

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 557

Introduced by Nantkes, 46.

Read first time January 21, 2009

Committee: Business and Labor

A BILL

1 FOR AN ACT relating to labor; to amend section 48-219, Reissue
2 Revised Statutes of Nebraska; to provide for a fair
3 share representation contribution by employees who
4 are not members of certain labor organizations for
5 representation provided by the labor organization; to
6 eliminate provisions; to harmonize provisions; to repeal
7 the original section; and to outright repeal sections
8 48-217 and 48-218, Reissue Revised Statutes of Nebraska.
9 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
3 represented by a labor organization in matters of wages, hours, and
4 conditions of 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, and all public and quasi-public corporations,
11 including any utility or public service corporation without regard
12 to the number of persons employed;

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

20 (6) Labor organization means any organization of any
21 kind, or any agency or employee representation committee or plan,
22 which exists for the purpose, in whole or in part, of dealing with
23 employers concerning grievances, labor disputes, wages, rates of
24 pay, hours of employment, or conditions of work.

25 Sec. 2. An employee shall pay his or her fair share

1 representation contribution to a labor organization if (1)
2 the labor organization has been established as the collective
3 bargaining and contract enforcement representative for the
4 bargaining unit representing the employee and (2) the labor
5 organization and the employer have entered into an agreement
6 requiring represented employees of the employer, who are not paying
7 membership dues to the labor organization, to pay a fair share
8 representation contribution. The contribution shall not exceed the
9 amount of dues, if any, uniformly required for membership in the
10 labor organization.

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

20 (2) Such agreement may also provide that payment of the
21 contribution shall be a condition of employment only to the extent
22 that acceptance of employment subject to the condition of paying
23 the contribution gives rise to an enforceable debt on the part of
24 the employee to the labor organization of the unpaid amount. The
25 agreement shall not provide that nonpayment of the contribution is

1 grounds for discharge from employment.

2 Sec. 4. Any labor organization which assesses the fair
3 share representation contribution for nonmember employees, as
4 authorized in section 2 of this act, shall: (1) Establish
5 a procedure for a nonmember employee to challenge the labor
6 organization's contribution calculations, which challenge shall
7 include the right to be heard by the labor organization in a
8 prompt and expeditious manner before any action for judicial
9 enforcement of the contribution or arbitration proceedings pursuant
10 to the Uniform Arbitration Act may be taken; (2) establish an
11 interest-bearing escrow account in which shall be placed any
12 contribution in dispute pending a decision pursuant to subdivision
13 (1) of this section; and (3) provide to each nonmember employee
14 notice outlining (a) the amount the labor organization has
15 determined constitutes the contribution and the percentage the
16 contribution represents of the regular dues paid by a member,
17 (b) how the labor organization determined the amount of the
18 contribution including the basic financial data and specification
19 of the expenditures that are considered part of the contribution
20 and expenditures that are not part of the contribution, and (c) the
21 dispute procedure established pursuant to subdivision (1) of this
22 section.

23 Sec. 5. Failure of a nonmember employee to pay his or
24 her fair share representation contribution as provided in section
25 3 of this act gives the labor organization the right to bring an

1 action in any court of competent jurisdiction for the payment of
2 the contribution together with reasonable attorney's fees and court
3 costs.

4 Sec. 6. Section 48-219, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 48-219 Any individual, corporation, or association that
7 enters into a contract after ~~September 7, 1947,~~ the effective date
8 of this act, in violation of the provisions of ~~section 48-217,~~
9 Article XV, section 13, of the Constitution of Nebraska, shall be
10 guilty of a Class IV misdemeanor.

11 Sec. 7. Original section 48-219, Reissue Revised Statutes
12 of Nebraska, is repealed.

13 Sec. 8. The following sections are outright repealed:
14 Sections 48-217 and 48-218, Reissue Revised Statutes of Nebraska.