

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 54 Session of 2013

INTRODUCED BY KNOWLES, BLOOM, METCALFE, RAPP, F. KELLER, COX, AUMENT, CLYMER, CUTLER, DAY, DENLINGER, EVERETT, GILLEN, GINGRICH, GRELL, GROVE, HAHN, HELM, HICKERNELL, KAUFFMAN, M. K. KELLER, LAWRENCE, MARSICO, MCGINNIS, MILLER, MOUL, REGAN, ROAE, ROCK, SAYLOR, SWANGER AND TALLMAN, APRIL 30, 2013

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, APRIL 30, 2013

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. Applicability.

23 This act shall apply to private sector unions.

24 Section 4. Prohibited conditions of employment.

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

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

1 (c) Dues, fees and charges.--No person may be required to
2 pay or refrain from paying any dues, fees or other charges of
3 any kind to a labor organization as a condition of employment or
4 continuation of employment.

5 Section 5. Penalty.

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

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

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

15 (3) Engages in any lockout, layoff, strike, work
16 stoppage, slowdown, picketing, boycott or other action or
17 conduct that has the purpose or effect of imposing upon any
18 person, directly or indirectly, any requirement or compulsion
19 prohibited by this act.

20 Section 6. Relief.

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

25 Section 19. Repeals.

26 All acts and parts of acts are repealed insofar as they are
27 inconsistent with this act.

28 Section 20. Effective date.

29 This act shall take effect in 60 days.