

1 AN ACT relating to collective bargaining for public employees.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 336 IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) Employees of the Commonwealth of Kentucky shall have, and shall be protected*
6 *in the exercise of, the right of self-organization, to form, join, or assist any labor*
7 *organization to bargain collectively through representatives of their own*
8 *choosing on questions of wages, hours, and other conditions of employment free*
9 *from interference, restraint, or coercion.*

10 *(2) A labor organization designated by the secretary of the Kentucky Labor Cabinet*
11 *as the representative of the majority of public employees shall be the exclusive*
12 *representative of the employees for the purpose of collective bargaining with*
13 *respect to rates of pay, wages, hours, and other conditions of employment.*

14 *(3) Labor organizations recognized as the exclusive representative or so designated*
15 *in accordance with this section shall be responsible for representing the interest*
16 *of all public employees.*

17 *(4) When a labor organization has been designated in accordance with this section*
18 *as the exclusive representative of public employees, the Governor or a designated*
19 *authorized representative shall represent the Commonwealth in collective*
20 *bargaining with the labor organization.*

21 ➔Section 2. KRS 336.010 is amended to read as follows:

22 As used in this chapter, unless the context requires otherwise:

23 (1) "Secretary" means secretary of the Labor Cabinet;~~[-and]~~

24 (2) "Cabinet" means Labor Cabinet; and

25 *(3) "Public employees" means all persons employed by the executive, legislative, and*
26 *judicial branches of the Commonwealth of Kentucky and their respective*
27 *subdivisions, but shall not include firefighter personnel, firefighters, and*

corrections personnel of urban-county governments; police officers of consolidated local governments; or deputy sheriffs in a county containing a consolidated local government that has adopted a merit system.

➔Section 3. KRS 336.130 is amended to read as follows:

(1) Employees may, free from restraint or coercion by the employers or their agents, associate collectively for self-organization and designate collectively representatives of their own choosing to negotiate the terms and conditions of their employment to effectively promote their own rights and general welfare. Employees, collectively and individually, may strike, engage in peaceful picketing, and assemble collectively for peaceful purposes~~[-except that no public employee, collectively or individually, may engage in a strike or a work stoppage]~~. Nothing in this statute and KRS 65.015, 67A.6904, 67C.406, 70.262, 78.470, 78.480, 336.132, 336.134, 336.180, 336.990, and 345.050 shall be construed as altering, amending, granting, or removing the rights of public employees to associate collectively for self-organization and designate collectively representatives of their own choosing to negotiate the terms and conditions of their employment to effectively promote their own rights and general welfare.

(2) Neither employers or their agents nor employees or associations, organizations or groups of employees shall engage or be permitted to engage in unfair or illegal acts or practices or resort to violence, intimidation, threats or coercion.

(3) (a) Notwithstanding subsection (1) of this section or any provision of the Kentucky Revised Statutes to the contrary, no employee shall be required, as a condition of employment or continuation of employment, to:

1. Become or remain a member of a labor organization;
2. Pay any dues, fees, assessments, or other similar charges of any kind or amount to a labor organization; or
3. Pay to any charity or other third party, in lieu of these payments, any

1 amount equivalent to or pro rata portion of dues, fees, assessments, or
2 other charges required of a labor organization.

3 (b) As used in this subsection, the term "employee" means any person employed
4 by or suffered or permitted to work for a public or private employer.

5 (4) The secretary of the Labor Cabinet or his or her representative shall investigate
6 complaints of violations or threatened violations of subsection (3) of this section
7 and may initiate enforcement of a criminal penalty by causing a complaint to be
8 filed with the appropriate local prosecutor and ensure effective enforcement.

9 (5) Except in instances where violence, personal injury, or damage to property have
10 occurred and such occurrence is supported by an affidavit setting forth the facts and
11 circumstances surrounding such incidents, the employees and their agents shall not
12 be restrained or enjoined from exercising the rights granted them in subsection (1)
13 of this section without a hearing first being held, unless the employees or their
14 agents are engaged in a strike in violation of a "no strike" clause in their labor
15 contract.

16 (6) Submission of a false affidavit concerning violence, personal injury, or damage to
17 property shall constitute a violation of KRS 523.030. In the absence of any such
18 affidavit alleging violence, personal injury, or damage injunctions shall be issued
19 only by a Circuit Judge or other justice or judge acting as a Circuit Judge pursuant
20 to law.