

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 566

Session of  
1977

INTRODUCED BY POLITE, MEBUS, MILLER, E. H. SMITH, VROON,  
SCHEAFFER, PYLES, GREENLEAF, KNEPPER, DeVERTER, FISHER, POTT,  
HALVERSON AND SHUMAN, MARCH 8, 1977

REFERRED TO COMMITTEE ON LABOR RELATIONS, MARCH 8, 1977

AN ACT

1 Amending the act of July 23, 1970 (P.L.563, No.195), entitled  
2 "An act establishing rights in public employes to organize  
3 and bargain collectively through selected representatives;  
4 defining public employes to include employes of nonprofit  
5 organizations and institutions; providing compulsory  
6 mediation and fact-finding, for collective bargaining  
7 impasses; providing arbitration for certain public employes  
8 for collective bargaining impasses; defining the scope of  
9 collective bargaining; establishing unfair employe and  
10 employer practices; prohibiting strikes for certain public  
11 employes; permitting strikes under limited conditions;  
12 providing penalties for violations; and establishing  
13 procedures for implementation," mandating certain findings of  
14 fact to be made during mediation of collective bargaining  
15 impasses.

16 The General Assembly of the Commonwealth of Pennsylvania  
17 hereby enacts as follows:

18 Section 1. Section 802, act of July 23, 1970 (P.L.563,  
19 No.195), known as the "Public Employe Relations Act," is amended  
20 to read:

21 Section 802. (a) Once mediation has commenced, it shall  
22 continue for so long as the parties have not reached an  
23 agreement. If, however, an agreement has not been reached within  
24 twenty days after mediation has commenced or in no event later

1 than one hundred thirty days prior to the "budget submission  
2 date," the Bureau of Mediation shall notify the board of this  
3 fact. Upon receiving such notice the board may in its discretion  
4 appoint a fact-finding panel which panel may consist of either  
5 one or three members. If a panel is so designated or selected it  
6 shall hold hearings and take oral or written testimony and shall  
7 have subpoena power. If during this time the parties have not  
8 reached an agreement, the panel shall make findings of fact and  
9 recommendations including:

10 (1) comparison of the wages, hours, fringe benefits,  
11 conditions and characteristics of employment of the public  
12 employees involved in the impasse proceeding with the wages,  
13 hours, fringe benefits, conditions and characteristics of  
14 employment of other employees generally in public or private  
15 employment in the particular municipality or comparable  
16 community;

17 (2) the overall compensation paid to the employees involved  
18 in the impasse proceeding, including direct wage compensation,  
19 overtime and premium pay, vacations, holiday and other excused  
20 time, insurance, pensions, medical and hospitalization benefits,  
21 food and apparel furnished, and all other benefits received;

22 (3) changes in the average consumer prices for goods and  
23 services, commonly known as the cost of living, and the  
24 financial ability of the public employer to pay; and

25 (4) all other factors which are normally and customarily  
26 considered in the determination of wages, hours, fringe benefits  
27 and other working conditions in collective bargaining or in  
28 impasse panel proceedings.

29 [(1)] (b) The findings of fact and recommendations shall be  
30 sent by registered mail to the board and to both parties not

1 more than forty days after the Bureau of Mediation has notified  
2 the board as provided in the preceding paragraph.

3 [(2)] (c) Not more than ten days after the findings and  
4 recommendations shall have been sent, the parties shall notify  
5 the board and each other whether or not they accept the  
6 recommendations of the fact-finding panel and if they do not,  
7 the panel shall publicize its findings of fact and  
8 recommendations.

9 [(3)] (d) Not less than five days nor more than ten days  
10 after the publication of the findings of fact and  
11 recommendations, the parties shall again inform the board and  
12 each other whether or not they will accept the recommendations  
13 of the fact-finding panel.

14 [(4)] (e) The Commonwealth shall pay one-half the cost of  
15 the fact-finding panel; the remaining one-half of the cost shall  
16 be divided equally between the parties. The board shall  
17 establish rules and regulations under which panels shall  
18 operate, including, but not limited to, compensation for panel  
19 members.

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