

Hall of the House of Representatives

84th General Assembly - Regular Session, 2003

Amendment Form

Subtitle of House Bill No. 1139

"THE STATE EMPLOYEE LIMITED PUBLIC EMPLOYMENT RELATIONS ACT."

Amendment No. 3 to House Bill No. 1139.

Amend House Bill No. 1139 as engrossed, H3/18/03:

Insert an additional section immediately following section 16 to read as follows:

"SECTION 17. Strikes Prohibited.

(a) It is unlawful for:

(1) Any state employee or any employee organization to induce, instigate, authorize, ratify, or participate in a strike against any employer;

(2) Any employer to authorize, consent to, or condone a strike against any employer or to pay or agree to pay any increase in compensation or benefits to any employee in response to or as a result of a strike or any act which violates subdivision (a)(1) of this section;

(3) Any official, director, or representative of any employer to authorize, ratify, or participate in any violation of this subsection; or

(4) Any employer or employee organization to bargain at any time regarding suspension or modification of any penalty provided in this section or regarding any request by the public employer to a court for the suspension or modification.

(b) If subdivision (a) of this section is violated, then, after the violation has ceased, nothing in this section shall prevent new or renewed bargaining and agreement within the scope of negotiations as defined in this act.

(c)(1) If any violation or imminently threatened violation of subsection (a) of this section exists, any citizen domiciled within the jurisdictional boundaries of the employer may petition a court of competent jurisdiction in the county in which the violation occurs or in Pulaski County for an injunction restraining the violation or imminently threatened violation.

(2) The Rules of Civil Procedure regarding injunctions shall apply.

(3) The court shall grant a temporary injunction if the court finds a violation of this section has occurred or is imminently threatened.

(4) The plaintiff is not required to prove that the violation or threatened violation would greatly or irreparably injure the plaintiff.



(5) The court shall only require the plaintiff to post bond if the court determines that a bond is necessary in the public interest.

(6)(A) Failure to comply with any temporary or permanent injunction granted under this section shall constitute contempt of court.

(B) The punishment for each day during which the temporary or permanent injunction is violated shall not exceed:

(i) Five hundred dollars (\$500) for an individual;
(ii) Ten thousand dollars (\$10,000) for an employee organization or employer;

(iii) Imprisonment in a county jail not exceeding six (6) months; or

(iv) Both fine and imprisonment.

(C) An individual or an employee organization which makes an active good faith effort to comply fully with the injunction shall not be deemed to be in contempt.

(d)(1) If any employee is held in contempt of court for failure to comply with an injunction under this section, or pleads guilty or nolo contendere to, or is found guilty of violating of this section:

(A) The employee shall be ineligible for any employment by the same employer for a period of twelve (12) months; and

(B) The employee's employer shall immediately discharge the employee.

(2) Upon the employee's request, the court shall stay the discharge to permit further judicial proceedings.

(e)(1) If an employee organization or any of its officers is held to be in contempt of court for failure to comply with an injunction under this section, or pleads guilty or nolo contendere to, or is found guilty of violating of this section, the employee organization shall:

(A) Be immediately decertified;

(B) Cease to represent the bargaining unit; and

(C) Cease to receive any dues by deduction.

(2) If an employee organization or any of its officers is held to be in contempt of court for failure to comply with an injunction under this section, or pleads guilty or nolo contendere to, or is found guilty of violating this section, the employee organization may again be certified only after:

(A) Twelve (12) months have elapsed after the effective date of decertification; and

(B) A new compliance with section 9 of this act.

(3) The penalties provided in this section may be suspended or modified by the court, but only:

(A) Upon request of the employer; and

(B) If the court determines the suspension or modification is in the public interest.

(f) Each of the remedies and penalties provided by this section is separate and several, and is in addition to any other legal or equitable remedy or penalty."

AND

Appropriately renumber the subsequent section of the bill

The Amendment was read _____
By: Representative Elliott
LDH/JMB - 033120031519
JMB527

Chief Clerk