

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1121 Session of
1979

INTRODUCED BY FREIND, MAY 1, 1979

REFERRED TO COMMITTEE ON LABOR RELATIONS, MAY 1, 1979

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," expanding the definition of
14 "public employe," providing for final offer arbitration and
15 making repeals.

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

18 Section 1. Clause (2) of section 301 and section 802, act of
19 July 23, 1970 (P.L.563, No.195), known as the "Public Employe
20 Relations Act," are amended to read:

21 Section 301. As used in this act:

22 * * *

23 (2) "Public employe" or "employe" means any individual
24 employed by a public employer but shall not include elected
25 officials, appointees of the Governor with the advice and

1 consent of the Senate as required by law, management level
2 employes, confidential employes, clergymen or other persons in a
3 religious profession, employes or personnel at church offices or
4 facilities when utilized primarily for religious purposes. [and
5 those employes covered under the act of June 24, 1968 (Act No.
6 111), entitled "An act specifically authorizing collective
7 bargaining between policemen and firemen and their public
8 employers; providing for arbitration in order to settle
9 disputes, and requiring compliance with collective bargaining
10 agreements and findings of arbitrators."]

11 * * *

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

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

29 (2) Not more than ten days after the findings and
30 recommendations shall have been sent, the parties shall notify

1 the board and each other whether or not they accept the
2 recommendations of the fact-finding panel and if they do not,
3 the panel shall publicize its findings of fact and
4 recommendations.

5 (3) Not less than five days nor more than ten days after the
6 publication of the findings of fact and recommendations, the
7 parties shall again inform the board and each other whether or
8 not they will accept the recommendations of the fact-finding
9 panel.

10 (4) The Commonwealth shall pay one-half the cost of the
11 fact-finding panel; the remaining one-half of the cost shall be
12 divided equally between the parties. The board shall establish
13 rules and regulations under which panels shall operate,
14 including, but not limited to, compensation for panel members.]
15 shall order that the impasse be submitted to a panel of
16 arbitrators selected as provided in section 806. When such panel
17 has been selected, each party shall submit their final offers
18 encompassing every matter which is to be agreed upon to the
19 panel of arbitrators. The panel shall then choose one of the
20 final offers submitted to be the basis for the agreement between
21 the parties. The panel shall have no authority to modify the
22 final offers in any manner. The decision of the panel of
23 arbitrators shall be final and binding upon both parties except
24 that the decisions of the arbitrators which would require
25 legislative enactment to be effective are advisory only.

26 Section 2. Sections 804 and 805 of the act are repealed.

27 Section 3. Sections 806 and 1001 of the act are amended to
28 read:

29 Section 806. Panels of arbitrators for bargaining units
30 referred to in section [805] 802 of this article shall be

1 selected in the following manner:

2 (1) Each party shall select one member of the panel, the two
3 so selected shall choose the third member.

4 (2) If the members so selected are unable to agree upon the
5 third member within ten days from the date of their selection,
6 the board shall submit the names of seven persons, each party
7 shall alternately strike one name until one shall remain. The
8 public employer shall strike the first name. The person so
9 remaining shall be the third member and chairman.

10 Section 1001. Strikes by [guards at prisons or mental
11 hospitals, or employes directly involved with and necessary to
12 the functioning of the courts of this Commonwealth] any public
13 employes are prohibited at any time. If a strike occurs the
14 public employer shall forthwith initiate in the court of common
15 pleas of the jurisdiction where the strike occurs, an action for
16 appropriate equitable relief including but not limited to
17 injunctions. If the strike involves Commonwealth employes, the
18 chief legal officer of the public employer or the Attorney
19 General where required by law shall institute an action for
20 equitable relief, either in the court of common pleas of the
21 jurisdiction where the strike has occurred or the Commonwealth
22 Court.

23 Section 4. Sections 1002 and 1003 of the act are repealed.

24 Section 5. Section 1101 of the act is amended to read:

25 Section 1101. Public employes[, other than those engaged in
26 a nonprohibited strike,] who refuse to cross a picket line
27 established during a prohibited strike shall be deemed to be
28 engaged in a prohibited strike and shall be subject to the terms
29 and conditions of Article X pertaining to prohibited strikes.

30 Section 6. Section 2002 of the act is repealed.

1 Section 7. The act is amended by adding a section to read:

2 Section 2202. The act of June 24, 1968 (P.L.237, No.111),
3 referred to as the Policemen and Firemen Collective Bargaining
4 Act, is repealed.

5 Section 8. This act shall take effect in 60 days.