

# 2020 SPECIAL SESSION I

INTRODUCED

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## HOUSE BILL NO. 5021

Offered August 18, 2020

Prefiled August 17, 2020

*A BILL to amend and reenact § 40.1-57.2, as it shall become effective, of the Code of Virginia, relating to collective bargaining; prohibited considerations during negotiations.*

Patrons—Davis, Batten, Cole, M.L., Edmunds, Fowler, Gilbert, LaRock, Marshall, Poindexter, Walker, Wilt and Wright

Referred to Committee on Labor and Commerce

### **Be it enacted by the General Assembly of Virginia:**

**1. That § 40.1-57.2, as it shall become effective, of the Code of Virginia is amended and reenacted as follows:**

#### **§ 40.1-57.2. (Effective May 1, 2021) Collective bargaining.**

A. No state, county, city, town, or like governmental officer, agent, or governing body is vested with or possesses any authority to recognize any labor union or other employee association as a bargaining agent of any public officers or employees, or to collectively bargain or enter into any collective bargaining contract with any such union or association or its agents with respect to any matter relating to them or their employment or service unless, in the case of a county, city, or town, such authority is provided for or permitted by a local ordinance or by a resolution. Any such ordinance or resolution shall provide for procedures for the certification and decertification of exclusive bargaining representatives, including reasonable public notice and opportunity for labor organizations to intervene in the process for designating an exclusive representative of a bargaining unit. As used in this section, "county, city, or town" includes any local school board, and "public officers or employees" includes employees of a local school board.

B. No ordinance or resolution adopted pursuant to subsection A shall include provisions that restrict the governing body's authority to establish the budget or appropriate funds.

C. For any governing body of a county, city, or town that has not adopted an ordinance or resolution providing for collective bargaining, such governing body shall, within 120 days of receiving certification from a majority of public employees in a unit considered by such employees to be appropriate for the purposes of collective bargaining, take a vote to adopt or not adopt an ordinance or resolution to provide for collective bargaining by such public employees and any other public employees deemed appropriate by the governing body. Nothing in this subsection shall require any governing body to adopt an ordinance or resolution authorizing collective bargaining.

D. Notwithstanding the provisions of subsection A regarding a local ordinance or resolution granting or permitting collective bargaining, no officer elected pursuant to Article VII, Section 4 of the Constitution of Virginia or any employee of such officer is vested with or possesses any authority to recognize any labor union or other employee association as a bargaining agent of any public officers or employees, or to collectively bargain or enter into any collective bargaining contract with any such union or association or its agents, with respect to any matter relating to them or their employment or service.

E. No local ordinance or resolution granting or permitting collective bargaining shall permit consideration during collective bargaining negotiations of any action or discussion regarding the hiring, firing, or discipline of a local employee. All such actions and discussions shall be exempt from all collective bargaining negotiations.

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