

SURPRISE (NOT!) - ALEC INFLUENCES OKLAHOMA GOVERNANCE

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Not that anyone needs it - here is a refresher on how ALEC influences State Governance. Pay attention to the date each was approved by the ALEC Board of Directors.

RIGHT TO WORK ACT

Summary: ALEC's model Right to Work Act provides that no employee need join or pay dues to a union, or refrain from joining a union, as a condition of employment. The Act establishes penalties and remedies for violations of the Act's provisions.

Model Policy

{Title, enacting clause, etc.}

Section 1. { Title.} This Act may be cited as the Right to Work Act.

Section 2. {Declaration of public policy.} It is hereby declared to be the public policy of the State of (state), in order to maximize individual freedom of choice in the pursuit of employment and to encourage an employment climate conducive to economic growth, that the right to work shall not be subject to undue restraint or coercion. The right to work shall not be infringed or restricted in any way based on membership in, affiliation with, or financial support of a labor organization.

Section 3. {Labor organization.} The term "labor organization" means any organization of any kind, or agency or employee representation committee or union, that exists for the purpose, in whole or in part, of dealing with employers concerning wages, rates of pay, hours of work, other conditions of employment, or other forms of compensation.

Section 4. {Freedom of choice guaranteed, discrimination prohibited.} No person shall be required, as a condition of employment or continuation of employment: (A) to resign or refrain from voluntary membership in, voluntary affiliation with, or voluntary financial support of a labor organization;

(B) to become or remain a member of a labor organization;

(C) to pay any dues, fees, assessments, or other charges of any kind or amount to a labor organization;

(D) to pay to any charity or other third party, in lieu of such payments, any amount equivalent to or a pro-rata portion of dues, fees, assessments, or other charges regularly required of members of a labor Organization; or

(E) to be recommended, approved, referred, or cleared by or through a labor organization.

Section 5. {Voluntary deductions protected.} It shall be unlawful to deduct from the wages, earnings, or compensation of an employee any union dues, fees, assessments, or other charges to be held for, transferred to, or paid over to a labor organization, unless the employee has first presented, and the employer has received, a signed written authorization of such deductions, which authorization may be revoked by the employee at any time by giving written notice of such revocation to the employer.

Section 6. {Agreements in violation, and actions to induce such agreements, declared illegal.}

Any agreement, understanding, or practice, written or oral, implied or expressed, between any labor organization and employer that violates the rights of employees as guaranteed by provisions of this chapter is hereby declared to be unlawful, null and void, and of no legal effect.

Any strike, picketing, boycott, or other action by a labor organization for the sole purpose of inducing or attempting to induce an employer to enter into any agreement prohibited under this chapter is hereby declared to be for an illegal purpose and is a violation of the provisions of this chapter.

Section 7. {Coercion and intimidation prohibited.} It shall be unlawful for any person, labor organization, or officer, agent or member thereof, or employer, or officer thereof, by any threatened or actual intimidation of an employee or prospective employee, or an employee's or prospective employee's parents, spouse, children, grand-children, or any other persons residing in the employee's or prospective employee's home, or by any damage or threatened damage to an employee's or prospective employee's property, to compel or attempt to compel such employee to join, affiliate with, or financially support a labor organization or to refrain from doing so, or otherwise forfeit any rights as guaranteed by provisions of this chapter. It shall also be unlawful to cause or attempt to cause an employee to be denied employment or discharged from employment because of support or nonsupport of a labor organization by inducing or attempting to induce any other person to refuse to work with such employees.

Section 8. {Penalties.} Any person who directly or indirectly violates any provision of this chapter shall be guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine not exceeding (insert amount) or imprisonment for a period of not more than (insert time period), or both such fine and imprisonment.

Section 9. {Civil remedies.} Any employee harmed as a result of any violation or threatened violation of the provisions of this chapter shall be entitled to injunctive relief against any and all violators or persons threatening violations and may in addition thereto recover any and all damages, including costs and reasonable attorney fees, of any character resulting from such violation or threatened violation. Such remedies shall be independent of and in addition to the penalties and remedies prescribed in other provisions of this chapter.

Section 10. {Duty to investigate.} It shall be the duty of the prosecuting attorneys of each county (or the attorney general of this state) to investigate complaints of violation or threatened violations of this chapter and to prosecute all persons violating any of its provisions, and to take all means at their command to ensure its effective enforcement.

Section 11. {Prospective application.} The provisions of this chapter shall apply to all contracts entered into after the effective date of this chapter and shall apply to any renewal or extension of any existing contract.

Section 12. An emergency existing therefore, which emergency is hereby declared to exist, this Act shall be in full force and effect on and after its passage and approval.

Section 13. {Severability clause.}

Section 14. {Repealer clause.}

Section 15. {Effective date.}

Approved by the ALEC Board of Directors in January 1995.

Reapproved by the ALEC Legislative Board, January 28, 2013.

LIVING WAGE MANDATE PREEMPTION ACT

Summary: The Living Wage Mandate Preemption Act repeals any local "living wage" mandates, ordinances or laws enacted by political subdivisions of the state. It also prohibits political subdivisions from enacting laws establishing "living wage" mandates on private businesses, including those businesses that have service contracts with and/or receive financial assistance from such political subdivisions of state government.

Model Policy

Section 1. {Short Title.} This Act shall be known as the Living Wage Mandate Preemption Act.

Section 2. {Legislative Declarations.} This legislature finds and declares that:

- (A) Economic stability and growth are among the most important factors affecting the general welfare of the people of this state, and that economic stability and growth are therefore among the most important matters for which the Legislature is responsible;
- (B) Mandated wage rates comprise a major cost component for private enterprises, and are among the chief factors affecting the economic stability and growth of this state;
- (C) Local variations in mandated wage rates threaten many businesses with a loss of employees to areas which require higher mandated wage rates, threaten many other businesses with the loss of patrons to areas which allow lower mandated wage rates, and are therefore detrimental to the business environment of the state and to the citizens, businesses, and governments of the various political subdivisions as well as local labor markets;
- (D) In order for businesses to remain competitive and yet attract and retain the highest possible caliber of employees, private enterprises in this state must be allowed to function in a uniform environment with respect to mandated wage rates; and
- (E) Legislated wage disparity between political subdivisions of this state creates an anticompetitive marketplace that fosters job and business relocation.

Section 3. {Definitions.}

- (A) For purposes of this title, “political subdivision” includes, but is not limited to, a municipality, city, county, township, village, school district, special purpose district, public service district, or any local government of this state.
- (B) For purposes of this title, “living wage mandate” means any requirement enacted by a political subdivision of this state that requires an employer to pay any or all of its employees a wage rate not otherwise required under this state’s law or federal law.
- (C) For purposes of this title, “employer” includes, but is not limited to, any person acting directly or indirectly in the interest of an employer in relation to an employee and includes a public agency (other than the government of the United States), as well as employers that have contracts or subcontracts with the political subdivision or that have received tax abatements, loan guarantees, or other financial assistance from the political subdivision.
- (D) For purposes of this title, “employee” means any individual employed by an employer.
- (E) For purposes of this title, “employ” includes to suffer or permit to work.
- (F) For purposes of this title, “person” means an individual, partnership, association, corporation, business trust, legal representative, or any organized group of persons.

Section 4. {Repeal and Preemption of Local Law.}

- (A) Except as provided in Section 4 (B) and Section 5, any and all living wage mandates enacted by any political subdivision of this state are repealed.
- (B) Except as provided in Section 5, no political subdivision of this state may enact, maintain, or enforce by charter, ordinance, purchase agreement, contract, regulation, rule, or resolution, either directly or indirectly, a living wage mandate in an amount greater than this state’s applicable state minimum wage [or, if applicable: “in the federal Fair Labor Standards Act of 1938, as amended {29 U.S.C. Sec. 201 et seq.}”].

Section 5. {Severability Clause.}

- (A) The prohibitions in Section 4 of this title shall not [choose any/all of the following]:
 - (1) Prohibit a political subdivision of this state from enacting, maintaining, or enforcing through

a collective bargaining agreement or other means a minimum wage requirement governing compensation paid by that political subdivision to employees of that political subdivision;

(2) Apply to a collective bargaining agreement negotiated between a political subdivision and the bargaining representative of the employees of the political subdivision;

(3) Limit, restrict, or expand a prevailing wage required under existing state law [cite code/statute];

(4) Apply when applicable federal law requires the payment of a prevailing or minimum wage to persons working on projects funded in whole or in part by federal funds.

Section 6. {Repealer Clause.}

Section 7. {Effective Date.}

Approved by ALEC Board of Directors on January 2002.

Reapproved by ALEC Board of Directors on January 28, 2013.