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**SENATE BILL 787**

**45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001**

**INTRODUCED BY**

**Kent L. Cravens**

**AN ACT**

**RELATING TO EMPLOYMENT; REQUIRING CERTAIN DISCLOSURES TO  
EMPLOYEES REGARDING PERMITTED USE OF COLLECTED UNION DUES;  
REQUIRING EMPLOYEE'S WRITTEN PERMISSION FOR WITHHOLDING  
CERTAIN AMOUNTS; REQUIRING MANDATORY REPORTING.**

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:**

**Section 1. EMPLOYERS REQUIRED TO NOTIFY EMPLOYEES OF  
CERTAIN RIGHTS REGARDING USE OF COLLECTED UNION DUES. --**

**A. A person employing one or more employees in the  
state and who collects union dues from his employees shall  
post a notice in one or more conspicuous locations in the  
workplace disclosing to his employees their rights regarding  
the use of collected union dues. The notice shall be in  
substantially the following form and substance:**

**"NOTICE TO EMPLOYEES**

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1 IN ACCORDANCE WITH THE UNITED STATE SUPREME COURT DECISION IN  
2 *COMMUNICATIONS WORKERS OF AMERICA v. BECK* (1988)  
3 YOU HAVE THE FOLLOWING RIGHTS REGARDING THE USE OF UNION DUES  
4 COLLECTED FROM YOU:

5 1. A union is not permitted to expend dues or fees  
6 collected from dues-paying nonmember employees, often referred  
7 to as "agency fees", on activities unrelated to collective  
8 bargaining activities and may collect from those employees  
9 only those dues and fees necessary to finance collective  
10 bargaining activities.

11 2. Political causes and community outreach programs are  
12 activities unrelated to collective bargaining and agency fees  
13 shall not be used for financing political causes or community  
14 outreach programs. "

15 B. The director of the labor and industrial  
16 division of the labor department shall prepare and furnish  
17 posters containing the notice in Subsection A of this section  
18 to employers. Posting of that notice in one or more  
19 conspicuous locations in the workplace of an employer is  
20 compliance with the requirement of Subsection A of this  
21 section.

22 C. If withheld union dues or fees are to be used  
23 for political purposes, before withholding from an employee,  
24 an employer shall obtain written permission from the employee.  
25 After once obtaining that permission, the employer shall

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1 obtain it annually thereafter for each employee that remains  
2 employed and who remains subject to withholding.

3 D. A union that engages in mandatory withholding  
4 of dues or fees from nonmember employees shall report annually  
5 to the secretary of state the fact of the withholding and the  
6 amounts withheld together with expenditures from amounts  
7 withheld in at least the following categories:

8 (1) collective bargaining;

9 (2) organizing;

10 (3) developing safety programs in the  
11 workplace;

12 (4) partisan political campaigns and  
13 contributions;

14 (5) political issue education; and

15 (6) voter registration.

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