SB 1348

Introduced by
Senators Murphy, Burges; Representatives Kwasman, Seel, Smith; Senators Barto, Biggs, Griffin, Shooter, Ward, Yarbrough; Representatives Gray, Stevens, Thorpe

AN ACT

AMENDING TITLE 23, CHAPTER 8, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 7; RELATING TO PUBLIC SECTOR UNION EMPLOYMENT BARGAINS.

(TEXT OF BILL BEGINS ON NEXT PAGE)
Be it enacted by the Legislature of the State of Arizona:

Section 1. Title 23, chapter 8, Arizona Revised Statutes, is amended by adding article 7, to read:

ARTICLE 7. PUBLIC SECTOR UNION EMPLOYMENT BARGAINS

23-1421. Definitions

IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1. "EMPLOYMENT BARGAIN" MEANS ANY FORMAL OR INFORMAL EMPLOYMENT CONTRACT, AGREEMENT OR UNDERSTANDING REGARDING THE WAGES, BENEFITS OR TERMS AND CONDITIONS OF EMPLOYMENT OF ANY PUBLIC EMPLOYEE.

2. "PUBLIC EMPLOYEE" MEANS ANY INDIVIDUAL WHO IS EMPLOYED BY A PUBLIC EMPLOYER.

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

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

5. "UNION ACTIVITIES" MEANS ACTIVITIES THAT ARE PERFORMED BY A UNION, UNION MEMBERS OR REPRESENTATIVES THAT RELATE TO ADVOCATING THE INTERESTS OF MEMBER EMPLOYEES IN WAGES, BENEFITS, TERMS AND CONDITIONS OF EMPLOYMENT OR THE ENFORCEMENT, FULFILLMENT OR ADVANCEMENT OF THE UNION'S ORGANIZATIONAL PURPOSES, OBLIGATIONS, EXTERNAL RELATIONS OR INTERNAL POLICIES AND PROCEDURES.

23-1422. Public employee compensation; enforcement

A. A PUBLIC EMPLOYER SHALL NOT ENTER INTO ANY EMPLOYMENT BARGAIN WITH ANY PUBLIC EMPLOYEE OR UNION TO COMPENSATE ANY PUBLIC EMPLOYEE OR THIRD PARTY FOR UNION ACTIVITIES. ANY EMPLOYMENT BARGAIN THAT INCLUDES COMPENSATION TO PUBLIC EMPLOYEES OR THIRD PARTIES FOR UNION ACTIVITIES IS DECLARED TO BE AGAINST THE PUBLIC POLICY OF THIS STATE AND IS VOID.

B. THIS SECTION DOES NOT:

1. PROHIBIT A PUBLIC EMPLOYEE FROM RECEIVING COMPENSATED LEAVE TIME FOR ANY PERSONAL PURPOSE.

2. PROHIBIT A LAW ENFORCEMENT OFFICER, AS DEFINED IN SECTION 38-1101, FROM ENGAGING IN ACTIVITIES ON BEHALF OF A UNION, INCLUDING REPRESENTATION OF OTHER LAW ENFORCEMENT OFFICERS PURSUANT TO TITLE 38, CHAPTER 8, EXCEPT THAT A LAW ENFORCEMENT OFFICER SHALL NOT BE COMPENSATED BY A PUBLIC EMPLOYER FOR ACTIVITIES RELATED TO UNION MEMBER RECRUITMENT OR PARTICIPATION IN CONVENTIONS THAT ARE ORGANIZED BY A UNION.

3. APPLY TO ANY EXISTING NON-EXECUTORY CONTRACTS IN EFFECT BEFORE THE EFFECTIVE DATE OF THIS SECTION BUT AN EXISTING CONTRACT SHALL NOT BE RENEWED IF THE CONTRACT HAS ANY TERMS THAT CONFLICT WITH THIS SECTION.

C. THE ATTORNEY GENERAL SHALL ENFORCE THIS SECTION. ANY TAXPAYER OF THE JURISDICTION IN WHICH A VIOLATION OF THIS SECTION OCCURS HAS STANDING IN ANY COURT OF RECORD TO BRING A SPECIAL ACTION AGAINST ANY AGENT OR AGENCY OF THIS STATE OR ITS POLITICAL SUBDIVISIONS TO REMEDY ANY VIOLATION OF ANY PROVISION OF THIS SECTION.
23-1423. State preemption of inconsistent local laws

THE REGULATION OF PUBLIC SECTOR UNION EMPLOYMENT BARGAINS IS A MATTER OF STATEWIDE CONCERN AND IS NOT SUBJECT TO FURTHER INCONSISTENT REGULATION BY A COUNTY, CITY, TOWN OR OTHER POLITICAL SUBDIVISION OF THIS STATE. THIS ARTICLE PREEMPTS ALL INCONSISTENT RULES, REGULATIONS, CODES, ORDINANCES AND OTHER LAWS ADOPTED BY A COUNTY, CITY, TOWN OR OTHER POLITICAL SUBDIVISION OF THIS STATE REGARDING PUBLIC SECTOR UNION EMPLOYMENT BARGAINS.

Sec. 2. Intent

It is the intent of the legislature to restrict the use of public monies in furtherance of union activities. In restricting the use of public monies for this purpose, the legislature recognizes that unions acting on behalf of law enforcement personnel may be engaged in activities that are directly tied to promoting and enhancing public safety in Arizona, in addition to activities that are provided for or on behalf of law enforcement officers in existing law. No public safety purpose is served through law enforcement unions by using public monies to recruit union members or participate in union conventions.

Sec. 3. Severability

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