
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 650 Session of
2015

INTRODUCED BY FOLMER, EICHELBERGER, SMUCKER, ALLOWAY, WAGNER,
WHITE, VANCE AND AUMENT, MARCH 20, 2015

REFERRED TO LABOR AND INDUSTRY, MARCH 20, 2015

AN ACT

1 Prohibiting employers from making employment conditional on
2 certain labor organization status; providing for remedies and
3 penalties; and making related repeals.

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

6 Section 1. Short title.

7 This act shall be known and may be cited as the Freedom of
8 Employment Act.

9 Section 2. Findings and declarations.

10 The General Assembly finds and declares as follows:

11 (1) To require a person to be a member of or not to be a
12 member of a private organization as a compulsory condition of
13 work or employment is not in accord with fundamental
14 principles of individual liberty and freedom of choice.

15 (2) It is the public policy of this Commonwealth that:

16 (i) Membership or nonmembership in a labor union
17 should not be made a condition of the opportunity to work
18 or to be or remain in the employment of any employer.

1 (ii) Employees should have the right to form, join,
2 continue membership in or assist labor organizations,
3 financially or otherwise, and should equally have the
4 right to refrain from forming, joining, continuing
5 membership in or assisting labor organizations,
6 financially or otherwise.

7 (iii) Any agreement, express or implied, between
8 employers and labor organizations, or any practice
9 whatsoever, which directly or indirectly makes membership
10 or nonmembership in a labor organization or support or
11 nonsupport, financially or otherwise, of a labor
12 organization a condition of employment or continued
13 employment is a violation of individual liberty and
14 freedom and is against the public policy of this
15 Commonwealth.

16 (3) All provisions of this act shall be liberally
17 construed for the accomplishment of its purpose.

18 (4) This act shall be deemed an exercise of the police
19 power of the Commonwealth of Pennsylvania for the protection
20 of the public welfare, prosperity, health and peace of the
21 people of this Commonwealth.

22 Section 3. Definitions.

23 The following words and phrases when used in this act shall
24 have the meanings given to them in this section unless the
25 context clearly indicates otherwise:

26 "Employer." A person, firm, association, partnership,
27 corporation, organization, institution or public employer,
28 including the Commonwealth, and a political subdivision,
29 municipality, school district, office, board, commission,
30 agency, authority or other instrumentality of the Commonwealth.

1 "Labor organization." An organization, or an agency or
2 employee representation committee, plan or arrangement in which
3 employees participate and which exists for the purpose, in whole
4 or in part, of dealing with employers, public or private,
5 concerning grievances, labor disputes, wages, rates of pay,
6 hours of employment or conditions of work.

7 "Person." An individual or a corporation, association,
8 company, firm or labor organization.

9 Section 4. Prohibited conditions of employment.

10 (a) Membership.--No person shall be required to become or
11 remain a member of a labor organization as a condition of
12 employment or continuation of employment.

13 (b) Abstention from membership.--No person shall be required
14 to abstain or refrain from membership in a labor organization as
15 a condition of employment or continuation of employment.

16 (c) Dues, fees and charges.--No person shall be required to
17 pay or refrain from paying dues, fees or charges of any kind to
18 a labor organization or to a charity or other third party in
19 lieu of the payments to a labor organization as a condition of
20 employment or continuation of employment.

21 Section 5. Violations.

22 (a) Offense defined.--A person violates this act if the
23 person:

24 (1) directly or indirectly imposes on another person a
25 requirement or compulsion prohibited by this act;

26 (2) makes an agreement, written or oral, express or
27 implied, to directly or indirectly impose on another person a
28 requirement or compulsion prohibited by this act; or

29 (3) engages in a lockout, layoff, strike, work stoppage,
30 slowdown, picketing, boycott or other action or conduct, the

1 purpose or effect of which is to impose on any person,
2 directly or indirectly, any requirement or compulsion
3 prohibited by this act.

4 (b) Grading.--A violation under subsection (a) constitutes a
5 misdemeanor of the third degree, punishable by a fine of not
6 more than \$1,000 or imprisonment for not more than six months,
7 or both. Each day of continued violation shall constitute a
8 separate offense.

9 Section 6. Injunctive relief.

10 Notwithstanding any other law to the contrary, a person
11 injured or threatened with injury by an action or conduct
12 prohibited by this act shall be entitled to injunctive relief
13 therefrom and to damages for any injuries sustained.

14 Section 7. Repeals.

15 Repeals are as follows:

16 (1) The General Assembly declares that the repeals under
17 paragraphs (2) and (3) are necessary to effectuate the
18 provisions of this act.

19 (2) (i) Section 2215 of the act of April 9, 1929
20 (P.L.177, No.175), known as The Administrative Code of
21 1929, is repealed.

22 (ii) As much as reads "": Provided, That nothing in
23 this act, or in any agreement approved or prescribed
24 thereunder, or in any other statute of this Commonwealth,
25 shall preclude an employer from making an agreement with
26 a labor organization (not established, maintained or
27 assisted by any action defined in this act as an unfair
28 labor practice) to require, as a condition of employment,
29 membership therein, if such labor organization is the
30 representative of the employes, as provided in section

1 seven (a) of this act, in the appropriate collective
2 bargaining unit covered by such agreement when made and
3 if such labor organization does not deny membership in
4 its organization to a person or persons who are employes
5 of the employer at the time of the making of such
6 agreement, provided such employe was not employed in
7 violation of any previously existing agreement with said
8 labor organization" in section 6(1)(c) of the act of June
9 1, 1937 (P.L.1168, No.294), known as the Pennsylvania
10 Labor Relations Act, is repealed.

11 (iii) As much as reads "unless he is authorized so
12 to do by a majority vote of all the employes in the
13 appropriate collective bargaining unit taken by secret
14 ballot, and" in section 6(1)(f) of the Pennsylvania Labor
15 Relations Act is repealed.

16 (iv) Section 301(18) of the act of July 23, 1970
17 (P.L.563, No.195), known as the Public Employe Relations
18 Act, is repealed.

19 (v) As much as reads ", except as may be required
20 pursuant to a maintenance of membership provision in a
21 collective bargaining agreement" in section 401 of the
22 Public Employe Relations Act is repealed.

23 (vi) Section 705 of the Public Employe Relations Act
24 is repealed.

25 (vii) The act of June 2, 1993 (P.L.45, No.15), known
26 as the Public Employee Fair Share Fee Law, is repealed.

27 (3) All acts and parts of acts are repealed insofar as
28 they are inconsistent with this act.

29 Section 8. Applicability.

30 This act does not apply to the following:

1 (1) Employers and employees covered under the Railway
2 Labor Act (Public Law 69-257, 44 Stat. 577).

3 (2) Employers and employees of the Federal Government.

4 (3) Employers and employees on exclusive Federal
5 enclaves.

6 (4) Employers and employees covered under a Federal law
7 that is in conflict or preempts this act.

8 Section 9. Effective date.

9 This act shall take effect immediately.