

HOUSE BILL No. 2123

By Committee on Commerce, Labor and Economic Development

1-29

1 AN ACT concerning public employees; enacting the public employees
2 freedom act.

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4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. Sections 1 through 11 shall be known and may be cited as
6 the public employee freedom act.

7 Sec. 2. It is declared to be the policy of this state that:

8 (a) An employer and employee should be free to contract on their
9 own terms;

10 (b) mandatory collective bargaining laws violate this freedom; and

11 (c) as a result, it is hereby declared to be against the public policy of
12 this state to impose mandatory collective bargaining laws on public
13 employees and the organizations that represent such public employees in
14 the collective bargaining process.

15 Sec. 3. As used in this act, unless the context otherwise requires, the
16 following words and phrases shall have the meanings ascribed to them in
17 this section:

18 (a) "Employee organization" means any association or organization
19 of employees, and any agency, employee representation committee or plan
20 in which employees participate that exists, in whole or in part, to advocate
21 on behalf of employees about grievances, labor disputes, wages, rates of
22 pay, hours of employment or conditions of work.

23 (b) (1) "Public employee" means a person holding a position by
24 appointment or employment in the government of this state, or any taxing
25 or political subdivision thereof, including, but not limited to, public
26 schools, any authority, commission or board, or in any other branch of
27 public service.

28 (2) The term "public employee" shall not include any employee
29 whose job involves managerial, supervisory, or confidential
30 responsibilities.

31 (c) "Public employer" means any state or local government,
32 government agency, government instrumentality, special district, joint
33 powers authority, school board or special purpose organization that
34 employs one or more persons in any capacity.

35 Sec. 4. (a) Public employees shall have the right to represent
36 themselves in their relations with their public employer.

1 (b) No provision of any agreement between an employee organization
2 and a public employer, or any other public policy, shall impose
3 representation by an employee organization on any public employee who
4 is not a member of such employee organization.

5 Sec. 5. No dues, fees, assessments or any other automatic payroll
6 deductions by public employers from public employee payroll
7 compensation shall be allowed for transmission to any public employee
8 organization, any intermediary or private individual, other than for primary
9 and supplemental pension plans, life, health and other employee benefits,
10 or contributions made to 501C(3) charitable organizations through a
11 workplace giving program.

12 Sec. 6. Any agreement, understanding, or practice, written or oral,
13 implied or expressed, between any employee organization and public
14 employer that violates the rights of employees as guaranteed by provisions
15 of this act, and amendments thereto, is hereby declared to be unlawful, null
16 and void, and shall have no legal effect. Any strike, picketing, boycott, or
17 other action by an employee organization for the purpose of inducing or
18 attempting to induce an employer to enter into any agreement prohibited
19 by this section is hereby declared to be for an illegal purpose and is a
20 violation of the provisions of this act.

21 Sec. 7. It shall be unlawful for any person, employee organization, or
22 officer, agent, or member thereof, to compel or attempt to compel such
23 employee or prospective employee to join, affiliate with, or financially
24 support an employee organization by any:

25 (a) Intimidation, threatened or actual, of an employee or prospective
26 employee, or an employee's or prospective employee's parents, spouse,
27 children, grandchildren, or any other persons residing in the employee's or
28 prospective employee's home; or

29 (b) damage or threatened damage to an employee's or prospective
30 employee's property.

31 Sec. 8. Any person who directly or indirectly violates any provision
32 of this act shall be guilty of a Class A misdemeanor.

33 Sec. 9. It shall be the duty of the attorney general to investigate
34 complaints of violation or threatened violations of this act and to prosecute
35 any or all persons violating any of its provisions, and to take all means
36 available to the attorney general to ensure effective enforcement of this
37 act.

38 Sec. 10. The provisions of this act shall apply to all contracts or
39 extensions thereof entered into on or after the effective date of this act.

40 Sec. 11. If any provision of this act, including any amendment made
41 by this act, or the application of any such provision to any person or
42 circumstance, is held invalid, the validity of any other provision of this act,
43 or the application of such provision to other persons and circumstances,

1 shall not be affected thereby.

2 Sec. 12. This act shall take effect and be in force from and after its

3 publication in the statute book.