



SPONSOR: Rep. Mitchell & Sen. Poore
Reps. Longhurst, Osienski, Smyk; Sen. Ennis

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE BILL NO. 464

AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE RELATING TO LABOR.

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

1 Section 1. Amend § 1604 (a), Title 19 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 1604 Employee organization as exclusive representative.

4 (a) The employee organization designated or selected for the purpose of collective bargaining by the majority of
5 the employees in an appropriate collective bargaining unit shall be the exclusive representative of all the employees in the
6 unit for such purpose and shall have the duty to represent all unit employees without discrimination. Upon request
7 information regarding employees that qualify for an appropriate collective bargaining unit shall be provided to the
8 exclusive bargaining representative. Where an exclusive representative has been certified, a public employer shall not
9 bargain in regard to matters covered by this chapter with any employee, group of employees or other employee
10 organization.

11 Section 2. Amend Title 19 of the Delaware Code by making deletions as shown by strike through and insertions as
12 shown by underline as follows:

13 § 1619 Fair share fees.

14 (a) Where the provisions of a collective bargaining agreement so provide, a public employer shall deduct a fair
15 share fee from each nonmember's salary or wages and promptly transmit this amount to the exclusive representative.

16 (b) As a precondition to the collection of fair share fees, the exclusive representative shall establish and maintain a
17 procedure that:

18 (1) Provides nonmembers with an adequate explanation of the basis for the fee and any rebate;

19 (2) Provides nonmembers with a reasonably prompt opportunity to challenge the amount of the fee and any
20 rebate before an impartial decision maker; and

21 (3) Provides an escrow for the amounts reasonably in dispute while such challenges are pending.

22 A public employer shall not refuse to carry out its obligations under subsection (a) of this section on the grounds
23 that the exclusive representative has not satisfied its responsibilities under this subsection.

24 (c) In order to avoid undue delays in the receipt of and determination of the validity of fair share fees or rebates,
25 any suit challenging a fair share fee or rebate must be filed within 6 months after receipt of the notice described in
26 subsection (b) of this section or within 6 months after the nonmember exhausts the procedure described in subsection (b) of
27 this section, whichever is later.

SYNOPSIS

 This bill ensures that necessary information is provided to the exclusive bargaining representative. This bill further aligns statutory language within Title 19.