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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2112 Session of  
2009

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INTRODUCED BY BOYD, BEAR, BEYER, CHRISTIANA, CLYMER, CREIGHTON,  
CUTLER, EVERETT, FAIRCHILD, GINGRICH, GROVE, HICKERNELL,  
KAUFFMAN, KRIEGER, MILLER, MOUL, MUSTIO, OBERLANDER, RAPP,  
REICHLEY, STEVENSON, SWANGER, TALLMAN, TRUE, VULAKOVICH AND  
WATSON, NOVEMBER 23, 2009

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REFERRED TO COMMITTEE ON LABOR RELATIONS, NOVEMBER 23, 2009

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AN ACT

1 Prohibiting membership in labor unions by illegal aliens.

2 The General Assembly of the Commonwealth of Pennsylvania  
3 hereby enacts as follows:

4 Section 1. Short title.

5 This act shall be known and may be cited as the Union  
6 Membership Protection Act.

7 Section 2. Definitions.

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

11 "Employer." The Commonwealth, its political subdivisions and  
12 their instrumentalities and every individual, copartnership,  
13 association and corporation, both profit and nonprofit.

14 "INA." The Immigration and Nationality Act (66 Stat. 163, 8  
15 U.S.C. § 1101 et seq.).

16 "Labor organization." Any organization of any kind or any

1 agency or employee representation committee or plan in which  
2 employees participate and which exists for the purpose, in whole  
3 or in part, of dealing with employers concerning grievances,  
4 labor disputes, wages, rates of pay, hours of employment or  
5 conditions of work.

6 "Member in good standing." An individual who is an active  
7 member of a labor organization and who pays full dues required  
8 by a labor organization.

9 Section 3. Prohibition on labor organization membership.

10 No labor organization representing public or private sector  
11 employees shall:

12 (1) Knowingly have as members in good standing of its  
13 organization individuals who are not legally permitted to be  
14 employed pursuant to the INA.

15 (2) Knowingly solicit dues or fees from individuals who  
16 are not legally permitted to be employed pursuant to the INA.

17 Section 4. Employer duties.

18 (a) Notification of illegal employment.--Employers shall  
19 notify the labor organization or labor organizations which  
20 represent any portion of their workforce of an employee's  
21 failure to meet the criteria of the INA to be legally employed.

22 (b) Membership invalid.--Upon being notified that an  
23 employee does not meet standards of the INA to be legally  
24 employed under subsection (a), a labor organization may not  
25 represent the employee as a member of the labor organization.

26 Section 5. Enforcement.

27 The Attorney General shall accept, review and investigate any  
28 credible complaint that a labor organization is in violation of  
29 this act.

30 Section 6. Sanctions and penalties.

1       An officer or other member of a labor organization who  
2 violates section 3 shall pay a fine of \$5,000 for each  
3 violation.

4 Section 7. Severability for conflict with Federal law.

5       If a provision of this act is found to be in conflict with  
6 Federal law, it shall be severable form the other provisions  
7 that are not in conflict with Federal law.

8 Section 8.

9       This act shall take effect July 1, 2010.