

SENATE FILE NO. SF0124

Teachers' labor organizations-strike prohibition.

Sponsored by: Senator(s) Hicks and Representative(s) Davis

A BILL

for

1 AN ACT relating to education; prohibiting a teachers' labor
 2 organization from engaging in or inducing a strike;
 3 creating new duties for the department of workforce
 4 services; providing for a civil action; creating penalties;
 5 providing definitions; specifying applicability; requiring
 6 rulemaking; and providing for effective dates.

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8 *Be It Enacted by the Legislature of the State of Wyoming:*

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10 **Section 1.** W.S. 21-7-801 through 21-7-804 are created
 11 to read:

12

13

ARTICLE 8

14

LABOR RELATIONS - TEACHERS

15

16 **21-7-801. Definitions.**

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2 (a) As used in this article:

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4 (i) "Department" means the department of
5 workforce services;

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7 (ii) "Strike" means a teacher's refusal, in
8 concerted action with other teachers, to report for duty,
9 the teacher's willful absence from his position, stoppage
10 of work or the teacher's abstinence in whole or in part
11 from the performance of the duties of employment as
12 established under the teacher's employment contract;

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14 (iii) "Teacher" means as defined by W.S.
15 21-7-102(a)(vii);

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17 (iv) "Teachers' labor organization" means any
18 lawful association, organization, federation, council or
19 labor union for which the membership includes teachers and
20 that assists its members to improve their wages, hours or
21 conditions of employment.

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1 **21-7-802. Right to self-organize, form and join**
2 **teacher organizations; right to bargain collectively; right**
3 **to refrain from activities.**

4
5 (a) Except as provided by W.S. 21-7-803(a), teachers
6 shall have the right of self-organization and the right to
7 form, join or assist any teachers' labor organization for
8 the purpose of bargaining collectively through
9 representatives of their own choosing on questions of
10 wages, hours or other terms and conditions of employment
11 and to engage in lawful, concerted activities for the
12 purpose of collective bargaining or other mutual aid or
13 protection, free from interference, restraint or coercion
14 and nothing shall limit or impair the right of any teacher
15 to express or communicate a complaint or opinion on any
16 matter related to conditions of employment.

17
18 (b) A teacher shall have the right to refrain from
19 any or all of the activities under subsection (a) of this
20 section.

21
22 **21-7-803. Strikes, work stoppages and withholding of**
23 **services prohibited.**

1

2 (a) Notwithstanding W.S. 27-7-101 et seq., no teacher
3 or teachers' labor organization shall engage in a strike,
4 and no teacher or teacher labor organization shall induce,
5 encourage or condone any strike, work stoppage, slowdown or
6 withholding of services by any other teachers.

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8 (b) Whenever a strike occurs or is about to occur,
9 the affected school district or the department of education
10 shall petition the department to conduct an investigation.
11 Notwithstanding W.S. 27-7-102 through 27-7-106, if, after
12 investigation, the department determines that subsection
13 (a) of this section has been or is about to be violated,
14 the department shall initiate a civil action in the
15 district court for the county where the violation has
16 occurred or is about to occur for a restraining order or
17 temporary injunction to prohibit a strike or inducement for
18 a strike in violation of subsection (a) of this section.

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20 (c) If a civil action is initiated under subsection
21 (b) of this section, any teacher, the teachers' labor
22 organization, the school district, department of education
23 or any other person involved in the action shall have the

1 right to appear in person or otherwise to defend against
2 the complaint. The district court shall issue written
3 findings of fact and shall determine whether a violation of
4 subsection (a) of this section has been committed and, if
5 so, may issue a restraining order or a temporary or
6 permanent injunction requiring any teachers and the
7 teachers' labor organization to cease and desist from any
8 strike or inducement to strike. The court may order any
9 other remedy as provided by law and impose a civil penalty
10 pursuant to W.S. 21-7-804(a).

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12 **21-7-804. Penalties; teachers engaging in strike.**

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14 (a) Any teachers' labor organization violating W.S.
15 21-7-803(a) shall be liable for a civil penalty of five
16 thousand dollars (\$5,000.00) per violation. For purposes of
17 this subsection, each day that the teachers' labor
18 organization is engaged in a strike shall be a new
19 violation under W.S. 21-7-803(a). Any penalty collected
20 under this subsection shall be credited into the county
21 treasury to the credit of the public school fund of the
22 county or counties where the violations occurred.

23

1 (b) No compensation shall be paid to a teacher with
2 respect to any day or part thereof when the teacher is
3 engaged in a strike. No teacher shall be eligible for
4 additional compensation at a later date in the event that
5 the teacher is required to work additional days to fulfill
6 the requirements of their employment contract.

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8 (c) Any teacher who engages in a strike shall be
9 subject to discipline pursuant to W.S. 21-7-105 and
10 21-7-110.

11

12 **Section 2.** This act shall apply to teachers and
13 teachers' labor organizations beginning with the 2024-2025
14 school year and any employment contract or other agreement
15 on and after July 1, 2024.

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17 **Section 3.** The department of workforce services shall
18 promulgate all rules necessary to implement the provisions
19 of this act by July 1, 2024.

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