

ALEC EXPOSED

"ALEC" has long been a secretive collaboration between Big Business and "conservative" politicians. Behind closed doors, they ghostwrite "model" bills to be introduced in state capitols across the country. This agenda-underwritten by global corporations—includes major tax loopholes for big industries and the super rich, proposals to offshore U.S. jobs and gut minimum wage, and efforts to weaken public health, safety, and environmental protections. Although many of these bills have become law, until now, their origin has been largely unknown. With **ALEC EXPOSED**, the Center for Media and Democracy hopes more Americans will study the bills to understand the depth and breadth of how big corporations are changing the legal rules and undermining democracy across the nation.

DID YOU KNOW? Corporations VOTED to adopt this. Through ALEC, global companies work as "equals" in "unison" with politicians to write laws to govern your life. Big Business has "a VOICE and a VOTE," according to newly exposed documents. **DO YOU?**

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Public Employee Freedom Act

Did you know that global corporation Kraft Foods was the corporate co-chair in 2011?

Summary

Excluded from National Labor Relations Act (NLRA), public employees are subject to state and local laws governing collective bargaining. Many of these laws are "monopoly bargaining laws," which means that even if an employee chooses not to join a union, he or she must accept the terms of the contract negotiated for unionized workers in the workplace. This act establishes the workers' right, in mutual agreement with the public employer, to representation by a public employee's own choosing.

Model Legislation

Section 1. {Short Title.} This Act shall be known as the Public Employee Freedom Act.

Section 2. {Legislative Declarations.} This legislature finds and declares that:

- A. An employer and employee should be free to contract on their own terms.
- B. Mandatory collective bargaining laws violate this freedom.
- C. As a result, it is against the public policy interests of this State/Commonwealth to impose mandatory collective bargaining laws on public employees and the organizations that represent them in the collective bargaining process.

Section 3. {Definitions.}

A. "Employee organization" means any association or organization of employees, and any agency, employee representation committee, or plan in which employees participate that exists, in whole or in part, to advocate on behalf of employees about grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

B. "Public employee" means a person holding a position by appointment or employment in the government of this State, or any of its political subdivisions, including, but not limited to public schools, and any authority, commission or board, or in any other branch of public service.

(1) "Public employee" does not include employees whose jobs entail managerial, supervisory, or confidential responsibilities.

C. For the purposes of this Act, "public employer" means any state or local government, government agency, government instrumentality, special district, joint powers authority, school board or special purpose organization that employs one or more persons in any capacity.

Section 4. {Public employee freedom guaranteed.}

A. Public employees shall have the right to represent themselves in their relations with the public employer.

B. No provision of any agreement between an employee organization and a public employer, or any other public policy, shall impose representation by an employee organization on public employees who are not members of that organization.

Section 5. {Prohibition of automatic payroll deductions} No dues, fees, assessments or any other automatic payroll deductions by public employers from public employee payroll compensation shall be allowed for transmission to any public employee organization, any intermediary, or private individual, other than for primary and supplemental pension plans, life, health and other employee benefits, or contributions made to 501C(3) charitable organizations through a workplace givings program.

Section 6. {Agreements in violation, and actions to induce such agreements, declared illegal.} Any agreement, understanding, or practice, written or oral, implied or expressed, between any employee organization and public employer that violates the rights of employees as guaranteed by provisions of this chapter is hereby declared to be unlawful, null and void, and of no legal effect. Any strike, picketing, boycott, or other action by an employee organization for the purpose of inducing or attempting to induce an employer to enter into any agreement prohibited by this chapter is hereby declared to be for an illegal purpose and is a violation of the provisions of this chapter.

Section 7. {Coercion and intimidation prohibited.} It shall be unlawful for any

ALEC's Corporate Board --in recent past or present

- AT&T Services, Inc.
- centerpoint360
- UPS
- Bayer Corporation
- GlaxoSmithKline
- Energy Future Holdings
- Johnson & Johnson
- Coca-Cola Company
- PhRMA
- Kraft Foods, Inc.
- Coca-Cola Co.
- Pfizer Inc.
- Reed Elsevier, Inc.
- DIAGEO
- Peabody Energy
- Intuit, Inc.
- Koch Industries, Inc.
- ExxonMobil
- Verizon
- Reynolds American Inc.
- Wal-Mart Stores, Inc.
- Salt River Project
- Altria Client Services, Inc.
- American Bail Coalition
- State Farm Insurance

For more on these corporations, search at www.SourceWatch.org.

person, employee organization, or officer, agent, or member thereof, by any threatened or actual intimidation of an employee or perspective employee, or an employee or perspective employee's parents, spouse, children, grandchildren, or any other persons residing in the employee's or perspective employee's home, or by any damage or threatened damage to an employee' or perspective employee's property, to compel or attempt to compel such employee to join, affiliate with, or financially support an employee organization.

Section 8. {Penalties.} Any person who directly or indirectly violates any provision of this chapter shall be guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine not exceeding (insert amount) or imprisonment for a period of not more than (insert time period), or both such fine or imprisonment.

Section 9. {Duty to investigate} It shall be the duty of the state attorney general to investigate complaints of violation or threatened violations of this chapter and to prosecute any or all persons violating any of its provisions, and to take all means at his or her command to ensure its effective enforcement.

Section 10. {Prospective application} The provisions of this chapter shall apply to all contracts or contract extensions entered into after the effective date of this chapter, but no later than two years hence.

Section 11. {Severability clause.}

Section 12. {Repealer clause.}

Were your laws repealed?

Adopted by the CIED Task Force at the States and Nation Policy Summit on December 2, 1998. Approved by the ALEC Board of Directors January 1999.

About Us and ALEC EXPOSED. The Center for Media and Democracy reports on corporate spin and government propaganda. We are located in Madison, Wisconsin, and publish www.PRWatch.org, www.SourceWatch.org, and now www.ALECExposed.org. For more information contact: editor@prwatch.org or 608-260-9713.

Center for Media and Democracy's quick summary

This bill is aimed at weakening public sector unions and altering public sector labor law. It allows the government to bypass the union and hire non-union "scab" employees, and prohibits unions from negotiating contracts that require the union to negotiate on behalf of all workers (both of which are protected by the National Labor Relations Act for private sector unions).

This bill also prohibits automatic payroll deductions for union dues (see also "Prohibition on Negative Check Off Act," "Political Funding Reform Act," "Public Employer Payroll Deduction Policy Act"). It has the effect of limiting funding for public employee unions by prohibiting public employers from deducting union dues from worker paychecks. Unions will have to collect dues directly from workers, reducing total dues that the unions will collect, and distracting from other workplace or union member issues by requiring unions focus energy on the task of collecting dues.