

SENATE BILL 551

By Harper

AN ACT to amend Tennessee Code Annotated, Title 7, Chapter 3, Part 1, relative to memoranda of understanding between local governments and local employees.

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

SECTION 1. Tennessee Code Annotated, Title 7, Chapter 3, Part 1, is amended by adding the following language as a new, appropriately designated section:

7-3-106.

(a) If approved by a two-thirds (2/3) vote of the legislative body of any county having a population of more than five hundred thousand (500,000), according to the 2010 federal census or any subsequent federal census, and having a metropolitan form of government, the appropriate boards or commissions of that metropolitan government may enter into memoranda of understanding with representatives of employees or employee organizations who represent such employees as the sole and exclusive representative of the employees. Such memoranda voluntarily entered into between such parties are enforceable, provided, that such agreements contain a "no strike" clause. Such metropolitan governments shall not be authorized to grant the right to strike to any employee or employees or employee organization.

(b) No memorandum of understanding shall provide for exclusion from employment of any person because of membership in, affiliation with, resignation from, or refusal to join or affiliate with any labor union or employee organization of any kind. Any such provision in a memorandum of understanding, in whatever terms set out, shall render such memorandum void and unenforceable.

(c) No such memorandum of understanding shall contain any provision authorizing arbitration. Any such provision in a memorandum of understanding authorizing or purporting to authorize arbitration, in whatever terms described, shall render such memorandum void and unenforceable.

(d) If this section is, in any way, construed by a court of law to apply to any county other than a county having a population of more than five hundred thousand (500,000), according to the 2010 federal census or any subsequent federal census, and having a metropolitan form of government, then all provisions and applications of this section are declared to be invalid and void, and any memoranda of understanding entered into in reliance on this section are declared to be void and unenforceable.

SECTION 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end, the provisions of this act are declared to be severable.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.