

Approved March 19, 1992  
Date

MINUTES OF THE Senate COMMITTEE ON Labor, Industry and Small Business

The meeting was called to order by Alicia L. Salisbury at  
Chairperson

1:30 ~~xxxxx~~ a.m./p.m. on March 6, 1992 in room 254-E of the Capitol.

All members were present except:

All members present

Committee staff present:

Jerry Donaldson, Legislative Research Department  
Gordon Self, Revisor of Statutes Office  
Mary Jane Holt, Committee Secretary

Conferees appearing before the committee:

Senator Petty moved and Senator Sallee seconded to have SB 652, SB 666, SB 715, SB 759 and SB 760 rereferred. The motion passed.

SB 174 - Fair share service fee to be paid to labor organizations for nonmember employees

Senator Petty explained her proposed amendment to SB 174. The fair share service fee is changed to read fair share representation fee. If a non-union member requests representation the union can bill them for the representation in any matter relating to an individual grievance concerning such nonmember employee, see Attachment 1.

Senator Petty moved to adopt the proposed amendments to SB 174. Senator Martin seconded, and the motion passed.

Senator Petty moved and Senator Martin seconded to recommend SB 174, as amended, favorable for passage. The motion passed.

The Committee meeting was adjourned at 9:20 a.m.

SENATE BILL No. 174

Proposed Amendments to S.B. 174

By Senators Steineger and Strick

2-11

SB 174  
3/6/92  
Attachment 1-1

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

12  
13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 44-803 is hereby amended to read as follows:

15 44-803. (a) Employees shall have the right to self-organization, to  
16 form, join, or assist labor organizations, to bargain collectively  
17 through representatives of their own choosing, and to engage in  
18 concerted activities, for the purpose of collective bargaining or other  
19 mutual aid or protection, and such employees shall also have the  
20 right to refrain from any or all such activities.

21 (b) ~~Any labor organization that has been certified as the exclusive~~  
22 ~~bargaining agent under the national labor relations act and that is~~  
23 ~~required by such federal act to represent all members of the bar-~~  
24 ~~gaining unit whether members of the labor organization or not shall~~  
25 ~~have the right to bargain for a fair share service fee to be assessed~~  
26 ~~to those nonmember employees who by federal mandate the labor~~  
27 ~~organization must represent to the same extent as dues paying mem-~~  
28 ~~bers of such labor organization.~~

29 (c) ~~The fair share service fee assessable to employees not members~~  
30 ~~of the labor organization shall not exceed the actual cost of rep-~~  
31 ~~resenting such nonmember employees in all aspects of such non-~~  
32 ~~member employees' conditions of employment. Such service fee shall~~  
33 ~~not include the cost of any additional benefits provided to union~~  
34 ~~members through their dues but shall be no more than the actual~~  
35 ~~cost of representing such nonmember employees to the extent re-~~  
36 ~~quired by the national labor relations act.~~

37 (d) ~~Failure of a nonmember employee to pay such nonmember~~  
38 ~~employee's fair share service fee as provided in this section shall~~  
39 ~~give the labor organization the right to bring an action in any court~~  
40 ~~of competent jurisdiction for the payment of such service fee, together~~  
41 ~~with costs and attorney fees. An employee's failure to pay such~~  
42 ~~service fee shall not prejudice the employee's right to continued~~  
~~employment with the employer. It is unlawful for a labor organi-~~

or formally recognized

may assess a fair share representation fee

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 to the labor organization in any matter relating to an individual grievance concerning such nonmember employee

representation

any matter relating to an individual grievance concerning such nonmember employee as provided in subsection (b)

representation

1 tion or an employer to discriminate against an employee in any  
2 way because of the failure of an employee to pay the fair share  
3 representation fee. Payment or nonpayment of the fair share rep-  
4 resentation fee shall in no way be a condition of employment.

5 (e) The labor organization may bargain with the employer, sub-  
6 ject to the individual written authorization of a nonmember em-  
7 ployee, for a deduction from the nonmember employee's wages the  
8 amount of the fair share ~~service~~ fee determined as provided in this  
9 section. The written authorization of such nonmember employee to  
10 have the fair share ~~service~~ fee deducted from the employee's salary  
11 or wages shall remain effective for not less than 100 days and shall  
12 be terminated anytime thereafter upon 30 days' notice to the em-  
13 ployer and the labor organization of the employee's desire to ter-  
14 minate the authorization for the fair share ~~service~~ fee deduction  
15 from the salary.

16 (f) ~~A change in the amount of the fair share service fee to be~~  
17 ~~deducted cannot be made more often than twice in any fiscal year.~~

18 (g) A nonmember employee may renew an authorization to deduct  
19 the fair share ~~service~~ fee after such fee is terminated as above  
20 provided upon 10 days' notice to the employer and the labor  
21 organization.

22 (h) Payment of all moneys deducted from the employer's payroll  
23 shall be paid by the employer to the labor organization.

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

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

representation

SB  
3/6/92  
Attachment 1-2