

The House Committee on Industry and Labor offers the following substitute to HB 361:

A BILL TO BE ENTITLED
AN ACT

To amend Article 2 of Chapter 6 of Title 34 of the Official Code of Georgia Annotated, relating to membership in labor organizations, so as to provide for definitions; to provide for a statement of rights under federal law; to provide for certain contract and agreement employment rights; to provide for policy concerning passage of laws, ordinances, or contracts that waive or restrict federal labor laws; to provide for changes to agreements and contracts permitting labor organizations to deduct fees from employees' earnings; to provide for related matters; to provide for severability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

"34-6-20.

As used in this article, the term:

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

(2) 'Employer' includes any person acting in the interest of an employer, directly or indirectly, but shall not include the United States, a state or any political subdivision thereof, any person subject to the Railway Labor Act, as amended, any person employed by a transit authority subject to the provisions and requirements of Section 13(c) of the Federal Transit Act, 49 U.S.C. Section 5333(b), any labor organization (other than when acting as an employer), or anyone acting in the capacity of officer or agent of such labor organization.

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

(4) 'Federal labor laws' means the National Labor Relations Act and the Labor Management Relations Act, as amended by federal administrative regulations relating to labor and management or employee and employer issues, and the United States Constitution as amended and as construed by the federal courts.

(5) 'Governmental body' means the State of Georgia or any local government or its subdivisions, including but not limited to cities, municipalities, counties, and any public body, agency, board, commission or other governmental, quasi-governmental, or quasi-public body, or like capacity of local government or its subdivision.

~~(4)~~(6) 'Labor organization' means any organization of any kind or any agency or employee representation committee or plan in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor 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:

"34-6-20.1.

The rights protected under federal labor laws include, but are not limited to:

(1) An employer's or employee's right to express views in favor of or contrary to unionization and any other labor relations issues to the full extent allowed by the First Amendment of the United States Constitution and Section 8(c) of the National Labor Relations Act;

(2) An employee's right to participate in, and an employer's right to demand, a secret ballot election under federal law, including, without limitation, the full procedural protections afforded by such laws for defining the unit, conducting the election campaign and election, and making any challenges or objections thereto; and

(3) An employer's right to:

(A) Oppose the recognition of a labor organization based solely on reviewing authorization cards absent a secret ballot election conducted in accordance with federal labor laws;

(B) Refuse to release sensitive and private employee information beyond the requirements of federal labor laws;

(C) Maintain the confidentiality of employee information to the maximum extent allowed by federal labor laws; and

(D) Restrict access to its property or business to the maximum extent allowed by federal labor laws."

SECTION 3.

Said article is further amended by revising Code Section 34-6-21, relating to membership in or resignation from a labor organization as a condition of employment, as follows:

"34-6-21.

(a) No individual shall be required as a condition of employment or continuance of employment to be or remain a member or an affiliate of a labor organization or to resign from or to refrain from membership in or affiliation with a labor organization.

(b) No governmental body may pass any law, ordinance, or regulation or impose any contractual, zoning, permitting, licensing, or other condition that requires any employer or employee to waive statutory rights under federal labor laws.

(c) No governmental body may pass any law, ordinance, or regulation that would require, in whole or in part, an employer or multiple employer association to accept or otherwise agree to any provisions that are mandatory or nonmandatory subjects of collective bargaining under federal labor laws, including, but not limited to, any limitations on an employer's or multiple employer association's right to engage in collective bargaining with a labor organization, to lock out employees, or to operate during a work stoppage; provided, however, that the foregoing shall not invalidate or otherwise restrict the application of federal labor laws.

(d) No employer or labor organization shall be forced to enter into any agreement, contract, understanding, or practice, written or oral, implied or expressed, that subverts the established process by which employees may make informed and free decisions regarding representation and collective bargaining rights provided for by federal labor laws."

SECTION 4.

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

"34-6-25.

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

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

(c) This Code section shall not apply to any collective bargaining agreement entered into pursuant to the Railway Labor Act, as amended, or to any professional association whose

96 membership is exclusively composed of educators, law enforcement officers, or firefighters
97 not engaged or engaging in contracting or collective bargaining."

98 **SECTION 5.**

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

101 "34-6-26.

102 (a) It shall be unlawful for any employer to contract with any labor organization and for
103 any labor organization to contract with any employer for the deduction of any fee,
104 assessment, or other sum of money whatsoever from the wages or other earnings of an
105 employee to be held for or to be paid over to a labor organization except upon the condition
106 to be embodied in ~~said~~ such contract that such deduction will be made only on the
107 ~~individual order or request of the employee, which shall not be irrevocable for a period of~~
108 ~~more than one year~~ written authorization of the employee. Such authorization may be
109 revoked at any time at the request of the employee.

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

113 **SECTION 6.**

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

116 **SECTION 7.**

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