

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

SENATE JOINT
RESOLUTION 8

By: Dunlap

AS INTRODUCED

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed statute enacting the Oklahoma Right to Work Act; stating purpose of act; prohibiting employment restrictions on basis of membership in, affiliation with, or payments to a labor organization or payments to a charity in lieu thereof; defining term; prohibiting deductions from employee wages, earnings, or compensation for a labor organization without consent of the employee; making agreements in violation of act unlawful and of no effect; making actions having sole purpose of inducing employer to make a prohibited agreement or having purpose of compelling employee to forfeit rights under act unlawful; providing misdemeanor penalties; providing for injunctive relief and recovery of damages; directing district attorneys to investigate all complaints under act, prosecute all violators, and take all means to ensure enforcement of act; providing for codification; providing ballot title; directing special election; and directing filing.

BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE
1ST SESSION OF THE 48TH OKLAHOMA LEGISLATURE:

SECTION 1. Pursuant to Section 3 of Article V of the Oklahoma Constitution, there is hereby ordered the following legislative referendum which shall be filed with the Secretary of State and addressed to the Governor of the state, who shall submit the same to the people for their approval or rejection at a Special Election called pursuant to Section 4 of this resolution the following proposed statute.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 471.1 of Title 40, unless there is created a duplication in numbering, reads as follows:

A. This act shall be known and may be cited as the "Oklahoma Right to Work Act".

B. 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.

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

D. 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 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.

E. 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 deduction, which authorization may be revoked by the employee at any time by giving written notice of revocation to the employer.

F. 1. Any agreement, understanding, or practice, written or oral, implied or expressed, between any labor organization and employer which violates any provision of the Oklahoma Right to Work Act is unlawful and of no legal effect.

2. Any agreement, understanding, or practice, written or oral, implied or expressed, between any labor organization and employer that violates the rights of employees as guaranteed by provisions of this section 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 prohibited under this section is hereby declared to be for an illegal purpose and is a violation of the provisions of this section.

G. It shall be unlawful for any person, labor organization, or officer, agent or member thereof, or employer, or officer thereof, or agent thereof, by any threatened or actual intimidation of an employee or prospective employee, or the employee's parents, spouse, children, grandchildren, or any other persons residing in the employee's or prospective employee's home, or by any damage or threatened damage to an employee's or prospective 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 any rights as guaranteed by the provisions of this section. It shall also be unlawful to cause or attempt to cause an 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 employees.

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

I. Any employee harmed as a result of any violation or threatened violation of any provisions of this section shall be entitled to injunctive relief against any and all violators or persons threatening violations and may in addition thereto 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 elsewhere provided by law.

J. It shall be the duty of district attorneys of this state to investigate complaints of violations or threatened violations of this section, to prosecute all persons violating any of its provisions, and to take all means at their command to ensure its effective enforcement.

K. The provisions of this section shall apply to all employment contracts entered into after the effective date of this section and shall apply to any renewal or extension of any existing contract.

SECTION 3. The Ballot Title for the proposed act shall be in the following form:

BALLOT TITLE

Legislative Referendum No. _____ State Question No. _____

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

This measure adds new law to the Oklahoma Statutes. It bans any employment contract that requires employees to belong to a union, pay union dues, or make other payments to a union.

Contributions to charity instead of payments to a union are also

banned. Threats or acts of intimidation relating to union membership are prohibited. Persons cannot refuse to work with persons who are not union members. The measure prohibits strikes, boycotts, and picketing if intended to cause an employer to make a prohibited agreement. Violation of the act is a misdemeanor. A person convicted can be fined or put in the county jail or both. District attorneys are required to investigate all complaints. Injured persons may also recover civil damages.

SHALL THIS AMENDMENT BE APPROVED BY THE PEOPLE?

YES, FOR THE AMENDMENT

NO, AGAINST THE AMENDMENT

SECTION 4. A special election is hereby ordered to be held throughout the State of Oklahoma on the date of _____, at which time the proposed amendment to the Oklahoma Statutes, as set forth in SECTION 2 of this resolution, shall be submitted to the people of Oklahoma for their approval or rejection as and in the manner provided by law.

SECTION 5. The President Pro Tempore of the Senate, immediately after the passage of this resolution, shall prepare and file in accordance with Section 3 of Article V of the Oklahoma Constitution one copy of this resolution, including the Ballot Title set forth in SECTION 3, with the Secretary of State and one copy with the Attorney General.

48-1-153

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