

2024 Regular Session

HOUSE BILL NO. 956

BY REPRESENTATIVE CREWS

LABOR: Creates the Employee Secret Ballot Protection Act

1 AN ACT

2 To enact Chapter 30 of Title 42 of the Louisiana Revised Statutes of 1950, to be comprised  
3 of R.S. 42:1801 through 1810, relative to labor organizations; to create the Employee  
4 Secret Ballot Protection Act; to provide for a short title; to provide for legislative  
5 intent; to provide definitions; to require an employee's right to a secret ballot  
6 election; to prohibit coercion and intimidation; to provide for penalties; to require  
7 certain duties of the attorney general under certain circumstances; to provide for  
8 enforcement; to provide for applicability; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. Chapter 30 of Title 42 of the Louisiana Revised Statutes of 1950,  
11 comprised of R.S. 42:1801 through 1810, is hereby enacted to read as follows:

12 CHAPTER 30. EMPLOYEE SECRET BALLOT PROTECTION ACT

13 §1801. Short title

14 This Act shall be known and may be cited as the "Employee Secret Ballot  
15 Protection Act".

16 §1802. Legislative intent

17 The legislature hereby finds and declares it to be the public policy of the state  
18 that:

19 (1) An individual's freedom of choice in employment-related matters be  
20 guarded and maintained.

1           (2) An employee shall have the right to use a secret ballot election when  
2           selecting an exclusive bargaining representative.

3           (3) A secret ballot election upholds the sanctity of employee free choice.

4           (4) An employee shall be given the opportunity to cast a vote in accordance  
5           with his conscience in secret ballot elections, free from coercion, intimidation,  
6           threats, misinformation, or interference from outside influences.

7           (5) A labor organization shall not be able to pressure an employer to  
8           recognize the labor organization as an exclusive bargaining representative based  
9           solely on a showing of interest by an employee without a secret ballot election.

10          (6) An employer shall not bargain away an employee's rights to a secret  
11          ballot election for labor representation purposes.

12          §1803. Definitions

13          For the purposes of this Chapter, the following terms have the meanings  
14          ascribed to them:

15          (1) "Agency" means any governmental subdivision, district, charter school,  
16          public or quasi-public corporation, public agency or public service corporation, or  
17          any town, city, parish, or city, parish, or municipal corporation, whether incorporated  
18          or not and whether chartered or not, in this state.

19          (2) "Attorney general" means the attorney general for the state of Louisiana  
20          or his designee.

21          (3) "Court of competent jurisdiction" means any court, which is competent  
22          and has jurisdiction over such actions pursuant to this Chapter, located in the parish  
23          where the party bringing the action resides.

24          (4) "Employee" means any individual employed by an employer.

25          (5) "Employer" means any agency, as defined in this Chapter, or any group  
26          or association of employers which is an employer within the meaning of any law of  
27          this state or of the United States, but does not include the United States or any  
28          corporation wholly owned by the government of the United States.

1           (6) "Exclusive bargaining representative" means any labor organization that  
2           has been selected or designated by the attorney general pursuant to the provisions of  
3           this Chapter as the representative of the employees in an appropriate collective  
4           bargaining unit to represent the employees in their employment relations with  
5           employers.

6           (7) "Labor organization" means an employee representation committee,  
7           organization, or union in which an employee elects to participate in and which exists  
8           for the purpose, in whole or in part, of dealing with an employer concerning  
9           employee wages, rates of pay, hours of work, other forms of compensation,  
10          grievances, labor disputes, or other conditions of employment.

11          (8) "Secret ballot" means the expression by ballot or voting machine, but in  
12          no event by proxy, of a choice with respect to any election or vote taken upon any  
13          matter, which is cast in such a manner that the person expressing such choice cannot  
14          be identified with the choice expressed.

15          §1804. Secret ballot elections; employee rights; administration

16           A. All employees, when seeking to select an exclusive bargaining  
17           representative, shall have the right to make that selection in a secret ballot election.

18           B. The attorney general shall recognize a labor organization as the exclusive  
19           bargaining representative only after a majority of employees in the collective  
20           bargaining unit have indicated an affirmative approval of that recognition through  
21           the use of secret ballots in an election, which shall be administered by the attorney  
22           general.

23           C. Any agreement, understanding, or practice, written or oral, implied or  
24           expressed, between any labor organization and employer that violates the rights of  
25           employees as guaranteed by provisions of this Chapter is hereby declared to be  
26           unlawful, null and void, and of no legal effect. Any strike, picketing, boycott, or  
27           other action by a labor organization for the sole purpose of inducing or attempting  
28           to induce an employer to enter into any agreement prohibited pursuant to this  
29           Chapter is hereby declared to be for an illegal purpose and is a violation of the

1 provisions of this Chapter.

2 §1805. Denial of secret ballot elections deemed an unfair labor practice

3 A. It shall be an unfair labor practice by the employer to dominate or  
4 interfere with the formation or administration of any labor organization or contribute  
5 financial or other support to a labor organization or to recognize or bargain  
6 collectively with a labor organization that has not been selected by a majority of  
7 employees in a secret ballot election conducted by the attorney general.

8 B. It shall be an unfair labor practice by the labor organization to cause or  
9 attempt to cause an employer to recognize or bargain collectively with a  
10 representative of a labor organization that has not been selected by a majority of  
11 employees in a secret ballot election conducted by the attorney general.

12 C. Any employee may file an unfair labor practice complaint pursuant to this  
13 Chapter with the attorney general.

14 §1806. Coercion and intimidation prohibited

15 A. It shall be unlawful for any person, labor organization, officer, agent or  
16 member, or employer, thereof, to threaten or intimidate an employee or prospective  
17 employee, or an employee's or prospective employee's parents, spouse, children,  
18 grandchildren, or any other persons residing in the employee's or prospective  
19 employee's home, or to damage or threaten damage to an employee's or prospective  
20 employee's property, to compel or attempt to compel such employee to join, affiliate  
21 with, or financially support a labor organization or to refrain from doing so, or  
22 otherwise forfeit any rights as guaranteed by provisions of this Chapter.

23 B. It shall be unlawful to cause or attempt to cause an employee to be denied  
24 employment or discharged from employment because of support or nonsupport of  
25 a labor organization by inducing or attempting to induce any other person to refuse  
26 to work with an employee.

1        §1807. Penalties

2                Any person who directly or indirectly violates any provision of this Chapter  
3        shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a  
4        fine not exceeding one thousand dollars or imprisonment for a period of not more  
5        than six months, or both.

6        §1808. Duty to investigate

7                It shall be the duty of the attorney general to investigate complaints of  
8        violation or threatened violations of this Chapter, to prosecute all persons violating  
9        any of the provisions of this Chapter, and to take all means at his command to ensure  
10       effective enforcement.

11       §1809. Enforcement

12               The attorney general shall enforce this Chapter and is authorized and directed  
13       to promulgate rules and regulations in accordance with the Administrative Procedure  
14       Act, R.S. 49:950 et. seq., necessary for the implementation of the provisions of this  
15       Chapter.

16       §1810. Applicability

17               A. This Act shall not apply to collective bargaining relationships in which  
18       a labor organization was lawfully recognized as an exclusive bargaining  
19       representative before the date of the enactment of this Act.

20               B. This Act shall apply only to the following:

21               (1) Employers that are agencies as defined in R.S. 42:1803.

22               (2) All other employers in this state who are not subject to the National  
23       Labor Relations Act of 1935 or any other applicable federal labor laws. To the  
24       extent that federal law governs employment matters, this Act shall be invalid.

25               C. The provisions of this Section shall apply only to collective bargaining  
26       rights already provided for in current state or federal law.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 956 Reengrossed

2024 Regular Session

Crews

**Abstract:** Creates the Employee Secret Ballot Protection Act.

Proposed law provides that proposed law shall be known and may be cited as the "Employee Secret Ballot Protection Act".

Proposed law provides that the legislature finds and declares it to be the public policy of the state that:

- (1) An individual's freedom of choice in employment-related matters be guarded and maintained.
- (2) An employee shall have the right to use a secret ballot election when selecting an exclusive bargaining representative.
- (3) A secret ballot election upholds the sanctity of worker free choice.
- (4) An employee shall be given the opportunity to cast a voice in accordance with his conscience in secret ballot elections, free from coercion, intimidation, threats, misinformation, or interference from outside influences.
- (5) A labor organization shall not be able to pressure an employer to recognize the labor organization as an exclusive bargaining representative based solely on a showing of interest by an employee without a secret ballot election.
- (6) An employer shall not bargain away an employee's rights to a secret ballot election for labor representation purposes.

Proposed law defines agency, attorney general, court of competent jurisdiction, employee, employer, exclusive bargaining representative, labor organization, and secret ballot.

Proposed law provides all employees, when seeking to select an exclusive bargaining representative, shall have the right to make that selection in a secret ballot election.

Proposed law requires the attorney general to recognize a labor organization as the exclusive bargaining representative, only after a majority of employees in the collective bargaining unit have indicated an affirmative approval of that recognition through the use of secret ballots in an election, which shall be administered by the attorney general.

Proposed law prohibits any agreement, understanding, or practice between any labor organization and employer that violates the rights of the employees as guaranteed by the provisions of proposed law. Proposed law also prohibits any strike, picketing, boycott, or any other action by a labor organization for purposes of inducing or attempting to induce an employer to enter into any agreement prohibited under proposed law.

Proposed law provides that it shall be an unfair labor practice by an employer to dominate or interfere with the formation or administration of any labor organization or contribute financial or other support to a labor organization or to recognize or bargain collectively with a labor organization that has not been selected by a majority of employees in a secret ballot election conducted by the attorney general.

Proposed law provides that it shall be an unfair labor practice by the labor organization to cause or attempt to cause an employer to recognize or bargain collectively with a representative of a labor organization that has not been selected by a majority of employees in a secret ballot election conducted by the attorney general.

Proposed law allows an employee to file an unfair labor practice complaint with the attorney general.

Proposed law prohibits any person, labor organization, officer, agent or member, or employer from threatening or intimidating an employee or prospective employee, or an employee's or prospective employee's parents, spouse, children, grandchildren, or any other person residing in the employee's or prospective employee's home.

Proposed law prohibits any person, labor organization, officer, agent or member, or employer from damaging or threatening to damage an employee or prospective employee's property.

Proposed law prohibits any person, labor organization, officer, agent or member, or employer from compelling or attempting to compel an employee to join, affiliate with, or financially support a labor organization or to refrain from doing so, or otherwise forfeit any rights as guaranteed by provisions of proposed law.

Proposed law prohibits the denial of employment or discharge from employment of an employee because of support or nonsupport of a labor organization by inducing or attempting any other person to refuse to work with an employee.

Proposed law provides for a fine amount not to exceed \$1,000 or imprisonment not to exceed 6 months, or both, for any person who directly or indirectly violates any provisions of proposed law.

Proposed law requires the attorney general to investigate complaints violation or threatened violations of proposed law, to prosecute all persons who violate any provisions of proposed law, and to take all means at his command to ensure effective enforcement.

Proposed law authorizes and directs the attorney general to promulgate rules and regulations necessary for the implementation of the provisions of proposed law.

Proposed law provides that proposed law shall not apply to collective bargaining relationships in which a labor organization was lawfully recognized as an exclusive bargaining representative before the date of the enactment of this proposed law.

Proposed law provides that proposed law shall apply only to the following:

- (1) Employers that are agencies as defined in proposed law (R.S. 42:1803).
- (2) All other employers in this state who are not subject to federal law or any other applicable federal labor laws. To the extent that federal law governs employment matters, proposed law shall be invalid.

(Adds R.S. 42:1801-1810)

#### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Labor and Industrial Relations to the original bill:

1. Make a technical change.

The House Floor Amendments to the engrossed bill:

1. Remove the civil remedies provisions.
2. Make technical changes.