

## 1 HOUSE BILL NO. 461

2 INTRODUCED BY A. REGIER

3

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

8

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

10

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

15

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

17 **"39-32-109. Unfair labor practices.** (1) It is an unfair labor practice for a health care facility to do one  
18 or more of the following:

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

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

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

25 (d) refuse to meet and bargain in good faith with the designated representatives of an appropriate  
26 bargaining unit of its employees. For the purpose of this subsection (1)(d), it is a requirement of bargaining in  
27 good faith that the parties be willing to reduce to writing and have their representative sign any agreement  
28 arrived at through negotiations and discussion.

1 (e) unilaterally exclude from work or prevent from working or discharge any one or more employees  
2 when the purpose of the action is in whole or in part to interfere with or coerce or intimidate an employee in the  
3 exercise of rights ensured in this law.

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

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

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

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

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

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

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

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

15 (e) collect agency fees or other payments from an employee's wages unless the employee  
16 affirmatively consents to pay."

17

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

20

- END -