

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
6 representatives of their own choosing to negotiate the terms and conditions of their
7 employment to effectively promote their own rights and general welfare.
8 Employees, collectively and individually, may strike, engage in peaceful picketing,
9 and assemble collectively for peaceful purposes, except that no public employee,
10 collectively or individually, may engage in a strike or a work stoppage. Nothing in
11 this statute and KRS 65.015, 67A.6904, 67C.406, 70.262, 78.470, 78.480, 336.132,
12 336.134, 336.180, 336.990, and 345.050 shall be construed as altering, amending,
13 granting, or removing the rights of public employees to associate collectively for
14 self-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 Education and Labor Cabinet or his or her representative shall~~
5 ~~investigate complaints of violations or threatened violations of subsection (3) of this~~
6 ~~section and may initiate enforcement of a criminal penalty by causing a complaint~~
7 ~~to be 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 to them in subsection
12 (1) 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 336.990 is amended to read as follows:

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

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

26 (a) Any person who violates KRS 336.110 or 336.130 shall for each offense be
27 assessed a civil penalty of not less than one hundred dollars (\$100) nor more

1 than one thousand dollars (\$1,000);

2 (b) Any corporation, association, organization, or person that violates KRS
3 336.190 and 336.200 shall be assessed a civil penalty of not less than one
4 hundred dollars (\$100) nor more than one thousand dollars (\$1,000) for each
5 offense. Each act of violation, and each day during which such an agreement
6 remains in effect, shall constitute a separate offense;

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

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

13 (e) Any public employer or labor organization that violates KRS 161.158,
14 164.365, 336.133, ~~336.134,~~ 336.1341, 336.135, or 336.180 shall be assessed
15 a civil penalty of not less than one hundred dollars (\$100) nor more than one
16 thousand dollars (\$1,000) for each offense~~[-~~

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

19 ~~(4) Any person aggrieved as a result of any violation or threatened violation of KRS~~
20 ~~336.130(3) may seek abatement of the violation or threatened violation by~~
21 ~~petitioning a court of competent jurisdiction for injunctive relief and shall be~~
22 ~~entitled to costs and reasonable attorney fees if he or she prevails in the action.~~

23 ~~(5) Any person injured as a result of any violation or threatened violation of KRS~~
24 ~~336.130(3) may recover all damages resulting from the violation or threatened~~
25 ~~violation and shall be entitled to costs and reasonable attorney fees if he or she~~
26 ~~prevails in the action].~~

27 ➔Section 3. KRS 67A.6904 is amended to read as follows:

- 1 (1) ~~[Except as provided in KRS 336.130,]~~Urban-county governments and their
2 representatives and agents are prohibited from:
- 3 (a) Interfering, restraining, or coercing police officers, firefighter personnel,
4 firefighters, or corrections personnel in the exercise of the rights guaranteed in
5 KRS 67A.6902;
- 6 (b) Dominating or interfering with the formation, existence, or administration of
7 any labor organization;
- 8 (c) Discriminating in regard to hiring or tenure of employment or any term or
9 condition of employment to encourage or discourage membership in any labor
10 organization;
- 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 and their agents are prohibited from:
- 19 (a) Restraining or coercing:
- 20 1. Police officers, firefighter personnel, firefighters, or corrections
21 personnel in the exercise of the right guaranteed in KRS 67A.6902; and
- 22 2. An urban-county government in the selection of a representative for the
23 purposes of collective bargaining or the adjustment of grievances; or
- 24 (b) Refusing to bargain collectively in good faith with an urban-county
25 government, if they have been designated in accordance with the provisions of
26 this section as the exclusive representative of police officers, firefighter
27 personnel, firefighters, or corrections personnel in an appropriate unit.

(3) For the purposes of this section, 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 agreement; and to execute a written contract incorporating any agreement reached, if requested by either party. The obligation shall not be interpreted to compel either party to agree to a proposal, or require either party to make a concession.

➔Section 4. KRS 67C.406 is amended to read as follows:

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

- (a) Interfering, restraining, or coercing police officers in the exercise of the rights guaranteed in KRS 67C.402;
- (b) Dominating or interfering with the formation, existence, or administration of any labor organization;
- (c) Discriminating in regard to hiring or tenure of employment or any term or condition of employment to encourage or discourage membership in any labor organization;
- (d) Discharging or otherwise discriminating against an employee because he or she has signed or filed any affidavit, petition, or complaint or given any information or testimony under this section; or
- (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 1. Police officers in the exercise of the right guaranteed in KRS 67C.402;
- 2 and
- 3 2. A consolidated local government in the selection of a representative for
- 4 the purposes of collective bargaining or the adjustment of grievances; or
- 5 (b) Refusing to bargain collectively in good faith with a consolidated local
- 6 government, if they have been designated in accordance with the provisions of
- 7 this section as the exclusive representative of police officers in an appropriate
- 8 unit.

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

17 ➔Section 5. KRS 70.262 is amended to read as follows:

- 18 (1) ~~[Except as provided in KRS 336.130,]~~ In any county containing a consolidated local
19 government or city of the first class that has adopted a merit system under KRS
20 70.260 to 70.273, deputies subject to the merit system may organize, form, join, or
21 participate in organizations in order to engage in lawful concerted activities for the
22 purpose of collective bargaining or other mutual aid and protection, and to bargain
23 collectively through a representative of their own free choice. Deputies shall also
24 have the right to refrain from any or all of these activities but shall be subject to the
25 lawful provisions of any collective bargaining agreement entered into under this
26 section. Strikes by deputies of any collective bargaining unit shall be prohibited at
27 any time.

1 (2) ~~[Except as provided in KRS 336.130,]~~In any county containing a consolidated local
2 government or city of the first class that has adopted a merit system under KRS
3 70.260 to 70.273, the sheriff shall contract with a representative of the deputies
4 described in subsection (1) of this section employed by the sheriff where the
5 representative has established representation of a majority of the deputies, with
6 respect to wages, hours, and terms and conditions of employment, including
7 execution of a written contract incorporating any agreement reached between the
8 sheriff and the representative. The sheriff shall not be required to bargain over
9 matters of inherent managerial policy.

10 ➔Section 6. KRS 78.470 is amended to read as follows:

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

19 ➔Section 7. KRS 78.480 is amended to read as follows:

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

27 ➔Section 8. KRS 345.050 is amended to read as follows:

- 1 (1) ~~Except as provided in KRS 336.130,~~ Public employers, their representatives or
2 their agents are prohibited from:
- 3 (a) Interfering, restraining or coercing firefighters in the exercise of the rights
4 guaranteed in KRS 345.030;
- 5 (b) Dominating or interfering with the formation, existence or administration of
6 any labor organization;
- 7 (c) Discriminating in regard to hiring or tenure of employment or any term or
8 condition of employment to encourage or discourage membership in any labor
9 organization;
- 10 (d) Discharging or otherwise discriminating against an employee because he or
11 she has signed or filed any affidavit, petition or complaint or given any
12 information or testimony under this chapter; or
- 13 (e) Refusing to bargain collectively in good faith with a labor organization which
14 is the exclusive representative of employees in an appropriate unit, including
15 but not limited to the discussing of grievances with the exclusive
16 representative.
- 17 (2) Labor organizations or their agents are prohibited from:
- 18 (a) Restraining or coercing:
- 19 1. Firefighters in the exercise of the right guaranteed in subsection (1) of
20 KRS 345.030, and
- 21 2. A public employer in the selection of his or her representative for the
22 purposes of collective bargaining or the adjustment of grievances; or
- 23 (b) Refusing to bargain collectively in good faith with a public employer, if they
24 have been designated in accordance with the provisions of this chapter as the
25 exclusive representative of firefighters in an appropriate unit.
- 26 (3) For the purposes of this chapter, to bargain collectively is to carry out in good faith
27 the mutual obligation of the parties, or their representatives; to meet together at

1 reasonable times, including meetings in advance of the budget-making process; to
2 negotiate in good faith with respect to wages, hours and other conditions of
3 employment; to negotiate an agreement; to negotiate any question arising under any
4 agreement; and to execute a written contract incorporating any agreement reached,
5 if requested by either party. The obligation shall not be interpreted to compel either
6 party to agree to a proposal, or require either party to make a concession.

7 ➔Section 9. KRS 336.1341 is amended to read as follows:

8 KRS 336.133~~1~~, ~~336.134~~, and 336.180 shall not apply to any deductions from a public
9 employee's wages, compensation, or earnings made by the public employer in accordance
10 with any joint wage agreement or collective bargaining contract entered into, opted into,
11 modified, renewed, or extended prior to March 29, 2023. However, any joint wage
12 agreement or collective bargaining contract entered into, opted into, modified, renewed,
13 or extended after March 29, 2023, as well as any deductions made to a public employee's
14 wages, compensation, or earnings made in accordance with those joint wage agreements
15 or collective bargaining contracts or otherwise made after March 29, 2023, shall comply
16 with KRS 336.133~~1~~ and ~~336.134~~.

17 ➔Section 10. KRS 336.135 is amended to read as follows:

- 18 (1) As used in this section, "employee" means any person employed by or suffered or
19 permitted to work for a public or private employer, except "employee" shall not
20 mean any person covered by the Federal Railway Labor Act and the National Labor
21 Relations Act.
- 22 (2) An employee shall not be enrolled as a member of a labor organization unless the
23 employee has affirmatively requested membership in writing.
- 24 (3) A sum shall not be withheld from the earnings of any employee for the purpose of
25 paying union dues or other fees paid by members of a labor organization or
26 employees who are non-members except upon the written or electronic
27 authorization of the employee member or employee non-member~~1~~, ~~unless the~~

1 ~~employer is a public employer, in which case KRS 336.134 applies to that~~
2 ~~employer.~~

3 (4) The requirements in this section shall not be waived by any member or non-
4 member of a labor organization, nor required to be waived as a condition of
5 obtaining or maintaining employment.

6 (5) Signing or refraining from signing the authorization set forth in subsections (2) and
7 (3) of this section shall not be made a condition of obtaining or maintaining
8 employment.

9 (6) (a) A labor organization shall maintain financial records substantially similar to
10 and no less comprehensive than the records required to be maintained under
11 29 U.S.C. sec. 431(b).

12 (b) These records shall be kept in a searchable electronic format and provided to
13 every employee it represents.

14 (c) The records and the data or summary by which the records can be verified,
15 explained, or clarified shall be kept for a period of not less than five (5) years.

16 (d) A labor organization composed of public employees shall transmit financial
17 records detailing the labor organization's quarterly expenses to its members on
18 an annual basis.

19 (7) This section shall not apply to any agreement between employers and employees or
20 labor organizations entered into before January 9, 2017, but any such agreement
21 entered into, opted in, renewed, or extended on or after January 9, 2017, and which
22 violates this section shall be unlawful and void.

23 (8) This section shall be known as the "Paycheck Protection Act."

24 ➔Section 11. The following KRS sections are repealed:

25 65.016 Prohibition against requiring any employer to pay employee a certain wage or
26 fringe benefit.

27 336.132 Labor agreement in violation of KRS 336.130 is unlawful and void --

- 1 Exceptions.
- 2 336.134 Public employer prohibited from deducting from wages of any public employee
- 3 for charges to a labor organization or for political activities.