

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 365

Session of
1977

INTRODUCED BY GALLAGHER AND PANCOAST, MARCH 1, 1977

REFERRED TO COMMITTEE ON EDUCATION, MARCH 1, 1977

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," providing for bargaining rights for
6 administrative and supervisory professional employees.

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 1113. Bargaining Rights for Supervisory and
13 Administrative Employees.--(a) As used in this section:

14 "Impasse" means a failure to settle the issue or issues in
15 dispute in the collective bargaining process by way of a written
16 agreement after collective bargaining proceedings have been
17 initiated.

18 "Principal" or "assistant principal" means any professional
19 employe below the rank of assistant district superintendent who
20 devotes one-half or more of his time to supervision and

1 administration and who is properly certified to serve in the
2 said administrative position by the Department of Education, and
3 who by virtue of his assigned duties is not eligible for
4 membership in the teacher bargaining unit, as created under the
5 act of July 23, 1970 (P.L.563, No.195), known as the "Public
6 Employe Relations Act."

7 "Supervisory employe" means any employe below the rank of
8 district superintendent or assistant district superintendent and
9 including the rank of the first level of supervision as
10 designated by the board of school directors, having authority in
11 the interests of the superintendent and the board of school
12 directors to employ, transfer, suspend, promote, discharge,
13 evaluate, rate, assign, reward or discipline other employes, or
14 responsibly direct them and adjust their grievances; or to a
15 substantial degree effectively recommend such action in
16 connection with the foregoing; and devotes one-half or more of
17 his time and is properly certified to serve in this position by
18 the Department of Education. The term shall also mean any
19 personnel of the intermediate units below the position of
20 assistant executive director who is not eligible for membership
21 in a bargaining unit as created under the "Public Employe
22 Relations Act."

23 (b) Principals, assistant principals and supervisory
24 employes shall be permitted to organize within each school
25 district and become members of one unit separate from any other
26 employe bargaining unit within the district, including only
27 employes of the school district whose purpose is, in whole or in
28 part, to negotiate with the board of school directors concerning
29 terms and conditions of employment. The recognized unit of
30 supervisory employes shall be established by the submission to

the board of school directors of a notarized membership list containing the names of more than fifty per centum (50%) of those eligible to be members of the unit within the district. The list shall contain a certification that all of the signatories are bona fide members of the supervisory employees organization.

(c) Upon written request from officers or a designated representative of the unit of supervisory employees, the board of school directors shall extend exclusive recognition to such unit of supervisory employees, including principals and assistant principals, or a representative thereof, for the purpose of negotiating terms or conditions of employment and to meet and discuss such other matters as may be necessary for the improvement of the educational services of the school district.

(d) The board of school directors and the organization of supervisory employees or representatives thereof, shall be required to negotiate in good faith and to reach agreement on matters affecting terms and conditions of employment, including compensation, and other benefits for members of the organization of supervisory employees. Such agreement shall be reduced to writing and shall be signed and dated by officers of the employee organization and the board of school directors. Such signed agreement shall continue in effect until a time specified in the terms of the agreement. Such negotiations may, upon mutual agreement, use fact-finding and mediation services but shall not grant a right to strike or any other reduction in whole or in part from the full, faithful and proper performance of the duties of employment for the purpose of inducing, influencing or coercing a change in the condition or compensation or the rights, privileges or obligations of employment.

1 (e) In the event of an impasse, either party, after written
2 notice to the other party containing specification of the issue
3 or issues in dispute, may request the appointment of an
4 arbitrator. The arbitrator shall be selected from a list
5 submitted by the Pennsylvania Labor Relations Board containing
6 the names of five persons experienced in the field of labor-
7 management negotiations and arbitration procedures. Selection of
8 the arbitrator shall be made in the following manner: with the
9 board of school directors' representative proceeding first, each
10 party to the dispute shall alternately strike one name from the
11 list of five until a single name remains. The arbitrator thus
12 selected shall commence arbitration proceedings within five days
13 of his selection and shall make a determination of the issues
14 within thirty days from the date that arbitration begins. The
15 determination of the arbitrator shall be final on the issue or
16 issues in dispute and shall be binding on the board of school
17 directors and the unit of supervisory employees. Such
18 determination shall be in writing and a copy shall be made
19 available to both parties to the dispute. No appeal from the
20 arbitrator's determination shall be allowed in any court. The
21 determination of the arbitrator shall constitute a mandate on
22 the board of school directors to take the necessary legislative
23 action to implement its terms within thirty days of publication
24 of the determination. The arbitrator, selected under the
25 provisions of this subsection, shall be paid his actual and
26 necessary travel expenses incurred in the performance of his
27 duty plus a per diem allowance based on a schedule established
28 by the Bureau of Mediation for each day or part thereof in which
29 he is engaged in actual consideration of the dispute. All
30 expenses and costs of the arbitrator in connection with his

1 determination of the issues shall be shared and assessed equally
2 between the parties to the dispute.

3 Section 2. If any provision of this act or the application
4 thereof to any person or circumstances is held invalid, such
5 invalidity shall not affect the other provisions of the act
6 which can be given effect without the invalid provisions or
7 application, and to this end the provisions of this act are
8 declared severable.

9 Section 3. This act shall take effect immediately.