

2019 -- H 5259 SUBSTITUTE A

LC000962/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

A N A C T

RELATING TO LABOR - UNION REPRESENTATION

Introduced By: Representatives Craven, O'Brien, McEntee, and Caldwell

Date Introduced: January 31, 2019

Referred To: House Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 28-9.3-7 of the General Laws in Chapter 28-9.3 entitled "Certified  
2 School Teachers' Arbitration" is hereby amended to read as follows:

3 **28-9.3-7. Certification of negotiating agent -- Payment of service charge by non-**  
4 **members.**

5 (a) No association or organization shall be initially certified as the representative of  
6 certified public school teachers except after an election.

7 (b) Teachers shall be free to join or to decline to join any association or organization  
8 regardless of whether it has been certified as the exclusive representative of certified public  
9 school teachers.

10 (c) If new elections are not held after an association or labor organization is certified, the  
11 association or organization shall continue as the exclusive representative of the certified public  
12 school teachers from year to year until recognition is withdrawn or changed as provided in § 28-  
13 9.3-5.

14 (d) Elections shall not be held more often than once each twelve (12) months and must be  
15 held at least thirty (30) days before the expiration date of any employment contract.

16 (e) ~~Where certified public school teachers have selected an exclusive bargaining~~  
17 ~~representative organization, all nonmembers of the exclusive bargaining representative~~  
18 ~~organization shall pay to the exclusive bargaining organization a service charge as a contribution~~  
19 ~~toward the collective bargaining procedures involved in securing a contract and the~~

1 ~~administration of any collective bargaining agreement in an amount equal to the regular dues of~~  
2 ~~the organization.~~ Any employees in the bargaining unit, who are not members of the exclusive  
3 bargaining representative organization, may be required by the labor or employee organization to  
4 pay a reasonable charge for representation in grievances and/or arbitrations brought at the  
5 nonmember's request.

6 (f) The employer shall notify the exclusive bargaining unit representative organization of  
7 the hiring of any employee in the bargaining unit. Said notice shall be given promptly after the  
8 hiring decision is made but in no event later than the fifth business day following the employee's  
9 start date.

10 SECTION 2. Section 28-9.4-8 of the General Laws in Chapter 28-9.4 entitled "Municipal  
11 Employees' Arbitration" is hereby amended to read as follows:

12 **28-9.4-8. Certification of negotiating agent.**

13 (a) No employee organization shall be initially certified as the representative of municipal  
14 employees in an appropriate bargaining unit except after an election.

15 (b) Municipal employees shall be free to join or decline to join any employee  
16 organization regardless of whether it has been certified as the exclusive representative of  
17 municipal employees in an appropriate bargaining unit.

18 (c) If new elections are not held after an employee organization is certified, the employee  
19 organization shall continue as the exclusive representative of the municipal employees of the  
20 appropriate bargaining unit from year to year until recognition is withdrawn or changed as  
21 provided in § 28-9.4-6.

22 (d) Elections shall not be held more often than once each twelve (12) months and must be  
23 held at least thirty (30) days before the expiration date of any employment contract.

24 (e) An employee organization designated as the representative of the majority of the  
25 municipal employees in an appropriate bargaining unit, shall be the exclusive bargaining agent  
26 for all municipal employees of the unit, and shall act, negotiate agreements, and bargain  
27 collectively for all employees in the unit and shall be responsible for representing the interest of  
28 all the municipal employees without discrimination and without regard to employee organization  
29 membership.

30 (f) Any employee(s) in the bargaining unit, who are not members of the exclusive  
31 bargaining representative organization, may be required by the labor or employee organization to  
32 pay a reasonable charge for representation in grievances and/or arbitrations brought at the  
33 nonmember's request.

34 (g) The employer shall notify the exclusive bargaining unit representative organization of

1 the hiring of any employee in the bargaining unit. Said notice shall be given promptly after the  
2 hiring decision is made but in no event later than the fifth business day following the employee's  
3 start date.

4 SECTION 3. Section 36-6-17 of the General Laws in Chapter 36-6 entitled "Salaries and  
5 Traveling Expenses" is hereby amended to read as follows:

6 **36-6-17. Deductions for union dues.**

7 (a) Upon ~~request~~ written authorization of any state employee who is a member of any  
8 bona fide labor union or who voluntarily elects to pay dues or fees to a union, the state controller  
9 shall deduct from the employee's salary his or her dues as a member or fees and shall remit,  
10 together with a list by departments of the members or fee payers whose ~~dues~~ payments have been  
11 deducted, the amounts so deducted, to the treasurer of the labor union, designated by the  
12 employee in the request; provided, however, that where a labor union has been ~~certified~~  
13 recognized as the sole and exclusive bargaining representative for an appropriate unit, only the  
14 dues or fees for the sole and exclusive bargaining representative shall be deducted. The state  
15 controller shall make dues or fee deductions, on an on-going basis, unless the employee files a  
16 written notice requesting termination of such payments, with the exclusive bargaining  
17 representative.

18 (b) In the case of an employee employed in an area where there is no certified exclusive  
19 bargaining organization, the request for dues deductions or fees to a bona fide labor union shall  
20 be voluntary and shall take effect thirty (30) days after presentation-, ~~The deduction shall be taken~~  
21 ~~out according to appropriate payroll period and termination of the deduction shall be by sixty (60)~~  
22 ~~days' written notice in advance or upon termination of employment; provided, however, that~~ if the  
23 employer and the selected sole and exclusive bargaining representative have reached an  
24 agreement ~~requiring membership in the union as a condition of employment~~ regarding the  
25 payment of dues or fees or the employee on a voluntary basis elects to pay dues or fees, then the  
26 state controller shall make dues or fee deductions on an on-going basis, ~~in accordance with~~  
27 ~~contract provisions or applicable laws with the same being irrevocable until the expiration of the~~  
28 ~~agreement between the employer and the exclusive bargaining representative~~ unless the employee  
29 files a written notice requesting termination of such payments with the exclusive bargaining  
30 representative.

31 SECTION 4. Section 36-11-2 of the General Laws in Chapter 36-11 entitled  
32 "Organization of State Employees" is hereby amended to read as follows:

33 **36-11-2. Discrimination because of membership in employee organization**  
34 **prohibited.**

1           ~~There shall be no discrimination against any state employee because the employee has~~  
2 ~~formed, joined, or chosen to be represented by any labor organization or employee organization.~~  
3 ~~Membership in any employee organization may be determined by each individual employee;~~  
4 ~~provided, however, that in areas where employees have selected an exclusive bargaining~~  
5 ~~representative organization, all nonmembers of the exclusive bargaining representative~~  
6 ~~organization shall pay to the exclusive employee organization a service charge as a contribution~~  
7 ~~toward the negotiation and administration of any collective bargaining agreement in an amount~~  
8 ~~equal to the regular biweekly membership dues of the organization, with the state controller being~~  
9 ~~hereby directed upon certification of the exclusive bargaining organization to deduct biweekly~~  
10 ~~from the employee's salary the above amount and remit the amount to the treasurer of the~~  
11 ~~exclusive bargaining organization. Supervisory employees shall not endorse any particular~~  
12 ~~employee organization or, by reason of membership in any organization, show prejudice or~~  
13 ~~discriminate toward any individual employee.~~

14           (a) There shall be no discrimination against any state employee because the employee has  
15 formed, joined, or chosen to be represented by any labor or employee organization.

16           (b) Supervisory employees shall not endorse any particular labor or employee  
17 organization or by reason of membership in any organization, show prejudice or discriminate  
18 against any individual employee.

19           (c) Membership in any labor or employee organization may be determined by each  
20 individual employee and each individual member. Membership dues or fees are established in  
21 amounts as determined by the organization.

22           (d) The state controller shall hereby be directed, upon certification of the exclusive  
23 bargaining organization, to deduct biweekly membership dues from the employee's salary and  
24 remit the amount to the treasurer of the exclusive bargaining organization.

25           (e) Any employees in the bargaining unit, who are not members of the exclusive  
26 bargaining representative organization, may be required by the labor or employee organization to  
27 pay a reasonable charge for grievances and/or arbitrations brought at the nonmember's request.

28           (f) The employer shall notify the exclusive bargaining unit representative organization of  
29 the hiring of any employee in the bargaining unit. Said notice shall be given promptly after the  
30 hiring decision is made but in no event later than the fifth business day following the employee's  
31 start date.

32           SECTION 5. This act shall take effect upon passage.

EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T  
RELATING TO LABOR - UNION REPRESENTATION

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- 1           This act would clarify the rights and options of government employees who decide not to
- 2   join their employer's exclusive bargaining unit.
- 3           This act would take effect upon passage.

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