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HOUSE BILL 281

**48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008**

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, freely and without fear of penalty  
or reprisal, to form, join or assist labor organizations or to  
refrain from any such activities.

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