

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 381 Session of  
2005

INTRODUCED BY GODSHALL, BARRAR, DALEY, JAMES AND SCHRODER,  
FEBRUARY 9, 2005

REFERRED TO COMMITTEE ON EDUCATION, FEBRUARY 9, 2005

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," setting forth public policy relating  
6 to strikes; and providing for assessments.

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 1133-A. Public Policy Relating to Strikes;  
13 Assessments.--(a) The Constitution of Pennsylvania requires the  
14 General Assembly to provide for a thorough and efficient system  
15 of public education. Existing law requires one hundred eighty  
16 (180) days of instruction each year as established by the school  
17 calendar. The scheduled one hundred eighty (180) days of  
18 instruction are lost or rescheduled when a strike occurs. Days  
19 lost or rescheduled are made up as much as possible by

cancelling scheduled vacation days and holidays and extending the school year, resulting in severe disruption of the educational process and family life. Guarantees for the protection of the public health, safety and welfare are not kept inviolate when instructional days are lost or rescheduled. Therefore, it is the intent of the General Assembly that equal financial assessments be imposed on those responsible for strike disruptions.

(b) Whenever an instructional day, in accordance with the officially adopted original calendar of instructional days approved by the board of directors, is lost or rescheduled as the result of a strike, each employee who participates in the strike shall be assessed a sum equal to one one-hundred-eightieth of that year's annual salary or wages for each day of the strike. The school district shall be assessed by the Commonwealth a sum equal to the total daily wages or salaries of the striking employees from its Equalized Subsidy for Basic Education (ESBE) payments calculated under Article XXV of this act. In the case of an intermediate unit or area vocational-technical school, the respective agency shall be assessed a sum equal to the total daily wages or salaries of the striking employees. The constituent districts of the respective agency shall have a sum proportionate to the district's percentage of enrollment deducted from the Equalized Subsidy for Basic Education (ESBE) as provided for in Article XXV of this act. The assessment paid by the employer shall not exceed the total amount of annual subsidies due. The school district shall deduct, in equal installments over the remaining pay periods, the amount of the assessment it determines to be due under this section from the compensation payable to the assessed employee.

1 Assessments required under this section shall not be waived,  
2 suspended or reduced after the signing of a collective  
3 bargaining agreement or as a condition for the agreement. The  
4 scheduling of days to make up instructional days lost because of  
5 a strike shall not constitute a basis for a rescission of or a  
6 setoff for an assessment owed by or deducted from the school  
7 district or for the payment of compensation to a striking  
8 employee under this section. Assessments due under this section  
9 shall be paid in the school year in which the strike occurs.

10 (c) If a school district, intermediate unit or area  
11 vocational-technical school employs a nonmember of the  
12 bargaining unit to discharge the duties of a striking employee to  
13 complete instructional days during a strike, the district,  
14 intermediate unit or area vocational-technical school shall not  
15 be required to pay the assessments required in subsection (b)  
16 for instructional days completed during a strike.

17 Section 2. This act shall take effect immediately.