STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

A N A C T

RELATING TO EDUCATION -- TEACHERS’ RIGHT TO WORK

Introduced By: Representatives Costa, Brien, Reilly, and Chippendale

Date Introduced: January 31, 2012

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

SECTION 1. Title 16 of the General Laws entitled "EDUCATION" is hereby amended by adding thereto the following chapter:

CHAPTER 13.1

TEACHERS’ RIGHT TO WORK

16-13.1-1. Short title. -- This chapter shall be known and may be cited as the “Teachers’ Right to Work Act.”

16-13.1-2. Definitions. -- As used in this chapter, unless the context clearly requires otherwise, the following terms shall have the following meanings:

(1) “Employer” means all persons, firms, associations, or corporations, acting as public school employers, public colleges, universities, institutions, or education agencies.

(2) “Labor organization” means any organization of any kind, or agency or employee representation committee or union, which exists for the purpose, in whole or in part, of dealing with employers concerning wages, rates of pay, hours of work, other conditions of employment, or other forms of compensation.

(3) “Teacher” means any teacher, teacher’s aide or specialist working in an educational setting.

16-13.1-3. Right to refrain. -- (a) No teacher shall be required, as a condition or continuation of employment, to:

(1) Become or remain a member of a labor organization:
(2) Pay any dues, fees, assessment, or other similar charges, however denominated, of any kind or amount to a labor organization; or

(3) Pay to any charity or other third party, in lieu of such payments, any amount equivalent to or prorated portion of dues, fees, assessments, or other charges required of members of a labor organization.

16-13.1-4. Agreements in violation. -- Any agreement, understanding or practice, written or oral, implied or expressed, between any labor organization and employer which 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.

16-13.1-5. Penalty jurisdiction. -- Any person who directly or indirectly violates any provision of this chapter shall be guilty of a misdemeanor. The superior court shall have jurisdiction to hear and determine any violation of this chapter.

16-13.1-6. Injunctive relief. -- Any teacher injured as a result of any violation or threatened violation of the provisions of this chapter shall be entitled to injunctive relief against any and all violators or persons threatening violations.

16-13.1-7. Damages. -- Any teacher injured as a result of any violation or threatened violation of the provisions of this chapter shall recover any and all damages, including costs and reasonable attorney fees, of any character resulting from such violation or threatened violation. Such remedies shall be independent of and in addition to the penalties and remedies proscribed in other provisions of this chapter.

16-13.1-8. Duty to investigate and enforce. -- It shall be the duty of the attorney general to investigate complaints of violation or threatened violations of this chapter and to prosecute all persons violating any of its provisions, and to take all means at his or her command to ensure effective enforcement.

16-13.1-9. Right to bargain independently. -- Each teacher availing himself or herself of the protections afforded by this chapter shall have the right to bargain independently with the educational institution or system by which he or she is or is to be employed as to the terms and conditions of his or her employment.

16-13.1-10. Exceptions. -- The provisions of this chapter shall not apply:

(1) To federal employers and employees;

(2) To employers and employees on exclusive federal enclaves;

(3) Where they would otherwise conflict with, or be pre-empted by, federal law; or

(4) To any employment contract entered into before the effective date of this chapter, provided, however, that the provisions of this chapter shall apply to any renewal or extension of
any existing contract.

16-13.1-11. Severability clause. -- If any provision of this chapter or the application of any such provision to any person or circumstance should be held invalid by a court of competent jurisdiction, the remainder of this chapter or the application of its provisions to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO EDUCATION -- TEACHERS' RIGHT TO WORK

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1 This act would enact the Rhode Island teachers’ right to work act, making union
2 membership and union dues voluntary, and enabling those exercising their rights thereunder to
3 bargain independently with their employers.
4 This act would take effect upon passage.

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