

ACT #2016-18

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



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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.

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[Handwritten Signature]

Speaker of the House of Representatives

[Handwritten Signature: Kay Ivey]

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 16-FEB-16.

Jeff Woodard
Clerk

Senate

25-FEB-16

Passed

APPROVED

[Handwritten Signature: Robert Bentley]

TIME

3:48 pm Feb 25, 2016

[Handwritten Signature: Robert Bentley]

GOVERNOR

Alabama Secretary Of State

Act Num.....: 2016-18
Bill Num....: H-174

Recv'd 02/25/16 03:54pmSLF

SENATE ACTION

DATE: 2-23 2016

RD 1 RFD GA

This Bill was referred to the Standing Committee of the Senate on GA

and was acted upon by such Committee in session and is by order of the Committee returned therefrom with a favorable report w/amd(s) 0 w/sub 0 w/eng sub 0 by a vote of 7 yeas 2 nays 0 abstain 0

this 24 day of Feb 20 16

Jimmy W. Holley, Chairperson

DATE: 2-24 2016

RF FAU RD 2 CAL

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, HB 174.

YEAS 21 NAYS 8

PATRICK HARRIS, Secretary

DATE: 2-25-16

PASSED PASSED AS AMENDED

YEAS 23 NAYS 11

And was ordered returned forthwith to the House.

PATRICK HARRIS, Secretary

DATE: 20

INDEFINITELY POSTPONED YEARS NAYS

DATE: 20

RECONSIDERED YEARS NAYS

FURTHER SENATE ACTION (OVER)

HOUSE ACTION

DATE: 2-29 2016

RD 1 RFD St. Boy

REPORT OF STANDING COMMITTEE

This bill having been referred by the House to its standing committee on GA was acted upon by such committee in session, and returned therefrom to the House with the recommendation that it be Passed, w/amend(s) 0 w/sub 0 this 20 day of Feb, 20 16.

Mark M. Tapp, Chairperson

DATE: 2-11 2016

RD 2 CAL

DATE: 20

RE-REFERRED RE-COMMITTED

Committee

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, HB 174.

YEAS 71 NAYS 28

JEFF WOODARD, Clerk

FURTHER HOUSE ACTION (OVER)

- DONSOR
- DIST. NO.
- Mooney 28 Rich dist 26
 - Hicks 29 Red bells 7
 - Ferguson 30
 - Stanton 31
 - Stear 32
 - Baker 33
 - POLZOS 34
 - Stanton 35
 - Starratt 36
 - CAPENS 37
 - Drake 38
 - WING 39
 - Kelton 40
 - Phil Williams 41
 - Michael Holme 42
 - Timber 37
 - Harrison 44
 - Baker-66 45
 - Tommy Baker 46
 - Moore B (91) 48
 - Clowney 93 49
 - Pauline 50
 - Henry 9 51
 - Robert 38 52
 - Jack Williams 53