

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1505

Session of
1985

INTRODUCED BY GAMBLE, DUFFY, MICHLOVIC, VAN HORNE, DAWIDA,
MURPHY, LANGTRY, LEVDANSKY, BOOK AND SCHEETZ, JUNE 25, 1985

AS REPORTED FROM COMMITTEE ON LOCAL GOVERNMENT, HOUSE OF
REPRESENTATIVES, AS AMENDED, OCTOBER 22, 1985

AN ACT

1 Amending the act of April 6, 1956 (1955 P.L.1414, No.465),
2 entitled, as amended, "An act to promote the welfare of the
3 people of this Commonwealth; creating Port Authorities to
4 function in counties of the second class as bodies corporate
5 and politic, with power to plan, acquire, construct, maintain
6 and operate facilities and projects for the improvement and
7 development of the port district and to borrow money and
8 issue bonds therefor; providing for the payment of such bonds
9 and prescribing the rights of the holders thereof; conferring
10 the right of eminent domain on the authorities; authorizing
11 the authorities to enter into contracts with and to accept
12 grants from the Federal government or any agency thereof; and
13 conferring exclusive jurisdiction on certain courts over
14 rates and services; and authorizing the authorities to
15 collect tolls, fares, fees, rentals and charges for the use
16 of facilities; defining the authorities' powers and duties,
17 and defining the port districts; granting Port Authorities
18 the exclusive right to engage in the business of owning,
19 operating, and maintaining a transportation system for the
20 transportation of persons in counties of the second class,
21 providing, when necessary, for extension of transportation
22 systems into adjoining counties and outside of said counties
23 as provided in the act; limiting the jurisdiction of the
24 Public Utility Commission over Port Authorities; authorizing
25 municipalities to make loans and grants and to transfer
26 existing facilities; authorizing Port Authorities to enter
27 into contracts with and to accept grants from State and local
28 governments or agencies thereof; exempting the property and
29 facilities of such Port Authorities from taxation and
30 limiting the time to commence civil action against said
31 Authorities," further providing for collective bargaining of <—
32 BY the authority with its public employees and their <—

1 ~~representative employee organizations.~~ REPRESENTATIVES; AND <—
2 MAKING A REPEAL.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Section 13.2 of the act of April 6, 1956 (1955
6 P.L.1414, No.465), known as the Second Class County Port
7 Authority Act, added October 7, 1959 (P.L.1266, No.429), is
8 amended to read:

9 Section 13.2. [The authority through its boards shall deal
10 with and enter into written contracts with the employes of the
11 authority through accredited representatives of such employes or
12 representatives of any labor organization authorized to act for
13 such employes concerning wages, salaries, hours, working
14 conditions and pension or retirement provisions.

15 In case of any labor dispute where collective bargaining does
16 not result in agreement, the authority shall offer to submit
17 such dispute to arbitration by a board composed of three
18 persons, one appointed by the authority, one appointed by the
19 labor organization representing the employes, and a third member
20 to be agreed upon by the labor organization and the authority.
21 The member selected by the labor organization and the authority
22 shall act as chairman of the board. The determination of the
23 majority of the board of arbitration thus established shall be
24 final and binding on all matters in dispute. If, after a period
25 of ten days from the date of the appointment of the two
26 arbitrators representing the authority and the labor
27 organization, the third arbitrator has not been selected, then
28 either arbitrator may request the American Arbitration
29 Association to furnish a list of five persons from which the
30 third arbitrator shall be selected. The arbitrators appointed by

1 the authority and the labor organization, promptly, after the
2 receipt of such list, shall determine, by lot, the order of
3 elimination and, thereafter, each shall, in that order
4 alternately, eliminate one name until only one name remains. The
5 remaining person on the list shall be the third arbitrator. The
6 term "labor dispute" shall be broadly construed and shall
7 include any controversy concerning wages, salaries, hours,
8 working conditions or benefits, including health and welfare,
9 sick leave insurance or pension or retirement provisions but not
10 limited thereto, and including any controversy concerning any
11 differences or questions that may arise between the parties
12 including, but not limited to the making or maintaining of
13 collective bargaining agreements, the terms to be included in
14 such agreements and the interpretation or application of such
15 collective bargaining agreements and any grievances that may
16 arise. Each party shall pay one-half of the expenses of such
17 arbitration.

18 If the authority acquires an existing transportation system,
19 such of the employees of such transportation system, except
20 executive and administrative officers, as are necessary for the
21 operation thereof by the authority, shall be transferred to and
22 appointed as employees of the authority subject to all the rights
23 and benefits of this act. These employees shall be given
24 seniority credit and sick leave, vacation, insurance and pension
25 credits in accordance with the records or labor agreements from
26 the acquired transportation system. Members and beneficiaries of
27 any pension or retirement system or other benefits established
28 by the acquired transportation system shall continue to have
29 rights, privileges, benefits, obligations and status with
30 respect to such established system. The authority shall assume

1 the obligations of any transportation system acquired by it with
2 regard to wages, salaries, hours, working conditions, sick
3 leave, health and welfare and pension or retirement provisions
4 for employees. It shall assume the provisions of any collective
5 bargaining agreement between such acquired transportation system
6 and the representatives of its employees. The authority and the
7 employees through their representatives for collective bargaining
8 purposes shall take whatever action may be necessary to have
9 pension trust funds presently under the joint control of the
10 acquired transportation system and the participating employees
11 through their representatives transferred to the trust fund to
12 be established, maintained and administered jointly by the
13 authority and the participating employees through their
14 representatives.

15 No employee of any acquired transportation system, who is
16 transferred to a position with the authority, shall by reason of
17 such transfer be placed in any worse position with respect to
18 workmen's compensation, pension, seniority, wages, sick leave,
19 vacation, health and welfare insurance or any other benefits
20 than he enjoyed as an employee of such acquired transportation
21 system.]

22 Employees who have left the employ of any acquired
23 transportation system or leave the employ of the authority to
24 enter the military service of the United States shall have such
25 reemployment rights with the authority as may be granted under
26 any law of the United States or the Commonwealth of
27 Pennsylvania. The authority shall constitute a public employer
28 and shall, through its boards, have authority to bargain
29 collectively with its public employees and their representative
30 employe organizations. All such bargaining and all employer-

1 employe relations of the authority and its public employes shall
2 be governed by and shall be in accordance with the terms and
3 provisions of the act of July 23, 1970 (P.L.563, No.195), known
4 as the "Public Employe Relations Act," and such bargaining and
5 the employer-employe relations of the authority and its public
6 employes shall not be subject to or governed by the terms and
7 provisions of the act of November 27, 1967 (P.L.628, No.288),
8 entitled "An act protecting the rights of employes of existing
9 transportation systems which are acquired by cities of the third
10 class or any authority thereof or certain joint authorities;
11 requiring cities of the third class or any authority thereof or
12 any such joint authority to enter into contracts with labor
13 organizations acting for such employes, and providing for
14 arbitration in case of disputes."

15 NOTHING IN THIS ACT, OR IN ANY OTHER STATUTE OF THE <—
16 COMMONWEALTH, SHALL PRECLUDE THE AUTHORITY FROM MAKING AN
17 AGREEMENT WITH A LABOR ORGANIZATION TO REQUIRE AS A CONDITION OF
18 EMPLOYMENT MEMBERSHIP IN SUCH LABOR ORGANIZATION ON OR AFTER THE
19 THIRTIETH DAY FOLLOWING THE BEGINNING OF SUCH EMPLOYMENT OR THE
20 EFFECTIVE DATE OF SUCH AGREEMENT, WHICHEVER IS THE LATER,
21 PROVIDED SUCH LABOR ORGANIZATION IS THE REPRESENTATIVE OF THE
22 EMPLOYES IN THE APPROPRIATE COLLECTIVE BARGAINING UNIT COVERED
23 BY SUCH AGREEMENT WHEN MADE AND PROVIDED FURTHER THAT THE
24 AUTHORITY SHALL NOT REFUSE TO HIRE OR TERMINATE ANY EMPLOYE FOR
25 NONMEMBERSHIP IN A LABOR ORGANIZATION IF THE AUTHORITY HAS
26 REASONABLE GROUNDS FOR BELIEVING THAT MEMBERSHIP WAS NOT
27 AVAILABLE TO THE EMPLOYE ON THE SAME TERMS AND CONDITIONS
28 GENERALLY APPLICABLE TO OTHER MEMBERS OR IF THE AUTHORITY HAS
29 REASONABLE GROUNDS FOR BELIEVING THAT MEMBERSHIP WAS DENIED OR
30 TERMINATED FOR REASONS OTHER THAN THE FAILURE OF THE EMPLOYE TO

1 TENDER THE PERIODIC DUES AND/OR INITIATION FEES UNIFORMLY
2 REQUIRED AS A CONDITION OF ACQUIRING OR RETAINING MEMBERSHIP.

3 SECTION 2. SECTION 2001(3) OF THE ACT OF JULY 23, 1970
4 (P.L.563, NO.195), KNOWN AS THE PUBLIC EMPLOYE RELATIONS ACT, IS
5 REPEALED.

6 Section ~~2~~ 3. This act shall take effect ~~in 60 days~~
7 IMMEDIATELY.

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