

1 State of Arkansas As Engrossed: S3/4/21 H3/11/21 H3/18/21

2 93rd General Assembly

A Bill

3 Regular Session, 2021

SENATE BILL 341

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5 By: Senator B. Ballinger

6 By: Representative Dotson

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For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING PUBLIC EMPLOYEES;
10 TO PROHIBIT COLLECTIVE BARGAINING; AND FOR OTHER
11 PURPOSES.

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13

14

Subtitle

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16 TO AMEND THE LAW CONCERNING PUBLIC
17 EMPLOYEES; AND TO PROHIBIT COLLECTIVE
18 BARGAINING.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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SECTION 1. Arkansas Code § 11-4-205 is amended to read as follows:

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11-4-205. Right of collective bargaining not affected.

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(a) Nothing Except as provided in subsection (b) of this section,

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nothing in this subchapter, including the provisions of § 11-4-218(b), shall
26 be deemed to interfere with, impede, or in any way diminish the right of
27 employers and employees to bargain collectively through representatives of
28 their own choosing in order to establish wages or other conditions of work.

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(b) Collective bargaining by public employees is prohibited under §

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21-1-801 et seq.

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SECTION 2. Arkansas Code Title 21, Chapter 1, is amended to add an
33 additional subchapter to read as follows:

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Subchapter 8 - Collective Bargaining

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21-1-801. Definitions.



1 As used in this subchapter:

2 (1)(A) "Public employee" means a person who performs a full-time
3 or part-time service for wages, salary, or other remuneration for a public
4 employer.

5 (B) "Public employee" includes without limitation a state
6 employee under § 21-1-610.

7 (C) "Public employee" does not include a:

8 (i) Public safety officer, including without
9 limitation a:

10 (a) Law enforcement officer; and

11 (b) Firefighter; and

12 (ii) Public transit system employee whose public
13 employer is a recipient of a federal grant administered by the Federal
14 Transit Administration;

15 (2) "Public employer" means:

16 (A) An agency, department, board, commission, division,
17 office, bureau, council, authority, or other instrumentality of the state,
18 including the offices of the various Arkansas elected constitutional officers
19 and the General Assembly and its agencies, bureaus, and divisions;

20 (B) A state-supported college, university, technical
21 college, community college, or other institution of higher education or a
22 department, division, or agency of a state institution of higher education;

23 (C) The Supreme Court, the Court of Appeals, the
24 Administrative Office of the Courts, the circuit courts, and prosecuting
25 attorneys' offices; and

26 (D) A public school district, school, or an office or
27 department of a public school district in Arkansas; and

28 (3) "Strike" means a refusal to work organized by two (2) or
29 more public employees as a form of protest in an attempt to gain a concession
30 or concessions from a public employer.

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32 21-1-802. Collective bargaining prohibited.

33 (a) A public employer shall not recognize a labor union or other
34 public employee association as a bargaining agent of public employees.

35 (b) A public employer shall not collectively bargain or enter into any
36 collective bargaining contract with a labor union or other public employee

1 association or its agents with respect to any matter relating to public
2 employees, public employees' employment with a public employer, or public
3 employees' tenure with a public employer.

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5 21-1-803. Prohibited activities.

6 (a) A public employee willfully refuses to perform the duties of his
7 or her employment with a public employer when, acting in concert with one (1)
8 or more public employees, he or she:

9 (1) Strikes or walks away from the duties of his or her
10 employment with the public employer;

11 (2) Physically obstructs the activity or operation of the public
12 employer; or

13 (3) Physically impedes the operations of a public employer.

14 (b) A public employee who violates subsection (a) of this section
15 shall be terminated by the public employer.

16 (c) A public employee terminated under subsection (b) of this section
17 is ineligible for employment with a public employer in any position or
18 capacity for twelve (12) months after being terminated for willfully refusing
19 to perform the duties of his or her employment with a public employer.

20 (d) A public employer shall include in the public employer's personnel
21 manual a statement that willfully refusing to perform the duties of his or
22 her employment with a public employer constitutes grounds for dismissal.

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24 21-1-804. Public employee associations.

25 Public employees may form associations for the purpose of promoting the
26 public employees' interests before a public employer.

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29 */s/B. Ballinger*
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