

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL  
No. 2046 Session of  
1975

INTRODUCED BY BELLOMINI, DiCARLO, LETTERMAN, GILLESPIE AND  
BENNETT, DECEMBER 10, 1975

REFERRED TO COMMITTEE ON LABOR RELATIONS, DECEMBER 16, 1975

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," establishing procedures to be  
14 followed in contract negotiations between school districts  
15 and school teachers; providing for binding arbitration;  
16 eliminating the right to strike and providing penalties.

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

19 Section 1. The act of July 23, 1970 (P.L.563, No.195), known  
20 as the "Public Employe Relations Act," is amended by adding an  
21 article to read:

22 ARTICLE VIII-A

23 School Districts and School Teachers Negotiations

24 Section 801-A. The provisions of this article shall apply  
25 only to and be the sole procedure to be followed in collective

bargaining negotiations between school districts and school teachers. The remainder of this act shall apply only in so far as its provisions are not inconsistent with the provisions of this article.

Section 802-A. All negotiations on collective bargaining agreements between school districts and school teachers shall commence at least one hundred twenty working days before the expiration of the current collective bargaining agreement and shall not preclude any negotiations on this matter prior to this time period.

Section 803-A. Negotiations between representatives of the school districts and school teachers shall proceed in accordance with the following schedule:

(1) The first sixty working days shall consist of meetings between the representatives of the school district and the teachers wherein the various offers counter offers and differences are discussed and settled.

(2) The next thirty working days shall consist of meetings between representatives of the school district and the teachers and a mediator from the Bureau of Mediation to determine exactly what the facts are, what disputes really exist and an attempt to resolve the existing differences.

(3) The final thirty working days shall consist of meetings between the representatives of the school district and the teachers in an attempt to resolve any outstanding differences remaining after the fact-finding period.

(4) Any differences existing after the expiration of the one hundred twenty working day period shall be submitted by the parties to binding arbitration for a final determination.

Section 804-A. Ten days prior to the expiration of the first

sixty day period, the parties to the collective bargaining agreement negotiations shall submit in writing a request to the Pennsylvania Bureau of Mediation asking for the appointment of a mediator to serve as a fact finder. The Bureau of Mediation shall respond to this request immediately and appoint a mediator. The fact finding sessions shall be chaired by the mediator and governed by the rules of the Bureau of Mediation. The costs of the mediation shall be divided between the Commonwealth and the parties to the mediation on an equal basis.

Section 805-A. (a) The arbitration panel required by section 803-A shall consist of three members selected in the following manner. Each party to the dispute shall select one individual to the panel and then these two panel members shall select a third member to the panel who shall also be the chairman of the panel.

(b) The jurisdiction of the arbitration panel shall extend only to those issues presented in the dispute. The panel shall not have the power to bind the General Assembly nor shall their powers extend to any item not treated in collective bargaining by reason of law. All findings and decisions of the panel shall be written and given within thirty days after the completion of the arbitration presentation.

(c) Compensation for members of the arbitration panel shall be fifty dollars (\$50) per day. The costs of the arbitration shall be divided equally between the parties to the dispute.

(d) Each party to the arbitration shall select their representative not later than ten days after the expiration of the one hundred twenty day period. Whenever a party fails to so act, the court of common pleas of the county wherein the school district's offices are located shall, upon petition of any interested party immediately appoint an individual to the panel.

1     Section 806-A. School teachers shall not have the right to  
2 strike. Any strike or other work stoppage shall be a violation  
3 of this act and the provisions of this article. During the  
4 negotiation period and any arbitration period teachers shall  
5 continue to work under the provisions of the existing or just  
6 expired collective bargaining agreement.

7     Section 807-A. Whenever a strike occurs in violation of this  
8 act, the court of common pleas of the county wherein the school  
9 district's offices are located, shall, upon petition of any  
10 interested person or organization, issue an injunction against  
11 the strike. The failure to obey the court's injunction shall  
12 result in a fine of ten thousand dollars (\$10,000) per day  
13 against any association, union or other organization and an  
14 additional fine of fifty dollars (\$50) per day against any  
15 individual who violates the injunction. These fines shall not be  
16 remitted, lessen or in any way changed once they are imposed.

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