

SENATE BILL 715

K3, P4
SB 660/11 – FIN

2lr1036

By: **Senators Kittleman, Colburn, and Simonaire**
Introduced and read first time: February 3, 2012
Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Labor and Employment – Right to Work**

3 FOR the purpose of prohibiting an employer from refusing to employ or continue
4 employing an individual based on membership or nonmembership in a labor
5 organization; prohibiting an employer from requiring an individual to refrain
6 from joining or from requiring an individual to become a member of a labor
7 organization; prohibiting an employer from requiring an individual to pay
8 certain charges to a labor organization; providing a civil cause of action for an
9 individual who is denied employment, required to refrain from joining or
10 required to become a member of a labor organization, or required to pay dues,
11 fees, or other charges to a labor organization in violation of this Act; authorizing
12 the recovery of certain damages and costs; authorizing the Attorney General to
13 bring a certain civil action; providing that certain provisions of this Act do not
14 affect certain remedies or rights; establishing the purpose of this Act; defining
15 the term “employer” for purposes of this Act; providing for the application of this
16 Act; and generally relating to the rights of individuals, employee organizations,
17 and employers.

18 BY adding to

19 Article – Labor and Employment

20 Section 4–701 through 4–706 to be under the new subtitle “Subtitle 7. Right to
21 Work”

22 Annotated Code of Maryland

23 (2008 Replacement Volume and 2011 Supplement)

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
25 MARYLAND, That the Laws of Maryland read as follows:

26 **Article – Labor and Employment**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1

SUBTITLE 7. RIGHT TO WORK.2 **4-701.**3 **IN THIS SUBTITLE:**

4 **(1) "EMPLOYER" MEANS A PERSON ENGAGED IN A BUSINESS, AN**
5 **INDUSTRY, A PROFESSION, A TRADE, OR ANOTHER ENTERPRISE IN THE STATE;**
6 **AND**

7 **(2) "EMPLOYER" INCLUDES A PERSON WHO ACTS DIRECTLY OR**
8 **INDIRECTLY IN THE INTEREST OF ANOTHER EMPLOYER WITH AN EMPLOYEE.**

9 **4-702.**

10 **THE PURPOSE OF THIS SUBTITLE IS TO ENSURE THAT THE RIGHT OF**
11 **INDIVIDUALS TO WORK IS NOT DENIED OR ABRIDGED BASED ON MEMBERSHIP**
12 **OR NONMEMBERSHIP IN A LABOR ORGANIZATION.**

13 **4-703.**

14 **AN EMPLOYER MAY NOT REFUSE TO EMPLOY OR CONTINUE EMPLOYING**
15 **AN INDIVIDUAL BASED ON THE INDIVIDUAL'S MEMBERSHIP OR**
16 **NONMEMBERSHIP IN A LABOR ORGANIZATION.**

17 **4-704.**

18 **AN EMPLOYER MAY NOT REQUIRE AN INDIVIDUAL TO REFRAIN FROM**
19 **JOINING OR TO BECOME A MEMBER OF A LABOR ORGANIZATION.**

20 **4-705.**

21 **AN EMPLOYER MAY NOT REQUIRE AN INDIVIDUAL TO PAY DUES, FEES, OR**
22 **OTHER CHARGES TO A LABOR ORGANIZATION.**

23 **4-706.**

24 **(A) (1) AN INDIVIDUAL WHO IS DENIED EMPLOYMENT, REQUIRED TO**
25 **REFRAIN FROM JOINING OR REQUIRED TO BECOME A MEMBER OF A LABOR**
26 **ORGANIZATION, OR REQUIRED TO PAY DUES, FEES, OR OTHER CHARGES TO A**
27 **LABOR ORGANIZATION IN VIOLATION OF THIS SUBTITLE HAS A CIVIL CAUSE OF**
28 **ACTION AGAINST THE EMPLOYER THAT DENIED THE INDIVIDUAL EMPLOYMENT,**
29 **REQUIRED THE INDIVIDUAL TO REFRAIN FROM JOINING OR TO BECOME A**

1 MEMBER OF A LABOR ORGANIZATION, OR REQUIRED THE INDIVIDUAL TO PAY
2 DUES, FEES, OR OTHER CHARGES TO A LABOR ORGANIZATION.

3 (2) IN AN ACTION UNDER THIS SUBSECTION, THE COURT MAY
4 AWARD THE EMPLOYEE WHO FILED THE COMPLAINT ACTUAL DAMAGES,
5 PUNITIVE DAMAGES, INJUNCTIVE RELIEF, REASONABLE ATTORNEY'S FEES, AND
6 OTHER REASONABLY INCURRED LITIGATION COSTS.

7 (B) THE ATTORNEY GENERAL MAY SEEK AN INJUNCTION IN A CIVIL
8 ACTION TO PROHIBIT AN EMPLOYER THAT HAS ENGAGED IN A VIOLATION OF
9 THIS SUBTITLE FROM ENGAGING IN FURTHER VIOLATIONS.

10 (C) THIS SECTION DOES NOT AFFECT ANY RIGHT OR REMEDY
11 OTHERWISE PROVIDED BY LAW.

12 SECTION 2. AND IT BE FURTHER ENACTED, That this Act shall be
13 construed to apply only prospectively and may not be applied or interpreted to have
14 any effect on or application to any collective bargaining agreements that are entered
15 into before the effective date of this Act.

16 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2012.