

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1199 Session of
1983

INTRODUCED BY ZEMPRELLI, REIBMAN AND LINCOLN, DECEMBER 14, 1983

REFERRED TO LABOR AND INDUSTRY, DECEMBER 14, 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," establishing special
14 procedures to handle negotiation impasses with public school
15 employees.

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

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

21 Section 808. (a) Notwithstanding any other provision of
22 this article, all public school employes shall be subject to the
23 special provisions set forth in this section relating to a
24 negotiation impasse and the ultimate settlement of such

1 negotiation impasse.

2 (b) If no settlement is reached by the start of the school
3 year or if a strike occurs during any part of the school year
4 thereof, the following special provisions shall apply:

5 (1) Employers may seek an injunction against a strike on the
6 ground that it creates a clear and present danger or threat to
7 the health, safety or welfare of the public.

8 (2) In ruling on an injunction request, the court shall
9 enjoy the full range of its equity powers including, but not
10 limited to:

11 (i) The appointment, at the discretion of the court, of a
12 special master with expertise in public sector labor relations
13 to make recommendations to the court.

14 (ii) The reasonable regulation of the continued bargaining
15 between the two parties as to its time, place and manner.

16 (iii) Determination of agreed-upon and outstanding issues to
17 be resolved.

18 (iv) A determination of the most appropriate method of
19 impasse resolution, which may include court ordered arbitration
20 under one of the options.

21 (3) The court may request that the American Arbitration
22 Association provide it with a list of qualified individuals who
23 may be appointed as masters.

24 (4) In no case in which a board of arbitration settles
25 contract terms, by agreement of the parties or by order of the
26 court, shall the arbitrators be empowered to determine the
27 future impasse procedures.

28 (c) If the strike exceeds ten school days, the following
29 special provisions shall apply:

30 (1) The court shall order binding arbitration to conclude no

1 more than twenty school days from the start of the impasse.

2 (2) The arbitration shall cover the issues that are
3 unresolved and the decision shall be item by item.

4 (3) Both sides shall submit to the court their final
5 proposals should there not be a resolution of the impasse after
6 ten school days.

7 (4) The arbitrator or arbitrators shall be selected from a
8 list of approved arbitrators compiled by the American
9 Arbitration Association.

10 (5) Arbitration as authorized by the law shall be final and
11 binding upon both parties with the proviso that any provision
12 requiring legislative changes to implement shall be advisory
13 only.

14 (6) Costs of arbitration for any employes utilizing it,
15 including those for which arbitration is mandatory, shall be
16 shared equally between the parties.

17 (7) The parties should have the option to agree to use a
18 single arbitrator instead of a panel. Unless they agree to use a
19 single arbitrator, arbitration, whether voluntary or court
20 ordered, shall be conducted by a panel of three arbitrators, one
21 chosen by each party and the third chosen by the two partial
22 arbitrators. If the parties are unable to agree upon the single
23 or neutral arbitrator, the single or third arbitrator shall be
24 selected according to the procedure contained in the Voluntary
25 Labor Arbitration Rules of the American Arbitration Association.

26 Section 2. All acts and parts of acts are repealed insofar
27 as they are inconsistent with this act.

28 Section 3. This act shall immediately apply to all impasses
29 in existence on the effective date of this act and all other
30 impasses thereafter.

1 Section 4. This act shall take effect in 60 days.