
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2042 Session of
2021

INTRODUCED BY KLUNK, BERNSTINE, GLEIM, GROVE, KAUFFMAN, KEEFER,
MENTZER, METCALFE, RYAN AND TOPPER, NOVEMBER 3, 2021

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, NOVEMBER 3, 2021

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," further providing for
14 definitions; in employe rights, providing for payments to
15 employe organizations; and making related repeals.

16 The General Assembly of the Commonwealth of Pennsylvania
17 hereby enacts as follows:

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

21 Section 301. As used in this act:

22 * * *

23 (20) "Nonmember" means a public employe in a collective
24 bargaining unit who is not a member of the employe organization

1 that serves as the exclusive representative for the collective
2 bargaining unit.

3 Section 2. The act is amended by adding a section to read:

4 Section 402. (a) A public employer shall notify a nonmember
5 in writing that there is no statutory obligation by nonmembers
6 to make any payments to the employe organization that serves as
7 the nonmember's exclusive representative. The public employer
8 shall provide the following plain-language notice:

9 You are not a member of the employe organization (union)
10 which represents you for the purpose of collective
11 bargaining. As a nonmember, it is your right to decide
12 whether you will contribute financially to the employe
13 organization. Financial contributions to the employe
14 organization require your affirmative consent, and making a
15 contribution is not necessary to maintain your employment.

16 (b) The notice required under subsection (a) shall be made
17 within thirty days of the effective date of this subsection and
18 annually thereafter during the month of January. The notice may
19 be made electronically.

20 (c) Prior to the hiring of a new public employe or the
21 hiring of a public employe who returns to work following a break
22 in service, the public employer, when applicable, shall provide
23 the following plain-language notice to the applicant or
24 returning employe:

25 As a new or returning employe, it is your right to decide
26 whether you will join the employe organization (union) which
27 will represent you for the purposes of collective bargaining.
28 You may join the employe organization or remain a nonmember.
29 It is not a condition of employment to join the employe
30 organization, and there is no obligation to make any payment

1 to the employe organization if you elect to be a nonmember.
2 You may contact the employe organization if you want to
3 discuss the possibility of membership.

4 (d) The public employer shall provide basic contact
5 information for the employe organization with the notice under
6 subsection (c), including the address, telephone number,
7 publicly accessible Internet website and e-mail address of the
8 organization.

9 Section 3. Repeals are as follows:

10 (1) The General Assembly declares that the repeals under
11 paragraph (2) are necessary to effectuate the addition of
12 sections 301(20) and 402 of the act.

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

14 (i) Section 2215 of the act of April 9, 1929
15 (P.L.177, No.175), known as The Administrative Code of
16 1929.

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

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