

2016 Regular Session

HOUSE BILL NO. 185

BY REPRESENTATIVE JAY MORRIS

PUBLIC EMPLOYEES: Provides with respect to authorized payroll withholdings for public employees

1 AN ACT

2 To amend and reenact R.S. 17:438, R.S. 23:890(F) and (G), and R.S. 42:456(A)(1), to enact
3 R.S. 42:456(C), (D), and (E), and to repeal R.S. 42:457 and 457.1, relative to
4 authorized payroll deductions; to remove authority for certain public employee,
5 charter school employee, firefighter, and law enforcement payroll withholdings; to
6 grandfather certain collective bargaining agreement terms for payroll deductions; and
7 to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

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

10 §438. Permitted withholdings; ~~exceptions~~

11 A. Any teacher or other employee of a parish or city school board, public
12 charter school, or any organization or entity with authority over employment
13 decisions at a charter school may authorize his employing school board, or other
14 employing entity to deduct and withhold from his earnings ~~a specific amount for~~
15 ~~such pay periods as may be designated, for the payment of regular dues owed by~~
16 ~~such teacher or other employee to any organization of teachers or other school~~
17 ~~employees~~ only for the purposes and in the manner authorized by R.S. 42:456.

18 B. ~~No deduction shall be made from the earnings of any teacher or other~~
19 ~~employee for the purpose permitted by this Section unless fifty or more teachers or~~
20 ~~other employees or ten percent of the total number of employees, including teachers,~~

1 F. Employees of such publicly owned ~~and/or~~ or operated transportation
2 systems hereafter acquired may authorize, and upon ~~such~~ authorization, the aforesaid
3 municipality, transit authority, or other authority organized for the purpose may
4 make deductions from wages and salaries of ~~such~~ employees for any of the following
5 purposes:

6 (1) ~~Pursuant to a collective bargaining agreement with a duly designated or~~
7 ~~certified labor organization for the payment of union dues, fees or assessments.~~

8 (2) For the payment of contributions pursuant to any health and welfare plan
9 or pension or retirement plan, ~~and .~~

10 (3) ~~(2)~~ (2) For any purposes for which deductions may be authorized by
11 employees of any private employer except that no deductions shall be made for dues,
12 fees, assessments, or contributions of any kind to a labor organization or union.

13 G.(1) This Part shall be construed liberally to effectuate the purposes for
14 which ~~same~~ it is enacted and should any part hereof be declared unconstitutional or
15 invalid for any reason, it shall not affect the remaining portions.

16 (2) Nothing in this Section shall be construed to affect any collective
17 bargaining agreement in existence on or before August 1, 2016, between a union,
18 professional organization, or other entity and the state or a political subdivision of
19 the state until the agreement's existing term expires or the agreement is terminated,
20 extended, or renewed.

21 (3) Upon the expiration, termination, extension, or renewal of a collective
22 bargaining agreement in existence on or before August 1, 2016, between a union,
23 professional organization, or other entity and the state or a political subdivision of
24 the state, automatic deduction of union dues from payroll checks shall not be
25 included in any subsequent agreement.

26 Section 3. R.S. 42:456(A)(1) is hereby amended and reenacted and R.S. 42:456(C),
27 (D), and (E) are hereby enacted to read as follows:

28 §456. Permitted withholdings

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

1 (1) Mandated federal or state income withholdings, credit unions,
2 garnishments, liens, ~~union dues~~, savings bonds programs, qualified United Way
3 entities, health and life insurance products offered through the Office of Group
4 Benefits, and products having state participating contributions, sponsored by the
5 Office of Group Benefits, which qualify and are offered under Section 125 of the
6 Internal Revenue Code (Cafeteria Plan), and other deductions expressly authorized
7 by state or federal statute.

8 * * *

9 C. Nothing in this Section shall be construed to affect any collective
10 bargaining agreement in existence on or before August 1, 2016, between a union,
11 professional organization, or other entity and the state or a political subdivision of
12 the state until the agreement's existing term expires or the agreement is terminated,
13 extended, or renewed.

14 D. Upon the expiration, termination, extension, or renewal of a collective
15 bargaining agreement in existence on or before August 1, 2016, between a union,
16 professional organization, or other entity and the state or a political subdivision of
17 the state, automatic deduction of union dues from payroll checks shall not be
18 included in any subsequent agreement.

19 E. If any provision of this Section is declared invalid for any reason, that
20 provision shall not affect the validity of the remaining provisions.

21 Section 4. R.S. 42:457 and 457.1 are hereby repealed in their entirety.

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 185 Original

2016 Regular Session

Jay Morris

Abstract: Removes the authority for public employees and charter school employees to withhold payroll deductions for union dues, assessments, and other fees from their wages.

Present law (R.S. 17:438) provides that any teacher or school board employee may authorize the school board to deduct organization dues from his earnings.

Proposed law adds employees of any public charter school or any organization or entity with authority over employment decisions at a charter school.

Present law (R.S. 17:438) provides that no deductions can be made unless 50 such employees or 10% of the total number of employees (whichever is less) request the deduction. Proposed law repeals present law.

Proposed law (R.S. 17:438) provides that any teacher or other school employee may authorize payroll deductions that are allowed by proposed law (R.S. 42:456), which removes union dues as an authorized payroll withholding.

Present law (R.S. 23:890) provides for the labor policy when a municipality or transit authority acquires or operates a transportation facility.

Present law allows employees of the acquired facility to authorize deductions of wages and salaries for the following purposes:

- (1) Pursuant to a collective bargaining agreement with a duly designated or certified labor organization for the payment of union dues, fees, or assessments.
- (2) For the payment of contributions pursuant to any health and welfare plan or pension or retirement plan.
- (3) For any purposes for which deductions may be authorized by employees of any private employer.

Proposed law removes union dues as an authorized payroll withholding.

Present law (R.S. 42:456) authorizes state employee payroll withholdings for the following:

- (1) 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, 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).
- (2) Products offered without state contributory participation which have been evaluated and approved in accordance with rules and procedures promulgated by the commissioner of administration.

Proposed law removes union dues as an authorized payroll withholding, but allows any withholding expressly authorized by state or federal law.

Present law (R.S. 42:457) authorizes any state, parish, or city employee to withhold from his salary a specific amount for payment of his dues to any labor organization to which he belongs. Proposed law repeals present law.

Present law allows any employee of the state or of any political subdivision of the state to authorize his employer to withhold from his salary for payment of his dues to any professional state or local law enforcement or firefighter association. Proposed law repeals present law.

Proposed law provides for severability.

Proposed law specifies that nothing in proposed law affects any collective bargaining agreement before the effective date of proposed law but provides that any subsequent

agreement after the expiration of any existing agreement may not allow union dues to be deducted from employees' payroll.

(Amends R.S. 17:438, R.S. 23:890(F) and (G), and R.S. 42:456(A)(1); Adds R.S. 42:456(C), (D), and (E); Repeals R.S. 42:457 and 457.1)