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HOUSE BILL 909

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Candy Spence Ezzell

AN ACT

RELATING TO EMPLOYMENT; ENACTING THE RIGHT TO WORK ACT;
PROHIBITING CERTAIN ACTS; 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, freely and without fear of penalty
or reprisal, to form, join or assist labor organizations or to
refrain from any such activities.

Section 3. DEFINITION.--As used in the Right to Work Act,
"labor organization" means an organization, agency or employee
representation committee of any kind that exists for the

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1 purpose, in whole or in part, of dealing with employers
2 concerning wages, rates of pay, hours of work or other
3 conditions of employment.

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

9 Section 5. ORGANIZATION APPROVAL PROHIBITED.--An employer
10 shall not require a person to be recommended or approved by, or
11 to be cleared through, a labor organization as a condition of
12 employment or continuation of employment.

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

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

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

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

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

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

23 Section 12. SEVERABILITY.--If any part or application of
24 the Right to Work Act is held invalid, the remainder or its
25 application to other situations or persons shall not be

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