

2024 Regular Session

HOUSE BILL NO. 712

BY REPRESENTATIVE CREWS

LABOR: Provides relative to the resignation from labor organizations for teachers and other school employees and the collection of membership dues for political activities

1 AN ACT

2 To amend and reenact R.S. 17:438(C) and (D) and to enact R.S. 17:438(E) through (H),  
3 relative to labor organizations; to provide for the resignation from labor  
4 organizations for teachers or other school employees; to provide for collective  
5 bargaining agreements and contracts; to provide for the collection and the reporting  
6 of membership dues for political activity; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 17:438(C) and (D) are hereby amended and reenacted and R.S.  
9 17:438(E) through (H) are hereby enacted to read as follows:

10 §438. Permitted withholdings; exceptions

11 \* \* \*

12 C.(1) Any organization that requests a state, parish, city, local school board,  
13 or any other governmental agency to arrange by salary deduction or otherwise for the  
14 collection of membership dues of persons employed by a state, parish, city, local  
15 school board, or any other governmental agency shall certify to the appropriate  
16 governmental entity that none of the membership dues will be used for political  
17 activity.

18 (2) Thereafter, at the conclusion of each calendar year, each organization that  
19 has arranged for the collection of its membership dues of persons employed by a  
20 state, parish, city, local school board, or any other governmental agency shall provide

1 the appropriate governmental entity a detailed breakdown of the expenditure of the  
2 membership dues of persons employed by a state, parish, city, local school board, or  
3 any other governmental agency collected by the governmental entity.

4 (3) Any organization that fails to provide the required certifications, reports  
5 any expenditures for political activity, or files false information about political  
6 activity in any of its reports shall be permanently barred from arranging for the  
7 collection of its membership dues by any governmental entity.

8 D. Any amount withheld in accordance with the provisions of this Section  
9 shall be remitted to the organization designated on a regularly scheduled basis as  
10 determined by the employing board.

11 ~~D. This Section shall not apply to a city or parish school board operating~~  
12 ~~under the terms of a collective bargaining agreement applicable to teachers employed~~  
13 ~~by the board.~~

14 E.(1) Upon the submission of a written or email request to a state, parish,  
15 city, local school board, or any other governmental agency, any employee shall have  
16 the right to immediately cease the withholding of membership dues from his wages.  
17 Upon receipt of a request, a state, parish, city, local school board, or any other  
18 governmental agency shall immediately provide written or email notification to the  
19 organization of the employee's decision.

20 (2) The organization shall cease any withholding of dues from the  
21 employee's wages and the employee will not accrue any further debt. The  
22 employee's right to immediately resign and immediately end any financial obligation  
23 to an organization shall not be waived.

24 (3) All authorizations for organization due shall not exceed one year and are  
25 required to be renewed annually. Any prior authorizations for organization dues are  
26 deemed invalid.

27 (4) The requirements of this Section do not affect any collective bargaining  
28 agreement in effect and the terms of the collective bargaining agreement shall remain  
29 valid until the expiration of the collective bargaining agreement.

1           F.(1) The state, parish, city, local school board, or any other governmental  
2           agency shall notify the employee of his right to cease payment of member  
3           organization dues. The state, a parish, a city, a local school board, or any other  
4           governmental agency shall provide written or email notification, at least annually,  
5           to the employee to inform him that he can withdraw from the organization.

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

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

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

22           G. No state, parish, municipality, town, or like governmental officer, agent,  
23           or governing body shall be vested with or possess any authority to recognize any  
24           labor union or other employee association as a bargaining or meet and confer agent  
25           of any public officers or employees, or to collectively bargain, meet and confer or  
26           enter into any collective bargaining contract or memorandum of understanding that  
27           outlines terms and conditions of employment with any union or association or its  
28           agents with respect to any matter relating to the public officer's or employee's  
29           employment or service.

1                    H. The provisions of this Section shall not apply to law enforcement and  
2                    firefighters.

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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 712 Original

2024 Regular Session

Crews

**Abstract:** Allows teachers or other employees from certain governing bodies to withdraw from paying labor organization dues and to prohibit the collection of membership dues for political activities.

Proposed law requires a labor organization that requests to collect membership dues or salary deductions from a state, public, school board, or any other governmental agency employee to certify to the appropriate governmental entity that none of the membership dues will be used for political activity. Proposed law further requires, at the end of each calendar year, for a labor organization to provide a detailed breakdown of the expenditure of membership dues collected.

Proposed law provides that any labor organization that fails to provide the required certifications, reports expenditures for political activity, or files false information about political activity in any of its reports shall be permanently barred from arranging for the collection of its membership dues.

Proposed law provides that upon submission of a written or email request to a state, parish, city, local school board, or any other governmental agency, herein referred to as "the agency", an employee shall have the right to immediately cease the withholding of association dues from his wages. Proposed law further provides that upon receipt of a request, the agency shall immediately send written or email notification of the employee's decision to the organization.

Proposed law provides that the organization shall cease any withholding of dues from the employee's wages. Proposed law further provides that the employee will not accrue any further debt.

Proposed law provides that the employee's right to immediately resign and immediately end any financial obligation to an association shall not be waived.

Proposed law provides that all authorizations for association dues shall not exceed one year; and that all authorizations shall be renewed annually in order to be effective. Proposed law further provides that any prior authorizations for association dues are deemed invalid.

Proposed law provides that the requirements of proposed law do not affect any collective bargaining agreement currently in effect. Proposed law further provides that the terms of the collective bargaining agreement shall remain valid until the adoption of a new collective bargaining agreement or modification, extension, or alteration of an existing bargaining agreement pursuant to proposed law occurs.

Proposed law provides that the agency shall notify the employee of his right to cease payment of association dues. Proposed law further provides that the agency shall provide written or email notification, at least annually, to the employee to inform him that he can withdraw from the association.

Proposed law provides that all authorizations shall be on a form prescribed by the employer and contain the following statement in fourteen-point boldface font.

"The state of La. wishes to inform you that you have a 1<sup>st</sup> Amendment right to join or refrain from joining and paying dues to an association. Membership and payment of dues are voluntary and you may not be discriminated against for your decision or your refusal to join or financially support an association. You may authorize your employer to deduct association dues from your salary in the amounts specified in accordance with an association's bylaws. You may revoke this authorization at any time."

Proposed law provides that the employer shall confirm the authorization by emailing the employee at his employer-provided email address or, if he does not have an employer-provided email, by other means the employer deems appropriate.

Proposed law prohibits a state, parish, city, town, or governmental officer, agent, or governing body from recognizing 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 the labor union or association or its agents with respect to any matter relating to the public officer's or employee's employment or service.

Proposed law exempts law enforcement and firefighter services to the applicability of proposed law.

(Amends R.S. 17:438(C) and (D); Adds R.S. 17:438(E)-(H))