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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2126 Session of  
1989

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INTRODUCED BY KOSINSKI, STISH, PISTELLA, PESCI, VEON, MELIO,  
ROEBUCK, MAIALE, JOSEPHS, BELARDI, O'BRIEN, WOGAN AND  
J. TAYLOR, NOVEMBER 29, 1989

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REFERRED TO COMMITTEE ON LABOR RELATIONS, NOVEMBER 29, 1989

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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," further providing for collective  
6 bargaining for school administrators.

7 The General Assembly declares that it is the public policy of  
8 this Commonwealth and the purpose of this act to promote  
9 orderly, constructive and harmonious relationships between each  
10 school district and its school administrator employees, subject,  
11 however, to the paramount right of the citizens of this  
12 Commonwealth to keep inviolate the guarantees for their health,  
13 safety and welfare and to the duty and responsibility of the  
14 boards of public education of school districts to provide an  
15 appropriate education to the children of their districts.  
16 Unresolved disputes between boards of public education of school  
17 districts and their employees charged with managing, supervising  
18 and administering the educational programs may be injurious to  
19 the public and pupils. The delineation of the responsibilities,

1 the clarification of the administrative roles and the  
2 facilitation of communications are vital to the functioning of  
3 the educational system. Recognizing that continuing harmonious  
4 relationships between school districts and their management,  
5 supervisory and administrative employees are essential to the  
6 educational process, the General Assembly has determined that  
7 the overall policy may best be accomplished by requiring school  
8 districts to negotiate and bargain with employee organizations  
9 representing their management, supervisory and administrative  
10 employees and to enter into written agreements evidencing the  
11 result of such bargaining.

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

14 Section 1. The act of March 10, 1949 (P.L.30, No.14), known  
15 as the Public School Code of 1949, is amended by adding a  
16 section to read:

17 Section 2134. Collective Bargaining.--(a) Upon the written  
18 request of an employee organization, the appropriate  
19 representatives of the board of public education of a school  
20 district shall be required to enter into collective bargaining  
21 with representatives of the school administrator's employee  
22 organization for the purpose of reaching agreement upon all  
23 questions concerning wages, hours and other terms and conditions  
24 of employment. Any agreement reached as a result of such  
25 collective bargaining shall contain, but shall not be limited  
26 to, provisions concerning school administrators' salaries and  
27 fringe benefits and a procedure for the resolution of grievances  
28 which shall contain provisions for final, binding arbitration of  
29 disputes or grievances arising out of the interpretation of the  
30 provisions of the collective bargaining agreement. The procedure

1 to be adopted is a proper subject of bargaining.

2 (b) Once an agreement is reached between a school district  
3 and the school administrator's employe organization, the  
4 agreement shall be reduced to writing and signed by the parties.  
5 Any provisions of the contract requiring legislative action will  
6 be effective only if such legislation is enacted. Such agreement  
7 shall continue in effect until the time specified in the  
8 agreement, but in no event for less than one school year.

9 (c) (1) If in any case where the collective bargaining  
10 process reaches an impasse and stalemate with the result that  
11 said school district and the school administrators' organization  
12 are unable to effect a settlement, then either party to the  
13 dispute, after written notice to the other party containing  
14 specifications of the issue or issues in dispute, may request  
15 the appointment of a board of arbitration. An impasse or  
16 stalemate shall be deemed to occur in the collective bargaining  
17 process if the parties do not reach a settlement of the issue or  
18 issues in dispute by way of a written agreement within six  
19 months after collective bargaining proceedings have been  
20 initiated.

21 (2) The board of arbitration shall be composed of three  
22 persons, one appointed by the board of public education, one  
23 appointed by the employe representative and a third member to be  
24 agreed upon by the board of public education and employe  
25 representative. The members of the board representing the board  
26 of public education and the employe representative shall be  
27 named within five days from the date of the request for the  
28 appointment of such board. If, after a period of ten days from  
29 the date of the appointment of the two arbitrators appointed by  
30 the board of public education and by the employe representative,

1 the third arbitrator has not been selected by them, then either  
2 arbitrator may request the American Arbitration Association, or  
3 its successor in function, to furnish a list of three members of  
4 said association who are residents of this Commonwealth from  
5 which the third arbitrator shall be selected. The arbitrator  
6 appointed by the board of public education shall eliminate one  
7 name from the list within five days after publication of the  
8 list, following which the arbitrator appointed by the employe  
9 representative shall eliminate one name from the list within  
10 five days thereafter. The individual whose name remains on the  
11 list shall be the third arbitrator and shall act as chairman of  
12 the board of arbitration. The board of arbitration thus  
13 established shall commence the arbitration proceedings within  
14 ten days after the third arbitrator is selected and shall make  
15 its determination within thirty days after the appointment of  
16 the third arbitrator.

17 (3) The determination of the majority of the board of  
18 arbitration thus established shall be final on the issue or  
19 issues in dispute and shall be binding upon the board of public  
20 education and the employe representative. Such determination  
21 shall be in writing and a copy thereof shall be forwarded to  
22 both parties to the dispute. No appeal therefrom shall be  
23 allowed to any court. Such determination shall constitute a  
24 mandate to the board of public education to take the action  
25 necessary to carry out the determination of the board of  
26 arbitration.

27 (4) With respect to matters which require legislative action  
28 by the board of public education for implementation, such action  
29 shall be taken within one month following publication of the  
30 findings. The effective date of any such action shall be the

first day of the fiscal year following the fiscal year during which the action is thus taken.

(5) The compensation, if any, of the arbitrator appointed by the employe representative shall be paid by them. The compensation of the other two arbitrators, as well as all stenographic and other expenses incurred by the arbitration panel in connection with the arbitration proceedings, shall be paid by the board of public education.

(d) School administrators shall continue to be subject to the prohibition against strikes contained in the act of June 30, 1947 (P.L.1183, No.492), referred to as the Public Employe Anti-Strike Law.

(e) The following words, when used in this section, shall have the following meaning, except where the context clearly indicates or requires a different meaning:

"Collective bargaining," "bargain" and "negotiate" shall mean the performance of the mutual obligation of school districts and the employe representative to meet at reasonable times and confer in good faith with respect to wages, hours and other terms and conditions of employment, or the negotiation of an agreement or any question arising thereunder and the execution of a written contract incorporating any agreement reached, but such obligation does not compel either party to agree to a proposal or require the making of a concession, but shall not include a requirement to bargain over matters of inherent managerial policy nor the implementation of any provision which would be in violation of, or inconsistent with, or in conflict with, any statute or statutes of the Commonwealth, excluding, however, section 704 of the act of July 23, 1970 (P.L.563, No.195), known as the "Public Employe Relations Act."

1     "Employee organization" shall mean an organization or any  
2     agency or employee representation committee or plan in which  
3     membership is limited to school administrators and which exists  
4     for the purpose, in whole or in part, of dealing with school  
5     districts concerning grievances, employee-employer disputes,  
6     wages, hours of employment or conditions of work, but shall not  
7     include any organization which practices discrimination in  
8     membership because of race, color, creed, national origin or  
9     political affiliation.

10    "School administrator" shall mean all supervisory and  
11    administrative employees of a school district below the rank of  
12    superintendent, district superintendent, executive director,  
13    associate superintendent, assistant superintendent or assistant  
14    executive director, but including the rank of first level  
15    supervisor, who, by virtue of assigned duties, is in or is  
16    eligible to be in a "meet and discuss unit" as defined and  
17    created under the act of July 23, 1970 (P.L.563, No.195), known  
18    as the "Public Employee Relations Act," and all other employees  
19    except those specified in this definition. The term shall not  
20    include those in or eligible to be in a rank and file unit of  
21    public employees as created under the aforesaid "Public Employee  
22    Relations Act," or any employee who has the duties and  
23    responsibilities of a personnel director.

24    Section 2. The act of July 23, 1970 (P.L.563, No.195), known  
25 as the Public Employee Relations Act, is repealed insofar as it  
26 is inconsistent with the provisions of this act.

27    Section 3. This act shall take effect immediately.