

REFERENCE TITLE: labor organizations; nonunion employees; representation..

State of Arizona
Senate
Forty-eighth Legislature
Second Regular Session
2008

SB 1196

Introduced by
Senator Garcia

AN ACT

AMENDING TITLE 23, CHAPTER 8, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 7;
RELATING TO LABOR ORGANIZATIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 23, chapter 8, Arizona Revised Statutes, is amended
3 by adding article 7, to read:

4 ARTICLE 7. REPRESENTATION EXPENSES

5 23-1421. Definitions

6 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 1. "ACTUAL COSTS OF GRIEVANCE REPRESENTATION" MEANS THE EXPENSES
8 INCURRED BY A LABOR ORGANIZATION IN CONNECTION WITH REPRESENTING EMPLOYEES
9 WHO ARE NOT MEMBERS OF THE LABOR ORGANIZATION IN PROCESSING THEIR EMPLOYMENT
10 RELATED GRIEVANCES, INCLUDING COSTS ATTRIBUTABLE TO THE TIME SPENT BY THE
11 LABOR ORGANIZATION AGENTS AND STAFF AND EXPENDITURES FOR TRANSCRIPTS,
12 ATTORNEY FEES, ARBITRATOR COSTS AND FEES AND SIMILAR COSTS. ACTUAL COSTS OF
13 GRIEVANCE REPRESENTATION DO NOT INCLUDE COSTS ASSOCIATED WITH POLITICAL
14 ACTIVITIES, COLLECTIVE BARGAINING OR THE LABOR ORGANIZATION'S INTERNAL
15 ELECTORAL PROCESS.

16 2. "LABOR ORGANIZATION" MEANS AN ORGANIZATION, AGENCY OR EMPLOYEE
17 REPRESENTATION COMMITTEE OR PLAN IN WHICH EMPLOYEES PARTICIPATE AND THAT
18 EXISTS, IN WHOLE OR IN PART, TO DEAL WITH EMPLOYERS CONCERNING GRIEVANCES,
19 LABOR DISPUTES, WAGES, RATES OF PAY, HOURS OF EMPLOYMENT OR OTHER CONDITIONS
20 OF EMPLOYMENT.

21 23-1422. Nonunion employees; payment of representation expenses

22 A. IF AN EMPLOYEE IS A MEMBER OF A COLLECTIVE BARGAINING UNIT OF AN
23 EMPLOYER WITH WHICH A LABOR ORGANIZATION HAS A CONTRACT BUT THE EMPLOYEE IS
24 NOT A MEMBER OF THE LABOR ORGANIZATION, THAT CONTRACT MAY PROVIDE THAT THE
25 EMPLOYEE IS LIABLE TO THE LABOR ORGANIZATION FOR THE ACTUAL COSTS OF
26 GRIEVANCE REPRESENTATION INCURRED BY THE LABOR ORGANIZATION IN REPRESENTING
27 THE EMPLOYEE IN ANY GRIEVANCE PROCESS INITIATED BY THE EMPLOYEE, EXCEPT THAT
28 THE EMPLOYEE IS NOT LIABLE FOR COSTS THAT EXCEED AN AMOUNT EQUAL TO THE DUES
29 OF A MEMBER OF THE LABOR ORGANIZATION DURING THE PERIOD OF THE MOST RECENT
30 CONTRACT. AN EMPLOYEE MAY REIMBURSE THE LABOR ORGANIZATION FOR THESE COSTS
31 BY MAKING MONTHLY PAYMENTS EQUAL TO NORMAL MONTHLY MEMBERSHIP DUES UNTIL THE
32 ENTIRE AMOUNT OWED HAS BEEN PAID.

33 B. IF THE EMPLOYEE FAILS TO BEGIN REIMBURSING THE LABOR ORGANIZATION
34 FOR THE COSTS WITHIN THIRTY DAYS AFTER THE FINAL DECISION IN THE GRIEVANCE
35 PROCESS, THE LABOR ORGANIZATION MAY BRING AN ACTION IN A COURT OF COMPETENT
36 JURISDICTION FOR PAYMENT OF THE COSTS OF REPRESENTATION. FAILURE TO
37 REIMBURSE THE COSTS DOES NOT PREJUDICE THE RIGHT OF THE EMPLOYEE TO CONTINUED
38 EMPLOYMENT WITH THE EMPLOYER.

39 C. THIS SECTION DOES NOT PROHIBIT AN EMPLOYEE WHO IS NOT A MEMBER OF
40 THE LABOR ORGANIZATION FROM REPRESENTING HIMSELF OR FROM RETAINING LEGAL
41 COUNSEL IN ANY GRIEVANCE PROCESS.