

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 371 Session of 2019

INTRODUCED BY MARTIN, MENSCH, FOLMER, PHILLIPS-HILL, ALLOWAY,
DISANTO, J. WARD AND STEFANO, MARCH 13, 2019

REFERRED TO LABOR AND INDUSTRY, MARCH 13, 2019

AN ACT

1 Amending the act of July 23, 1970 (P.L.563, No.195), entitled
2 "An act establishing rights in public employes to organize
3 and bargain collectively through selected representatives;
4 defining public employes to include employes of nonprofit
5 organizations and institutions; providing compulsory
6 mediation and fact-finding, for collective bargaining
7 impasses; providing arbitration for certain public employes
8 for collective bargaining impasses; defining the scope of
9 collective bargaining; establishing unfair employe and
10 employer practices; prohibiting strikes for certain public
11 employes; permitting strikes under limited conditions;
12 providing penalties for violations; and establishing
13 procedures for implementation," in preliminary provisions,
14 further providing for definitions; in employee rights,
15 providing for payments to employee organizations; in scope of
16 bargaining, providing for collection of payments from
17 nonmembers; and making related repeals.

18 The General Assembly of the Commonwealth of Pennsylvania
19 hereby enacts as follows:

20 Section 1. Section 301 of the act of July 23, 1970 (P.L.563,
21 No.195), known as the Public Employe Relations Act, is amended
22 by adding a definition to read:

23 Section 301. As used in this act:

24 * * *

25 (20) "Nonmember" means a public employe in a collective

1 bargaining unit who is not a member of the employe organization
2 that serves as the exclusive representative for the collective
3 bargaining unit.

4 Section 2. The act is amended by adding sections to read:

5 Section 402. (a) A public employer shall notify each
6 employe in writing that there is no statutory obligation by
7 employes to make any payments to the employe organization that
8 serves as the employe's exclusive representative. The notice
9 shall specify the following:

10 (1) A payment shall not be made to the employe organization
11 unless the employe affirmatively consents to make the payment.

12 (2) A payment to the employe organization shall not be
13 necessary to maintain employment.

14 (3) If the employe agrees to make a payment to the employe
15 organization, the payment shall be made directly to the employe
16 organization and not through a wage deduction.

17 (b) The notice required under subsection (a) shall be made
18 biannually and may be made electronically.

19 (c) Prior to the hiring of a new public employe, the public
20 employer, when applicable, shall notify the applicant of the
21 following:

22 (1) It is not a condition of employment with the public
23 employer for the applicant to become a member of the employe
24 organization that serves as the exclusive representative of the
25 collective bargaining unit.

26 (2) The applicant may opt to be a nonmember. As a nonmember,
27 there is no statutory obligation to make any payments to the
28 employe organization.

29 Section 707. A public employer may not collect through a
30 wage deduction any form of payment from a nonmember to an

1 employe organization.

2 Section 3. Repeals are as follows:

3 (1) The General Assembly declares that the repeals under
4 paragraph (2) are necessary to effectuate the addition of
5 sections 301(20), 402 and 707 of the act.

6 (2) The following acts and parts of acts are repealed:

7 (i) Section 2215 of the act of April 9, 1929
8 (P.L.177, No.175), known as The Administrative Code of
9 1929.

10 (ii) The act of June 2, 1993 (P.L.45, No.15), known
11 as the Public Employee Fair Share Fee Law, is repealed.

12 Section 4. This act shall take effect in 30 days.