

Senate Bill 469

By: Senators Balfour of the 9th, Hamrick of the 30th, Cowser of the 46th and Tolleson of the 20th

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Chapter 6 of Title 34 of the Official Code of Georgia Annotated, relating to labor
2 organizations and labor relations, so as to provide that certain provisions prohibiting mass
3 picketing shall apply to certain private residences; to provide for an action to enjoin unlawful
4 mass picketing; to provide for punishment and penalties; to provide for injunctive relief; to
5 provide for public policy concerning refusal or decision to withdraw from a labor union or
6 employee organization; to provide for certain contract and agreement employment rights; to
7 provide for the development by the Department of Labor of employee rights information; to
8 provide certain posting requirements by private employers; to provide for enforcement; to
9 provide for changes to agreements and contracts permitting labor organizations to deduct fees
10 from employees' earnings; to amend Code Section 16-7-21, relating to criminal trespass, so
11 as to provide for both criminal trespass and criminal conspiracy; to provide for punishment
12 and fines; to provide for related matters; to repeal conflicting laws; and for other purposes.

13 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

14 **SECTION 1.**

15 Chapter 6 of Title 34 of the Official Code of Georgia Annotated, relating to labor
16 organizations and labor relations, is amended by revising Code Section 34-6-5, relating to
17 interference with public ways of travel, transportation, or conveyance by mass picketing near
18 site of a labor dispute, as follows:

19 "34-6-5.

20 (a) It shall be unlawful for any person to engage in mass picketing at or near any place,
21 including private residences, where a labor dispute exists in such number or manner as to
22 obstruct or interfere with or constitute a threat to obstruct or interfere with the entrance to
23 or egress from any place of employment or the free and uninterrupted use of public roads,
24 streets, highways, railroads, airports, or other ways of travel, transportation, or conveyance.
25 (b) A person, or organization that he or she is affiliated with or acting on behalf of,
26 commits an offense when he or she engages in targeted picketing of a private residence that

has or intends the effect of interfering with the resident's right to quiet enjoyment, or when such targeted picketing has or intends the effect of violence or intimidation. This subsection shall not apply to private residences that are also places of employment when targeted picketing relates to or is targeted at such employment.

(c) An employer or other person or entity that is the target of an activity prohibited under subsection (a) of this Code section may bring an action to enjoin the prohibited activity against an individual or organization affiliated with such individual in the circuit court for the county in which the affected employer, person, or entity is located. A court having jurisdiction of an action brought under this subsection shall grant injunctive relief if the court finds that any person, union, or organization has engaged or is engaging in any of the conduct prohibited under subsection (a) of this Code section, without regard to the existence of other remedies, demonstration of irreparable harm, or other factors. The court shall award court costs and reasonable attorney fees to a plaintiff who prevails in an action brought under this subsection.

(d) Failure to comply with an order of the court issued under this Code section may be punished as contempt.

(e) A person who violates subsection (a) of this Code section and has previously been enjoined for a violation of subsection (a) of this Code section is subject to a civil fine of \$1,000.00 for each day of the violation. If a union or organization continues to sponsor or assist in the prohibited activity in violation of an injunction, the union or organization is subject to a civil fine of \$10,000.00 for each day of the violation. The civil fine assessed under this subsection shall be paid to the court, and, upon a showing of damages to business sales, business opportunities, or property, the employer, person, or entity that was the target of the activity prohibited under subsection (a) of this Code section shall be compensated from the payment made to the court.

(f) An employer that is the target of picketing may obtain injunctive relief against picketers without a showing of irreparable harm if the court finds the picketing to be in violation of subsection (a) of this Code section."

SECTION 2.

Said chapter is further amended by adding a new Code section to read as follows:

"34-6-9.

(a) It is the public policy of the State of Georgia that:

(1) Employees in Georgia have the right to employment without regard to any person's refusal to join or affiliate with, or decision to withdraw from or cease membership in, any labor union or employee organization of any kind;

(2) Employees in Georgia have the right to be employed free from the restraints of any contract, combination, or agreement, written or oral, that provides for exclusion from employment of any person due to their refusal to join or affiliate with, or decision to withdraw from or cease membership in, any labor union or employee organization of any kind;

(3) Employees in Georgia have the right to be employed without regard to any person's refusal to pay dues, fees, assessments, or other charges to any labor union or employee organization of any kind; and

(4) Employees in Georgia have the right to decertify a union or other bargaining representative upon compliance with the applicable provisions of federal law.

(b) The Department of Labor shall develop and display on its website a suitable form of notice providing employees with information regarding their rights under this Code section.

(c) Private employers may physically post adequate notice informing employees of the rights described in this Code section at locations where notices are normally posted or, if no such normal location for posting exists, physically disseminate such notice to employees. A private employer may also, at its discretion, post such notices on the company's intranet or disseminate them via other electronic means of communication.

(d) If compliance by an employer with subsection (c) of this Code section will create an undue hardship posing significant difficulty or expense, or if an employer is subject to the Railway Labor Act, as amended, then such employer is exempted from compliance with subsection (c) of this Code section.

(e) The Commissioner of Labor shall be charged with enforcement of the obligations contained in this Code section. In carrying out the commissioner's responsibility to ensure compliance, the commissioner, or the person to whom the commissioner delegates such responsibility, is authorized to:

(1) Receive complaints or reports of noncompliance from any person;

(2) Inspect and investigate any report of noncompliance; and

(3) Give notice of noncompliance to any employer who is in violation of this Code section.

(f) The commissioner shall designate those persons in the commissioner's department responsible for carrying out the commissioner's powers, duties, and responsibilities under this Code section."

SECTION 3.

Said chapter is further amended by revising Code Section 34-6-25, relating to deductions from employees' earnings of fees of labor organizations, as follows:

"34-6-25.

(a) No employer shall deduct from the wages or other earnings of any employee any fee, assessment, or other sum of money whatsoever to be held for or to be paid over to a labor organization except on the ~~individual order or request of the employee, which shall not be irrevocable for a period of more than one year~~ annual written authorization from the employee which shall not exceed a period greater than one year. Such authorization may be revoked at any time at the request of the employee.

(b) Nothing in this Code section shall be construed to impair any contract, agreement, or collective bargaining agreement in existence prior to the effective date of this Code section.

(c) This Code section shall not apply to any collective bargaining agreement entered into pursuant to the Railway Labor Act, as amended, or to any professional association whose membership is exclusively composed of educators nor any fraternal order or brotherhood not engaged or engaging in contracting or collective bargaining."

SECTION 4.

Said chapter is further amended by revising Code Section 34-6-26, relating to contracts allowing deductions from employees' earnings of fees of labor organizations, as follows:

"34-6-26.

(a) It shall be unlawful for any employer to contract with any labor organization and for any labor organization to contract with any employer for the deduction of any fee, assessment, or other sum of money whatsoever from the wages or other earnings of an employee to be held for or to be paid over to a labor organization except upon the condition to be embodied in said contract that such deduction will be made only on the ~~individual order or request of the employee, which shall not be irrevocable for a period of more than one year~~ annual written authorization. Such authorization may be revoked at any time at the request of the employee.

(b) Nothing in this Code section shall be construed to impair any contract, agreement, or collective bargaining agreement in existence prior to the effective date of this Code section.

(c) This Code section shall not apply to any collective bargaining agreement entered into pursuant to the Railway Labor Act, as amended, or to any professional association whose membership is exclusively composed of educators nor any fraternal order or brotherhood not engaged or engaging in contracting or collective bargaining."

SECTION 5.

Code Section 16-7-21 of the Official Code of Georgia Annotated, relating to criminal trespass, is amended by revising subsection (d) as follows:

131 "(d)(1) A person who commits the offense of criminal trespass shall be guilty of a
132 misdemeanor.
133 (2) The provisions of Code Section 16-4-8.1 notwithstanding, a person may be convicted
134 of both conspiracy to commit criminal trespass and the completed crime of criminal
135 trespass, in which event such separate crime of conspiracy shall be a misdemeanor of a
136 high and aggravated nature."

137 **SECTION 6.**

138 All laws and parts of laws in conflict with this Act are repealed.