
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1040 Session of
2011

INTRODUCED BY EICHELBERGER, FOLMER, WAUGH, ALLOWAY, PICCOLA,
BRUBAKER, D. WHITE, M. WHITE AND MENSCH, JUNE 17, 2011

REFERRED TO LABOR AND INDUSTRY, JUNE 17, 2011

AN ACT

1 Prohibiting a public employer from deducting from a public
2 employee's salary or wages any funds which inure to the
3 benefit of a private organization.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Public
8 Workers Paycheck Protection Act.

9 Section 2. Definitions.

10 The following words and phrases when used in this act shall
11 have the meanings given to them in this section unless the
12 context clearly indicates otherwise:

13 "Deduction." A subtraction of a monetary amount of any kind
14 by an employer from gross salary or wages.

15 "Private organization." Any association, sole
16 proprietorship, partnership, corporation, limited liability
17 company or any other type of entity organized under the laws of
18 Pennsylvania or any other state.

1 "Public employee." Any individual paid a wage or salary by a
2 public employer.

3 "Public employer." The Commonwealth of Pennsylvania, its
4 political subdivisions, including school districts, and any
5 board, commission, agency, authority or other instrumentality
6 thereof.

7 Section 3. Public employee payroll deductions.

8 (a) Prohibitions on deductions.--A public employer shall not
9 take deductions from a public employee's salary or wages of any
10 funds that inure to the benefit of a private organization.

11 (b) Exceptions.--The prohibitions under subsection (a) shall
12 not apply if:

13 (1) The deductions represent the employee's contribution
14 toward direct or indirect benefits received from the employer
15 the value of which is considered part of the employee's
16 compensation from the employer, such as medical insurance,
17 retirement plans, a cafeteria plan as defined in section 125
18 of the Internal Revenue Code of 1986 (Public Law 99-514, 26
19 U.S.C. § 125) or deferred compensation.

20 (2) The public employer is in receipt of a court order
21 pertaining to the individual employee which provides for such
22 a deduction.

23 Section 4. Injunctive relief.

24 Notwithstanding any other law to the contrary, a person
25 injured or threatened with injury by any action or conduct
26 prohibited by this act shall be entitled to injunctive relief
27 therefrom and to damages for any injuries sustained.

28 Section 5. Repeals.

29 (a) Specific.--The following acts and parts of acts are
30 repealed insofar as they are inconsistent with this act:

1 (1) Sections 3 and 4 of the act of June 2, 1993 (P.L.45,
2 No.15), known as the Public Employee Fair Share Fee Law.

3 (2) Section 2215 of the act of April 9, 1929 (P.L.177,
4 No.175), known as The Administrative Code of 1929.

5 (3) Section 705 of the act of July 23, 1970 (P.L.563,
6 No.195), known as the Public Employe Relations Act.

7 (b) General.--All other acts and parts of acts are repealed
8 insofar as they are inconsistent with this act.

9 Section 6. Effective date.

10 This act shall take effect in 60 days.