
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1754 Session of
2015

INTRODUCED BY KNOWLES, METCALFE, RAPP, F. KELLER, BLOOM,
KAUFFMAN, WARD, CUTLER, MCGINNIS, LAWRENCE, TALLMAN, GROVE,
SAYLOR, TOPPER, PHILLIPS-HILL, EVERETT, MACKENZIE AND
HICKERNELL, APRIL 13, 2016

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, APRIL 13, 2016

AN ACT

1 Providing that employment shall not be conditional upon
2 membership or nonmembership in, nor upon the payment or
3 nonpayment of money to, certain labor organizations; and
4 providing for bargaining, penalties and remedies.

5 The General Assembly finds that:

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

10 (2) It is therefore declared to be the public policy of
11 this Commonwealth that membership or nonmembership in a labor
12 union should not be made a condition of the opportunity to
13 work or to be or remain in the employment of any employer.

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

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

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. Short title.

11 This act shall be known and may be cited as the Freedom of
12 Employment Act.

13 Section 2. Definitions.

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

17 "Employer." The term does not include the Commonwealth, a
18 political subdivision, municipal authority or an instrumentality
19 of any of them.

20 "Labor organization." An organization or agency or employee
21 representation committee, plan or arrangement in which employees
22 participate and that exists for the purpose of dealing with
23 their employer concerning grievances, labor disputes, wages,
24 rates of pay, hours of employment or conditions of work.

25 "Person." An individual or a corporation, association,
26 company, firm or labor organization.

27 Section 3. Prohibited conditions of employment.

28 (a) Membership.--No person may be required to become or
29 remain a member of a labor organization as a condition of
30 employment or continuation of employment.

1 (b) Abstention from membership.--No person may be required
2 to abstain or refrain from membership in a labor organization as
3 a condition of employment or continuation of employment.

4 (c) Dues, fees and charges.--No person may be required to
5 pay or refrain from paying any dues, fees or other charges of
6 any kind to a labor organization as a condition of employment or
7 continuation of employment.

8 Section 4. Penalty.

9 A person commits a misdemeanor of the third degree, and
10 shall, upon conviction, be sentenced to pay a fine of not more
11 than \$1,000 or to imprisonment for not more than six months, or
12 both, with each day of violation constituting a separate
13 offense, if the person does any of the following:

14 (1) Directly or indirectly places on another person a
15 requirement or compulsion prohibited by this act.

16 (2) Makes an agreement, written or oral, expressed or
17 implied, to violate paragraph (1).

18 (3) Engages in a lockout, layoff, strike, work stoppage,
19 slowdown, picketing, boycott or other action or conduct that
20 has the purpose or effect of imposing on another person,
21 directly or indirectly, a requirement or compulsion
22 prohibited by this act.

23 Section 5. Relief.

24 Notwithstanding any other law to the contrary, a person
25 injured or threatened with injury by an action or conduct
26 prohibited by this act shall be entitled to injunctive relief
27 and to damages for any injuries sustained.

28 Section 6. Repeals.

29 All acts and parts of acts are repealed insofar as they are
30 inconsistent with this act.

1 Section 7. Effective date.

2 This act shall take effect in 60 days.