

1 AN ACT relating to employment.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 336.130 is amended to read as follows:

4 (1) Employees may, free from restraint or coercion by the employers or their agents,
 5 associate collectively for self-organization and designate collectively
 6 representatives of their own choosing to negotiate the terms and conditions of their
 7 employment to effectively promote their own rights and general welfare.
 8 Employees, collectively and individually, may strike, engage in peaceful picketing,
 9 and assemble collectively for peaceful purposes~~[, except that no public employee,
 10 collectively or individually, may engage in a strike or a work stoppage. Nothing in
 11 this statute and KRS 65.015, 67A.6904, 67C.406, 70.262, 78.470, 78.480, 336.132,
 12 336.134, 336.180, 336.990, and 345.050 shall be construed as altering, amending,
 13 granting, or removing the rights of public employees to associate collectively for
 14 self organization and designate collectively representatives of their own choosing to
 15 negotiate the terms and conditions of their employment to effectively promote their
 16 own rights and general welfare].~~

17 (2) Neither employers or their agents nor employees or associations, organizations or
 18 groups of employees shall engage or be permitted to engage in unfair or illegal acts
 19 or practices or resort to violence, intimidation, threats or coercion.

20 (3) ~~[(a) Notwithstanding subsection (1) of this section or any provision of the
 21 Kentucky Revised Statutes to the contrary, no employee shall be required, as a
 22 condition of employment or continuation of employment, to:
 23 1. Become or remain a member of a labor organization;
 24 2. Pay any dues, fees, assessments, or other similar charges of any kind or
 25 amount to a labor organization; or
 26 3. Pay to any charity or other third party, in lieu of these payments, any
 27 amount equivalent to or pro rata portion of dues, fees, assessments, or~~

1 ~~other charges required of a labor organization.~~

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

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

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

15 ~~(4)~~~~(6)~~ Submission of a false affidavit concerning violence, personal injury, or
 16 ~~damage to property shall constitute a violation of KRS 523.030. In the absence of~~
 17 ~~any such affidavit alleging violence, personal injury, or damage injunctions shall be~~
 18 ~~issued only by a Circuit Judge or other justice or judge acting as a Circuit Judge~~
 19 ~~pursuant to law.~~

20 ➔ Section 2. KRS 336.180 is amended to read as follows:

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

23 ~~(1) "Candidate" means any person who has received contributions or made~~
 24 ~~expenditures, has appointed a campaign treasurer, or has given his or her consent~~
 25 ~~for any other person to receive contributions or make expenditures with a view to~~
 26 ~~bringing about his or her nomination or election to public office, except federal~~
 27 ~~office;~~

- 1 ~~(2) "Committee" includes the following:~~
- 2 ~~(a) "Campaign committee," which means one (1) or more persons who receive~~
- 3 ~~contributions and make expenditures to support or oppose one (1) or more~~
- 4 ~~specific candidates or slates of candidates for nomination or election to any~~
- 5 ~~state, county, city, or district office, but does not include an entity established~~
- 6 ~~solely by a candidate which is managed solely by a candidate and a campaign~~
- 7 ~~treasurer and whose name is generic in nature, such as "Friends of (the~~
- 8 ~~candidate)," and does not reflect that other persons have structured themselves~~
- 9 ~~as a committee, designated officers of the committee, and assigned~~
- 10 ~~responsibilities and duties to each officer with the purpose of managing a~~
- 11 ~~campaign to support or oppose a candidate in an election;~~
- 12 ~~(b) "Caucus campaign committee," which means members of any caucus groups~~
- 13 ~~who receive contributions and make expenditures to support or oppose one (1)~~
- 14 ~~or more specific candidates or slates of candidates for nomination or election~~
- 15 ~~to any state, county, city, or district office, or a committee in Kentucky or in~~
- 16 ~~any other state. Caucus campaign committees include but are not limited to:~~
- 17 ~~1. The House Democratic caucus campaign committee;~~
- 18 ~~2. The House Republican caucus campaign committee;~~
- 19 ~~3. The Senate Democratic caucus campaign committee;~~
- 20 ~~4. The Senate Republican caucus campaign committee; and~~
- 21 ~~5. Subdivisions of the state executive committee of a minor political party,~~
- 22 ~~which serve the same function as the above named committees, as~~
- 23 ~~determined by administrative regulations promulgated by the Kentucky~~
- 24 ~~Registry of Election Finance;~~
- 25 ~~(c) "Political issues committee," which means three (3) or more persons joining~~
- 26 ~~together to advocate or oppose a constitutional amendment or ballot measure~~
- 27 ~~if that committee receives or expends money in excess of one thousand dollars~~

1 (\$1,000);

2 ~~(d) "Permanent committee," which means a group of individuals, including an~~
3 ~~association, committee, or organization, other than a campaign committee,~~
4 ~~political issues committee, inaugural committee, caucus campaign committee,~~
5 ~~or a party executive committee, which is established as, or intended to be, a~~
6 ~~permanent organization having as a primary purpose expressly advocating the~~
7 ~~election or defeat of one (1) or more clearly identified candidates, slates of~~
8 ~~candidates, or political parties, which functions on a regular basis throughout~~
9 ~~the year;~~

10 ~~(e) An executive committee of a political party; and~~

11 ~~(f) "Inaugural committee," which means one (1) or more persons who receive~~
12 ~~contributions and make expenditures in support of inauguration activities for~~
13 ~~any candidate or slate of candidates elected to any state, county, city, or~~
14 ~~district office;~~

15 ~~(3) "Contributing organization" means a group which merely contributes to candidates,~~
16 ~~slates of candidates, campaign committees, caucus campaign committees, or~~
17 ~~executive committees from time to time from funds derived solely from within the~~
18 ~~group, and which does not solicit or receive funds from sources outside the group~~
19 ~~itself;~~

20 ~~(4) "Contribution" means any:~~

21 ~~(a) Payment, distribution, loan, deposit, or gift of money or other thing of value,~~
22 ~~to a candidate, his or her agent, a slate of candidates, its authorized agent, a~~
23 ~~committee, or contributing organization but shall not include a loan of money~~
24 ~~by any financial institution doing business in Kentucky made in accordance~~
25 ~~with applicable banking laws and regulations and in the ordinary course of~~
26 ~~business. As used in this subsection, "loan" shall include a guarantee,~~
27 ~~endorsement, or other form of security where the risk of nonpayment rests~~

1 ~~with the surety, guarantor, or endorser, as well as with a committee,~~
2 ~~contributing organization, candidate, slate of candidates, or other primary~~
3 ~~obligor. No person shall become liable as surety, endorser, or guarantor for~~
4 ~~any sum in any one (1) election which, when combined with all other~~
5 ~~contributions the individual makes to a candidate, his or her agent, a slate of~~
6 ~~candidates, its agent, a committee, or a contributing organization, exceeds the~~
7 ~~contribution limits provided in KRS 121.150;~~

8 ~~(b) Payment by any person other than the candidate, his or her authorized~~
9 ~~treasurer, a slate of candidates, its authorized treasurer, a committee, or a~~
10 ~~contributing organization, of compensation for the personal services of~~
11 ~~another person which are rendered to a candidate, slate of candidates,~~
12 ~~committee, or contributing organization, or for inauguration activities;~~

13 ~~(c) Goods, advertising, or services with a value of more than one hundred dollars~~
14 ~~(\$100) in the aggregate in any one (1) election which are furnished to a~~
15 ~~candidate, slate of candidates, committee, or contributing organization or for~~
16 ~~inauguration activities without charge, or at a rate which is less than the rate~~
17 ~~normally charged for the goods or services; or~~

18 ~~(d) Payment by any person other than a candidate, his or her authorized treasurer,~~
19 ~~a slate of candidates, its authorized treasurer, a committee, or contributing~~
20 ~~organization for any goods or services with a value of more than one hundred~~
21 ~~dollars (\$100) in the aggregate in any one (1) election which are utilized by a~~
22 ~~candidate, slate of candidates, committee, or contributing organization, or for~~
23 ~~inauguration activities;~~

24 ~~(5) "Election" means any primary, regular, or special election. Each primary, regular,~~
25 ~~or special election shall be considered a separate election;~~

26 ~~(6) "Electioneering communications" means:~~

27 ~~(a) Any communication broadcast by television or radio, printed in a newspaper~~

1 ~~or on a billboard, directly mailed or delivered by hand to personal residences,~~
2 ~~or in telephone calls made to personal residences, or otherwise distributed~~
3 ~~that:~~

- 4 ~~1. Unambiguously refers to any candidate for any state, county, city, or~~
5 ~~district office, or to any ballot measure;~~
- 6 ~~2. Is broadcast, printed, mailed, delivered, made, or distributed within~~
7 ~~thirty (30) days before a primary election or sixty (60) days before a~~
8 ~~general election; and~~
- 9 ~~3. Is broadcast to, printed in a newspaper, distributed to, mailed to or~~
10 ~~delivered by hand to, in telephone calls made to, or otherwise distributed~~
11 ~~to an audience that includes members of the electorate for such public~~
12 ~~office or the electorate associated with the ballot containing the ballot~~
13 ~~measure.~~

14 ~~(b) "Electioneering communications" does not include:~~

- 15 ~~1. Any news articles, editorial endorsements, opinions or commentary,~~
16 ~~writings, or letters to the editor printed in a newspaper, magazine, or~~
17 ~~other periodical not owned by or controlled by a candidate, committee,~~
18 ~~or political party;~~
- 19 ~~2. Any editorial endorsements or opinions aired by a broadcast facility not~~
20 ~~owned or controlled by a candidate, committee, or political party;~~
- 21 ~~3. Any communication by persons made in the regular course and scope of~~
22 ~~their business or any communication made by a membership~~
23 ~~organization solely to members of such an organization and their~~
24 ~~families;~~
- 25 ~~4. Any communication that refers to any candidate only as part of the~~
26 ~~popular name of a bill or statute; or~~
- 27 ~~5. A communication that constitutes a contribution or independent~~

1 expenditure as defined in this section;

2 (7) ~~"Employer" means all persons, firms, associations, corporations, public employers,~~
3 ~~public school employers, and public colleges, universities, institutions, and~~
4 ~~education agencies;~~

5 (8) ~~"Fundraiser" means an individual who directly solicits and secures contributions on~~
6 ~~behalf of a candidate or slate of candidates for a statewide elected state office, or an~~
7 ~~office in a jurisdiction with a population in excess of two hundred thousand~~
8 ~~(200,000) residents;~~

9 (9) ~~"Independent expenditure" means the expenditure of money or other things of value~~
10 ~~for a communication which expressly advocates the election or defeat of a clearly~~
11 ~~identified candidate or slate of candidates, and which is made without any~~
12 ~~coordination, consultation, or cooperation with any candidate, slate of candidates,~~
13 ~~campaign committee, or any authorized person acting on behalf of any of them, and~~
14 ~~which is not made in concert with, or at the request or suggestion of any candidate,~~
15 ~~slate of candidates, campaign committee, or any authorized person acting on behalf~~
16 ~~of any of them;~~

17 (10) ~~]~~"labor organization" means any organization of any kind, or any agency or
18 employee representation committee or plan, in which employees participate and~~,~~
19 ~~association or union]~~ which exists for the purpose, in whole or in part, of dealing
20 with employers concerning grievances, labor disputes, wages, rates of pay, hours
21 of employment or conditions of work~~, or other forms of compensation. Except, for~~
22 ~~the purposes of this section or KRS 161.158, 164.365, 336.133, 336.134, 336.1341,~~
23 ~~336.135, or 336.990, "labor organization" shall not include organizations which~~
24 ~~primarily represent public employees working in the protective vocations of active~~
25 ~~law enforcement officer, jail and corrections officer, or active fire suppression or~~
26 ~~prevention personnel;~~

27 (11) ~~"Political activities" means any contribution or independent expenditure made:~~

- 1 ~~(a) To any committee;~~
- 2 ~~(b) To any contributing organization;~~
- 3 ~~(c) To any candidate;~~
- 4 ~~(d) To any slate of candidates;~~
- 5 ~~(e) To any fundraiser;~~
- 6 ~~(f) For any electioneering communications;~~
- 7 ~~(g) For any testimonial affair;~~
- 8 ~~(h) In any manner intended to influence the outcome of any election;~~
- 9 ~~(i) In any manner intended to otherwise promote or support the defeat of any:~~
 - 10 ~~1. Candidate;~~
 - 11 ~~2. Slate of candidates; or~~
 - 12 ~~3. Ballot measure; or~~
- 13 ~~(j) In any manner intended to advance any position held by any person or entity~~
~~other than the public employee regarding any:~~
 - 14 ~~1. Election;~~
 - 15 ~~2. Candidate;~~
 - 16 ~~3. Slate of candidates; or~~
 - 17 ~~4. Ballot measure;~~
- 19 ~~(12) "Public employee" means an employee of a "public agency" as that term is defined~~
~~in KRS 61.870;~~
- 21 ~~(13) "Slate of candidates" means:~~
 - 22 ~~(a) Between the time a certificate or petition of nomination has been filed for a~~
~~candidate for the office of Governor under KRS 118.365 and the time the~~
~~candidate designates a running mate for the office of Lieutenant Governor~~
~~under KRS 118.126, a slate of candidates consists of the candidate for the~~
~~office of Governor; and~~
 - 26 ~~(b) After that candidate has designated a running mate under KRS 118.126, that~~

1 ~~same slate of candidates consists of that same candidate for the office of~~
2 ~~Governor and the candidate's running mate for the office of Lieutenant~~
3 ~~Governor. Unless the context requires otherwise, any provision of law that~~
4 ~~applies to a candidate shall also apply to a slate of candidates; and~~

5 ~~(14) "Testimonial affair" means an affair held in honor of a person who holds or who is~~
6 ~~or was a candidate for nomination or election to a state, city, county, or district~~
7 ~~political office designed to raise funds for the purpose of influencing the outcome~~
8 ~~of an election, otherwise promoting support for, or the defeat of, any candidate,~~
9 ~~slate of candidates, or ballot measure].~~

10 ➔Section 3. KRS 336.990 is amended to read as follows:

11 (1) Upon proof that any person employed by the Education and Labor Cabinet as a
12 labor inspector has taken any part in any strike, lockout or similar labor dispute, the
13 person shall forfeit his or her office.

14 (2) The following civil penalties shall be imposed, in accordance with the provisions in
15 KRS 336.985, for violations of the provisions of this chapter:

16 (a) Any person who violates KRS 336.110 or 336.130 shall for each offense be
17 assessed a civil penalty of not less than one hundred dollars (\$100) nor more
18 than one thousand dollars (\$1,000);

19 (b) Any corporation, association, organization, or person that violates KRS
20 336.190 and 336.200 shall be assessed a civil penalty of not less than one
21 hundred dollars (\$100) nor more than one thousand dollars (\$1,000) for each
22 offense. Each act of violation, and each day during which such an agreement
23 remains in effect, shall constitute a separate offense;

24 (c) Any employer who violates the provisions of KRS 336.220 shall be assessed a
25 civil penalty of not less than one hundred dollars (\$100) nor more than one
26 thousand dollars (\$1,000) for each violation; and

27 (d) Any labor organization who violates KRS 336.135 shall be assessed a civil

1 penalty of not less than one hundred dollars (\$100) nor more than one
2 thousand dollars (\$1,000) for each offense.

3 (e) Any public employer or labor organization that violates KRS 161.158,
4 164.365, 336.133,~~336.134,~~ 336.1341, 336.135, or 336.180 shall be assessed
5 a civil penalty of not less than one hundred dollars (\$100) nor more than one
6 thousand dollars (\$1,000) for each offense~~].~~

7 ~~(3) Any labor organization, employer, or other person who directly or indirectly
8 violates KRS 336.130(3) shall be guilty of a Class A misdemeanor.~~

9 ~~(4) Any person aggrieved as a result of any violation or threatened violation of KRS
10 336.130(3) may seek abatement of the violation or threatened violation by
11 petitioning a court of competent jurisdiction for injunctive relief and shall be
12 entitled to costs and reasonable attorney fees if he or she prevails in the action.~~

13 ~~(5) Any person injured as a result of any violation or threatened violation of KRS
14 336.130(3) may recover all damages resulting from the violation or threatened
15 violation and shall be entitled to costs and reasonable attorney fees if he or she
16 prevails in the action].~~

17 ➔Section 4. KRS 67A.6904 is amended to read as follows:

18 (1) ~~[Except as provided in KRS 336.130,]~~Urban-county governments and their
19 representatives and agents are prohibited from:

20 (a) Interfering, restraining, or coercing police officers, firefighter personnel,
21 firefighters, or corrections personnel in the exercise of the rights guaranteed in
22 KRS 67A.6902;

23 (b) Dominating or interfering with the formation, existence, or administration of
24 any labor organization;

25 (c) Discriminating in regard to hiring or tenure of employment or any term or
26 condition of employment to encourage or discourage membership in any labor
27 organization, **provided that nothing in this section or in any other statute to**

1 *the contrary shall preclude an urban-county government from making an*
2 *agreement with a labor organization to require as a condition of*
3 *employment membership therein on or after the thirtieth day following the*
4 *beginning of that employment or on the effective date of the agreement,*
5 *whichever is later;*

- 6 (d) Discharging or otherwise discriminating against an employee because he or
7 she has signed or filed any affidavit, petition, or complaint or given any
8 information or testimony under this section; or
9 (e) Refusing to bargain collectively in good faith with a labor organization which
10 is the exclusive representative of employees in an appropriate unit, including
11 but not limited to the discussing of grievances with the exclusive
12 representative.

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

14 (a) Restraining or coercing:

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

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

23 (3) For the purposes of this section, to bargain collectively is to carry out in good faith
24 the mutual obligation of the parties, or their representatives; to meet together at
25 reasonable times, including meetings in advance of the budget-making process; to
26 negotiate in good faith with respect to wages, hours, and other conditions of
27 employment; to negotiate an agreement; to negotiate any question arising under any

1 agreement; and to execute a written contract incorporating any agreement reached,
2 if requested by either party. The obligation shall not be interpreted to compel either
3 party to agree to a proposal, or require either party to make a concession.

4 ➔Section 5. KRS 67C.406 is amended to read as follows:

5 (1) ~~[Except as provided in KRS 336.130(3),]~~ Consolidated local governments, their
6 representatives, or their agents are prohibited from:

7 (a) Interfering, restraining, or coercing police officers in the exercise of the rights
8 guaranteed in KRS 67C.402;

9 (b) Dominating or interfering with the formation, existence, or administration of
10 any labor organization;

11 (c) Discriminating in regard to hiring or tenure of employment or any term or
12 condition of employment to encourage or discourage membership in any labor
13 organization, **provided that nothing in this section or in any other statute to**
14 **the contrary shall preclude a consolidated local government from making**
15 **an agreement with a labor organization to require as a condition of**
16 **employment membership therein on or after the thirtieth day following the**
17 **beginning of that employment or on the effective date of the agreement,**
18 **whichever is later;**

19 (d) Discharging or otherwise discriminating against an employee because he or
20 she has signed or filed any affidavit, petition, or complaint or given any
21 information or testimony under this section; or

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

26 (2) Labor organizations or their agents are prohibited from:

27 (a) Restraining or coercing:

- 1 1. Police officers in the exercise of the right guaranteed in KRS 67C.402;
- 2 and
- 3 2. A consolidated local government in the selection of a representative for
- 4 the purposes of collective bargaining or the adjustment of grievances; or
- 5 (b) Refusing to bargain collectively in good faith with a consolidated local
- 6 government, if they have been designated in accordance with the provisions of
- 7 this section as the exclusive representative of police officers in an appropriate
- 8 unit.

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

17 ➔Section 6. KRS 70.262 is amended to read as follows:

18 (1) ~~Except as provided in KRS 336.130,]~~In any county containing a consolidated local
19 government or city of the first class that has adopted a merit system under KRS
20 70.260 to 70.273, deputies subject to the merit system may organize, form, join, or
21 participate in organizations in order to engage in lawful concerted activities for the
22 purpose of collective bargaining or other mutual aid and protection, and to bargain
23 collectively through a representative of their own free choice. Deputies shall also
24 have the right to refrain from any or all of these activities but shall be subject to the
25 lawful provisions of any collective bargaining agreement entered into under this
26 section. Strikes by deputies of any collective bargaining unit shall be prohibited at
27 any time.

1 (2) ~~Except as provided in KRS 336.130,~~ In any county containing a consolidated local
2 government or city of the first class that has adopted a merit system under KRS
3 70.260 to 70.273, the sheriff shall contract with a representative of the deputies
4 described in subsection (1) of this section employed by the sheriff where the
5 representative has established representation of a majority of the deputies, with
6 respect to wages, hours, and terms and conditions of employment, including
7 execution of a written contract incorporating any agreement reached between the
8 sheriff and the representative. The sheriff shall not be required to bargain over
9 matters of inherent managerial policy.

10 ➔Section 7. KRS 78.470 is amended to read as follows:

11 ~~Except as provided in KRS 336.130,~~ In any county in the Commonwealth of Kentucky,
12 which has a population of 300,000 or more and which has adopted the merit system, the
13 county employees in the classified service as police may organize, form, join or
14 participate in organizations in order to engage in lawful concerted activities for the
15 purpose of collective bargaining or other mutual aid and protection, and to bargain
16 collectively through representatives of their own free choice. Such employees shall also
17 have the right to refrain from any or all such activities. Strikes by said members of any
18 such collective bargaining unit shall be prohibited at any time.

19 ➔Section 8. KRS 78.480 is amended to read as follows:

20 ~~Except as provided in KRS 336.130,~~ In any county in the Commonwealth of Kentucky
21 which has a population of 300,000 or more and which has adopted the merit system for
22 its police force, the fiscal court may contract with representatives of the police employed
23 by said county with respect to wages, hours, terms and conditions of employment,
24 including execution of a written contract incorporating any agreement reached between
25 the fiscal court and representatives of the police. The fiscal court shall not be required to
26 bargain over matters of inherent managerial policy.

27 ➔Section 9. KRS 345.050 is amended to read as follows:

- 1 (1) ~~Except as provided in KRS 336.130,~~ Public employers, their representatives or
2 their agents are prohibited from:
- 3 (a) Interfering, restraining or coercing firefighters in the exercise of the rights
4 guaranteed in KRS 345.030;
- 5 (b) Dominating or interfering with the formation, existence or administration of
6 any labor organization;
- 7 (c) Discriminating in regard to hiring or tenure of employment or any term or
8 condition of employment to encourage or discourage membership in any labor
9 organization, **provided that nothing in this section or in any other statute to**
10 **the contrary shall preclude a public employer from making an agreement**
11 **with a labor organization to require as a condition of employment**
12 **membership therein on or after the thirtieth day following the beginning of**
13 **such employment or on the effective date of the agreement, whichever is**
14 **later;**
- 15 (d) Discharging or otherwise discriminating against an employee because he **or**
16 **she** has signed or filed any affidavit, petition or complaint or given any
17 information or testimony under this chapter; **or**
- 18 (e) Refusing to bargain collectively in good faith with a labor organization which
19 is the exclusive representative of employees in an appropriate unit, including
20 but not limited to the discussing of grievances with the exclusive
21 representative.
- 22 (2) Labor organizations or their agents are prohibited from:
- 23 (a) Restraining or coercing:
- 24 1. Firefighters in the exercise of the right guaranteed in subsection (1) of
25 KRS 345.030, and
- 26 2. A public employer in the selection of his **or her** representative for the
27 purposes of collective bargaining or the adjustment of grievances; **and**

1 (b) Refusing to bargain collectively in good faith with a public employer, if they
2 have been designated in accordance with the provisions of this chapter as the
3 exclusive representative of firefighters in an appropriate unit.

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

12 ➔Section 10. KRS 336.1341 is amended to read as follows:

13 KRS 336.133~~[, 336.134,]~~ and 336.180 shall not apply to any deductions from a public
14 employee's wages, compensation, or earnings made by the public employer in accordance
15 with any joint wage agreement or collective bargaining contract entered into, opted into,
16 modified, renewed, or extended prior to March 29, 2023. However, any joint wage
17 agreement or collective bargaining contract entered into, opted into, modified, renewed,
18 or extended after March 29, 2023, as well as any deductions made to a public employee's
19 wages, compensation, or earnings made in accordance with those joint wage agreements
20 or collective bargaining contracts or otherwise made after March 29, 2023, shall comply
21 with KRS 336.133~~[and 336.134]~~.

22 ➔Section 11. KRS 336.135 is amended to read as follows:

23 (1) As used in this section, "employee" means any person employed by or suffered or
24 permitted to work for a public or private employer, except "employee" shall not
25 mean any person covered by the Federal Railway Labor Act and the National Labor
26 Relations Act.

27 (2) An employee shall not be enrolled as a member of a labor organization unless the

- 1 employee has affirmatively requested membership in writing.
- 2 (3) A sum shall not be withheld from the earnings of any employee for the purpose of
3 paying union dues or other fees paid by members of a labor organization or
4 employees who are non-members except upon the written or electronic
5 authorization of the employee member or employee non-member~~[, unless the~~
6 ~~employer is a public employer, in which case KRS 336.134 applies to that~~
7 ~~employer].~~
- 8 (4) The requirements in this section shall not be waived by any member or non-
9 member of a labor organization, nor required to be waived as a condition of
10 obtaining or maintaining employment.
- 11 (5) Signing or refraining from signing the authorization set forth in subsections (2) and
12 (3) of this section shall not be made a condition of obtaining or maintaining
13 employment.
- 14 (6) (a) A labor organization shall maintain financial records substantially similar to
15 and no less comprehensive than the records required to be maintained under
16 29 U.S.C. sec. 431(b).
- 17 (b) These records shall be kept in a searchable electronic format and provided to
18 every employee it represents.
- 19 (c) The records and the data or summary by which the records can be verified,
20 explained, or clarified shall be kept for a period of not less than five (5) years.
- 21 (d) A labor organization composed of public employees shall transmit financial
22 records detailing the labor organization's quarterly expenses to its members on
23 an annual basis.
- 24 (7) This section shall not apply to any agreement between employers and employees or
25 labor organizations entered into before January 9, 2017, but any such agreement
26 entered into, opted in, renewed, or extended on or after January 9, 2017, and which
27 violates this section shall be unlawful and void.

1 (8) This section shall be known as the "Paycheck Protection Act."

2 ➔Section 12. The following KRS sections are repealed:

3 65.016 Prohibition against requiring any employer to pay employee a certain wage or
4 fringe benefit.

5 336.132 Labor agreement in violation of KRS 336.130 is unlawful and void --
6 Exceptions.

7 336.134 Public employer prohibited from deducting from wages of any public employee
8 for charges to a labor organization or for political activities.