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SENATE BILL 428

45TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2002

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 STATES 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 who 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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