

THE "RIGHT TO WORK" LAW

Provisions Covering Both Private and Public Employees

- Unions can no longer negotiate union shop only agreements. Unions can no longer require workers to join the union; to pay dues, initiation fees, or other fees or assessments; or to pay "fair share" fees.
- Union shop clauses in contracts entered into or extended before January 9 are still valid, and unions can enforce them until the contract expires. Contracts entered into or extended on or after January 9 cannot require employees to pay dues or fees to the union as a condition of employment.¹
- Persons who require union dues as a condition of employment may be assessed a civil penalty of \$100 to \$1,000 and be found guilty of a Class A misdemeanor.
- New contracts should be drafted to account for restoring union security clauses if the RTW law is repealed or it is struck down by the courts, and also to apply to employees who do not work in a RTW state.
- Unions and their members can still vigorously persuade workers to join the union, but without making threats. The union can publicize the names of free riders who refuse to join.
- Unions do not have to let non-members vote on contracts, hold union office, attend social functions, or even attend union meetings. (Check your bylaws.)
- Unions must represent all workers in the bargaining unit fairly, even the free riders. This includes the same representation in grievances as provided to union members.

Provisions Covering Public Employees

- Public employees cannot strike. (Even before this law, public employees in Kentucky did not have the right to strike.)
- Public employees must provide written authorization for dues deduction and must have the right to revoke their check-off authorization at any time.

1/11/2017

¹ Unions can still negotiate union shop clauses with contractors for work in exclusive federal enclaves, such as Ft. Knox. Fair Treatment • Equal Rights • Just Compensation

REPEAL OF PREVAILING WAGE (HB 3)

- HB 3 **repeals** prevailing wage in Kentucky.
- PW still applies to federal projects covered by the Davis-Bacon law.
- Cities, counties, and other political subdivisions cannot pass their own PW laws or ordinances that require PW.
- Prevailing wage still applies to projects (or portions of projects) for which bids have already been awarded as of January 9.
- Public agencies cannot require PW in requests for bids issued on or after January 9.
- If a public agency requested bids prior to January 9 but has not yet made an award, the agency can request contractors to resubmit bids without PW.

1/11/2017

“PAYCHECK PROTECTION ACT” (SB 6)

- This act applies to public employees and employees of very small private companies. It does not apply to any employee covered by the National Labor Relations Act. Almost all Building Trades contractors are covered by the National Labor Relations Act and not covered by SB 6. The following terms apply only to employees covered by SB 6.
- Employees must request check-off of dues in writing or electronically. All unions should already have this in place.
- Employees who wish to join a union must do so in writing. All unions should also have this already in place.
- Unions must maintain financial records already required by federal law in a searchable electronic format and should provide them to any employee who makes a request. These records are those that support your LM-2 reports which you should already maintain.
- Financial records must be kept at least five years as is currently required.
- Any union that violates the requirements in the above 5 bullet points is subject to a civil penalty of \$100 to \$1,000 for each offense.
- Any CBA providing for dues deductions which was in effect before January 9 is grandfathered and does not have to meet these requirements. However, any renewal on or after January 9 must comply.
- Please note that provisions of the original SB 6 relating to political activities were deleted in the final bill. The final bill deleted definitions of political funds and political activities and removed the requirement for annual written authorizations.

1/11/2017