

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1036 Session of 2021

INTRODUCED BY D. MILLER, BURGOS, GUZMAN, HOHENSTEIN, HILL-EVANS, SANCHEZ, SCHLOSSBERG, N. NELSON, DELLOSO, PASHINSKI, D. WILLIAMS, HOWARD, FREEMAN, McCLINTON, O'MARA AND SCHWEYER, APRIL 7, 2021

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, APRIL 7, 2021

AN ACT

1 Amending the act of June 1, 1937 (P.L.1168, No.294), entitled  
 2 "An act to protect the right of employes to organize and  
 3 bargain collectively; creating the Pennsylvania Labor  
 4 Relations Board; conferring powers and imposing duties upon  
 5 the Pennsylvania Labor Relations Board, officers of the State  
 6 government, and courts; providing for the right of employes  
 7 to organize and bargain collectively; declaring certain labor  
 8 practices by employers to be unfair; further providing that  
 9 representatives of a majority of the employes be the  
 10 exclusive representatives of all the employes; authorizing  
 11 the board to conduct hearings and elections, and certify as  
 12 to representatives of employes for purposes of collective  
 13 bargaining; empowering the board to prevent any person from  
 14 engaging in any unfair labor practice, and providing a  
 15 procedure for such cases, including the issuance of a  
 16 complaint, the conducting of a hearing, and the making of an  
 17 order; empowering the board to petition a court of common  
 18 pleas for the enforcement of its order, and providing a  
 19 procedure for such cases; providing for the review of an  
 20 order of the board by a court of common pleas on petition of  
 21 any person aggrieved by such order, and establishing a  
 22 procedure for such cases; providing for an appeal from the  
 23 common pleas court to the Supreme Court; providing the board  
 24 with investigatory powers, including the power to issue  
 25 subpoenas and the compelling of obedience to them through  
 26 application to the proper court; providing for service of  
 27 papers and process of the board; prescribing certain  
 28 penalties," further providing for definitions.

29 The General Assembly of the Commonwealth of Pennsylvania  
 30 hereby enacts as follows:

1 Section 1. Section 3(d) of the act of June 1, 1937  
2 (P.L.1168, No.294), known as the Pennsylvania Labor Relations  
3 Act, is amended to read:

4 Section 3. Definitions. When used in this act--

5 \* \* \*

6 (d) The term "employee" shall include any employe, and shall  
7 not be limited to the employes of a particular employer, unless  
8 the act explicitly states otherwise, and shall include any  
9 individual whose work has ceased as a consequence of, or in  
10 connection with, any current labor dispute, or because of any  
11 unfair labor practice, and who has not obtained any other  
12 regular and substantially equivalent employment, but shall not  
13 include any individual employed [as an agricultural laborer, or]  
14 in the domestic service of any person in the home of such  
15 person, or any individual employed by his parent or spouse.

16 \* \* \*

17 Section 2. This act shall take effect in 60 days.