

CHAPTER 240
FORMERLY
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:

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

§ 1304. Employee organization as exclusive representative.

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

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

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

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

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

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

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

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

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

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

Approved May 9, 2018