SPONSOR: Rep. Dukes & Sen. Hocker;
Reps. D. Short, Hudson, Gray, Kenton, Outten, Wilson, Yearick; Sen. Lavelle

HOUSE OF REPRESENTATIVES
148th GENERAL ASSEMBLY

HOUSE BILL NO. 87

AN ACT TO AMEND TITLES 22 AND 9 OF THE DELAWARE CODE RELATING TO RIGHT-TO-WORK ZONES.

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

Section 1. Amend Chapter 1, Title 22 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 116. Right-to-Work Zones

(a) Any municipality within this state, by act of its governing body, may designate and create right-to-work zones within its boundaries.

(b) Within a right-to-work zone, no person shall be required, as a condition or continuation of employment, to:

(1) become or remain a member of a labor organization;

(2) pay any dues, fees, assessments, or other similar charges, however designated, of any kind or amount to a labor organization, or;

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

(c) This section shall not apply:

(1) to employers and employees covered by the Federal Railway Labor Act;

(2) to federal employers and employees;

(3) to employers and employees on exclusive federal enclaves;

(4) where they would otherwise conflict with, or be pre-empted by, federal law; or

(5) to public employees as defined in Title 13, § 1302 of this code;

(6) to public school employees as defined in Title 14, § 4002 of this code; or

(7) to any employment contract entered into before the effective date of this Chapter. However, the provisions of this Chapter shall apply to any renewal or extension of any existing contract.

Section 2. Amend Chapter 3, Title 9 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

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§ 350. Right-to-Work Zones

(a) The county government of each county, by act of its governing body, may designate and create right-to-work zones within its boundaries.

(b) Within a right-to-work zone, no person shall be required, as a condition or continuation of employment, to:

(1) become or remain a member of a labor organization;

(2) pay any dues, fees, assessments, or other similar charges, however designated, of any kind or amount to a labor organization, or;

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

(c) This section shall not apply:

(1) to employers and employees covered by the Federal Railway Labor Act;

(2) to federal employers and employees;

(3) to employers and employees on exclusive federal enclaves;

(4) where they would otherwise conflict with, or be pre-empted by, federal law; or

(5) to public employees as defined in Title 13, § 1302 of this code;

(6) to public school employees as defined in Title 14, § 4002 of this code; or

(7) to any employment contract entered into before the effective date of this Chapter. However, the provisions of this Chapter shall apply to any renewal or extension of any existing contract.

SYNOPSIS

This act allows each municipality and each county to create right-to-work zones.