

1 S.14

2 Introduced by Senator Mullin

3 Referred to Committee on

4 Date:

5 Subject: Education; municipalities; labor organizations; agency fees

6 Statement of purpose: This bill proposes to require payment of agency fees by
7 teachers, school administrators, and municipal employees who are not
8 members of a labor organization recognized as the exclusive bargaining agent.

9 In addition, it would confirm explicitly that agency fees cannot be used for any
10 purpose other than in connection with collective bargaining.

11 An act relating to payment of agency fees by teachers, school
12 administrators, and municipal employees

13 It is hereby enacted by the General Assembly of the State of Vermont:

14 Sec. 1. 16 V.S.A. § 1981(7) is amended to read:

15 (7) "Agency fee" means a fee solely for representation in collective
16 bargaining, not exceeding teachers' or administrators' organization dues,
17 payable to the organization ~~which~~ that is the exclusive bargaining agent for
18 teachers or administrators in a bargaining unit, from individuals who are not
19 members of the organization.

1 Sec. 2. 16 V.S.A. § 1982 is amended to read:

2 § 1982. RIGHTS

3 (a) Teachers shall have the right to or not to join, assist, or participate in
4 any teachers' organization of their choosing. However, teachers ~~may be~~
5 ~~required to pay an agency fee pursuant to an agreement negotiated under this~~
6 ~~chapter who choose not to join the teachers' organization that is recognized as~~
7 the exclusive representative pursuant to section 1992 of this title shall pay an
8 agency fee in the same manner as teachers who choose to join the teachers'
9 organization pay membership fees.

10 (b) Principals, assistant principals, and administrators other than a
11 superintendent and an assistant superintendent shall have the right to or not to
12 join, assist, or participate in any administrators' organization or as a separate
13 unit of any teachers' organization of their choosing. However, administrators
14 other than the superintendent and assistant superintendent ~~may be required to~~
15 ~~pay an agency fee pursuant to an agreement negotiated under this chapter who~~
16 choose not to join the administrators' organization that is recognized as the
17 exclusive representative pursuant to section 1992 of this title shall pay an
18 agency fee in the same manner as administrators who choose to join the
19 administrators' organization pay membership fees.

20 (c) Neither the school board nor any employee of the school board serving
21 in any capacity, nor any other person or organization shall interfere with,

1 employees who choose to join the employee organization pay membership
2 fees. A municipal employer shall not discharge or discriminate against any
3 employee for nonpayment of an agency service fee or for nonmembership in
4 an employee organization:

5 (A) If the employer has reasonable grounds for believing that
6 membership was not available to the employee on the same terms and
7 conditions generally applicable to other members; or

8 (B) If the employer has reasonable grounds for believing that
9 membership was denied or terminated for reasons other than the failure of the
10 employee to tender the periodic dues and the initiation fees uniformly required
11 as a condition of acquiring or retaining membership.

12 (b) It shall be an unfair labor practice for an employee organization or its
13 agents:

14 * * *

15 (6) To require employees covered by ~~an~~ the agency service fee
16 ~~agreement~~ requirement or ~~other~~ a union security agreement authorized under
17 subsection (a) of this section to pay an initiation fee which the board finds
18 excessive or discriminatory under all the circumstances, including the practices
19 and customs of employee organizations representing municipal employees, and
20 the wages paid to the employees affected.

21 * * *

1 (12) To charge an agency fee unless the employee organization has
2 established and maintained a procedure to provide nonmembers with all of the
3 following:

4 (A) an audited financial statement that identifies the major categories
5 of expenses and divides them into chargeable and nonchargeable expenses;

6 (B) an opportunity to object to the amount of the fee requested and to
7 place in escrow any amount reasonably in dispute; and

8 (C) prompt arbitration by an arbitrator selected either jointly by the
9 objecting fee payer and the employee organization or pursuant to the rules of
10 the American Arbitration Association to resolve any objection to the amount of
11 the agency fee.

12 Sec. 5. EFFECTIVE DATE

13 This act shall take effect on July 1, 2013.