

The House Committee on Industrial Relations offers the following substitute to SB 469:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 6 of Title 34 of the Official Code of Georgia Annotated, relating to labor
2 organizations and labor relations, so as to provide that certain provisions prohibiting mass
3 picketing shall apply to certain private residences; to provide additional prohibitions on
4 picketing near private residences; to provide for an action to enjoin unlawful picketing; to
5 provide for punishment and penalties; to provide for injunctive relief; to provide for public
6 policy concerning refusal or decision to withdraw from a labor union or employee
7 organization; to provide for certain contract and agreement employment rights; to provide
8 for the development by the Department of Labor of employee rights information; to provide
9 certain posting requirements by private employers; to provide for enforcement; to provide
10 for changes to agreements and contracts permitting labor organizations to deduct fees from
11 employees' earnings; to amend Code Section 16-7-21 of the Official Code of Georgia
12 Annotated, relating to criminal trespass, so as to provide for both criminal trespass and
13 criminal conspiracy; to provide for punishment and fines; to provide for related matters; to
14 provide for severability; to repeal conflicting laws; and for other purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

16 style="text-align:center">**SECTION 1.**

17 Chapter 6 of Title 34 of the Official Code of Georgia Annotated, relating to labor
18 organizations and labor relations, is amended by revising Code Section 34-6-5, relating to
19 interference with public ways of travel, transportation, or conveyance by mass picketing near
20 site of a labor dispute, as follows:

21 "34-6-5.

22 (a) It shall be unlawful for any person to engage in mass picketing at or near any place,
23 including private residences, where a labor dispute exists in such number or manner as to
24 obstruct or interfere with or constitute a threat to obstruct or interfere with the entrance to
25 or egress from any place of employment or the free and uninterrupted use of public roads,
26 streets, highways, railroads, airports, or other ways of travel, transportation, or conveyance.

S. B. 469 (SUB)

27 (b) It shall be unlawful for any person to engage in targeted picketing of the private
 28 residence of any officer, executive, representative, or employee of any entity, organization,
 29 or labor union that is party to a labor dispute if the intent or reasonably foreseeable effect
 30 of such picketing is to interfere with the resident's right of quiet enjoyment or to cause
 31 violence or intimidation. This subsection shall not apply to private residences that are also
 32 places of employment when targeted picketing relates to or is targeted at such employment.
 33 This subsection shall not be construed to authorize targeted picketing in other
 34 circumstances not covered by this subsection.

35 (c) An employer or other person or entity that is the target of an activity prohibited under
 36 subsection (a) or (b) of this Code section may bring an action to enjoin the prohibited
 37 activity against an individual or organization affiliated with such individual in the circuit
 38 court for the county in which the affected employer, person, or entity is located. A court
 39 having jurisdiction of an action brought under this subsection shall grant injunctive relief
 40 if the court finds that any person, union, or organization has engaged or is engaging in any
 41 of the conduct prohibited under subsection (a) or (b) of this Code section, without regard
 42 to the existence of other remedies, showing of irreparable harm, or other factors. The court
 43 shall award court costs and reasonable attorney's fees to a plaintiff who prevails in an
 44 action brought under this subsection.

45 (d) Failure to comply with an order of the court issued under this Code section may be
 46 punished as contempt.

47 (e) A person who violates subsection (a) or (b) of this Code section and has previously
 48 been enjoined for a violation of subsection (a) or (b) of this Code section shall be subject
 49 to a civil fine of \$1,000.00 for each day of the violation. If a union or organization
 50 continues to sponsor or assist in the prohibited activity in violation of an injunction, the
 51 union or organization shall be subject to a civil fine of \$10,000.00 for each day of the
 52 violation. The civil fine assessed under this subsection shall be paid to the court, and, upon
 53 a showing of damages to business sales, business opportunities, or property, the employer,
 54 person, or entity that was the target of the activity prohibited under subsection (a) or (b) of
 55 this Code section shall be compensated from the payment made to the court."

56 **SECTION 2.**

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

58 "34-6-9.

59 (a) It is the public policy of the State of Georgia that:

60 (1) Employees in Georgia have the right to employment without regard to any person's
 61 refusal to join or affiliate with, or decision to withdraw from or cease membership in, any
 62 labor union or employee organization of any kind;

63 (2) Employees in Georgia have the right to be employed free from the restraints of any
 64 contract, combination, or agreement, written or oral, that provides for exclusion from
 65 employment of any person due to their refusal to join or affiliate with, or decision to
 66 withdraw from or cease membership in, any labor union or employee organization of any
 67 kind;

68 (3) Employees in Georgia have the right to be employed without regard to any person's
 69 refusal to pay dues, fees, assessments, or other charges to any labor union or employee
 70 organization of any kind; and

71 (4) Employees in Georgia have the right to decertify a union or other bargaining
 72 representative upon compliance with the applicable provisions of federal law.

73 (b) The Department of Labor shall develop and display on its website a suitable form of
 74 notice providing employees with information regarding their rights under this Code section.

75 (c) Private employers may physically post adequate notice informing employees of the
 76 rights described in this Code section at locations where notices are normally posted or, if
 77 no such normal location for posting exists, physically disseminate such notice to
 78 employees. A private employer may also, at its discretion, post such notices on the
 79 company's intranet or disseminate them via other electronic means of communication.

80 (d) If compliance by an employer with subsection (c) of this Code section will create an
 81 undue hardship posing significant difficulty or expense, or if an employer is subject to the
 82 Railway Labor Act, as amended, then such employer shall be exempted from compliance
 83 with subsection (c) of this Code section.

84 (e) The Commissioner of Labor shall be charged with enforcement of the obligations
 85 contained in this Code section. In carrying out the Commissioner's responsibility to ensure
 86 compliance, the Commissioner, or the person to whom the Commissioner delegates such
 87 responsibility, is authorized to:

88 (1) Receive complaints or reports of noncompliance from any person;

89 (2) Inspect and investigate any report of noncompliance; and

90 (3) Give notice of noncompliance to any employer who is in violation of this Code
 91 section.

92 (f) The Commissioner shall designate those persons in the Department of Labor
 93 responsible for carrying out the Commissioner's powers, duties, and responsibilities under
 94 this Code section."

95 **SECTION 3.**

96 Said chapter is further amended by revising Code Section 34-6-25, relating to deductions
 97 from employees' earnings of fees of labor organizations, as follows:

98 "34-6-25.

99 (a) No employer shall deduct from the wages or other earnings of any employee any fee,
 100 assessment, or other sum of money whatsoever to be held for or to be paid over to a labor
 101 organization except on the ~~individual order or request of the employee, which shall not be~~
 102 ~~irrevocable for a period of more than one year~~ annual written authorization from the
 103 employee which shall not exceed a period greater than one year. Such authorization may
 104 be revoked at any time at the request of the employee.

105 (b) Nothing in this Code section shall be construed to impair any contract, agreement, or
 106 collective bargaining agreement in existence prior to the effective date of this Code section.

107 (c) This Code section shall not apply to any collective bargaining agreement entered into
 108 pursuant to the Railway Labor Act, as amended, or to any professional association whose
 109 membership is exclusively composed of educators or law enforcement officers not engaged
 110 or engaging in contracting or collective bargaining."

111 SECTION 4.

112 Said chapter is further amended by revising Code Section 34-6-26, relating to contracts
 113 allowing deductions from employees' earnings of fees of labor organizations, as follows:

114 "34-6-26.

115 (a) It shall be unlawful for any employer to contract with any labor organization and for
 116 any labor organization to contract with any employer for the deduction of any fee,
 117 assessment, or other sum of money whatsoever from the wages or other earnings of an
 118 employee to be held for or to be paid over to a labor organization except upon the condition
 119 to be embodied in ~~said~~ such contract that such deduction will be made only on the
 120 ~~individual order or request of the employee, which shall not be irrevocable for a period of~~
 121 ~~more than one year~~ annual written authorization of the employee. Such authorization may
 122 be revoked at any time at the request of the employee.

123 (b) Nothing in this Code section shall be construed to impair any contract, agreement, or
 124 collective bargaining agreement in existence prior to the effective date of this Code section.

125 (c) This Code section shall not apply to any collective bargaining agreement entered into
 126 pursuant to the Railway Labor Act, as amended, or to any professional association whose
 127 membership is exclusively composed of educators or law enforcement officers not engaged
 128 or engaging in contracting or collective bargaining."

129 SECTION 5.

130 Code Section 16-7-21 of the Official Code of Georgia Annotated, relating to criminal
 131 trespass, is amended by revising subsection (d) as follows:

132 "(d)(1) A person who commits the offense of criminal trespass shall be guilty of a
133 misdemeanor.

134 (2) The provisions of Code Section 16-4-8.1 notwithstanding, a person may be convicted
135 of both conspiracy to commit criminal trespass and the completed crime of criminal
136 trespass, in which event such separate crime of conspiracy shall be a misdemeanor of a
137 high and aggravated nature."

138 **SECTION 6.**

139 This Act shall be severable as provided by Code Section 1-1-3 of Official Code of Georgia
140 Annotated.

141 **SECTION 7.**

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