

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1744 Session of
1999

INTRODUCED BY ZUG, HERSHEY, CLYMER, ARMSTRONG, BIRMELIN,
L. I. COHEN, EGOLF, FAIRCHILD, FARGO, FLEAGLE, FORCIER,
MARSICO, METCALFE, R. MILLER, NAILOR, ROHRER, RUBLEY,
SCHRODER, SEYFERT, STEIL, E. Z. TAYLOR, TRUE, TULLI,
YOUNGBLOOD AND ZIMMERMAN, JUNE 21, 1999

REFERRED TO COMMITTEE ON LABOR RELATIONS, JUNE 21, 1999

AN ACT

1 Amending the act of June 1, 1937 (P.L.1168, No.294), entitled
2 "An act to protect the right of employes to organize and
3 bargain collectively; creating the Pennsylvania Labor
4 Relations Board; conferring powers and imposing duties upon
5 the Pennsylvania Labor Relations Board, officers of the State
6 government, and courts; providing for the right of employes
7 to organize and bargain collectively; declaring certain labor
8 practices by employers to be unfair; further providing that
9 representatives of a majority of the employes be the
10 exclusive representatives of all the employes; authorizing
11 the board to conduct hearings and elections, and certify as
12 to representatives of employes for purposes of collective
13 bargaining; empowering the board to prevent any person from
14 engaging in any unfair labor practice, and providing a
15 procedure for such cases, including the issuance of a
16 complaint, the conducting of a hearing, and the making of an
17 order; empowering the board to petition a court of common
18 pleas for the enforcement of its order, and providing a
19 procedure for such cases; providing for the review of an
20 order of the board by a court of common pleas on petition of
21 any person aggrieved by such order, and establishing a
22 procedure for such cases; providing for an appeal from the
23 common pleas court to the Supreme Court; providing the board
24 with investigatory powers, including the power to issue
25 subpoenas and the compelling of obedience to them through
26 application to the proper court; providing for service of
27 papers and process of the board; prescribing certain
28 penalties," further providing for unfair labor practices.

29 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

2 Section 1. Section 6 of the act of June 1, 1937 (P.L.1168,
3 No.294), known as the Pennsylvania Labor Relations Act, amended
4 June 30, 1947 (P.L.1160, No.484) and July 7, 1947 (P.L.1445,
5 No.558), is amended to read:

6 Section 6. Unfair Labor Practices.--(1) It shall be an
7 unfair labor practice for an employer--

8 (a) To interfere with, restrain or coerce employes in the
9 exercise of the rights guaranteed in this act.

10 (b) To dominate or interfere with the formation of
11 administration of any labor organization or contribute financial
12 or other material support to it: Provided, That, except as
13 otherwise specifically provided in clause (g), subject to rules
14 and regulations made and published by the board pursuant to this
15 act, an employer shall not be prohibited from permitting
16 employes to confer with him during working hours without loss of
17 time or pay.

18 (c) By discrimination in regard to hire or tenure of
19 employment, or any term or condition of employment to encourage
20 or discourage membership in any labor organization: Provided,
21 That nothing in this act, or in any agreement approved or
22 prescribed thereunder, or in any other statute of this
23 Commonwealth, shall preclude an employer from making an
24 agreement with a labor organization (not established, maintained
25 or assisted by any action defined in this act as an unfair labor
26 practice) to require, as a condition of employment, membership
27 therein, if such labor organization is the representative of the
28 employes, as provided in section seven (a) of this act, in the
29 appropriate collective bargaining unit covered by such agreement
30 when made and if such labor organization does not deny

1 membership in its organization to a person or persons who are
2 employees of the employer at the time of the making of such
3 agreement, provided such employee was not employed in violation
4 of any previously existing agreement with said labor
5 organization.

6 (d) To discharge or otherwise discriminate against an
7 employee because he has filed charges or given testimony under
8 this act.

9 (e) To refuse to bargain collectively with the
10 representatives of his employees, subject to the provisions of
11 section seven (a) of this act.

12 (f) To deduct, collect, or assist in collecting from the
13 wages of employees any dues, fees, assessments, or other
14 contributions payable to any labor organization, unless he is
15 authorized so to do by a majority vote of all the employees in
16 the appropriate collective bargaining unit taken by secret
17 ballot, and unless he thereafter receives the written
18 authorization from each employee whose wages are affected.

19 (g) Notwithstanding any provisions to the contrary contained
20 in this act or any other act, to enter into an agreement with
21 any labor organization, employee, agency, committee, association
22 or representation plan, in regard to hiring, tenure, termination
23 of employment or other terms and conditions of employment; or to
24 require, as a condition of employment of any full-time student
25 in a part-time or temporary employment contract, membership in
26 or financial support, in the form of dues or otherwise, to any
27 labor organization, employee, agency, committee, or association
28 or representative plan. For the purpose of this clause, a full-
29 time student means an individual between sixteen and twenty-five
30 years of age who is enrolled or who has registered to be

enrolled in a full-time program of secondary, vocational or higher education, as determined by law or by the rules of the institution in which the student is registered or enrolled.

(2) It shall be an unfair labor practice for a labor organization, or any officer or officers of a labor organization, or any agent or agents of a labor organization, or any one acting in the interest of a labor organization, or for an employee or for employees acting in concert--

(a) To intimidate, restrain, or coerce any employee for the purpose and with the intent of compelling such employee to join or to refrain from joining any labor organization[, or]; for the purpose or with the intent of influencing or affecting his selection of representatives for the purposes of collective bargaining; or for the purpose and with the intent of affecting or influencing the employee's exercise of legal rights under this act, including those contemplated under subsection (1)(g).

(b) During a labor dispute, to join or become a part of a sit-down strike, or, without the employer's authorization, to seize or hold or to damage or destroy the plant, equipment, machinery, or other property of the employer, with the intent of compelling the employer to accede to demands, conditions, and terms of employment including the demand for collective bargaining.

(c) To intimidate, restrain, or coerce any employer by threats of force or violence or harm to the person of said employer or the members of his family, with the intent of compelling the employer to accede to demands, conditions, and terms of employment including the demand for collective bargaining.

(d) To picket or cause to be picketed a place of employment

1 by a person or persons who is not or are not an employe or
2 employes of the place of employment.

3 [(d)] (d.1) To engage in a secondary boycott, or to hinder
4 or prevent by threats, intimidation, force, coercion or sabotage
5 the obtaining, use or disposition of materials, equipment or
6 services, or to combine or conspire to hinder or prevent by any
7 means whatsoever, the obtaining, use or disposition of
8 materials, equipment or services.

9 (e) To call, institute, maintain or conduct a strike or
10 boycott against any employer or industry or to picket any place
11 of business of the employer or the industry on account of any
12 jurisdictional controversy.

13 Section 2. The amendment of section 6 of the act shall apply
14 to agreements entered into on or after the effective date of
15 this act.

16 Section 3. This act shall take effect in 60 days.