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

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

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

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

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

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

(c) No person shall be required by an employer to abstain or refrain from membership in any labor union or labor organization.
organization as a condition of employment or continuation of employment.

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

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

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

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

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

(b) For the purpose of this subsection, a "fair-share fee provision" is one which requires each employee who does not become a member of the labor organization acting as the employee's exclusive collective bargaining representative to bear such employee's proportionate share of the labor organization's costs and expenses of collective bargaining, contract administration and grievance adjustment by making the fair-share fee payments provided for in the collective bargaining agreement between the
employer and labor organization, directly or through an employer
deduction, so long as those payments are no greater than the core
dues, fees and assessments made to the labor organization by
employees who are members of the labor organization.
(c) The labor organization may collect the fair-share
fee permitted by this subsection by any lawful means; however, no
employer shall discharge or otherwise discriminate against an
employee for failing to pay the fair-share fee permitted by this
subsection.
SECTION 2. This act shall take effect and be in force from
and after July 1, 2001.