

REFERENCE TITLE: public employees; compensation; union activities

State of Arizona
House of Representatives
Fifty-first Legislature
First Regular Session
2013

HB 2343

Introduced by
Representatives Petersen, Kwasman, Lesko, Montenegro, Townsend: Fann,
Mesnard, Senators Crandell, Ward

AN ACT

AMENDING TITLE 38, CHAPTER 4, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING
SECTION 38-601.01; RELATING TO PUBLIC EMPLOYEES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 38, chapter 4, article 1, Arizona Revised Statutes,
3 is amended by adding section 38-601.01, to read:

4 38-601.01. Public employee compensation: union activities:
5 prohibitions: definitions

6 A. PUBLIC EMPLOYERS SHALL COMPENSATE PUBLIC EMPLOYEES ONLY FOR WORK
7 THAT DIRECTLY AND PRIMARILY BENEFITS THE PUBLIC EMPLOYER OR THE GENERAL
8 PUBLIC.

9 B. EMPLOYMENT CONTRACTS FOR PUBLIC EMPLOYEES SHALL NOT INCLUDE
10 COMPENSATION FOR UNION ACTIVITIES.

11 C. PUBLIC EMPLOYERS SHALL NOT FORMALLY OR INFORMALLY AGREE WITH PUBLIC
12 EMPLOYEES OR UNIONS TO COMPENSATE PUBLIC EMPLOYEES OR THIRD PARTIES FOR UNION
13 ACTIVITIES.

14 D. THIS SECTION DOES NOT PROHIBIT ANY OF THE FOLLOWING:

15 1. A PUBLIC EMPLOYER FROM ALLOWING A REPRESENTATIVE TO BE PRESENT ON
16 BEHALF OF A PUBLIC EMPLOYEE DURING INTERVIEWS OR OTHER PROCEEDINGS THAT COULD
17 RESULT IN DISMISSAL, DEMOTION OR SUSPENSION OR THAT THE EMPLOYEE REASONABLY
18 BELIEVES COULD RESULT IN DISMISSAL, DEMOTION OR SUSPENSION, IF THE
19 REPRESENTATION OCCURS AT NO COST TO THE EMPLOYER.

20 2. A PUBLIC EMPLOYEE FROM RECEIVING COMPENSATED LEAVE TIME FOR ANY
21 PERSONAL PURPOSE IF THE LEAVE TIME IS NOT KNOWINGLY TAKEN OR GIVEN TO
22 COMPENSATE FOR UNION ACTIVITIES.

23 3. A PUBLIC EMPLOYEE FROM RECEIVING UNCOMPENSATED LEAVE TIME TO ENGAGE
24 IN UNION ACTIVITIES.

25 E. THIS SECTION DOES NOT APPLY TO ANY EXISTING NONEXECUTORY EMPLOYMENT
26 CONTRACTS UNDER WHICH AN ENTITLEMENT TO COMPENSATION THAT CONFLICTS WITH THIS
27 SECTION HAS VESTED, BUT AN EXISTING CONTRACT SHALL NOT BE RENEWED IF THE
28 CONTRACT HAS ANY TERMS THAT CONFLICT WITH THIS SECTION.

29 F. THE ATTORNEY GENERAL AND ANY RESIDENT OF THIS STATE WHO PAYS TAXES
30 HAVE STANDING IN STATE COURT TO FILE AN APPROPRIATE ACTION AT LAW OR EQUITY
31 TO COMPEL COMPLIANCE WITH THIS SECTION. IN ANY COURT CHALLENGE TO THE
32 VALIDITY OF THIS SECTION, A RESIDENT OF THIS STATE WHO PAYS TAXES HAS
33 STANDING TO INTERVENE.

34 G. FOR THE PURPOSES OF THIS SECTION:

35 1. "PUBLIC EMPLOYEE" MEANS ANY INDIVIDUAL WHO IS EMPLOYED BY A PUBLIC
36 EMPLOYER.

37 2. "PUBLIC EMPLOYER" MEANS ANY BRANCH, DEPARTMENT, DIVISION, OFFICE,
38 AGENCY OR POLITICAL SUBDIVISION OF THIS STATE THAT HAS EMPLOYEES.

39 3. "UNION" MEANS ANY ASSOCIATION OR ORGANIZATION, INCORPORATED OR
40 UNINCORPORATED, THAT PRIMARILY EXISTS TO REPRESENT THE INTERESTS OF MEMBER
41 EMPLOYEES IN WAGES, BENEFITS AND TERMS AND CONDITIONS OF EMPLOYMENT.

42 4. "UNION ACTIVITIES" MEANS ACTIVITIES THAT ARE PERFORMED BY A UNION,
43 UNION MEMBERS OR REPRESENTATIVES AND THAT RELATE TO REPRESENTING OR ADVANCING
44 THE INTERESTS OF MEMBER EMPLOYEES IN WAGES, BENEFITS, TERMS AND CONDITIONS OF
45 EMPLOYMENT OR THE ENFORCEMENT, FULFILLMENT OR ADVANCEMENT OF THE UNION'S

1 ORGANIZATIONAL PURPOSES, OBLIGATIONS, EXTERNAL RELATIONS OR INTERNAL POLICIES
2 AND PROCEDURES.

3 Sec. 2. Severability

4 If a provision of this act or its application to any person or
5 circumstance is held invalid, the invalidity does not affect other provisions
6 or applications of the act that can be given effect without the invalid
7 provision or application, and to this end the provisions of this act are
8 severable.