

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1320 Session of
2008

INTRODUCED BY M. WHITE, FOLMER, CORMAN, PUNT, EICHELBERGER,
WAUGH, MADIGAN, EARLL, PICCOLA, ARMSTRONG, VANCE AND
McILHINNEY, MARCH 24, 2008

REFERRED TO LABOR AND INDUSTRY, MARCH 24, 2008

AN ACT

1 Prohibiting employers from making employment conditional on
2 certain labor organization status; and providing remedies and
3 penalties.

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 and
15 should equally have the right to refrain from forming,
16 joining, continuing membership in or assisting labor
17 organizations.

18 (iii) Any agreement, express or implied, between

1 employers and labor organizations, or any practice
2 whatsoever, which directly or indirectly makes membership
3 or nonmembership in a labor organization or support or
4 nonsupport of a labor organization a condition of
5 employment or continued employment is a violation of
6 individual liberty and freedom and is against the public
7 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 Law.

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 "Labor organization." An organization, or an agency or
18 employee representation committee, plan or arrangement in which
19 employees participate and which exists for the purpose, in whole
20 or in part, of dealing with employers concerning grievances,
21 labor disputes, wages, rates of pay, hours of employment or
22 conditions of work.

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

25 Section 3. Prohibited conditions of employment.

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

29 (b) Abstention from membership.--No person shall be required
30 to abstain or refrain from membership in a labor organization as

1 a condition of employment or continuation of employment.

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

6 Section 4. Penalty.

7 A person who directly or indirectly places upon another
8 person any requirement or compulsion prohibited by this act, or
9 who makes any agreement, written or oral, express or implied, to
10 do so, or who engages in any lockout, layoff, strike, work
11 stoppage, slowdown, picketing, boycott or other action or
12 conduct, the purpose or effect of which is to impose upon any
13 person directly or indirectly any requirement or compulsion
14 prohibited by this act commits a misdemeanor of the third
15 degree, punishable by a fine of not more than \$1,000 or a term
16 of imprisonment of not more than six months, or both. Each day
17 of continued violation shall constitute a separate offense.

18 Section 5. Injunctive relief.

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

23 Section 20. Repeals.

24 All acts and parts of acts are repealed insofar as they are
25 inconsistent with this act.

26 Section 21. Effective date.

27 This act shall take effect in 60 days.