

336.135 Employee must give prior written consent for enrollment as member of labor organization and deduction of membership dues -- Recordkeeping -- Report to members -- Exception.

- (1) As used in this section, "employee" means any person employed by or suffered or permitted to work for a public or private employer, except "employee" shall not mean any person covered by the Federal Railway Labor Act and the National Labor Relations Act.
- (2) An employee shall not be enrolled as a member of a labor organization unless the employee has affirmatively requested membership in writing.
- (3) A sum shall not be withheld from the earnings of any employee for the purpose of paying union dues or other fees paid by members of a labor organization or employees who are non-members except upon the written or electronic authorization of the employee member or employee non-member, unless the employer is a public employer, in which case KRS 336.134 applies to that employer.
- (4) The requirements in this section shall not be waived by any member or non-member of a labor organization, nor required to be waived as a condition of obtaining or maintaining employment.
- (5) Signing or refraining from signing the authorization set forth in subsections (2) and (3) of this section shall not be made a condition of obtaining or maintaining employment.
- (6)
 - (a) A labor organization shall maintain financial records substantially similar to and no less comprehensive than the records required to be maintained under 29 U.S.C. sec. 431(b).
 - (b) These records shall be kept in a searchable electronic format and provided to every employee it represents.
 - (c) The records and the data or summary by which the records can be verified, explained, or clarified shall be kept for a period of not less than five (5) years.
 - (d) A labor organization composed of public employees shall transmit financial records detailing the labor organization's quarterly expenses to its members on an annual basis.
- (7) This section shall not apply to any agreement between employers and employees or labor organizations entered into before January 9, 2017, but any such agreement entered into, opted in, renewed, or extended on or after January 9, 2017, and which violates this section shall be unlawful and void.
- (8) This section shall be known as the "Paycheck Protection Act."

Effective: March 29, 2023

History: Amended 2023 Ky. Acts ch. 133, sec. 5, effective March 29, 2023. -- Created 2017 Ky. Acts ch. 6, sec. 1, effective January 9, 2017.