



Right to Work Bill in KY

<u>ALEC's Model Bill</u>	<u>HB 1</u>
<p>Model Legislation</p> <p>Section 1. { Title.} This Act may be cited as the Right to Work Act.</p> <p>Section 3. {Labor organization.} The term "labor organization" means any organization of any kind, or agency or employee representation committee or union, that 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.</p> <p>Section 4. {Freedom of choice guaranteed, discrimination prohibited.} No person shall be required, as a condition of employment or continuation of employment:</p> <p>(A) to resign or refrain from voluntary membership in, voluntary affiliation with, or voluntary financial support of a labor organization;</p> <p>(B) to become or remain a member of a labor organization;</p> <p>(C) to pay any dues, fees, assessments, or other charges of any kind or amount to a labor organization;</p> <p>(D) to pay to any charity or other third party, in lieu of such payments, any amount equivalent to or a pro-rata portion of dues, fees, assessments, or other charges regularly required of members of a labor organization; or</p> <p>Section 5. {Voluntary deductions protected.} It shall be unlawful to deduct from the wages, earnings, or compensation of an employee any union dues, fees, assessments, or other charges to</p>	<p>➔ Section 15. This Act may be cited as the "Kentucky Right to Work Act"</p> <p>➔ Section 2. The term "labor organization" means any organization of any kind, or any agency or employee representation committee, association or union [plan, in which employees participate and] which exists for the purpose, in whole or in part, of dealing with employers concerning [grievances, labor disputes,] wages, rates of pay, hours of employment or conditions of work, or other forms of compensation;</p> <p>➔ Section 1. ...no employee shall be required, as a condition of employment or continuation of employment, to:</p> <ol style="list-style-type: none"> 1. Become or remain a member of a labor organization; 2. Pay any dues, fees, assessments, or other similar charges of any kind or amount to a labor organization; or 3. Pay to any charity or other third party, in lieu of these payments, any amount equivalent to or pro rata portion of dues, fees, assessments, or other charges required of a labor organization. <p>➔ SECTION 5: A public employer or a labor organization representing public employees shall not deduct membership dues of an employee organization, association, or union from the</p>

be held for, transferred to, or paid over to a labor organization, unless the employee has first presented, and the employer has received, a signed written authorization of such deductions, which authorization may be revoked by the employee at any time by giving written notice of such revocation to the employer.

Section 6. {Agreements in violation, and actions to induce such agreements, declared illegal.} Any agreement, understanding, or practice, written or oral, implied or expressed, between any labor organization and employer that 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.

Section 8. {Penalties.} Any person who directly or indirectly violates any provision of this chapter shall be guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine not exceeding (insert amount) or imprisonment for a period of not more than (insert time period), or both such fine and imprisonment.

Section 9. {Civil remedies.} Any employee harmed 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 and may in addition thereto recover any and all damages, including costs and reasonable attorney fees, of any character resulting from such violation or threatened violation.

Section 10. {Duty to investigate.} It shall be the duty of the prosecuting attorneys of each county (or 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 their command to ensure its effective enforcement.

wages, earnings, or compensation of a public employee without the express written consent of the public employee. This consent shall be made prior to any deductions being made and may be revoked by the public employee at any time by written notice to the employer.

➔ **SECTION 4:** Any agreement, understanding, or practice, written or oral, implied or expressed, between any labor organization and employer which violates an employee's rights as set forth in subsection of Section 1 of this Act shall be unlawful and void

➔ **Section 3:** Any labor organization, employer, or other person who directly or indirectly violates subsection (3) of Section 1 of this Act shall be guilty of a Class A misdemeanor.

Any person aggrieved as a result of any violation or threatened violation of subsection of Section 1 of this Act may seek abatement of the violation or threatened violation by petitioning a court of competent jurisdiction for injunctive relief and shall be entitled to costs and reasonable attorney fees if he or she prevails in the action.

➔ **Section 1:** The secretary of the Labor Cabinet or his or her representative shall investigate complaints of violations or threatened violations of subsection of this section and may initiate enforcement of a criminal penalty by causing a complaint to be filed with the appropriate local prosecutor and ensure effective enforcement.