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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 180

Session of  
1985

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INTRODUCED BY GREENLEAF, O'CONNELL, FISHER, SHUMAKER, HOWARD,  
KRATZER, SALVATORE, WENGER, HELFRICK, ANDREZESKI, HOPPER,  
PECORA, REIBMAN, O'PAKE AND ROCKS, JANUARY 22, 1985

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SENATE AMENDMENTS TO HOUSE AMENDMENTS, JUNE 16, 1986

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AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled  
2 "An act providing for and reorganizing the conduct of the  
3 executive and administrative work of the Commonwealth by the  
4 Executive Department thereof and the administrative  
5 departments, boards, commissions, and officers thereof,  
6 including the boards of trustees of State Normal Schools, or  
7 Teachers Colleges; abolishing, creating, reorganizing or  
8 authorizing the reorganization of certain administrative  
9 departments, boards, and commissions; defining the powers and  
10 duties of the Governor and other executive and administrative  
11 officers, and of the several administrative departments,  
12 boards, commissions, and officers; fixing the salaries of the  
13 Governor, Lieutenant Governor, and certain other executive  
14 and administrative officers; providing for the appointment of  
15 certain administrative officers, and of all deputies and  
16 other assistants and employes in certain departments, boards,  
17 and commissions; and prescribing the manner in which the  
18 number and compensation of the deputies and all other  
19 assistants and employes of certain departments, boards and  
20 commissions shall be determined," adding and changing  
21 definitions relating to crime victims' compensation; further  
22 providing for eligibility for crime victims' compensation and  
23 for awards; providing for the responsibilities of providers  
24 of service to crime victims; further providing for the  
25 allocation of certain funds; extending the limitations period  
26 for the filing of claims for crimes' victims compensation by  
27 child victims; authorizing certain STATEWIDE employee <—  
28 organizations to ~~file copies of their constitutions and~~ <—  
29 ~~by laws~~ SUBMIT REPORTS with the Secretary of Labor and <—  
30 Industry; imposing penalties for failing to file certain  
31 information; providing for ~~agency shop agreements~~ FAIR SHARE <—

1 FEE AGREEMENTS FOR CERTAIN COMMONWEALTH AND SCHOOL EMPLOYEES;  
2 and making repeals.

3 The General Assembly of the Commonwealth of Pennsylvania  
4 hereby enacts as follows:

5 ~~Section 1. The act of April 9, 1929 (P.L.177, No.175), known~~ <—  
6 ~~as The Administrative Code of 1929, is amended by adding a~~  
7 ~~section to read:~~

8 ~~Section 408.2. Fair Share Fee; Payroll Deduction. (a) As~~  
9 ~~used in this section:~~

10 ~~"Bonafide religious grounds." The tenets or teachings of a~~  
11 ~~bonafide church or religious body of which the objecting fee~~  
12 ~~payer is a member, and which form the basis for refusal to~~  
13 ~~associate.~~

14 ~~"Exclusive representative." The employe organization~~  
15 ~~selected by the employes of a school entity to represent them~~  
16 ~~for purposes of collective bargaining pursuant to the act of~~  
17 ~~July 23, 1970 (P.L.563, No.195), known as the "Public Employe~~  
18 ~~Relations Act."~~

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

24 ~~"School entity." Any school district, intermediate unit, or~~  
25 ~~vocational technical school regulated by the State Board of~~  
26 ~~Education.~~

27 ~~(b) When the exclusive representative of a school entity's~~  
28 ~~employes who are subject to the regulations of the State Board~~  
29 ~~of Education notifies the school entity as to the amount of the~~  
30 ~~fair share fee, the school entity may deduct from the salaries~~

~~1 or wages of non members of the exclusive representative the fair  
2 share fee and shall transmit said fee to the exclusive  
3 representative. Payroll deduction and transmittal of the fee  
4 shall be in accordance with a schedule agreed to by the school  
5 entity and the exclusive representative.~~

~~6 (c) As soon as the information is verified by an independent  
7 auditor, the exclusive representative shall provide the school  
8 entity and non members with a list of the major categories of  
9 expenses during the previous fiscal year together with a  
10 statement of the fair share fee and an explanation as to how it  
11 was calculated. At the same time, the exclusive representative  
12 shall notify the non members that they may challenge the fee  
13 within thirty days from receipt of notification either with  
14 respect to its calculation or on bonafide religious grounds  
15 before an impartial arbitrator, paid for equally by the non-  
16 member and the exclusive representative, and selected by both  
17 from a list supplied by the American Arbitration Association,  
18 pursuant to the Voluntary Rules of the Association.~~

~~19 (d) The decision of the impartial arbitrator shall be final  
20 and binding and shall be appealable only on the grounds  
21 available for the appeal of arbitration awards under the common  
22 law of this Commonwealth.~~

~~23 (e) The exclusive representative shall place each fair share  
24 fee into an escrow account until such time as the non member's  
25 challenge is resolved or until the thirty day post notification  
26 period has passed without challenge.~~

~~27 (f) Should an arbitrator decide that a non member's  
28 objection is based on bonafide religious grounds, the non member  
29 shall be required to transmit an amount equal to the fair share  
30 fee to a non religious charity agreed upon by the non member and~~

1 ~~the exclusive representative.~~

2 Section 2 1. Section 477 of the act OF APRIL 9, 1929 ←  
3 (P.L.177, NO.175), KNOWN AS THE ADMINISTRATIVE CODE OF 1929,  
4 amended June 30, 1984 (P.L.458, No.96), is amended to read:

5 Section 477. Definitions.--So far as it relates to the crime  
6 victim's compensation provisions, the following terms shall be  
7 defined as:

8 "Board" means the Crime Victim's Compensation Board.

9 "Claimant" means the person filing a claim pursuant to this  
10 act.

11 "Crime" means an act committed in Pennsylvania which, if  
12 committed by a mentally competent, criminally responsible adult,  
13 who had no legal exemption or defense, would constitute a crime  
14 as defined in and proscribed by Title 18 of the "Pennsylvania  
15 Consolidated Statutes," (relating to crimes and offenses) or  
16 enumerated in the act of April 14, 1972 (P.L.233, No.64), known  
17 as "The Controlled Substance, Drug, Device and Cosmetic Act" or  
18 such as would constitute a crime as defined in and prescribed by  
19 75 Pa.C.S. § 3731 (relating to driving under influence of  
20 alcohol or controlled substance): Provided, however, That no act  
21 involving the operation of a motor vehicle which results in  
22 injury shall constitute a crime for the purpose of this act  
23 unless such injury was intentionally inflicted through the use  
24 of a motor vehicle or unless the injury or death was a result of  
25 an accident involving a legally intoxicated operator of a motor  
26 vehicle.

27 "Family," when used in reference to a person, shall mean (i)  
28 anyone related to such person within the third degree of  
29 consanguinity or affinity, (ii) anyone maintaining a common-law  
30 relationship with such person, or (iii) anyone residing in the

1 same household with such person.

2 "Injury" shall include physical or mental damages and  
3 aggravation of existing injuries if additional losses can be  
4 attributed to the result of the crime.

5 "Intervenor" shall mean a person who goes to the aid of  
6 another and suffers [bodily] physical or mental injury or death  
7 as a direct result of acting not recklessly to prevent the  
8 commission of a crime, or to lawfully apprehend a person  
9 reasonably suspected of having committed such crime, or to aid  
10 the victim of such crime.

11 "Local law enforcement agency" means a police department of a  
12 city, borough, incorporated town or township.

13 "Loss of earnings," in addition to its ordinary meaning,  
14 shall mean the loss of the cash equivalent of a social security  
15 [payment where social security], railroad retirement, or support  
16 payment, where said payment is the primary source of the  
17 victim's or claimant's income and where the victim is deprived  
18 of the money as a direct result of a crime; or the loss of  
19 earning power resulting from the injury as herein defined, to  
20 the victim or claimant.

21 "Out-of-pocket loss" means the unreimbursed and  
22 unreimbursable expenses or indebtedness incurred for medical  
23 care, nonmedical remedial care and treatment rendered in  
24 accordance with a religious method of healing as approved by the  
25 board, or other services, including psychological counseling,  
26 reasonably necessary as a result of the injury upon which the  
27 claim is based and for which the claimant either has paid or is  
28 liable, to include expenses for physical examinations and  
29 materials used to obtain evidence. In no case shall property  
30 damages or compensation for pain and suffering be included.

1 "Victim" shall mean a person against whom a crime has been  
2 committed, other than the alleged offender, who suffers [bodily]  
3 physical or mental injury, death or the loss of [the proceeds of  
4 a social security payment which is the primary income of the  
5 recipient as a direct result of a crime] earnings as herein  
6 defined.

7 Section 3 2. Section 477.3(c) and (d) of the act, amended ←  
8 June 30, 1984 (P.L.458, No.96), are amended to read:

9 Section 477.3. Persons Eligible for Compensation.--\* \* \*

10 (c) [A person who is not a resident of Pennsylvania at the  
11 time of occurrence of the crime upon which the claim is based,  
12 shall be eligible for compensation only if the law of the state  
13 of which he is a resident at the time of occurrence of the crime  
14 upon which the claim is based provides for compensation to  
15 Pennsylvania residents who are victims of crime in such state.

16 (d) If the victim's state of residence provides payments to  
17 its residents injured in Pennsylvania, primary responsibility  
18 for payment to the victim shall rest with the victim's state of  
19 residence.] A person who is a resident of the United States,  
20 including the District of Columbia, the Commonwealth of Puerto  
21 Rico and all territories and possessions of the United States,  
22 shall be eligible for compensation.

23 (d) Where a crime results in death, individuals related to  
24 the victim within the third degree of consanguinity or affinity  
25 shall be eligible for compensation for psychological counseling.

26 Section 4 3. Section 477.4(b) of the act, added July 9, 1976 ←  
27 (P.L.574, No.139), is amended to read:

28 Section 477.4. Filing of Claims for Compensation.--\* \* \*

29 (b) A claim must be filed not later than one year after the  
30 occurrence of the crime upon which the claim is based, or not

1 later than one year after the death of the victim or intervenor:  
2 Provided, however, That for good cause the board may extend the  
3 time for filing for a period not exceeding two years after such  
4 occurrence. Where a victim is under the age of eighteen at the  
5 time of the occurrence of the crime and the alleged offender is  
6 the victim's parent or a person responsible for the victim's  
7 welfare, or any individual residing in the same home as the  
8 victim, or a paramour of the victim's parent, the board may, for  
9 good cause, extend the time for filing for a period not  
10 exceeding five years after such occurrence.

11 \* \* \*

12 Section 5 4. Section 477.5 of the act is repealed. <—

13 Section 6 5. Section 477.9 of the act is amended by adding <—  
14 subsections to read:

15 Section 477.9. Awards.--\* \* \*

16 (c.1) Where an order of restitution has been entered on  
17 behalf of the victim, those amounts actually collected shall  
18 first be applied to property losses incident to the crime and  
19 secondly to personal injury losses as set forth in subsection  
20 (f) of this section.

21 (c.2) Provisions of or awards made pursuant to this or any  
22 other act compensating or benefiting a victim or claimant as  
23 defined by this act shall in no way affect the claimant or  
24 victim's eligibility under public assistance or any other State  
25 or federally created social benefit or assistance program.

26 \* \* \*

27 Section 7 6. The act is amended by adding a section to read: <—

28 Section 477.19. Responsibilities of Service Providers and  
29 Insurance Companies.--(a) Providers of services, including, but  
30 not limited to, doctors, hospitals, counselors and insurance

1 companies providing reimbursement to victims or claimants, shall  
2 respond, in writing, to the board's request for confirmation  
3 under this act within thirty (30) days of receipt of the board's  
4 request.

5 (b) Any provider who fails to respond within thirty (30)  
6 days of receipt of the request shall be subject to civil penalty  
7 of not more than ten dollars (\$10) per day up to, and including  
8 the date of compliance.

9 (c) The office of district attorney of the county in which  
10 the provider is located or the Attorney General shall be charged  
11 with enforcement of this section.

12 Section 8 7. Section 479.5 of the act is amended by adding a <—  
13 subsection to read:

14 Section 479.5. Grant Program for Services.--\* \* \*

15 (f) In the allocation of funds for services under section  
16 479.4, the commission shall consider the revenue collected by  
17 potential grant recipients under the penalty assessments  
18 authorized in section 477.15 of this act and section 1203 of the  
19 act of June 13, 1967 (P.L.31, No.21), known as the "Public  
20 Welfare Code," pertaining to domestic violence and rape crisis  
21 services.

22 ~~Section 9. The act is amended by adding a section to read: <—~~

23 ~~Section 2215. Employe Organizations to File Copy of~~  
24 ~~Constitution and Bylaws with the Department; Agency Shop~~  
25 ~~Agreements.—(a) Every State employe organization having an~~  
26 ~~agency shop agreement shall adopt a constitution and bylaws and~~  
27 ~~shall file a copy thereof with the Secretary of Labor and~~  
28 ~~Industry, together with a report, signed by its president and~~  
29 ~~secretary or corresponding principal officers, containing the~~  
30 ~~following information:~~

1 ~~(1) The name of the employe organization, its mailing~~  
2 ~~address and any other address at which it maintains its~~  
3 ~~principal office or at which it keeps the records referred to in~~  
4 ~~this section;~~

5 ~~(2) The name and title of each of its officers;~~

6 ~~(3) The initiation fee or fees required from a new or~~  
7 ~~transferred member and fees for work permits required by the~~  
8 ~~reporting employe organization;~~

9 ~~(4) The regular dues or fees or other periodic payments~~  
10 ~~required to remain a member of the reporting employe~~  
11 ~~organization;~~

12 ~~(5) Detailed statements, or references to specific~~  
13 ~~provisions of documents filed under this subsection which~~  
14 ~~contain such statements, showing the provision made and~~  
15 ~~procedures followed with respect to each of the following:~~

16 ~~(i) qualifications for or restrictions on membership;~~

17 ~~(ii) levying of assessments;~~

18 ~~(iii) participation in insurance of other benefit plans;~~

19 ~~(iv) authorization for disbursement of funds of the employe~~  
20 ~~organization;~~

21 ~~(v) audit of financial transactions of the employe~~  
22 ~~organization;~~

23 ~~(vi) the calling of regular and special meetings;~~

24 ~~(vii) the selection of officers and stewards and of any~~  
25 ~~representatives to other bodies composed of employe~~  
26 ~~organizations' representatives, with a specific statement of the~~  
27 ~~manner in which each officer was elected, appointed or otherwise~~  
28 ~~selected;~~

29 ~~(viii) discipline or removal of officers or agents for~~  
30 ~~breaches of their trust;~~

1 ~~(ix) imposition of fines, suspensions and expulsions of~~  
2 ~~members, including the grounds for such action and any provision~~  
3 ~~made for notice, hearing, judgment on the evidence and appeal~~  
4 ~~procedures;~~

5 ~~(x) authorization for bargaining demands;~~

6 ~~(xi) ratification of contract terms;~~

7 ~~(xii) authorization for strikes; and~~

8 ~~(xiii) issuance of work permits.~~

9 ~~Any change in the information provided under this subsection~~  
10 ~~shall be reported to the Secretary of Labor and Industry at the~~  
11 ~~time the reporting employe organization files with the Secretary~~  
12 ~~of Labor and Industry the annual financial report required by~~  
13 ~~subsection (b).~~

14 ~~(b) Every State employe organization having an agency shop~~  
15 ~~agreement shall file annually on or before July 15 with the~~  
16 ~~Secretary of Labor and Industry a financial report signed by its~~  
17 ~~president and treasurer or corresponding principal officers~~  
18 ~~containing the following information in such detail as may be~~  
19 ~~necessary to accurately disclose its financial condition and~~  
20 ~~operations for its preceding fiscal year:~~

21 ~~(1) Assets and liabilities at the beginning and end of the~~  
22 ~~fiscal year;~~

23 ~~(2) Receipts of any kind and the sources thereof;~~

24 ~~(3) Salary, allowances and other direct or indirect~~  
25 ~~disbursements, including reimbursed expenses, to each officer~~  
26 ~~and to each employe who, during such fiscal year, received more~~  
27 ~~than ten thousand dollars (\$10,000) in the aggregate from such~~  
28 ~~employe organization and any other employe organization~~  
29 ~~affiliated with it or with which it is affiliated, or which is~~  
30 ~~affiliated with the same national or international employe~~

1 organization;

2 (4) Direct and indirect loans made to any officer, employe  
3 or member, which aggregated more than two hundred fifty dollars  
4 (\$250) during the fiscal year, together with a statement of the  
5 purpose, security, if any, and arrangements for repayments;

6 (5) Direct and indirect loans to any business enterprise  
7 together with a statement of the purpose, security, if any, and  
8 arrangements for repayment; and

9 (6) Other disbursements made by it including the purposes  
10 thereof.

11 The information submitted under this subsection shall be in  
12 such categories as the Secretary of Labor and Industry may  
13 prescribe.

14 (c) Every employe organization which submits a report under  
15 this section shall make available the information required to be  
16 contained in such report to all of its members, and every such  
17 employe organization and its officers shall be under a duty  
18 enforceable at the suit of any member of such organization in  
19 the court of common pleas of the county in which such employe  
20 organization maintains its principal office, to permit such  
21 member for just cause to examine any books, records and accounts  
22 necessary to verify such report. The court in such action may,  
23 in its discretion, in addition to any judgment awarded to the  
24 plaintiff or plaintiffs, allow a reasonable attorney's fee to be  
25 paid by the defendant and costs of the action.

26 (d) Every employe organization and every person filing any  
27 report under this section shall maintain records on the matters  
28 required to be reported which will provide in sufficient detail  
29 the necessary basic information and data from which the  
30 documents filed with the Secretary of Labor and Industry may be

~~1 verified, explained or clarified, and checked for accuracy and  
2 completeness, and shall include vouchers, worksheets, receipts  
3 and applicable resolutions, and shall keep such records  
4 available for examination for a period of not less than five  
5 years after the filing of the documents based on the information  
6 which they contain.~~

7 SECTION 8. THE ACT IS AMENDED BY ADDING A SECTION TO READ: <—

8 SECTION 2215. FAIR SHARE FEE; PAYROLL DEDUCTION.--(A) AS  
9 USED IN THIS SECTION:

10 "BONA FIDE RELIGIOUS GROUNDS." THE TENETS OR TEACHINGS OF A  
11 BONA FIDE CHURCH OR RELIGIOUS BODY OF WHICH THE OBJECTING FEE  
12 PAYER IS A MEMBER, AND WHICH FORM THE BASIS FOR REFUSAL TO  
13 ASSOCIATE.

14 "COMMONWEALTH." THE COMMONWEALTH OF PENNSYLVANIA, INCLUDING  
15 ANY BOARD, COMMISSION, DEPARTMENT, AGENCY OR INSTRUMENTALITY OF  
16 THE COMMONWEALTH.

17 "EMPLOYEE ORGANIZATION." AN ORGANIZATION OF ANY KIND OR ANY  
18 AGENCY OR EMPLOYEE REPRESENTATION COMMITTEE OR PLAN IN WHICH  
19 MEMBERSHIP INCLUDES PUBLIC EMPLOYEES, AND WHICH EXISTS FOR THE  
20 PURPOSE, IN WHOLE OR IN PART, OF DEALING WITH EMPLOYERS  
21 CONCERNING GRIEVANCES, EMPLOYEE-EMPLOYER DISPUTES, WAGES, RATES  
22 OF PAY, HOURS OF EMPLOYMENT OR CONDITIONS OF WORK BUT SHALL NOT  
23 INCLUDE ANY ORGANIZATION WHICH PRACTICES DISCRIMINATION IN  
24 MEMBERSHIP BECAUSE OF RACE, GENDER, COLOR, CREED, NATIONAL  
25 ORIGIN OR POLITICAL AFFILIATION.

26 "EXCLUSIVE REPRESENTATIVE." THE EMPLOYEE REPRESENTATIVE  
27 SELECTED BY THE EMPLOYEES OF A PUBLIC EMPLOYER TO REPRESENT THEM  
28 FOR PURPOSES OF COLLECTIVE BARGAINING PURSUANT TO THE ACT OF  
29 JULY 23, 1970 (P.L.563, NO.195), KNOWN AS THE "PUBLIC EMPLOYEE  
30 RELATIONS ACT."

1       "FAIR SHARE FEE." THE REGULAR MEMBERSHIP DUES REQUIRED OF  
2 MEMBERS OF THE EXCLUSIVE REPRESENTATIVE LESS THE COST FOR THE  
3 PREVIOUS FISCAL YEAR OF ITS ACTIVITIES OR UNDERTAKINGS WHICH  
4 WERE NOT REASONABLY EMPLOYED TO IMPLEMENT OR EFFECTUATE THE  
5 DUTIES OF THE EMPLOYE ORGANIZATION AS EXCLUSIVE REPRESENTATIVE.

6       "PUBLIC EMPLOYER." THE COMMONWEALTH OR A SCHOOL ENTITY.

7       "SCHOOL ENTITY." ANY SCHOOL DISTRICT, INTERMEDIATE UNIT, OR  
8 VOCATIONAL-TECHNICAL SCHOOL REGULATED BY THE STATE BOARD OF  
9 EDUCATION.

10       "STATEWIDE EMPLOYE ORGANIZATION." AN EMPLOYE ORGANIZATION  
11 WHICH IS THE STATEWIDE AFFILIATED PARENT ORGANIZATION OF AN  
12 EXCLUSIVE REPRESENTATIVE, OR AN EXCLUSIVE REPRESENTATIVE  
13 REPRESENTING EMPLOYES STATEWIDE, AND WHICH IS RECEIVING NON-  
14 MEMBER FAIR SHARE FEE PAYMENTS UNDER A FAIR SHARE FEE AGREEMENT.

15       (B) A PUBLIC EMPLOYER MAY ENTER INTO A FAIR SHARE FEE  
16 AGREEMENT WITH AN EXCLUSIVE REPRESENTATIVE WHICH WOULD REQUIRE  
17 THAT EACH NON-MEMBER OF A COLLECTIVE BARGAINING UNIT SHALL BE  
18 REQUIRED TO PAY, AS A CONDITION OF CONTINUED EMPLOYMENT, A FAIR  
19 SHARE FEE, EXCEPT AS PROVIDED FOR IN THIS SECTION.

20       (C) WHEN THE EXCLUSIVE REPRESENTATIVE OF EMPLOYES OF A  
21 PUBLIC EMPLOYER NOTIFIES THE PUBLIC EMPLOYER AS TO THE AMOUNT OF  
22 THE FAIR SHARE FEE LEVIED PURSUANT TO SUBSECTION (B), THE  
23 EMPLOYER SHALL DEDUCT FROM THE SALARIES OR WAGES OF NON-MEMBERS  
24 OF THE EXCLUSIVE REPRESENTATIVE THE FAIR SHARE FEE AND SHALL  
25 TRANSMIT SAID FEE TO THE EXCLUSIVE REPRESENTATIVE. PAYROLL  
26 DEDUCTION AND TRANSMITTAL OF THE FEE SHALL BE IN ACCORDANCE WITH  
27 A SCHEDULE AGREED TO BY THE PUBLIC EMPLOYER AND THE EXCLUSIVE  
28 REPRESENTATIVE.

29       (D) AS SOON AS THE INFORMATION IS VERIFIED BY AN INDEPENDENT  
30 AUDITOR, THE EXCLUSIVE REPRESENTATIVE SHALL PROVIDE THE PUBLIC

1 EMPLOYER AND NON-MEMBERS WITH A LIST OF THE MAJOR CATEGORIES OF  
2 EXPENSES DURING THE PREVIOUS FISCAL YEAR TOGETHER WITH A  
3 STATEMENT OF THE FAIR SHARE FEE AND AN EXPLANATION AS TO HOW IT  
4 WAS CALCULATED. AT THE SAME TIME, THE EXCLUSIVE REPRESENTATIVE  
5 SHALL NOTIFY THE NON-MEMBERS THAT THEY MAY CHALLENGE THE FEE  
6 WITHIN THIRTY (30) DAYS FROM RECEIPT OF NOTIFICATION EITHER WITH  
7 RESPECT TO ITS CALCULATION OR ON BONA FIDE RELIGIOUS GROUNDS  
8 BEFORE AN IMPARTIAL ARBITRATOR, PAID FOR EQUALLY BY THE NON-  
9 MEMBER AND THE EXCLUSIVE REPRESENTATIVE, AND SELECTED BY BOTH  
10 FROM A LIST SUPPLIED BY THE AMERICAN ARBITRATION ASSOCIATION,  
11 PURSUANT TO THE VOLUNTARY RULES OF THE ASSOCIATION.

12 (E) THE DECISION OF THE IMPARTIAL ARBITRATOR SHALL BE FINAL  
13 AND BINDING AND SHALL BE APPEALABLE ONLY ON THE GROUNDS  
14 AVAILABLE FOR THE APPEAL OF ARBITRATION AWARDS UNDER THE COMMON  
15 LAW OF THIS COMMONWEALTH.

16 (F) THE EXCLUSIVE REPRESENTATIVE SHALL PLACE EACH FAIR SHARE  
17 FEE INTO AN ESCROW ACCOUNT UNTIL SUCH TIME AS THE NON-MEMBER'S  
18 CHALLENGE IS RESOLVED OR UNTIL THE THIRTY DAY POST-NOTIFICATION  
19 PERIOD HAS PASSED WITHOUT CHALLENGE.

20 (G) SHOULD AN ARBITRATOR DECIDE THAT A NON-MEMBER'S  
21 OBJECTION IS BASED ON BONA FIDE RELIGIOUS GROUNDS, THE NON-  
22 MEMBER SHALL BE REQUIRED TO TRANSMIT AN AMOUNT EQUAL TO THE FAIR  
23 SHARE FEE TO A NON-RELIGIOUS CHARITY AGREED UPON BY THE NON-  
24 MEMBER AND THE EXCLUSIVE REPRESENTATIVE.

25 (H) EVERY STATEWIDE EMPLOYE ORGANIZATION REQUIRED TO SUBMIT  
26 A REPORT UNDER TITLE II OF THE LABOR-MANAGEMENT REPORTING AND  
27 DISCLOSURE ACT OF 1959 (PUBLIC LAW 86-257, 29 U.S.C. § 154 ET  
28 SEQ.) SHALL MAKE AVAILABLE A COPY OF SUCH REPORT TO THE  
29 SECRETARY OF LABOR AND INDUSTRY.

30 (e) (I) All materials and reports filed pursuant to this

<—

1 section shall be deemed to be public records and shall be  
2 available for public inspection at the Office of the Secretary  
3 of Labor and Industry during the usual business hours of the  
4 Department of Labor and Industry.

5 ~~(f)~~ (J) Any employe organization which violates the <—  
6 provisions of this section or fails to file any required report  
7 or affidavit or files a false report or affidavit shall be  
8 subject to a fine of not more than two thousand dollars  
9 (\$2,000).

10 ~~(g)~~ (K) Any person who wilfully violates this section, or <—  
11 who makes a false statement knowing it to be false, or who  
12 knowingly fails to disclose a material fact shall be fined not  
13 more than one thousand dollars (\$1,000) or undergo imprisonment  
14 for not more than thirty (30) days, or both. Each individual  
15 required to sign affidavits or reports under this section shall  
16 be personally responsible for filing such report or affidavit  
17 and for any statement contained therein he knows to be false.

18 ~~(h)~~ The Commonwealth of Pennsylvania, any board, commission, <—  
19 department, agency or instrumentality of the Commonwealth as a  
20 public employer, may make an agency shop agreement with an  
21 employe organization which is qualified which would require that  
22 each employe in an appropriate collective bargaining unit who is  
23 not a member of the employe organization shall be required,  
24 except as provided herein, as a condition of continued  
25 employment, to pay to such organization for the period that it  
26 is the exclusive representative, an amount equal to the dues  
27 that a member is charged; however, an employe who is a member of  
28 and adheres to established and traditional tenents or teachings  
29 of a bona fide religion, body or sect which had traditionally  
30 held conscientious objections to financially supporting labor

~~1 organizations shall not be required to make any agency shop  
2 payment as a condition of continued employment, but such employe  
3 may be required, in lieu of such payment, to pay equivalent sums  
4 to a nonreligious charitable fund or organization mutually  
5 agreed upon by the employe and the employe organization which is  
6 the exclusive representative, or, if agreement is not reached on  
7 this matter, to any such fund or organization chosen by the  
8 employe. An employe organization is qualified for agency shop if  
9 it has established a procedure providing for the refund to any  
10 employe so demanding of any part of an agency shop payment that  
11 represents the employe's pro rata share of expenditures by the  
12 organization for activities or causes of a political or  
13 ideological nature unrelated to collective bargaining or terms  
14 and conditions of employment.~~

15 Section ~~10~~ 9. All acts and parts of acts are repealed <—  
16 insofar as they are inconsistent with this act.

17 SECTION 11. ~~(A) EXCEPT AS PROVIDED IN SUBSECTION (B), THE <—  
18 PROVISIONS OF THIS ACT ARE SEVERABLE. IF ANY PROVISION OF THIS  
19 ACT OR ITS APPLICATION TO ANY PERSON OR CIRCUMSTANCE IS HELD  
20 INVALID, THE INVALIDITY SHALL NOT AFFECT OTHER PROVISIONS OR  
21 APPLICATIONS OF THIS ACT WHICH CAN BE GIVEN EFFECT WITHOUT THE  
22 INVALID PROVISION OR APPLICATION.~~

23 ~~(B) NOTWITHSTANDING SUBSECTION (A) AND 1 PA.C.S. § 1925  
24 (RELATING TO CONSTITUTIONAL CONSTRUCTION OF STATUTES), THE  
25 PROVISIONS OF SECTIONS 408.2 AND 2215 JOINTLY ARE MADE EXPRESSLY  
26 NONSEVERABLE.~~

27 Section 11 12. ~~(a) Section 1 of this act shall take effect  
28 July 1, 1986, or immediately, whichever is later.~~

29 ~~(b) The remainder of this act shall take effect immediately.~~

30 SECTION 10. THIS ACT SHALL TAKE EFFECT IMMEDIATELY. <—