

HOUSE BILL No. 2745

By Committee on Commerce and Labor

2-4

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.
13

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 required by such federal act to represent all members of the*
25 *bargaining unit to the same extent, regardless of whether they are mem-*
26 *bers of the labor organization, may assess a fair share representation fee*
27 *to nonmember employees. Such fair share representation fee shall apply*
28 *to representation services provided to such nonmember employee pur-*
29 *suant to a specific request made by such nonmember employee to the*
30 *labor organization for representation of such nonmember employee by*
31 *the labor organization in any matter relating to an individual grievance*
32 *concerning such nonmember employee.*

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

39 (d) *Failure of a nonmember employee to pay such nonmember em-*
40 *ployee's fair share representation fee as provided in this section shall give*
41 *the labor organization the right to bring an action in any court of com-*
42 *petent jurisdiction for the payment of such service fee, together with costs*
43 *and attorney fees. An employee's failure to pay such service fee shall not*

1 *prejudice the employee's right to continued employment with the em-*
2 *ployer. It is unlawful for a labor organization or an employer to discrim-*
3 *inate against any employee in any way because of the failure of an em-*
4 *ployee to pay the fair share representation fee. Payment or nonpayment*
5 *of the fair share representation fee shall in no way be a condition of*
6 *employment.*

7 *(e) The labor organization may bargain with the employer, subject to*
8 *the individual written authorization of a nonmember employee, for a de-*
9 *duction from such employee's wages the amount of the fair share repre-*
10 *sentation fee assessed pursuant to subsections (b) and (c). The written*
11 *authorization of such nonmember employee to have the fair share rep-*
12 *resentation fee deducted from such employee's wages shall remain effec-*
13 *tive for not less than 100 days and shall be terminated any time thereafter*
14 *upon 30 days notice to the employer and the labor organization of the*
15 *nonmember's intent to terminate such deduction from such employee's*
16 *wages.*

17 *(f) Amounts deducted from a nonmember's wages upon written au-*
18 *thorization by such employee pursuant to subsection (e) shall be paid by*
19 *the employer to the labor organization.*

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

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