

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1507 Session of 2013

INTRODUCED BY CUTLER, EMRICK, EVANKOVICH, RAPP, AUMENT, F. KELLER, KAUFFMAN, BLOOM, MOUL, TALLMAN, METCALFE, SAYLOR, GROVE, HICKERNELL, SWANGER, TRUITT, SACCONI, GINGRICH, REGAN, EVERETT, CLYMER, DENLINGER, MALONEY, PYLE, MACKENZIE, MAJOR, KNOWLES, GABLER, DUNBAR, ROAE, SCHLEGEL CULVER, ROCK, MARSICO, KRIEGER, MENTZER, MCGINNIS, STEVENSON, LAWRENCE, STERN, FEE, R. MILLER, MUSTIO, DAY, CHRISTIANA, OBERLANDER, JAMES, GREINER, TURZAI, DELOZIER AND SIMMONS, JUNE 10, 2013

AS REPORTED FROM COMMITTEE ON STATE GOVERNMENT, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 23, 2014

AN ACT

1 Amending the act of July 23, 1970 (P.L.563, No.195), entitled
2 "An act establishing rights in public employes to organize
3 and bargain collectively through selected representatives;
4 defining public employes to include employes of nonprofit
5 organizations and institutions; providing compulsory
6 mediation and fact-finding, for collective bargaining
7 impasses; providing arbitration for certain public employes
8 for collective bargaining impasses; defining the scope of
9 collective bargaining; establishing unfair employe and
10 employer practices; prohibiting strikes for certain public
11 employes; permitting strikes under limited conditions;
12 providing penalties for violations; and establishing
13 procedures for implementation," defining "political
14 contributions"; further providing for maintenance of
15 membership; AND providing for membership dues; and making
16 related repeals. <--

17 The General Assembly of the Commonwealth of Pennsylvania
18 hereby enacts as follows:

19 Section 1. Section 301 of act of July 23, 1970 (P.L.563,
20 No.195), known as the Public Employe Relations Act, is amended
21 by adding a paragraph CLAUSE to read: <--

1 Section 301. As used in this act:

2 * * *

3 ~~(20) "Political contributions" means any moneys or funds~~ <--
4 ~~appropriated for lobbying; electoral activities; or independent~~
5 ~~expenditures on behalf of, or contributions to, any candidate,~~
6 ~~political party, voter registration campaign or any other~~
7 ~~political or legislative cause.~~

8 (20) "POLITICAL CONTRIBUTION" MEANS ANY MONEY OR FUNDS <--
9 APPROPRIATED OR TO BE USED FOR: (I) AN INDEPENDENT EXPENDITURE,
10 AS DEFINED IN SECTION 1621 OF THE ACT OF JUNE 3, 1937 (P.L.1333,
11 NO.320), KNOWN AS THE "PENNSYLVANIA ELECTION CODE"; (II) A
12 CONTRIBUTION, AS DEFINED IN SECTION 1621 OF THE "PENNSYLVANIA
13 ELECTION CODE"; (III) AN EXPENDITURE, AS DEFINED IN SECTION 1621
14 OF THE "PENNSYLVANIA ELECTION CODE"; (IV) LOBBYING, AS DEFINED
15 IN 65 PA.C.S. § 13A03 (RELATING TO DEFINITIONS); (V) A VOTER
16 REGISTRATION DRIVE; (VI) A GET-OUT-THE VOTE DRIVE; OR (VII) ANY
17 OTHER ELECTORAL, POLITICAL OR LEGISLATIVE PURPOSE.

18 Section 2. Section 705 of the act is amended to read:

19 Section 705. [Membership dues deductions and maintenance of
20 membership are proper subjects] Maintenance of membership is a
21 proper subject of bargaining with the proviso that [as to the
22 latter,] the payment of dues and assessments while members[,]
23 may be the only requisite employment condition.

24 Section 3. The act is amended by adding a section to read:

25 ~~Section 705.1. (a) Membership dues deductions and political~~ <--
26 ~~contributions collected by the employer shall not be subject to~~
27 ~~bargaining for public employes covered under this act. Any~~
28 ~~collective bargaining agreement entered into after the effective~~
29 ~~date of this section with public employes shall not contain such~~
30 ~~provisions.~~

1 ~~(b) Employees subject to the conditions of the act of June~~
2 ~~24, 1968 (P.L.237, No.111), referred to as the Policemen and~~
3 ~~Firemen Collective Bargaining Act, and public employes subject~~
4 ~~to sections 805, 806 and 1001 shall retain the right to~~
5 ~~collectively bargain for membership dues deductions.~~

6 Section 4. Repeals are as follows:

7 (1) ~~The General Assembly declares that the repeals under~~
8 ~~paragraph (2) are necessary to effectuate this act.~~

9 (2) ~~The following sections are repealed:~~

10 (i) ~~Section 2215(c) of the act of April 9, 1929~~
11 ~~(P.L.177, No.175), known as The Administrative Code of~~
12 ~~1929.~~

13 (ii) ~~Section 4(a) of the act of June 2, 1993~~
14 ~~(P.L.45, No.15), known as the Public Employee Fair Share~~
15 ~~Fee Law.~~

16 SECTION 705.1. (A) ANY COLLECTIVE BARGAINING AGREEMENT <--
17 ENTERED INTO, RENEWED OR EXTENDED ON OR AFTER THE EFFECTIVE DATE
18 OF THIS SECTION SHALL NOT CONTAIN PROVISIONS REQUIRING THE
19 DEDUCTION OF POLITICAL CONTRIBUTIONS OR MEMBERSHIP DUES
20 DEDUCTIONS FROM A PUBLIC EMPLOYEE'S WAGES, INCLUDING, WITHOUT
21 LIMITATION, PUBLIC SCHOOL EMPLOYES COVERED BY THE ACT OF MARCH
22 10, 1949 (P.L.30, NO.14), KNOWN AS THE "PUBLIC SCHOOL CODE OF
23 1949."

24 (B) A PUBLIC EMPLOYER SHALL NOT DEDUCT FROM THE WAGES OF A
25 PUBLIC EMPLOYEE, INCLUDING, WITHOUT LIMITATION, PUBLIC SCHOOL
26 EMPLOYES COVERED BY THE "PUBLIC SCHOOL CODE OF 1949," POLITICAL
27 CONTRIBUTIONS OR MEMBERSHIP DUES DEDUCTIONS, EXCEPT AS REQUIRED
28 BY A VALID COLLECTIVE BARGAINING AGREEMENT ENTERED INTO BETWEEN
29 A PUBLIC EMPLOYER AND A REPRESENTATIVE OF ITS EMPLOYES PRIOR TO
30 THE EFFECTIVE DATE OF THIS SUBSECTION.

1 (C) THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO: (I)
2 EMPLOYES OF A PUBLIC EMPLOYER WHO ARE SUBJECT TO THE ACT OF JUNE
3 24, 1968 (P.L.237, NO.111), REFERRED TO AS THE POLICEMEN AND
4 FIREMEN COLLECTIVE BARGAINING ACT; AND (II) EMPLOYES OF A PUBLIC
5 EMPLOYER WHO ARE NOT PERMITTED TO STRIKE PURSUANT TO SECTION
6 1001.

7 SECTION 4. THE PROVISIONS OF THIS ACT ARE SEVERABLE. IF ANY
8 PROVISION OF THIS ACT OR ITS APPLICATION TO ANY PERSON OR
9 CIRCUMSTANCE IS HELD INVALID, THE INVALIDITY SHALL NOT AFFECT
10 OTHER PROVISIONS OR APPLICATIONS OF THIS ACT WHICH CAN BE GIVEN
11 EFFECT WITHOUT THE INVALID PROVISION OR APPLICATION.

12 Section 5. This act shall take effect in 60 days.