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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO EDUCATION -- TEACHERS' RIGHT TO WORK

Introduced By: Senators Kettle, Shibley, and Maher

Date Introduced: January 26, 2012

Referred To: Senate Labor

It is enacted by the General Assembly as follows:

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

3 CHAPTER 13.1

4 TEACHERS' RIGHT TO WORK

5 **16-13.1-1. Short title.** -- This chapter shall be known and may be cited as the "Teachers'
6 Right to Work Act."

7 **16-13.1-2. Definitions.** -- As used in this chapter, unless the context clearly requires
8 otherwise, the following terms shall have the following meanings:

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

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

15 (3) "Teacher" means any teacher, teacher's aide or specialist working in an educational
16 setting.

17 **16-13.1-3. Right to refrain.** -- (a) No teacher shall be required, as a condition or
18 continuation of employment, to:

19 (1) Become or remain a member of a labor organization;

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

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

6 **16-13.1-4. Agreements in violation.** -- Any agreement, understanding or practice,
7 written or oral, implied or expressed, between any labor organization and employer which
8 violates the rights of employees as guaranteed by provisions of this chapter is hereby declared to
9 be unlawful, null and void, and of no legal effect.

10 **16-13.1-5. Penalty jurisdiction.** -- Any person who directly or indirectly violates any
11 provision of this chapter shall be guilty of a misdemeanor. The superior court shall have
12 jurisdiction to hear and determine any violation of this chapter.

13 **16-13.1-6. Injunctive relief.** -- Any teacher injured as a result of any violation or
14 threatened violation of the provisions of this chapter shall be entitled to injunctive relief against
15 any and all violators or persons threatening violations.

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

21 **16-13.1-8. Duty to investigate and enforce.** -- It shall be the duty of the attorney general
22 of this state to investigate complaints of violation or threatened violations of this chapter and to
23 prosecute all persons violating any of its provisions, and to take all means at his or her command
24 to ensure effective enforcement.

25 **16-13.1-9. Right to bargain independently.** -- Each teacher availing himself or herself
26 of the protections afforded by this chapter shall have the right to bargain independently with the
27 educational institution or system by which he or she is or is to be employed as to the terms and
28 conditions of his or her employment.

29 **16-13.1-10. Exceptions.** -- The provisions of this chapter shall not apply:

30 (1) To federal employers and employees;

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

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

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

1 [any existing contract.](#)

2 **16-13.1-11. Severability clause.** -- [If any provision of this chapter or the application of](#)
3 [any such provision to any person or circumstance should be held invalid by a court of competent](#)
4 [jurisdiction, the remainder of this chapter or the application of its provisions to persons or](#)
5 [circumstances other than those to which it is held invalid shall not be affected thereby.](#)

6 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO EDUCATION -- TEACHERS' RIGHT TO WORK

- 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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