

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2148

Session of
1981

INTRODUCED BY SAURMAN, SIEMINSKI, DAIKELER, FRYER, HEISER,
FLECK, BOWSER, NAHILL, LASHINGER, JACKSON, FARGO, CLYMER,
COCHRAN, MACKOWSKI, MARMION, TADDONIO, CORNELL, KENNEDY,
A. K. HUTCHINSON, GAMBLE, McVERRY, BURD, WESTON,
E. Z. TAYLOR, VROON, GLADECK, McCLATCHY, SWIFT, RICHARDSON,
EVANS, WIGGINS AND J. D. WILLIAMS, DECEMBER 16, 1981

REFERRED TO COMMITTEE ON LABOR RELATIONS, DECEMBER 16, 1981

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," providing procedures to be
14 followed when a strike or lockout reaches a certain point.

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 1005.1. (a) The Secretary of Education shall notify
21 by telegram all professional employes and the board of school
22 directors of any district which is not providing education to

1 its students as a result of a strike or lockout when the strike
2 or lockout reaches the point where one hundred eighty days of
3 instruction cannot be provided based upon the school calendar as
4 originally adopted without extending the school week,
5 eliminating holidays or extending the last day and the secretary
6 shall order the immediate resumption of classes. Upon receipt of
7 such notice and order in the case of a strike, all striking
8 professional employees shall, notwithstanding any other provision
9 of this act, immediately report to work, and in the case of a
10 lockout the board of school directors shall immediately open all
11 its schools. Any professional employee who refuses to return to
12 work without permission of the school board of directors or who
13 returns to work but abstains wholly or in part from the full
14 performance of his duties or who returns to work and fails to
15 continue working shall be denied compensation for each such day.
16 Any member of the board of school directors who fails to take
17 affirmative action to immediately open all the schools of the
18 district upon receipt of the secretary's notice and order shall
19 be subject to a fine in the amount of the per diem salary of the
20 highest paid professional employee for each day all of the
21 schools of the district are not open.

22 (b) The provisions of the collective bargaining agreement in
23 effect prior to the commencement of the strike or lockout shall
24 control relations between the professional employees and the
25 board of school directors. The professional employees and the
26 board of school directors shall engage in good faith collective
27 bargaining with the assistance of a mediator from the Bureau of
28 Mediation. When a collective bargaining agreement is reached,
29 its terms shall be retroactive to the date the professional
30 employees returned to school pursuant to the secretary's notice

1 and order except that all professional employes shall forfeit
2 one-half of any negotiated increase in salary calculated on a
3 per diem basis for every day settlement is not made following
4 the date of the secretary's notice and order. The school
5 district shall lose subsidy payments in the amount of one and
6 one-half times the total amount of salary forfeited by all
7 professional employes under the provisions of the preceding
8 sentence for each day settlement is not made following the date
9 of the secretary's notice and order. No settlement reached after
10 professional employes have returned to work or after schools
11 have opened shall provide for compensation for any days worked
12 in excess of one hundred eighty days. The provisions of this
13 section shall supersede any collective bargaining agreement and
14 cannot be waived, changed or altered by the professional
15 employes or the board of school directors.

16 (c) The board of school directors or the professional
17 employes or their employe representative may petition the court
18 of common pleas for injunctive relief to enforce the provisions
19 of this section.

20 Section 2. This act shall take effect immediately.