
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2006 Session of
1986

INTRODUCED BY D. W. SNYDER, GAMBLE, LANGTRY, FLICK AND SCHEETZ,
JANUARY 21, 1986

REFERRED TO COMMITTEE ON LABOR RELATIONS, JANUARY 21, 1986

AN ACT

1 Amending the act of November 17, 1967 (P.L.628, No.288),
2 entitled "An act protecting the rights of employes of
3 existing transportation systems which are acquired by cities
4 of the third class or any authority thereof or certain joint
5 authorities; requiring cities of the third class or any
6 authority thereof or any such joint authority to enter into
7 contracts with labor organizations acting for such employes,
8 and providing for arbitration in case of disputes," further
9 providing for the rights of employees and for arbitration;
10 providing for collective bargaining; and making a repeal.

11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

13 Section 1. The title and section 1 of the act of November
14 17, 1967 (P.L.628, No.288), entitled "An act protecting the
15 rights of employes of existing transportation systems which are
16 acquired by cities of the third class or any authority thereof
17 or certain joint authorities; requiring cities of the third
18 class or any authority thereof or any such joint authority to
19 enter into contracts with labor organizations acting for such
20 employes, and providing for arbitration in case of disputes,"
21 are amended to read:

AN ACT

Protecting [the] certain rights of employes of existing transportation systems which are acquired or have been acquired by cities of the third class or any authority thereof or certain joint authorities; [requiring cities of the third class or any authority thereof or any such joint authority to enter into contracts with labor organizations acting for such employes, and providing for arbitration in case of disputes.]; and establishing collective bargaining procedures.

Section 1. (a) If any city of the third class or any authority thereof or any joint authority formed to provide transportation service within the city and its surrounding environs, hereinafter referred to as joint authority, acquires an existing transportation system, such of the employes of such transportation system, except executive and administrative officers, as are necessary for the operation thereof by the city of the third class, or any authority thereof or joint authority, shall be transferred to and appointed as employes of the city of the third class, authority thereof or joint authority. [These employes shall be given seniority credit and sick leave, vacation, insurance and pension credits in accordance with the records or labor agreements from the acquired transportation system. Members and beneficiaries of any pension or retirement system or other benefits established by the acquired transportation system shall continue to have rights, privileges, benefits, obligations and status with respect to such established system. The city of the third class, authority thereof or joint authority, shall assume the obligations of any transportation system acquired by it with regard to wages,

1 salaries, hours, working conditions, sick leave, health and
2 welfare and pension or retirement provisions for employees. It
3 shall assume the provisions of any collective bargaining
4 agreement between such acquired transportation system and the
5 representatives of its employees. The city of the third class,
6 authority thereof or joint authority, and the employees through
7 their representatives for collective bargaining purposes, shall
8 take whatever action may be necessary to have pension trust
9 funds presently under the joint control of the acquired
10 transportation system and the participating employees through
11 their representatives transferred to the trust fund to be
12 established, maintained and administered jointly by the city of
13 the third class, authority thereof or joint authority, and the
14 participating employees through their representatives.

15 (b) No employee of any acquired transportation system who is
16 transferred to a position with the city of the third class,
17 authority thereof or joint authority, shall by reason of such
18 transfer be placed in any worse position with respect to
19 workmen's compensation, pension, seniority, wages, sick leave,
20 vacation, health and welfare insurance, or any other benefits
21 than he enjoyed as an employee of such acquired transportation
22 system.

23 (c)] (b) Employees who have left the employ of any acquired
24 transportation system or leave the employ of the city of the
25 third class, authority thereof or joint authority, to enter the
26 military service of the United States shall have such re-
27 employment rights with the city of the third class, authority
28 thereof or joint authority, as may be granted under any law of
29 the United States or the Commonwealth of Pennsylvania.

30 [(d) The city of the third class, authority thereof or joint

1 authority, through its boards shall deal with and enter into
2 written contracts with the employes of the city of the third
3 class, authority thereof or joint authority, through accredited
4 representatives of such employes or representatives of any labor
5 organization authorized to act for such employes concerning
6 wages, salaries, hours, working conditions and pension or
7 retirement provisions.

8 In case of any labor dispute where collective bargaining does
9 not result in agreement the city of the third class, authority
10 thereof or joint authority, shall offer to submit such dispute
11 to arbitration by a board composed of three persons, one
12 appointed by the city of the third class, authority thereof or
13 joint authority, one appointed by the labor organization
14 representing the employes, and a third member to be agreed upon
15 by the labor organization and the city of the third class,
16 authority thereof or joint authority. The member selected by the
17 labor organization and the city of the third class, authority
18 thereof or joint authority, shall act as chairman of the board.
19 The determination of the majority of the board of arbitration
20 thus established shall be final and binding on all matters in
21 dispute. If after a period of ten days from the date of the
22 appointment of the two arbitrators representing the city of the
23 third class, authority thereof or joint authority and the labor
24 organization, the third arbitrator has not been selected then
25 either arbitrator may request the American Arbitration
26 Association to furnish a list of five persons from which the
27 third arbitrator shall be selected. The arbitrators appointed by
28 the city of the third class, authority thereof or joint
29 authority and the labor organization, promptly after the receipt
30 of such list, shall determine by lot the order of elimination

1 and thereafter each shall in that order alternately eliminate
2 one name until only one name remains. The remaining person on
3 the list shall be the third arbitrator. The term "labor dispute"
4 shall be broadly construed and shall include any controversy
5 concerning wages, salaries, hours, working conditions or
6 benefits including health and welfare, sick leave, insurance or
7 pension or retirement provisions, but not limited thereto, and
8 including any controversy concerning any differences or
9 questions that may arise between the parties including but not
10 limited to the making or maintaining of collective bargaining
11 agreements, the terms to be included in such agreements and the
12 interpretation or application of such collective bargaining
13 agreements and any grievances that may arise. Each party shall
14 pay one-half of the expenses of such arbitration.

15 (e)] (c) As used in this act the term "transportation
16 system" shall mean all property, real and personal, useful for
17 the transportation of passengers for hire including but not
18 limited to power plants, substations, terminals, garages,
19 bridges, tunnels, subways, monorails, railroad motive power
20 trains, railroad passenger cars and equipment, belt conveyors,
21 inclines, car barns, street cars, buses, rails, lines, poles,
22 wires, off-street parking facilities as well as the franchises
23 right and licenses therefor: Provided, That such term shall not
24 include taxicabs or bus companies the main purpose of which is
25 the transportation of children to and from school.

26 (d) With respect to employees of such transportation system,
27 the city of the third class, authority thereof or joint
28 authority shall constitute a public employer and shall have
29 authority, through its boards, to bargain collectively with its
30 public employees and their representative employe organizations.

1 All such bargaining and all employer-employee relations of the
2 city of the third class, authority thereof or joint authority
3 and its public employees shall be governed by and shall be in
4 accordance with the terms and provisions of the act of July 23,
5 1970 (P.L.563, No.195), known as the "Public Employe Relations
6 Act."

7 Section 2. Section 2001(2) of the act of July 23, 1970
8 (P.L.563, No.195), known as the Public Employe Relations Act, is
9 repealed.

10 Section 3. This act shall take effect immediately.