

Senate Bill No. 307

(By Senators Blair and Carmichael)

[Introduced January 26, 2015; referred to the Committee on Labor; and then to the Committee on
the Judiciary.]

**FISCAL
NOTE**

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
designated §21-1E-1, relating to creating the Paycheck Protection Act; establishing acts
prohibited by a public employer; providing purpose; establishing acts prohibited by a labor
organization; and requiring bargaining representatives to file annual reports.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new
article, designated §21-1E-1, to read as follows:

ARTICLE 1E. PAYCHECK PROTECTION ACT.

**§21-1E-1. Paycheck Protection Act; purpose; prohibited acts by public employers and labor
organizations; reports.**

(a) It is the purpose of this article to reaffirm the continuing public policy of this state that
the stability and effectiveness of labor relations in the public sector require, if the requirement is
negotiated with the public employer, that all employees in the bargaining unit shall share fairly in

1 the financial support of their exclusive bargaining representative by paying to the exclusive
2 bargaining representative a service fee that may be equivalent to the amount of dues uniformly
3 required of members of the exclusive bargaining representative.

4 (b) A public employer or an officer or agent of a public employer may not do any of the
5 following:

6 (1) Interfere with, restrain, or coerce public employees in the exercise of their rights
7 guaranteed by this code.

8 (2) Initiate, create, dominate, contribute to, or interfere with the formation or administration
9 of any labor organization. A public school employer's use of public school resources to assist a
10 labor organization in collecting dues or service fees from wages of public school employees is a
11 prohibited contribution to the administration of a labor organization. However, a public school
12 employer's collection of dues or service fees pursuant to a collective bargaining agreement that is
13 in effect on the effective date of this article is not prohibited until the agreement expires or is
14 terminated, extended, or renewed. A public employer may permit employees to confer with a labor
15 organization during working hours without loss of time or pay.

16 (3) Discriminate in regard to hire, terms, or other conditions of employment to encourage or
17 discourage membership in a labor organization. However, this article or any other law of this state
18 does not preclude a public employer from making an agreement with an exclusive bargaining
19 representative to require as a condition of employment that all employees in the bargaining unit pay
20 to the exclusive bargaining representative a service fee equivalent to the amount of dues uniformly
21 required of members of the exclusive bargaining representative.

22 (4) Discriminate against a public employee because he or she has given testimony or

1 instituted proceedings under this article.

2 (5) Refuse to bargain collectively with the representatives of its public employees.

3 (c) A labor organization or its agents may not do any of the following:

4 (1) Restrain or coerce public employees in the exercise of the rights guaranteed by this code.

5 This subdivision does not impair the right of a labor organization to prescribe its own rules with
6 respect to the acquisition or retention of membership.

7 (2) Restrain or coerce a public employer in the selection of its representatives for the
8 purposes of collective bargaining or the adjustment of grievances.

9 (3) Cause or attempt to cause a public employer to discriminate against a public employee
10 in violation of subdivision (3), subsection (b) of this section.

11 (4) Refuse to bargain collectively with a public employer, provided it is the representative
12 of the public employer's employees.

13 (d) By March 1 of each year, each exclusive bargaining representative that represents public
14 employees in this state shall file with the commissioner an independent audit of all expenditures
15 attributed to the costs of collective bargaining, contract administration, and grievance adjustment
16 during the prior calendar year. The commissioner shall make the audits available to the public on
17 the division's website.

NOTE: The purpose of this bill is to create the Paycheck Protection Act. The bill establishes acts prohibited by a public employer. The bill provides a purpose. The bill establishes acts prohibited by a labor organization. The bill requires bargaining representatives to file annual reports.

This article is new; therefore, strike-throughs and underscoring have been omitted.