

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1322 Session of
2008

INTRODUCED BY M. WHITE, FOLMER, CORMAN, PUNT, EICHELBERGER,
WAUGH, MADIGAN, EARLL, PICCOLA, ARMSTRONG, VANCE AND
McILHINNEY, MARCH 24, 2008

REFERRED TO LABOR AND INDUSTRY, MARCH 24, 2008

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 school entities; and
22 relieving certain employee organizations of certain duties
23 and obligations.

24 The General Assembly of the Commonwealth of Pennsylvania
25 hereby enacts as follows:

26 Section 1. The definitions of "public employer" and "school
27 entity" in section 2215(a) of the act of April 9, 1929 (P.L.177,
28 No.175), known as The Administrative Code of 1929, added July

1 13, 1988 (P.L.493, No.84), are amended to read:

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

5 * * *

6 "Public employer" shall mean the Commonwealth of
7 Pennsylvania. [or a school entity.

8 "School entity" shall mean any school district, intermediate
9 unit or vocational-technical school.]

10 * * *

11 Section 2. (1) No collective bargaining agreement made
12 after the effective date of this section by any school entity as
13 formerly defined under section 2215 of the act nor any extension
14 of an existing collective bargaining agreement made after the
15 effective date of this section may require payment of a fair
16 share fee to the exclusive representative by a nonmember of the
17 exclusive representative.

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

26 Section 3. This act shall take effect immediately.