

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 175

Session of
1983

INTRODUCED BY NOYE, GEIST, FREIND, MADIGAN, CLYMER, SAURMAN,
MACKOWSKI, MERRY, VROON, JACKSON, MARMION, JOHNSON,
E. Z. TAYLOR AND BUNT, FEBRUARY 8, 1983

REFERRED TO COMMITTEE ON LABOR RELATIONS, FEBRUARY 8, 1983

AN ACT

1 Amending the act of June 1, 1937 (P.L.1168, No.294), entitled
2 "An act to protect the right of employes to organize and
3 bargain collectively; creating the Pennsylvania Labor
4 Relations Board; conferring powers and imposing duties upon
5 the Pennsylvania Labor Relations Board, officers of the State
6 government, and courts; providing for the right of employes
7 to organize and bargain collectively; declaring certain labor
8 practices by employers to be unfair; further providing that
9 representatives of a majority of the employes be the
10 exclusive representatives of all the employes; authorizing
11 the board to conduct hearings and elections, and certify as
12 to representatives of employes for purposes of collective
13 bargaining; empowering the board to prevent any person from
14 engaging in any unfair labor practice, and providing a
15 procedure for such cases, including the issuance of a
16 complaint, the conducting of a hearing, and the making of an
17 order; empowering the board to petition a court of common
18 pleas for the enforcement of its order, and providing a
19 procedure for such cases; providing for the review of an
20 order of the board by a court of common pleas on petition of
21 any person aggrieved by such order, and establishing a
22 procedure for such cases; providing for an appeal from the
23 common pleas court to the Supreme Court; providing the board
24 with investigatory powers, including the power to issue
25 subpoenas and the compelling of obedience to them through
26 application to the proper court; providing for service of
27 papers and process of the board; prescribing certain
28 penalties," further providing for unfair labor practices
29 relating to certain students.

30 The General Assembly of the Commonwealth of Pennsylvania
31 hereby enacts as follows:

1 Section 1. Section 6(1) and (2)(a) of the act of June 1,
2 1937 (P.L.1168, No.294), known as the Pennsylvania Labor
3 Relations Act, amended July 7, 1947 (P.L.1445, No.558), are
4 amended to read:

5 Section 6. Unfair Labor Practices.--(1) It shall be an
6 unfair labor practice for an employer--

7 (a) To interfere with, restrain or coerce employes in the
8 exercise of the rights guaranteed in this act.

9 (b) To dominate or interfere with the formation of
10 administration of any labor organization or contribute financial
11 or other material support to it: Provided, That subject to rules
12 and regulations made and published by the board pursuant to this
13 act, an employer shall not be prohibited from permitting
14 employes to confer with him during working hours without loss of
15 time or pay.

16 (c) By discrimination in regard to hire or tenure of
17 employment, or any term or condition of employment to encourage
18 or discourage membership in any labor organization: Provided,
19 That except as otherwise specifically provided in clause (g),
20 nothing in this act, or in any agreement approved or prescribed
21 thereunder, or in any other statute of this Commonwealth, shall
22 preclude an employer from making an agreement with a labor
23 organization (not established, maintained or assisted by any
24 action defined in this act as an unfair labor practice) to
25 require, as a condition of employment, membership therein, if
26 such labor organization is the representative of the employes,
27 as provided in section seven (a) of this act, in the appropriate
28 collective bargaining unit covered by such agreement when made
29 and if such labor organization does not deny membership in its
30 organization to a person or persons who are employes of the

1 employer at the time of the making of such agreement, provided
2 such employe was not employed in violation of any previously
3 existing agreement with said labor organization.

4 (d) To discharge or otherwise discriminate against an
5 employe because he has filed charges or given testimony under
6 this act.

7 (e) To refuse to bargain collectively with the
8 representatives of his employes, subject to the provisions of
9 section seven (a) of this act.

10 (f) To deduct, collect, or assist in collecting from the
11 wages of employes any dues, fees, assessments, or other
12 contributions payable to any labor organization, unless he is
13 authorized so to do by a majority vote of all the employes in
14 the appropriate collective bargaining unit taken by secret
15 ballot, and unless he thereafter receives the written
16 authorization from each employe whose wages are affected.

17 (g) Notwithstanding any inconsistent provisions contained in
18 this subsection (1) or elsewhere in this or any other act, to
19 encourage or discourage membership in any labor organization,
20 employe agency, committee, association or representation plan by
21 discrimination in regard to hiring, tenure, or other terms and
22 conditions of employment with respect to any employe for
23 nonmembership in or failure to provide financial support to a
24 labor organization if the employe is a student who is enrolled
25 or registered to be enrolled in a full-time program of
26 secondary, vocational or higher education, as determined by law
27 or by the rules of the institution in which the student is
28 registered or enrolled governing full-time status.

29 (2) It shall be an unfair labor practice for a labor
30 organization, or any officer or officers of a labor

1 organization, or any agent or agents of a labor organization, or
2 any one acting in the interest of a labor organization, or for
3 an employe or for employes acting in concert--

4 (a) To intimidate, restrain, or coerce any employe for the
5 purpose and with the intent of compelling such employe to join
6 or to refrain from joining any labor organization, or for the
7 purpose or with the intent of influencing or affecting his
8 selection of representatives for the purposes of collective
9 bargaining or for the purpose and with the intent of affecting
10 or influencing the employe's exercise of his legal rights under
11 this act, including those contemplated under clause (g) of
12 subsection (1).

13 * * *

14 Section 2. This act shall take effect immediately.