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HOUSE BILL NO. 341

Offered January 12, 2022

Prefiled January 11, 2022

A BILL to amend the Code of Virginia by adding in Article 2.1 of Chapter 4 of Title 40.1 a section numbered 40.1-57.4, relating to collective bargaining by public employees; labor union dues deduction authorization.

Patron—Freitas

Referred to Committee on Commerce and Energy

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 2.1 of Chapter 4 of Title 40.1 a section numbered 40.1-57.4 as follows:

§ 40.1-57.4. Public employees; labor union dues deduction authorization.

A. The provisions of this section shall apply to employees who are able to engage in collective bargaining per a local ordinance or resolution providing for collective bargaining pursuant to § 40.1-57.2.

B. For purposes of this section, "deduction authorization" occurs when an employer, upon receipt of written authorization of a public employee permitted to engage in collective bargaining, deducts from the pay of the employee any dues designated or certified by the appropriate bargaining agent of the labor union or other employee organization that is an exclusive representative of any employees of the employer and remits the dues to the labor union or employee organization.

C. The following provisions shall apply to deduction authorizations and all other agreements between an employer of public employees authorized to engage in collective bargaining and a labor union or other employee organization to deduct organization dues from an employee's pay:

1. Public employees who are able to engage in collective bargaining have the right to resign from and end any financial obligation to a labor union or other employee organization at any time. This right shall not be waived by the employee;

2. An authorization for employee organization dues to be deducted from an employee's pay shall be on a form prescribed by the Attorney General, in consultation with the Department of Labor and Industry, and shall contain the following statement in writing: "I am aware that I have a First Amendment right to refrain from joining and paying dues to a labor union or other employee organization. I further recognize that membership and payment of dues are voluntary and that I may not be discriminated against for my refusal to join or financially support a labor union or other employee organization. I authorize my employer to deduct union dues from my salary in the amounts specified in accordance with my labor union's or other employee organization's bylaws. I understand that I may revoke this authorization at any time.";

3. The authorization for withholding form shall include the employee's full name, position, employee organization, and signature and shall be submitted directly to the employer by the employee. After receiving the authorization for withholding form, the employer shall confirm the authorization by sending an email message to the employee and shall wait for confirmation of the authorization before starting any deduction. If the employee does not possess an email address, the employer shall use other appropriate means to confirm the authorization;

4. Authorizations by an employee for the withholding of employee organization dues from the employee's pay shall not exceed one year in duration and shall be subject to annual renewal;

5. Upon the submission of a written or email request to an employer, an employee shall have the right to cease the withholding of employee organization dues from his pay. Upon receipt of such a request, the employer shall (i) cease the withholding of employee organization dues from the employee's pay beginning on the first day of the employee's next pay period and (ii) provide written or email notification of the employee's decision to the employee organization. The notification in clause (ii) shall occur within a reasonable time to ensure that the employee is not required to have dues withheld during the employee's next pay period or any subsequent pay period; and

6. Employers of public employees authorized to engage in collective bargaining shall annually provide written or email notification to its employees of their right to cease payment of employee organization dues and withdraw from that organization. The notification shall also include (i) the authorization form described in subdivision 2 and (ii) the amount of dues that the employee will be liable to pay to the employee organization during the duration of the authorization if the employee does not revoke the authorization before it expires.

INTRODUCED

HB341

59 *D. By December 1, 2022 and annually by December 1 of each year thereafter, the Attorney General,*
60 *in consultation with the Department of Labor and Industry, shall notify all public employers of*
61 *employees authorized to engage in collective bargaining of the provisions of subsection C. This notice*
62 *shall include the authorization form described in subdivision C 2.*