HLS 24RS-1679 ORIGINAL

2024 Regular Session

HOUSE BILL NO. 919

BY REPRESENTATIVE CHENEVERT

PUBLIC OFFLS/EMPS: Provides with respect to payroll deductions

To amend and reenact R.S. 17:438, R.S. 23:890(F), and R.S. 42:456(A)(1) and 457, relative to payroll withholdings for payment of dues; to limit authorizations of such

withholdings and to provide for rescinding such authorizations; to prohibit use of

AN ACT

dues for political activities and to require reports related thereto; and to provide for

6 related matters.

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Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:438 is hereby amended and reenacted to read as follows:

§438. Permitted withholdings; exceptions

A. 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 for such pay periods as may be designated, for the payment of regular dues owed by such teacher or other employee to any organization of teachers or other school employees. <u>Any such authorization shall expire in one year but may</u> be renewed.

B. No deduction shall be made from the earnings of any teacher or other employee for the purpose permitted by this Section unless fifty or more teachers or other employees or ten percent of the total number of employees, including teachers, whichever is less have requested such deduction be made and the deduction is specifically and voluntarily authorized in writing by the teacher or other employee.

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CODING: Words in struck through type are deletions from existing law; words underscored are additions.

If such authority is provided and a request for such deduction made, the school board
shall honor the request and provide for the deduction; however, if any system
documents to the satisfaction of the State Board of Elementary and Secondary
Education that it has already acquired payroll checks that will not accommodate the
request, the school board shall provide for such deduction as soon as possible but,
in no case later than the beginning of the school year following the request.
C.(1) Any organization on behalf of which an employer withholds funds
pursuant to this Section shall certify to the employer that none of the membership
dues will be used for political activity.
(2) By the end of each calendar year, each such organization shall provide
the employer a detailed account of how employees' membership dues were
expended.
(3) Any organization that fails to comply with Paragraph (1) or (2) of this
Subsection shall be permanently barred from arranging for the collection of its
membership dues by the employer.
<u>D.</u> Any amount withheld in accordance with the provisions of this Section
shall be remitted to the organization designated on a regularly scheduled basis as
determined by the employing board.
D. E. This Section shall not apply to a city or parish school board operating
under the terms of a collective bargaining agreement applicable to teachers employed
by the board. The requirements of this Section do not affect any collective
bargaining agreement in effect, and the terms of the collective bargaining agreement
shall remain valid until the expiration of the collective bargaining agreement.
F.(1) An employee may rescind his authorization of withholdings pursuant
to Subsection A of this Section at any time. The employee shall submit a written
request to his employer stating his desire to rescind the authorization, and the
employer shall notify the organization, in writing, that it is terminating the
withholdings as requested by the employee

1	(2) The organization shall cease any withholding of dues from the
2	employee's wages, and the employee shall not accrue any further debt. The
3	employee's right to immediately resign and immediately end any financial obligation
4	to an organization shall not be waived.
5	Section 2. R.S. 23:890(F) is hereby amended and reenacted to read as follows:
6	§890. Labor policy
7	* * *
8	F.(1) Employees of such publicly owned and/or or operated transportation
9	systems hereafter acquired may authorize and upon such authorization the aforesaid
10	municipality, transit authority, or other authority organized for the purpose may
11	make deductions from wages and salaries of such employees:
12	(1) (a) Pursuant to a collective bargaining agreement with a duly designated
13	or certified labor organization for the payment of union dues, fees, or assessments.
14	(2) (b) For the payment of contributions pursuant to any health and welfare
15	plan or pension or retirement plan, and.
16	(3) (c) For any purposes for which deductions may be authorized by
17	employees of any private employer.
18	(2) Any authorization pursuant to Subparagraph (1)(a) of this Subsection
19	shall expire in one year but may be renewed.
20	(3)(a) Any organization on behalf of which an employer withholds funds
21	pursuant to Subparagraph (1)(a) of this Subsection shall certify to the employer that
22	none of the membership dues will be used for political activity.
23	(b) By the end of each calendar year, each such organization shall provide
24	the employer a detailed account of how employees' membership dues were
25	expended.
26	(c) Any organization that fails to comply with Subparagraph (a) or (b) of this
27	Paragraph shall be permanently barred from arranging for the collection of its
28	membership dues by the employer.

1	(4)(a) An employee may rescind his authorization of withholdings pursuant
2	to Subparagraph (1)(a) of this Subsection at any time. The employee shall submit
3	a written request to his employer stating his desire to rescind the authorization, and
4	the employer shall notify the organization, in writing, that it is terminating the
5	withholdings as requested by the employee.
6	(b) The organization shall cease any withholding of dues from the
7	employee's wages and the employee shall not accrue any further debt. The
8	employee's right to immediately resign and immediately end any financial obligation
9	to an organization shall not be waived.
10	* * *
11	Section 3. R.S. 42:456(A)(1) and 457 are hereby amended and reenacted to read as
12	follows:
13	§456. Permitted withholdings
14	A. Payroll deductions shall be authorized only for the following:
15	(1) Mandated federal or state income withholdings, credit unions,
16	garnishments, liens, union dues in the manner provided by R.S. 42:457, savings
17	bonds programs, qualified United Way entities, health and life insurance products
18	offered through the Office of Group Benefits, and products having state participating
19	contributions, sponsored by the Office of Group Benefits, which qualify and are
20	offered under Section 125 of the Internal Revenue Code (Cafeteria Plan).
21	* * *
22	§457. Union dues
23	A. Any state, parish, or city employee may authorize his employing
24	department, board, or agency to withhold from his salary a specific amount for such
25	pay periods as may be designated, for payment of his dues to any labor organization
26	to which he belongs and which he designates therein. In such cases, the employee
27	must voluntarily execute and furnish to the employing department, board, or agency
28	a written and specific authorization for such deductions; however, the employing
29	authority may elect whether or not to make such deductions. Any such authorization

shall expire in one year but may be renewed. Any amount withheld in accordant	ıce
with the provisions of this Section shall be remitted on a regularly scheduled ba	sis
as prescribed by rules promulgated by the Division of Administration division	of
administration and administered by the state payroll office to the organization	on
designated.	
B.(1) An employee may rescind his authorization of withholdings pursua	<u>ant</u>
to Subsection A of this Section at any time. The employee shall submit a writt	<u>ten</u>
request to his employer stating his desire to rescind the authorization, and t	<u>the</u>
employer shall notify the organization, in writing, that it is terminating t	<u>the</u>
withholdings as requested by the employee.	
(2) Upon receipt of the notification provided for in Paragraph (1) of the	<u>his</u>
Subsection, the employer shall cease any withholding of dues from the employer	e's
wages, and the employee shall not accrue any further debt to the organization. T	<u>`he</u>
employee's right to immediately resign and discontinue any financial obligation	to
the labor organization or union shall not be waived.	
(3) This Subsection shall apply prospectively to any new collection	ive
bargaining agreement or contact that is entered into or any existing collection	ive
bargaining agreement that is modified, extended, or otherwise affected by a new	or
modified memorandum of understanding after August 1, 2024.	
C.(1) Any organization on behalf of which an employer withholds fun	<u>ıds</u>
pursuant to this Section shall certify to the employer that none of the membersh	nip
dues will be used for political activity.	
(2) By the end of each calendar year, each such organization shall provi	<u>ide</u>
the employer a detailed account of how employees' membership dues we	<u>ere</u>
expended.	
(3) Any organization that fails to comply with Paragraph (1) or (2) of the	<u>his</u>
Subsection shall be permanently barred from arranging for the collection of	its
membership dues by the employer.	

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D. The provisions of this Section do not apply to law enforcement and

2 firefighter services.

## 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 919 Original

2024 Regular Session

Chenevert

**Abstract:** Provides relative to payroll withholdings for the payment of dues to labor organizations.

<u>Present law</u> provides that an employee of a school board may authorize his employing school board to deduct and withhold from his earnings a specific amount for the payment of regular dues owed to any organization of school employees.

<u>Present law</u> provides that any state, parish, or city employee may authorize his employer to withhold from his salary a specific amount for payment of his dues to any labor organization. <u>Present law</u> provides that employees of certain publicly owned or operated transportation systems may authorize their employer to make deductions from wages and salaries 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 relative to all such payroll deductions, provides as follows:

- (1) Any such authorization shall expire in one year but may be renewed.
- (2) Authorizes an employee to request cessation of such withholdings. Provides that pursuant to such a request, the employee shall not accrue any further debt to the organization. Further provides that the employee's right to immediately discontinue any financial obligation to the organization shall not be waived.
- (3) Requires any organization on behalf of which an employer withholds funds to certify to the employer that membership dues are not used for political activity. Requires that organizations annually report to employers on the use of dues. Provides that an organization that violates <u>proposed law</u> is permanently barred from arranging for the collection of its membership dues by the employer.

(Amends R.S. 17:438, R.S. 23:890(F), and R.S. 42:456(A)(1) and 457)