

1 AN ACT relating to employment.

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

3 ➔Section 1. KRS 336.130 is amended to read as follows:

4 (1) Employees may, free from restraint or coercion by the employers or their agents,
5 associate collectively for self-organization and designate collectively representatives
6 of their own choosing to negotiate the terms and conditions of their employment to
7 effectively promote their own rights and general welfare. Employees, collectively
8 and individually, may strike, engage in peaceful picketing, and assemble
9 collectively for peaceful purposes~~[-except that no public employee, collectively or~~
10 ~~individually, may engage in a strike or a work stoppage. Nothing in this statute and~~
11 ~~KRS 65.015, 67A.6904, 67C.406, 70.262, 78.470, 78.480, 336.132, 336.134,~~
12 ~~336.180, 336.990, and 345.050 shall be construed as altering, amending, granting,~~
13 ~~or removing the rights of public employees to associate collectively for self-~~
14 ~~organization and designate collectively representatives of their own choosing to~~
15 ~~negotiate the terms and conditions of their employment to effectively promote their~~
16 ~~own rights and general welfare].~~

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

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

23 1. ~~Become or remain a member of a labor organization;~~

24 2. ~~Pay any dues, fees, assessments, or other similar charges of any kind or~~
25 ~~amount to a labor organization; or~~

26 3. ~~Pay to any charity or other third party, in lieu of these payments, any~~
27 ~~amount equivalent to or pro rata portion of dues, fees, assessments, or~~

1 other charges required of a labor organization.

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

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

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

15 (4) ~~(6)~~ Submission of a false affidavit concerning violence, personal injury, or
16 damage to property shall constitute a violation of KRS 523.030. In the absence of
17 any such affidavit alleging violence, personal injury, or damage injunctions shall be
18 issued only by a Circuit Judge or other justice or judge acting as a Circuit Judge
19 pursuant to law.

20 ➔ Section 2. KRS 336.180 is amended to read as follows:

21 As used in **KRS 336.190 and 336.200** ~~[this chapter]~~, unless the context requires
22 otherwise, ~~;~~:

23 (4) ~~]~~ the term "labor organization" means any organization of any kind, or any agency
24 or employee representation committee **or plan, in which employees participate**
25 **and** ~~[, association or union]~~ which exists for the purpose, in whole or in part, of
26 dealing with employers concerning **grievances, labor disputes,** wages, rates of pay,
27 hours of employment or conditions of work ~~[, or other forms of compensation;~~

1 ~~(2) The term "employer" means all persons, firms, associations, corporations, public~~
2 ~~employers, public school employers, and public colleges, universities, institutions,~~
3 ~~and education agencies; and~~

4 ~~(3) The term "public employee" means an employee of a "public agency" as that term is~~
5 ~~defined in KRS 61.870(1)].~~

6 ➔ Section 3. KRS 336.990 is amended to read as follows:

7 (1) Upon proof that any person employed by the Labor Cabinet as a labor inspector has
8 taken any part in any strike, lockout or similar labor dispute, the person shall forfeit
9 his or her office.

10 (2) The following civil penalties shall be imposed, in accordance with the provisions in
11 KRS 336.985, for violations of the provisions of this chapter:

12 (a) Any person who violates KRS 336.110 ~~or 336.130~~ shall for each offense be
13 assessed a civil penalty of not less than one hundred dollars (\$100) nor more
14 than one thousand dollars (\$1,000);

15 (b) Any corporation, association, organization, or person that violates KRS
16 336.190 and 336.200 shall be assessed a civil penalty of not less than one
17 hundred dollars (\$100) nor more than one thousand dollars (\$1,000) for each
18 offense. Each act of violation, and each day during which such an agreement
19 remains in effect, shall constitute a separate offense;

20 (c) Any employer who violates the provisions of KRS 336.220 shall be assessed a
21 civil penalty of not less than one hundred dollars (\$100) nor more than one
22 thousand dollars (\$1,000) for each violation; and

23 (d) Any labor organization who violates KRS 336.135 shall be assessed a civil
24 penalty of not less than one hundred dollars (\$100) nor more than one
25 thousand dollars (\$1,000) for each offense.

26 ~~[(3) Any labor organization, employer, or other person who directly or indirectly~~
27 ~~violates KRS 336.130(3) shall be guilty of a Class A misdemeanor.~~

1 ~~(4) Any person aggrieved as a result of any violation or threatened violation of KRS~~
2 ~~336.130(3) may seek abatement of the violation or threatened violation by~~
3 ~~petitioning a court of competent jurisdiction for injunctive relief and shall be~~
4 ~~entitled to costs and reasonable attorney fees if he or she prevails in the action.~~

5 ~~(5) Any person injured as a result of any violation or threatened violation of KRS~~
6 ~~336.130(3) may recover all damages resulting from the violation or threatened~~
7 ~~violation and shall be entitled to costs and reasonable attorney fees if he or she~~
8 ~~prevails in the action.]~~

9 ➔ Section 4. KRS 67A.6904 is amended to read as follows:

10 (1) ~~[Except as provided in KRS 336.130,]~~Urban-county governments and their
11 representatives and agents are prohibited from:

12 (a) Interfering, restraining, or coercing police officers, firefighter personnel,
13 firefighters, or corrections personnel in the exercise of the rights guaranteed in
14 KRS 67A.6902;

15 (b) Dominating or interfering with the formation, existence, or administration of
16 any labor organization;

17 (c) Discriminating in regard to hiring or tenure of employment or any term or
18 condition of employment to encourage or discourage membership in any labor
19 organization; **provided that nothing in this section, or in any other statute of**
20 **this state, shall preclude an urban-county government from making an**
21 **agreement with a labor organization to require as a condition of**
22 **employment membership therein on or after the thirtieth day following the**
23 **beginning of that employment or on the effective date of the agreement,**
24 **whichever is the later;**

25 (d) Discharging or otherwise discriminating against an employee because he or
26 she has signed or filed any affidavit, petition, or complaint or given any
27 information or testimony under this section; or

1 (e) Refusing to bargain collectively in good faith with a labor organization which
2 is the exclusive representative of employees in an appropriate unit, including
3 but not limited to the discussing of grievances with the exclusive
4 representative.

5 (2) Labor organizations and their agents are prohibited from:

6 (a) Restraining or coercing:

- 7 1. Police officers, firefighter personnel, firefighters, or corrections
8 personnel in the exercise of the right guaranteed in KRS 67A.6902; and
9 2. An urban-county government in the selection of a representative for the
10 purposes of collective bargaining or the adjustment of grievances; or

11 (b) Refusing to bargain collectively in good faith with an urban-county
12 government, if they have been designated in accordance with the provisions of
13 this section as the exclusive representative of police officers, firefighter
14 personnel, firefighters, or corrections personnel in an appropriate unit.

15 (3) For the purposes of this section, to bargain collectively is to carry out in good faith
16 the mutual obligation of the parties, or their representatives; to meet together at
17 reasonable times, including meetings in advance of the budget-making process; to
18 negotiate in good faith with respect to wages, hours, and other conditions of
19 employment; to negotiate an agreement; to negotiate any question arising under any
20 agreement; and to execute a written contract incorporating any agreement reached,
21 if requested by either party. The obligation shall not be interpreted to compel either
22 party to agree to a proposal, or require either party to make a concession.

23 ➔Section 5. KRS 67C.406 is amended to read as follows:

24 (1) ~~[Except as provided in KRS 336.130(3),]~~Consolidated local governments, their
25 representatives, or their agents are prohibited from:

26 (a) Interfering, restraining, or coercing police officers in the exercise of the rights
27 guaranteed in KRS 67C.402;

- 1 (b) Dominating or interfering with the formation, existence, or administration of
2 any labor organization;
- 3 (c) Discriminating in regard to hiring or tenure of employment or any term or
4 condition of employment to encourage or discourage membership in any labor
5 organization; provided that nothing in this section, or in any other statute of
6 this state, shall preclude a consolidated local government from making an
7 agreement with a labor organization to require as a condition of
8 employment membership therein on or after the thirtieth day following the
9 beginning of that employment or on the effective date of the agreement,
10 whichever is the later;
- 11 (d) Discharging or otherwise discriminating against an employee because he or
12 she has signed or filed any affidavit, petition, or complaint or given any
13 information or testimony under this section; or
- 14 (e) Refusing to bargain collectively in good faith with a labor organization which
15 is the exclusive representative of employees in an appropriate unit, including
16 but not limited to the discussing of grievances with the exclusive
17 representative.
- 18 (2) Labor organizations or their agents are prohibited from:
- 19 (a) Restraining or coercing:
- 20 1. Police officers in the exercise of the right guaranteed in KRS 67C.402;
21 and
- 22 2. A consolidated local government in the selection of a representative for
23 the purposes of collective bargaining or the adjustment of grievances; or
- 24 (b) Refusing to bargain collectively in good faith with a consolidated local
25 government, if they have been designated in accordance with the provisions of
26 this section as the exclusive representative of police officers in an appropriate
27 unit.

1 (3) For the purposes of this section, to bargain collectively is to carry out in good faith
2 the mutual obligation of the parties, or their representatives; to meet together at
3 reasonable times, including meetings in advance of the budget-making process; to
4 negotiate in good faith with respect to wages, hours, and other conditions of
5 employment; to negotiate an agreement; to negotiate any question arising under any
6 agreement; and to execute a written contract incorporating any agreement reached,
7 if requested by either party. The obligation shall not be interpreted to compel either
8 party to agree to a proposal, or require either party to make a concession.

9 ➔Section 6. KRS 70.262 is amended to read as follows:

10 (1) ~~[Except as provided in KRS 336.130,]~~In any county containing a consolidated local
11 government or city of the first class that has adopted a merit system under KRS
12 70.260 to 70.273, deputies subject to the merit system may organize, form, join, or
13 participate in organizations in order to engage in lawful concerted activities for the
14 purpose of collective bargaining or other mutual aid and protection, and to bargain
15 collectively through a representative of their own free choice. Deputies shall also
16 have the right to refrain from any or all of these activities but shall be subject to the
17 lawful provisions of any collective bargaining agreement entered into under this
18 section. Strikes by deputies of any collective bargaining unit shall be prohibited at
19 any time.

20 (2) ~~[Except as provided in KRS 336.130,]~~In any county containing a consolidated local
21 government or city of the first class that has adopted a merit system under KRS
22 70.260 to 70.273, the sheriff shall contract with a representative of the deputies
23 described in subsection (1) of this section employed by the sheriff where the
24 representative has established representation of a majority of the deputies, with
25 respect to wages, hours, and terms and conditions of employment, including
26 execution of a written contract incorporating any agreement reached between the
27 sheriff and the representative. The sheriff shall not be required to bargain over

1 matters of inherent managerial policy.

2 ➔Section 7. KRS 78.470 is amended to read as follows:

3 ~~[Except as provided in KRS 336.130,]~~In any county in the Commonwealth of Kentucky,
4 which has a population of 300,000 or more and which has adopted the merit system, the
5 county employees in the classified service as police may organize, form, join or
6 participate in organizations in order to engage in lawful concerted activities for the
7 purpose of collective bargaining or other mutual aid and protection, and to bargain
8 collectively through representatives of their own free choice. Such employees shall also
9 have the right to refrain from any or all such activities. Strikes by said members of any
10 such collective bargaining unit shall be prohibited at any time.

11 ➔Section 8. KRS 78.480 is amended to read as follows:

12 ~~[Except as provided in KRS 336.130,]~~In any county in the Commonwealth of Kentucky
13 which has a population of 300,000 or more and which has adopted the merit system for
14 its police force, the fiscal court may contract with representatives of the police employed
15 by said county with respect to wages, hours, terms and conditions of employment,
16 including execution of a written contract incorporating any agreement reached between
17 the fiscal court and representatives of the police. The fiscal court shall not be required to
18 bargain over matters of inherent managerial policy.

19 ➔Section 9. KRS 345.050 is amended to read as follows:

20 (1) ~~[Except as provided in KRS 336.130,]~~Public employers, their representatives or
21 their agents are prohibited from:

- 22 (a) Interfering, restraining or coercing firefighters in the exercise of the rights
23 guaranteed in KRS 345.030;
- 24 (b) Dominating or interfering with the formation, existence or administration of
25 any labor organization;
- 26 (c) Discriminating in regard to hiring or tenure of employment or any term or
27 condition of employment to encourage or discourage membership in any labor

organization; provided that nothing in this chapter, or in any other statute of this state, shall preclude a public employer from making an agreement with a labor organization to require as a condition of employment membership therein on or after the thirtieth day following the beginning of such employment or on the effective date of the agreement, whichever is the later;

(d) Discharging or otherwise discriminating against an employee because he has signed or filed any affidavit, petition or complaint or given any information or testimony under this chapter;

(e) Refusing to bargain collectively in good faith with a labor organization which is the exclusive representative of employees in an appropriate unit, including but not limited to the discussing of grievances with the exclusive representative.

(2) Labor organizations or their agents are prohibited from:

(a) Restraining or coercing:

1. Firefighters in the exercise of the right guaranteed in subsection (1) of KRS 345.030, and

2. A public employer in the selection of his representative for the purposes of collective bargaining or the adjustment of grievances;

(b) Refusing to bargain collectively in good faith with a public employer, if they have been designated in accordance with the provisions of this chapter as the exclusive representative of firefighters in an appropriate unit.

(3) For the purposes of this chapter, to bargain collectively is to carry out in good faith the mutual obligation of the parties, or their representatives; to meet together at reasonable times, including meetings in advance of the budget-making process; to negotiate in good faith with respect to wages, hours and other conditions of employment; to negotiate an agreement; to negotiate any question arising under any

1 agreement; and to execute a written contract incorporating any agreement reached,
2 if requested by either party. The obligation shall not be interpreted to compel either
3 party to agree to a proposal, or require either party to make a concession.

4 ➔Section 10. The following KRS sections are repealed:

5 65.016 Prohibition against requiring any employer to pay employee a certain wage or
6 fringe benefit.

7 336.132 Labor agreement in violation of KRS 336.130 is unlawful and void --
8 Exceptions.

9 336.134 Public employee must give prior written consent for deduction of membership
10 dues by public employer or public employee labor organization.