

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 50 Session of 2011

INTRODUCED BY METCALFE, RAPP, CREIGHTON, COX, AUMENT, BEAR, BLOOM, BOYD, CLYMER, CUTLER, DENLINGER, EVERETT, GILLEN, GINGRICH, GRELL, GROVE, HARPER, HELM, HICKERNELL, KAUFFMAN, W. KELLER, MAJOR, MALONEY, MILLER, MOUL, OBERLANDER, REICHLEY, ROAE, ROCK, SAYLOR, SCHRODER, SIMMONS, STEVENSON, SWANGER AND TALLMAN, APRIL 5, 2011

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, APRIL 5, 2011

AN ACT

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

5 The General Assembly finds that to require a person to be a
 6 member of, or not to be a member of, a private organization as a
 7 compulsory condition of work or employment is not in accord with
 8 fundamental principles of individual liberty and freedom of
 9 choice. It is therefore declared to be the public policy of this
 10 Commonwealth that membership or nonmembership in a labor union
 11 should not be made a condition of the opportunity to work or to
 12 be or remain in the employment of any employer; that employees
 13 should have the right to form, join, continue membership in or
 14 assist labor organizations and should equally have the right to
 15 refrain from forming, joining, continuing membership in or
 16 assisting labor organizations; and that any agreement, express
 17 or implied, between employers and labor organizations, or any

1 practice whatsoever, which directly or indirectly makes
2 membership or nonmembership in a labor organization, or support
3 or nonsupport of a labor organization, a condition of employment
4 or continued employment is a violation of individual liberty and
5 freedom and is against the public policy of this Commonwealth.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Short title.

9 This act shall be known and may be cited as the Freedom of
10 Employment Act.

11 Section 2. Definitions.

12 The following words and phrases when used in this act shall
13 have the meanings given to them in this section unless the
14 context clearly indicates otherwise:

15 "Labor organization." An organization or agency or employee
16 representation committee, plan or arrangement in which employees
17 participate and which exists for the purpose of dealing with
18 employers concerning grievances, labor disputes, wages, rates of
19 pay, hours of employment or conditions of work.

20 "Person." An individual or a corporation, association,
21 company, firm or labor organization.

22 Section 3. Prohibited conditions of employment.

23 (a) Membership.--No person may be required to become or
24 remain a member of a labor organization as a condition of
25 employment or continuation of employment.

26 (b) Abstention from membership.--No person may be required
27 to abstain or refrain from membership in a labor organization as
28 a condition of employment or continuation of employment.

29 (c) Dues, fees and charges.--No person may be required to
30 pay or refrain from paying any dues, fees or other charges of

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

3 Section 4. Bargaining.

4 Notwithstanding section 606 of the act of July 23, 1970
5 (P.L.563, No.195), known as the Public Employe Relations Act, or
6 any other statute to the contrary, an employee organization
7 acting as an exclusive representative shall owe no duty to, and
8 shall have no obligation to represent, an employee who is not a
9 member of the employee organization in any grievance or other
10 proceeding filed with or against an employer.

11 Section 5. Penalty.

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

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

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

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

26 Section 6. Relief.

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

1 Section 7. Repeals.

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

4 Section 8. Effective date.

5 This act shall take effect in 60 days.