

2024 Regular Session

SENATE BILL NO. 264

BY SENATOR SEABAUGH

PUBLIC EMPLOYEES. Provides for certain payroll deductions for labor organizations from compensation paid to public employees. (8/1/24)

1 AN ACT

2 To amend and reenact R.S. 42:456(A)(1), 457, and 457.1 and to enact R.S. 42:456(C),
3 relative to payroll deductions; to provide for prohibitions; to provide for certification
4 requirements; to provide for employee authorization requirements; to provide for
5 notification requirements; to provide for renewal requirements; to provide for
6 revocation; to provide for reporting requirements; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 42:456(A)(1), 457, and 457.1 are hereby amended and reenacted and
9 R.S. 42:456(C) is hereby enacted to read as follows:

10 §456. Permitted withholdings

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

12 (1) Mandated federal or state income withholdings, credit unions,
13 garnishments, liens, union dues **in the manner provided by R.S. 42:457**, savings
14 bonds programs, qualified United Way entities, health and life insurance products
15 offered through the Office of Group Benefits, and products having state participating
16 contributions, sponsored by the Office of Group Benefits, which qualify and are
17 offered under Section 125 of the Internal Revenue Code (Cafeteria Plan).

* * *

C.(1) Any organization that requests the state, any political subdivision of the state, or any parish, city, or local governmental agency to arrange for the collection of membership dues via salary deduction or any other collection method from its employees shall certify that none of the collected dues will be used for political activity purposes.

(2) Each organization that collects membership dues pursuant to this Section shall annually report a detailed breakdown of the expenditure of the collected membership dues of each employee from which they were collected to the employing public agency.

(3) Any organization that fails to provide the certification or annual report required by this Subsection, reports the use of membership dues collected pursuant to this Section for political activity purposes, or falsely reports information related to use of membership dues for political activity purposes shall be permanently barred from collection of its membership dues in the manner prescribed by this Section.

* * *

§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.

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

6 (2) Upon receipt of the notification provided for in Paragraph (1), the
7 employer shall cease any withholding of dues from the employee's wages and
8 the employee shall not accrue any further debt to the labor organization or
9 union. The employee's right to immediately discontinue any financial obligation
10 to the labor organization or union shall not be waived.

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

15 (4) This Section shall apply prospectively to any new collective
16 bargaining agreement or contract that is entered into or any existing collective
17 bargaining agreement that is modified, extended, or otherwise affected by a new
18 or modified memorandum of understanding after August 1, 2024.

19 C.(1) The employer shall provide written or electronic notification on an
20 annual basis at minimum advising the employee of his right to cease payment
21 of association dues and to withdraw membership from the labor organization
22 or union.

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

25 "The state of Louisiana wishes to inform you that you have a First
26 Amendment right to join or refrain from joining and paying dues to a labor
27 organization. Membership and payment of dues are voluntary and you may not
28 be discriminated against for your decision or your refusal to join or financially
29 support a labor organization. You may authorize your employer to deduct labor

1 organization dues from your salary in the amount specified in accordance with
2 the labor organization's bylaws. You may revoke this authorization at any
3 time."

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

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

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

20 §457.1. Professional law enforcement and firefighter association dues

21 A. Any employee of the state or of any political subdivision of the state may
22 authorize his employer to withhold from his salary a specific amount for such pay
23 periods as may be designated, for payment of his dues to any professional state or
24 local law enforcement or firefighter association which is located or is operating a
25 chapter within the respective jurisdiction and to which the employee belongs. The
26 employee must voluntarily execute and furnish to the employer a written and specific
27 authorization for such deduction. Upon receipt of such authorization, and in
28 accordance with the instructions contained therein, the employer shall begin to make
29 such deductions in the manner prescribed in Subsection C of this Section. The

1 amounts withheld shall be remitted forthwith to the organization designated by the
2 employee. The provisions of this Section shall not apply to any employee of the local
3 sheriff's office or parish law enforcement district.

4 **B.(1) Upon the submission of a written or electronic request to the**
5 **employer, the employee shall have the right to immediately cease the**
6 **withholding of dues from his wages. Upon receipt of a request to withhold, the**
7 **employer shall immediately provide written or electronic notification to the**
8 **association of the employee's decision.**

9 **(2) Upon receipt of the notification provided for in Paragraph (1), the**
10 **employer shall cease any withholding of dues from the employee's wages and**
11 **the employee shall not accrue any further debt to the association. The**
12 **employee's right to immediately discontinue any financial obligation to the**
13 **association shall not be waived.**

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

18 **(4) This Section shall apply prospectively to any new collective**
19 **bargaining agreement or contract that is entered into or any existing collective**
20 **bargaining agreement that is modified, extended, or otherwise affected by a new**
21 **or modified memorandum of understanding after August 1, 2024.**

22 **C.(1) The employer shall provide written or electronic notification on an**
23 **annual basis at minimum advising the employee of his right to cease payment**
24 **of association dues and to withdraw membership from the association.**

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

27 **"The state of Louisiana wishes to inform you that you have a First**
28 **Amendment right to join or refrain from joining and paying dues to a labor**
29 **organization. Membership and payment of dues are voluntary and you may not**

1 be discriminated against for your decision or your refusal to join or financially
 2 support a labor organization. You may authorize your employer to deduct labor
 3 organization dues from your salary in the amount specified in accordance with
 4 the labor organization's bylaws. You may revoke this authorization at any
 5 time."

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

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

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

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Matt DeVille.

Present law authorizes payroll deductions from public employees for mandated federal or state income withholdings, credit unions, garnishments, liens, union dues, savings bonds programs, qualified United Way entities, health and life insurance products offered through the Office of Group Benefits, and products having state participating contributions, sponsored by the Office of Group Benefits, which qualify and are offered under Section 125 of the Internal Revenue Code (Cafeteria Plan), products offered without state contributory participation which have been evaluated and approved in accordance with rules and procedures promulgated by the commissioner of administration, and donations to any qualified nonprofit community health and human services charities, coordinated and payable

through the Louisiana Association of United Ways.

Proposed law retains present law and requires any organization that requests a public entity to arrange for collection of membership dues via salary deduction of its employees to certify that none of the membership dues will be used for political activity.

Proposed law further requires each organization receiving membership dues from salary deductions of public employees to provide the governmental employer with a detailed breakdown of the expenditure of membership dues.

Proposed law provides that any organization that fails to provide the certification and expenditure report regarding use of membership dues required by proposed law will be permanently barred from the collection of membership dues through salary deduction.

Present law provides that employee of the state or of any political subdivision of the state may authorize his employer to withhold from his salary a specific amount for payment of his dues to any labor organization to which he belongs or professional state or local law enforcement or firefighter association which is located or is operating a chapter within the respective jurisdiction and to which the employee belongs.

Present law further provides that the employee must voluntarily execute and furnish to the employer a written and specific authorization to deduct a portion of his salary for payment of membership dues and transmit the amount withheld to the organization designated by the employee.

Proposed law retains present law and further provides that an employee has the unwaivable right to immediately cease the salary deduction upon the submission of a written or emailed request to his employer and stop accruing any further debt to the association. Further provides the employer must immediately notify the association of the employee's decision.

Proposed law provides that all employee authorizations for salary deductions are only valid for one year, require annual renewal to remain effective, and that any prior authorizations for deductions are deemed invalid.

Proposed law applies 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 electronic notification on an annual basis at minimum advising the employee of his right to cease payment of membership dues and to withdraw membership from the association.

Proposed law requires salary deduction authorizations to be made on a form prescribed by the employer that contains a statement advising the employee of his rights to not join or pay dues to a labor organization and to revoke the authorization at any time.

Proposed law requires salary deduction authorizations to be submitted to the employer and to contain the employee's full name, position, employee organization, and signature.

Proposed law provides that an employer cannot deduct any portion of an employee's salary for purposes of payment of labor organization dues without emailed receipt of confirmation of the employee's authorization from the employee's employer-provided email address. Further provides that if the employee does not have an employer-provided email address 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 agent of any public officers or

employees or to collectively bargain, 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.

Effective August 1, 2024.

(Amends R.S. 42:456(A)(1), 457, and 457.1; adds R.S. 42:456(C))