

**EMPLOYEES OF TRANSPORTATION AUTHORITIES - THIRD CLASS CITIES**

**Act of Nov. 27, 1967, P.L. 628, No. 288**

**Cl. 11**

AN ACT

Protecting the rights of employes of existing transportation systems which are acquired by cities of the third class or any authority thereof or certain joint authorities; requiring cities of the third class or any authority thereof or any such joint authority to enter into contracts with labor organizations acting for such employes, and providing for arbitration in case of disputes.

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

Section 1. (a) If any city of the third class or any authority thereof or any joint authority formed to provide transportation service within the city and its surrounding environs, hereinafter referred to as joint authority, acquires an existing transportation system, such of the employes of such transportation system, except executive and administrative officers, as are necessary for the operation thereof by the city of the third class, or any authority thereof or joint authority, shall be transferred to and appointed as employes of the city of the third class, authority thereof or joint authority. These employes shall be given seniority credit and sick leave, vacation, insurance and pension credits in accordance with the records or labor agreements from the acquired transportation system. Members and beneficiaries of any pension or retirement system or other benefits established by the acquired transportation system shall continue to have rights, privileges, benefits, obligations and status with respect to such established system. The city of the third class, authority thereof or joint authority, shall assume the obligations of any transportation system acquired by it with regard to wages, salaries, hours, working conditions, sick leave, health and welfare and pension or retirement provisions for employes. It shall assume the provisions of any collective bargaining agreement between such acquired transportation system and the representatives of its employes. The city of the third class, authority thereof or joint authority, and the employes through their representatives for collective bargaining purposes, shall take whatever action may be necessary to have pension trust funds presently under the joint control of the acquired transportation system and the participating employes through their representatives transferred to the trust fund to be established, maintained and administered jointly by the city of the third class, authority thereof or joint authority, and the participating employes through their representatives.

(b) No employe of any acquired transportation system who is transferred to a position with the city of the third class, authority thereof or joint authority, shall by reason of such transfer be placed in any worse position with respect to

workmen's compensation, pension, seniority, wages, sick leave, vacation, health and welfare insurance, or any other benefits than he enjoyed as an employe of such acquired transportation system.

(c) Employes who have left the employ of any acquired transportation system or leave the employ of the city of the third class, authority thereof or joint authority, to enter the military service of the United States shall have such re-employment rights with the city of the third class, authority thereof or joint authority, as may be granted under any law of the United States or the Commonwealth of Pennsylvania.

(d) The city of the third class, authority thereof or joint authority, through its boards shall deal with and enter into written contracts with the employes of the city of the third class, authority thereof or joint authority, through accredited representatives of such employes or representatives of any labor organization authorized to act for such employes concerning wages, salaries, hours, working conditions and pension or retirement provisions.

In case of any labor dispute where collective bargaining does not result in agreement the city of the third class, authority thereof or joint authority, shall offer to submit such dispute to arbitration by a board composed of three persons, one appointed by the city of the third class, authority thereof or joint authority, one appointed by the labor organization representing the employes, and a third member to be agreed upon by the labor organization and the city of the third class, authority thereof or joint authority. The member selected by the labor organization and the city of the third class, authority thereof or joint authority, shall act as chairman of the board. The determination of the majority of the board of arbitration thus established shall be final and binding on all matters in dispute. If after a period of ten days from the date of the appointment of the two arbitrators representing the city of the third class, authority thereof or joint authority and the labor organization, the third arbitrator has not been selected then either arbitrator may request the American Arbitration Association to furnish a list of five persons from which the third arbitrator shall be selected. The arbitrators appointed by the city of the third class, authority thereof or joint authority and the labor organization, promptly after the receipt of such list, shall determine by lot the order of elimination and thereafter each shall in that order alternately eliminate one name until only one name remains. The remaining person on the list shall be the third arbitrator. The term "labor dispute" shall be broadly construed and shall include any controversy concerning wages, salaries, hours, working conditions or benefits including health and welfare, sick leave, insurance or pension or retirement provisions, but not limited thereto, and including any controversy concerning any differences or questions that may arise between the parties including but not limited to the making or maintaining of collective bargaining agreements, the terms to be included in such agreements and the interpretation or application of such collective bargaining agreements and any grievances that may arise. Each party shall

pay one-half of the expenses of such arbitration.

(e) As used in this act the term "transportation system" shall mean all property, real and personal, useful for the transportation of passengers for hire including but not limited to power plants, substations, terminals, garages, bridges, tunnels, subways, monorails, railroad motive power trains, railroad passenger cars and equipment, belt conveyors, inclines, car barns, street cars, buses, rails, lines, poles, wires, off-street parking facilities as well as the franchises right and licenses therefor: Provided, That such term shall not include taxicabs or bus companies the main purpose of which is the transportation of children to and from school.