

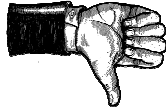


# Pennsylvania Conference of Teamsters

Strength in Numbers 95,000

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## LEGISLATIVE ACTION ALERT



### PA HOUSE BILL 2650 INTRODUCED BY REPUBLICAN SETH GROVE OF YORK COUNTY

Under Grove's Bill, the PA Labor Relations Board would be required to conduct, during a one-year period, a secret ballot election for the recertification for the Commonwealth's public-sector unions. This initial election would take place two years following the enactment of his legislation. Following the initial representation vote by members of a collective bargaining union; the legislation requires another recertification vote every six years.

#### MEMORANDUM

**Posted:** July 20, 2018 01:43 PM  
**From:** [Representative Seth M. Grove](#)  
**To:** All House members  
**Subject:** Providing Public-Sector Employees with a Voice in Their Professional Representation

The Commonwealth, in 1970, with the passage of Act 195 of 1970 (the Public Employee Relations Act) allowed for all public-sector employees to unionize. The Commonwealth had previously given this right exclusively to police and firemen under Act 111 of 1968. Under the Act 195 public employees seeking union representation are required to go through a petition process and then a secret ballot representation vote. If a majority of the collective bargaining unit votes for union representation, the Pennsylvania Labor Relations Board (Board) then certifies the union as the exclusive representative of the unit.

Once a union is certified as the collective bargaining agent, it serves as the exclusive representative *indefinitely*, unless a decertification petition is filed, and a decertification election is held (a very rare occurrence). Thus, there are very common instances where a union has been certified for decades and where a large number, if not all, of the public employees in that collective bargaining unit never cast a vote to be represented by the union. In essence, current members of a collective bargaining unit inherited union representation, and never had a "direct say" on the issue.

This lack of a say for public employees was noted a few years ago as it was reported, with respect to school districts, 427 of the 500 school districts (85%) certified union representation in 1970 or 1971. Current estimates indicated, at the time, less than 1% of current school district employees represented by unions originally voted for representation. This is lack of a say for public employees in their union representation is not limited to school districts as other major unions such as United Food and Commercial Workers 1776 and the Service Employees International Union 668 held their last elections for state employees over 40 years ago.

The unintended consequence of Act 195 has been to leave new employees without a voice or say in their professional representation. Since Act 195 allowed for public unions to serve as the exclusive representative for a bargaining unit in perpetuity union management no longer need to be responsive to needs or desires of the employees they represent.

In order to provide public-sector employees a say in their professional representation, I plan to introduce legislation which would amend Act 195. Under my legislation the Board would be required to conduct, during a one-year period, a secret ballot election for the recertification for the Commonwealth's public-sector unions. This initial election would take place two years following the enactment of my legislation. Following the initial representation vote by members of a collective bargaining union; the legislation requires another recertification vote every six years.

Several states have recently adopted some form of requiring recertification elections for public sector employees. These states include Missouri (recertification vote every 3 years adopted this year), Iowa (recertification vote one month before end of contract adopted in 2017), and Wisconsin (recertification vote annually adopted in 2011). As a result of these changes employees are empowered to choose their own representation as demonstrated by the State of Iowa which saw 88% of union members participate in the first election.

This legislation offers a reasonable timeframe for recertification elections while ensuring that public-sector employees have direct input on whether they desire union representation. Additionally, this bill will help keep union management accountable and more importantly responsive to their members they represent. Please join me and co-sponsor this legislation to provide public-sector employees with a voice in their professional representation. Should you have any questions please contact Jordan Grant by email at [Jgrant@pahousegop.com](mailto:Jgrant@pahousegop.com)

[View Attachment](#)

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Introduced as [HB2650](#)

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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2650 Session of  
2018

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INTRODUCED BY GROVE, MCGINNIS, BLOOM, ZIMMERMAN, ROTHMAN, KEEFER  
AND COX, SEPTEMBER 21, 2018

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REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, SEPTEMBER 21, 2018

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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 representation, providing  
14 for recertification.

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

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

20 Section 608. (a) The board shall conduct periodic  
21 recertification elections using a secret ballot vote among the  
22 public employes in a collective bargaining unit to determine if  
23 the majority of the employes desire to continue representation.

24 (b) Recertification elections under subsection (a) shall be

1 conducted in accordance with the following schedule:

2 (1) The initial recertification election shall be conducted  
3 in the period between six years after acquiring representation  
4 and seven years after acquiring representation.

5 (2) If more than six years have elapsed since acquiring  
6 representation, the board shall conduct a recertification  
7 election within two years after the effective date of this  
8 section.

9 (3) Subsequent recertification elections shall be conducted  
10 in the period between six years after a recertification election  
11 and seven years after a recertification election, with the time  
12 frame tolled from the date of the recertification election.

13 (c) If a majority of the public employes in the collective  
14 bargaining unit who vote in the recertification election under  
15 subsection (a) determines not to continue representation, the  
16 current representative's duties, including collection of dues,  
17 fees and grievance arbitration, shall terminate, provided that  
18 the collective bargaining agreement shall remain in effect with  
19 respect to wages, hours and conditions of employment.

20 (d) If public employes vote to end representation under  
21 subsection (c), a period of at least two years must elapse  
22 before any representative may initiate a petition under this  
23 article to become a certified representative of the public  
24 employes.

25 Section 2. This act shall take effect in 60 days.