



Pennsylvania Conference of Teamsters

Strength in Numbers 95,000

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LEGISLATIVE ACTION ALERT



PA HB 506

Requiring Notification of Right to Resign Membership in Public Sector Union

Tell Your PA Representative NO on HB506

Look at the previous co-sponsors on page 2

MEMORANDUM

Posted: January 30, 2019 03:09 PM
From: [Representative Greg Rothman](#)
To: All House members
Subject: Requiring Notification of Right to Resign Membership in Public Sector Union (Previously HB2625)

I will be re-introducing legislation from last session (HB 2625 in 2017/18 Session) to amend the Public Employee Relations Act (Act 195 of 1970) to allow members of public sector unions to terminate their membership at any time. Under current law, Act 195 states that a public employee can only resign their membership from their representative union during the 15-day period before a collective bargaining agreement ends.

Traditionally, public sector unions have argued that "maintenance of membership" provisions are important in collective bargaining agreements to ensure stability of their membership. These "maintenance of membership" provisions provide, when employees who have joined a union, they must remain union members for the duration of a collective bargaining agreement; the law provides a very limited window in which a member can resign (15 days).

Though not required to notify workers of their upcoming resignation window, union leaders often mandate members submit a resignation letter by certified mail to a specific address within the narrow time frame. As a result, this burdensome resignation process severely limits employees' right to free association.

I believe that allowing public sector union members to resign at any time ensures their constitutional rights with respect to freedom of speech and freedom of association. These rights were recently reinforced for non-members of public sector unions by the U.S. Supreme Court in *Janus v. AFSCME* with respect to payment of compulsory fair share fees levied on non-union workers; the Court ruled that non-members cannot be forced to associate or make payments to the representative union. In practice, I believe "maintenance of membership" clauses are against the spirit of this court ruling because they force employees to fund the activities and politics of an organization they no longer support (and want to resign from).

My proposed legislation eliminates the ability of public sector unions to negotiate "maintenance of membership" clauses in collective bargaining agreements. The elimination of such clauses effectively allows union members to resign their membership at any time.

Previous Co-sponsors: [RYAN](#), [McGINNIS](#), [METCALFE](#), [KEEFER](#), [BLOOM](#), [MACKENZIE](#), [KAUFFMAN](#), [MENTZER](#) and [ZIMMERMAN](#)

Introduced as [HB506](#)