

105TH CONGRESS  
1ST SESSION

# H. R. 1625

To ensure that workers have sufficient information about their rights regarding the payment of dues or fees to labor organizations and the uses of employee dues and fees by labor organizations.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 15, 1997

Mr. FAWELL (for himself, Mr. GINGRICH, Mr. ARMEY, Mr. BOEHNER, Ms. MOLINARI, Mr. GOODLING, Mr. BALLENGER, Mr. BARRETT of Nebraska, Mr. McKEON, Mr. KNOLLENBERG, Mr. RIGGS, Mr. GRAHAM, Mr. McINTOSH, Mr. NORWOOD, Mr. PETERSON of Pennsylvania, Mr. DEAL of Georgia, Mr. HILLEARY, Mr. PAXON, Mr. WATTS of Oklahoma, Mr. HERGER, Mr. HEFLEY, Mr. SNOWBARGER, Mrs. FOWLER, Mrs. MYRICK, Ms. DUNN, Mr. HAYWORTH, and Mr. SKEEN) introduced the following bill; which was referred to the Committee on Education and the Workforce

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## A BILL

To ensure that workers have sufficient information about their rights regarding the payment of dues or fees to labor organizations and the uses of employee dues and fees by labor organizations.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

### 3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Worker Paycheck Fair-  
5 ness Act”.

1 **SEC. 2. FINDINGS.**

2 The Congress finds the following:

3 (1) Workers who pay dues or fees to a labor or-  
4 ganization may not, as a matter of law, be required  
5 to pay to that organization any dues or fees support-  
6 ing activities that are not necessary to performing  
7 the duties of the exclusive representative of the em-  
8 ployees in dealing with the employer on labor-man-  
9 agement issues.

10 (2) Many labor organizations use portions of  
11 the dues or fees they collect from the workers they  
12 represent for activities that are not necessary to per-  
13 forming the duties of the exclusive representative of  
14 the employees in dealing with the employer on labor-  
15 management issues. These dues may be used to sup-  
16 port political, social, or charitable causes or many  
17 other noncollective bargaining activities. Unfortu-  
18 nately, many workers who pay such dues or fees  
19 have insufficient information both about their rights  
20 regarding the payment of dues or fees to a labor or-  
21 ganization and about how labor organizations spend  
22 employee dues or fees.

23 (3) It is a fundamental tenet of this Nation  
24 that all men and women have a right to make indi-  
25 vidual and informed choices about the political, so-  
26 cial, or charitable causes they support, and the law

1       should protect that right to the greatest extent pos-  
2       sible.

3   **SEC. 3. PURPOSE.**

4       The purpose of this Act is to ensure that all workers  
5   have sufficient information about their rights regarding  
6   the payment of dues or fees to labor organizations and  
7   the uses of employee dues and fees by labor organizations  
8   and that the right of all workers to make individual and  
9   informed choices about the political, social, or charitable  
10  causes they support is protected to the greatest extent pos-  
11  sible.

12  **SEC. 4. WRITTEN CONSENT.**

13       (a) IN GENERAL.—

14           (1) AUTHORIZATION.—A labor organization ac-  
15   cepting payment of any dues or fees from an em-  
16   ployee as a condition of employment pursuant to an  
17   agreement authorized by Federal law must secure  
18   from each employee prior, voluntary, written author-  
19   ization for any portion of such dues or fees which  
20   will be used for activities not necessary to perform-  
21   ing the duties of the exclusive representative of the  
22   employees in dealing with the employer on labor-  
23   management issues.

24           (2) REQUIREMENTS.—Such written authoriza-  
25   tion shall clearly state that an employee may not be

1 required to provide such authorization and that if  
2 such authorization is provided, the employee agrees  
3 to allow any dues or fees paid to the labor organiza-  
4 tion to be used for activities which are not necessary  
5 to performing the duties of exclusive representation  
6 and which may be political, social, or charitable in  
7 nature.

8 (b) REVOCATION.—An authorization described in  
9 subsection (a) shall remain in effect until revoked. Such  
10 revocation shall be effective upon 30 days written notice.

11 (c) CIVIL ACTION BY EMPLOYEES.—

12 (1) LIABILITY.—Any labor organization which  
13 violates this section shall be liable to the affected  
14 employee—

15 (A) for damages equal to—

16 (i) the amount of the dues or fees ac-  
17 cepted in violation of this section;

18 (ii) the interest on the amount de-  
19 scribed in clause (i) calculated at the pre-  
20 vailing rate; and

21 (iii) an additional amount as liq-  
22 uidated damages equal to the sum of the  
23 amount described in clause (i) and the in-  
24 terest described in clause (ii); and

1 (B) for such equitable relief as may be ap-  
2 propriate.

3 (2) RIGHT OF ACTION.—An action to recover  
4 the damages or equitable relief prescribed in para-  
5 graph (1) may be maintained against any labor or-  
6 ganization in any Federal or State court of com-  
7 petent jurisdiction by any one or more employees for  
8 and in behalf of—

9 (A) the employees; or

10 (B) the employees and other employees  
11 similarly situated.

12 (3) FEES AND COSTS.—The court in such ac-  
13 tion shall, in addition to any judgment awarded to  
14 the plaintiff, allow a reasonable attorney's fee, rea-  
15 sonable expert witness fees, and other costs of the  
16 action to be paid by the defendant.

17 (4) LIMITATION.—An action may be brought  
18 under this subsection not later than 2 years after  
19 the date the employee knew or should have known  
20 that dues or fees were accepted or spent by a labor  
21 organization in violation of this Act, except that  
22 such period shall be extended to 3 years in the case  
23 of a willful violation.

1 **SEC. 5. NOTICE.**

2       An employer shall be required to post a notice, of  
3 such size and in such form as the Department of Labor  
4 shall prescribe, in conspicuous places in and about its  
5 plants and offices, including all places where notices to  
6 employees are customarily posted, informing employees  
7 that any labor organization accepting payment of any dues  
8 or fees from an employee as a condition of employment  
9 pursuant to an agreement authorized by Federal law must  
10 secure from each employee prior, written authorization if  
11 any portion of such dues or fees will be used for activities  
12 not necessary to performing the duties of the exclusive  
13 representative of the employees in dealing with the em-  
14 ployer on labor-management issues.

15 **SEC. 6. DISCLOSURE TO WORKERS.**

16       (a) **EXPENSES REPORTING.**—Section 201(b) of the  
17 Labor-Management Reporting and Disclosure Act of 1959  
18 is amended by adding at the end the following new sen-  
19 tence: “Every labor organization shall be required to at-  
20 tribute and report expenses in such detail as necessary to  
21 allow members to determine whether such expenses were  
22 necessary to performing the duties of the exclusive rep-  
23 resentative of the employees in dealing with the employer  
24 on labor-management issues.”

1 (b) DISCLOSURE.—Section 201(c) of the Labor-Man-  
2 agement Reporting and Disclosure Act of 1959 is amend-  
3 ed—

4 (1) by inserting “and employees required to pay  
5 any dues or fees to such organization” after “mem-  
6 bers”; and

7 (2) inserting “or employee required to pay any  
8 dues or fees to such organization” after “member”  
9 each place it appears.

10 (c) WRITTEN REQUESTS.—Section 205(b) of the  
11 Labor-Management Reporting and Disclosure Act of 1959  
12 is amended by adding at the end the following new sen-  
13 tence: “Upon written request, the Secretary shall make  
14 available complete copies of any report or other document  
15 filed pursuant to section 201.”.

16 **SEC. 7. REGULATIONS.**

17 The Secretary of Labor shall prescribe such regula-  
18 tions as are necessary to carry out the amendments made  
19 by section 5 not later than 60 days after the enactment  
20 of this Act and shall prescribe such regulations as are nec-  
21 essary to carry out the amendments made by section 6  
22 not later than 120 days after the enactment of this Act.

23 **SEC. 8. EFFECTIVE DATE AND APPLICATION.**

24 This Act shall be effective immediately upon enact-  
25 ment, except that sections 4 and 5 pertaining to worker

1 consent and notice shall take effect 90 days after enact-  
2 ment and section 6 pertaining to disclosure shall take ef-  
3 fect 150 days after enactment.

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