

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**SENATE BILL**

**No. 1323** 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 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 employes 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 employes of certain departments, boards and  
20 commissions shall be determined," eliminating authority for  
21 the fair share fee for employees of Commonwealth entities;  
22 and relieving certain employee organizations of certain  
23 duties and obligations.

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

26 Section 1. The definitions of "Commonwealth" and "public  
27 employer" in section 2215(a) of the act of April 9, 1929  
28 (P.L.177, No.175), known as The Administrative Code of 1929,

1 added July 13, 1988 (P.L.493, No.84), are amended to read:

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

5 \* \* \*

6 ["Commonwealth" shall mean the Commonwealth of Pennsylvania,  
7 including any board, commission, department, agency or  
8 instrumentality of the Commonwealth.]

9 \* \* \*

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

12 \* \* \*

13 Section 2. (1) No collective bargaining agreement made  
14 after the effective date of this section by any Commonwealth  
15 entity as formerly defined under section 2215 of the act nor any  
16 extension of an existing collective bargaining agreement made  
17 after the effective date of this section may require payment of  
18 a fair share fee to the exclusive representative by a nonmember  
19 of the exclusive representative.

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

28 Section 3. This act shall take effect immediately.