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## DIGEST

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HB 956 Engrossed

2024 Regular Session

Crews

**Abstract:** Creates the Employee Secret Ballot Protection Act.

Proposed law provides that proposed law shall be known and may be cited as the "Employee Secret Ballot Protection Act."

Proposed law provides that the legislature finds and declares it to be the public policy of the state that:

- (1) An individual's freedom of choice in employment-related matters be guarded and maintained.
- (2) An employee shall have the right to use a secret ballot election when selecting an exclusive bargaining representative.
- (3) A secret ballot election upholds the sanctity of worker free choice.
- (4) An employee shall be given the opportunity to cast a voice in accordance with his conscience in secret ballot elections, free from coercion, intimidation, threats, misinformation, or interference from outside influences.
- (5) A labor organization shall not be able to pressure an employer to recognize the labor organization as an exclusive bargaining representative based solely on a showing of interest by an employee without a secret ballot election.
- (6) An employer shall not bargain away an employee's rights to a secret ballot election for labor representation purposes.

Proposed law defines agency, attorney general, court of competent jurisdiction, employee, employer, exclusive bargaining representative, labor organization, and secret ballot.

Proposed law provides all employees, when seeking to select an exclusive bargaining representative, shall have the right to make that selection in a secret ballot election.

Proposed law requires the attorney general to recognize a labor organization as the exclusive bargaining representative, only after a majority of employees in the collective bargaining unit have indicated an affirmative approval of that recognition through the use of secret ballots in an election, which shall be administered by the attorney general.

Proposed law prohibits any agreement, understanding, or practice between any labor organization and employer that violates the rights of the employees as guaranteed by the provisions of proposed law. Proposed law also prohibits any strike, picketing, boycott, or any other action by a labor organization for purposes of inducing or attempting to induce an employer to enter into any agreement prohibited under proposed law.

Proposed law provides that it shall be an unfair labor practice by an employer to dominate or interfere with the formation or administration of any labor organization or contribute financial or other support to a labor organization or to recognize or bargain collectively with a labor organization that has not been selected by a majority of employees in a secret ballot election conducted by the attorney general.

Proposed law provides that it shall be an unfair labor practice by the labor organization to cause or attempt to cause an employer to recognize or bargain collectively with a representative of a labor organization that has not been selected by a majority of employees in a secret ballot election conducted by the attorney general.

Proposed law allows an employee to file an unfair labor practice complaint with the attorney general.

Proposed law prohibits any person, labor organization, officer, agent or member, or employer from threatening or intimidating an employee or prospective employee, or an employee's or prospective employee's parents, spouse, children, grandchildren, or any other person residing in the employee's or prospective employee's home.

Proposed law prohibits any person, labor organization, officer, agent or member, or employer from damaging or threatening to damage an employee or prospective employee's property.

Proposed law prohibits any person, labor organization, officer, agent or member, or employer from compelling or attempting to compel an employee to join, affiliate with, or financially support a labor organization or to refrain from doing so, or otherwise forfeit any rights as guaranteed by provisions of proposed law.

Proposed law prohibits the denial of employment or discharge from employment of an employee because of support or nonsupport of a labor organization by inducing or attempting any other person to refuse to work with an employee.

Proposed law provides for a fine amount not to exceed \$1,000 or imprisonment not to exceed 6 months, or both, for any person who directly or indirectly violates any provisions of proposed law.

Proposed law grants an employee who is harmed as a result of any violation of proposed law relief, including injunctive relief and any damages, including costs and reasonable attorney fees, in the court of competent jurisdiction.

Proposed law requires any legal action against a labor organization to be brought in a court of competent jurisdiction where the alleged violation occurred or where the labor organization

maintains its principal office.

Proposed law requires the attorney general to investigate complaints violation or threatened violations of proposed law, to prosecute all persons who violate any provisions of proposed law, and to take all means at his command to ensure effective enforcement.

Proposed law authorizes and directs the attorney general to promulgate rules and regulations necessary for the implementation of the provisions of proposed law.

Proposed law provides that proposed law shall not apply to collective bargaining relationships in which a labor organization was lawfully recognized as an exclusive bargaining representative before the date of the enactment of this proposed law.

Proposed law provides that proposed law shall only apply to the following:

- (1) Employers that are agencies as defined in proposed law (R.S. 42:1803).
- (2) All other employers in this state who are not subject to federal law or any other applicable federal labor laws. To the extent that federal law governs employment matters, proposed law shall be invalid.

(Adds R.S. 42:1801-1811)

#### Summary of Amendments Adopted by House

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

1. Make a technical change.