

House Bill 144

By: Representatives Kirby of the 114<sup>th</sup>, Peake of the 141<sup>st</sup>, Sheldon of the 104<sup>th</sup>, Dutton of the 157<sup>th</sup>, Jasperse of the 11<sup>th</sup>, and others

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 for public policy declaring Georgia a  
3 free-to-work state; to provide for the right to employment without retribution for refusal to  
4 join or affiliate with a labor union or other employee organization; to provide for the  
5 development by the Department of Labor of information regarding employees' rights to work  
6 free from such retribution; to provide for penalties and enforcement; to provide for related  
7 matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 6 of Title 34 of the Official Code of Georgia Annotated, relating to labor  
11 organizations and labor relations, is amended by adding a new Code section to read as  
12 follows:

13 "34-6-9.

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

15 (1) Georgia shall be a free-to-work state. Employees in Georgia have the right to  
16 employment without regard to any person's refusal to join or affiliate with, or decision  
17 to withdraw from or cease membership in, any labor union or employee organization of  
18 any kind;

19 (2) Employees in Georgia have the right to be employed free from the restraints of any  
20 contract, combination, or agreement, written or oral, that provides for exclusion from  
21 employment of any person due to his or her refusal to join or affiliate with, or decision  
22 to withdraw from or cease membership in, any labor union or employee organization of  
23 any kind;

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

- 27 (4) Employees in Georgia have the right to decertify a union or other bargaining  
28 representative upon compliance with the applicable provisions of federal law.
- 29 (b) The Department of Labor shall develop and display on its website a suitable form of  
30 notice designating Georgia as a free-to-work state and providing employees with  
31 information regarding their rights under this Code section.
- 32 (c) Private employers are authorized, but not required, to post notice informing employees  
33 of the rights provided in this Code section or to physically disseminate such notice to  
34 employees. A private employer may also, in its discretion, post such notices on the  
35 company's intranet or disseminate such information via other electronic means of  
36 communication.
- 37 (d) The Commissioner of Labor, or his or her designee, shall be charged with enforcement  
38 of the obligations contained in this Code section. In carrying out the Commissioner's  
39 responsibility to ensure compliance, the Commissioner, or the person to whom the  
40 Commissioner delegates such responsibility, shall:
- 41 (1) Receive complaints or reports of noncompliance from any person;  
42 (2) Inspect and investigate any report of noncompliance; and  
43 (3) Give notice and a report of noncompliance which outlines the findings of the  
44 Commissioner; such notice shall be provided to the complainant and the party or parties  
45 investigated and shall be a matter of public record.
- 46 (e) Any person seeking an injunction or other legal action to enforce the provisions of this  
47 Code section shall, upon prevailing in such action, be entitled to all fees and costs of  
48 enforcement, including reasonable attorney's fees.
- 49 (f) In addition to any other penalty provided for by law, it shall be a misdemeanor offense  
50 for a person to intimidate, threaten, or cause financial harm to any person for refusing to  
51 join or affiliate with, or making a decision to withdraw from or cease membership in, any  
52 labor union or employee organization."

53

**SECTION 2.**

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