

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1019 Session of
1989

INTRODUCED BY ITKIN, BELFANTI, DeWEESE, McCALL, MELIO, TIGUE,
COWELL, GIGLIOTTI, LEVDANSKY, McNALLY, JOSEPHS, MORRIS,
FREEMAN, PETRARCA, DOMBROWSKI, OLASZ, BISHOP, PRESTON,
TRELLO, KUKOVICH, COLAFELLA, STABACK, BILLOW, MRKONIC,
HUGHES, KOSINSKI, RICHARDSON, RYBAK, KASUNIC, PISTELLA, VEON,
HAYDEN, HOWLETT, COLAIZZO AND DeLUCA, APRIL 5, 1989

REFERRED TO COMMITTEE ON LABOR RELATIONS, APRIL 5, 1989

AN ACT

1 Amending the act of June 1, 1937 (P.L.1168, No.294), entitled
2 "An act to protect the right of employes to organize and
3 bargain collectively; creating the Pennsylvania Labor
4 Relations Board; conferring powers and imposing duties upon
5 the Pennsylvania Labor Relations Board, officers of the State
6 government, and courts; providing for the right of employes
7 to organize and bargain collectively; declaring certain labor
8 practices by employers to be unfair; further providing that
9 representatives of a majority of the employes be the
10 exclusive representatives of all the employes; authorizing
11 the board to conduct hearings and elections, and certify as
12 to representatives of employes for purposes of collective
13 bargaining; empowering the board to prevent any person from
14 engaging in any unfair labor practice, and providing a
15 procedure for such cases, including the issuance of a
16 complaint, the conducting of a hearing, and the making of an
17 order; empowering the board to petition a court of common
18 pleas for the enforcement of its order, and providing a
19 procedure for such cases; providing for the review of an
20 order of the board by a court of common pleas on petition of
21 any person aggrieved by such order, and establishing a
22 procedure for such cases; providing for an appeal from the
23 common pleas court to the Supreme Court; providing the board
24 with investigatory powers, including the power to issue
25 subpoenas and the compelling of obedience to them through
26 application to the proper court; providing for service of
27 papers and process of the board; prescribing certain
28 penalties," further providing for unfair labor practices; and
29 imposing an obligation upon persons who acquire certain
30 businesses.

1 The General Assembly of the Commonwealth of Pennsylvania
2 hereby enacts as follows:

3 Section 1. Section 3 of the act of June 1, 1937 (P.L.1168,
4 No.294), known as the Pennsylvania Labor Relations Act, is
5 amended by adding a clause to read:

6 Section 3. Definitions. When used in this act--

7 * * *

8 (i.1) The term "successor employer" means an employer who
9 acquires a business in which the employees are represented by a
10 certified collective bargaining unit immediately prior to or at
11 the time an agreement for acquisition of the business is
12 executed, and who with regard to the business acquired conducts
13 such business so that:

14 (1) there is a substantial continuity of the business
15 operations conducted prior to the acquisition;

16 (2) the same or similar goods are produced or the same or
17 similar services are rendered for the same or similar customers;

18 (3) the business is operated in the same plant or at the
19 same location;

20 (4) the same or similar jobs exist under the same or similar
21 working conditions; and

22 (5) the same or similar work force is employed.

23 * * *

24 Section 2. The introductory phrase of section 6(1) of the
25 act, amended July 7, 1947 (P.L.1445, No.558), is amended and the
26 subsection is amended by adding a clause to read:

27 Section 6. Unfair Labor Practices.--(1) It shall be an
28 unfair labor practice for an employer or a successor employer,
29 in any case where clause (e.1) is applicable--

30 * * *

1 (e.1) In the case of a successor employer, to refuse to
2 bargain collectively with a certified bargaining agent that
3 represented employes of the employer from whom the business was
4 acquired, or to otherwise violate section 6.1.

5 * * *

6 Section 3. The act is amended by adding a section to read:

7 Section 6.1. Obligation of Successor Employer.--Upon
8 entering into an agreement to acquire a business where the
9 employes are represented by a certified bargaining agent, the
10 successor employer shall immediately notify such certified
11 bargaining agent, in writing, of the acquisition agreement and,
12 upon request of either the successor employer or the certified
13 bargaining agent, the parties shall engage in good faith
14 bargaining with respect to the negotiation of an agreement and
15 the execution of a written contract incorporating any agreement
16 reached with respect to wages, hours and working conditions.
17 During such period of negotiation, the terms and conditions set
18 forth in the collective bargaining agreement between the
19 predecessor employer and the certified bargaining agent shall
20 remain in effect until the expiration of the agreement or until
21 an agreement is reached between the successor employer and the
22 certified bargaining agent, whichever occurs first.

23 Section 4. This act shall take effect in 60 days.