

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 51

Session of  
2005

INTRODUCED BY FORCIER, METCALFE, ROHRER, CREIGHTON, ARMSTRONG,  
BALDWIN, BASTIAN, BENNINGHOFF, BIRMELIN, BOYD, CLYMER,  
DENLINGER, ELLIS, FAIRCHILD, FLEAGLE, GABIG, GILLESPIE,  
GINGRICH, GRELL, HARPER, HARRIS, HERSHEY, HICKERNELL,  
KAUFFMAN, M. KELLER, LEH, MAITLAND, MAJOR, R. MILLER,  
S. MILLER, PHILLIPS, PYLE, RAPP, REICHLEY, SATHER, SAYLOR,  
SCHRODER, STEIL, R. STEVENSON, T. STEVENSON, E. Z. TAYLOR,  
TRUE AND ZUG, APRIL 6, 2005

REFERRED TO COMMITTEE ON LABOR RELATIONS, APRIL 6, 2005

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled  
2 "An act providing for and reorganizing the conduct of the  
3 executive and administrative work of the Commonwealth by the  
4 Executive Department thereof and the administrative  
5 departments, boards, commissions, and officers thereof,  
6 including the boards of trustees of State Normal Schools, or  
7 Teachers Colleges; abolishing, creating, reorganizing or  
8 authorizing the reorganization of certain administrative  
9 departments, boards, and commissions; defining the powers and  
10 duties of the Governor and other executive and administrative  
11 officers, and of the several administrative departments,  
12 boards, commissions, and officers; fixing the salaries of the  
13 Governor, Lieutenant Governor, and certain other executive  
14 and administrative officers; providing for the appointment of  
15 certain administrative officers, and of all deputies and  
16 other assistants and employees in certain departments, boards,  
17 and commissions; and prescribing the manner in which the  
18 number and compensation of the deputies and all other  
19 assistants and employees of certain departments, boards and  
20 commissions shall be determined," eliminating authority for  
21 the fair share fee for employees of school entities; and  
22 relieving certain employee organizations of certain duties  
23 and obligations.

24 The General Assembly of the Commonwealth of Pennsylvania  
25 hereby enacts as follows:

1       Section 1. The definitions of "public employer" and "school  
2       entity" in section 2215(a) of the act of April 9, 1929 (P.L.177,  
3       No.175), known as The Administrative Code of 1929, added July  
4       13, 1988 (P.L.493, No.84), are amended to read:

5       Section 2215. Fair Share Fee; Payroll Deduction.--(a) As  
6       used in this section, the following words and phrases shall have  
7       the meanings given to them in this subsection:

8       \* \* \*

9       "Public employer" shall mean the Commonwealth of  
10      Pennsylvania. [or a school entity.

11      "School entity" shall mean any school district, intermediate  
12      unit or vocational-technical school.]

13      \* \* \*

14      Section 2. (a) No collective bargaining agreement made  
15      after the effective date of this act by any school entity as  
16      formerly defined in section 2215 of the act nor any extension of  
17      an existing collective bargaining agreement made after the  
18      effective date of this act may require payment of a fair share  
19      fee to the exclusive representative by a nonmember of the  
20      exclusive representative.

21      (b) Notwithstanding the provisions of section 606 of the act  
22      of July 23, 1970 (P.L.563, No.195), known as the Public Employe  
23      Relations Act, or any other law to the contrary, an employee  
24      organization acting as an exclusive representative in any school  
25      entity shall owe no duty to and shall have no obligation to  
26      represent any employee of a school entity who is not a member of  
27      the employee organization in any grievance or other proceeding  
28      filed with or against a school entity.

29      Section 3. This act shall take effect immediately.