

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2053

Session of
1981

INTRODUCED BY FREIND, GLADECK, COCHRAN, ARMSTRONG, E. Z. TAYLOR,
HAGARTY, VROON, CORNELL, LASHINGER, CUNNINGHAM AND SIEMINSKI,
NOVEMBER 9, 1981

REFERRED TO COMMITTEE ON EDUCATION, NOVEMBER 9, 1981

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 providing for bargaining
6 procedures for school employes, and providing penalties.

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 110. School Employee Bargaining Procedures.--(a)
13 Notwithstanding any provision of the act of July 23, 1970
14 (P.L.563, No.195), known as the "Public Employee Relations Act,"
15 if an impasse in bargaining is reached between a school board
16 and a bargaining unit of school employes and the bargaining unit
17 believes that the board is not bargaining in good faith it may
18 petition the court of common pleas to decide the matter. The
19 court shall have access to all papers and information relating

to the bargaining and may take testimony at a hearing and may also take testimony or ex parte testimony in camera.

(b) If the court decides that the board has bargained in good faith the bargaining unit shall have no right to engage in a work stoppage. If the court decides that the board has not bargained in good faith, the bargaining unit is entitled to engage in a work stoppage, as provided by law.

(c) (1) Any school employe who participates in a work stoppage in violation of this section is subject to immediate dismissal by the board.

(2) The board may, by majority vote, resolve to notify the department of any professional employe who participates in a work stoppage in violation of this section, in which event the department shall suspend the certification of the employe for a period of five (5) years.

(3) Upon petition of the board the court may levy a fine upon any school employe participating in a work stoppage in violation of this section, or upon employe organization representing the bargaining unit, and the officers thereof.

(4) The board may, by majority vote, resolve to notify the Pennsylvania Labor Relations Board of a work stoppage in violation of this section, in which event the Labor Relations Board shall decertify the bargaining unit for a period of five (5) years.

Section 2. 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 herewith.

Section 3. This act shall take effect immediately.