

THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE BILL

No. 1529      Session of  
                  1977

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INTRODUCED BY ITKIN, SWEET, ZORD, CESSAR AND COWELL,  
JULY 26, 1977

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REFERRED TO COMMITTEE ON URBAN AFFAIRS, JULY 26, 1977

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AN ACT

1 Amending the act of April 6, 1956 (P.L.1414, No.465), entitled,  
2 as amended, "An act to promote the welfare of the people of  
3 this Commonwealth; creating Port Authorities to function in  
4 counties of the second class as bodies corporate and politic,  
5 with power to plan, acquire, construct, maintain and operate  
6 facilities and projects for the improvement and development  
7 of the port district and to borrow money and issue bonds  
8 therefor; providing for the payment of such bonds and  
9 prescribing the rights of the holders thereof; conferring the  
10 right of eminent domain on the authorities; authorizing the  
11 authorities to enter into contracts with and to accept grants  
12 from the Federal government or any agency thereof; and  
13 conferring exclusive jurisdiction on certain courts over  
14 rates and services; and authorizing the authorities to  
15 collect tolls, fares, fees, rentals and charges for the use  
16 of facilities; defining the authorities' powers and duties,  
17 and defining the port districts; granting Port Authorities  
18 the exclusive right to engage in the business of owning,  
19 operating, and maintaining a transportation system for the  
20 transportation of persons in counties of the second class,  
21 providing, when necessary, for extension of transportation  
22 systems into adjoining counties and outside of said counties  
23 as provided in the act; limiting the jurisdiction of the  
24 Public Utility Commission over Port Authorities; authorizing  
25 municipalities to make loans and grants and to transfer  
26 existing facilities; authorizing Port Authorities to enter  
27 into contracts with and to accept grants from State and local  
28 governments or agencies thereof; exempting the property and  
29 facilities of such Port Authorities from taxation and  
30 limiting the time to commence civil action against said  
31 Authorities," requiring arbitrators of labor disputes to be  
32 residents of the service area of the authority, providing for  
33 the submission of final offers to a board of arbitrators, and  
34 specifically providing that the act applies to labor

1 disputes.

2 The General Assembly of the Commonwealth of Pennsylvania

3 hereby enacts as follows:

4 Section 1. Section 13.2, act of April 6, 1956 (P.L.1414,  
5 No.465), known as the "Second Class County Port Authority Act,"  
6 added October 7, 1959 (P.L.1266, No.429), is amended to read:

7 Section 13.2. The authority through its boards shall deal  
8 with and enter into written contracts with the employes of the  
9 authority through accredited representatives of such employes or  
10 representatives of any labor organization authorized to act for  
11 such employes concerning wages, salaries, hours, working  
12 conditions and pension or retirement provisions.

13 In case of any labor dispute where collective bargaining does  
14 not result in agreement, the authority shall offer to submit  
15 such dispute to arbitration by a board composed of three  
16 persons, who are residents of the service area of the authority,  
17 one appointed by the authority, one appointed by the labor  
18 organization representing the employes, and a third member to be  
19 agreed upon by the labor organization and the authority. The  
20 member selected by the labor organization and the authority  
21 shall act as chairman of the board. As soon as the board is  
fully constituted, the authority and the labor organization  
shall each submit a final proposal or offer on each of the  
issues still in controversy. The board in resolving such issues  
in controversy shall be limited to electing between the final  
proposals or offers as submitted by the parties and shall not be  
empowered to make any other findings. The determination of the  
22 majority of the board of arbitration thus established shall be  
23 final and binding on all matters in dispute. If, after a period  
24 of ten days from the date of the appointment of the two

1 arbitrators representing the authority and the labor  
2 organization, the third arbitrator has not been selected, then  
3 either arbitrator may request the American Arbitration  
4 Association to furnish a list of five persons from which the  
5 third arbitrator shall be selected. The arbitrators appointed by  
6 the authority and the labor organization, promptly, after the  
7 receipt of such list, shall determine, by lot, the order of  
8 elimination and, thereafter, each shall, in that order  
9 alternately, eliminate one name until only one name remains. The  
10 remaining person on the list shall be the third arbitrator. The  
11 term "labor dispute" shall be broadly construed and shall  
12 include any controversy concerning wages, salaries, hours,  
13 working conditions or benefits, including health and welfare,  
14 sick leave insurance or pension or retirement provisions but not  
15 limited thereto, and including any controversy concerning any  
16 differences or questions that may arise between the parties  
17 including, but not limited to the making or maintaining of  
18 collective bargaining agreements, the terms to be included in  
19 such agreements and the interpretation or application of such  
20 collective bargaining agreements and any grievances that may  
21 arise. Each party shall pay one-half of the expenses of such  
22 arbitration.

23 If the authority acquires an existing transportation system,  
24 such of the employes of such transportation system, except  
25 executive and administrative officers, as are necessary for the  
26 operation thereof by the authority, shall be transferred to and  
27 appointed as employes of the authority subject to all the rights  
28 and benefits of this act. These employes shall be given  
29 seniority credit and sick leave, vacation, insurance and pension  
30 credits in accordance with the records or labor agreements from

1 the acquired transportation system. Members and beneficiaries of  
2 any pension or retirement system or other benefits established  
3 by the acquired transportation system shall continue to have  
4 rights, privileges, benefits, obligations and status with  
5 respect to such established system. The authority shall assume  
6 the obligations of any transportation system acquired by it with  
7 regard to wages, salaries, hours, working conditions, sick  
8 leave, health and welfare and pension or retirement provisions  
9 for employes. It shall assume the provisions of any collective  
10 bargaining agreement between such acquired transportation system  
11 and the representatives of its employes. The authority and the  
12 employes through their representatives for collective bargaining  
13 purposes shall take whatever action may be necessary to have  
14 pension trust funds presently under the joint control of the  
15 acquired transportation system and the participating employes  
16 through their representatives transferred to the trust fund to  
17 be established, maintained and administered jointly by the  
18 authority and the participating employes through their  
19 representatives.

20 No employe of any acquired transportation system, who is  
21 transferred to a position with the authority, shall by reason of  
22 such transfer be placed in any worse position with respect to  
23 workmen's compensation, pension, seniority, wages, sick leave,  
24 vacation, health and welfare insurance or any other benefits  
25 than he enjoyed as an employe of such acquired transportation  
26 system.

27 Employes who have left the employ of any acquired  
28 transportation system or leave the employ of the authority to  
29 enter the military service of the United States shall have such  
30 reemployment rights with the authority as may be granted under

1 any law of the United States or the Commonwealth of  
2 Pennsylvania.

3 Labor disputes shall be subject to the provisions of this act  
4 only and the act of July 23, 1970 (P.L.563, No.195), known as  
5 the "Public Employe Relations Act," shall not apply.

6 Section 2. This act shall take effect immediately.