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HOUSE BILL NO. 341

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Commerce and Energy

on _____)

(Patron Prior to Substitute--Delegate Freitas)

A BILL to amend the Code of Virginia by adding in Article 2.1 of Chapter 4 of Title 40.1 a section numbered 40.1-57.4, relating to collective bargaining by public employees; labor union dues deduction authorization.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 2.1 of Chapter 4 of Title 40.1 a section numbered 40.1-57.4 as follows:

§ 40.1-57.4. Public employees; labor union dues deduction authorization.

A. The provisions of this section shall apply to public employees, employee organizations, or employers who are able to engage in collective bargaining per a local ordinance or resolution providing for collective bargaining pursuant to § 40.1-57.2.

B. For purposes of this section, "deduction authorization" occurs when an employer, upon receipt of written authorization of a public employee permitted to engage in collective bargaining, deducts from the pay of the employee any dues designated or certified by the appropriate bargaining agent of the labor union or other employee organization that is an exclusive representative of any employees of the employer and remits the dues to the labor union or employee organization.

C. The following provisions shall apply to deduction authorizations and all other agreements between an employer of public employees authorized to engage in collective bargaining and a labor union or other employee organization to deduct organization dues from an employee's pay:

1. Public employees who are able to engage in collective bargaining have the right to resign from and end any financial obligation to a labor union or other employee organization at any time. This right

26 shall not be waived by the employee, and no public employer may waive this right on behalf of an
27 employee;

28 2. An authorization for employee organization dues to be deducted from an employee's pay shall
29 be on a form prescribed by the Attorney General, in consultation with the Department of Labor and
30 Industry, and shall contain the following statement in writing: "The Commonwealth of Virginia wishes to
31 inform you that you have a First Amendment right to refrain from joining and paying dues to a labor union
32 or other employee organization. Membership and payment of dues are voluntary and you may not be
33 discriminated against for your refusal to join or financially support a labor union or other employee
34 organization or for your decision to join and pay such an organization. By signing this form, you are
35 authorizing your employer to deduct union dues from your salary in the amounts specified in accordance
36 with your labor union's or other employee organization's bylaws. You may revoke this authorization at
37 any time.";

38 3. The authorization for withholding form shall include the public employee's full name, position,
39 employee organization, and signature and shall be submitted directly to the employer by the employee.
40 After receiving the authorization for withholding form, the employer shall confirm the authorization by
41 sending an email message to the employee's employer-provided email address and shall wait for
42 confirmation of the authorization before starting any deduction. If the public employee does not possess
43 an employer-provided email address, the employer shall use other appropriate means to confirm the
44 authorization;

45 4. Authorizations by an employee for the withholding of employee organization dues from the
46 employee's pay shall not exceed one year in duration and shall be subject to annual renewal;

47 5. Upon the submission of a written or email request to an employer, an employee shall have the
48 right to cease the withholding of employee organization dues from his pay. Upon receipt of such a request,
49 the employer shall (i) cease the withholding of employee organization dues from the employee's pay
50 beginning on the first day of the employee's next pay period and (ii) provide written or email notification
51 of the employee's decision to the employee organization. The notification in clause (ii) shall occur within

52 a reasonable time to ensure that the employee is not required to have dues withheld during the employee's
53 next pay period or any subsequent pay period; and

54 6. Employers of public employees authorized to engage in collective bargaining shall annually
55 provide written or email notification to its employees of their right to cease payment of employee
56 organization dues and withdraw from that organization. The notification shall also include (i) the
57 authorization form described in subdivision 2 and (ii) the average amount of dues that the employee will
58 be liable to pay to the employee organization each pay period and annually.

59 D. By December 1, 2022 and annually by December 1 of each year thereafter, the Attorney
60 General, in consultation with the Department of Labor and Industry, shall notify all public employers of
61 employees authorized to engage in collective bargaining of the provisions of subsection C. This notice
62 shall include the authorization form described in subdivision C 2.

63 E. The provisions of this section shall apply to each collective bargaining agreement or contract
64 that is entered into, modified, extended, affected by a new or changed memorandum of understanding,
65 amended, or otherwise changed or altered in any way on or after July 1, 2022. The requirements of this
66 section shall not affect any collective bargaining agreement or contract that is in effect prior to July 1,
67 2022, the terms of which shall remain valid until the adoption of a new collective bargaining agreement
68 or contract or the modification, extension, or alteration thereof.

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