

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1034 Session of 2013

INTRODUCED BY EICHELBERGER, FOLMER, WAUGH, BRUBAKER, WHITE AND WAGNER, JULY 22, 2013

SENATOR SMUCKER, STATE GOVERNMENT, AS AMENDED, JUNE 26, 2014

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," defining "political <--
14 contributions"; further providing for DECLARATION OF PUBLIC <--
15 POLICY, FOR DEFINITIONS AND FOR maintenance of membership;
16 providing for membership dues; PROHIBITING CERTAIN PROVISIONS <--
17 RELATING TO POLITICAL CONTRIBUTIONS; and making related
18 repeals.

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

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

24 SECTION 1. SECTION 101 OF THE ACT OF JULY 23, 1970 (P.L.563, <--
25 NO.195), KNOWN AS THE PUBLIC EMPLOYE RELATIONS ACT, IS AMENDED
26 TO READ:

1 SECTION 101. THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF
2 PENNSYLVANIA DECLARES THAT IT IS THE PUBLIC POLICY OF THIS
3 COMMONWEALTH AND THE PURPOSE OF THIS ACT TO PROMOTE ORDERLY AND
4 CONSTRUCTIVE RELATIONSHIPS BETWEEN ALL PUBLIC EMPLOYERS AND
5 THEIR EMPLOYEES SUBJECT, HOWEVER, TO THE PARAMOUNT RIGHT OF THE
6 CITIZENS OF THIS COMMONWEALTH TO KEEP INVIOATE THE GUARANTEES
7 FOR THEIR HEALTH, SAFETY AND WELFARE. UNRESOLVED DISPUTES
8 BETWEEN THE PUBLIC EMPLOYER AND ITS EMPLOYEES ARE INJURIOUS TO
9 THE PUBLIC AND THE GENERAL ASSEMBLY IS THEREFORE AWARE THAT
10 ADEQUATE MEANS MUST BE ESTABLISHED FOR MINIMIZING THEM AND
11 PROVIDING FOR THEIR RESOLUTION. WITHIN THE LIMITATIONS IMPOSED
12 UPON THE GOVERNMENTAL PROCESSES BY THESE RIGHTS OF THE PUBLIC AT
13 LARGE AND RECOGNIZING THAT HARMONIOUS RELATIONSHIPS ARE REQUIRED
14 BETWEEN THE PUBLIC EMPLOYER AND ITS EMPLOYEES, THE GENERAL
15 ASSEMBLY HAS DETERMINED THAT THE OVERALL POLICY MAY BEST BE
16 ACCOMPLISHED BY (1) GRANTING TO PUBLIC EMPLOYEES THE RIGHT TO
17 ORGANIZE AND CHOOSE FREELY THEIR REPRESENTATIVES; (2) REQUIRING
18 PUBLIC EMPLOYERS TO NEGOTIATE AND BARGAIN WITH EMPLOYE
19 ORGANIZATIONS REPRESENTING PUBLIC EMPLOYEES AND TO ENTER INTO
20 WRITTEN AGREEMENTS EVIDENCING THE RESULT OF SUCH BARGAINING;
21 [AND] (3) ESTABLISHING PROCEDURES TO PROVIDE FOR THE PROTECTION
22 OF THE RIGHTS OF THE PUBLIC EMPLOYE, THE PUBLIC EMPLOYER AND THE
23 PUBLIC AT LARGE; AND (4) ENSURING PUBLIC EMPLOYERS DO NOT
24 COLLECT MONEY INTENDED FOR POLITICAL PURPOSES FROM THE WAGES OF
25 EMPLOYEES.

26 SECTION 2. SECTION 301 OF THE ACT IS AMENDED BY ADDING A
27 CLAUSE TO READ:

28 Section 301. As used in this act:

29 * * *

30 ~~(20) "Political contributions" means any moneys or funds~~

<--

1 ~~appropriated for lobbying, electoral activities, or independent~~
2 ~~expenditures on behalf of, or contributions to, any candidate,~~
3 ~~political party, voter registration campaign or any other~~
4 ~~political or legislative cause.~~

5 (20) "POLITICAL CONTRIBUTION" MEANS ANY MONEY OR FUNDS <--
6 APPROPRIATED FOR:

7 (I) A CONTRIBUTION, AS DEFINED IN SECTION 1621 OF THE ACT OF
8 JUNE 3, 1937 (P.L.1333, NO.320), KNOWN AS THE "PENNSYLVANIA
9 ELECTION CODE";

10 (II) AN INDEPENDENT EXPENDITURE, AS DEFINED IN SECTION 1621
11 OF THE "PENNSYLVANIA ELECTION CODE";

12 (III) AN EXPENDITURE, AS DEFINED IN SECTION 1621 OF THE
13 "PENNSYLVANIA ELECTION CODE";

14 (IV) LOBBYING, AS DEFINED IN 65 PA.C.S. § 13A03 (RELATING TO
15 DEFINITIONS).

16 (V) A VOTER REGISTRATION DRIVE;

17 (VI) A GET-OUT-THE-VOTE DRIVE; OR

18 (VII) ANY OTHER ELECTORAL, POLITICAL OR LEGISLATIVE PURPOSE.

19 Section 2 3. Section 705 of the act is amended to read: <--

20 Section 705. [Membership dues deductions and maintenance of
21 membership are proper subjects] Maintenance of membership is a
22 proper subject of bargaining with the proviso that [as to the
23 latter,] the payment of dues and assessments while members[,]
24 may be the only requisite employment condition.

25 Section 3 4. The act is amended by adding a section to read: <--

26 ~~Section 705.1. (a) Membership dues deductions and political~~ <--
27 ~~contributions collected by the employer shall not be subject to~~
28 ~~bargaining for public employes covered under this act. Any~~
29 ~~collective bargaining agreement entered into after the effective~~
30 ~~date of this section with public employes shall not contain such~~

1 ~~provisions.~~

2 ~~(b) Employes subject to the conditions of the act of June~~
3 ~~24, 1968 (P.L.237, No.111), referred to as the Policemen and~~
4 ~~Firemen Collective Bargaining Act, and public employes subject~~
5 ~~to sections 805, 806 and 1001 shall retain the right to~~
6 ~~collectively bargain for membership dues deductions.~~

7 SECTION 705.1. (A) ANY COLLECTIVE BARGAINING AGREEMENT <--
8 ENTERED INTO, RENEWED OR EXTENDED ON OR AFTER THE EFFECTIVE DATE
9 OF THIS SECTION SHALL NOT CONTAIN PROVISIONS REQUIRING THE
10 DEDUCTION OF POLITICAL CONTRIBUTIONS OR MEMBERSHIP DUES
11 DEDUCTIONS FROM A PUBLIC EMPLOYE'S WAGES, INCLUDING, WITHOUT
12 LIMITATION, PUBLIC SCHOOL EMPLOYES COVERED BY THE ACT OF MARCH
13 10, 1949 (P.L.30, NO.14), KNOWN AS THE "PUBLIC SCHOOL CODE OF
14 1949." THIS SECTION, HOWEVER, SHALL NOT BE CONSTRUED TO PRECLUDE
15 A PUBLIC EMPLOYER, IF REQUIRED TO DO SO BY A COLLECTIVE
16 BARGAINING AGREEMENT ENTERED INTO WITH A REPRESENTATIVE OF ITS
17 EMPLOYES, FROM DEDUCTING FROM THE WAGES OF AN EMPLOYE
18 ORGANIZATION MEMBER AN AMOUNT EQUAL TO, BUT NOT GREATER THAN, A
19 "FAIR SHARE FEE" AS DEFINED IN SECTION 2215(A) OF THE ACT OF
20 APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS "THE ADMINISTRATIVE
21 CODE OF 1929," AND SECTION 2(A) OF THE ACT OF JUNE 2, 1993
22 (P.L.45, NO.15), KNOWN AS THE "PUBLIC EMPLOYEE FAIR SHARE FEE
23 LAW." A COLLECTIVE BARGAINING AGREEMENT MAY REQUIRE A PUBLIC
24 EMPLOYER TO DEDUCT FROM THE WAGES OF EMPLOYES AND THEN REMIT TO
25 THE EMPLOYE REPRESENTATIVE AN AMOUNT EQUAL TO, BUT NOT GREATER
26 THAN, A FAIR SHARE FEE, WHICH AMOUNT SHALL BE DETERMINED IN THE
27 MANNER REQUIRED BY LAW FOR THE DETERMINATION OF A FAIR SHARE FEE
28 ANNUALLY DURING EACH YEAR OF THE AGREEMENT.

29 (B) A PUBLIC EMPLOYER SHALL NOT DEDUCT POLITICAL
30 CONTRIBUTIONS OR MEMBERSHIP DUES FROM THE WAGES OF A PUBLIC

1 EMPLOYEE, INCLUDING, PUBLIC SCHOOL EMPLOYEES COVERED BY THE
2 "PUBLIC SCHOOL CODE OF 1949," EXCEPT AS REQUIRED BY A VALID
3 COLLECTIVE BARGAINING AGREEMENT ENTERED INTO BETWEEN A PUBLIC
4 EMPLOYER AND A REPRESENTATIVE OF ITS EMPLOYEES PRIOR TO THE
5 EFFECTIVE DATE OF THIS SUBSECTION.

6 (C) THIS SECTION SHALL NOT APPLY TO:

7 (I) EMPLOYEES OF A PUBLIC EMPLOYER WHO ARE SUBJECT TO THE ACT
8 OF JUNE 24, 1968 (P.L.237, NO.111), REFERRED TO AS THE POLICEMEN
9 AND FIREMEN COLLECTIVE BARGAINING ACT; AND

10 (II) EMPLOYEES OF A PUBLIC EMPLOYER WHO ARE NOT PERMITTED TO
11 STRIKE PURSUANT TO SECTION 1001.

12 SECTION 5. THE PROVISIONS OF THIS ACT ARE SEVERABLE. IF ANY
13 PROVISION OF THIS ACT OR ITS APPLICATION TO ANY PERSON OR
14 CIRCUMSTANCE IS HELD INVALID, THE INVALIDITY SHALL NOT AFFECT
15 OTHER PROVISIONS OR APPLICATIONS OF THIS ACT WHICH CAN BE GIVEN
16 EFFECT WITHOUT THE INVALID PROVISION OR APPLICATION.

17 Section 4 6. Repeals are as follows: <--

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

20 (2) The following sections are repealed:

21 (i) Section 2215(c) of the act of April 9, 1929
22 (P.L.177, No.175), known as The Administrative Code of
23 1929.

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

27 Section 5 7. This act shall take effect ~~in 60 days.~~ AS <--
28 FOLLOWS:

29 (1) THE AMENDMENT OR ADDITION OF SECTIONS 705 AND 705.1
30 OF THE ACT SHALL TAKE EFFECT IN 60 DAYS.

1 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT
2 IMMEDIATELY.