

HCS HB 88 -- PAYCHECKS OF PUBLIC EMPLOYEES FOR THE BENEFIT OF
PUBLIC LABOR ORGANIZATIONS

SPONSOR: Taylor (139)

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Economic Development by a vote of 6 to 3. Voted "Do Pass" by the Standing Committee on Rules- Legislative Oversight by a vote of 8 to 2.

The following is a summary of the House Committee Substitute for HB 88.

This bill establishes the "Public Employee Janus Rights Act".

This bill prohibits any sum to be withheld from the earnings of any public employee for the purpose of paying any portion of dues, agency shop fees, or any other fees paid by members of a labor organization or public employees who are nonmembers except upon the annual informed written or electronic authorization of the member or nonmember received by the public body. The public body will require clear and compelling evidence that such authorization has been freely given by a public employee. Submission of the form described in this bill will constitute clear and compelling evidence that authorization has been freely given.

This bill prohibits any labor organization to use or obtain any portion of dues, agency shop fees, or any other fees paid by members of the labor organization or public employees who are nonmembers to make contributions or expenditures, as defined in current law, except with the informed written or electronic authorization of such member or nonmember received within the previous 12 months by the public body. The public body, pursuant to federal law enunciated by the United States Supreme Court in Janus v. American Federation of State, County and Municipal Employees, Council 31, 138 S.Ct. 2448 (2018), will require clear and compelling evidence that such authorization has been freely given by a public employee. Submission of the form described in this bill will constitute clear and compelling evidence that authorization has been freely given.

Public employees who do not authorize contributions or expenditures as specified in the bill will not have their dues, agency shop fees, or other fees increased in lieu of payments for contributions or expenditures.

The requirements of this bill will not be waived by any member or nonmember of a labor organization, and waiver of the requirements will not be made a condition of employment or continued employment.

Signing or refraining from signing any authorization under this bill will not be made a condition of employment or continued employment.

Any authorization submitted as specified in the bill by a public employee may be revoked by a public employee at any time, with a revocation to take effect at the beginning of any succeeding pay period.

The Department will assess a fine of no more than \$500 per violation to any public body that fails to comply with the provisions of this bill.

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

PROPONENTS: Supporters say that this would bring Missouri into compliance with the United States Supreme Court's decision in Janus v. American Federation of State, County and Municipal Employees, Council 31, 138 S.Ct. 2448 (2018). Additionally, negotiation with the government, which in the case of a public employee is the employer, is a First Amendment right. Being forced to have a union speak on your behalf is a violation of that right. Additionally, many public sector employees are not aware of their right under the United States Supreme Court's decision and this bill notifies these employees of their rights.

Testifying for the bill were Representative Taylor; Americans for Prosperity; Steve Delia, Macknac Center for Public Policy; and Mark Janus.

OPPONENTS: Those who oppose the bill say that it unfairly treats public sector unions and union members. Also, this bill establishes a statewide database of all public sector employees.

Testifying against the bill were Arnie Dienoff; CWA Local 6355; Missouri AFL-CIO; and the Missouri NEA.

Written testimony has been submitted for this bill. The full written testimony can be found under Testimony on the bill page on the House website.