

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas *As Engrossed: S3/4/21 H3/11/21 H3/18/21*
93rd General Assembly **A Bill**
Regular Session, 2021

SENATE BILL 341

By: Senator B. Ballinger
By: Representative Dotson

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING PUBLIC EMPLOYEES;
TO PROHIBIT COLLECTIVE BARGAINING; AND FOR OTHER
PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING PUBLIC
EMPLOYEES; AND TO PROHIBIT COLLECTIVE
BARGAINING.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 11-4-205 is amended to read as follows:
11-4-205. Right of collective bargaining not affected.

(a) Nothing Except as provided in subsection (b) of this section,
nothing in this subchapter, including the provisions of § 11-4-218(b), shall
be deemed to interfere with, impede, or in any way diminish the right of
employers and employees to bargain collectively through representatives of
their own choosing in order to establish wages or other conditions of work.

(b) Collective bargaining by public employees is prohibited under §
21-1-801 et seq.

SECTION 2. Arkansas Code Title 21, Chapter 1, is amended to add an
additional subchapter to read as follows:

Subchapter 8 - Collective Bargaining

21-1-801. Definitions.



As used in this subchapter:

(1)(A) "Public employee" means a person who performs a full-time or part-time service for wages, salary, or other remuneration for a public employer.

(B) "Public employee" includes without limitation a state employee under § 21-1-610.

(C) "Public employee" does not include a:

(i) Public safety officer, including without limitation a:

(a) Law enforcement officer; and

(b) Firefighter; and

(ii) Public transit system employee whose public employer is a recipient of a federal grant administered by the Federal Transit Administration;

(2) "Public employer" means:

(A) An agency, department, board, commission, division, office, bureau, council, authority, or other instrumentality of the state, including the offices of the various Arkansas elected constitutional officers and the General Assembly and its agencies, bureaus, and divisions;

(B) A state-supported college, university, technical college, community college, or other institution of higher education or a department, division, or agency of a state institution of higher education;

(C) The Supreme Court, the Court of Appeals, the Administrative Office of the Courts, the circuit courts, and prosecuting attorneys' offices; and

(D) A public school district, school, or an office or department of a public school district in Arkansas; and

(3) "Strike" means a refusal to work organized by two (2) or more public employees as a form of protest in an attempt to gain a concession or concessions from a public employer.

21-1-802. Collective bargaining prohibited.

(a) A public employer shall not recognize a labor union or other public employee association as a bargaining agent of public employees.

(b) A public employer shall not collectively bargain or enter into any collective bargaining contract with a labor union or other public employee

association or its agents with respect to any matter relating to public employees, public employees' employment with a public employer, or public employees' tenure with a public employer.

21-1-803. Prohibited activities.

(a) A public employee willfully refuses to perform the duties of his or her employment with a public employer when, acting in concert with one (1) or more public employees, he or she:

(1) Strikes or walks away from the duties of his or her employment with the public employer;

(2) Physically obstructs the activity or operation of the public employer; or

(3) Physically impedes the operations of a public employer.

(b) A public employee who violates subsection (a) of this section shall be terminated by the public employer.

(c) A public employee terminated under subsection (b) of this section is ineligible for employment with a public employer in any position or capacity for twelve (12) months after being terminated for willfully refusing to perform the duties of his or her employment with a public employer.

(d) A public employer shall include in the public employer's personnel manual a statement that willfully refusing to perform the duties of his or her employment with a public employer constitutes grounds for dismissal.

21-1-804. Public employee associations.

Public employees may form associations for the purpose of promoting the public employees' interests before a public employer.

/s/B. Ballinger