

SB 61 - AS AMENDED BY THE HOUSE

3Jun2021... 1047h

2021 SESSION

21-0312

04/06

SENATE BILL **61**

AN ACT prohibiting collective bargaining agreements that require employees to join a labor union.

SPONSORS: Sen. Reagan, Dist 17; Sen. Gannon, Dist 23; Sen. French, Dist 7; Sen. Gray, Dist 6; Sen. Bradley, Dist 3; Sen. Morse, Dist 22; Sen. Daniels, Dist 11; Rep. Marston, Hills. 19; Rep. McGuire, Merr. 29; Rep. Spillane, Rock. 2; Rep. A. Lekas, Hills. 37

COMMITTEE: Commerce

ANALYSIS

This bill prohibits collective bargaining agreements that require employees to join or contribute to a labor union.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struckthrough]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

28 III. To pay any dues, fees, assessments, or other charges of any kind or amount to a labor
29 organization;

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1 IV. To pay any charity or other third party, in lieu of such payments, any amount equivalent
2 to or a pro-rata portion of dues, fees, assessments, or other charges of a labor organization; or

3 V. To be recommended, approved, referred, or cleared by or through a labor organization.

4 273-D:5 Voluntary Deductions Protected. It shall be unlawful for any employer to deduct from
5 the wages, earnings, or compensation of any employee any dues, fees, assessments, or other charges,
6 to be held for, transferred to, or paid over to a labor organization, unless the employee has first
7 presented, and the employer has received, a signed written authorization of such deductions, which
8 authorization may be revoked by the employee at any time by giving written notice of such
9 revocation 30 days in advance of its effective date. Every employer who receives such an
10 authorization from an employee shall have a duty to promptly notify that employee in writing that
11 the employee may revoke an authorization at any time by giving the employer 30 days written
12 notice.

13 273-D:6 Agreements in Violation, and Actions to Induce Such Agreements, Declared Illegal.
14 Any agreement, understanding, or practice, written or oral, implied or expressed, between any labor
15 organization and employer which violates the rights of employees as guaranteed by the provisions of
16 this chapter is hereby declared to be unlawful, null and void, and of no legal effect. Any strike,
17 picketing, boycott, or other action, by a labor organization for the sole purpose of inducing or
18 attempting to induce an employer to enter into any agreement prohibited under this chapter is
19 hereby declared to be for an illegal purpose and is a violation of the provisions of this chapter.

20 273-D:7 Notice to be Posted. It shall be the duty of every employer to post and keep
21 continuously displayed the following notice at such a place or places in the business, establishment,
22 or premises where it may be readily seen by all employees, and it shall be the further duty of every
23 employer to furnish a copy of such notice to each employee at the time the employee is hired:

24 **EMPLOYEES FREEDOM OF CHOICE**

25 Under the law of the state of New Hampshire, employees are protected in the exercise of their free
26 choice to join or refrain from joining labor unions, and it is unlawful for an employer and a labor
27 union to enter into a contract or agreement requiring them to pay dues, fees, or charges of any kind
28 to a labor union as a condition of obtaining or keeping a job. Under this law, an employer may not
29 discharge or otherwise discriminate against an employee because of joining or refusing to join a labor
30 union, or to pay dues, or other charges to a labor union.

31 273-D:8 Coercion and Intimidation Prohibited. It shall be unlawful for any person, labor
32 organization, or officer, agent, or member thereof, or employer, or officer thereof, by any threatened
33 or actual intimidation of an employee or prospective employee, or the employee's parents, spouse,
34 children, grandchildren, or any other persons residing in the employee's or prospective employee's
35 home, or by any damage or threatened damage to property, to compel or attempt to compel such
36 employee to join, affiliate with, or financially support a labor organization or to refrain from doing
37 so, or otherwise forfeit any rights as guaranteed by provisions of this chapter. It shall also be

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1 unlawful to cause or attempt to cause an employee to be denied employment or discharged from
2 employment because of support or nonsupport of a labor organization by inducing or attempting to
3 induce any other person to refuse to work with such employees.

4 273-D:9 Penalties. Any person, employer, labor organization, agent, or representative of an
5 employer or labor organization, who directly or indirectly imposes upon any person any requirement
6 prohibited by this chapter shall be guilty of a misdemeanor, and, notwithstanding RSA 651:2, shall
7 be subject for each offense to a fine not exceeding \$1,000, or to imprisonment not exceeding 90 days,
8 or both.

9 273-D:10 Civil Remedies. Any person harmed as a result of any violation or threatened
10 violation of the provisions of this chapter shall be entitled to injunctive relief against any and all
11 violators or persons threatening violation, and may also recover any or all damages of any character,
12 including costs and reasonable attorney fees, resulting from such violation or threatened violation,
13 cognizable at common law. Such remedies shall be independent of, and in addition to, the penalties
14 and remedies prescribed in other provisions of this chapter.

15 273-D:11 Duty to Investigate. The attorney general, or his or her designee, shall investigate any
16 complaints of violation of this chapter, and shall prosecute all persons violating any of its provisions,
17 and use all means at their command to ensure effective enforcement of the provisions of this chapter.

18 273-D:12 Existing Contracts. The provisions of this chapter shall apply to all contracts entered
19 into on or after the effective date of this chapter. This chapter shall not apply to contracts which
20 expire after the effective date of this chapter, but shall apply to any renewal or extensions of such
21 existing contracts.

22 273-D:13 Exceptions. The provisions of this chapter shall not apply:

23 I. To employers and employees covered by the federal Railway Labor Act.

24 II. To federal employers and employees.

25 III. To employers and employees on exclusive federal enclaves.

26 IV. Where they would otherwise conflict with or be preempted by federal law.

27 273-D:14 Severability. If any provision of this chapter or the application thereof to any person
28 or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the
29 chapter which can be given effect without the invalid provisions or applications, and to this end the
30 provisions of this chapter are severable.

31 3 Effective Date. This act shall take effect upon its passage.