STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

HOUSE BILL NO. 1259 By: Graves

AS INTRODUCED

An Act relating to labor; enacting the Oklahoma Right to Work Law; providing short title; declaring public policy; defining term; providing for freedom of choice in employment; prohibiting certain practices pertaining to employment; providing penalties; providing for certain injunctive relief; requiring district attorneys and the Attorney General to investigate complaints and prosecute certain violations; applying provisions prospectively to contracts; providing for codification; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 470 of Title 40, unless there is created a duplication in numbering, reads as follows:

Sections 1 through 11 of this act shall be known and may be cited as the "Oklahoma Right to Work Law".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 471 of Title 40, unless there is created a duplication in numbering, reads as follows:

It is hereby declared to be the public policy of this state, in order to maximize individual freedom of choice in the pursuit of employment and to encourage an employment climate conducive to economic growth, that the right to work shall not be subject to undue restraint or coercion. The right to work shall not be infringed or restricted in any way based on membership in, affiliation with, or financial support of a labor organization or on refusal to join, affiliate with, or financially or otherwise support a labor organization.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 472 of Title 40, unless there is created a duplication in numbering, reads as follows:

As used in the Oklahoma Right to Work Law, the term "labor organization" means any organization of any kind, or agency or employee representation committee or union, which exists for the purpose, in whole or in part, of dealing with employers, concerning wages, rates of pay, hours of work, or other conditions of employment.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 473 of Title 40, unless there is created a duplication in numbering, reads as follows:

No person shall be required, as a condition of employment or continuation of employment, to:

1. Resign or refrain from voluntary membership in, voluntary affiliation with, or voluntary financial support of a labor organization;

2. Become or remain a member of a labor organization;

3. Pay any dues, fees, assessments, or other charges of any kind or amount to a labor organization;

4. Pay to any charity or other third party, in lieu of such payments, any amount equivalent to or a pro rata portion of dues,

fees, assessments, or other charges regularly required of members of a labor organization; or

5. Be recommended, approved, referred, or cleared by or through a labor organization, except where preempted by federal law.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 474 of Title 40, unless there is created a duplication in numbering, reads as follows:

Except where preempted by federal law, it shall be unlawful to deduct from the wages, earnings, or compensation of an employee any union dues, fees, assessments, or other charges to be held for, transferred to, or paid over to a labor organization, unless the employee has first presented, and the employer has received, a signed written authorization of such deductions, which authorization may be revoked by the employee at any time by giving written notice of such revocation to the employer.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 475 of Title 40, unless there is created a duplication in numbering, reads as follows:

Any agreement, understanding or practice, written or oral, implied or expressed, between any labor organization and employer which violates the rights of employees as guaranteed by provisions of the Oklahoma Right to Work Law is hereby declared to be unlawful, null and void, and of no legal effect. Any strike, picketing, boycott, or other action by a labor organization for the sole purpose of inducing or attempting to induce an employer to enter into any agreement as prohibited by the Oklahoma Right to Work Law is hereby declared to be for an illegal purpose.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 476 of Title 40, unless there is created a duplication in numbering, reads as follows:

It shall be unlawful for any person, labor organization, or officer, agent or member thereof, or employee, or officer or agent

thereof, by any threatened or actual intimidation of an employee or prospective employee, or the employee's immediate family, or by any damage or threatened damage to the employee's property, to compel or attempt to compel such employee to join, affiliate with, or financially support a labor organization or to refrain from doing so, or to otherwise forfeit such employee's rights as guaranteed by the provisions of the Oklahoma Right to Work Law. It shall also be unlawful to cause or attempt to cause such employee to be denied employment or discharged from employment because of support or nonsupport of a labor organization by inducing or attempting to induce any other person to refuse to work with such employee.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 477 of Title 40, unless there is created a duplication in numbering, reads as follows:

Any person who directly or indirectly violates any provision of the Oklahoma Right to Work Law, upon conviction, shall be guilty of a misdemeanor, and shall be subject to a fine not exceeding One Thousand Dollars ($1,000.00), or to imprisonment in the county jail for a period of not more than ninety (90) days, or to both a fine and imprisonment.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 478 of Title 40, unless there is created a duplication in numbering, reads as follows:

Any employee injured as a result of any violation or threatened violation of the provisions of the Oklahoma Right to Work Law shall be entitled to injunctive relief against any and all violators or persons threatening violations and may also recover any and all damages of any character resulting from such violation or threatened violation. Such remedies shall be independent of and in addition to the penalties and remedies prescribed in other provisions of law.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 479 of Title 40, unless there is created a duplication in numbering, reads as follows:

It shall be the duty of district attorneys and of the Attorney General to investigate complaints of violation or threatened violations of the Oklahoma Right to Work Law, to prosecute all persons violating any of its provisions, and to take all means at their command to ensure its effective enforcement.

SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 480 of Title 40, unless there is created a duplication in numbering, reads as follows:

The provisions of the Oklahoma Right to Work Law shall apply to all contracts entered into after the effective date of the Oklahoma Right to Work Law and shall apply to any renewal or extension of any existing contract.

SECTION 12. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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