

House Bill 416

By: Representative Franklin of the 43rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 6 of Title 34 of the Official Code of Georgia Annotated,
2 relating to membership in labor organizations, so as to prohibit collective bargaining by
3 public employees; to provide for related matters; to repeal conflicting laws; and for other
4 purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Article 2 of Chapter 6 of Title 34 of the Official Code of Georgia Annotated, relating to
8 membership in labor organizations, is amended by revising Code Section 34-6-20, relating
9 to definitions, as follows:

10 "34-6-20.

11 As used in this article, the term:

12 (1) 'Employee' includes any employee and shall not be limited to the employees of a
13 particular employer.

14 (2) 'Employer' includes any person acting in the interest of an employer, directly or
15 indirectly, but shall not include the United States, ~~a state or any political subdivision~~
16 ~~thereof~~, any person subject to the Railway Labor Act, as amended, any labor organization
17 (other than when acting as an employer), or anyone acting in the capacity of officer or
18 agent of such labor organization.

19 (3) 'Employment' means employment by an employer.

20 (4) 'Labor organization' means any organization of any kind or any agency or employee
21 representation committee or plan in which employees participate and which exists for the
22 purpose, in whole or in part, of dealing with employers concerning grievances, labor
23 disputes, wages, rates of pay, hours of employment, or conditions of work."

SECTION 2.

Said article is further amended by adding a new Code section to read as follows:

"34-6-29.

(a) As used in this Code section, the term:

(1) 'Collective bargaining' means employees organizing through a labor organization or other group or affiliation in order to deal with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or any conditions of work as a group.

(2) 'Public employee' means any person who is employed by the executive, judicial, or legislative branch of this state or by any other department, board, bureau, commission, authority, or other agency of this state. This term also includes all employees, officials, and administrators of any agency covered under the State Personnel Administration and any local or regional governmental entity that receives any funds from the State of Georgia.

(3) 'Public employer' means the executive, judicial, or legislative branch of this state; any department, board, bureau, commission, authority, public corporation, or other agency of this state that employs or appoints a public employee or employees; and any subdivision of this state, including any local or regional board, commission, or council or any local or regional governmental entity that receives any funds from the State of Georgia. Such term shall specifically include local boards of education, the board of regents, and any part of the public educational system whether primary, secondary, or postsecondary.

(b) Collective bargaining by public employees is declared to be contrary to public policy and the well-being of the citizens of this state. No public employer or public employee shall recognize or enter into any agreement or contract with a labor organization. Any contract or agreement between a public employee and a labor organization or between a public employer and a labor organization shall be void. Any contract which requires as a condition of employment or continuance of employment with a public employer that any public employee be or remain a member or an affiliate of a labor organization or that any public employee pay any fee, assessment, or other sum of money whatsoever to a labor organization is declared to be contrary to the public policy of this state; and any such contract or agreement shall be void.

(c) No public employee shall participate in any collective bargaining activity. Participation by any public employee in collective bargaining activity, such as strikes, work stoppages, slowdowns, sick-outs, or other forms of labor activities, shall be prohibited and a basis for terminating such public employee.

(d) The Attorney General and an affected public employer shall be authorized to bring any action necessary, including an action for damages, a restraining order, or other forms of

61 relief, to enforce the provisions of this Code section. Jurisdiction for such action shall be
62 in the superior court of the county where the prohibited agreement or activities occurred.
63 In the event that a party filing an action to enforce the provisions of this Code section shall
64 prevail, the prevailing party shall be entitled to all costs of bringing the action, including
65 reasonable attorney's fees."

66 **SECTION 3.**

67 All laws and parts of laws in conflict with this Act are repealed.