

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

AS AMENDED ON THIRD CONSIDERATION, OCTOBER 13, 2015

AN ACT

1 Providing for protection of paychecks of certain workers, AND <--
2 for 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 OR MARY'S LAW. <--

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.~~, INCLUDING A PUBLIC SCHOOL EMPLOYEE UNDER THE <--
20 ACT OF MARCH 10, 1949 (P.L.30, NO.14), KNOWN AS THE PUBLIC
21 SCHOOL CODE OF 1949.

22 "Public employer." The Commonwealth, A POLITICAL <--
23 SUBDIVISION, a school district, and any officer, board,
24 commission, agency, authority or other instrumentality thereof.

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

27 Section 3 4. Protection of public employee wages. <--

28 (a) Paycheck protection.--A public employer may not deduct
29 from the wages of a public employee, ~~including, without~~ <--
30 ~~limitation, public school employees covered by the act of March~~

1 ~~10, 1949 (P.L.30, No.14), known as the Public School Code of~~
2 ~~1949, political contributions, fair share fees or membership~~
3 ~~dues, MONEY OR FUNDS TO BE USED FOR POLITICAL CONTRIBUTIONS, <--~~
4 except as required by a valid collective bargaining agreement
5 entered into between a public employer and a representative of
6 its employees prior to the effective date of ~~this section. <--~~

7 ~~(b) Collective bargaining. A collective bargaining THIS <--~~
8 SECTION. NO INDIVIDUAL OR ORGANIZATION SHALL SEEK TO HAVE A
9 POLITICAL CONTRIBUTION DEDUCTED FROM THE WAGES OF A PUBLIC
10 EMPLOYEE. A COLLECTIVE BARGAINING agreement entered into,
11 renewed or extended on or after the effective date of this
12 section shall not contain provisions authorizing or requiring
13 the deduction of political contributions., ~~fair share fees or <--~~
14 membership dues deductions from a public employee's wages,
15 including, without limitation, public school employees covered
16 by the Public School Code of 1949.

17 ~~(c) Nonapplicability. This section shall not apply to:~~
18 ~~(1) employees of a public employer who are not permitted~~
19 ~~to strike pursuant to section 1001 of the act of July 23,~~
20 ~~1970 (P.L.563, No.195), known as the Public Employe Relations~~
21 ~~Act; or~~
22 ~~(2) employees of a public employer who are subject to~~
23 ~~the act of June 24, 1968 (P.L.237, No.111), referred to as~~
24 ~~the Policemen and Firemen Collective Bargaining Act.~~

25 ~~Section 4. Repeals.~~

26 ~~Repeals are as follows:~~

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

29 ~~(2) The following sections are repealed:~~

30 ~~(i) Section 2215(c) of the act of April 9, 1929~~

1 ~~(P.L.177, No.175), known as The Administrative Code of~~
2 ~~1929.~~

3 ~~(ii) Section 4(a) of the act of June 2, 1993~~
4 ~~(P.L.45, No.15), known as the Public Employee Fair Share~~
5 ~~Fee Law.~~

6 (B) APPLICABILITY.--NOTHING IN THIS SECTION SHALL BE <--
7 CONSTRUED TO PRECLUDE A PUBLIC EMPLOYER FROM:

8 (1) DEDUCTING A DESIGNATED AMOUNT FOR A CHARITABLE
9 CONTRIBUTION EXPRESSLY AUTHORIZED BY AN EMPLOYEE; OR

10 (2) IF REQUIRED TO DO SO BY A COLLECTIVE BARGAINING
11 AGREEMENT ENTERED INTO WITH A REPRESENTATIVE OF ITS
12 EMPLOYEES, DEDUCTING FROM THE WAGES OF AN EMPLOYEE
13 ORGANIZATION MEMBER AN AMOUNT EQUAL TO, BUT NOT GREATER THAN,
14 A "FAIR SHARE FEE" AS DEFINED IN SECTION 2215(A) OF THE ACT
15 OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS THE
16 ADMINISTRATIVE CODE OF 1929, AND SECTION 2 OF THE ACT OF JUNE
17 2, 1993 (P.L.45, NO.15), KNOWN AS THE PUBLIC EMPLOYEE FAIR
18 SHARE FEE LAW.

19 Section 5. Effective date.

20 This act shall take effect as follows:

21 (1) Section ~~3~~ 4 shall take effect in 60 days. <--

22 (2) The remainder of this act shall take effect
23 immediately.