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HOUSE BILL 421

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Candy Spence Ezzell

AN ACT

RELATING TO EMPLOYMENT; ENACTING THE RIGHT TO WORK ACT;
PROVIDING THAT MEMBERSHIP IN A LABOR ORGANIZATION NOT BE
REQUIRED AS A CONDITION OF EMPLOYMENT; PROHIBITING THE
DEDUCTION OF DUES OR FEES FROM THE COMPENSATION OF EMPLOYEES
WITHOUT CERTAIN AUTHORIZATION; PROVIDING FOR INVESTIGATION AND
ENFORCEMENT; PROVIDING A PENALTY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE.--This act may be cited as the
"Right to Work Act".

Section 2. PUBLIC POLICY.--It is the public policy of New
Mexico that all persons shall have, and shall be protected in
the exercise of, the right to form, join or assist labor
organizations or to refrain from any such activities, freely
and without fear of penalty or reprisal.

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1 Section 3. DEFINITION.--As used in the Right to Work Act,
2 "labor organization" means a union, organization, agency or
3 employee representation committee of any kind that exists for
4 the purpose, in whole or in part, of dealing with employers
5 concerning wages, rates of pay, hours of work or other
6 conditions of employment.

7 Section 4. MANDATORY MEMBERSHIP AND FEES PROHIBITED.--A
8 person shall not be required, as a condition of hiring,
9 promotion or continued employment, to become or remain a member
10 of a labor organization or to pay any dues, fees, assessments
11 or other charges of any kind to a labor organization.

12 Section 5. ORGANIZATION APPROVAL PROHIBITED.--An employer
13 shall not require a person to be recommended or approved by, or
14 to be cleared through, a labor organization as a condition of
15 hiring, promotion or continued employment.

16 Section 6. CERTAIN AGREEMENTS ILLEGAL.--An agreement,
17 understanding or practice, written or oral, implied or
18 expressed, between an employer and a labor organization that is
19 in violation of the Right to Work Act is unlawful.

20 Section 7. VOLUNTARY CHECKOFF.--An employer shall not
21 deduct from the wages, earnings or compensation of an employee
22 any dues, fees, assessments or other charges to be held for or
23 paid to a labor organization unless the employer has first
24 received a written authorization for the deduction signed by
25 the employee, which authorization may be revoked by the

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1 employee at any time by giving written notice of the revocation
2 to the employer.

3 Section 8. INVESTIGATION.--It is the duty of the attorney
4 general and of every district attorney to investigate
5 complaints of violations of the Right to Work Act and to
6 prosecute a person suspected of violating that act.

7 Section 9. ENFORCEMENT.--If, as a result of
8 investigation, the attorney general or a district attorney has
9 good cause to believe that a person is violating or will
10 violate a provision of the Right to Work Act, the attorney
11 general or district attorney may bring an action for injunctive
12 or other appropriate relief in the district court for the
13 county in which the violation is occurring or will occur or in
14 the district court for Santa Fe county.

15 Section 10. PENALTY.--A person who violates any provision
16 of Sections 4 through 7 of the Right to Work Act is guilty of a
17 misdemeanor and upon conviction shall be punished by a fine of
18 not more than one thousand dollars (\$1,000) or by imprisonment
19 for a definite term not to exceed ninety days or both.

20 Section 11. APPLICATION OF ACT.--The provisions of the
21 Right to Work Act shall not apply to any contract or agreement
22 between an employer and a labor organization in force on the
23 effective date of that act but shall apply to a renewal or
24 extension of the contract or agreement, or to a new contract or
25 agreement entered into after the effective date of that act.

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