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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1040 Session of  
2011

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INTRODUCED BY EICHELBERGER, FOLMER, WAUGH, ALLOWAY, PICCOLA,  
BRUBAKER, D. WHITE, M. WHITE AND MENSCH, JUNE 17, 2011

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REFERRED TO LABOR AND INDUSTRY, JUNE 17, 2011

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AN ACT

1 Prohibiting a public employer from deducting from a public  
2 employee's salary or wages any funds which inure to the  
3 benefit of a private organization.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Public  
8 Workers Paycheck Protection Act.

9 Section 2. Definitions.

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

13 "Deduction." A subtraction of a monetary amount of any kind  
14 by an employer from gross salary or wages.

15 "Private organization." Any association, sole  
16 proprietorship, partnership, corporation, limited liability  
17 company or any other type of entity organized under the laws of  
18 Pennsylvania or any other state.

1 "Public employee." Any individual paid a wage or salary by a  
2 public employer.

3 "Public employer." The Commonwealth of Pennsylvania, its  
4 political subdivisions, including school districts, and any  
5 board, commission, agency, authority or other instrumentality  
6 thereof.

7 Section 3. Public employee payroll deductions.

8 (a) Prohibitions on deductions.--A public employer shall not  
9 take deductions from a public employee's salary or wages of any  
10 funds that inure to the benefit of a private organization.

11 (b) Exceptions.--The prohibitions under subsection (a) shall  
12 not apply if:

13 (1) The deductions represent the employee's contribution  
14 toward direct or indirect benefits received from the employer  
15 the value of which is considered part of the employee's  
16 compensation from the employer, such as medical insurance,  
17 retirement plans, a cafeteria plan as defined in section 125  
18 of the Internal Revenue Code of 1986 (Public Law 99-514, 26  
19 U.S.C. § 125) or deferred compensation.

20 (2) The public employer is in receipt of a court order  
21 pertaining to the individual employee which provides for such  
22 a deduction.

23 Section 4. Injunctive relief.

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

28 Section 5. Repeals.

29 (a) Specific.--The following acts and parts of acts are  
30 repealed insofar as they are inconsistent with this act:

1           (1) Sections 3 and 4 of the act of June 2, 1993 (P.L.45,  
2 No.15), known as the Public Employee Fair Share Fee Law.

3           (2) Section 2215 of the act of April 9, 1929 (P.L.177,  
4 No.175), known as The Administrative Code of 1929.

5           (3) Section 705 of the act of July 23, 1970 (P.L.563,  
6 No.195), known as the Public Employe Relations Act.

7           (b) General.--All other acts and parts of acts are repealed  
8 insofar as they are inconsistent with this act.

9 Section 6. Effective date.

10          This act shall take effect in 60 days.