

By: Senator(s) White

To: Labor

SENATE BILL NO. 2579

1 AN ACT TO PROVIDE A STATE POLICY ON LABOR RELATIONS MATTERS  
 2 AND EMPLOYEE FREEDOM OF CHOICE; TO PROHIBIT ANY STATE OR LOCAL  
 3 GOVERNMENT FROM ENACTING A REGULATION OR ORDINANCE WHICH  
 4 INTERFERES WITH EMPLOYERS' AND EMPLOYEES' FULL EXERCISE OF THEIR  
 5 RIGHTS AS PROVIDED UNDER THE FEDERAL LABOR LAWS; TO PROVIDE  
 6 APPROPRIATE REMEDIES FOR ANY INFRINGEMENT ON THOSE RIGHTS; AND FOR  
 7 RELATED PURPOSES.

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

9 **SECTION 1.** (1) It is the declared public policy of this  
 10 state that employees freely exercise an informed choice concerning  
 11 whether or not they wish to be represented by labor organizations,  
 12 and this free and informed choice is achieved by providing  
 13 employers' full freedom to act to the maximum extent allowed by  
 14 the federal labor laws. The Legislature finds that the federal  
 15 government enacted over the course of several years, the Labor  
 16 Management Relations Act and the National Labor Relations Act (the  
 17 "Acts") for, inter alia, the purpose of protecting the rights of  
 18 employees to choose whether or not to be represented by labor  
 19 organizations; and whereas, private employers, their employees and  
 20 labor organizations are private parties, and the relationships  
 21 formed between employers, employees and labor organizations are  
 22 agreements between private parties, and this state's Constitution  
 23 prohibits local governments from regulating relationships between  
 24 or among private parties. The Legislature further finds that  
 25 local government interference in employers' and employees'  
 26 exercise of their rights under the Acts disrupts commerce by  
 27 creating different standards for conducting business in different  
 28 locales throughout the state and adversely affects the economic  
 29 welfare of the state as a whole.

30           (2) Any agreement, contract, understanding or practice,  
31 written or oral, implied or expressed, between any employer and  
32 any labor organization in violation of the provisions of this  
33 section is hereby declared to be unlawful, null and void, and of  
34 no legal effect.

35           (3) No state agency or local governmental body may pass any  
36 law, ordinance or regulation, or impose any contractual, zoning,  
37 permitting, licensing or other condition on employers' or  
38 employees full freedom to act under the federal labor laws. Such  
39 prohibited actions shall, include, but not be limited to:

40                 (a) Conditioning any purchase, sale, or lease, or other  
41 business or commercial transaction between any employers on waiver  
42 or limitation of any right those employers may have under the  
43 federal labor laws.

44                 (b) Conditioning any regulatory, zoning, permitting,  
45 licensing or any other governmental requirement with any employer  
46 on waiver or limitation of any right the employer may have under  
47 the federal labor laws.

48                 (c) Enacting any ordinance, regulation or other action  
49 that waives or limits any right the employer may have under the  
50 federal labor laws.

51                 (d) Conditioning or requiring any employer to not deal  
52 with another employer on waiver or limitation of any right either  
53 employer may have under the federal labor laws.

54           (4) An employer or employee is entitled to and shall receive  
55 injunctive relief necessary to prevent any violations of this  
56 section.

57           (5) For purposes of this section:

58                 (a) "Employer" means a person, association, legal or  
59 commercial entity receiving services from an employee and, in  
60 return, giving compensation of any kind to such employee.

61                 (b) "Federal labor laws" means the National Labor  
62 Relations Act and the Labor Management Relations Act, hereinafter

63 collectively referred to as "the Acts," Presidential Executive  
64 Orders issued relating labor/management or employee/employer  
65 issues and the United States Constitution as amended and as  
66 construed by the federal courts. The rights protected under the  
67 federal labor laws, include, but are not limited to:

68 (i) An employer's or employee's right to express  
69 views on unionization and any other labor relations issues to the  
70 full extent allowed by the First Amendment of the United States  
71 Constitution and Section 8(c) of the National Labor Relations Act.

72 (ii) An employer's right to demand, and an  
73 employee's right to participate in, a secret ballot election under  
74 the federal labor laws, including without limitation, the full  
75 procedural protections afforded by the federal labor laws for  
76 defining the unit, conducting the election campaign and election,  
77 and making any challenges or objections thereto.

78 (iii) An employer's right to not release employee  
79 information to the maximum extent allowed by the federal labor  
80 laws.

81 (iv) An employee's right to maintain the  
82 confidentiality of his or her employee information to the maximum  
83 extent allowed by the federal labor laws.

84 (v) An employer's right to restrict access to its  
85 property or business to the maximum extent allowed by the federal  
86 labor laws.

87 (c) "Governmental body" means any local government or  
88 its subdivision, including, but not limited to, cities, counties,  
89 municipalities and any public body, agency, board, commission or  
90 other governmental, quasi governmental or quasi public body or any  
91 body that acts or purports to act in a commercial, business,  
92 economic development or like capacity of local government or its  
93 subdivision.

94 **SECTION 2.** This act shall take effect and be in force from  
95 and after July 1, 2005.