
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 843 Session of
1991

INTRODUCED BY KOSINSKI, MCGEEHAN, PESCI, LEVDANSKY, TRELLO,
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McNALLY, RIEGER, DONATUCCI AND ROEBUCK, MARCH 19, 1991

REFERRED TO COMMITTEE ON LABOR RELATIONS, MARCH 19, 1991

AN ACT

1 Providing for collective bargaining for school administrators in
2 school districts of the first class.

3 The General Assembly declares that it is the public policy of
4 this Commonwealth and the purpose of this act to promote
5 orderly, constructive and harmonious relationships between each
6 school district of the first class and its school administrative
7 employees, subject, however, to the paramount right of the
8 citizens of this Commonwealth to keep inviolate the guarantees
9 for their health, safety and welfare and to the duty and
10 responsibility of the boards of public education of school
11 districts of the first class to provide an appropriate education
12 to the children of their districts. Unresolved disputes between
13 boards of public education of school districts of the first
14 class and their employees charged with managing, supervising and
15 administering the educational programs may be injurious to the
16 public and pupils. The delineation of the responsibilities, the

1 clarification of the administrative roles and the facilitation
2 of communications are vital to the functioning of the
3 educational system. Recognizing that continuing harmonious
4 relationships between school districts of the first class and
5 their management, supervisory and administrative employees are
6 essential to the educational process, the General Assembly has
7 determined that the overall policy may best be accomplished by
8 requiring school districts of the first class to negotiate and
9 bargain with employee organizations representing their
10 management, supervisory and administrative employees and to
11 enter into written agreements evidencing the result of such
12 bargaining.

13 The General Assembly of the Commonwealth of Pennsylvania
14 hereby enacts as follows:

15 Section 1. Collective bargaining.

16 (a) Initiation.--Upon the written request of an employee
17 organization, the appropriate representatives of the board of
18 public education of a school district of the first class shall
19 be required to enter into collective bargaining with
20 representatives of the school administrator's employee
21 organization for the purpose of reaching agreement upon all
22 questions concerning wages, hours and other terms and conditions
23 of employment. Any agreement reached as a result of such
24 collective bargaining shall contain, but shall not be limited
25 to, provisions concerning school administrators' salaries and
26 fringe benefits and a procedure for the resolution of grievances
27 which shall contain provisions for final, binding arbitration of
28 disputes or grievances arising out of the interpretation of the
29 provisions of the collective bargaining agreement. The procedure
30 to be adopted is a proper subject of bargaining.

1 (b) Execution.--Once an agreement is reached between a
2 school district of the first class and the school
3 administrator's employee organization, the agreement shall be
4 reduced to writing and signed by the parties. Any provisions of
5 the contract requiring legislative action will be effective only
6 if such legislation is enacted. Such agreement shall continue in
7 effect until the time specified in the agreement, but in no
8 event for less than one school year.

9 (c) Impasse.--

10 (1) If in any case where the collective bargaining
11 process reaches an impasse and stalemate with the result that
12 said school district of the first class and the school
13 administrators' organization are unable to effect a
14 settlement, then either party to the dispute, after written
15 notice to the other party containing specifications of the
16 issue or issues in dispute, may request the appointment of a
17 board of arbitration. An impasse or stalemate shall be deemed
18 to occur in the collective bargaining process if the parties
19 do not reach a settlement of the issue or issues in dispute
20 by way of a written agreement within six months after
21 collective bargaining proceedings have been initiated.

22 (2) The board of arbitration shall be composed of three
23 persons, one appointed by the board of public education, one
24 appointed by the employee representative and a third member
25 to be agreed upon by the board of public education and
26 employee representative. The members of the board
27 representing the board of public education and the employee
28 representative shall be named within five days from the date
29 of the request for the appointment of such board. If, after a
30 period of ten days from the date of the appointment of the

1 two arbitrators appointed by the board of public education
2 and by the employee representative, the third arbitrator has
3 not been selected by them, then either arbitrator may request
4 the American Arbitration Association, or its successor in
5 function, to furnish a list of three members of said
6 association who are residents of this Commonwealth from which
7 the third arbitrator shall be selected. The arbitrator
8 appointed by the board of public education shall eliminate
9 one name from the list within five days after publication of
10 the list, following which the arbitrator appointed by the
11 employee representative shall eliminate one name from the
12 list within five days thereafter. The individual whose name
13 remains on the list shall be the third arbitrator and shall
14 act as chairman of the board of arbitration. The board of
15 arbitration thus established shall commence the arbitration
16 proceedings within ten days after the third arbitrator is
17 selected and shall make its determination within 30 days
18 after the appointment of the third arbitrator.

19 (3) The determination of the majority of the board of
20 arbitration thus established shall be final on the issue or
21 issues in dispute and shall be binding upon the board of
22 public education and the employee representative. Such
23 determination shall be in writing and a copy thereof shall be
24 forwarded to both parties to the dispute. No appeal therefrom
25 shall be allowed to any court. Such determination shall
26 constitute a mandate to the board of public education to take
27 the action necessary to carry out the determination of the
28 board of arbitration.

29 (4) With respect to matters which require legislative
30 action by the board of public education for implementation,

1 such action shall be taken within one month following
2 publication of the findings. The effective date of any such
3 action shall be the first day of the fiscal year following
4 the fiscal year during which the action is thus taken.

5 (5) The compensation, if any, of the arbitrator
6 appointed by the employee representative shall be paid by
7 them. The compensation of the other two arbitrators, as well
8 as all stenographic and other expenses incurred by the
9 arbitration panel in connection with the arbitration
10 proceedings, shall be paid by the board of public education.

11 (d) Prohibition.--School administrators shall continue to be
12 subject to the prohibition against strikes contained in the act
13 of June 30, 1947 (P.L.1183, No.492), referred to as the Public
14 Employe Anti-Strike Law.

15 (e) Definitions.--As used in this section, the following
16 words and phrases shall have the meanings given to them in this
17 subsection:

18 "Collective bargaining," "bargain" and "negotiate." The
19 performance of the mutual obligation of school districts and the
20 employee representative to meet at reasonable times and confer
21 in good faith with respect to wages, hours and other terms and
22 conditions of employment, or the negotiation of an agreement or
23 any question arising thereunder and the execution of a written
24 contract incorporating any agreement reached, but such
25 obligation does not compel either party to agree to a proposal
26 or require the making of a concession, but shall not include a
27 requirement to bargain over matters of inherent managerial
28 policy nor the implementation of any provision which would be in
29 violation of, or inconsistent with, or in conflict with, any
30 statute or statutes of this Commonwealth, excluding, however,

1 section 704 of the act of July 23, 1970 (P.L.563, No.195), known
2 as the Public Employe Relations Act.

3 "Employee organization." An organization or any agency or
4 employee representation committee or plan in which membership is
5 limited to school administrators and which exists for the
6 purpose, in whole or in part, of dealing with school districts
7 concerning grievances, employee-employer disputes, wages, hours
8 of employment or conditions of work, but shall not include any
9 organization which practices discrimination in membership
10 because of race, color, creed, national origin or political
11 affiliation.

12 "School administrator." All supervisory and administrative
13 employees of a school district below the rank of superintendent,
14 district superintendent, executive director, associate
15 superintendent, assistant superintendent or assistant executive
16 director, but including the rank of first level supervisor, who,
17 by virtue of assigned duties, is in or is eligible to be in a
18 "meet and discuss unit" as defined and created under the act of
19 July 23, 1970 (P.L.563, No.195), known as the Public Employe
20 Relations Act, and all other employees except those specified in
21 this definition. The term shall not include those in or eligible
22 to be in a rank and file unit of public employees as created
23 under the aforesaid Public Employe Relations Act, or any
24 employee who has the duties and responsibilities of a personnel
25 director.

26 Section 2. Repeals.

27 The act of July 23, 1970 (P.L.563, No.195), known as the
28 Public Employe Relations Act, is repealed insofar as it is
29 inconsistent with the provisions of this act.

30 Section 3. Effective date.

1 This act shall take effect immediately.