

1 SB41  
2 144937-1  
3 By Senators Dial, Whatley, Taylor, McGill, Fielding,  
4 Brewbaker, Scofield, Reed, Marsh, Waggoner, Orr and Allen  
5 (Constitutional Amendment)  
6 RFD: Business and Labor  
7 First Read: 05-FEB-13  
8 PFD: 01/09/2013

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8 SYNOPSIS: This bill proposes an amendment to the  
9 Constitution of Alabama of 1901, relating to right  
10 to work.

11 This proposed amendment would declare that  
12 it is the public policy of Alabama that the right  
13 of persons to work may not be denied or abridged on  
14 account of membership or nonmembership in a labor  
15 union or labor organization.

16 This proposed amendment would prohibit an  
17 agreement to deny the right to work, or condition  
18 of prospective employment, on account of membership  
19 or nonmembership in a labor union or labor  
20 organization.

21 This proposed amendment would prohibit an  
22 employer from requiring its employees to abstain  
23 from union membership as a condition of employment.

24 This proposed amendment would provide that  
25 an employer may not require a person, as a  
26 condition of employment or continuation of

1           employment, to pay dues, fees, or other charges of  
2           any kind to any labor union or labor organization.

3           This proposed amendment would provide a  
4           cause of action for damages to an individual for  
5           denial of employment in violation of this proposed  
6           amendment.

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8                           A BILL  
9                           TO BE ENTITLED  
10                          AN ACT

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12           Proposing an amendment to the Constitution of  
13   Alabama of 1901, as amended; to declare that it is the public  
14   policy of Alabama that the right of persons to work may not be  
15   denied or abridged on account of membership or nonmembership  
16   in a labor union or labor organization; to prohibit an  
17   agreement to deny the right to work, or condition of  
18   prospective employment, on account of membership or  
19   nonmembership in a labor union or labor organization; to  
20   prohibit an employer from requiring its employee to abstain  
21   from union membership as a condition of employment; to provide  
22   that an employer may not require a person, as a condition of  
23   employment or continuation of employment, to pay dues, fees,  
24   or other charges of any kind to any labor union or labor  
25   organization; and to provide a cause of action to an  
26   individual for damages for denial of employment in violation  
27   of this proposed amendment.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. The following amendment to the  
3 Constitution of Alabama of 1901, as amended, is proposed and  
4 shall become valid as a part thereof when approved by a  
5 majority of the qualified electors voting thereon and in  
6 accordance with Sections 284, 285, and 287 of the Constitution  
7 of Alabama of 1901, as amended:

8 PROPOSED AMENDMENT

9 (a) It is hereby declared to be the public policy of  
10 Alabama that the right of persons to work may not be denied or  
11 abridged on account of membership or nonmembership in a labor  
12 union or labor organization.

13 (b) An agreement or combination between a employer  
14 and labor union or labor organization which provides that a  
15 person who is not a member of the union or organization shall  
16 be denied the right to work for the employer, or where  
17 membership in the union or organization is made a condition of  
18 employment or continuation of employment by the employer, or  
19 where the union or organization acquires an employment  
20 monopoly in any enterprise, is hereby declared to be against  
21 public policy and an illegal combination or conspiracy.

22 (c) No person shall be required by an employer to  
23 become or remain a member of any labor union or labor  
24 organization as a condition of employment or continuation of  
25 employment.

26 (d) A person may not be required by an employer to  
27 abstain or refrain from membership in any labor union or labor

1 organization as a condition of employment or continuation of  
2 his or her employment.

3 (e) An employer may not require a person, as a  
4 condition of employment or continuation of employment, to pay  
5 dues, fees, or other charges of any kind to any labor union or  
6 labor organization.

7 (f) Any person who may be denied employment or be  
8 deprived of continuation of his or her employment in violation  
9 of this amendment shall be entitled to recover from the  
10 employer, and any other person, firm, corporation, or  
11 association acting in concert with the employer by appropriate  
12 action in the courts of this state, any damages as he or she  
13 may have sustained by reason of the denial or deprivation of  
14 employment.

15 (g) This amendment shall not apply to any lawful  
16 contract in force on or prior to the date of the ratification  
17 of this amendment but it shall apply in all respects to  
18 contracts entered into after the date of the ratification of  
19 this amendment, and to any renewal or extension of an existing  
20 contract.

21 Section 2. An election upon the proposed amendment  
22 shall be held in accordance with Sections 284 and 285 of the  
23 Constitution of Alabama of 1901, now appearing as Sections 284  
24 and 285 of the Official Recompilation of the Constitution of  
25 Alabama of 1901, as amended, and the election laws of this  
26 state.

1           Section 3. The appropriate election official shall  
2           assign a ballot number for the proposed constitutional  
3           amendment on the election ballot and shall set forth the  
4           following description of the substance or subject matter of  
5           the proposed constitutional amendment:

6           "Proposing an amendment to the Constitution of  
7           Alabama of 1901, to declare that it is the public policy of  
8           Alabama that the right of persons to work may not be denied or  
9           abridged on account of membership or nonmembership in a labor  
10          union or labor organization; to prohibit an agreement to deny  
11          the right to work, or place conditions on prospective  
12          employment, on account of membership or nonmembership in a  
13          labor union or labor organization; to prohibit an employer  
14          from requiring its employees to abstain from union membership  
15          as a condition of employment; to provide that an employer may  
16          not require a person, as a condition of employment or  
17          continuation of employment, to pay dues, fees, or other  
18          charges of any kind to any labor union or labor organization;  
19          and to provide a cause of action to an individual for damages  
20          for denial of employment in violation of this proposed  
21          amendment.

22          "Proposed by Act \_\_\_\_\_."

23          This description shall be followed by the following  
24          language:

25          "Yes ( ) No ( )."