

HOUSE BILL NO. 309

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE KOHRING

Introduced: 1/21/00

Referred: State Affairs, Labor and Commerce, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the relationship between employees and labor organizations;
2 and prohibiting collective bargaining contracts that require employees to join a
3 labor or employee organization; and providing for an effective date."

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 * **Section 1.** AS 23.40.225 is repealed and reenacted to read:

6 **Sec. 23.40.225. Prohibition against union shop or agency shop provisions**
7 **in collective bargaining agreements.** A collective bargaining agreement entered into
8 under AS 23.40.210 or an agreement entered into after arbitration under AS 23.40.200
9 shall comply with AS 23.40.300 - 23.40.350.

10 * **Sec. 2.** AS 23.40 is amended by adding new sections to read:

11 **Article 3. Freedom of Choice.**

12 **Sec. 23.40.300. Declaration of policy.** It is the policy of the state, in order
13 to maximize individual freedom of choice in the pursuit of employment and to
14 encourage an employment climate that is conducive to economic growth, that the right

1 to work is not subject to undue restraint or coercion. The right to work may not be
 2 infringed or restricted in any way based on membership in, affiliation with, or financial
 3 support of a labor organization or based on an individual's refusal to join, affiliate
 4 with, or support in any way a labor organization.

5 **Sec. 23.40.310. Freedom of choice guaranteed.** (a) A person may not be
 6 required as a condition of employment or of the continuation of employment to

7 (1) resign from or refrain from voluntary

8 (A) membership in a labor organization;

9 (B) affiliation with a labor organization;

10 (C) financial support of a labor organization;

11 (2) become or remain a member of a labor organization;

12 (3) pay dues, fees, assessments, or other charges of any kind to a labor
 13 organization;

14 (4) pay to a charity or other third party, in lieu of payments to a labor
 15 organization, dues, fees, assessments, or charges of any kind in an amount equivalent
 16 to, or that is a pro rata portion of, the dues, fees, assessments, or other charges paid
 17 to a labor organization;

18 (5) be referred, recommended, approved, or cleared for hiring or for
 19 continued employment by or through a labor organization.

20 (b) An employer may only deduct dues, fees, assessments, or other charges for
 21 a labor organization from the compensation of an employee if the employee has
 22 authorized the deduction by filing a signed, written authorization for the deductions
 23 with the employer. An employee may revoke an authorization filed under this
 24 subsection at any time by giving written notice of the revocation to the employer.

25 (c) An agreement, understanding, or practice, whether written or oral, implied
 26 or expressed, between a labor organization and an employer that violates the rights of
 27 employees guaranteed by this section is void. A strike, picket, boycott, or other action
 28 by a labor organization for the purpose of inducing or attempting to induce an
 29 employer to enter into an agreement that is contrary to this section is a violation of
 30 this section.

31 (d) A person, a labor organization, or an officer, agent, or member of a labor

1 organization may not

2 (1) compel or attempt to compel by means of a threat, intimidation, or
3 other coercion an employee to join, affiliate with, or financially support a labor
4 organization or to refrain from doing so; or

5 (2) cause or attempt to cause an employee to be denied employment
6 or discharged from employment by inducing or attempting to induce another person
7 to refuse to work with the employee because the employee supports or fails to support
8 a labor organization.

9 **Sec. 23.40.320. Criminal and civil penalties.** (a) A person who knowingly
10 violates a provision of AS 23.40.300 - 23.40.350 directly or indirectly is guilty of a
11 class B misdemeanor. In this subsection, "knowingly" has the meaning given in
12 AS 11.81.900.

13 (b) An employee who is injured as a result of a violation or threatened
14 violation of AS 23.40.300 - 23.40.350 is entitled to injunctive relief, damages, or both,
15 against a person who violates AS 23.40.300 - 23.40.350 to prevent or redress a
16 violation of those sections. A court may award costs and reasonable attorney fees to
17 a party entitled to injunctive relief or damages.

18 (c) The attorney general shall investigate complaints of a violation of
19 AS 23.40.300 - 23.40.350 and shall prosecute persons who have violated AS 23.40.300
20 - 23.40.350.

21 **Sec. 23.40.350. Definition for AS 23.40.300 - 23.40.350.** In AS 23.40.300 -
22 23.40.350, "labor organization" means an organization of any kind, an agency, an
23 employee representation committee, or a union that exists at least partly for the
24 purpose of dealing with employers concerning wages, hours, and other terms and
25 conditions of employment.

26 * **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section
27 to read:

28 **PROSPECTIVE APPLICABILITY OF THIS ACT.** The provisions of this Act do not
29 apply to an act or omission authorized or required under a contract entered into before the
30 effective date of this Act or under a renewal or extension of a contract if the renewal or
31 extension is entered into before the effective date of this Act.

1 * **Sec. 4.** This Act takes effect immediately under AS 01.10.070(c).