

SENATE BILL 123

By Kelsey

AN ACT to amend Tennessee Code Annotated, Title 50, Chapter 1, Part 2, relative to collective bargaining agreements between local governing bodies and labor unions or other employee associations.

WHEREAS, absent express statutory authority, a local government is without authority to enter into a collective bargaining agreement, and the Supreme Court of Tennessee, in *Fulenwider v. Firefighters Assoc. Local Union*, 649 S.W.2d 268 (Tenn. 1982), has confirmed the long-standing rule that contracts between municipal corporations and unions representing their employees are unenforceable; 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 by adding the following new section:

(a) No municipality or county, including a county having a metropolitan form of government, shall:

(1) Recognize any labor union or employee association as a bargaining agent of the employees or officers of the municipality or county;

(2) Collectively bargain with any labor union or employee association; or

(3) Enter into any collective bargaining agreement with a labor union or employee association, including, but not limited to, a memorandum of understanding.

(b) Any agreement, contract, understanding, or practice, written or oral, implied or expressed, between a municipality or county and any labor union or employee association in violation of this section is illegal, void, and of no legal effect.

(c) A public officer of a municipality or county may seek injunctive relief in chancery court to prevent the municipality or county from violating this section. For purposes of this subsection (c), "public officer" means an individual who is elected or appointed to serve or represent a municipality or county, other than an employee or independent contractor of a municipality or county.

(d) This section shall not apply to:

(1) Collaborative conferencing between local boards of education and professional employees under title 49, chapter 5, part 6; or

(2) Collective bargaining between transit authorities and workers under title 7, chapter 56, part 1.

SECTION 2. This act shall take effect July 1, 2015, the public welfare requiring it.