

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**HOUSE BILL**  
**No. 2442** Session of  
1988

INTRODUCED BY COLAFELLA, TELEK, FEE, DOMBROWSKI, COHEN, BURNS,  
FISCHER, LESCOVITZ, VEON, BOYES, WOZNIAK AND FREEMAN, MAY 9,  
1988

REFERRED TO COMMITTEE ON LABOR RELATIONS, MAY 9, 1988

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An  
2 act relating to the public school system, including certain  
3 provisions applicable as well to private and parochial  
4 schools; amending, revising, consolidating and changing the  
5 laws relating thereto," further providing for procedures  
6 relating to substitute employees during a strike.

7 The General Assembly of the Commonwealth of Pennsylvania  
8 hereby enacts as follows:

9 Section 1. Section 1106 of the act of March 10, 1949  
10 (P.L.30, No.14), known as the Public School Code of 1949, is  
11 amended to read:

12 Section 1106. Duty to Employ.--(a) The board of school  
13 directors in every school district shall employ the necessary  
14 qualified professional employes, substitutes and temporary  
15 professional employes to keep the public schools open in their  
16 respective districts in compliance with the provisions of this  
17 act. Except for school districts of the first class and first  
18 class A which may require residency requirements, no other  
19 school district shall require an employe to reside within the

1 school district as a condition for appointment or continued  
2 employment.

3 (b) For the duration of a strike declared pursuant to the  
4 provisions of the act of July 23, 1970 (P.L.563, No.195), known  
5 as the Public Employe Relations Act, every school entity is  
6 prohibited from:

7 (1) utilizing the services of a person to discharge the  
8 duties of an employe who is a member of the bargaining unit then  
9 on strike;

10 (2) utilizing the services of a nonbargaining unit employe  
11 to discharge the duties of an employe who is a member of the  
12 bargaining unit on strike; and

13 (3) utilizing the services of an employe who is a member of  
14 the bargaining unit then on strike unless an agreement has been  
15 reached for that purpose between the school entity and their  
16 employe organization.

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