

FIRST REGULAR SESSION

HOUSE BILL NO. 492

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES FRANZ, ALLEN, CIERPIOT, LANT, DAVIS,
WHITE AND FRAKER (Co-sponsors).

1418L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 33.103, RSMo, and to enact in lieu thereof two new sections relating to labor organizations.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 33.103, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 33.103 and 105.504, to read as follows:

33.103. 1. Whenever the employees of any state department, division or agency establish any voluntary retirement plan, or participate in any group hospital service plan, group life insurance plan, medical service plan or other such plan, or if they are members of an employee collective bargaining organization, or if they participate in a group plan for uniform rental, the commissioner of administration may deduct from such employees' compensation warrants the amount necessary for each employee's participation in the plan or collective bargaining dues, provided that such dues deductions shall be made only from those individuals agreeing to such deductions. Before such deductions are made, the person in charge of the department, division or agency shall file with the commissioner of administration an authorization showing the names of participating employees, the amount to be deducted from each such employee's compensation, and the agent authorized to receive the deducted amounts. The amount deducted shall be paid to the authorized agent in the amount of the total deductions by a warrant issued as provided by law.

2. The commissioner of administration may, in the same manner, deduct from any state employee's compensation warrant:

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 (1) Any amount authorized by the employee for the purchase of shares in a state
17 employees' credit union in Missouri;

18 (2) Any amount authorized by the employee for contribution to a fund resulting from a
19 united, joint community-wide solicitation or to a fund resulting from a nationwide solicitation
20 by charities rendering services or otherwise fulfilling charitable purposes if the fund is
21 administered in a manner requiring public accountability and public participation in policy
22 decisions;

23 (3) Any amount authorized by the employee for the payment of dues in an employee
24 association;

25 (4) Any amount determined to be owed by the employee to the state in accordance with
26 guidelines established by the commissioner of administration which shall include notice to the
27 employee and an appeal process;

28 (5) Any amount voluntarily assigned by the employee for payment of child support
29 obligations determined pursuant to chapter 452 or 454;

30 (6) Any amount authorized by the employee for contributions to any qualified state
31 tuition program pursuant to Section 529 of the Internal Revenue Code of 1986, as amended,
32 sponsored by the state of Missouri; and

33 (7) Any amount for cafeteria plan administrative fees under subdivision (4) of subsection
34 3 of this section.

35 3. The commissioner of administration may establish a cafeteria plan in accordance with
36 Section 125 of Title 26 United States Code for state employees. The commissioner of
37 administration must file a written plan document to be filed in accordance with chapter 536.
38 Employees must be furnished with a summary plan description one hundred twenty days prior
39 to the effective date of the plan. In connection with such plans, the commissioner may:

40 (1) Include as an option in the plan any employee benefit, otherwise available to state
41 employees, administered by a statutorily created retirement system;

42 (2) Provide and administer, or select companies on the basis of competitive bids or
43 proposals to provide or administer, any group insurance, or other plan which may be included
44 as part of a cafeteria plan, provided such plan is not duplicative of any other plan, otherwise
45 available to state employees, administered by a statutorily created retirement system;

46 (3) Include as an option in the plan any other product eligible under Section 125 of Title
47 26 of the United States Code the selection of which may be solicited by a vendor on site in state
48 facilities, subject to regulations promulgated by the office of administration, and including
49 payment to the state by vendors providing those products for the cost of administering those
50 deductions, as set by the office of administration; and

51 (4) Reduce each employee's compensation warrant by the amount necessary for each
52 employee's participation in the cafeteria plan, except for those individual employees who
53 affirmatively elect not to participate in the cafeteria plan. No such reduction in salary for the
54 purpose of participation in a cafeteria plan shall have the effect of reducing the compensation
55 amount used in calculating the state employee's retirement benefit under a statutorily created
56 retirement system or reducing the compensation amount used in calculating the state employee's
57 compensation or wages for purposes of any workers' compensation claim governed by chapter
58 287.

59 4. Employees may authorize deductions as provided in this section in writing or by
60 electronic enrollment, **except for authorization for deductions to be paid to a public labor**
61 **organization, which shall only be made in writing under section 105.504.**

105.504. 1. No sum shall be withheld from the earnings of any public employee for
2 **the purposes of paying any portion of dues, agency shop fees, or any other fees paid by**
3 **members of a labor organization, or individuals who are not members except upon the**
4 **written authorization of the member, or individual who is not a member, received within**
5 **the previous twelve months on a form described by subsection 2 of this section.**

6 2. The authorization referred to in subsection 1 of this section shall be made on the
7 following form, the sole purpose of which is the documentation of such authorization. The
8 form's title shall read, in at least twenty-four point bold type, "Consent for Withholding
9 Union Dues/Fees" and shall state in at least fourteen-point bold type, the following specific
10 text:

11 **Signing this form authorizes the amount of \$..... to be withheld from your monthly**
12 **earnings and allocated to your labor organization during the next twelve months as a**
13 **portion of your dues, agency shop fees, or other fee payments. You are not obligated to**
14 **sign this authorization. Your signature below is completely voluntary and cannot in any**
15 **way affect your employment.**

16 3. No public labor organization shall use or obtain any portion of dues, agency shop
17 fees, or any other fees paid by members of the labor organization, or individuals who are
18 not members, to make contributions or expenditures as defined in section 130.011, except
19 upon the written authorization of the member, or individual who is not a member, received
20 within the previous twelve months on a form described by subsection 4 of this section
21 signed by the member or nonmember and an officer of the union.

22 4. The authorization referred to in subsection 3 of this section shall be made on the
23 following form, the sole purpose of which is the documentation of such authorization. The
24 form's title shall read, in at least twenty-four point bold type, "Consent for Political Use
25 of Dues/Fees" and shall state in at least fourteen-point bold type, the following specific text:

26 **Signing this form authorizes your union to use the amount of \$..... from each of your**
27 **dues or agency shop fee payments during the next twelve months as a political contribution**
28 **or expenditure. G**

29

30 **Signing this form requests your union to make a deduction of \$..... from each of your**
31 **dues or agency shop fee payments during the next twelve months as a political contribution**
32 **to the (name of the committee). G**

33

34 **Check applicable box.**

35

36 **You are not obligated to sign this authorization. Your signature below is completely**
37 **voluntary and cannot in any way affect your employment.**

38 **5. Any public employee labor organization that uses any portion of dues, agency**
39 **shop fees, or other fees to make contributions or expenditures under subsection 3 of this**
40 **section shall maintain records that include a copy of each authorization obtained under**
41 **subsections 2 and 4 of this section, the amounts and dates funds were actually withheld, the**
42 **amounts and dates funds were transferred to a committee as defined in section 130.011,**
43 **and the committee to which the funds were transferred. Records maintained under this**
44 **subsection shall not include the employee's home address or telephone number.**

45 **6. Copies of all records maintained under subsection 5 of this section shall be sent**
46 **to the labor and industrial relations commission, established under section 286.005.**

47 **7. Individuals who do not authorize contributions or expenditures under subsection**
48 **3 of this section may not have their dues, agency shop fees, or other fees increased in lieu**
49 **of contribution or expenditure.**

50 **8. The requirements of this section may not be waived by the member or individual**
51 **and waiver of the requirements shall not be made a condition of employment or continued**
52 **employment.**

53 **9. Signing or refraining from signing the authorizations referred to in subsection**
54 **2 or 4 of this section shall not be made a condition of employment or continued**
55 **employment.**

56 **10. In exchange for trouble and expenses in administering the withholding and**
57 **transferring of funds to the public labor organization, the office of administration shall**
58 **deduct, from the withheld amount, a fee consisting of the greater of eight dollars or two**
59 **percent of the amount authorized by the employee for deduction. The employee shall be**
60 **deemed to have paid to the public labor organization the entire amount authorized under**
61 **subsection 2 of this section as a portion of dues, agency shop fees, or any other fees. The**

62 **public labor organization shall not, in any manner, attempt to recoup the administration**
63 **fee from any employee.**

64 **11. For the purposes of this section "agency shop" means an arrangement that**
65 **requires an employee, as a condition of continued employment, either to join the**
66 **recognized employee organization, or to pay the organization a service fee.**

67 **12. For the purposes of this section, "public labor organization" includes any**
68 **organization which exists and is constituted for the purpose, in whole or in part, of**
69 **collective bargaining or dealing with public employers concerning grievances, terms, or**
70 **conditions of employment, or of other mutual aid or protection.**