
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 501 Session of
2015

INTRODUCED BY EICHELBERGER, SCARNATI, BARTOLOTTA, YAW, AUMENT,
CORMAN, FOLMER, WHITE, SMUCKER, HUTCHINSON, STEFANO, ALLOWAY,
VULAKOVICH, GORDNER, MENSCH AND WAGNER, FEBRUARY 20, 2015

REFERRED TO STATE GOVERNMENT, FEBRUARY 20, 2015

AN ACT

1 Providing for protection of paychecks of certain workers, for
2 the collection of membership dues and political
3 contributions; and repealing certain provisions of The
4 Administrative Code of 1929 and the Public Employee Fair
5 Share Fee Law.

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 Protection of
10 Employee Wages Act.

11 Section 2. Public policy.

12 The General Assembly finds and declares that it is the public
13 policy of this Commonwealth and the purpose of this act to
14 promote orderly and constructive relationships between employers
15 and their employees and that this overall policy may be
16 accomplished, at least in part, by ensuring public employers do
17 not collect money intended for political or other inappropriate
18 purposes from the wages of public employees.

19 Section 3. Definitions.

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

4 "Employee organization." An organization of any kind, or any
5 agency or employee representation committee or plan in which
6 membership includes public employees, and which exists for the
7 purpose, in whole or in part, of dealing with employers
8 concerning grievances, employee-employer disputes, wages, rates
9 of pay, hours of employment or conditions of work. The term does
10 not include an organization which practices discrimination in
11 membership because of race, color, creed, national origin or
12 political affiliation.

13 "Fair share fee." The regular membership dues required of
14 members of an employee organization acting as exclusive
15 representative less the cost for the previous fiscal year of its
16 activities or undertakings which were not reasonably employed to
17 implement or effectuate the duties of the employee organization
18 as exclusive representative. This definition shall stand in pari
19 materia with the definition of "fair share fee" in section 2215
20 of the act of April 9, 1929 (P.L.177, No.175), known as The
21 Administrative Code of 1929, and the definition of "fair share
22 fee" in section 2 of the act of June 2, 1993 (P.L.45, No.15),
23 known as the Public Employee Fair Share Fee Law.

24 "Management level employee." An individual who is involved
25 directly in the determination of policy or who responsibly
26 directs the implementation of policy. The term includes an
27 employee above the first level of supervision.

28 "Political contribution." Money or funds appropriated to be
29 used for:

30 (1) a contribution, as defined in section 1621 of the

1 act of June 3, 1937 (P.L.1333, No.320), known as the
2 Pennsylvania Election Code;

3 (2) an independent expenditure, as defined in section
4 1621 of the Pennsylvania Election Code;

5 (3) an expenditure, as defined in section 1621 of the
6 Pennsylvania Election Code;

7 (4) lobbying, as defined in 65 Pa.C.S. § 13A03 (relating
8 to definitions);

9 (5) a voter registration drive;

10 (6) a get-out-the-vote drive; or

11 (7) any other electoral, political or legislative
12 purpose.

13 "Public employee." An individual employed by a public
14 employer. The term does not include an elected official,
15 appointee of the Governor with the advice and consent of the
16 Senate as required by law, management level employee or any
17 employee covered under the act of June 24, 1968 (P.L.237,
18 No.111), referred to as the Policemen and Firemen Collective
19 Bargaining Act.

20 "Public employer." The Commonwealth, a school district, and
21 any officer, board, commission, agency, authority or other
22 instrumentality thereof.

23 "Wages." Hourly rates of pay, salary or other form of
24 compensation due to an employee for services rendered.

25 Section 3. Protection of public employee wages.

26 (a) Paycheck protection.--A public employer may not deduct
27 from the wages of a public employee, including, without
28 limitation, public school employees covered by the act of March
29 10, 1949 (P.L.30, No.14), known as the Public School Code of
30 1949, political contributions, fair share fees or membership

1 dues, except as required by a valid collective bargaining
2 agreement entered into between a public employer and a
3 representative of its employees prior to the effective date of
4 this section.

5 (b) Collective bargaining.--A collective bargaining
6 agreement entered into, renewed or extended on or after the
7 effective date of this section shall not contain provisions
8 authorizing or requiring the deduction of political
9 contributions, fair share fees or membership dues deductions
10 from a public employee's wages, including, without limitation,
11 public school employees covered by the Public School Code of
12 1949.

13 (c) Nonapplicability.--This section shall not apply to:

14 (1) employees of a public employer who are not permitted
15 to strike pursuant to section 1001 of the act of July 23,
16 1970 (P.L.563, No.195), known as the Public Employee Relations
17 Act; or

18 (2) employees of a public employer who are subject to
19 the act of June 24, 1968 (P.L.237, No.111), referred to as
20 the Policemen and Firemen Collective Bargaining Act.

21 Section 4. Repeals.

22 Repeals are as follows:

23 (1) The General Assembly declares that the repeals under
24 paragraph (2) are necessary to effectuate this act.

25 (2) The following sections are repealed:

26 (i) Section 2215(c) of the act of April 9, 1929
27 (P.L.177, No.175), known as The Administrative Code of
28 1929.

29 (ii) Section 4(a) of the act of June 2, 1993
30 (P.L.45, No.15), known as the Public Employee Fair Share

1 Fee Law.

2 Section 5. Effective date.

3 This act shall take effect as follows:

4 (1) Section 3 shall take effect in 60 days.

5 (2) The remainder of this act shall take effect
6 immediately.