
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 238 Session of
2015

INTRODUCED BY CUTLER, EMRICK, EVANKOVICH, KNOWLES, GREINER,
F. KELLER, DUNBAR, KAUFFMAN, OBERLANDER, TOPPER, BLOOM,
MCGINNIS, GABLER, MOUL, MUSTIO, TRUITT, DIAMOND, TALLMAN,
DUSH, SACCONI, METCALFE, MENTZER, MALONEY, WHEELAND, EVERETT,
DELOZIER, MARSICO, GROVE, FEE, GRELL, JAMES, SAYLOR,
CHRISTIANA, LAWRENCE, MACKENZIE, MAJOR, HICKERNELL, ZIMMERMAN
AND COX, JANUARY 28, 2015

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JANUARY 28, 2015

AN ACT

1 Amending the act of July 23, 1970 (P.L.563, No.195), entitled
2 "An act establishing rights in public employes to organize
3 and bargain collectively through selected representatives;
4 defining public employes to include employes of nonprofit
5 organizations and institutions; providing compulsory
6 mediation and fact-finding, for collective bargaining
7 impasses; providing arbitration for certain public employes
8 for collective bargaining impasses; defining the scope of
9 collective bargaining; establishing unfair employe and
10 employer practices; prohibiting strikes for certain public
11 employes; permitting strikes under limited conditions;
12 providing penalties for violations; and establishing
13 procedures for implementation," in public policy, further
14 providing for declaration of intent; in definitions, further
15 providing for definitions; and, in scope of bargaining,
16 further providing for maintenance of membership and
17 prohibiting collective bargaining agreements from requiring
18 certain deductions.

19 The General Assembly of the Commonwealth of Pennsylvania
20 hereby enacts as follows:

21 Section 1. Section 101 of the act of July 23, 1970 (P.L.563,
22 No.195), known as the Public Employe Relations Act, is amended
23 to read:

1 Section 101. The General Assembly of the Commonwealth of
2 Pennsylvania declares that it is the public policy of this
3 Commonwealth and the purpose of this act to promote orderly and
4 constructive relationships between all public employers and
5 their employes subject, however, to the paramount right of the
6 citizens of this Commonwealth to keep inviolate the guarantees
7 for their health, safety and welfare. Unresolved disputes
8 between the public employer and its employes are injurious to
9 the public and the General Assembly is therefore aware that
10 adequate means must be established for minimizing them and
11 providing for their resolution. Within the limitations imposed
12 upon the governmental processes by these rights of the public at
13 large and recognizing that harmonious relationships are required
14 between the public employer and its employes, the General
15 Assembly has determined that the overall policy may best be
16 accomplished by (1) granting to public employes the right to
17 organize and choose freely their representatives; (2) requiring
18 public employers to negotiate and bargain with employe
19 organizations representing public employes and to enter into
20 written agreements evidencing the result of such bargaining;
21 [and] (3) establishing procedures to provide for the protection
22 of the rights of the public employe, the public employer and the
23 public at large[.]; and (4) ensuring public employers do not
24 collect money intended for political purposes from the wages of
25 employes. The General Assembly declares that section 301(21) is
26 in pari materia with the definition of "fair share fee" in
27 section 2215 of the act of April 9, 1929 (P.L.177, No.175),
28 known as "The Administrative Code of 1929," and the definition
29 of "fair share fee" in section 2 of the act of June 2, 1993
30 (P.L.45, No.15), known as the "Public Employee Fair Share Fee

1 Law."

2 Section 2. Section 301 of the act is amended by adding
3 clauses to read:

4 Section 301. As used in this act:

5 * * *

6 (20) "Political contribution" means any money or funds
7 appropriated for any of the following:

8 (i) A contribution, as defined in section 1621 of the act of
9 June 3, 1937 (P.L.1333, No.320), known as the "Pennsylvania
10 Election Code."

11 (ii) An independent expenditure, as defined in section 1621
12 of the "Pennsylvania Election Code."

13 (iii) An expenditure, as defined in section 1621 of the
14 "Pennsylvania Election Code."

15 (iv) Lobbying, as defined in 65 Pa.C.S. § 13A03 (relating to
16 definitions).

17 (v) A voter registration drive.

18 (vi) A get-out-the-vote drive.

19 (vii) Any other electoral, political or legislative purpose.

20 (21) "Fair share fee" means the regular membership dues
21 required of members of the exclusive representative, less the
22 cost for the previous fiscal year of its activities or
23 undertakings which were not reasonably employed to implement or
24 effectuate the duties of the employe organization as exclusive
25 representative.

26 Section 3. Section 705 of the act is amended to read:

27 Section 705. [Membership dues deductions and maintenance of
28 membership are proper subjects] Maintenance of membership is a
29 proper subject of bargaining with the proviso that [as to the
30 latter,] the payment of dues and assessments while members[,]

1 may be the only requisite employment condition.

2 Section 4. The act is amended by adding a section to read:

3 Section 705.1. (a) (1) Any collective bargaining agreement
4 entered into, renewed or extended on or after the effective date
5 of this section may not contain provisions requiring the
6 deduction of political contributions or membership dues
7 deductions from a public employe's wages, including, without
8 limitation, wages of public school employes covered by the act
9 of March 10, 1949 (P.L.30, No.14), known as the "Public School
10 Code of 1949."

11 (2) Notwithstanding clause (1), this section shall not be
12 construed to preclude a public employer, if required to do so by
13 a collective bargaining agreement entered into with a
14 representative of its employes, from deducting from the wages of
15 an employe organization member an amount equal to, but not
16 greater than, a fair share fee. A collective bargaining
17 agreement may require a public employer to deduct from the wages
18 of employes and remit to the employe representative an amount
19 equal to, but not greater than, a fair share fee, which shall be
20 determined in the manner required by law for the determination
21 of a fair share fee annually during each year of the agreement.

22 (b) A public employer may not deduct political contributions
23 or membership dues from the wages of a public employe, including
24 public school employes covered by the "Public School Code of
25 1949," except as required by a valid collective bargaining
26 agreement entered into between a public employer and a
27 representative of its employes prior to the effective date of
28 this subsection.

29 (c) This section shall not apply to any of the following:

30 (1) Employes of a public employer who are subject to the act

1 of June 24, 1968 (P.L.237, No.111), referred to as the Policemen
2 and Firemen Collective Bargaining Act.

3 (2) Employes of a public employer who are not permitted to
4 strike pursuant to section 1001.

5 Section 5. The provisions of this act are severable. If any
6 provision of this act or its application to any person or
7 circumstance is held invalid, the invalidity shall not affect
8 other provisions or applications of this act which can be given
9 effect without the invalid provision or application.

10 Section 6. This act shall take effect as follows:

11 (1) The addition of section 705.1 of the act shall take
12 effect in 30 days.

13 (2) The remainder of this act shall take effect
14 immediately.