,
64 or other fees increased in lieu of payments for contributions or expenditures.

65 **[4.] 6.** The requirements of this section shall not be waived by any
66 member or nonmember of a labor organization, and waiver of the requirements
67 shall not be made a condition of employment or continued employment.

68 **[5.] 7.** Signing or refraining from signing any authorization [described]
69 under [subsection 1 or 2 of] this section shall not be made a condition of
70 employment or continued employment.

71 **[6.] 8.** A labor organization shall maintain financial records substantially
72 similar to and no less comprehensive than the records that are required to be
73 maintained in accordance with 29 U.S.C. Section 431(b), or any successor statute.

74 **[7.] 9.** Every labor organization shall provide the records required under
75 subsection [6] 8 of this section in a searchable electronic format to every public
76 employee it represents. If any labor organization fails to make such records
77 available to the public employees represented by such organization, any such
78 public employee shall have a cause of action against the labor organization for
79 enforcement of this subsection. The court in such action may, in its discretion,
80 in addition to any judgment awarded to the plaintiff or plaintiffs, require
81 reasonable attorney's fees and court costs to be paid by the labor organization.

82 **[8.] 10.** Every labor organization required to prepare any record under
83 this section shall maintain such records and any additional data or summary by
84 which the records may be verified, explained, or clarified for a period of not less
85 than five years immediately following the preparation of such record.

86 **[9.] 11.** For purposes of this section, the term "agency shop" shall mean
87 an arrangement that requires a public employee, as a condition of employment
88 or continued employment, either to join a recognized labor organization or to pay
89 such organization a service fee.

90 **12. (1) The department shall create and maintain an electronic**

91 **database whereby public employees can submit or revoke any**
92 **authorization under this section.**

93 **(2) Any authorization submitted under this section by a public**
94 **employee may be revoked by such public employee at any time, with**
95 **such revocation to take effect at the beginning of any succeeding pay**
96 **period.**

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Unofficial

Bill

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