

1 SB127
2 156169-1
3 By Senator Dial (Constitutional Amendment)
4 RFD: Business and Labor
5 First Read: 14-JAN-14

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8 SYNOPSIS: This bill proposes an amendment to the
9 Constitution of Alabama of 1901, relating to the
10 right to work.

11 This proposed amendment would declare that
12 it is the public policy of Alabama that the right
13 of persons to work may not be denied or abridged on
14 account of membership or nonmembership in a labor
15 union or labor organization.

16 This proposed amendment would prohibit an
17 agreement to deny the right to work, or condition
18 of prospective employment, on account of membership
19 or nonmembership in a labor union or labor
20 organization.

21 This proposed amendment would prohibit an
22 employer from requiring its employees to abstain
23 from union membership as a condition of employment.

24 This proposed amendment would provide that
25 an employer may not require a person, as a
26 condition of employment or continuation of

1 employment, to pay dues, fees, or other charges of
2 any kind to any labor union or labor organization.

3 This proposed amendment would provide a
4 cause of action for damages to an individual for
5 denial of employment in violation of this proposed
6 amendment.

7
8 A BILL
9 TO BE ENTITLED
10 AN ACT
11

12 Proposing an amendment to the Constitution of
13 Alabama of 1901, as amended; to declare that it is the public
14 policy of Alabama that the right of persons to work may not be
15 denied or abridged on account of membership or nonmembership
16 in a labor union or labor organization; to prohibit an
17 agreement to deny the right to work, or condition of
18 prospective employment, on account of membership or
19 nonmembership in a labor union or labor organization; to
20 prohibit an employer from requiring its employee to abstain
21 from union membership as a condition of employment; to provide
22 that an employer may not require a person, as a condition of
23 employment or continuation of employment, to pay dues, fees,
24 or other charges of any kind to any labor union or labor
25 organization; and to provide a cause of action to an
26 individual for damages for denial of employment in violation
27 of this proposed amendment.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. The following amendment to the
3 Constitution of Alabama of 1901, as amended, is proposed and
4 shall become valid as a part thereof when approved by a
5 majority of the qualified electors voting thereon and in
6 accordance with Sections 284, 285, and 287 of the Constitution
7 of Alabama of 1901, as amended:

8 PROPOSED AMENDMENT

9 (a) It is hereby declared to be the public policy of
10 Alabama that the right of persons to work may not be denied or
11 abridged on account of membership or nonmembership in a labor
12 union or labor organization.

13 (b) An agreement or combination between a employer
14 and labor union or labor organization which provides that a
15 person who is not a member of the union or organization shall
16 be denied the right to work for the employer, or where
17 membership in the union or organization is made a condition of
18 employment or continuation of employment by the employer, or
19 where the union or organization acquires an employment
20 monopoly in any enterprise, is hereby declared to be against
21 public policy and an illegal combination or conspiracy.

22 (c) No person shall be required by an employer to
23 become or remain a member of any labor union or labor
24 organization as a condition of employment or continuation of
25 employment.

26 (d) A person may not be required by an employer to
27 abstain or refrain from membership in any labor union or labor

1 organization as a condition of employment or continuation of
2 his or her employment.

3 (e) An employer may not require a person, as a
4 condition of employment or continuation of employment, to pay
5 dues, fees, or other charges of any kind to any labor union or
6 labor organization.

7 (f) Any person who may be denied employment or be
8 deprived of continuation of his or her employment in violation
9 of this amendment shall be entitled to recover from the
10 employer, and any other person, firm, corporation, or
11 association acting in concert with the employer by appropriate
12 action in the courts of this state, any damages as he or she
13 may have sustained by reason of the denial or deprivation of
14 employment.

15 (g) This amendment shall not apply to any lawful
16 contract in force on or prior to the date of the ratification
17 of this amendment but it shall apply in all respects to
18 contracts entered into after the date of the ratification of
19 this amendment, and to any renewal or extension of an existing
20 contract.

21 Section 2. An election upon the proposed amendment
22 shall be held in accordance with Sections 284 and 285 of the
23 Constitution of Alabama of 1901, now appearing as Sections 284
24 and 285 of the Official Recompilation of the Constitution of
25 Alabama of 1901, as amended, and the election laws of this
26 state.

1 Section 3. The appropriate election official shall
2 assign a ballot number for the proposed constitutional
3 amendment on the election ballot and shall set forth the
4 following description of the substance or subject matter of
5 the proposed constitutional amendment:

6 "Proposing an amendment to the Constitution of
7 Alabama of 1901, to declare that it is the public policy of
8 Alabama that the right of persons to work may not be denied or
9 abridged on account of membership or nonmembership in a labor
10 union or labor organization; to prohibit an agreement to deny
11 the right to work, or place conditions on prospective
12 employment, on account of membership or nonmembership in a
13 labor union or labor organization; to prohibit an employer
14 from requiring its employees to abstain from union membership
15 as a condition of employment; to provide that an employer may
16 not require a person, as a condition of employment or
17 continuation of employment, to pay dues, fees, or other
18 charges of any kind to any labor union or labor organization;
19 and to provide a cause of action to an individual for damages
20 for denial of employment in violation of this proposed
21 amendment.

22 "Proposed by Act _____."

23 This description shall be followed by the following
24 language:

25 "Yes () No ()."