

HOUSE BILL No. 2340

By Representative Ruff

2-8

9 AN ACT concerning employment; providing for a fair share represen-
10 tation fee to be paid to certain labor organizations under certain cir-
11 cumstances; relating to procedures, rights and duties; amending K.S.A.
12 44-803 and repealing the existing section.
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14 *Be it enacted by the Legislature of the State of Kansas:*

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

22 (b) *Any labor organization that has been certified or formally rec-*
23 *ognized as the exclusive bargaining agent under the national labor rela-*
24 *tions act and that is required by such federal act to represent all members*
25 *of the bargaining unit whether members of the labor organization or not*
26 *may assess a fair share representation fee to those nonmember employees*
27 *who by federal mandate the labor organization must represent to the same*
28 *extent as dues-paying members of such labor organization for represen-*
29 *tation services provided to such nonmember employee pursuant to a spe-*
30 *cific request made by such nonmember employee to the labor organization*
31 *for representation of such nonmember employee by the labor organization*
32 *in any matter relating to an individual grievance concerning such non-*
33 *member employee.*

34 (c) *The fair share representation fee assessable to employees not mem-*
35 *bers of the labor organization shall not exceed the actual cost of repre-*
36 *senting such nonmember employees in any matter relating to an individ-*
37 *ual grievance concerning such nonmember employee as provided in*
38 *subsection (b). Such service fee shall not include the cost of any additional*
39 *benefits provided to union members through their dues.*

40 (d) *Failure of a nonmember employee to pay such nonmember em-*
41 *ployee's fair share representation fee as provided in this section shall give*
42 *the labor organization the right to bring an action in any court of com-*
43 *petent 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.