

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1845 Session of
1981

INTRODUCED BY RICHARDSON AND HARPER, SEPTEMBER 22, 1981

REFERRED TO COMMITTEE ON LABOR RELATIONS, SEPTEMBER 22, 1981

AN ACT

1 Reenacting and amending the act of June 24, 1968 (P.L.237,
2 No.111), entitled "An act specifically authorizing collective
3 bargaining between policemen and firemen and their public
4 employers; providing for arbitration in order to settle
5 disputes, and requiring compliance with collective bargaining
6 agreements and findings of arbitrators," extending the act to
7 include professional employes of the school district of
8 Philadelphia and prohibiting strikes by such employes.

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

11 Section 1. The title and act of June 24, 1968 (P.L.237,
12 No.111), referred to as the Policemen and Firemen Collective
13 Bargaining Act, are reenacted and amended or reenacted to read:

14 AN ACT

15 Specifically authorizing collective bargaining between policemen
16 and firemen and professional employes of the school district
17 of Philadelphia and their public employers; providing for
18 arbitration in order to settle disputes, and requiring
19 compliance with collective bargaining agreements and findings
20 of arbitrators.

1 Section 1. Policemen or firemen and professional employees of
2 the school district of Philadelphia employed by a political
3 subdivision of the Commonwealth or by the Commonwealth shall,
4 through labor organizations or other representatives designated
5 by fifty percent or more of such policemen or firemen, have the
6 right to bargain collectively with their public employers
7 concerning the terms and conditions of their employment,
8 including compensation, hours, working conditions, retirement,
9 pensions and other benefits, and shall have the right to an
10 adjustment or settlement of their grievances or disputes in
11 accordance with the terms of this act.

12 Section 1.1. As used in this act, "professional employe"
13 means any employe whose work:

14 (1) is predominantly intellectual and varied in character;

15 (2) requires consistent exercise of discretion and judgment;

16 (3) requires knowledge of an advanced nature in the field of
17 science or learning customarily acquired by specialized study in
18 an institution of higher learning or its equivalent; and

19 (4) is of such character that the output or result
20 accomplished cannot be standardized in relation to a given
21 period of time.

22 The term does not include persons in supervisory capacities.

23 Section 2. It shall be the duty of public employers and
24 their policemen [and], firemen and, in the school district of
25 Philadelphia, professional employes to exert every reasonable
26 effort to settle all disputes by engaging in collective
27 bargaining in good faith and by entering into settlements by way
28 of written agreements and maintaining the same.

29 Section 3. Collective bargaining shall begin at least six
30 months before the start of the fiscal year of the political

1 subdivision or of the Commonwealth, as the case may be, and any
2 request for arbitration, as hereinafter provided, shall be made
3 at least one hundred ten days before the start of said fiscal
4 year.

5 Section 4. (a) If in any case of a dispute between a public
6 employer and its policemen or firemen or, in the school district
7 of Philadelphia, professional employees the collective bargaining
8 process reaches an impasse and stalemate, or if the appropriate
9 lawmaking body does not approve the agreement reached by
10 collective bargaining, with the result that said employers and
11 employees are unable to effect a settlement, then either party to
12 the dispute, after written notice to the other party containing
13 specifications of the issue or issues in dispute, may request
14 the appointment of a board of arbitration.

15 For purposes of this section, an impasse or stalemate shall
16 be deemed to occur in the collective bargaining process if the
17 parties do not reach a settlement of the issue or issues in
18 dispute by way of a written agreement within thirty days after
19 collective bargaining proceedings have been initiated.

20 In the case of disputes involving political subdivisions of
21 the Commonwealth, the agreement shall be deemed not approved
22 within the meaning of this section if it is not approved by the
23 appropriate lawmaking body within one month after the agreement
24 is reached by way of collective bargaining.

25 In the case of disputes involving the Commonwealth, the
26 agreement shall be deemed not approved within the meaning of
27 this section if it is not approved by the Legislature within six
28 months after the agreement is reached by way of collective
29 bargaining.

30 (b) The board of arbitration shall be composed of three

1 persons, one appointed by the public employer, one appointed by
2 the body of policemen or firemen or, in the school district of
3 Philadelphia, professional employees involved, and a third member
4 to be agreed upon by the public employer and such policemen or
5 firemen or, in the school district of Philadelphia, professional
6 employees. The members of the board representing the public
7 employer and the policemen or firemen or, in the school district
8 of Philadelphia, professional employees shall be named within
9 five days from the date of the request for the appointment of
10 such board. If, after a period of ten days from the date of the
11 appointment of the two arbitrators appointed by the public
12 employer and by the policemen or firemen or, in the school
13 district of Philadelphia, professional employees, the third
14 arbitrator has not been selected by them, then either arbitrator
15 may request the American Arbitration Association, or its
16 successor in function, to furnish a list of three members of
17 said association who are residents of Pennsylvania from which
18 the third arbitrator shall be selected. The arbitrator appointed
19 by the public employer shall eliminate one name from the list
20 within five days after publication of the list, following which
21 the arbitrator appointed by the policemen or firemen or, in the
22 school district of Philadelphia, professional employees shall
23 eliminate one name from the list within five days thereafter.
24 The individual whose name remains on the list shall be the third
25 arbitrator and shall act as chairman of the board of
26 arbitration. The board of arbitration thus established shall
27 commence the arbitration proceedings within ten days after the
28 third arbitrator is selected and shall make its determination
29 within thirty days after the appointment of the third
30 arbitrator.

1 Section 5. Notice by the policemen or firemen or, in the
2 school district of Philadelphia, professional employees involved
3 under section 4 shall, in the case of disputes involving the
4 Commonwealth, be served upon the Secretary of the Commonwealth
5 and, in the case of disputes involving political subdivisions of
6 the Commonwealth, shall be served upon the head of the governing
7 body of the local governmental unit involved.

8 Section 6. Each of the arbitrators selected in accordance
9 with section 4 hereof shall have the power to administer oaths
10 and compel the attendance of witnesses and physical evidence by
11 subpoena.

12 Section 7. (a) The determination of the majority of the
13 board of arbitration thus established shall be final on the
14 issue or issues in dispute and shall be binding upon the public
15 employer and the policemen or firemen or, in the school district
16 of Philadelphia, teachers involved. Such determination shall be
17 in writing and a copy thereof shall be forwarded to both parties
18 to the dispute. No appeal therefrom shall be allowed to any
19 court. Such determination shall constitute a mandate to the head
20 of the political subdivision which is the employer, or to the
21 appropriate officer of the Commonwealth if the Commonwealth is
22 the employer, with respect to matters which can be remedied by
23 administrative action, and to the lawmaking body of such
24 political subdivision or of the Commonwealth with respect to
25 matters which require legislative action, to take the action
26 necessary to carry out the determination of the board of
27 arbitration.

28 (b) With respect to matters which require legislative action
29 for implementation, such legislation shall be enacted, in the
30 case of the Commonwealth, within six months following

1 publication of the findings, and, in the case of a political
2 subdivision of the Commonwealth, within one month following
3 publication of the findings. The effective date of any such
4 legislation shall be the first day of the fiscal year following
5 the fiscal year during which the legislation is thus enacted.

6 Section 8. The compensation, if any, of the arbitrator
7 appointed by the policemen or firemen or, in the school district
8 of Philadelphia, by the professional employees shall be paid by
9 them. The compensation of the other two arbitrators, as well as
10 all stenographic and other expenses incurred by the arbitration
11 panel in connection with the arbitration proceedings, shall be
12 paid by the political subdivision or by the Commonwealth, as the
13 case may be.

14 Section 9. The provisions of this act shall be applicable to
15 every political subdivision of this Commonwealth notwithstanding
16 the fact that any such political subdivision, either before or
17 after the passage of this act, has adopted or adopts a home rule
18 charter but the professional employees provisions shall apply
19 only to the school district of Philadelphia.

20 Section 10. If any provision of this act or the application
21 thereof to any person or circumstances is held invalid, the
22 remainder of this act and the application of such provision to
23 other persons or circumstances, shall not be affected thereby,
24 and to this end the provisions of this act are declared to be
25 severable.

26 Section 11. All acts or parts of acts inconsistent herewith
27 are hereby repealed.

28 Section 12. This act shall take effect immediately.

29 Section 2. The act of July 23, 1970 (P.L.563, No.195), known
30 as the "Public Employe Relations Act," is repealed insofar as it

1 relates to the professional employes of the school district of
2 Philadelphia.

3 Section 3. Strikes by professional employes in the school
4 district of Philadelphia are prohibited. If a strike occurs, the
5 public employer shall forthwith initiate in the court of common
6 pleas an action for appropriate equitable relief including but
7 not limited to injunctions.

8 Section 4. This act shall take effect immediately.