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SENATE BILL NO. 939

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Commerce and Labor on February 3, 2020)

(Patrons Prior to Substitute—Senators Saslaw and Boysko [SB 1022])

A BILL to amend and reenact §§ 40.1-55, 40.1-57.2, and 40.1-57.3 of the Code of Virginia, relating to employees of local governments; collective bargaining.

Be it enacted by the General Assembly of Virginia:

1. That §§ 40.1-55, 40.1-57.2, and 40.1-57.3 of the Code of Virginia are amended and reenacted as follows:

§ 40.1-55. Employee striking terminates, and becomes temporarily ineligible for, public employment.

A. Any employee of the Commonwealth, or of any county, city, town or other political subdivision thereof, or of any agency of any one of them, who, in concert with two or more other such employees, for the purpose of obstructing, impeding or suspending any activity or operation of his employing agency or any other governmental agency, strikes or willfully refuses to perform the duties of his employment shall, by such action, be deemed to have terminated his employment and shall thereafter be ineligible for employment in any position or capacity during the next ~~twelve~~ *12* months by the Commonwealth, or any county, city, town or other political subdivision of the Commonwealth, or by any department or agency of any of them.

B. The provisions of subsection A shall apply to any employee of any county, city, or town without regard to any local ordinance pursuant to § 40.1-57.2 adopted by such county, city, or town that authorizes its employees to engage in collective bargaining.

§ 40.1-57.2. Prohibition against collective bargaining.

No state, county, ~~municipal~~ *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. 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.*

The provisions of this section shall not apply to any officer elected pursuant to Article VII, Section 4 of the Constitution of Virginia or to any employee of such officer.

§ 40.1-57.3. Certain activities permitted.

Nothing in this article shall be construed to prevent employees of the Commonwealth, *of* its political subdivisions, or of any governmental agency of any of them from forming associations for the purpose of promoting their interests before the employing agency *and, if they are employees of a county, city, or town that has, by a local ordinance as provided in § 40.1-57.2, authorized its employees to engage in collective bargaining, from doing so as provided in such ordinance.*