

1 AN ACT relating to associations and individual representation rights.

2 WHEREAS, public employee labor organizations expend resources derived solely  
3 from voluntary membership dues; and

4 WHEREAS, principles of fairness support allowing labor organizations to direct  
5 member-provided resources toward the benefit of those who voluntarily choose  
6 membership; and

7 WHEREAS, nothing in this Act alters the obligation of a certified bargaining  
8 representative to negotiate collective bargaining agreements on behalf of all employees in  
9 the bargaining unit;

10 NOW, THEREFORE,

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

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

14 *(1) A labor organization certified or recognized as the recognized bargaining*  
15 *representative of a bargaining unit of public employees under this chapter shall*  
16 *represent all employees in the bargaining unit in collective bargaining*  
17 *negotiations and in the administration and enforcement of a collective*  
18 *bargaining agreement without discrimination.*

19 *(2) In any proceeding in which the labor organization would otherwise have the right*  
20 *or obligation to provide representation under the collective bargaining agreement*  
21 *that does not involve the interpretation or enforcement of a collective bargaining*  
22 *agreement, a nonmember employee may represent himself or herself or be*  
23 *represented by counsel or a representative of the employee's choosing, subject to*  
24 *reasonable employer procedures.*

25 *(3) (a) In any proceeding involving the interpretation or enforcement of a*  
26 *collective bargaining agreement, the labor organization shall represent a*  
27 *nonmember employee.*

1       **(b) The labor organization may charge the nonmember employee a reasonable**  
2       **fee not to exceed the actual cost of the services provided.**

3       **(4) A labor organization and a nonmember employee may enter into a written**  
4       **agreement for the provision of individualized representation services in any**  
5       **proceeding, consistent with the terms of this section.**

6       **(5) This section shall not be interpreted or construed to create a right for an**  
7       **employee who does not pay dues to the labor organization to have representation,**  
8       **self-representation, or representation by counsel in any type of proceeding in**  
9       **which a labor organization would otherwise have the right or obligation to**  
10       **provide representation under the collective bargaining agreement.**

11       ➔Section 2. This Act applies to collective bargaining agreements entered into or  
12 renewed on or after the effective date of this Act.

13       ➔Section 3. If any provision of this Act or its application thereof to any person or  
14 circumstance is held invalid, the invalidity shall not affect the other provisions or  
15 applications of the Act that can be given effect without the invalid provision or  
16 application, and to this end the provisions of this Act are severable.