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**HOUSE BILL 861**

**45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001**

**INTRODUCED BY**

**Lorenzo A. Larranaga**

**AN ACT**

**RELATING TO EMPLOYMENT; REQUIRING CERTAIN DISCLOSURES TO  
EMPLOYEES REGARDING PERMITTED USE OF COLLECTED UNION DUES;  
REQUIRING EMPLOYEE'S WRITTEN PERMISSION FOR WITHHOLDING CERTAIN  
AMOUNTS; REQUIRING MANDATORY REPORTING.**

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:**

**Section 1. EMPLOYERS REQUIRED TO NOTIFY EMPLOYEES OF  
CERTAIN RIGHTS REGARDING USE OF COLLECTED UNION DUES. --**

**A. A person employing one or more employees in the  
state and who collects union dues from his employees shall post  
a notice in one or more conspicuous locations in the workplace  
disclosing to his employees their rights regarding the use of  
collected union dues. The notice shall be in substantially the  
following form and substance:**

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"NOTICE TO EMPLOYEES

IN ACCORDANCE WITH THE UNITED STATE SUPREME COURT DECISION IN  
*COMMUNICATIONS WORKERS OF AMERICA v. BECK* (1988)  
YOU HAVE THE FOLLOWING RIGHTS REGARDING THE USE OF UNION DUES  
COLLECTED FROM YOU:

1. A union is not permitted to expend dues or fees collected from dues-paying nonmember employees, often referred to as "agency fees", on activities unrelated to collective bargaining activities and may collect from those employees only those dues and fees necessary to finance collective bargaining activities.

2. Political causes and community outreach programs are activities unrelated to collective bargaining and agency fees shall not be used for financing political causes or community outreach programs. "

B. The director of the labor and industrial division of the labor department shall prepare and furnish posters containing the notice in Subsection A of this section to employers. Posting of that notice in one or more conspicuous locations in the workplace of an employer is compliance with the requirement of Subsection A of this section.

C. If withheld union dues or fees are to be used for political purposes, before withholding from an employee, an employer shall obtain written permission from the employee.

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1 After once obtaining that permission, the employer shall obtain  
2 it annually thereafter for each employee that remains employed  
3 and who remains subject to withholding.

4 D. A union that engages in mandatory withholding of  
5 dues or fees from nonmember employees shall report annually to  
6 the secretary of state the fact of the withholding and the  
7 amounts withheld together with expenditures from amounts  
8 withheld in at least the following categories:

- 9 (1) collective bargaining;
- 10 (2) organizing;
- 11 (3) developing safety programs in the  
12 workplace;
- 13 (4) partisan political campaigns and  
14 contributions;
- 15 (5) political issue education; and
- 16 (6) voter registration.

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