

REFERENCE TITLE: **repeal; right to work**

State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

SB 1420

Introduced by
Senators Mendez: Gabaldon, Gonzales, Quezada, Terán; Representatives
Andrade, Dalessandro, Hernandez M, Salman, Solorio

AN ACT

REPEALING SECTION 23-1302, ARIZONA REVISED STATUTES; AMENDING SECTION 23-1501, ARIZONA REVISED STATUTES; RELATING TO THE RIGHT TO WORK.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Heading change

3 The article heading of title 23, chapter 8, article 1, Arizona
4 Revised Statutes, is changed from "RIGHT TO WORK" to "GENERAL PROVISIONS".

5 Sec. 2. Repeal

6 Section 23-1302, Arizona Revised Statutes, is repealed.

7 Sec. 3. Section 23-1501, Arizona Revised Statutes, is amended to
8 read:

9 23-1501. Severability of employment relationships; protection
10 from retaliatory discharges; exclusivity of
11 statutory remedies in employment

12 A. The public policy of this state is that:

13 1. The employment relationship is contractual in nature.

14 2. The employment relationship is severable at the pleasure of
15 either the employee or the employer unless both the employee and the
16 employer have signed a written contract to the contrary setting forth that
17 the employment relationship shall remain in effect for a specified
18 duration of time or otherwise expressly restricting the right of either
19 party to terminate the employment relationship. Both the employee and the
20 employer must sign this written contract, or this written contract must be
21 set forth in the employment handbook or manual or any similar document
22 distributed to the employee, if that document expresses the intent that it
23 is a contract of employment, or this written contract must be set forth in
24 a writing signed by the party to be charged. Partial performance of
25 employment shall not be deemed sufficient to eliminate the requirements
26 set forth in this paragraph. ~~Nothing in~~ This paragraph ~~shall be construed~~
27 ~~to~~ DOES NOT affect the rights of public employees under the Constitution
28 of Arizona and state and local laws of this state or the rights of
29 employees and employers as defined by a collective bargaining agreement.

30 3. An employee has a claim against an employer for termination of
31 employment only if one or more of the following circumstances have
32 occurred:

33 (a) The employer has terminated the employment relationship of an
34 employee in breach of an employment contract, as set forth in paragraph 2
35 of this subsection, in which case the remedies for the breach are limited
36 to the remedies for a breach of contract.

37 (b) The employer has terminated the employment relationship of an
38 employee in violation of a statute of this state. If the statute provides
39 a remedy to an employee for a violation of the statute, the remedies
40 provided to an employee for a violation of the statute are the exclusive
41 remedies for the violation of the statute or the public policy set forth
42 in or arising out of the statute, including the following:

43 (i) The civil rights act prescribed in title 41, chapter 9.

44 (ii) The occupational safety and health act prescribed in chapter
45 2, article 10 of this title.

1 (iii) The statutes governing the hours of employment prescribed in
2 chapter 2 of this title.

3 (iv) The agricultural employment relations act prescribed in
4 chapter 8, article 5 of this title.

5 (v) The statutes governing disclosure of information by public
6 employees prescribed in title 38, chapter 3, article 9.

7 All definitions and restrictions contained in the statute also apply to
8 any civil action based on a violation of the public policy arising out of
9 the statute. If the statute does not provide a remedy to an employee for
10 the violation of the statute, the employee shall have the right to bring a
11 tort claim for wrongful termination in violation of the public policy set
12 forth in the statute.

13 (c) The employer has terminated the employment relationship of an
14 employee in retaliation for any of the following:

15 (i) The refusal by the employee to commit an act or omission that
16 would violate the Constitution of Arizona or the statutes of this state.

17 (ii) The disclosure by the employee in a reasonable manner that the
18 employee has information or a reasonable belief that the employer, or an
19 employee of the employer, has violated, is violating or will violate the
20 Constitution of Arizona or the statutes of this state to either the
21 employer or a representative of the employer who the employee reasonably
22 believes is in a managerial or supervisory position and has the authority
23 to investigate the information provided by the employee and to take action
24 to prevent further violations of the Constitution of Arizona or statutes
25 of this state or an employee of a public body or political subdivision of
26 this state or any agency of a public body or political subdivision.

27 (iii) The exercise of rights under the workers' compensation
28 statutes prescribed in chapter 6 of this title.

29 (iv) Service on a jury as protected by section 21-236.

30 (v) The exercise of voting rights as protected by section 16-1012.

31 ~~(vi) The exercise of free choice with respect to nonmembership in a~~
32 ~~labor organization as protected by section 23-1302.~~

33 ~~(vii)~~ (vi) Service in the national guard or armed forces as
34 protected by sections 26-167 and 26-168.

35 ~~(viii)~~ (vii) The exercise of the right to be free from the
36 extortion of fees or gratuities as a condition of employment as protected
37 by section 23-202.

38 ~~(ix)~~ (viii) The exercise of the right to be free from coercion to
39 purchase goods or supplies from any particular person as a condition of
40 employment as protected by section 23-203.

41 ~~(x)~~ (ix) The exercise of a victim's right to leave work as
42 provided in sections 8-420 and 13-4439.

1 B. If the statute provides a remedy to an employee for a violation
2 of the statute, the remedies provided to an employee for a violation of
3 the statute are the exclusive remedies for the violation of the statute or
4 the public policy prescribed in or arising out of the statute.

5 Sec. 4. Conditional enactment

6 This act does not become effective unless the Constitution of
7 Arizona is amended by a vote of the people at the next general election to
8 repeal article XXV, Constitution of Arizona, relating to the right to
9 work.