

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1791 Session of  
1993

INTRODUCED BY DURHAM, BARLEY, SAURMAN, PHILLIPS, E. Z. TAYLOR,  
M. N. WRIGHT, MICOZZIE, MILLER, SCHEETZ, HECKLER, GODSHALL,  
HUTCHINSON, FLICK, STEIL, RAYMOND, CLARK AND LYNCH,  
JUNE 15, 1993

REFERRED TO COMMITTEE ON LABOR RELATIONS, JUNE 15, 1993

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 regulating strikes by  
6 employees of school entities.

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

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

12 Section 1133-A. Regulating Strikes.--(a) It shall be  
13 illegal for any bargaining unit of any employes of a school  
14 entity to strike unless more than fifty per centum of all  
15 eligible employes shall have voted in favor of the strike. All  
16 votes shall be conducted by secret ballot.

17 (b) The Pennsylvania Labor Relations Board shall promulgate  
18 regulations, within six (6) months of the effective date of this  
19 section, to establish and oversee procedures for a strike vote.

1 The costs for the election shall be paid equally by the  
2 Commonwealth, the school district and the employe organization.

3 (c) In lieu of the procedures established in subsection (b),  
4 the employe organization and the board of directors of the  
5 school entity may employ a person to oversee the strike vote to  
6 determine whether it was conducted in a fair and impartial  
7 manner. A determination by this person regarding the fairness  
8 and impartiality of the strike vote shall be binding on both  
9 parties. The costs of employing this person shall be shared  
10 equally between the employe organization and the school entity.

11 (d) The strike vote shall specify the date the strike shall  
12 begin. A strike by the employe organization shall be against the  
13 entire school entity. Selective strikes against certain  
14 facilities, grade levels, or for portions of a school day are  
15 hereby prohibited. If the employe organization does not strike  
16 on the specified date, the previous authorizing vote shall be  
17 null and void. The employe organization shall be required to  
18 schedule another vote to engage in each subsequent strike or  
19 other work stoppage. Subsequent votes to authorize a strike  
20 shall follow the requirements set forth in this section.

21 (e) (1) Any school employe who participates in a strike in  
22 violation of this section shall be assessed a civil penalty  
23 equal to one-ninetieth (1/90) of his annual salary or wages for  
24 each day he participates in a strike conducted in violation of  
25 this section.

26 (2) The board of directors of the school entity may notify  
27 the secretary of any professional employe who participates in a  
28 strike in violation of this section, in which event the  
29 secretary or his designee shall investigate the matter and  
30 initiate proceedings against any professional employe it has

1 reason to believe has participated in a strike in violation of  
2 this section. If the secretary or his designee determines that a  
3 professional employe has participated in a strike in violation  
4 of this section, he shall assess a civil penalty against the  
5 employe in the amount prescribed by this section and notify the  
6 school board of his action. Upon receipt of such notification  
7 from the secretary, the school board shall deduct the civil  
8 penalty from the compensation payable to the employe in equal  
9 installments over the next twelve (12) pay periods and the  
10 amount deducted shall be paid to the department for deposit in  
11 the State Treasury. The department shall adopt regulations  
12 establishing a procedure for the implementation of this  
13 subsection.

14 (f) Strikes by employes of a school entity as authorized by  
15 the act of July 23, 1970 (P.L.563, No.195), known as the "Public  
16 Employe Relations Act," shall only be permitted after the  
17 bargaining unit has given written notice by certified mail of  
18 the strike to the president of the board of directors of the  
19 school entity, to two (2) newspapers of general circulation  
20 within that school entity, two (2) radio stations broadcasting  
21 within that school entity and two (2) television stations  
22 broadcasting within that school entity. All such notices shall  
23 be received at least forty-eight (48) hours prior to the  
24 announced date of the strike. In lieu of the required notice to  
25 newspapers of general circulation, in a school entity where no  
26 such newspaper is published, a notice shall be posted in at  
27 least five (5) public places. If a school entity does not  
28 conduct classes on the date that it was notified that a strike  
29 is scheduled to occur, that entity shall not have committed an  
30 unfair practice as defined in Article XII of the "Public Employe

1 Relations Act," or a lockout for the purpose of the unemployment  
2 compensation law or any other law.

3 (g) No strike shall be valid except as it is in compliance  
4 with the requirements of this section.

5 (h) When used in this section, the following words and  
6 phrases shall have the following meanings:

7 (1) "Eligible employe" shall mean the members of the employe  
8 organization which is the exclusive representative and employes  
9 paying a fair share fee to the exclusive representation as  
10 required under section 2215 of the act of April 9, 1929  
11 (P.L.177, No.175), known as "The Administrative Code of 1929."

12 (2) "School entity" shall mean a school district,  
13 intermediate unit, or area vocational-technical school.

14 (3) "Secretary" shall mean the Secretary of Education of the  
15 Commonwealth.

16 (4) "Strike" shall mean a concerted action in failing to  
17 report for duty, the wilful absence from one's position, the  
18 stoppage of work, slowdown, or the abstinence in whole or in  
19 part from the full, faithful and proper performance of the  
20 duties of employment for the purpose of inducing, influencing or  
21 coercing a change in the conditions or compensation or the  
22 rights, privileges or obligations of employment.

23 Section 2. (a) The balance of Article XI-A of the act is  
24 repealed insofar as it is inconsistent with section 1133-A.

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

28 Section 3. This act shall take effect as follows:

29 (1) The addition of section 1133-A(b) of the act shall  
30 take effect immediately.

1           (2) The remainder of this act shall take effect in six  
2 months.