

2019 -- H 5259

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

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A N A C T

RELATING TO LABOR - UNION REPRESENTATION

Introduced By: Representatives Craven, O'Brien, Marshall, 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12 school teachers from year to year until recognition is withdrawn or changed as provided in § 28-  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.~~

3 (f) Any employees in the bargaining unit, who are not members of the exclusive  
4 bargaining representative organization, may be required by the labor or employee organization to  
5 pay a reasonable fee for administrative matters, including, but not limited to, grievances and  
6 arbitrations.

7 (g) The employer shall notify the exclusive bargaining unit representative organization of  
8 the hiring of any employee in the bargaining unit within five (5) business days of the date of hire.

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

11 **28-9.4-8. Certification of negotiating agent.**

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

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

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19 appropriate bargaining unit from year to year until recognition is withdrawn or changed as  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

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

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

29 (f) Any employees in the bargaining unit, who are not members of the exclusive  
30 bargaining representative organization, may be required by the labor or employee organization to  
31 pay a reasonable fee for administrative matters, including, but not limited to, grievances and  
32 arbitrations.

33 (g) The employer shall notify the exclusive bargaining unit representative organization of  
34 the hiring of any employee in the bargaining unit within five (5) business days of the date of hire.

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

3 **36-6-17. Deductions for union dues.**

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

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

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

29 **36-11-2. Discrimination because of membership in employee organization**  
30 **prohibited.**

31 ~~There shall be no discrimination against any state employee because the employee has~~  
32 ~~formed, joined, or chosen to be represented by any labor organization or employee organization.~~  
33 ~~Membership in any employee organization may be determined by each individual employee;~~  
34 ~~provided, however, that in areas where employees have selected an exclusive bargaining~~

1 ~~representative organization, all nonmembers of the exclusive bargaining representative~~  
2 ~~organization shall pay to the exclusive employee organization a service charge as a contribution~~  
3 ~~toward the negotiation and administration of any collective bargaining agreement in an amount~~  
4 ~~equal to the regular biweekly membership dues of the organization, with the state controller being~~  
5 ~~hereby directed upon certification of the exclusive bargaining organization to deduct biweekly~~  
6 ~~from the employee's salary the above amount and remit the amount to the treasurer of the~~  
7 ~~exclusive bargaining organization. Supervisory employees shall not endorse any particular~~  
8 ~~employee organization or, by reason of membership in any organization, show prejudice or~~  
9 ~~discriminate toward any individual employee.~~

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

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

15 (c) Membership in any labor or employee organization may be determined by each  
16 individual employee and each individual member shall pay regular biweekly membership dues or  
17 fees an amount as determined by the organization.

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

21 (e) Any employees in the bargaining unit, who are not members of the exclusive  
22 bargaining representative organization, may be required by the labor or employee organization to  
23 pay a reasonable fee for administrative matters including, but not limited to, grievances and  
24 arbitrations.

25 (f) The employer shall notify the exclusive bargaining unit representative organization of  
26 the hiring of any employee in the bargaining unit within five (5) business days of the date of hire.

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

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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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