

SENATE BILL 2821

By Kelsey

AN ACT to amend Tennessee Code Annotated, Title 50,
Chapter 1, Part 2, relative to right to work.

WHEREAS, the state of Tennessee is a right to work state; and

WHEREAS, Tennessee's Right to Work laws are premised on the belief that employees should be permitted to decide for themselves whether or not to join, be represented by or financially support a union or employee organization; and

WHEREAS, the state has a public interest in protecting an employee's inherent right to choose to forfeit his or her union or employee membership at any time for any reason; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 50, Chapter 1, Part 2, is amended to add the following as a new section:

50-1-206.

(a) It is the public policy of this state that:

(1) Employees in this state have the right to employment without regard to any person's refusal to join or affiliate with, or decision to withdraw from or cease membership in, any labor union or employee organization of any kind;

(2) Employees in this state have the right to be employed free from the restraints of any contract, combination or agreement, written or oral, that provides for exclusion from employment of any person due to their refusal to join or affiliate with, or decision to withdraw from or cease membership in, any labor union or employee organization of any kind;

(3) Employees in this state have the right to be employed without regard to any person's refusal to pay dues, fees, assessments or other charges to any labor union or employee organization of any kind; and

(4) Employees in this state have the right to decertify a union or other bargaining representative upon compliance with the applicable provisions of federal law.

(b) The commissioner of labor and workforce development shall develop and display on the commissioner's web site a suitable form language of the notice providing employees with information regarding their rights under this section.

(c) Private employers shall physically post adequate notice of the rights described in this section, at locations where notices are normally posted, informing employees about their rights under this section, or physically disseminate such adequate notice to all employees if no such normal location for posting exists.

(d) If compliance by an employer with subsection (c) will create an undue hardship, meaning compliance will pose significant difficulty or expense, then such employer is exempted from compliance with subsection (c).

(e) The commissioner of labor and workforce development shall be charged with enforcement of the obligations contained in this part. In carrying out the commissioner's responsibilities to ensure compliance, the commissioner, or the person to whom the commissioner delegates such responsibility, is authorized to:

(1) Receive complaints or reports of noncompliance from any person;

(2) Inspect and investigate any report of noncompliance; and

(3) Give notice of noncompliance to any employer who is in violation of this part.

(f) The commissioner shall designate those persons in the commissioner's department responsible for carrying out the commissioner's power, duties and responsibilities under this part.

SECTION 2. This act shall take effect upon becoming law, the public welfare requiring it.