
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 959

Session of
1985

INTRODUCED BY HUTCHINSON, APRIL 17, 1985

REFERRED TO COMMITTEE ON LABOR RELATIONS, APRIL 17, 1985

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," further providing for
14 collective bargaining agreements; and providing for
15 arbitration in certain cases.

16 The General Assembly of the Commonwealth of Pennsylvania
17 hereby enacts as follows:

18 Section 1. Sections 703 and 802 of the act of July 23, 1970
19 (P.L.563, No.195), known as the Public Employe Relations Act,
20 are amended to read:

21 Section 703. [The] Except as provided in section 802(b), the
22 parties to the collective bargaining process shall not effect or
23 implement a provision in a collective bargaining agreement if
24 the implementation of that provision would be in violation of,

1 or inconsistent with, or in conflict with any statute or
2 statutes enacted by the General Assembly of the Commonwealth of
3 Pennsylvania or the provisions of municipal home rule charters.

4 Section 802. (a) Once mediation has commenced, it shall
5 continue for so long as the parties have not reached an
6 agreement. If, however, an agreement has not been reached within
7 twenty days after mediation has commenced or in no event later
8 than one hundred thirty days prior to the "budget submission
9 date," the Bureau of Mediation shall notify the board of this
10 fact. Upon receiving such notice the board may in its discretion
11 appoint a fact-finding panel which panel may consist of either
12 one or three members. If a panel is so designated or selected it
13 shall hold hearings and take oral or written testimony and shall
14 have subpoena power. If during this time the parties have not
15 reached an agreement, the panel shall make findings of fact and
16 recommendations:

17 (1) The findings of fact and recommendations shall be sent
18 by registered mail to the board and to both parties not more
19 than forty days after the Bureau of Mediation has notified the
20 board as provided in the preceding paragraph.

21 (2) Not more than ten days after the findings and
22 recommendations shall have been sent, the parties shall notify
23 the board and each other whether or not they accept the
24 recommendations of the fact-finding panel and if they do not,
25 the panel shall publicize its findings of fact and
26 recommendations.

27 (3) Not less than five days nor more than ten days after the
28 publication of the findings of fact and recommendations, the
29 parties shall again inform the board and each other whether or
30 not they will accept the recommendations of the fact-finding

1 panel.

2 (4) The Commonwealth shall pay one-half the cost of the
3 fact-finding panel; the remaining one-half of the cost shall be
4 divided equally between the parties. The board shall establish
5 rules and regulations under which panels shall operate,
6 including, but not limited to, compensation for panel members.

7 (b) If the impasse is not resolved ninety days prior to the
8 budget submission date, the court of common pleas of the county
9 in which the dispute is located, or the Commonwealth Court in
10 the case of a dispute involving the Commonwealth, may, upon
11 petition by either party to the court of common pleas of the
12 county in which the dispute is located, or the Commonwealth
13 Court in the case of a dispute involving the Commonwealth,
14 submit the dispute to final arbitration. The court shall select
15 one individual to serve as the arbitrator. The arbitrator acting
16 as a master of the court of common pleas or the Commonwealth
17 Court shall identify the issues in dispute and direct each of
18 the parties to submit its final offer of settlement within ten
19 days. A copy of the offer shall be served upon the opposing
20 parties. The final offer shall contain a proposal on each of the
21 disputed issues identified by the arbitrator. The arbitrator
22 shall present his opinion, in writing, within three days of
23 receipt of final offers by both sides to the appropriate court
24 and shall mail or otherwise deliver a true copy thereof to the
25 parties and their representatives and to the board. The
26 arbitrator shall adopt, as his opinion, the last offer of
27 settlement on each issue which the arbitrator believes to be
28 more reasonable. The arbitrator shall take into consideration
29 and accord substantial weight to the financial ability of the
30 public employer to pay the cost of any increase in wages or

1 fringe benefits. "Financial ability to pay" shall mean the
2 financial ability of the public employer to pay the cost of any
3 increase in wages or fringe benefits without requiring an
4 increase in the level of taxes existing at the time of the
5 commencement of mediation or binding arbitration.

6 (c) Within two days of receipt of the final recommendation
7 the court of common pleas or the Commonwealth Court shall issue
8 the arbitration order and shall direct the parties to comply
9 with the order as finalized by the arbitrator. The arbitration
10 order shall be final and binding upon both parties. The award of
11 the arbitrator is binding and may not be vacated or modified by
12 a court of this Commonwealth unless it is clearly shown that a
13 party was denied a hearing or that fraud, misconduct, corruption
14 or other irregularity caused the rendition of an unjust,
15 inequitable or unconscionable award.

16 Section 2. Section 1003 of the act is repealed.

17 Section 3. This act shall take effect immediately.