

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 51 Session of 2011

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

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

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," further providing for the  
 21 fair share fee for employees of public employers.

22 The General Assembly of the Commonwealth of Pennsylvania

23 hereby enacts as follows:

24 Section 1. The definitions of "public employer" and "school  
 25 entity" in section 2215(a) 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 "Public employer" shall mean the Commonwealth of  
8 Pennsylvania. [or a school entity.

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

11 \* \* \*

12 Section 2. (a) No collective bargaining agreement made by a  
13 school district, intermediate unit or vocational-technical  
14 school after the effective date of this section nor any  
15 extension of an existing collective bargaining agreement made by  
16 a school district, intermediate unit or vocational-technical  
17 school after the effective date of this section may require  
18 payment of a fair share fee to the exclusive representative by a  
19 nonmember of the exclusive representative.

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

1 Section 3. This act shall take effect immediately.