

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 style="text-align:center">**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."

24 **SECTION 2.**

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

26 "34-6-29.

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

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

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

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

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

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

59 (d) The Attorney General and an affected public employer shall be authorized to bring any
 60 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.