
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1073 Session of
2013

INTRODUCED BY FOLMER, VANCE, WHITE, EICHELBERGER AND SMUCKER,
SEPTEMBER 25, 2013

REFERRED TO LABOR AND INDUSTRY, SEPTEMBER 25, 2013

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 finds and declares as follows:

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

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

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

13 (ii) Employees should have the right to form, join,
14 continue membership in or assist labor organizations,
15 financially or otherwise, and should equally have the
16 right to refrain from forming, joining, continuing
17 membership in or assisting labor organizations,
18 financially or otherwise.

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

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

12 (4) This act shall be deemed an exercise of the police
13 power of the Commonwealth of Pennsylvania for the protection
14 of the public welfare, prosperity, health and peace of the
15 people of this Commonwealth.

16 The General Assembly of the Commonwealth of Pennsylvania
17 hereby enacts as follows:

18 Section 1. Short title.

19 This act shall be known and may be cited as the Freedom of
20 Employment Act.

21 Section 2. Definitions.

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

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

30 "Labor organization." An organization, or an agency or

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

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

8 Section 3. Prohibited conditions of employment.

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

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

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

20 Section 4. Penalty.

21 A person who directly or indirectly imposes on another person
22 any requirement or compulsion prohibited by this act, or who
23 makes any agreement, written or oral, express or implied, to do
24 so, or who engages in any lockout, layoff, strike, work
25 stoppage, slowdown, picketing, boycott or other action or
26 conduct, the purpose or effect of which is to impose on any
27 person directly or indirectly any requirement or compulsion
28 prohibited by this act commits a misdemeanor of the third
29 degree, punishable by a fine of not more than \$1,000 or a term
30 of imprisonment of not more than six months, or both. Each day

1 of continued violation shall constitute a separate offense.

2 Section 5. Injunctive relief.

3 Notwithstanding any other law to the contrary, a person
4 injured or threatened with injury by any action or conduct
5 prohibited by this act shall be entitled to injunctive relief
6 therefrom and to damages for any injuries sustained.

7 Section 6. Repeals.

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

11 (2) (i) Section 2215 of the act of April 9, 1929
12 (P.L.177, No.175), known as The Administrative Code of
13 1929, is repealed.

14 (ii) As much as reads ": Provided, That nothing in
15 this act, or in any agreement approved or prescribed
16 thereunder, or in any other statute of this Commonwealth,
17 shall preclude an employer from making an agreement with
18 a labor organization (not established, maintained or
19 assisted by any action defined in this act as an unfair
20 labor practice) to require, as a condition of employment,
21 membership therein, if such labor organization is the
22 representative of the employees, as provided in section
23 seven (a) of this act, in the appropriate collective
24 bargaining unit covered by such agreement when made and
25 if such labor organization does not deny membership in
26 its organization to a person or persons who are employes
27 of the employer at the time of the making of such
28 agreement, provided such employe was not employed in
29 violation of any previously existing agreement with said
30 labor organization" in section 6(1)(c) of the act of June

1 1, 1937 (P.L.1168, No.294), known as the Pennsylvania
2 Labor Relations Act, is repealed.

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

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

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

15 (vi) Section 705 of the Public Employe Relations Act
16 is repealed.

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

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

21 Section 7. Applicability.

22 This act does not apply to the following:

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

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

26 (3) Employers and employees on exclusive Federal
27 enclaves.

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

30 Section 8. Effective date.

1 This act shall take effect immediately.