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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 766 Session of  
2019

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INTRODUCED BY KLUNK, ROTHMAN, METCALFE, MOUL, MACKENZIE, JAMES,  
RYAN, KAUFFMAN, ZIMMERMAN, B. MILLER, DUSH, KEEFER, WHEELAND,  
GROVE, ECKER, GLEIM, DELOZIER, COX AND SCHEMEL, MARCH 8, 2019

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REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, MARCH 8, 2019

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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 a nonmember  
6 in writing that there is no statutory obligation by nonmembers  
7 to make any payments to the employe organization that serves as  
8 the nonmember's exclusive representative. The notice shall  
9 specify the following:

10 (1) A payment shall not be made to the employe organization  
11 unless the nonmember 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 nonmember 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 every payday 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.

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