

# House Bill 3062

Sponsored by Representative THOMPSON (at the request of Mike Nearman)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Prohibits individuals from being required to be members of labor organizations or pay dues or other charges to labor organizations or related entities as condition of employment. Punishes violation by maximum of one year's imprisonment, \$6,250 fine, or both. Directs Attorney General or district attorney to investigate complaints. Provides cause of action for individuals injured by violation of prohibition.

Applies to contracts or agreements entered into on or after effective date of Act and to practices engaged in on or after effective date of Act.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to conditions of employment established for the benefit of labor organizations; and declar-  
3 ing an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. Sections 2 to 7 of this 2013 Act may be cited as the Right to Work Law.**

6 **SECTION 2. As used in sections 2 to 7 of this 2013 Act:**

7 (1) "Employer" means a person employing at least one individual or an agent of a person  
8 employing at least one individual.

9 (2) "Labor organization" has the meaning given that term in ORS 659.780.

10 (3) "Person" means a person as defined in ORS 174.100 or a public body.

11 (4) "Public body" has the meaning given that term in ORS 174.109.

12 **SECTION 3. A person may not require, as a condition of employment, an individual to:**

13 (1) Be a member of a labor organization;

14 (2) Pay dues, fees, assessments or other charges to a labor organization; or

15 (3) Pay to a charity or third party an amount that is the equivalent of dues, fees, as-  
16 sements or other charges required of members of a labor organization.

17 **SECTION 4. A contract, agreement or employment practice, whether express or implied,  
18 that violates section 3 of this 2013 Act is unlawful and void.**

19 **SECTION 5. A person that knowingly or intentionally violates section 3 of this 2013 Act  
20 commits a Class A misdemeanor.**

21 **SECTION 6. An individual who is employed by an employer may file a complaint that al-  
22 leges a violation of section 3 of this 2013 Act with the Attorney General or the district at-  
23 torney of the county in which the individual is employed. Upon receiving a complaint filed  
24 under this section, the Attorney General or district attorney shall:**

25 (1) Investigate the complaint; and

26 (2) Enforce compliance if a violation of section 3 of this 2013 Act is found.

27 **SECTION 7. (1) Irrespective of any criminal prosecution or the result of a criminal  
28 prosecution, an individual injured by a violation of section 3 of this 2013 Act may bring a civil**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.  
New sections are in **boldfaced** type.

1 action for damages against a person whose actions are unlawful under sections 3 and 4 of  
2 this 2013 Act.

3 (2) Upon prevailing in an action brought under this section, a plaintiff may recover:

4 (a) Actual and consequential damages;

5 (b) A civil penalty of not more than \$1,000;

6 (c) Reasonable attorney fees, costs and disbursements;

7 (d) Declaratory and injunctive relief; and

8 (e) Any other relief the court considers proper.

9 SECTION 8. Sections 2 to 7 of this 2013 Act apply to contracts or agreements entered  
10 into on or after the effective date of this 2013 Act, and to employment practices engaged in  
11 on or after the effective date of this 2013 Act.

12 SECTION 9. This 2013 Act being necessary for the immediate preservation of the public  
13 peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect  
14 on its passage.

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