

By: Representative Evans

To: Labor

## HOUSE BILL NO. 457

1 AN ACT TO AMEND SECTION 71-1-47, MISSISSIPPI CODE OF 1972, TO  
2 PROVIDE THAT AN EMPLOYER AND A LABOR ORGANIZATION MAY NEGOTIATE  
3 AND ENFORCE A FAIR-SHARE FEE PROVISION IN A COLLECTIVE BARGAINING  
4 AGREEMENT; TO DEFINE THE TERM "FAIR-SHARE FEE PROVISION"; TO  
5 PROVIDE THAT NO EMPLOYER SHALL DISCHARGE OR OTHERWISE DISCRIMINATE  
6 AGAINST AN EMPLOYEE FOR FAILING TO PAY HIS FAIR-SHARE FEE; AND FOR  
7 RELATED PURPOSES.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

9 SECTION 1. Section 71-1-47, Mississippi Code of 1972, is  
10 amended as follows:

11 71-1-47. (1) It is hereby declared to be the public policy  
12 of Mississippi that the right of a person or persons to work shall  
13 not be denied or abridged on account of membership or  
14 nonmembership in any labor union or labor organization:

15 (a) Any agreement or combination between any employer  
16 and any labor union or labor organization whereby any person not a  
17 member of such union or organization shall be denied the right to  
18 work for an employer, or whereby such membership is made a  
19 condition of employment or continuation of employment by such  
20 employer, or whereby any such union or organization acquires an  
21 employment monopoly in any enterprise, is hereby declared to be an  
22 illegal combination or conspiracy and against public policy.

23 (b) No person shall be required by an employer to  
24 become or remain a member of any labor union or labor organization  
25 as a condition of employment or continuation of employment by such  
26 employer.

27 (c) No person shall be required by an employer to  
28 abstain or refrain from membership in any labor union or labor

29 organization as a condition of employment or continuation of  
30 employment.

31 (d) No employer shall require any person, as a  
32 condition of employment or continuation of employment, to pay any  
33 dues, fees, or other charges of any kind to any labor union or  
34 labor organization.

35 (e) Any person who may be denied employment or be  
36 deprived of continuation of his employment in violation of any  
37 paragraph of this section shall be entitled to recover from such  
38 employer and from any other person, firm, corporation, or  
39 association acting in concert with him, by appropriate action in  
40 the courts of this state, such actual damages as he may have  
41 sustained by reason of such denial or deprivation of employment.

42 (f) The provisions of this section shall not apply to  
43 any lawful contract now in force, but they shall apply to all  
44 contracts hereafter entered into and to any renewal or extension  
45 of an existing contract hereafter occurring.

46 (g) The provisions of this section shall not apply to  
47 any employer or employee under the jurisdiction of the Federal  
48 Railway Labor Act.

49 (2) (a) Nothing in this section shall prohibit an employer  
50 and a labor organization, acting as an exclusive collective  
51 bargaining representative of the employer's employees or of a  
52 group of such employees, from negotiating and enforcing a  
53 fair-share fee provision in a collective bargaining agreement.

54 (b) For the purpose of this subsection, a "fair-share  
55 fee provision" is one which requires each employee who does not  
56 become a member of the labor organization acting as the employee's  
57 exclusive collective bargaining representative to bear such  
58 employee's proportionate share of the labor organization's costs  
59 and expenses of collective bargaining, contract administration and  
60 grievance adjustment by making the fair-share fee payments  
61 provided for in the collective bargaining agreement between the  
62 employer and labor organization, directly or through an employer  
63 deduction, so long as those payments are no greater than the core  
64 dues, fees and assessments made to the labor organization by  
65 employees who are members of the labor organization.

66           (c) The labor organization may collect the fair-share  
67 fee permitted by this subsection by any lawful means; however, no  
68 employer shall discharge or otherwise discriminate against an  
69 employee for failing to pay the fair-share fee permitted by this  
70 subsection.

71           SECTION 2. This act shall take effect and be in force from  
72 and after July 1, 1999.