

## Texas Lawmakers, Attorney General Move to Strengthen Texas Right-to-Work Law

By Kristin L. Bauer

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Matching bills introduced in the Texas House and Senate would amend the Texas right-to-work law to require that labor unions be elected in a secret ballot election by a majority of employees in the unit the union seeks to represent. The current right-to-work law requires a “majority vote of the members present and participating.”

Introduced by state Senator Kel Seliger (R-Amarillo) and Representative Charles “Doc” Anderson (R-Waco), [S.B. No. 674](#) and [H.B. No. 1524](#) would add Section 101.1035 to the Texas Labor Code, providing, “An exclusive bargaining representative must be elected by secret ballot and by majority vote of the employees directly affected by the election.” Under the bills, a union cannot be elected by employees signing authorization forms stating they wish to be represented by the union. Employees must vote in a secret ballot election. Further, rather than being elected by a simple majority of those voting, a union must obtain the votes of a majority of employees who would be affected by the union representation.

Meanwhile, state Attorney General Greg Abbott released a [Workers Bill of Rights](#) that explains Texas workers cannot be forced to join a labor union and paying union dues is voluntary. The Attorney General urges employers to post the notice at their worksites. This is a voluntary option for Texas employers who want to inform employees of their rights under the Texas right to work law. A [press release](#) issued on February 20, 2013, by the Texas Attorney General’s office contrasts the Attorney General’s voluntary notice with President Barack Obama’s 2009 Executive Order 13201, which places a mandatory posting requirement on all federal contractors informing employees of their right to join a labor union.

Employers have powerful free speech rights under the federal National Labor Relations Act. They may use those rights in communicating their preferences to remain union-free. This development is a good starting point in a discussion with employees about the employer’s union-free philosophy.

If you have any questions about the Texas right-to-work law or how to stay union-free, please contact the Jackson Lewis attorney with whom you regularly work.

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