



Hundredth Legislature - First Session - 2007
Committee Statement
LB 57

Hearing Date: January 29, 2007
Committee On: Business and Labor

Introducer(s): (Preister)

Title: Provide for fair share representation contributions for certain labor representation by labor organizations

Roll Call Vote – Final Committee Action:

- X Advanced to General File
 - Advanced to General File with Amendments
 - Indefinitely Postponed
-

Vote Results:

6	Yes	Senators Cornett, Chambers, Lathrop, Rogert, Wallman, White
	No	
	Present, not voting	
1	Absent	Senator McGill

Proponents:

Don Preister
Jim Sheard
Robert Bartle
Thomas Blankman
Randy Meek

Ken Mass
Clarence King, Jr.
Mike Marvin

Representing:

Introducer
Nebraska Change to Win, Teamsters Local 554
Teamsters Local 554
Sheetmetal Workers Local No. 3
Brotherhood of Locomotive Engineers and
Trainmen
AFL-CIO
International Brotherhood of Electrical Workers
NAPE/AFSCME 61, AFL-CIO

Opponents:

Greg Mourad
Mark Schorr
Robert Klotz
Jerry Stilmock
Dick Johnson

Representing:

National Right to Work Committee
Nebraska Chamber of Commerce, Self
Self
National Federation of Independent Business
Associated Builders and Contractors, Inc.

Neutral:

Representing:

Summary of purpose and/or changes: LB 57 would allow for a 'fair share representation contribution' to be a subject of bargaining within a workplace that has a collective bargaining contract. The fair share contribution could be imposed if agreed to by both the employer and the labor organization. If the contribution is imposed, any unpaid contribution would become an enforceable debt owed by the non-member employee to the labor organization. Such contribution cannot exceed the amount of dues paid by a member in the labor organization.

The bill explicitly states that refusal to pay the fair share contribution will not be a condition of continued employment or discharge. LB 57 also contains specific requirements to establish a procedure for non-union employees to challenge the contribution, including an itemized statement of how the contribution was calculated.

Technical Details:

Section 1: New language to provide for definitions of terms used in this bill:

- (1) A bargaining unit is a group of employees represented by a labor organization;
- (2) Collective bargaining means representing employees in matters of wages, hours and condition of employment;
- (3) Employee means a person employed by an employer;
- (4) Employer means any public or private person or entity that has a person under a contract of hire;
- (5) Contribution or fair share representation contribution means the sum of money paid by the employee who is not a member of the labor organization, and represents the employee's proportionate share of the cost borne by the labor organization representing employees in collective bargaining and contract enforcement.
- (6) Labor organization means the same as under section 48-218.

Section 2: New language that requires an employee to pay a fair share representation contribution to the labor organization if:

- (1) The labor organization is the collective bargaining and contract enforcement representative for the bargaining unit that represents the employee; and
- (2) There is an agreement between the employer and labor organization that requires represented employees that do not pay membership dues to pay a fair share representation contribution to the labor organization.

The contribution shall not exceed the amount of dues required for membership in the labor organization.

Section 3: (1) New language requiring the agreement from subsection 2, of section 2, to state whether the fair share representation contribution of a nonunion member shall be deducted from the employee's pay and paid by the employer to the labor organization. Any deduction from the employee's wages requires written consent of the employee. Or, if the contribution is not paid through payroll deduction, the employee shall pay the fair share representation contribution directly to the labor organization.

(2) The agreement may also provide that the payment of the contribution shall be a condition of employment only to the extent that the unpaid contribution gives rise to an enforceable debt on the part of the employee to the labor organization. The agreement cannot

provide that an unpaid contribution is grounds for continued employment or discharge from employment.

Section 4: New language requiring the labor organization to:

- (1) Establish a procedure for a non-union employee to challenge the contribution calculations before the labor organization in a prompt and expeditious manner before it is taken for judicial enforcement or arbitration proceedings;
- (2) Establish an interest-bearing escrow account for contributions that are in dispute; and
- (3) Provide the nonmember employee notice of the amount of the contribution and percentage it represents of the regular dues paid by a member, how the contribution was determined and the dispute procedure established pursuant to subdivisions (1) of this section.

Section 5: New language that allows the labor organization to bring action against a nonmember that fails to pay the contribution, and the ability to collect reasonable attorney's contributions and court costs.

Section 6: Amends section 48-217 to strike the language that no person shall be denied employment because of their refusal of payment of a contribution either directly or indirectly to a labor organization.

Section 7: Repeals the original section 48-217.

Explanation of amendments, if any:

Senator Abbie Cornett, Chairperson