

HOUSE BILL NO. 311

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE EASTMAN

Introduced: 2/7/24

Referred: State Affairs, Labor and Commerce, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the relationship between employees, including public employees, and**
2 **labor organizations; relating to the relationship between employers and labor**
3 **organizations; prohibiting collective bargaining contracts that require employees to join**
4 **a labor or employee organization; relating to the deduction of labor or employee**
5 **organization dues, fees, and other employee benefits from the pay of certain public**
6 **employees; and providing for an effective date."**

7 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

8 * **Section 1.** AS 23.10 is amended by adding new sections to read:

9 **Article 7A. Employees and Labor Organizations.**

10 **Sec. 23.10.441. Employees and labor organizations.** (a) An employer may
11 not require a person as a condition of either employment or the continuation of
12 employment to

13 (1) become or remain a member of a labor organization;

(2) pay dues, fees, assessments, or other charges of any kind to a labor organization;

(3) pay a charity or other third party, instead of payments to a labor organization, dues, fees, assessments, or charges in an amount equivalent to, or that is a pro rata portion of, the dues, fees, assessments, or other charges paid to a labor organization.

(b) An agreement, understanding, or practice, whether written or oral, implied or expressed, between a labor organization and an employer that violates the rights of employees guaranteed by this section is void.

(c) An agreement or understanding between an employee and a labor organization or employer that restricts the rights of the employee guaranteed by this section is void.

Sec. 23.10.443. Criminal and civil penalties. (a) A person who knowingly violates a provision of AS 23.10.441- 23.10.449 is guilty of a class B misdemeanor punishable as provided in AS 12.55. In this subsection, "knowingly" has the meaning given in AS 11.81.900.

(b) An employee who is injured as a result of a violation or threatened violation of AS 23.10.441 - 23.10.449 is entitled to injunctive relief, damages, or both, against a person who violates AS 23.10.441 - 23.10.449 to prevent or redress a violation of those sections. A court may award costs and reasonable attorney fees allowed under the Alaska Rules of Civil Procedure to a party entitled to injunctive relief or damages.

(c) The attorney general shall investigate complaints of a violation of AS 23.10.441 - 23.10.449 and shall prosecute persons who have violated AS 23.10.441 - 23.10.449.

Sec. 23.10.445. Relationship to federal law. (a) The provisions of AS 23.10.441 - 23.10.449 do not apply to

- (1) federal employers and employees;
- (2) employers and employees who are covered by the federal Railway Labor Act (45 U.S.C. 151 - 188); or
- (3) employers who operate within a federal enclave that is not subject

1 to state sovereignty.

2 (b) If a provision of AS 23.10.441 - 23.10.449 is preempted by or conflicts
3 with federal law in a particular situation, the provision does not apply to the extent of
4 the preemption or conflict.

5 **Sec. 23.10.449. Definition.** In AS 23.10.441 - 23.10.449, "labor organization"
6 means an organization of any kind, an agency, an employee representation committee,
7 or a union that exists at least partly for the purpose of dealing with employers
8 concerning wages, hours, and other terms and conditions of employment.

9 * **Sec. 2.** AS 23.40.220 is amended to read:

10 **Sec. 23.40.220. Labor or employee organization dues and employee**
11 **benefits; [,) deduction and authorization.** Upon written authorization of a public
12 employee within a bargaining unit, the public employer shall deduct from the payroll
13 of the public employee the monthly amount of dues, fees, and other employee benefits
14 as certified by the secretary of the exclusive bargaining representative and shall
15 deliver it to the chief fiscal officer of the exclusive bargaining representative. **The**
16 **public employee may revoke the authorization for the deduction of dues, fees,**
17 **and other employee benefits at any time and without restriction by providing**
18 **notice to the public employer.**

19 * **Sec. 3.** AS 23.40 is amended by adding a new section to read:

20 **Sec. 23.40.227. Public employees and labor organizations.** A public
21 employer that enters into a collective bargaining agreement under AS 23.40.210 or an
22 agreement entered into after arbitration under AS 23.40.200 shall comply with
23 AS 23.10.441 - 23.10.449.

24 * **Sec. 4.** AS 42.40.870 is amended to read:

25 **Sec. 42.40.870. Organization dues and employee benefits; deduction and**
26 **authorization.** Upon written authorization of an employee within a bargaining unit,
27 the corporation shall deduct from the payroll of the employee the monthly amount of
28 dues, fees, and other employee benefits as certified by the secretary of the exclusive
29 bargaining representative and shall deliver it to the chief fiscal officer of the exclusive
30 bargaining representative. **The employee may revoke the authorization for the**
31 **deduction of dues, fees, and other employee benefits at any time without**

1 **restriction by providing notice to the corporation.**

2 * **Sec. 5.** AS 42.40 is amended by adding a new section to read:

3 **Sec. 42.40.883. Employees and labor organizations.** The corporation shall,
4 in a collective bargaining settlement reached or agreement entered into under
5 AS 42.40.860, comply with AS 23.10.441 - 23.10.449.

6 * **Sec. 6.** AS 23.40.110(b), 23.40.225; AS 42.40.760(b), and 42.40.880 are repealed.

7 * **Sec. 7.** The uncodified law of the State of Alaska is amended by adding a new section to
8 read:

9 **APPLICABILITY.** This Act applies to a collective bargaining agreement or contract,
10 or agreement to renew or extend a collective bargaining agreement or contract, that is entered
11 into on or after the effective date of this Act, including

12 (1) a collective bargaining agreement or contract, or an agreement affecting
13 parties to a collective bargaining agreement entered into under AS 23.40.070 - 23.40.260
14 (Public Employment Relations Act) entered into because of an arbitration under
15 AS 23.40.200, that is entered into on or after the effective date of this Act;

16 (2) a collective bargaining agreement or contract, or an agreement affecting
17 parties to a collective bargaining agreement entered into under AS 42.40.705 - 42.40.890
18 entered into because of an arbitration under AS 42.40.860, that is entered into on or after the
19 effective date of this Act.

20 * **Sec. 8.** This Act takes effect immediately under AS 01.10.070(c).