

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," in strikes, further providing
14 for nonprohibition.

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

17 Section 1. Section 1003 of the act of July 23, 1970
18 (P.L.563, No.195), known as the Public Employe Relations Act, is
19 amended to read:

20 Section 1003. If [a strike by public employes occurs], after
21 the collective bargaining processes set forth in sections 801
22 and 802 of Article VIII of this act have been completely
23 utilized and exhausted, a majority of the public employes in the

1 collective bargaining unit authorize a strike via secret ballot
2 vote, it shall not be prohibited unless or until such a strike
3 creates a clear and present danger or threat to the health,
4 safety or welfare of the public. In such cases the public
5 employer shall initiate, in the court of common pleas of the
6 jurisdiction where such strike occurs, an action for equitable
7 relief including but not limited to appropriate injunctions and
8 shall be entitled to such relief if the court finds that the
9 strike creates a clear and present danger or threat to the
10 health, safety or welfare of the public. If the strike involves
11 Commonwealth employes, the chief legal officer of the public
12 employer or the Attorney General where required by law shall
13 institute an action for equitable relief in the court of common
14 pleas of the jurisdiction where the strike has occurred or the
15 Commonwealth Court. Prior to the filing of any complaint in
16 equity under the provisions of this section the moving party
17 shall serve upon the defendant a copy of said complaint as
18 provided for in the Pennsylvania Rules of Civil Procedure
19 applicable to such actions. Hearings shall be required before
20 relief is granted under this section and notices of the same
21 shall be served in the manner required for the original process
22 with a duty imposed upon the court to hold such hearings
23 forthwith.

24 Section 2. This act shall take effect in 60 days.