AN ACT

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

The General Assembly of the Commonwealth of Pennsylvania

hereby enacts as follows:

Section 1. Short title.

This act shall be known and may be cited as the Freedom of

Employment Act.

Section 2. Findings and declarations.

The General Assembly finds and declares as follows:

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

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

(i) Membership or nonmembership in a labor union
should not be made a condition of the opportunity to work
or to be or remain in the employment of any employer.
(ii) Employees should have the right to form, join, continue membership in or assist labor organizations, financially or otherwise, and should equally have the right to refrain from forming, joining, continuing membership in or assisting labor organizations, financially or otherwise.

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

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

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

Section 3. Definitions.

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

"Employer." A person, firm, association, partnership, corporation, organization, institution or public employer, including the Commonwealth, and a political subdivision, municipality, school district, office, board, commission, agency, authority or other instrumentality of the Commonwealth.
"Labor organization." An organization, or an agency or employee representation committee, plan or arrangement in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers, public or private, concerning grievances, labor disputes, wages, rates of pay, hours of employment or conditions of work.

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

Section 4. Prohibited conditions of employment.

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

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

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

Section 5. Violations.

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

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

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

(3) engages in a lockout, layoff, strike, work stoppage, slowdown, picketing, boycott or other action or conduct, the
purpose or effect of which is to impose on any person,
directly or indirectly, any requirement or compulsion
prohibited by this act.
(b) Grading.--A violation under subsection (a) constitutes a
misdemeanor of the third degree, punishable by a fine of not
more than $1,000 or imprisonment for not more than six months,
or both. Each day of continued violation shall constitute a
separate offense.
Section 6. Injunctive relief.
Notwithstanding any other law to the contrary, a person
injured or threatened with injury by an action or conduct
prohibited by this act shall be entitled to injunctive relief
therefrom and to damages for any injuries sustained.
Section 7. Repeals.
Repeals are as follows:
(1) The General Assembly declares that the repeals under
paragraphs (2) and (3) are necessary to effectuate the
provisions of this act.
(2) (i) Section 2215 of the act of April 9, 1929
(P.L.177, No.175), known as The Administrative Code of
1929, is repealed.
(ii) As much as reads ": Provided, That nothing in
this act, or in any agreement approved or prescribed
thereunder, or in any other statute of this Commonwealth,
shall preclude an employer from making an agreement with
a labor organization (not established, maintained or
assisted by any action defined in this act as an unfair
labor practice) to require, as a condition of employment,
membership therein, if such labor organization is the
representative of the employees, as provided in section
seven (a) of this act, in the appropriate collective bargaining unit covered by such agreement when made and if such labor organization does not deny membership in its organization to a person or persons who are employees of the employer at the time of the making of such agreement, provided such employe was not employed in violation of any previously existing agreement with said labor organization" in section 6(1)(c) of the act of June 1, 1937 (P.L.1168, No.294), known as the Pennsylvania Labor Relations Act, is repealed.

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

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

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

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

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

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

Section 8. Applicability.

This act does not apply to the following:
(1) Employers and employees covered under the Railway Labor Act (Public Law 69-257, 44 Stat. 577).
(2) Employers and employees of the Federal Government.
(3) Employers and employees on exclusive Federal enclaves.
(4) Employers and employees covered under a Federal law that is in conflict or preempts this act.

Section 9. Effective date.

This act shall take effect immediately.