

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 293

Session of
1979

INTRODUCED BY CALTAGIRONE, FEBRUARY 13, 1979

REFERRED TO COMMITTEE ON LABOR RELATIONS, FEBRUARY 14, 1979

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," prohibiting public employes
14 from striking and providing for binding arbitration.

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

17 Section 1. The act of July 23, 1970 (P.L.563, No.195), known
18 as the "Public Employe Relations Act," is amended by adding a
19 section to read:

20 Section 705.1. Collective bargaining shall begin at least
21 six months before the start of the fiscal year of the political
22 subdivision or of the Commonwealth, as the case may be, and any
23 request for arbitration, as hereinafter provided, shall be made
24 at least one hundred ten days before the start of said fiscal

1 year.

2 Section 2. Sections 801, 802, 803, 806 and 807 of the act
3 are repealed.

4 Section 3. The act is amended by adding sections to read:

5 Section 808. (a) If any case of a dispute between a public
6 employer and its policemen or firemen employes the collective
7 bargaining process reaches an impasse and stalemate, or if the
8 appropriate lawmaking body does not approve the agreement
9 reached by collective bargaining, with the result that said
10 employers and employes are unable to effect a settlement, then
11 either party to the dispute, after written notice to the other
12 party containing specifications of the issue or issues in
13 dispute, may request the appointment of a board of arbitration.

14 For purposes of this section, an impasse or stalemate shall
15 be deemed to occur in the collective bargaining process if the
16 parties do not reach a settlement of the issue or issues in
17 dispute by way of a written agreement within thirty days after
18 collective bargaining proceedings have been initiated.

19 In the case of disputes involving political subdivisions of
20 the Commonwealth, the agreement shall be deemed not approved
21 within the meaning of this section if it is not approved by the
22 appropriate lawmaking body within one month after the agreement
23 is reached by way of collective bargaining.

24 In the case of disputes involving the Commonwealth, the
25 agreement shall be deemed not approved within the meaning of
26 this section if it is not approved by the Legislature within six
27 months after the agreement is reached by way of collective
28 bargaining.

29 (b) The board of arbitration shall be composed of three
30 persons, one appointed by the public employer, one appointed by

1 the body of policemen or firemen involved, and a third member to
2 be agreed upon by the public employer and such policemen or
3 firemen. The members of the board representing the public
4 employer and the policemen or firemen shall be named within five
5 days from the date of the request for the appointment of such
6 board. If, after a period of ten days from the date of the
7 appointment of the two arbitrators appointed by the public
8 employer and by the policemen or firemen, the third arbitrator
9 has not been selected by them, then either arbitrator may
10 request the American Arbitration Association, or its successor
11 in function, to furnish a list of three members of said
12 association who are residents of Pennsylvania from which the
13 third arbitrator shall be selected. The arbitrator appointed by
14 the public employer shall eliminate one name from the list
15 within five days after publication of the list, following which
16 the arbitrator appointed by the policemen or firemen shall
17 eliminate one name from the list within five days thereafter.
18 The individual whose name remains on the list shall be the third
19 arbitrator and shall act as chairman of the board of
20 arbitration. The board of arbitration thus established shall
21 commence the arbitration proceedings within ten days after the
22 third arbitrator is selected and shall make its determination
23 within thirty days after the appointment of the third
24 arbitrator.

25 Section 809. Notice by the policemen or firemen involved
26 under section 808 shall, in the case of disputes involving the
27 Commonwealth, be served upon the Secretary of the Commonwealth
28 and, in the case of disputes involving political subdivisions of
29 the Commonwealth, shall be served upon the head of the governing
30 body of the local government unit involved.

1 Section 810. Each of the arbitrators selected in accordance
2 with section 808 shall have the power to administer oaths and
3 compel the attendance of witnesses and physical evidence by
4 subpoena.

5 Section 811. (a) The determination of the majority of the
6 board of arbitration thus established shall be final on the
7 issue or issues in dispute and shall be binding upon the public
8 employer and the policemen or firemen involved. Such
9 determination shall be in writing and a copy thereof shall be
10 forwarded to both parties to the dispute. No appeal thereafter
11 shall be allowed to any court. Such determination shall
12 constitute a mandate to the head of the political subdivision
13 which is the employer, or to the appropriate officer of the
14 Commonwealth if the Commonwealth is the employer, with respect
15 to matters which can be remedied by administrative action, and
16 to the lawmaking body of such political subdivision or of the
17 Commonwealth with respect to matters which require legislative
18 action, to take the action necessary to carry out the
19 determination of the board of arbitration.

20 (b) With respect to matters which require legislative action
21 for implementation, such legislation shall be enacted, in the
22 case of the Commonwealth, within six months following
23 publication of the findings, and, in the case of a political
24 subdivision of the Commonwealth, within one month following
25 publication of the findings. The effective date of any such
26 legislation shall be the first day of the fiscal year following
27 the fiscal year during which the legislation is thus enacted.

28 Section 812. The compensation, if any, of the arbitrator
29 appointed by the policemen or firemen shall be paid by them. The
30 compensation of the other two arbitrators, as well as all

1 stenographic and other expenses incurred by the arbitration
2 panel in connection with the arbitration proceedings, shall be
3 paid by the political subdivision or by the Commonwealth, as the
4 case may be.

5 Section 4. Section 1001 of the act is amended to read:

6 Section 1001. Strikes by [guards at prisons or mental
7 hospitals, or employes directly involved with and necessary to
8 the functioning of the courts of this Commonwealth] public
9 employes are prohibited at any time. If a strike occurs the
10 public employer shall forthwith initiate in the court of common
11 pleas of the jurisdiction where the strike occurs, an action for
12 appropriate equitable relief including but not limited to
13 injunctions. If the strike involves Commonwealth employes, the
14 chief legal officer of the public employer or the Attorney
15 General where required by law shall institute an action for
16 equitable relief, either in the court of common pleas of the
17 jurisdiction where the strike has occurred or the Commonwealth
18 Court.

19 Section 5. Sections 1004 and 1101 of the act are repealed.

20 Section 6. This act shall take effect in 60 days.