HB 2016 A STAFF MEASURE SUMMARY

Carrier: Rep. Barker

House Committee On Business and Labor

Action Date:	03/18/19
Action:	Do pass with amendments. (Printed A-Eng.)
Vote:	7-4-0-0
Yeas:	7 - Barker, Bynum, Clem, Doherty, Evans, Fahey, Holvey
Nays:	4 - Barreto, Boles, Bonham, Boshart Davis
Fiscal:	Has minimal fiscal impact
Revenue:	No revenue impact
Prepared By:	Jan Nordlund, LPRO Analyst
Meeting Dates:	3/11, 3/18

WHAT THE MEASURE DOES:

Makes changes to Public Employee Collective Bargaining Act. **Designated Representative:** Requires public employer to allow employee who is designated representative to engage in specified activities during employee's regularly scheduled work hours without loss of pay, seniority, or other benefits. Requires collective bargaining agreement be reopened, upon request of labor union, to negotiate terms and conditions for designated representative's release time, which is leave of absence to engage in labor union business. Requires labor union to reimburse employer for compensation paid to designated representative on release time unless otherwise agreed to. Entitles designated representative to receive retirement credit for release time and reinstatement to same position and location. **Access and Communication:** Requires public employer to provide exclusive representative reasonable access to employees within bargaining unit. Requires employer provide exclusive representative with specified personal information about employees in bargaining unit, including phone, address, title, and salary. Allows exclusive representative to use employer's electronic mail system to communicate with employees in unit. Makes labor organization's access to and communication with represented employees a mandatory subject of bargaining. Adds to Legislative Assembly's policy statement on collective bargaining the importance of exclusive representative's direct access to and communication with represented employees. **Dues and Fees:** Allows parties to agree to authorize public employer to deduct union dues and fees from employee's pay. Requires labor organization to provide employer with list of employees who provided authorization for deductions. Requires employer to deduct amount authorized by employee and remit payments to designated organization or entity. Requires labor organization to defend and indemnify employer who relied on list but made unauthorized deduction. Deletes requirement that employee make payment in lieu of dues to a charitable organization if employee does not associate with labor organization for religious reasons. Deletes requirement that employer deduct amount from employee's pay and remit to labor organization in accordance with fair-share agreement. **Unfair Labor Practices:** Expands list of acts that are unfair labor practices.

ISSUES DISCUSSED:

- What is "reasonable" amount of paid time for designated representative to conduct union activity
- Whether employer could prohibit use of e-mail system for certain messages
- Whether provisions of measure should be negotiated instead of codified in statute
- Likelihood that collective bargaining agreements will need to be reopened
- Preference of employer to receive written authorization from employee before deducting dues and fees
- U.S. Supreme Court decision on *Janus v. AFSCME*

EFFECT OF AMENDMENT:

Clarifies that it is unfair labor practice for employer to *knowingly* permit use of the employer’s electronic mail system by any entity to discourage membership in a labor organization or to discourage an employee from providing authorization for the deductions of union dues and fees.

BACKGROUND:

The Public Employee Collective Bargaining Act (PECBA), enacted in 1973, codifies the laws governing employment relations and public employers and employees in the state, counties, cities, school districts, transportation districts, and other local governments, as well as private employers not subject to the jurisdiction of the National Labor Relations Board. From the *Janus v. AFSCME* ruling by the U.S. Supreme Court, public sector unions may no longer extract agency fees from non-consenting employees; employees must clearly and affirmatively consent before any money is taken from them.