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17

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MEMORANDUM

To: Chairwoman Erickson and Members of the Senate Committee on Commerce
From: Charles Reimer, Office of Revisor of Statutes
Date: 3/15/2022
Subject: SB 511

SB 511 makes changes to law governing deductions of dues from professional employees (teachers) and public employees to professional employees' organizations and to public employee organizations, respectively.

Kansas law provides that professional employees have the right to join professional employees' organizations. K.S.A. 72-2219(a). (Sec. 2, page 2 of bill.). Similarly, public employees have the right to join public employee organizations. K.S.A. 75-4324. (Sec. 4, page 4 of bill.)

Organization dues may be deducted from the paychecks of professional employees and public employees upon written authorization. K.S.A. 72-2241; 75-5501(b)(1). (Sec. 3; pages 3-4 of bill; Sec. 6, page 8 of bill.); For professional employees, the authorization remains in effect until modified or revoked in writing by the respective association or the employee. K.S.A. 72-2241. (Sec. 3; pages 3-4 of bill.) For public employees, the authorization remains effective for at least 180 days and may be terminated after that time upon 30 days' notice by the employee. The authorization may be renewed by an employee upon 90 days prior notice. K.S.A. 75-5501(b) (Sec. 6; page 8 of bill.)

SB 511 would amend the applicable statutes with new provisions governing dues deductions that are essentially identical with respect to both professional employees and public employees.

First, the bill provides that professional or public employees have the right to immediately stop the withholding of dues at any time upon submission of a written or emailed request to their

employer. Upon receipt, the employer is to immediately notify the respective employee organization and cease withholding of dues. No further financial obligation to the organization shall accrue. The bill provides this right of an employee to immediately resign from and end any financial obligation to the organization shall not be waived. (Sec. 2, page 2-3; Sec. 4, page 4.)

Secondly, the authorization by an employee for withholding of dues shall not exceed one year and is subject to annual renewal. (Sec. 2, page 3; Sec. 4, page 4.)

Third, the employer must notify their employees of the right to cease payment of dues and to withdraw from the respective organization by providing, at least annually, written notification in the dues withholding authorization form. The form must be approved with respect to professional employees by the secretary of labor and with respect to public employees by the public employee relations board. (Sec. 2, page 3; sec. 4, page 4.) The notice must be in 14-point boldface font and shall state:

“I am aware that I have a First Amendment right, as recognized by the United States Supreme Court, to refrain from joining and paying dues to a labor union ([professional employees’ organization or employee organization]). I further realize that membership and payment of dues are voluntary and that I may not be discriminated against for my refusal to join or financially support a union. I hereby waive my First Amendment right to refrain from union membership and dues payments and authorize my employer to deduct union dues from my salary in the amounts specified in accordance with my [organization’s] bylaws. I understand that I may revoke this authorization at any time.”

(Sec. 2, page 3; sec. 4, page 5.)

The dues withholding authorization forms must include the employee’s full name, position, the respective organization and the employee’s signature and is submitted to the employer. After receiving the authorization form, the employer must confirm the authorization by emailing the employee at the employee’s work email address, or if the employee does not have a work email address, use some other means to confirm the authorization. The employer is to wait until receiving confirmation from the employee before starting any deduction of dues. (Sec. 2, page 3; Sec. 4; page 5.)

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Other amendments in the bill are to conform with or reference the amendments in sections 2 and 4.

If enacted, the bill would become effective July 1, 2022.

SB 511 is identical to 2020 SB 361. SB 361 was passed favorably out of the Senate Committee on Commerce but did not progress further.