

106TH CONGRESS
1ST SESSION

H. R. 2434

To require labor organizations to secure prior, voluntary, written authorization as a condition of using any portion of dues or fees for activities not necessary to performing duties relating to the representation of employees in dealing with the employer on labor-management issues, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 1, 1999

Mr. GOODLING (for himself, Mr. BALLENGER, Mr. BOEHNER, Mr. HOEKSTRA, Mr. SAM JOHNSON of Texas, Mr. TALENT, Mr. GREENWOOD, Mr. GRAHAM, Mr. SOUDER, Mr. MCINTOSH, Mr. NORWOOD, Mr. SCHAFER, Mr. DEAL of Georgia, Mr. HILLEARY, Mr. SALMON, Mr. TANCREDO, Mr. FLETCHER, Mr. DEMINT, and Mr. ISAKSON) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To require labor organizations to secure prior, voluntary, written authorization as a condition of using any portion of dues or fees for activities not necessary to performing duties relating to the representation of employees in dealing with the employer on labor-management issues, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Worker Paycheck Fair-
3 ness Act of 1999”.

4 **SEC. 2. FINDINGS.**

5 The Congress finds the following:

6 (1) Workers who pay dues or fees to a labor or-
7 ganization may not, as a matter of law, be required
8 to pay to that organization any dues or fees sup-
9 porting activities that are not necessary to per-
10 forming the duties of the exclusive representative of
11 the employees in dealing with the employer on labor-
12 management issues.

13 (2) Many labor organizations use portions of
14 the dues or fees they collect from the workers they
15 represent for activities that are not necessary to per-
16 forming the duties of the exclusive representative of
17 the employees in dealing with the employer on labor-
18 management issues. These dues may be used to sup-
19 port political, social, or charitable causes or many
20 other noncollective bargaining activities. Unfortu-
21 nately, many workers who pay such dues or fees
22 have insufficient information both about their rights
23 regarding the payment of dues or fees to a labor or-
24 ganization and about how labor organizations spend
25 employee dues or fees.

1 (3) It is a fundamental tenet of this Nation
2 that all men and women have a right to make indi-
3 vidual and informed choices about the political, so-
4 cial, or charitable causes they support, and the law
5 should protect that right to the greatest extent pos-
6 sible.

7 **SEC. 3. PURPOSE.**

8 The purpose of this Act is to ensure that all workers
9 have sufficient information about their rights regarding
10 the payment of dues or fees to labor organizations and
11 the uses of employee dues and fees by labor organizations
12 and that the right of all workers to make individual and
13 informed choices about the political, social, or charitable
14 causes they support is protected to the greatest extent pos-
15 sible.

16 **SEC. 4. WRITTEN CONSENT.**

17 (a) IN GENERAL.—

18 (1) AUTHORIZATION.—A labor organization ac-
19 cepting payment of any dues or fees from an em-
20 ployee as a condition of employment pursuant to an
21 agreement authorized by Federal law must secure
22 from each employee prior, voluntary, written author-
23 ization for any portion of such dues or fees which
24 will be used for activities not necessary to per-
25 forming the duties of the exclusive representative of

1 the employees in dealing with the employer on labor-
2 management issues.

3 (2) REQUIREMENTS.—Such written authoriza-
4 tion shall clearly state that an employee may not be
5 required to provide such authorization and that if
6 such authorization is provided, the employee agrees
7 to allow any dues or fees paid to the labor organiza-
8 tion to be used for activities which are not necessary
9 to performing the duties of exclusive representation
10 and which may be political, social, or charitable in
11 nature.

12 (b) REVOCATION.—An authorization described in
13 subsection (a) shall remain in effect until revoked. Such
14 revocation shall be effective upon 30 days written notice.

15 (c) CIVIL ACTION BY EMPLOYEES.—

16 (1) LIABILITY.—Any labor organization which
17 violates this section or section 7 shall be liable to the
18 affected employee—

19 (A) for damages equal to—

20 (i) the amount of the dues or fees ac-
21 cepted in violation of this section;

22 (ii) the interest on the amount de-
23 scribed in clause (i) calculated at the pre-
24 vailing rate; and

1 (iii) an additional amount as liq-
2 uidated damages equal to the sum of the
3 amount described in clause (i) and the in-
4 terest described in clause (ii); and

5 (B) for such equitable relief as may be ap-
6 propriate.

7 (2) RIGHT OF ACTION.—An action to recover
8 the damages or equitable relief prescribed in para-
9 graph (1) may be maintained against any labor or-
10 ganization in any Federal or State court of com-
11 petent jurisdiction by any one or more employees for
12 and in behalf of—

13 (A) the employees; or

14 (B) the employees and other employees
15 similarly situated.

16 (3) FEES AND COSTS.—The court in such ac-
17 tion shall, in addition to any judgment awarded to
18 the plaintiff, allow a reasonable attorney’s fee, rea-
19 sonable expert witness fees, and other costs of the
20 action to be paid by the defendant.

21 (4) LIMITATION.—An action may be brought
22 under this subsection not later than 2 years after
23 the date the employee knew or should have known
24 that dues or fees were accepted or spent by a labor
25 organization in violation of this Act, except that

1 such period shall be extended to 3 years in the case
2 of a willful violation.

3 **SEC. 5. NOTICE.**

4 An employer whose employees are represented by a
5 collective bargaining representative shall be required to
6 post a notice, of such size and in such form as the Depart-
7 ment of Labor shall prescribe, in conspicuous places in
8 and about its plants and offices, including all places where
9 notices to employees are customarily posted, informing
10 employees that any labor organization accepting payment
11 of any dues or fees from an employee as a condition of
12 employment pursuant to an agreement authorized by Fed-
13 eral law must secure from each employee prior, written
14 authorization if any portion of such dues or fees will be
15 used for activities not necessary to performing the duties
16 of the exclusive representative of the employees in dealing
17 with the employer on labor-management issues.

18 **SEC. 6. DISCLOSURE TO WORKERS.**

19 (a) EXPENSES REPORTING.—Section 201(b) of the
20 Labor-Management Reporting and Disclosure Act of 1959
21 is amended by adding at the end the following new sen-
22 tence: “Every labor organization shall be required to at-
23 tribute and report expenses in such detail as necessary to
24 allow members to determine whether such expenses were
25 necessary to performing the duties of the exclusive rep-

1 representative of the employees in dealing with the employer
2 on labor-management issues.”

3 (b) DISCLOSURE.—Section 201(c) of the Labor-Man-
4 agement Reporting and Disclosure Act of 1959 is
5 amended—

6 (1) by inserting “and employees required to pay
7 any dues or fees to such organization” after “mem-
8 bers”; and

9 (2) inserting “or employee required to pay any
10 dues or fees to such organization” after “member”
11 each place it appears.

12 (c) WRITTEN REQUESTS.—Section 205(b) of the
13 Labor-Management Reporting and Disclosure Act of 1959
14 is amended by adding at the end the following new sen-
15 tence: “Upon written request, the Secretary shall make
16 available complete copies of any report or other document
17 filed pursuant to section 201.”.

18 **SEC. 7. RETALIATION AND COERCION PROHIBITED.**

19 It shall be unlawful for any labor organization to co-
20 erce, intimidate, threaten, interfere with, or retaliate
21 against any employee in the exercise of, or on account of
22 having exercised, any right granted or protected by this
23 Act.

1 **SEC. 8. REGULATIONS.**

2 The Secretary of Labor shall prescribe such regula-
3 tions as are necessary to carry out section 5 not later than
4 60 days after the enactment of this Act and shall prescribe
5 such regulations as are necessary to carry out the amend-
6 ments made by section 6 not later than 120 days after
7 the enactment of this Act.

8 **SEC. 9. EFFECTIVE DATE AND APPLICATION.**

9 This Act shall be effective immediately upon enact-
10 ment, except that sections 4 and 5 pertaining to worker
11 consent and notice shall take effect 90 days after enact-
12 ment and section 6 pertaining to disclosure shall take ef-
13 fect 150 days after enactment.

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