

AN ACT relating to contracts.

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

➔Section 1. 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.
- (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) *Notwithstanding subsection (1) of this section and 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:*
 - (a) Become or remain a member of a labor organization;*
 - (b) Pay any dues, fees, assessments, or other similar charges of any kind or amount to a labor organization; or*
 - (c) Pay to any charity or other third party, in lieu of these payments, any amount equivalent to or pro rata portion of dues, fees, assessments, or other charges required of a labor organization.*
- (4) Except in instances where violence, personal injury, or damage to property have occurred and such occurrence is supported by an affidavit setting forth the facts and circumstances surrounding such incidents, the employees and their agents shall not be restrained or enjoined from exercising the rights granted them in subsection (1) of this section without a hearing first being held, unless the employees or their agents are engaged in a strike in violation of a "no strike" clause in their labor

contract.

~~(5)~~~~(4)~~ Submission of a false affidavit concerning violence, personal injury, or damage to property shall constitute a violation of KRS 523.030. In the absence of any such affidavit alleging violence, personal injury, or damage injunctions shall be issued only by a Circuit Judge or other justice or judge acting as a Circuit Judge pursuant to law.

(6) This section shall be cited as the "Kentucky Right to Work Act."

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

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

(1) The term "labor organization" means any organization of any kind, or any agency or employee representation committee or union~~[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, or other forms of compensation; and

(2) The term "employer" means all persons, firms, associations, corporations, public school employers, and public colleges, universities, institutions, education agencies, and public employers except those employers dealing with public safety.

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

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

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

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

- (b) Any corporation, association, organization, or person that violates KRS 336.190 and 336.200 shall be assessed a civil penalty of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) for each offense. Each act of violation, and each day during which such an agreement remains in effect, shall constitute a separate offense; and
- (c) Any employer who violates the provisions of KRS 336.220 shall be assessed a civil penalty of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) for each violation.

(3) Any labor organization, employer, or other person who directly or indirectly violates subsection (3) of Section 1 of this Act shall be guilty of a Class A misdemeanor.

(4) Any person aggrieved as a result of any violation or threatened violation of subsection (3) of Section 1 of this Act may seek abatement of the violation or threatened violation by petitioning a court of competent jurisdiction for injunctive relief.

(5) Any person injured as a result of any violation or threatened violation of subsection (3) of Section 1 of this Act may recover all damages resulting from the violation or threatened violation and shall be entitled to costs and reasonable attorney fees if he or she prevails in the action.

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

The Attorney General shall investigate complaints of violations or threatened violations of subsection (3) of Section 1 of this Act and prosecute all persons violating subsection (3) of Section 1 of this Act and ensure effective enforcement.

➔SECTION 5. A NEW SECTION OF KRS CHAPTER 336 IS CREATED TO READ AS FOLLOWS:

Any agreement, understanding, or practice, written or oral, implied or expressed,

between any labor organization and employer which violates an employee's rights as set forth in subsection (3) of Section 1 shall be unlawful and void, except that subsection (3) of Section 1 of this Act shall not apply to:

(1) Employers and employees covered by the Federal Railway Labor Act;

(2) Federal employers and employees;

(3) Employers and employees on exclusive federal enclaves;

(4) Employers and employees where it would conflict or be preempted by federal law;

or

(5) Any agreement between employers and employees or labor organization entered into before the effective date of this Act, but the provisions of subsection (3) of Section 1 of this Act shall apply to any new contract or an extension or renewal of any existing agreement entered into after the effective date of this Act.