

MODEL LEGISLATION – STATE RIGHT TO WORK LAW

SENATE BILL NO.

HOUSE BILL NO.

AN ACT TO AMEND THE CODE OF [STATE] RELATING TO THE RIGHT TO WORK.

BE IT ENACTED BY THE [STATE] GENERAL ASSEMBLY:

Section 1. Amend Title ____, [STATE] Code by adding a new Chapter to read as follows:

CHAPTER ____. RIGHT TO WORK ACT.

Section 1. Definitions.

As used in this Chapter, unless the context clearly requires otherwise, the following terms shall have the meanings designated in this Section:

- A. 'Employer' means all persons, firms, associations, corporations, public employers, public school employers, and public colleges, universities, institutions, and education agencies.
- B. 'Labor organization' means any organization of any kind, or agency or employee representation committee or union, which exists for the purpose, in whole or in part, of dealing with employers concerning wages, rates of pay, hours of work, other conditions of employment, or other forms of compensation.

Section 2. Right to refrain.

No person shall be required, as a condition of employment or continuation of employment, to:

- A. become or remain a member of a labor organization;
- B. pay any dues, fees, assessments, or other similar charges, however denominated, of any kind or amount to a labor organization; or
- C. pay to any charity or other third party, in lieu of such payments, any amount equivalent to or pro rata portion of dues, fees, assessments, or other charges required of members of a labor organization.

Section 3. Agreements in violation.

- A. Any agreement, understanding or practice, written or oral, implied or expressed, between any labor organization and employer which violates the rights of employees as guaranteed by provisions of this Chapter is hereby declared to be unlawful, null and void, and of no legal effect.

- B. Any term or provision of any agreement or understanding between any employee and any labor organization or employer that restricts the rights of employees as guaranteed by provisions of this Chapter, such as a term that requires employees who resign their membership in a labor organization to continue to pay dues, fees, assessments, or other similar charges to that labor organization, is hereby declared to be unlawful, null and void, and of no legal effect.

Section 4. Penalty.

Any person who directly or indirectly violates any provision of this Chapter shall be guilty of a misdemeanor.

Section 5. Injunctive relief.

Any person injured as a result of any violation or threatened violation of the provisions of this Chapter shall be entitled to injunctive relief against any and all violators or persons threatening violations.

Section 6. Damages.

Any person injured as a result of any violation or threatened violation of the provisions of this Chapter shall recover any and all damages, including costs and reasonable attorney fees, of any character resulting from such violation or threatened violation. Such remedies shall be independent of and in addition to the penalties and remedies proscribed in other provisions of this Chapter.

Section 7. Duty to investigate and enforce.

It shall be the duty of the Attorney General of this State to investigate complaints of violation or threatened violations of this Chapter and to prosecute all persons violating any of its provisions, and to take all means at his or her command to ensure effective enforcement.

Section 8. Exceptions.

The provisions of this Chapter shall not apply:

- A. to employers and employees covered by the Federal Railway Labor Act;
- B. to federal employers and employees;
- C. to employers and employees on exclusive federal enclaves;
- D. where they would otherwise conflict with, or be pre-empted by, federal law; or
- E. to any employment contract entered into before the effective date of this Chapter. However, the provisions of this Chapter shall apply to any renewal or extension of any existing contract.

Section 9. Severability Clause.

If any provision of this Act or the application of any such provision to any person or circumstance should be held invalid by a Court of competent jurisdiction, the remainder of this

Act or the application of its provisions to persons or circumstances other than those to which it is held invalid shall not be affected thereby.