
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 166 Session of
2017

INTRODUCED BY EICHELBERGER, REGAN, SCARNATI, MARTIN, YAW,
ALLOWAY, FOLMER, GORDNER, RESCHENTHALER, AUMENT, CORMAN,
HUTCHINSON, WHITE, STEFANO, VULAKOVICH, DiSANTO AND WAGNER,
JANUARY 20, 2017

AS REPORTED FROM COMMITTEE ON STATE GOVERNMENT, HOUSE OF
REPRESENTATIVES, AS AMENDED, NOVEMBER 21, 2017

AN ACT

1 Providing for protection of paychecks of certain workers and for
2 the collection of political contributions.

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

5 Section 1. Short title.

6 This act shall be known and may be cited as the Protection of
7 Public Employee Wages Act.

8 Section 2. Public policy.

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

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

15 ~~"Legislative purpose." The term shall not include the~~
16 ~~negotiation, resolution, arbitration, administration or~~
17 ~~enforcement of a collective bargaining agreement between a~~
18 ~~bargaining representative and a public employer.~~

19 ~~"Political contribution." Money or funds appropriated to be~~ <--
20 ~~used for:~~ INCLUDES: <--

21 (1) a contribution, as defined in section 1621 of the
22 act of June 3, 1937 (P.L.1333, No.320), known as the
23 Pennsylvania Election Code; OR <--

24 ~~(2) an independent expenditure, as defined in section~~ <--
25 ~~1621 of the Pennsylvania Election Code;~~

26 ~~(3) an expenditure, as defined in section 1621 of the~~
27 ~~Pennsylvania Election Code;~~

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

30 ~~(5) a voter registration drive;~~

1 ~~(6) a get out the vote drive, or~~
2 ~~(7) any other electoral, political or legislative~~
3 ~~purpose.~~

4 (2) A CONTRIBUTION, AS DEFINED IN SECTION 301 OF THE <--
5 FEDERAL ELECTION CAMPAIGN ACT OF 1971 (PUBLIC LAW 92-225, 52
6 U.S.C. § 30101).

7 "Public employee." An individual employed by a public
8 employer, including a public school employee under the act of
9 March 10, 1949 (P.L.30, No.14), known as the Public School Code
10 of 1949.

11 "Public employer." The Commonwealth, a political
12 subdivision, a school district and any officer, board,
13 commission, agency, authority or other instrumentality thereof.

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

16 Section 4. Protection of public employee wages.

17 (a) Paycheck protection.--A public employer may not deduct
18 from the wages of a public employee ~~money or funds to be used~~ <--
19 ~~for political contributions~~ A POLITICAL CONTRIBUTION, except as <--
20 required by a valid collective bargaining agreement entered into
21 between a public employer and a representative of its employees
22 prior to the effective date of this section. No individual or
23 organization shall seek to have a political contribution
24 deducted from the wages of a public employee. A collective
25 bargaining agreement entered into, renewed or extended on or
26 after the effective date of this section shall not contain
27 provisions authorizing or requiring the deduction of political
28 contributions.

29 (b) Applicability.--Nothing in this section shall be
30 construed to preclude a public employer from:

1 (1) deducting a designated amount for a charitable
2 contribution expressly authorized by an employee; ~~or~~ <--

3 ~~(2) if required to do so by a collective bargaining~~
4 ~~agreement entered into with a representative of its~~
5 ~~employees, deducting from the wages of an employee~~
6 ~~organization member an amount equal to, but not greater than,~~
7 ~~a fair share fee.~~

8 (2) DEDUCTING A FAIR SHARE FEE AS DEFINED IN SECTION <--
9 2215 OF THE ACT OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS
10 THE ADMINISTRATIVE CODE OF 1929, AND IN SECTION 2 OF THE ACT
11 OF JUNE 2, 1993 (P.L.45, NO.15), KNOWN AS THE PUBLIC EMPLOYEE
12 FAIR SHARE FEE LAW; OR

13 (3) DEDUCTING A MEMBERSHIP DUES DEDUCTION AS DEFINED IN
14 SECTION 301(11) OF THE ACT OF JULY 23, 1970 (P.L.563,
15 NO.195), KNOWN AS THE PUBLIC EMPLOYEE RELATIONS ACT.

16 Section 5. Effective date.

17 This act shall take effect as follows:

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

19 (2) The remainder of this act shall take effect
20 immediately.