

CLIENT NEWS BRIEF

Lawmakers Okay Budget Bill Addressing Union Dues Collection and Communications about Membership Rights

California lawmakers have approved a budget trailer bill that imposes new obligations on public sector employers related to deducting union dues and fees from workers' paychecks. Governor Jerry Brown signed Senate Bill (SB) 866 on the same day the United States Supreme Court barred the collection of mandatory agency fees that cover unions' cost of providing services, which the Court deemed a violation of workers' First Amendment free speech rights. ([See 2018 CNB No. 27.](#))

The Governor signed the bill, which combines the language of several other pieces of pending legislation intended to protect public agency unions, on June 27, 2018. Like all budget bills, the provisions in SB 866 became effectively immediately.

Dues Processing

SB 866 would standardize dues processing requirements across public agency unions and would expand the requirements to include employees of the Judicial Council, and also public transit district employees who are not already covered by a specific collective bargaining law. The bill also covers municipal employees and both certificated and classified employees who work for public school and community college district employers.

SB 866 imposes explicit requirements on public agency employers and generally makes unions responsible for portions of the dues collection process. Specifically, the bill:

- Authorizes employee organizations, bona fide associations and both current and retired public agency employees to request payroll deductions and requires employers to honor such requests.
- Specifies that revocation of an authorization must be determined by the terms of the authorization and requires public employers to direct employee requests to cancel or change deductions to the employee organization.
- Clarifies the period in which payroll deductions commence after the employee organization notifies the public employer that it has written authorization for the deductions.
- Bars a public employer from requiring an employee organization to submit a copy of a written authorization before commencing payroll deductions, unless a dispute arises about the existence or terms of the authorization.
- Requires unions to indemnify public employers against claims regarding dues deductions made in reliance on information provided by the union.

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- Permits public agencies to recover, from the dues and fees transmitted to unions representing most certificated K-12 staff and academic employees of community colleges, the actual reasonable cost of making the deductions. Fees transmitted to unions representing classified school and community college district employees must still be deducted free of charge.

New Employee Orientation

Additionally, the bill makes the date, time and location of new employee orientation sessions confidential. Under SB 866, only invited employees, union representatives and vendors contracted to provide services for the sessions may be given date, time and location information for orientation sessions. These new provisions are in furtherance of SB 119, which mandated union access to new employee orientation sessions and became effective on January 1. ([See 2017 CNB No. 34.](#))

Employer Communication

The bill restates existing law that took effect January 1 that bars public employers from discouraging or deterring public employees or applicants from becoming or remaining union members and additionally prohibits public employers from discouraging or deterring employees or applicants from authorizing union representation or the deduction of union dues or fees.

SB 866 also subjects to the meet and confer process any mass communication regarding public employees' right to support or join, or to refrain from supporting or joining, a union. If an agreement about the content of the communication is not reached, public employers must include a communication of "reasonable length" from the union representative with any communication they send regarding this right.

The Public Employment Relations Board (PERB) is granted jurisdiction for enforcing the bill's provisions.

If you have any questions about SB 866, the new state budget or labor relations in general, please contact the authors of this Client News Brief or an attorney at one of our [eight offices](#) located statewide. You can also visit our [website](#), follow us on [Facebook](#) or [Twitter](#) or download our [Client News Brief App](#).