

1 HB174  
2 173460-3  
3 By Representatives Faulkner, Mooney, Hubbard, Faust, Gaston,  
4 Greer, Boothe, Polizos, Chesteen, Garrett, Carns, Drake,  
5 Wingo, Brown, Williams (P), Holmes (M), Fincher, Hammon,  
6 Baker, Shiver, Beckman, Moore (B), Clouse, Lee, Ainsworth,  
7 Whorton (I), Williams (JW), Rich, Pettus, Ledbetter, Whorton  
8 (R), Sanderford, Farley, Butler, Hill (M), Fridy, Weaver,  
9 Johnson (K), Nordgren, South, McMillan, Standridge, Beech,  
10 Hill (J), Wadsworth, Johnson (R), Hurst, Hanes, Collins, Rowe,  
11 Henry, Ball and Ingram  
12 RFD: State Government  
13 First Read: 09-FEB-16

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

ENROLLED, An Act,

Relating to prohibited practices relating to employer and employee relationships; to prohibit local governmental entities from requiring minimum leave, wages, or other benefits for employees, classes of employees, or independent contractors of employers; and to provide for the Alabama Uniform Minimum Wage and Right-to-Work Act to retain the exclusive authority of the state through the Legislature to regulate collective bargaining under federal labor laws, and wages, leave, and benefits provided by an employer to employees, classes of employees, and independent contractors.  
BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) This act shall be known and cited as the Alabama Uniform Minimum Wage and Right-to-Work Act.

Section 2. (a) For purposes of this act, the following words have the following meanings:

(1) DISCRIMINATION. An action by an employer or a distinction by an employer that adversely affects an employee or job applicant based on a group, class, or category to which that person belongs.

(2) EMPLOYEE. An individual employed in this state by an employer or a natural person who performs services for an employer for valuable consideration and does not include a self-employed independent contractor.

1           (3) EMPLOYER. A person engaging in any activity,  
2     enterprise, or business in this state employing one or more  
3     employees, or a person, association, or legal or commercial  
4     entity receiving services from an employee or independent  
5     contractor and, in return, giving compensation of any kind to  
6     such employee or independent contractor.

7           (4) FEDERAL LABOR LAWS. The National Labor Relations  
8     Act, compiled in 29 U.S.C.S., Section 151 et seq., and the  
9     Labor Management Relations Act, compiled in 29 U.S.C.S.,  
10    Section 141 et seq., as amended, presidential executive  
11    orders, and federal administrative regulations relating to  
12    labor and management or employee and employer issues, and the  
13    United States Constitution, as amended.

14          (5) INDEPENDENT CONTRACTOR. A self-employed  
15    individual who does not meet the definition of employee, as  
16    provided in this act, but otherwise does meet the definition  
17    of independent contractor as defined by the Internal Revenue  
18    Service.

19          (6) LABOR PEACE AGREEMENT. An arrangement between a  
20    union and employer under which one or both entities agree to  
21    waive certain rights under federal law with regard to union  
22    organizing and related activity.

23          (7) MULTI-EMPLOYER ASSOCIATION. A bargaining unit  
24    composed of independent employers who associate together to  
25    negotiate jointly with one or more labor organizations

1 representing the employees of the independent employers within  
2 the bargaining unit.

3 (8) PROJECT LABOR AGREEMENT. A collective bargaining  
4 agreement with one or more labor unions that establishes the  
5 terms and conditions of employment for a specific construction  
6 project before employees are hired to work on such project.

7 (9) STATE. The State of Alabama and its agencies,  
8 departments, commissions, bureaus, and offices including, but  
9 not limited to, the Legislature.

10 (b) A county, municipality, or any other political  
11 subdivision of this state shall not enact or administer any  
12 ordinance, policy, rule, or other mandate requiring an  
13 employer to provide any employee, class of employees, or  
14 independent contractor with any employment benefit, including,  
15 but not limited to, paid or unpaid leave, vacation, wage, or  
16 work schedule, that is not required by state or federal law,  
17 and shall not require an employer to compensate an employee,  
18 class of employees, or independent contractor for any vacation  
19 or other form of leave for which state or federal law does not  
20 require the employee, class of employees, or independent  
21 contractor to be compensated.

22 (c) Any ordinance, policy, rule, or other mandate of  
23 a county, municipality, or any other political subdivision of  
24 this state that is inconsistent with this section is void.

1           Section 3. (a) A county, municipality, or any other  
2 political subdivision of this state shall not enact or  
3 administer any ordinance, rule, policy, or other mandate that  
4 creates requirements, regulations, or processes relating to  
5 labor peace agreements or similar agreements. Any ordinance,  
6 policy, rule, or other mandate of a county, municipality, or  
7 any other political subdivision of this state that is  
8 inconsistent with this section is void.

9           (b) (1) No law, rule, or ordinance shall impose any  
10 contractual, zoning, permitting, licensing, or other condition  
11 that requires any employer or employee to waive his or her  
12 rights under the National Labor Relations Act, compiled in 29  
13 U.S.C.S. § 151 et seq.

14           (2) No law, rule, regulation, or ordinance shall  
15 require, in whole or in part, any employer or multi-employer  
16 association to accept or otherwise agree to any provisions  
17 that are mandatory or non-mandatory subjects of collective  
18 bargaining under federal labor laws, including, but not  
19 limited to, any limitations on an employer or multi-employer  
20 association's rights to engage in collective bargaining with a  
21 labor organization, to lock out employees, or to operate  
22 during a work stoppage; provided, this subsection shall not  
23 invalidate or otherwise restrict the state from requiring the  
24 use of project labor agreements to the extent permissible  
25 under federal labor laws.

1           (3) This subsection shall be interpreted and  
2 enforced in a manner that is consistent with the National  
3 Labor Relations Act, compiled in 29 U.S.C.S. § 151 et seq.

4           (4) Any agreement, contract, understanding, or  
5 practice, written or oral, implied or expressed, between any  
6 employer and any labor organization containing requirements in  
7 violation of this subsection is declared to be unlawful, null  
8 and void, and of no legal effect.

9           (5) An employer or employee may seek injunctive  
10 relief in the Circuit Court of Montgomery County for  
11 violations of the provisions of this section.

12           (c) (1) The state shall retain the exclusive  
13 authority to require an employer or multi-employer association  
14 to enter into a project labor agreement.

15           (2) This subsection does not prohibit an employer or  
16 any other person covered by the National Labor Relations Act,  
17 compiled in 29 U.S.C.S., Section 151, from entering into  
18 project labor agreements or engaging in any other activity  
19 protected by law. This subsection may not be interpreted to  
20 interfere with the labor relations of persons covered by the  
21 National Labor Relations Act.

22           (3) Relief that would interfere with the labor  
23 relations of persons covered by the National Labor Relations  
24 Act may not be granted under the provisions of this  
25 subsection.

1           Section 4. Notwithstanding any provision of this act  
2 to the contrary, nothing in this act shall apply to those  
3 state employers or employees in state service as defined in  
4 Section 36-26-2, Code of Alabama 1975, or to public employers  
5 and employees of state or local educational institutions or  
6 systems, or to any ordinance, rule, policy, or other mandate  
7 enacted by a county, municipality, or political subdivision of  
8 this state relating specifically to public employees or a  
9 class or employees employed by or independent contractors  
10 hired by the county, municipality, or any other political  
11 subdivision.

12           Section 5. If a court determines that any portion of  
13 this act cannot be applied to a particular county,  
14 municipality, or other political subdivision of this state,  
15 this act shall remain in full force and effect for every other  
16 county, municipality, and other political subdivision of this  
17 state.

18           Section 6. (a) The purpose of this section is to  
19 establish within the Legislature complete control over  
20 regulation and policy pertaining to collective bargaining  
21 under federal labor laws or the wages, leave, or other  
22 employment benefits provided by an employer to an employee,  
23 class of employees, or independent contractor in order to  
24 ensure that such regulation and policy is applied uniformly  
25 throughout the state.

1           (b) Except as otherwise provided in this act or as  
2 expressly authorized by a statute of this state, the  
3 Legislature hereby occupies and preempts the entire field of  
4 regulation in this state touching in any way upon collective  
5 bargaining under federal labor laws or the wages, leave, or  
6 other employment benefits provided by an employer to an  
7 employee, class of employees, or independent contractor to the  
8 complete exclusion of any policy, ordinance, rule, or other  
9 mandate promulgated or enforced by any county, municipality,  
10 or other political subdivision of this state.

11           (c) The authority of a county, municipality, or  
12 other political subdivision of this state to regulate  
13 collective bargaining under federal labor laws or the wages,  
14 leave, or other benefits provided by an employer to an  
15 employee, class of employees, or independent contractor shall  
16 not be inferred from its proprietary authority, home rule  
17 status, or any other inherent or general power.

18           (d) Any existing policies, ordinances, rules, or  
19 other mandates promulgated or enforced contrary to the terms  
20 of this section are null and void, and any future policy,  
21 ordinance, rule, or other mandate shall comply with this  
22 section.

23           Section 7. The provisions of this act are severable.  
24 If any part of this act is declared invalid or



1 unconstitutional, that declaration shall not affect the part  
2 which remains.

3 Section 8. This act shall become effective  
4 immediately following its passage and approval by the  
5 Governor, or its otherwise becoming law.

