

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2796 Session of  
1992

INTRODUCED BY SAURMAN, NOYE, FARGO, SCHEETZ, LANGTRY, FLICK,  
HERSHEY, NAILOR, JOHNSON, VROON, E. Z. TAYLOR, GLADECK,  
BARLEY, MERRY, LEH AND HARLEY, JUNE 3, 1992

REFERRED TO COMMITTEE ON LABOR RELATIONS, JUNE 3, 1992

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 the board.

29 The General Assembly of the Commonwealth of Pennsylvania  
30 hereby enacts as follows:

1 Section 1. Section 4 of the act of June 1, 1937 (P.L.1168,  
2 No.294), known as the Pennsylvania Labor Relations Act, amended  
3 June 9, 1939 (P.L.293, No.162), May 3, 1943 (P.L.148, No.75),  
4 May 11, 1949 (P.L.1221, No.369), July 31, 1968 (P.L.769, No.240)  
5 and October 12, 1990 (P.L.529, No.127), is amended to read:

6 Section 4. Pennsylvania Labor Relations Board Created.--(a)  
7 There is hereby created a departmental administrative board in  
8 the department, to be known as the "Pennsylvania Labor Relations  
9 Board" (hereinafter referred to as the "Board"), which shall be  
10 composed of three members who shall be appointed by the  
11 Governor, but with the advice and consent of two-thirds of all  
12 the members of the Senate. Each member of the board at the time  
13 of his appointment shall be a citizen of the United States and a  
14 resident of the Commonwealth of Pennsylvania, and shall have  
15 been a qualified elector in the Commonwealth for a period of at  
16 least one year next preceding his appointment. Each member of  
17 the board shall be knowledgeable in the area of labor relations  
18 and shall possess the reputation for integrity and impartiality  
19 necessary to protect the public interest. Not more than two  
20 members shall be members of the same political party. No member  
21 of the board during his period of service as such shall hold any  
22 other office under the law of this Commonwealth or of the United  
23 States. No member of the board during his period of service  
24 shall be employed by the Commonwealth, a political subdivision  
25 or an instrumentality of either. No member of the board during  
26 his period of service shall be an officer, employe or  
27 representative of a public employer or employe organization, as  
28 defined in section 301(1) and (3) of the act of July 23, 1970  
29 (P.L.563, No.195), known as the "Public Employe Relations Act":  
30 Provided, That mere membership in an employe organization shall

1 not constitute representation of the employe organization. One  
2 of the original members shall be appointed for a term of two  
3 years, one for a term of four years, and one for a term of six  
4 years, but their successors shall be appointed for terms of six  
5 years each, except that any individual chosen to fill a vacancy  
6 shall be appointed only for the unexpired term of the member  
7 whom he is to succeed. The Governor shall designate one member  
8 to serve as chairman of the board.

9 (b) A vacancy in the board shall not impair the right of the  
10 remaining members to exercise all the powers of the board, and  
11 two members of the board shall at all times constitute a quorum.  
12 The board shall have an official seal, of which courts shall  
13 take judicial notice.

14 (c) The board shall at the end of every year make a report,  
15 in writing, to the Governor, stating in detail the work it has  
16 done in hearing and deciding cases, and otherwise, and it shall  
17 sign and report in full an opinion in every case decided by it.

18 (d) The chairman and members of the board shall receive such  
19 salaries as the Executive Board shall determine. The members of  
20 the board shall be eligible for reappointment. The employees of  
21 the board shall be appointed by the Secretary of Labor and  
22 Industry, with the approval of the Governor. The board may  
23 establish or use such voluntary and uncompensated services as  
24 may, from time to time, be needed.

25 (e) The principal office of the board shall be in the city  
26 of Harrisburg, but it may meet and exercise any or all of its  
27 powers at any place. The board may, by one or more of its  
28 members, or by such agents as it may designate, prosecute in any  
29 part of this Commonwealth any inquiry necessary to performance  
30 of its functions. A member who participates in such an inquiry

1 shall not be disqualified from subsequently participating in a  
2 decision of the board in the same case. Nothing in this act  
3 shall be construed to authorize the board to appoint individuals  
4 for the purpose of conciliation, mediation or arbitration (or  
5 for statistical work), where such service may be obtained from  
6 the Department of Labor and Industry.

7 (f) The board, by and with the approval of the Secretary of  
8 Labor and Industry, shall have authority, from time to time, to  
9 make, amend, and rescind such rules and regulations as may be  
10 necessary to carry out the provisions of this act.

11 (g) The board, by and with the approval of the Secretary of  
12 Labor and Industry, shall have authority to cooperate with other  
13 agencies, including any agency of the United States or of  
14 another state, in all matters concerning the powers and duties  
15 of the board under this act and particularly in relation to  
16 agreements providing for the ceding to the board by the National  
17 Labor Relations Board of jurisdiction over any cases in any  
18 industry (other than mining, manufacturing, communications and  
19 transportation, except where predominantly local in character).

20 Section 2. This act shall take effect in 60 days.