HOUSE BILL NO. 461

INTRODUCED BY A. REGIER

A BILL FOR AN ACT ENTITLED: “AN ACT REVISING UNION MEMBERSHIP LAWS; REQUIRING AN
EMPLOYEE OF A NONPROFIT TO CONSENT TO AGENCY FEES AND OTHER PAYMENTS; DECLARING
THE COLLECTION WITHOUT CONSENT OF AGENCY FEES OR OTHER PAYMENTS FROM NURSES TO
BE AN UNFAIR LABOR PRACTICE; AND AMENDING SECTION 39-32-109, MCA.”

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

NEW SECTION. Section 1. Consent required for agency fees or other deductions from
nonprofit employees. Neither an agency fee nor any other payment to a union may be deducted from the
wages of an employee of a nonprofit organization, nor may any other attempt be made to collect a similar
payment, unless the employee affirmatively consents to pay.

Section 2. Section 39-32-109, MCA, is amended to read:

“39-32-109. Unfair labor practices. (1) It is an unfair labor practice for a health care facility to do one
or more of the following:

(a) interfere with or restrain or coerce employees in any manner in the exercise of their right of self-
organization;

(b) initiate, create, dominate, contribute to, or interfere with the formation or administration of any
employee organization that has collective bargaining as one of its principal functions;

(c) discriminate in regard to hire terms or conditions of employment when a purpose is to discourage
membership in an employee organization that has collective bargaining as one of its principal functions;

(d) refuse to meet and bargain in good faith with the designated representatives of an appropriate
bargaining unit of its employees. For the purpose of this subsection (1)(d), it is a requirement of bargaining in
good faith that the parties be willing to reduce to writing and have their representative sign any agreement
arrived at through negotiations and discussion.
(e) unilaterally exclude from work or prevent from working or discharge any one or more employees when the purpose of the action is in whole or in part to interfere with or coerce or intimidate an employee in the exercise of rights ensured in this law.

(2) It is an unfair labor practice for a labor organization or its agents to:

(a) restrain or coerce employees in the exercise of the right to:

(i) form, join, or assist any labor organization;

(ii) bargain collectively through representatives of their own choosing; or

(iii) engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection;

(b) restrain or coerce an employer in the selection of a representative for the purpose of collective bargaining or the adjustment of grievances;

(c) refuse to bargain collectively in good faith with an employer if it has been designated as the exclusive representative of employees;

(d) use agency shop fees for contributions to political candidates or parties;

(e) collect agency fees or other payments from an employee’s wages unless the employee affirmatively consents to pay.”

NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 39, and the provisions of Title 39 apply to [section 1].

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