

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 767 Session of 2011

INTRODUCED BY STACK, FONTANA, BREWSTER, COSTA, TARTAGLIONE,
LEACH AND FERLO, MARCH 7, 2011

REFERRED TO LABOR AND INDUSTRY, MARCH 7, 2011

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," further providing for
14 definitions, for powers of board, for submission of impasse
15 to panel of arbitrators and for certain strikes prohibited.

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

18 Section 1. Section 301 of the act of July 23, 1970 (P.L.563,
19 No.195), known as the Public Employe Relations Act, is amended
20 by adding a definition to read:

21 Section 301. As used in this act:

22 * * *

23 (20) "Campus police officer" means any public employe who
24 has the power and authority to arrest pursuant to section 2416

1 of the act of April 9, 1929 (P.L.177, No.175), known as The
2 Administrative Code of 1929, or other law of this Commonwealth.

3 Section 2. Sections 604(3), 805 and 1001 of the act are
4 amended to read:

5 Section 604. The board shall determine the appropriateness
6 of a unit which shall be the public employer unit or a
7 subdivision thereof. In determining the appropriateness of the
8 unit, the board shall:

9 * * *

10 (3) Not permit guards at prisons and mental hospitals,
11 campus police officers, employees directly involved with and
12 necessary to the functioning of the courts of this Commonwealth,
13 or any individual employed as a guard to enforce against
14 employees and other persons, rules to protect property of the
15 employer or to protect the safety of persons on the employer's
16 premises to be included in any unit with other public employees,
17 each may form separate homogenous employee organizations with the
18 proviso that organizations of the latter designated employee
19 group may not be affiliated with any other organization
20 representing or including as members, persons outside of the
21 organization's classification.

22 * * *

23 Section 805. Notwithstanding any other provisions of this
24 act where representatives of units of guards at prisons or
25 mental hospitals, campus police officers or units of employees
26 directly involved with and necessary to the functioning of the
27 courts of this Commonwealth have reached an impasse in
28 collective bargaining and mediation as required in section 801
29 of this article has not resolved the dispute, the impasse shall
30 be submitted to a panel of arbitrators whose decision shall be

1 final and binding upon both parties with the proviso that the
2 decisions of the arbitrators which would require legislative
3 enactment to be effective shall be considered advisory only.

4 Section 1001. Strikes by guards at prisons or mental
5 hospitals, campus police officers or employes directly involved
6 with and necessary to the functioning of the courts of this
7 Commonwealth are prohibited at any time. If a strike occurs the
8 public employer shall forthwith initiate in the court of common
9 pleas of the jurisdiction where the strike occurs, an action for
10 appropriate equitable relief including but not limited to
11 injunctions. If the strike involves Commonwealth employes, the
12 chief legal officer of the public employer or the Attorney
13 General where required by law shall institute an action for
14 equitable relief, either in the court of common pleas of the
15 jurisdiction where the strike has occurred or the Commonwealth
16 Court.

17 Section 3. This act shall take effect in 60 days.