HOUSE BILL 331

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

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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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1   **SECTION 12.** SEVERABILITY.--If any part or application of

2   the Right to Work Act is held invalid, the remainder or its

3   application to other situations or persons shall not be

4   affected.

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