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THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 50 Session of 2013

INTRODUCED BY METCALFE, RAPP, F. KELLER, COX, KNOWLES, BLOOM, AUMENT, CLYMER, CUTLER, DAY, DENLINGER, EVERETT, GILLEN, GINGRICH, GRELL, GROVE, HAHN, HELM, HICKERNELL, KAUFFMAN, M. K. KELLER, LAWRENCE, MACKENZIE, MARSICO, MCGINNIS, MILLER, MOUL, REGAN, ROAE, ROCK, SAYLOR, SWANGER AND TALLMAN, APRIL 30, 2013

REFERRED TO COMMITEE ON LABOR AND INDUSTRY, APRIL 30, 2013

AN ACT

Providing that employment shall not be conditional upon membership or nonmembership in, nor upon the payment or nonpayment of money to, a labor organization; and providing for bargaining, penalties and remedies.

The General Assembly finds that 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. It is therefore declared to be the public policy of this Commonwealth that 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; that employees should have the right to form, join, continue membership in or assist labor organizations and should equally have the right to refrain from forming, joining, continuing membership in or assisting labor organizations; and that 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 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.

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. 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:

"Labor organization." An organization or agency or employee representation committee, plan or arrangement in which employees participate and which exists for the purpose of dealing with employers 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 3. Prohibited conditions of employment.

(a) Membership.--No person may 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 may 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 may be required to pay or refrain from paying any dues, fees or other charges of

any kind to a labor organization as a condition of employment or continuation of employment.

Section 4. Penalty.

A person commits a misdemeanor of the third degree, and shall, upon conviction, be sentenced to pay a fine of not more than $1,000 or to imprisonment for not more than six months, or both, with each day of violation constituting a separate offense, if the person does any of the following:

(1) Directly or indirectly places upon any other person any requirement or compulsion prohibited by this act.

(2) Makes any agreement, written or oral, express or implied, to violate paragraph (1).

(3) Engages in any lockout, layoff, strike, work stoppage, slowdown, picketing, boycott or other action or conduct that has the purpose or effect of imposing upon any person, directly or indirectly, any requirement or compulsion prohibited by this act.

Section 5. Relief.

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

Section 19. Repeals.

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

Section 20. Effective date.

This act shall take effect in 60 days.