

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1791 Session of
1993

INTRODUCED BY DURHAM, BARLEY, SAURMAN, PHILLIPS, E. Z. TAYLOR,
M. N. WRIGHT, MICOZZIE, MILLER, SCHEETZ, HECKLER, GODSHALL,
HUTCHINSON, FLICK, STEIL, RAYMOND, CLARK AND LYNCH,
JUNE 15, 1993

REFERRED TO COMMITTEE ON LABOR RELATIONS, JUNE 15, 1993

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 regulating strikes by
6 employees of school entities.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

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

12 Section 1133-A. Regulating Strikes.--(a) It shall be
13 illegal for any bargaining unit of any employes of a school
14 entity to strike unless more than fifty per centum of all
15 eligible employes shall have voted in favor of the strike. All
16 votes shall be conducted by secret ballot.

17 (b) The Pennsylvania Labor Relations Board shall promulgate
18 regulations, within six (6) months of the effective date of this
19 section, to establish and oversee procedures for a strike vote.

The costs for the election shall be paid equally by the Commonwealth, the school district and the employe organization.

(c) In lieu of the procedures established in subsection (b), the employe organization and the board of directors of the school entity may employ a person to oversee the strike vote to determine whether it was conducted in a fair and impartial manner. A determination by this person regarding the fairness and impartiality of the strike vote shall be binding on both parties. The costs of employing this person shall be shared equally between the employe organization and the school entity.

(d) The strike vote shall specify the date the strike shall begin. A strike by the employe organization shall be against the entire school entity. Selective strikes against certain facilities, grade levels, or for portions of a school day are hereby prohibited. If the employe organization does not strike on the specified date, the previous authorizing vote shall be null and void. The employe organization shall be required to schedule another vote to engage in each subsequent strike or other work stoppage. Subsequent votes to authorize a strike shall follow the requirements set forth in this section.

(e) (1) Any school employe who participates in a strike in violation of this section shall be assessed a civil penalty equal to one-ninetieth (1/90) of his annual salary or wages for each day he participates in a strike conducted in violation of this section.

(2) The board of directors of the school entity may notify the secretary of any professional employe who participates in a strike in violation of this section, in which event the secretary or his designee shall investigate the matter and initiate proceedings against any professional employe it has

1 reason to believe has participated in a strike in violation of
2 this section. If the secretary or his designee determines that a
3 professional employe has participated in a strike in violation
4 of this section, he shall assess a civil penalty against the
5 employe in the amount prescribed by this section and notify the
6 school board of his action. Upon receipt of such notification
7 from the secretary, the school board shall deduct the civil
8 penalty from the compensation payable to the employe in equal
9 installments over the next twelve (12) pay periods and the
10 amount deducted shall be paid to the department for deposit in
11 the State Treasury. The department shall adopt regulations
12 establishing a procedure for the implementation of this
13 subsection.

14 (f) Strikes by employes of a school entity as authorized by
15 the act of July 23, 1970 (P.L.563, No.195), known as the "Public
16 Employe Relations Act," shall only be permitted after the
17 bargaining unit has given written notice by certified mail of
18 the strike to the president of the board of directors of the
19 school entity, to two (2) newspapers of general circulation
20 within that school entity, two (2) radio stations broadcasting
21 within that school entity and two (2) television stations
22 broadcasting within that school entity. All such notices shall
23 be received at least forty-eight (48) hours prior to the
24 announced date of the strike. In lieu of the required notice to
25 newspapers of general circulation, in a school entity where no
26 such newspaper is published, a notice shall be posted in at
27 least five (5) public places. If a school entity does not
28 conduct classes on the date that it was notified that a strike
29 is scheduled to occur, that entity shall not have committed an
30 unfair practice as defined in Article XII of the "Public Employe

Relations Act," or a lockout for the purpose of the unemployment compensation law or any other law.

(g) No strike shall be valid except as it is in compliance with the requirements of this section.

(h) When used in this section, the following words and phrases shall have the following meanings:

(1) "Eligible employe" shall mean the members of the employe organization which is the exclusive representative and employes paying a fair share fee to the exclusive representation as required under section 2215 of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929."

(2) "School entity" shall mean a school district, intermediate unit, or area vocational-technical school.

(3) "Secretary" shall mean the Secretary of Education of the Commonwealth.

(4) "Strike" shall mean a concerted action in failing to report for duty, the wilful absence from one's position, the stoppage of work, slowdown, or the abstinence in whole or in part from the full, faithful and proper performance of the duties of employment for the purpose of inducing, influencing or coercing a change in the conditions or compensation or the rights, privileges or obligations of employment.

Section 2. (a) The balance of Article XI-A of the act is repealed insofar as it is inconsistent with section 1133-A.

(b) The act of July 23, 1970 (P.L.563, No.195), known as the Public Employe Relations Act, is repealed insofar as it is inconsistent with this act.

Section 3. This act shall take effect as follows:

(1) The addition of section 1133-A(b) of the act shall take effect immediately.

1 (2) The remainder of this act shall take effect in six
2 months.