

1 **DRAFT Prohibition on Paid Union Activity (Release Time) by Public**
2 **Employees Act**

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4 ***Summary***
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6 This Act prohibits “release time”—the practice of paying a public employee a public salary for
7 time spent in union recruiting and representation activities. In some cases, public employees
8 have become full-time union activists, drawing a full-time public salary and enjoying publicly
9 paid benefits such as health insurance and pension earnings while doing so. While public
10 employees should not be prohibited from freely associating outside of their employment duties,
11 including hiring individuals to help represent their interests, this should occur at public
12 employee, not taxpayer, expense.
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14 ***Model Legislation***
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16 **Section 1. {Definitions}** The following definitions apply in this Act:
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18 (A) “Employment bargain” means any formal or informal employment contract, agreement or
19 understanding regarding the wages, benefits or terms and conditions of employment of any
20 public employee.
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22 (B) “Public employee” means any individual who is employed by a public employer.
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24 (C) “Public employer” means any branch, department, division, office, agency or political
25 subdivision of this state that has employees.
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27 (D) “Union” means any association or organization, incorporated or unincorporated, that
28 primarily exists to represent the interests of member employees in wages, benefits and terms and
29 conditions of employment.
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31 (E) “Union activities” means activities that are performed by a union, union members or
32 representatives that relate to advocating the interests of member employees in wages, benefits,
33 terms and conditions of employment or the enforcement, fulfillment or advancement of the
34 union's organizational purposes, obligations, external relations or internal policies and
35 procedures.
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37 **Section 2. {Prohibition Against Compensation for Public Employee Union Activities}**
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39 (A) A public employer shall not enter into any employment bargain with any public employee or
40 union to compensate any public employee or third party for union activities. Any employment
41 bargain that includes compensation to public employees or third parties for union activities is
42 declared to be against the public policy of this state and is void.
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44 (B) This section does not prohibit a public employee from receiving compensated leave time for
45 any personal purpose, provided that such compensated leave time is not knowingly taken or
46 given to compensate for union activities.

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48 (C) This section does not apply to any existing non-executory contracts in effect before the
49 effective date of this section but an existing contract shall not be renewed if the contract has any
50 terms that conflict with this section.

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52 (D) The attorney general shall enforce this section. Any taxpayer of the jurisdiction in which a
53 violation of this section occurs has standing in any court of record to bring a special action
54 against any agent or agency of this state or its political subdivisions to remedy any violation of
55 any provision of this section.

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57 **Section 3. {State preemption of inconsistent local laws}**

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59 (A) The regulation of public sector union employment bargains is a matter of statewide concern
60 and is not subject to further inconsistent regulation by a county, city, town or other political
61 subdivision of this state. This article preempts all inconsistent rules, regulations, codes,
62 ordinances and other laws adopted by a county, city, town or other political subdivision of this
63 state regarding public sector union employment bargains.

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65 **Section 4. {Severability clause}**

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67 **Section 5. {Repealer clause}**

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69 **Section 6. {Effective date}**



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