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Sens. Ennis, Poore, Walsh

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE BILL NO. 314

AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE RELATING TO THE PUBLIC EMPLOYMENT RELATIONS ACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend § 1304, Title 19 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 1304. Employee organization as exclusive representative.

4 (c) ~~Upon the written authorization of any public employee within a bargaining unit, the~~ The public employer shall
5 deduct from the payroll of the public employee the monthly amount of dues or service fee as certified by the secretary of
6 the exclusive bargaining representative and shall deliver the same to the treasurer of the exclusive bargaining
7 ~~representative.~~ representative as follows:

8 (1) In compliance with § 1319 of this title.

9 (2) If the collective bargaining agreement does not contain a provision enforceable under § 1319 of this
10 title, upon the written authorization of any public employee within a bargaining unit. Such authorization
11 Authorization under this paragraph (c)(2) is revocable at the employee's written request. Such deduction shall
12 commence request as follows:

13 a. If the revocation period is established by the terms of the authorization, the terms of the
14 authorization must have 1 or more revocation periods annually and authorization may be revoked as
15 follows:

16 1. In the manner established by the terms of the authorization and effective as provided by the
17 terms of the authorization.

18 2. If the manner for revocation is not established by the terms of the authorization, by a request
19 to the exclusive bargaining representative.

20 3. If the effective date of a revocation is not established by the terms of the authorization, the
21 revocation is effective on the employee's anniversary date.

22 b. If the authorization does not specify a revocation period, by a request to the employer during the
23 period 15 to 30 days before the employee's anniversary date of employment, effective on the employee's
24 anniversary date.

25 (3) A deduction under subsection (c) of this section commences upon the exclusive representative's
26 written request to the employer. Such right to deduction ~~shall be~~ remains in force for so long as the employee
27 organization remains the exclusive bargaining representative for the employees in the unit.

28 (d) The public employer is expressly prohibited from any involvement ~~on~~ in the collection of fines, ~~penalties~~
29 penalties, or special assessments levied on members by the exclusive representative.

SYNOPSIS

This Act provides for a clear and established procedure and time frame during which public employees may revoke their membership in an employee organization. This Act allows public employers and employee organizations to manage membership status and authorizations in a manner that will meet public employee's desires while not disrupting the public employer's or employee organization's operations.

This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.