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HOUSE BILL NO. 337

Offered January 12, 2022

Prefiled January 11, 2022

A *BILL to amend the Code of Virginia by adding in Article 2.1 of Chapter 4 of Title 40.1 a section numbered 40.1-57.4, relating to public employees; compensation for union activities.*

Patron—Freitas

Referred to Committee on Commerce and Energy

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 2.1 of Chapter 4 of Title 40.1 a section numbered 40.1-57.4 as follows:

§ 40.1-57.4. Compensation for union activities.

A. For purposes of this section, "employee organization activities" means activities that are performed by an employee organization or members or representatives of an employee organization that relate to advocating the interests of member employees in wages, benefits, terms, and conditions of employment, or the enforcement, fulfillment, or advancement of the employee organization's purposes, obligations, external relations, or internal policies and procedures.

B. The provisions of this section shall apply to public employees who are able to engage in collective bargaining per a local ordinance or resolution providing for collective bargaining pursuant to § 40.1-57.2.

C. A collective bargaining agreement shall not authorize or require an employer of public employees authorized to engage in collective bargaining pursuant to § 40.1-57.2 to compensate a public employee or third party for employee organization activities or to provide compensated leave time specifically for employee organization activities. Any collective bargaining agreement that includes compensation to public employees or third parties for union activities shall be void.

A collective bargaining agreement entered into before July 1, 2022 shall not be renewed if the agreement contains any terms that conflict with this section. This subsection does not prohibit public employees from using their compensated leave time for any purpose.

D. If employee organization activities infringe upon the time and resources of an employer of public employees authorized to engage in collective bargaining, the employee organization shall compensate the employer at a fair market value rate of use for the employer's time and resources.

E. The Attorney General shall enforce the provisions of this section. Any public employee of a jurisdiction where collective bargaining has been authorized pursuant to § 40.1-57.2 shall have standing in any court of record to bring an action against any agent or agency of the Commonwealth or its political subdivisions to remedy any violation of the provisions of this section.

F. The provisions of this section shall preempt all inconsistent rules, regulations, codes, ordinances, or other laws adopted by a county, city, town, or other political subdivision of the Commonwealth regarding public sector collective bargaining activities.

INTRODUCED

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