

HOUSE BILL No. 4305

February 20, 2001, Introduced by Rep. Kuipers and referred to the Committee on Employment Relations, Training and Safety.

A bill to impose certain duties on certain labor organizations; to require certain labor organizations to obtain an individual's written authorization on a specified form before using certain dues or fees paid by the individual for political, ideological, social, or charitable events or activities, lobbying for legislation, organizing employees of other employers, or other activities that are not collective bargaining, contract administration, or grievance processing; to impose certain duties on certain departments; and to provide for penalties and remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "contribution disclosure act".

3 Sec. 2. As used in this act:

1 (a) "Labor organization" means that term as defined in
2 section 2 of 1939 PA 176, MCL 423.2.

3 (b) "Written authorization form" means a document described
4 in section 4 that is signed by an individual who is required to
5 pay dues or fees to a labor organization under a collective bar-
6 gaining agreement or other agreement authorized by law.

7 Sec. 3. A labor organization that accepts payment of dues
8 or fees from an individual as a condition of that individual's
9 employment in accordance with a collective bargaining agreement
10 or other agreement authorized by law shall not expend any portion
11 of those dues or fees for political, ideological, social, or
12 charitable events or activities, lobbying for legislation, orga-
13 nizing employees of other employers, or other activities that are
14 not collective bargaining, contract administration, or grievance
15 processing unless the labor organization has obtained the
16 individual's written authorization on a written authorization
17 form described in section 4 at least once each calendar year.

18 Sec. 4. A written authorization required under this act
19 shall be on a form that states the following, using at least
20 12-point print:

21 "Union Due and Political Activities -- Your Rights

22 The use of your union dues or fees is restricted by several
23 federal and state laws. This form is to inform you of your
24 rights regarding union dues or fees used for purposes other than
25 collective bargaining.

26 The United States supreme court has ruled that a worker is
27 not required to pay dues or fees that will be used for purposes

1 not related to collective bargaining activities, contract
2 administration, or grievance processing. Communications Workers
3 of America v Beck, 487 US 735 (1988).

4 Under section 55 of the Michigan campaign finance act, 1976
5 PA 388, MCL 169.255, a labor organization is prohibited from
6 requiring 'dues' or union fees as contributions for political
7 purposes. Specifically, a labor organization may not require
8 noncollective bargaining dues or fees for political purposes by
9 doing any of the following:

10 1. Using coercion or physical force.

11 2. Making a contribution a condition of employment or
12 membership.

13 3. Using or threatening to use job discrimination or finan-
14 cial reprisals.

15 An individual who knowingly violates section 55 of the
16 Michigan campaign finance act, 1976 PA 388, MCL 169.255, is
17 guilty of a felony punishable by a fine up to \$5,000.00 and
18 imprisonment for up to 3 years, or both. A labor organization
19 may be fined up to \$10,000.00.

20 A labor organization may solicit and obtain funds from you
21 for political, ideological, social, or charitable events or
22 activities, lobbying for legislation, organizing employees of
23 other employers, or other activities that are not collective bar-
24 gaining, contract administration, or grievance processing on an
25 automatic basis, including, but not limited to, a payroll deduc-
26 tion plan, only if you affirmatively consent in writing to the
27 contribution at least once every calendar year.

1

2 Your dues or fees for membership in, or union representation
 3 from, the _____ are _____ dollars and _____ cents
 4 (\$_____) for the year beginning _____ and ending
 5 _____

6

7 _____ dollars and _____ cents (\$_____, or
 8 _____%) of your dues or fees may be used for political,
 9 ideological, social, or charitable events or activities, lobbying
 10 for legislation, organizing employees of other employers, or
 11 other activities that are not collective bargaining, contract
 12 administration, or grievance processing only if you voluntarily
 13 consent below. An annual audit of these expenses is required to
 14 be filed with the state department of consumer and industry serv-
 15 ices, and a copy of that audit is available from the labor organ-
 16 ization upon your request.

17

18 Under state and federal law, you do not have to pay this
 19 amount. This amount will be subtracted from the dues or fees you
 20 owe if you do not sign this form to have your dues or fees used
 21 for organizing employees of other employers, lobbying, or partic-
 22 ipating in political, social, charitable, or other ideological
 23 activities that are not related to collective bargaining, con-
 24 tract administration, or grievance processing.

25

26 I, _____, voluntarily authorize _____ to use
 27 \$_____ (_____%) of my dues or fees for political,

1 ideological, social, or charitable events or activities, lobbying
 2 for legislation, organizing employees of other employers, or
 3 other activities that are not collective bargaining, contract
 4 administration, or grievance processing.

5 _____
 6 Employee Signature Date

7
 8 cc: Your Employer

9 Your Union President".

10

11 Sec. 5. The department of consumer and industry services
 12 shall prepare and make available to a labor organization upon the
 13 labor organization's request a written authorization form
 14 described in section 4.

15 Sec. 6. (1) If a labor organization that has not obtained
 16 an individual's signature on a written authorization form in
 17 accordance with this act expends all or a portion of an
 18 individual's dues or fees for political, ideological, social, or
 19 charitable events or activities, lobbying for legislation, orga-
 20 nizing employees of other employers, or other activities that are
 21 not related to collective bargaining, contract administration, or
 22 grievance processing, the labor organization is liable to the
 23 individual for double all of the following, plus reasonable
 24 attorney fees and costs:

25 (a) The amount of dues or fees that were collected from the
 26 individual without the individual's express consent on a written
 27 authorization form.

28 (b) Interest at the lawful rate.

1 (2) In addition to awarding money damages under subsection
2 (1), a court may award equitable relief to an individual injured
3 by a violation of this act.

4 (3) A labor organization violates this section if it expends
5 money from an individual's dues or fees for political, ideologi-
6 cal, social, or charitable events or activities, lobbying for
7 legislation, or organizing employees of other employers after the
8 individual has resigned from the labor organization, or after the
9 individual has rescinded or revoked his or her authorization for
10 the expenditure in accordance with this act.

11 Sec. 7. A labor organization shall provide the department
12 of consumer and industry services with an annual financial
13 report, prepared by a certified public accountant who is indepen-
14 dent from the labor organization, that separately itemizes and
15 describes all expenses that are not related to collective bar-
16 gaining, contract administration, or grievance processing. The
17 itemization and description shall be detailed and written in a
18 readily understandable manner.

19 Sec. 8. (1) A labor organization shall not restrict an
20 individual's right to do either of the following:

21 (a) Withdraw from the labor organization at any time.

22 (b) Rescind or revoke an authorization described in section
23 4 at any time after the individual signs the authorization.

24 (2) A withdrawal, rescission, or revocation described in
25 this section is effective 30 days after the individual provides
26 the labor organization with written notice of that withdrawal,
27 rescission, or revocation.

1 (3) A labor organization or its agents shall not harass,
2 coerce, attempt to intimidate, penalize, or discriminate against
3 an individual for any of the following reasons:

4 (a) Electing not to sign a written authorization form
5 described in section 4.

6 (b) Withdrawing from labor organization membership.

7 (c) Rescinding or revoking an authorization described in
8 section 4.