

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1790 Session of
1979

INTRODUCED BY TRELLO, OCTOBER 2, 1979

REFERRED TO COMMITTEE ON LABOR RELATIONS, OCTOBER 2, 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 strikes by
14 employes of certain health institutions and providing for
15 binding arbitration in the event of an impasse in collective
16 bargaining by such employes.

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

19 Section 1. Clause (1) of section 301, act of July 23, 1970
20 (P.L.563, No.195), known as the "Public Employe Relations Act,"
21 is amended and a clause is added to read:

22 Section 301. As used in this act:

23 (1) "Public employer" means the Commonwealth of
24 Pennsylvania, its political subdivisions including school

1 districts and any officer, board, commission, agency, authority,
2 or other instrumentality thereof and any nonprofit organization
3 or institution and any charitable, religious, scientific,
4 literary, recreational, health, educational or welfare
5 institution receiving grants or appropriations from local, State
6 or Federal governments but shall not include employers covered
7 or presently or hereafter subject to coverage under the act of
8 June 1, 1937 (P.L.1168, No.294), as amended, known as the
9 "Pennsylvania Labor Relations Act," the act of July 5, 1935,
10 Public Law 198, 74th Congress, as amended, known as the
11 "National Labor Relations Act."

12 * * *

13 (20) "Health institution" means any hospital, convalescent
14 hospital, health maintenance organization, health clinic,
15 nursing home, extended care facility, or other institution
16 devoted to the care of sick, infirm or aged person.

17 Section 2. Sections 805 and 1001 of the act are amended to
18 read:

19 Section 805. Notwithstanding any other provisions of this
20 act where representatives of units of guards at prisons or
21 mental hospitals or units of employees directly involved with and
22 necessary to the functioning of the courts of this Commonwealth
23 or units of employees of a health institution have reached an
24 impasse in collective bargaining and mediation as required in
25 section 801 of this article has not resolved the dispute, the
26 impasse shall be submitted to a panel of arbitrators whose
27 decision shall be final and binding upon both parties with the
28 proviso that the decisions of the arbitrators which would
29 require legislative enactment to be effective shall be
30 considered advisory only.

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

14 Section 3. This act shall take effect immediately.