

SENATE BILL NO. 32

January 13, 1999, Introduced by Senator SCHUETTE and referred to the Committee on Government Operations.

A bill 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, social, charitable, or other activities that are not related to 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:

4 (a) "Labor organization" means that term as defined in sec-
5 tion 2 of 1939 PA 176, MCL 423.2.

6 (b) "Written authorization form" means a document described
7 in section 4 that is signed by an individual who is required to

1 pay dues or fees to a labor organization under a collective
2 bargaining agreement or other agreement authorized by law.

3 Sec. 3. A labor organization that accepts payment of dues
4 or fees from an individual as a condition of that individual's
5 employment in accordance with a collective bargaining agreement
6 or other agreement authorized by law shall not expend any portion
7 of those dues or fees for political, social, charitable, or other
8 activities that are not related to collective bargaining, con-
9 tract administration, or grievance processing unless the labor
10 organization has obtained the individual's written authorization
11 on a written authorization form described in section 4 at least
12 once each calendar year.

13 Sec. 4. A written authorization required under this act
14 shall be on a form that states the following, using at least
15 12-point print:

16

17 **"Union Dues and Political Activities - Your Rights**

18

19 The use of your union dues is restricted by several federal and
20 state laws. This form is to inform you of your rights regarding
21 union dues used for purposes other than collective bargaining.

22

23 The United States Supreme Court has ruled that a worker is not
24 required to pay dues which will be used for purposes not related
25 to collective bargaining activities, contract administration, or
26 grievance processing. Communications Workers of America v Beck,
27 487 US 735 (1988).

1

2 Under section 55 of the Michigan Campaign Finance Act, 1976 PA
3 388, MCL 169.255, a labor organization is prohibited from requir-
4 ing 'dues' or union fees as contributions for political
5 purposes. Specifically, a labor organization may not require
6 noncollective bargaining dues or fees for political purposes by
7 doing any of the following:

8

- 9 1. use of coercion or physical force,
- 10 2. making a contribution a condition of employment or mem-
11 bership, or
- 12 3. using or threatening to use job discrimination or
13 financial reprisals.

14

15 An individual who knowingly violates section 55 of the Michigan
16 Campaign Finance Act, 1976 PA 388, MCL 169.255, is guilty of a
17 felony punishable by a fine up to \$5,000 and imprisonment for up
18 to three years, or both. A labor organization may be fined up to
19 \$10,000.

20

21 A labor organization may solicit and obtain funds from you on an
22 automatic basis, including but not limited to a payroll deduction
23 plan, **only if you affirmatively consent** to the contribution at
24 least once every calendar year.

25

26 Your dues for membership in the (name of labor organization)
27 _____ are _____ dollars and _____ cents (\$_____) for

1 the year beginning (date/month/year) and ending
2 (date/month/year).

3

4 _____dollars and _____cents (\$_____) of your dues will
5 be used for collective bargaining related services.

6

7 _____dollars and _____cents (\$_____) of your dues will
8 be used for political activities only if you voluntarily
9 consent below. **Under state and federal law, you do not**
10 **have to pay this amount. This amount will be subtracted**
11 **from your dues if you do not wish to have your dues used**
12 **for political activities.**

13

14

15 I, _____, voluntarily consent to the (name of
16 labor organization) _____ the right to use my dues for
17 political activities.

18 _____/_____/_____

19 signature date month year

20

21

22 Name, address, city/state/zip, telephone number for employee
23 _____.

24

25

26 Name, address, city/state/zip, telephone number and treasurer's
27 name for labor organization _____."

1

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

6 Sec. 6. (1) If a labor organization that has not obtained
7 an individual's signature on a written authorization form in
8 accordance with this act expends all or a portion of an
9 individual's dues or fees for political, social, charitable, or
10 other activities unrelated to collective bargaining, contract
11 administration, or grievance processing, the labor organization
12 is liable to the individual for double all of the following, plus
13 reasonable attorney fees and costs:

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

17 (b) Interest at the lawful rate.

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