

FIRST REGULAR SESSION

SENATE BILL NO. 244

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR ONDER.

0266S.02I

ADRIANE D. CROUSE, Secretary

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, with penalty provisions.

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Section A. Section 105.505, RSMo, is repealed and one new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

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

13 2. The authorization referred to in subsection 1 of
14 this section shall be made on the following form, the sole
15 purpose of which is the documentation of such
16 authorization. The form's title shall read, in at least
17 twenty-four point bold type, "Consent for Withholding Union

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

18 Dues/Fees", and shall state in at least fourteen-point bold
19 type, the following specific text:

20 "I (print name), member of (bargaining unit) authorize the
21 amount of \$..... to be withheld from my monthly
22 earnings and allocated to (union) as a portion of my
23 succeeding dues, agency shop fees, or other fee payments. I
24 understand that I am not obligated to sign this
25 authorization. I understand that my signature below is
26 completely voluntary and cannot in any way affect my
27 employment. I understand that as a public employee, I have
28 a First Amendment right to refrain from joining or paying
29 dues or fees to a labor union. I understand that by signing
30 this form I am hereby waiving my right to refrain from
31 membership and dues payment to (union). I understand that I
32 may revoke this authorization at any time by providing
33 notice to (public body)."

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

47 [3.] 4. The authorization referred to in subsection 3
48 of this section shall be made on the following form, the

49 sole purpose of which is the documentation of such
50 authorization. The form's title shall read, in at least
51 twenty-four point bold type, "Consent for Political Use of
52 Dues/Fees", and shall state in at least fourteen-point bold
53 type, the following specific text:

54 "I (print name), member of (bargaining unit), authorize
55 (union) to use the following amounts of each of my dues or
56 agency shop fee payments for the following political
57 purposes:

- 58 The amount of \$..... from each of my
59 dues or agency shop fee payments as a
60 political contribution or expenditure.
- 61 The amount of \$..... from each of my
62 dues or agency shop fee payments as a
63 political contribution to a continuing
64 committee formed by (union).

65 Check applicable box.

66 I understand that I am not obligated to sign this
67 authorization. I understand that my signature below is
68 completely voluntary and cannot in any way affect my
69 employment. I understand that as a public employee, I have
70 a First Amendment right to refrain from supporting a union.
71 I understand that by signing this form I am hereby waiving
72 my right to refrain from supporting the political activities
73 of (union). I understand that I may revoke this
74 authorization at any time by providing notice to (public
75 body)."

76 5. Public employees who do not authorize contributions
77 or expenditures under [subsection 2 of] this section shall
78 not have their dues, agency shop fees, or other fees

79 increased in lieu of payments for contributions or
80 expenditures.

81 [4.] 6. The requirements of this section shall not be
82 waived by any member or nonmember of a labor organization,
83 and waiver of the requirements shall not be made a condition
84 of employment or continued employment.

85 [5.] 7. Signing or refraining from signing any
86 authorization [described] under [subsection 1 or 2 of] this
87 section shall not be made a condition of employment or
88 continued employment.

89 [6.] 8. A labor organization shall maintain financial
90 records substantially similar to and no less comprehensive
91 than the records that are required to be maintained in
92 accordance with 29 U.S.C. Section 431(b), or any successor
93 statute.

94 [7.] 9. Every labor organization shall provide the
95 records required under subsection [6] 8 of this section in a
96 searchable electronic format to every public employee it
97 represents. If any labor organization fails to make such
98 records available to the public employees represented by
99 such organization, any such public employee shall have a
100 cause of action against the labor organization for
101 enforcement of this subsection. The court in such action
102 may, in its discretion, in addition to any judgment awarded
103 to the plaintiff or plaintiffs, require reasonable
104 attorney's fees and court costs to be paid by the labor
105 organization.

106 [8.] 10. Every labor organization required to prepare
107 any record under this section shall maintain such records
108 and any additional data or summary by which the records may
109 be verified, explained, or clarified for a period of not

110 less than five years immediately following the preparation
111 of such record.

112 [9.] 11. For purposes of this section, the term
113 "agency shop" shall mean an arrangement that requires a
114 public employee, as a condition of employment or continued
115 employment, either to join a recognized labor organization
116 or to pay such organization a service fee.

117 12. Any authorization submitted under this section by
118 a public employee may be revoked by such public employee at
119 any time, with such revocation to take effect at the
120 beginning of any succeeding pay period.

121 13. The department shall assess a fine of no more than
122 five hundred dollars per violation to any public body that
123 fails to comply with the provisions of this section.

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