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SENATE BILL NO. 426

Offered January 8, 2020

Prefiled January 7, 2020

A BILL to amend and reenact §§ 40.1-59 and 40.1-62 of the Code of Virginia, relating to agreements between a private employer and a labor union or organization; fair share fees.

Patrons—Saslaw; Delegate: Kory

Referred to Committee on Commerce and Labor

Be it enacted by the General Assembly of Virginia:

1. That §§ 40.1-59 and 40.1-62 of the Code of Virginia are amended and reenacted as follows:

§ 40.1-59. Agreements or combinations declared unlawful; fair share fee.

A. Any agreement or combination between any employer and any labor union or labor organization whereby persons not members of such union or organization shall be denied the right to work for the employer, or whereby such membership is made a condition of employment or continuation of employment by such employer, or whereby any such union or organization acquires an employment monopoly in any enterprise, is hereby declared to be against public policy and an illegal combination or conspiracy.

B. Nothing in this section shall be construed to prohibit an employer from requiring, after entering into an agreement with a labor union or labor organization, certain nonmember employees to pay a fair share fee, as that term is defined in § 40.1-62.

§ 40.1-62. Employer not to require payment of union dues, etc.; fair share fee authorized.

A. As used in this section, "fair share fee" means an employee's pro rata share of the portion of a labor union's or labor organization's dues attributable to activities stemming from its duty to represent all employees in a collective bargaining unit without regard to membership in the labor union or labor organization, including (i) the cost of all activities germane to collective bargaining, administration, and enforcement of collective bargaining agreements; (ii) representation of employees before public bodies in matters that are germane to either collective bargaining agreements or employer-employee relations; (iii) representation of employees during grievance procedures; and (iv) labor union or labor organization governance and administration. "Fair share fee" does not include the cost of any political activities, lobbying, organizing, charity, donations, or community service activities undertaken by the labor union or labor organization.

B. Except as provided in subsection C, no employer shall require any person, as a condition of employment or continuation of employment, to pay any dues, fees or other charges of any kind to any labor union or labor organization.

C. An employer may require, pursuant to an agreement between the employer and a labor union or labor organization, as a condition of employment, any employee who is not a member of such labor union or labor organization and is a member of a collective bargaining unit, where the labor union or labor organization is the exclusive representative of the members of the collective bargaining unit, to pay a fair share fee to compensate the labor union or labor organization for the costs of representing the nonmember employee. However, in no case shall the fair share fee exceed 60 percent of dues required of a similarly situated member of such labor union or labor organization.

INTRODUCED

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