

1 HB174  
2 173460-2  
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,  
8 Whorton (R), Sanderford, Farley, Butler, Hill (M), Fridy,  
9 Weaver, Johnson (K), Nordgren, South, McMillan, Standridge,  
10 Beech, Hill (J), Wadsworth, Johnson (R), Hurst, Hanes,  
11 Collins, Rowe, Henry, Ball and Ingram  
12 RFD: State Government  
13 First Read: 09-FEB-16

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8 SYNOPSIS: This bill would establish the Alabama  
9 Uniform Minimum Wage and Right-to-Work Act. It  
10 would further specify Alabama's status as a  
11 right-to-work state and prevent local governmental  
12 entities from requiring minimum leave, wages, or  
13 other benefits for employees, and provide the  
14 Legislature with the authority to establish uniform  
15 employment policies and regulations of collective  
16 bargaining under federal labor laws.

17  
18 A BILL  
19 TO BE ENTITLED  
20 AN ACT

21  
22 Relating to prohibited practices relating to  
23 employer and employee relationships; to prohibit local  
24 governmental entities from requiring minimum leave, wages, or  
25 other benefits for employees, classes of employees, or  
26 independent contractors of employers; and to provide for the  
27 Alabama Uniform Minimum Wage and Right-to-Work Act to retain

1 the exclusive authority of the state through the Legislature  
2 to regulate collective bargaining under federal labor laws,  
3 and wages, leave, and benefits provided by an employer to  
4 employees, classes of employees, and independent contractors.

5 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

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

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

18 (3) EMPLOYER. A person engaging in any activity,  
19 enterprise, or business in this state employing one or more  
20 employees, or a person, association, or legal or commercial  
21 entity receiving services from an employee or independent  
22 contractor and, in return, giving compensation of any kind to  
23 such employee or independent contractor.

24 (4) FEDERAL LABOR LAWS. The National Labor Relations  
25 Act, compiled in 29 U.S.C.S., Section 151 et seq., and the  
26 Labor Management Relations Act, compiled in 29 U.S.C.S.,  
27 Section 141 et seq., as amended, presidential executive

1 orders, and federal administrative regulations relating to  
2 labor and management or employee and employer issues, and the  
3 United States Constitution, as amended.

4 (5) INDEPENDENT CONTRACTOR. A self-employed  
5 individual who does not meet the definition of employee, as  
6 provided in this act, but otherwise does meet the definition  
7 of independent contractor as defined by the Internal Revenue  
8 Service.

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

13 (7) MULTI-EMPLOYER ASSOCIATION. A bargaining unit  
14 composed of independent employers who associate together to  
15 negotiate jointly with one or more labor organizations  
16 representing the employees of the independent employers within  
17 the bargaining unit.

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

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

25 (b) A county, municipality, or any other political  
26 subdivision of this state shall not enact or administer any  
27 ordinance, policy, rule, or other mandate requiring an

1 employer to provide any employee, class of employees, or  
2 independent contractor with any employment benefit, including,  
3 but not limited to, paid or unpaid leave, vacation, wage, or  
4 work schedule, that is not required by state or federal law,  
5 and shall not require an employer to compensate an employee,  
6 class of employees, or independent contractor for any vacation  
7 or other form of leave for which state or federal law does not  
8 require the employee, class of employees, or independent  
9 contractor to be compensated.

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

13 Section 3. (a) A county, municipality, or any other  
14 political subdivision of this state shall not enact or  
15 administer any ordinance, rule, policy, or other mandate that  
16 creates requirements, regulations, or processes relating to  
17 labor peace agreements or similar agreements. Any ordinance,  
18 policy, rule, or other mandate of a county, municipality, or  
19 any other political subdivision of this state that is  
20 inconsistent with this section is void.

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

26 (2) No law, rule, regulation, or ordinance shall  
27 require, in whole or in part, any employer or multi-employer

1 association to accept or otherwise agree to any provisions  
2 that are mandatory or non-mandatory subjects of collective  
3 bargaining under federal labor laws, including, but not  
4 limited to, any limitations on an employer or multi-employer  
5 association's rights to engage in collective bargaining with a  
6 labor organization, to lock out employees, or to operate  
7 during a work stoppage; provided, this subsection shall not  
8 invalidate or otherwise restrict the state from requiring the  
9 use of project labor agreements to the extent permissible  
10 under federal labor laws.

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

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

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

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

25 (2) This subsection does not prohibit an employer or  
26 any other person covered by the National Labor Relations Act,  
27 compiled in 29 U.S.C.S., Section 151, from entering into

1 project labor agreements or engaging in any other activity  
2 protected by law. This subsection may not be interpreted to  
3 interfere with the labor relations of persons covered by the  
4 National Labor Relations Act.

5 (3) Relief that would interfere with the labor  
6 relations of persons covered by the National Labor Relations  
7 Act may not be granted under the provisions of this  
8 subsection.

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

20 Section 5. If a court determines that any portion of  
21 this act cannot be applied to a particular county,  
22 municipality, or other political subdivision of this state,  
23 this act shall remain in full force and effect for every other  
24 county, municipality, and other political subdivision of this  
25 state.

26 Section 6. (a) The purpose of this section is to  
27 establish within the Legislature complete control over

1 regulation and policy pertaining to collective bargaining  
2 under federal labor laws or the wages, leave, or other  
3 employment benefits provided by an employer to an employee,  
4 class of employees, or independent contractor in order to  
5 ensure that such regulation and policy is applied uniformly  
6 throughout the state.

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

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

24 (d) Any existing policies, ordinances, rules, or  
25 other mandates promulgated or enforced contrary to the terms  
26 of this section are null and void, and any future policy,

1 ordinance, rule, or other mandate shall comply with this  
2 section.

3 Section 7. The provisions of this act are severable.  
4 If any part of this act is declared invalid or  
5 unconstitutional, that declaration shall not affect the part  
6 which remains.

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