

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 57

Introduced By: Preister, 5; Cornett, 45; Howard, 9; Kopplin, 3; Kruse,
13; Lathrop, 12; McGill, 26; Pedersen, 39; Schimek, 27

Read first time: January 5, 2007

Committee: Business and Labor

A BILL

1 FOR AN ACT relating to labor; to amend section 48-217, Reissue
2 Revised Statutes of Nebraska; to provide for a fair share
3 representation contribution by employees who are not members
4 of certain labor organizations for representation provided
5 by the labor organization; to harmonize provisions; and to
6 repeal the original section.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. For purposes of sections 1 to 5 of this act:

2 (1) Bargaining unit means a group of employees represented
3 by a labor organization in matters of wages, hours, and conditions of
4 employment;

5 (2) Collective bargaining means activities of a labor
6 organization in representing employees in bargaining over wages,
7 hours, and condition of employment;

8 (3) Employee means a person employed by an employer;

9 (4) Employer means the state, each county, city, village,
10 and school district, all public and quasi-public corporations
11 including any utility or public service corporation without regard to
12 the number of persons employed, and every person, firm partnership,
13 voluntary association, and private corporation which has in service
14 any person under a contract of hire;

15 (5) Contribution or fair share representation contribution
16 means the sum of money paid by an employee who is not a member of a
17 labor organization representing the employee, which sum represents
18 the employee's proportionate share of the cost borne by the labor
19 organization in representing employees for purposes of collective
20 bargaining and contract enforcement; and

21 (6) Labor organization has the meaning found in section
22 48-218.

23 Sec. 2. An employee shall pay his or her fair share
24 representation contribution to a labor organization if (1) the labor
25 organization has been established as the collective bargaining and
26 contract enforcement representative for the bargaining unit
27 representing the employee and (2) the labor organization and the

1 employer have entered into an agreement requiring represented
2 employees of the employer, who are not paying membership dues to the
3 labor organization, to pay a fair share representation contribution.
4 The contribution shall not exceed the amount of dues, if any,
5 uniformly required for membership in the labor organization.

6 Sec. 3. (1) The agreement provided for in subdivision (2)
7 of section 2 of this act shall state whether the fair share
8 representation contribution of a nonmember employee shall be paid by
9 the employer to the labor organization through a monthly deduction
10 from the employee's wages. No such deduction shall be made without
11 the written consent of the employee. If the contribution payment is
12 not deducted from the employee's wages, the employee shall pay the
13 contribution directly to the labor organization.

14 (2) Such agreement may also provide that payment of the
15 contribution shall be a condition of employment only to the extent
16 that acceptance of employment subject to the condition of paying the
17 contribution gives rise to an enforceable debt on the part of the
18 employee to the labor organization of the unpaid amount. The
19 agreement may not provide that nonpayment of the contribution is
20 grounds for continued employment or discharge from employment.

21 Sec. 4. Any labor organization which assesses the fair
22 share representation contribution for nonmember employees, as
23 authorized in section 2 of this act, shall: (1) Establish a procedure
24 for a nonmember employee to challenge the labor organization's
25 contribution calculations, which challenge shall include the right to
26 be heard by the labor organization in a prompt and expeditious manner
27 before any action for judicial enforcement of the contribution or

1 arbitration proceedings pursuant to the Uniform Arbitration Act may
2 be taken; (2) establish an interest-bearing escrow account in which
3 shall be placed any contribution in dispute pending a decision
4 pursuant to subdivision (1) of this section; and (3) provide to each
5 nonmember employee notice outlining (a) the amount the labor
6 organization has determined constitutes the contribution and the
7 percentage the contribution represents of the regular dues paid by a
8 member, (b) how the labor organization determined the amount of the
9 contribution including the basic financial data and specification of
10 the expenditures that are considered part of the contribution and
11 expenditures that are not part of the contribution, and (c) the
12 dispute procedure established pursuant to subdivision (1) of this
13 section.

14 Sec. 5. Failure of a nonmember employee to pay his or her
15 fair share representation contribution as provided in section 3 of
16 this act gives the labor organization the right to bring an action in
17 any court of competent jurisdiction for the payment of the
18 contribution together with reasonable attorney's fees and court
19 costs.

20 Sec. 6. Section 48-217 Reissue Revised Statutes of Nebraska,
21 is amended to read:

22 48-217. To make operative the provisions of sections 13, 14
23 and 15 of Article XV of the Constitution of Nebraska, no person shall
24 be denied employment because of membership in or affiliation with, or
25 resignation or expulsion from a labor organization or because of
26 refusal to join~~, or~~ affiliate with~~, or pay a fee either directly~~
27 ~~or indirectly~~ to a labor organization; nor shall any individual or

1 corporation or association of any kind enter into any contract,
2 written or oral, to exclude persons from employment because of
3 membership in or nonmembership in a labor organization.

4 Sec. 7. Original section 48-217, Reissue Revised Statutes of
5 Nebraska, is repealed.