

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 152 Session of
2007

INTRODUCED BY CREIGHTON, METCALFE, DENLINGER, EVERETT,
FAIRCHILD, HERSHEY, R. MILLER, MOUL, RAPP, SCHRODER, TRUE,
BENNINGHOFF, CLYMER, GINGRICH, KAUFFMAN, M. KELLER, MANTZ,
PERRY, ROAE, STEIL, SWANGER AND BOYD, JUNE 28, 2007

REFERRED TO COMMITTEE ON LABOR RELATIONS, JUNE 28, 2007

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 of the act of April 9, 1929 (P.L.177,

1 No.175), known as The Administrative Code of 1929, added July
2 13, 1988 (P.L.493, No.84), are amended to read:

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

6 * * *

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

10 * * *

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

13 * * *

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

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

29 Section 3. This act shall take effect immediately.