

- SUBJECT:** Requiring payroll deductions for employees' association dues
- COMMITTEE:** Urban Affairs — committee substitute recommended
- VOTE:** 7 ayes — Burnam, Clark, Edwards, Ehrhardt, Hill, Hodge, Najera  
1 nay — Carter  
1 absent — Bailey
- SENATE VOTE:** On final passage, Local and Uncontested Calendar, April 8 — 30-0
- WITNESSES:** For — Ken Bailey, Texas State Association of Fire Fighters; Larry Keith, Beaumont Professional Fire Fighters  
Against — None
- BACKGROUND:** Local Government Code, sec. 141.008 provides that a city with a population of more than 10,000 may make payroll deductions for employees' association dues when requested in writing by municipal employees who are members of a bona fide employees' association.
- DIGEST:** CSSB 568 would require a city with a population of more than 50,000 to make payroll deductions for employees' association dues at the request of an employee if the association did not claim the right to strike and if the city already allowed deductions for purposes other than charitable donations, health insurance, taxes, or a deduction required by law. Cities making such payroll deductions could assess an administrative fee from each participating employee to cover the cost of collecting, accounting for, and disbursing the membership dues.
- After a year of making payroll deductions of this kind, a city could discontinue the deductions if, after a public hearing, the city's governing body found that the program was not serving the best interest of the city and if the governing body provided specific reasons for its conclusion.

The bill also would amend Local Government Code, sec. 141.008 to stipulate that the dues deducted for a municipal employee would have to be for an association that did not claim the right to strike.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house.

**SUPPORTERS  
SAY:**

CSSB 568 would provide an additional convenience for municipal employees participating in employees' associations at no cost to the city. The bill would affect only employees in larger cities. Smaller cities that might not have the computer technology to provide automatic payroll deductions would not be required to do so. Furthermore, the bill would exempt cities that did not already allow automatic deductions. These cities would not have to start a program simply for membership dues.

The bill would not be onerous for cities because no city would have to make deductions under CSSB 568 if it were not making similar deductions already. Also, cities could stop making deductions after a year if the city found that the program was not in the city's interest. All cities could assess fees to cover the cost of payroll deductions.

The bill would have no effect at all on Texas' right-to-work doctrine, as employees still would be completely free to choose whether or not they wanted to opt into the program or even to belong to an employees' association.

**OPPONENTS  
SAY:**

Cities should not be required to deduct union dues from employee payrolls even if employees ask them to do so. A city should have the flexibility to decide whether or not to allow automatic payroll deductions for certain items. Texas is a right-to-work state, and union dues should not be collected through a city's payroll department.

**NOTES:**

The committee substitute added the provision that cities could discontinue the payroll deduction program after a year if they chose to do so.

The governor vetoed a similar bill, SB 823 by Cain, enacted by the 75th Legislature, although that bill did not include the option for a city to cancel the program after a year. The governor cited this reason for his veto:

“Senate Bill 823 mandates that certain municipalities provide payroll deductions for union dues. Employees who wish to join a union and pay dues have every right to do so on their own. This legislation is unnecessary, is contrary to the principles of the right to work, and is contrary to the concept of local control.”