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

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

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

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

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

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

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

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

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

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

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

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

Sec. 4. (a) Public employees shall have the right to represent themselves in their relations with their public employer.
(b) No provision of any agreement between an employee organization and a public employer, or any other public policy, shall impose representation by an employee organization on any public employee who is not a member of such employee organization.

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

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

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

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

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

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

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

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

Sec. 11. If any provision of this act, including any amendment made by this act, or the application of any such provision to any person or circumstance, is held invalid, the validity of any other provision of this act, or the application of such provision to other persons and circumstances,
shall not be affected thereby.

Sec. 12. This act shall take effect and be in force from and after its publication in the statute book.