

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1529 Session of
1977

INTRODUCED BY ITKIN, SWEET, ZORD, CESSAR AND COWELL,
JULY 26, 1977

REFERRED TO COMMITTEE ON URBAN AFFAIRS, JULY 26, 1977

AN ACT

1 Amending the act of April 6, 1956 (P.L.1414, No.465), entitled,
2 as amended, "An act to promote the welfare of the people of
3 this Commonwealth; creating Port Authorities to function in
4 counties of the second class as bodies corporate and politic,
5 with power to plan, acquire, construct, maintain and operate
6 facilities and projects for the improvement and development
7 of the port district and to borrow money and issue bonds
8 therefor; providing for the payment of such bonds and
9 prescribing the rights of the holders thereof; conferring the
10 right of eminent domain on the authorities; authorizing the
11 authorities to enter into contracts with and to accept grants
12 from the Federal government or any agency thereof; and
13 conferring exclusive jurisdiction on certain courts over
14 rates and services; and authorizing the authorities to
15 collect tolls, fares, fees, rentals and charges for the use
16 of facilities; defining the authorities' powers and duties,
17 and defining the port districts; granting Port Authorities
18 the exclusive right to engage in the business of owning,
19 operating, and maintaining a transportation system for the
20 transportation of persons in counties of the second class,
21 providing, when necessary, for extension of transportation
22 systems into adjoining counties and outside of said counties
23 as provided in the act; limiting the jurisdiction of the
24 Public Utility Commission over Port Authorities; authorizing
25 municipalities to make loans and grants and to transfer
26 existing facilities; authorizing Port Authorities to enter
27 into contracts with and to accept grants from State and local
28 governments or agencies thereof; exempting the property and
29 facilities of such Port Authorities from taxation and
30 limiting the time to commence civil action against said
31 Authorities," requiring arbitrators of labor disputes to be
32 residents of the service area of the authority, providing for
33 the submission of final offers to a board of arbitrators, and
34 specifically providing that the act applies to labor

1 disputes.

2 The General Assembly of the Commonwealth of Pennsylvania
3 hereby enacts as follows:

4 Section 1. Section 13.2, act of April 6, 1956 (P.L.1414,
5 No.465), known as the "Second Class County Port Authority Act,"
6 added October 7, 1959 (P.L.1266, No.429), is amended to read:

7 Section 13.2. The authority through its boards shall deal
8 with and enter into written contracts with the employes of the
9 authority through accredited representatives of such employes or
10 representatives of any labor organization authorized to act for
11 such employes concerning wages, salaries, hours, working
12 conditions and pension or retirement provisions.

13 In case of any labor dispute where collective bargaining does
14 not result in agreement, the authority shall offer to submit
15 such dispute to arbitration by a board composed of three
16 persons, who are residents of the service area of the authority,
17 one appointed by the authority, one appointed by the labor
18 organization representing the employes, and a third member to be
19 agreed upon by the labor organization and the authority. The
20 member selected by the labor organization and the authority
21 shall act as chairman of the board. As soon as the board is
22 fully constituted, the authority and the labor organization
23 shall each submit a final proposal or offer on each of the
24 issues still in controversy. The board in resolving such issues
25 in controversy shall be limited to electing between the final
26 proposals or offers as submitted by the parties and shall not be
27 empowered to make any other findings. The determination of the
28 majority of the board of arbitration thus established shall be
29 final and binding on all matters in dispute. If, after a period
30 of ten days from the date of the appointment of the two

1 arbitrators representing the authority and the labor
2 organization, the third arbitrator has not been selected, then
3 either arbitrator may request the American Arbitration
4 Association to furnish a list of five persons from which the
5 third arbitrator shall be selected. The arbitrators appointed by
6 the authority and the labor organization, promptly, after the
7 receipt of such list, shall determine, by lot, the order of
8 elimination and, thereafter, each shall, in that order
9 alternately, eliminate one name until only one name remains. The
10 remaining person on the list shall be the third arbitrator. The
11 term "labor dispute" shall be broadly construed and shall
12 include any controversy concerning wages, salaries, hours,
13 working conditions or benefits, including health and welfare,
14 sick leave insurance or pension or retirement provisions but not
15 limited thereto, and including any controversy concerning any
16 differences or questions that may arise between the parties
17 including, but not limited to the making or maintaining of
18 collective bargaining agreements, the terms to be included in
19 such agreements and the interpretation or application of such
20 collective bargaining agreements and any grievances that may
21 arise. Each party shall pay one-half of the expenses of such
22 arbitration.

23 If the authority acquires an existing transportation system,
24 such of the employees of such transportation system, except
25 executive and administrative officers, as are necessary for the
26 operation thereof by the authority, shall be transferred to and
27 appointed as employees of the authority subject to all the rights
28 and benefits of this act. These employees shall be given
29 seniority credit and sick leave, vacation, insurance and pension
30 credits in accordance with the records or labor agreements from

1 the acquired transportation system. Members and beneficiaries of
2 any pension or retirement system or other benefits established
3 by the acquired transportation system shall continue to have
4 rights, privileges, benefits, obligations and status with
5 respect to such established system. The authority shall assume
6 the obligations of any transportation system acquired by it with
7 regard to wages, salaries, hours, working conditions, sick
8 leave, health and welfare and pension or retirement provisions
9 for employees. It shall assume the provisions of any collective
10 bargaining agreement between such acquired transportation system
11 and the representatives of its employees. The authority and the
12 employees through their representatives for collective bargaining
13 purposes shall take whatever action may be necessary to have
14 pension trust funds presently under the joint control of the
15 acquired transportation system and the participating employees
16 through their representatives transferred to the trust fund to
17 be established, maintained and administered jointly by the
18 authority and the participating employees through their
19 representatives.

20 No employee of any acquired transportation system, who is
21 transferred to a position with the authority, shall by reason of
22 such transfer be placed in any worse position with respect to
23 workmen's compensation, pension, seniority, wages, sick leave,
24 vacation, health and welfare insurance or any other benefits
25 than he enjoyed as an employee of such acquired transportation
26 system.

27 Employees who have left the employ of any acquired
28 transportation system or leave the employ of the authority to
29 enter the military service of the United States shall have such
30 reemployment rights with the authority as may be granted under

1 any law of the United States or the Commonwealth of
2 Pennsylvania.

3 Labor disputes shall be subject to the provisions of this act
4 only and the act of July 23, 1970 (P.L.563, No.195), known as
5 the "Public Employe Relations Act," shall not apply.

6 Section 2. This act shall take effect immediately.