



GENERAL ASSEMBLY COMMONWEALTH OF KENTUCKY

2017 REGULAR SESSION

HOUSE BILL NO. 1

THURSDAY, JANUARY 5, 2017

The following bill was reported to the Senate from the House and ordered to be printed.

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ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY R. Allen

1 other charges required of a labor organization.

2 (b) As used in this subsection, the term "employee" means any person
 3 employed by or suffered or permitted to work for a public or private
 4 employer.

5 (4) The secretary of the Labor Cabinet or his or her representative shall investigate
 6 complaints of violations or threatened violations of subsection (3) of this section
 7 and may initiate enforcement of a criminal penalty by causing a complaint to be
 8 filed with the appropriate local prosecutor and ensure effective enforcement.

9 (5) Except in instances where violence, personal injury, or damage to property have
 10 occurred and such occurrence is supported by an affidavit setting forth the facts and
 11 circumstances surrounding such incidents, the employees and their agents shall not
 12 be restrained or enjoined from exercising the rights granted them in subsection (1)
 13 of this section without a hearing first being held, unless the employees or their
 14 agents are engaged in a strike in violation of a "no strike" clause in their labor
 15 contract.

16 ~~(6)(4)~~ Submission of a false affidavit concerning violence, personal injury, or
 17 damage to property shall constitute a violation of KRS 523.030. In the absence of
 18 any such affidavit alleging violence, personal injury, or damage injunctions shall be
 19 issued only by a Circuit Judge or other justice or judge acting as a Circuit Judge
 20 pursuant to law.

21 →Section 2. KRS 336.180 is amended to read as follows:

22 As used in this chapter~~[KRS 336.190 and 336.200]~~, unless the context requires
 23 otherwise:~~;~~~~]~~

24 (1) The term "labor organization" means any organization of any kind, or any agency or
 25 employee representation committee, association or union~~[plan, in which employees~~
 26 ~~participate and]~~ which exists for the purpose, in whole or in part, of dealing with
 27 employers concerning ~~[grievances, labor disputes,]~~wages, rates of pay, hours of

1 subsection (3) of Section 1 of this Act may seek abatement of the violation or
 2 threatened violation by petitioning a court of competent jurisdiction for injunctive
 3 relief and shall be entitled to costs and reasonable attorney fees if he or she
 4 prevails in the action.

5 (5) Any person injured as a result of any violation or threatened violation of
 6 subsection (3) of Section 1 of this Act may recover all damages resulting from the
 7 violation or threatened violation and shall be entitled to costs and reasonable
 8 attorney fees if he or she prevails in the action.

9 →SECTION 4. A NEW SECTION OF KRS CHAPTER 336 IS CREATED TO
 10 READ AS FOLLOWS:

11 Any agreement, understanding, or practice, written or oral, implied or expressed,
 12 between any labor organization and employer which violates an employee's rights as
 13 set forth in subsection (3) of Section 1 of this Act shall be unlawful and void, except
 14 that subsection (3) of Section 1 of this Act shall not apply to:

15 (1) Employers and employees covered by the Federal Railway Labor Act;

16 (2) Federal employers and employees;

17 (3) Employers and employees on exclusive federal enclaves;

18 (4) Employers and employees where it would conflict or be preempted by federal law;

19 or

20 (5) Any agreement between employers and employees or labor organization entered
 21 into before the effective date of this Act, but the provisions of subsection (3) of
 22 Section 1 of this Act shall apply to any new contract or an extension or renewal
 23 of any existing agreement entered into on or after the effective date of this Act.

24 →SECTION 5. A NEW SECTION OF KRS CHAPTER 336 IS CREATED TO
 25 READ AS FOLLOWS:

26 A public employer or a labor organization representing public employees shall not
 27 deduct membership dues of an employee organization, association, or union from the

1 she has signed or filed any affidavit, petition, or complaint or given any
2 information or testimony under this section; or

3 (e) Refusing to bargain collectively in good faith with a labor organization which
4 is the exclusive representative of employees in an appropriate unit, including
5 but not limited to the discussing of grievances with the exclusive
6 representative.

7 (2) Labor organizations and their agents are prohibited from:

8 (a) Restraining or coercing:

- 9 1. Police officers, firefighter personnel, firefighters, or corrections
10 personnel in the exercise of the right guaranteed in KRS 67A.6902; and
- 11 2. An urban-county government in the selection of a representative for the
12 purposes of collective bargaining or the adjustment of grievances; or

13 (b) Refusing to bargain collectively in good faith with an urban-county
14 government, if they have been designated in accordance with the provisions of
15 this section as the exclusive representative of police officers, firefighter
16 personnel, firefighters, or corrections personnel in an appropriate unit.

17 (3) For the purposes of this section, to bargain collectively is to carry out in good faith
18 the mutual obligation of the parties, or their representatives; to meet together at
19 reasonable times, including meetings in advance of the budget-making process; to
20 negotiate in good faith with respect to wages, hours, and other conditions of
21 employment; to negotiate an agreement; to negotiate any question arising under any
22 agreement; and to execute a written contract incorporating any agreement reached,
23 if requested by either party. The obligation shall not be interpreted to compel either
24 party to agree to a proposal, or require either party to make a concession.

25 →Section 8. KRS 67C.406 is amended to read as follows:

26 (1) Except as provided in Section 1 of this Act, consolidated local governments, their
27 representatives, or their agents are prohibited from:

1 this section as the exclusive representative of police officers in an appropriate
2 unit.

3 (3) For the purposes of this section, to bargain collectively is to carry out in good faith
4 the mutual obligation of the parties, or their representatives; to meet together at
5 reasonable times, including meetings in advance of the budget-making process; to
6 negotiate in good faith with respect to wages, hours, and other conditions of
7 employment; to negotiate an agreement; to negotiate any question arising under any
8 agreement; and to execute a written contract incorporating any agreement reached,
9 if requested by either party. The obligation shall not be interpreted to compel either
10 party to agree to a proposal, or require either party to make a concession.

11 ➔Section 9. KRS 70.262 is amended to read as follows:


12 (1) Except as provided in Section 1 of this Act, in any county containing a
13 consolidated local government or city of the first class that has adopted a merit
14 system under KRS 70.260 to 70.273, deputies subject to the merit system may
15 organize, form, join, or participate in organizations in order to engage in lawful
16 concerted activities for the purpose of collective bargaining or other mutual aid and
17 protection, and to bargain collectively through a representative of their own free
18 choice. Deputies shall also have the right to refrain from any or all of these
19 activities but shall be subject to the lawful provisions of any collective bargaining
20 agreement entered into under this section. Strikes by deputies of any collective
21 bargaining unit shall be prohibited at any time.

22 (2) Except as provided in Section 1 of this Act, in any county containing a
23 consolidated local government or city of the first class that has adopted a merit
24 system under KRS 70.260 to 70.273, the sheriff shall contract with a representative
25 of the deputies described in subsection (1) of this section employed by the sheriff
26 where the representative has established representation of a majority of the deputies,
27 with respect to wages, hours, and terms and conditions of employment, including

- 1 (c) Discriminating in regard to hiring or tenure of employment or any term or
 2 condition of employment to encourage or discourage membership in any labor
 3 organization[; provided, that nothing in this chapter, or in any other statute of
 4 this state, shall preclude a public employer from making an agreement with a
 5 labor organization to require as a condition of employment membership
 6 therein on or after the thirtieth day following the beginning of such
 7 employment or on the effective date of such agreement, whichever is the
 8 later];
- 9 (d) Discharging or otherwise discriminating against an employee because he has
 10 signed or filed any affidavit, petition or complaint or given any information or
 11 testimony under this chapter;
- 12 (e) Refusing to bargain collectively in good faith with a labor organization which
 13 is the exclusive representative of employees in an appropriate unit, including
 14 but not limited to the discussing of grievances with the exclusive
 15 representative.
- 16 (2) Labor organizations or their agents are prohibited from:
- 17 (a) Restraining or coercing:
- 18 1. Firefighters in the exercise of the right guaranteed in subsection (1) of
 19 KRS 345.030, and
- 20 2. A public employer in the selection of his representative for the purposes
 21 of collective bargaining or the adjustment of grievances;
- 22 (b) Refusing to bargain collectively in good faith with a public employer, if they
 23 have been designated in accordance with the provisions of this chapter as the
 24 exclusive representative of firefighters in an appropriate unit.
- 25 (3) For the purposes of this chapter, to bargain collectively is to carry out in good faith
 26 the mutual obligation of the parties, or their representatives; to meet together at
 27 reasonable times, including meetings in advance of the budget-making process; to




Speaker-House of Representatives



President of Senate

Attest: 

Chief Clerk of House of Representatives

Approved 

Governor

Date 1 - 7 - 2017