

2024 Regular Session

HOUSE BILL NO. 571

BY REPRESENTATIVE CREWS

LABOR: Provides relative to certain designated labor organization activities in employment contracts

1 AN ACT

2 To enact R.S. 23:984.1, relative to labor organizations; to provide definitions; to provide for
3 certain designated labor organization activities in employment contracts; to provide
4 for enforceability; to provide for attorney fees and costs; to prohibit the use of public
5 funds under certain circumstances; to provide exceptions; and to provide for related
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 23:984.1 is hereby enacted to read as follows:

9 §984.1. Certain designated labor organization activities prohibited; exceptions

10 A. In this Section, unless the context clearly indicates otherwise, the
11 following terms have the meanings ascribed to them:

12 (1) "Designated labor organization activities" means:

13 (a) All political activities that involve advocating for the election or defeat
14 of any political candidate.

15 (b) Lobbying or attempting to influence the passage or defeat of federal or
16 state legislation, local ordinances, or any ballot measure.

17 (c) Negotiating or bargaining over wages, benefits, and terms and conditions
18 of employment.

19 (d) Recruiting or soliciting members or potential members in any fashion.

1 (e) Filing grievances against a public employer or representing a public
2 employee in any grievance proceeding.

3 (f) Any other labor organization activities that primarily benefits the private
4 interests of the labor organization and its membership. This Subparagraph shall not
5 include any activity that only incidentally benefits the private interests of the labor
6 organization.

7 (2) "Employment contract" means any formal or informal employment
8 contract, agreement, or memorandum regarding the wages, benefits, and terms of
9 conditions of employment of any public employee or group of public employees.

10 (3) "Labor organization" means any organization of any kind, or agency or
11 employee representation committee, which exists for the purpose, in whole or in part,
12 of dealing with employers concerning wages, rates of pay, hours of work, or other
13 conditions of employment.

14 (4) "Public employee" means any individual who is employed by a public
15 employer.

16 (5) "Public employer" means this state or any branch, department, division,
17 agency, authority, or parish, city, town school board, charter school, or any political
18 subdivision of this state.

19 B. A public employer shall not expend any public funds, including payment
20 for any public employee benefit, for the performance of designated labor
21 organization activities. A public employer shall not enter into any employment
22 contract with any public employee or labor organization nor enact any policy or
23 engage in any practice that provides compensation, including paid leave, for the
24 performance of designated labor organization activities. Any employment contract,
25 policy, or practice that authorizes or provides compensation to a public employee for
26 designated labor organization activities shall be declared to be against the public
27 policy of this state and is considered null and void.

28 C. This Section shall not do either of the following:

1 (1) Apply to any existing employment contract in effect before the effective
2 date of this Section; however, an existing contract shall not be renewed or extended
3 if the contract includes terms that conflict with this Section.

4 (2) Prohibit any public employee or labor organization from engaging in or
5 performing any designated labor organization activities that are defined in this
6 Section.

7 D. The attorney general or district attorney in the parish where designated
8 labor organization activities are performed may enforce this Section. Any taxpayer
9 within the jurisdiction in which a violation of this Section occurs has standing to
10 bring an action against any public employer for any violation of this Section. If a
11 court finds that a public employer has violated this Section, the court shall award
12 reasonable attorney fees and costs to the party who brought the action.

13 E. The prohibition against private use of public funds is a matter of statewide
14 concern and is necessary to enforce the constitution and laws of this state. The
15 prohibition against private use of public monies shall not be subject to inconsistent
16 regulation by any public employer. This Section shall preempt all inconsistent rules,
17 regulations, codes, ordinances, policies, or other laws adopted by any public
18 employer.

19 F. The provisions of this Section shall not apply to law enforcement and
20 firefighter services.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 571 Engrossed

2024 Regular Session

Crews

Abstract: Provides relative to certain designated labor organization activities in employment contracts.

Proposed law defines "employment contract", "public employee", "public employer", "labor organization", and "designated labor organization activities".

Proposed law prohibits a public employer from expending any public funds, including payment for any public employee benefit, for the performance of designated labor organization activities.

Proposed law prohibits a public employer from entering into any employment contract with any public employee or labor organization and from enacting any policy or engaging in any practice that provides compensation, including paid leave, for the performance of designated labor organization activities.

Proposed law declares any employment contract, policy, or practice that authorizes or provides compensation to a public employee for designated labor organization activities against public policy and considers it null and void.

Proposed law provides that proposed law does not:

- (1) Apply to any existing employment contract in effect before the effective date of proposed law; however, an existing contract shall not be renewed or extended if the contract includes terms that conflict with proposed law.
- (2) Prohibit any public employee or labor organization from engaging in or performing any designated labor organization activities that are defined in proposed law.

Proposed law allows the attorney general or district attorney to enforce the provisions of proposed law in the parish where designated labor organizations activities are performed.

Proposed law provides that any taxpayer within the jurisdiction in which a violation of proposed law occurs has standing to bring an action against any public employer for violation of proposed law. Proposed law further provides that if a court finds that a public employer has violated provisions of proposed law, the court shall award reasonable attorney fees and costs to the party who brought the action.

Proposed law provides that the prohibition against private use of public funds is a matter of statewide concern and is necessary to enforce the constitution and laws of this state. Proposed law further provides that the prohibition against private use of public monies shall not be subject to inconsistent regulation by any public employer.

Proposed law provides that provisions of proposed law shall preempt all inconsistent rules, regulations, codes, ordinances, policies, or other laws adopted by any public employer.

Proposed law exempts law enforcement and firefighter services to the applicability of proposed law.

(Adds R.S. 23:984.1)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Labor and Industrial Relations to the original bill:

1. Add charter schools to the definition of public employer.
2. Allow, instead of require, the attorney general or district attorney to enforce the provisions of proposed law.