

## 1 SENATE BILL NO. 228

2 INTRODUCED BY G. HERTZ

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 4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A PUBLIC EMPLOYEE TO WITHDRAW FROM A  
 5 BARGAINING UNIT; PROVIDING FOR WRITTEN NOTICE; ESTABLISHING THE TIMELINE FOR PAYMENT  
 6 OF DUES TO CEASE; AMENDING SECTIONS 39-31-203 AND 39-31-401, MCA; REPEALING SECTION 39-  
 7 31-204, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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 11 **Section 1.** Section 39-31-203, MCA, is amended to read:

12 **"39-31-203. Deduction of dues from employee's pay.** ~~Upon (1) Except as provided in subsection~~  
 13 ~~(2), a public employer with the~~ written authorization of any public employee within a bargaining unit, ~~the public~~  
 14 ~~employer~~ shall deduct from the pay of the public employee the monthly amount of dues as certified by the  
 15 secretary of the exclusive representative and shall deliver the dues to the treasurer of the exclusive  
 16 representative.

17 (2) (a) By providing 14 days' written notice to the public employer, a public employee within a  
 18 bargaining unit may withdraw from the unit.

19 (b) Beginning on the first payday of the month following receipt of the written notice required in  
 20 subsection (2)(a), an employer may no longer deduct monthly dues from the pay of the public employee.

21 (c) An employee who withdraws from the bargaining unit in accordance with this subsection may not  
 22 renew the employee's association with the unit unless 1 year has elapsed. A request to renew and allow for the  
 23 deduction of monthly dues must be provided in writing."

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 25 **Section 2.** Section 39-31-401, MCA, is amended to read:

26 **"39-31-401. Unfair labor practices of public employer.** It is an unfair labor practice for a public  
 27 employer to:

28 (1) interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in 39-31-201;

1           (2) dominate, interfere, or assist in the formation or administration of any labor organization. However,  
2 subject to rules adopted by the board under 39-31-104, an employer is not prohibited from permitting  
3 employees to confer with the employer during working hours without loss of time or pay.

4           (3) discriminate in regard to hire or tenure of employment or any term or condition of employment in  
5 order to encourage or discourage membership in any labor organization. ~~However, nothing~~ Except as provided  
6 in 39-31-203(2), nothing in this chapter or in any other statute of this state precludes a public employer from  
7 making an agreement with an exclusive representative to require, as a condition of employment, that an  
8 employee who is not or does not become a union member must have an amount equal to the union initiation  
9 fee and monthly dues deducted from the employee's wages in the same manner as checkoff of union dues.

10           (4) discharge or otherwise discriminate against an employee because the employee has signed or  
11 filed an affidavit, petition, or complaint or given any information or testimony under this chapter; or

12           (5) refuse to bargain collectively in good faith with an exclusive representative."  
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14           NEW SECTION. Section 3. Repealer. The following section of the Montana Code Annotated is  
15 repealed:

16 39-31-204.     Right of nonassociation with labor organization on religious grounds -- requirements and  
17 procedure for assertion of right.  
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19           NEW SECTION. Section 4. Effective date. [This act] is effective on passage and approval.  
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