
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1697 Session of
1983

INTRODUCED BY SAURMAN, HAGARTY, HERSHEY, McCLATCHY, MACKOWSKI,
NAHILL AND SEVENTY, NOVEMBER 16, 1983

REFERRED TO COMMITTEE ON LABOR RELATIONS, NOVEMBER 16, 1983

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," providing procedures to be
14 followed when a strike or lockout reaches a certain point.

15 WHEREAS, A one hundred eighty day instructional school year
16 is part of the provision of a quality education program for all
17 students that is required by the Pennsylvania Constitution. This
18 schedule will aid in the provision of equal opportunities for
19 all students to compete for scholarships, job opportunities and
20 college placement. Any deviation, however minimal, will greatly
21 effect the quality of education provided for students. It is the
22 intent of the General Assembly that the one hundred eighty day
23 instructional school year be provided through the school

1 calendar initially adopted by the board of school directors as
2 provided by law and that this calendar be altered only as the
3 result of an emergency. An emergency shall not include a strike
4 or work stoppage as defined by the act to which this is an
5 amendment.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

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

11 Section 1005.1. (a) The Secretary of Education shall notify
12 by telegram the president of the certified bargaining unit and
13 the president of the board of school directors of any district
14 which is not providing education to its students as a result of
15 a strike or lockout three days before the strike or lockout
16 reaches the point where one hundred eighty days of instruction
17 cannot be provided based upon the school calendar as originally
18 adopted without extending the school week, eliminating holidays
19 or extending the last day of the school year, that classes must
20 resume the day after both parties have received the notice. Upon
21 receipt of such notice and order in the case of a strike, all
22 striking professional employes shall, notwithstanding any other
23 provision of this act, immediately report to work, and in the
24 case of a lockout the board of school directors shall
25 immediately open all its schools. Any professional employe who
26 refuses to return to work without permission of the school board
27 of directors or who returns to work but abstains wholly or in
28 part from the full performance of his duties or who returns to
29 work and fails to continue working shall be denied compensation
30 for each such day. Any member of the board of school directors

1 who fails to take affirmative action to immediately open all the
2 schools of the district upon receipt of the secretary's notice
3 and order shall be subject to a surcharge in the amount of the
4 per diem salary of the highest paid member of the certified
5 bargaining unit for each day all of the schools of the district
6 are not open.

7 (b) The provisions of the collective bargaining agreement in
8 effect prior to the commencement of the strike or lockout shall
9 control relations between the professional employees and the
10 board of school directors. The professional employees and the
11 board of school directors shall immediately engage in good faith
12 collective bargaining on a daily basis with the assistance of a
13 mediator from the Bureau of Mediation. When a collective
14 bargaining agreement is reached, its terms shall be retroactive
15 to the date the professional employees returned to school
16 pursuant to the secretary's notice and order except that all
17 professional employees shall forfeit one-half of any negotiated
18 increase in salary calculated on a per diem basis for every day
19 settlement is not made following the date of the secretary's
20 notice and order. The school district shall lose subsidy
21 payments in the amount of one and one-half times the total
22 amount of salary forfeited by all professional employees under
23 the provisions of the preceding sentence for each day settlement
24 is not made following the date of the secretary's notice and
25 order. No settlement reached after professional employees have
26 returned to work or after schools have opened shall provide for
27 compensation for any days worked in excess of one hundred eighty
28 days. The provisions of this section shall supersede any
29 collective bargaining agreement and cannot be waived, changed or
30 altered by the professional employees or the board of school

1 directors.

2 (c) The board of school directors or the professional
3 employees or their employe representative shall petition the
4 court of common pleas for injunctive relief to enforce the
5 provisions of this section.

6 (d) The penalties imposed by this section shall not be
7 waived or modified.

8 Section 2. This act shall take effect immediately.