

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) Notwithstanding subsection (1) of this section, a labor organization shall not be*
20 *required to provide individualized grievance representation, disciplinary*
21 *representation, investigatory representation, arbitration advocacy, or related*
22 *individualized advocacy services to an employee who is not a dues-paying*
23 *member of the labor organization at the time the services are requested.*

24 *(3) In any proceeding that does not involve the interpretation or enforcement of a*
25 *collective bargaining agreement, a nonmember employee may represent himself*
26 *or herself or be represented by counsel or a representative of the employee's*
27 *choosing, subject to reasonable employer procedures.*

1 (4) (a) In any proceeding involving the interpretation or enforcement of a
2 collective bargaining agreement, the labor organization shall have the right
3 to determine whether to represent a nonmember employee.

4 (b) If the labor organization elects to provide such representation, it may
5 charge the nonmember employee a reasonable fee not to exceed the actual
6 cost of the services provided.

7 (c) If the labor organization elects not to provide representation, the
8 nonmember employee may represent himself or herself or be represented by
9 counsel or a representative of the employee's choosing, subject to
10 reasonable employer procedures.

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

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

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