



ARIZONA STATE SENATE
Fifty-Fifth Legislature, Second Regular Session

AMENDED
FACT SHEET FOR S.B. 1166

public employers; union contracts

Purpose

Prohibits a public employer from using public monies or employees for union activities.

Background

A person may not be denied the opportunity to obtain or retain employment because of non-membership in a labor organization. A governing entity, corporation, individual or association may not enter into an agreement excluding a person from employment because of non-membership in a labor organization ([Ariz. Const. art. 25](#); [A.R.S. § 23-1302](#)). A hiring or employment contract or agreement is contrary to public policy and void if either party undertakes or promises: 1) not to join, become or remain a member of a labor organization or employer organization; or 2) that the party will withdraw from the employment relation if the party joins, becomes or remains a member of a labor organization or employer organization ([A.R.S. § 23-1341](#)).

Statute defines *labor organization* as any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment or other conditions of employment ([A.R.S. § 23-1301](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Prohibits a public employer from:
 - a) spending public monies for union activities; and
 - b) entering into an employment contract with a public employee to engage in union activities or provide paid leave or any form of compensation for the purposes of engaging in union activities.
2. Specifies that a public employee is not prohibited from using the employee's personal leave for union activities.
3. Grants, to the Attorney General and any Arizona resident, standing in any court of record to bring suit against any public employer to remedy a violation of the restriction of using public monies and employees for union activities.
4. Requires the court to award reasonable attorney fees and costs to the party who brought an action, if the court finds that a public employer has violated the restriction of using public monies and employees for union activities.

5. Exempts any existing employment contract that is effective before the general effective date.
6. Prohibits the renewal or extension of any existing employment contract that conflicts with the restriction of using public monies and employees for union activities.
7. Declares that the regulation of using public monies and employees for union activities is a matter of statewide concern and is necessary to enforce the Arizona Constitution.
8. Declares that the prohibition against using public monies for union activities is not subject to inconsistent regulation by any public employer.
9. Declares that the regulation of using public monies and employees for union activities:
 - a) is not subject to further regulation by a county, city, town or other political subdivision of Arizona; and
 - b) preempts all inconsistent laws, rules, regulations, codes, ordinances, policies or other laws adopted by any public employer.
10. Defines *employment contract*, *public employee*, *public employer*, *union* and *union activities*.
11. Contains a legislative intent clause.
12. Becomes effective on the general effective date.

Amendments Adopted by Committee

1. Excludes law enforcement officers and paid firefighters from the definition of *public employee*.
2. Removes the severability clause.

Amendments Adopted by Committee of the Whole

1. Prohibits a public employer from providing paid leave or any form of compensation for the purposes of engaging in union activities, rather than to engage in union activities.
2. Specifies that a public employee is not prohibited from using the employee's personal leave for union activities.
3. Modifies the definition of *union activities* to mean, rather than to include:
 - a) political activities that involve advocating for the election or defeat of any political candidate; and
 - b) lobbying or attempting to influence the passage or defeat of federal or state legislation, local ordinances or any ballot measure.

Senate Action

COM 2/9/22 DPA 5-4-0

Prepared by Senate Research

February 24, 2022

JT/sr