

SENATE BILL No. 153

By Senators Gooch, Gilstrap, Haley, Hensley and Steineger

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AN ACT concerning employment; providing for a fair share representation fee to be paid to certain labor organizations under certain circumstances; relating to procedures, rights and duties; amending K.S.A. 44-803 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 44-803 is hereby amended to read as follows: 44-803. (a) Employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in concerted activities, for the purpose of collective bargaining or other mutual aid or protection, and such employees shall also have the right to refrain from any or all such activities.

(b) *Any labor organization that has been certified or formally recognized as the exclusive bargaining agent under the national labor relations act and that is required by such federal act to represent all members of the bargaining unit whether members of the labor organization or not may assess a fair share representation fee to those nonmember employees who by federal mandate the labor organization must represent to the same extent as dues-paying members of such labor organization for representation services provided to such nonmember employee pursuant to a specific request made by such nonmember employee to the labor organization for representation of such nonmember employee by the labor organization in any matter relating to an individual grievance concerning such nonmember employee.*

(c) *The fair share representation fee assessable to employees not members of the labor organization shall not exceed the actual cost of representing such nonmember employees in any matter relating to an individual grievance concerning such nonmember employee as provided in subsection (b). Such service fee shall not include the cost of any additional benefits provided to union members through their dues.*

(d) *Failure of a nonmember employee to pay such nonmember employee's fair share representation fee as provided in this section shall give the labor organization the right to bring an action in any court of competent jurisdiction for the payment of such service fee, together with costs*

1 *and attorney fees. An employee's failure to pay such service fee shall not*
2 *prejudice the employee's right to continued employment with the em-*
3 *ployer. It is unlawful for a labor organization or an employer to discrim-*
4 *inate against any employee in any way because of the failure of an em-*
5 *ployee to pay the fair share representation fee. Payment or nonpayment*
6 *of the fair share representation fee shall in no way be a condition of*
7 *employment.*

8 Sec. 2. K.S.A. 44-803 is hereby repealed.

9 Sec. 3. This act shall take effect and be in force from and after its
10 publication in the statute book.

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