## **SENATE BILL 725**

## By Campfield

AN ACT to amend Tennessee Code Annotated, Title 8, Chapter 23 and Title 8, Chapter 50, relative to public officers and employees.

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

WHEREAS, a vital and productive workplace is important for all state employees; 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 or financially support a union or employee organization; and

WHEREAS, in 1998, the U.S. Supreme Court decided the landmark case,

Communication Workers v. Beck, which established the rights of employees working under union contracts to pay only those union dues or fees necessary for performance of a union's employee representation duties; and

WHEREAS, pursuant to the decision in *Beck*, fees to support union expenditures unrelated to workplace representation, such as political, social, or charitable contributions, are not mandatory; and

WHEREAS, the State of Tennessee firmly believes it is good public policy to extend the "Beck" protections to state employee associations and public employee organizations; and

WHEREAS, Tennessee's employees have the right to organize; however, this right cannot detract from or inhibit the state and its various agencies from proceeding forward with its business; and

WHEREAS, paycheck protection laws allow union workers to make their own political, social, and moral choices about how their dues are spent, without having to sacrifice their economic interests as union members; now, therefore,

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

SECTION 1. Tennessee Code Annotated Title 8, Chapter 23, Part 2, is amended by adding the following new sections thereto:

8-23-210. A public employee organization, or a state employee association that qualifies for dues deductions pursuant to § 8-23-204, that accepts payment of any dues, fees or assessment from an employee pursuant to an agreement authorized by law shall secure annually from each covered employee voluntarily written prior authorization for any portion of such dues or fees which will be used by the public employee organization or state employee association for activities not necessary to collective bargaining, contract administration, and grievance adjustment.

8-23-211. When an employee requests a written record of a public employee organization or state employee association's expenditures, the public employee organization or state employee association shall account for and report fees and expenses in such detail as necessary to allow employees to determine the proportionate costs of collective bargaining, contract administration, grievance adjustment, and the costs of other activities.

8-23-212. An employee may submit notice to the public employee organization or state employee association that such employee wishes to pay the employee's dues only for collective bargaining, contract administration, and grievance adjustment. Upon receipt of such notice by the employee organization or state employee association, such organization or association shall notify the employee's payroll officer no later than the employee's next regular date of pay, or within five (5) days, whichever is later, of the employee's notice and authorization to reduce or eliminate the amount of dues deductions pursuant to § 8-23-204.

8-23-213. Sections 8-23-210--8-23-212 shall apply only to public employee organizations or state employee associations that qualify for dues deductions pursuant to § 8-23-204.

SECTION 2. Tennessee Code Annotated, Section 8-23-204(b), is amended by deleting subdivision (1) in its entirety and substituting instead the following:

(1) Any employee of this state who engages or participates in a work stoppage or who authorizes or encourages a work stoppage commits gross misconduct, and shall immediately and permanently forfeit the right to have deductions from compensation authorized in this section, and may be subject to immediate termination of employment. The commissioner of finance and administration is authorized and required to cease and discontinue deducting membership dues under this section for an organization or association, if the commissioner determines that twenty percent (20%) or more of the members of the organization or association in a single work location or facility have engaged in a work stoppage of any kind after June 19, 1981. If the organization or association has members at more than one (1) work location or facility, upon the determination that the members of an organization have engaged in a work stoppage, the commissioner shall cancel and revoke the deduction of membership dues for the members of the organization employed at the work location or facility where the work stoppage has occurred.

SECTION 3. Tennessee Code Annotated, Section 8-50-109, is amended by deleting section (a) in its entirety and by substituting instead the following:

(a) The chief elected officer of any employee association that has qualified for payroll deductions for association dues in accordance with § 8-23-204, shall, upon application to the employee's department head, be allowed up to twelve (12) months leave of absence without pay to perform the responsibilities and duties of such person's office. This subsection (a) shall not apply to a chief elected officer of any employee association who is under the executive grade pay plan or the doctor and dentist pay

- 3 - 002468

plan. At the option of such person, the person may be paid for any accrued annual leave or any accrued annual leave may be carried forward to such time as the person returns to such person's position in state government. In the event the person elects to be paid for annual leave, the period of time for leave of absence without pay shall be accordingly reduced.

SECTION 4. Tennessee Code Annotated, Section 8-50-110, is amended by deleting subsections (a) and (b) their entirety and by substituting instead the following:

- (a) Subject to the limitations established in this section, an officer or an employee who belongs to any employee association that is qualified for payroll deduction for association dues as set forth in § 8-23-204 shall be entitled to use two (2) days of the employee's accrued annual leave pursuant to part 8 of this chapter each year to attend a statewide meeting, conference, or convention of the association. The total number of officers or employees entitled to such annual leave shall not exceed three percent (3%) of the total number of employees who are members of the association according to the latest certification of the chief administrative officer made to the commissioner of finance and administration as required by § 8-23-204. Each such association may determine the method of allocating such leave among its members and shall, not less than fifteen (15) nor more than thirty (30) days prior to the date such leave is to be taken, certify to the commissioner of human resources the names of each person and that person's alternates who have been selected by the association as being entitled to such annual leave to attend the statewide meeting, conference, or convention.
- (b) The first ten percent (10%) of the employees of any work unit shall be granted absence from work with pay based upon accrued annual leave. More than ten percent (10%) of the employees of any work unit may be granted absence from work with pay at the discretion of the head of the department or agency.

- 4 - 002468

SECTION 5. This act shall take effect upon becoming law, the public welfare requiring it.

- 5 - 002468