

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 276 Session of  
1993

INTRODUCED BY RHOADES, JANUARY 27, 1993

REFERRED TO EDUCATION, JANUARY 27, 1993

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An  
2 act relating to the public school system, including certain  
3 provisions applicable as well to private and parochial  
4 schools; amending, revising, consolidating and changing the  
5 laws relating thereto," further providing for compensation  
6 plans for school administrators.

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

9 Section 1. Section 1164 of the act of March 10, 1949  
10 (P.L.30, No.14), known as the Public School Code of 1949, added  
11 June 29, 1984 (P.L.438, No.93), is amended to read:

12 Section 1164. Compensation Plans for School  
13 Administrators.--(a) As used in this section, the following  
14 words will have the following meanings:

15 "Administrative compensation" shall mean administrator  
16 salaries and fringe benefits and shall include any board  
17 decision that directly affects administrator compensation such  
18 as administrative evaluation and early retirement programs.

19 "Meet and confer" shall mean the mutual obligation of the

school employer or its representative and the representative of the school administrators to meet at reasonable times and confer in good faith with respect to wages, hours and other terms and conditions of employment, or the negotiation of an agreement or any question arising thereunder and the execution of a written contract incorporating any agreement reached but such obligation does not compel either party to agree to a proposal or require the making of a concession.

"School administrator" shall mean any employe of the school entity below the rank of district superintendent, executive director, director of vocational-technical school, assistant district superintendent or assistant executive director, but including the rank of first level supervisor, who by virtue of assigned duties is not in a bargaining unit of public employes as created under the act of July 23, 1970 (P.L.563, No.195), known as the "Public Employe Relations Act." However, this definition shall not apply to anyone who has the duties and responsibilities of the position of business manager or personnel director, but not to include principals.

"School employer" shall mean a board of school directors, the area vocational-technical school board of directors or the intermediate unit board of school directors as defined in this act.

(b) The purpose of this section is to provide a means by which compensation matters affecting school administrators can be resolved within the framework of a management team philosophy.

(c) School employers, upon the written request of a majority of the school administrators in the district or their representative as designated to the school employer in writing,

1 shall be required to meet and [discuss in good faith with the  
2 school administrators on administrator compensation prior to  
3 adoption of the compensation plan] confer in good faith with the  
4 school administrators or their representative on administrative  
5 compensation prior to adoption of the compensation plan.

6 (d) School employers shall be required to adopt written  
7 administrator compensation plans which shall apply to all  
8 eligible school administrators, as provided in this section, and  
9 which shall continue in effect until a time specified in the  
10 compensation plan, but in no event for less than one school  
11 year.

12 (e) An administrator compensation plan adopted pursuant to  
13 this section shall include, but not be limited to, the following  
14 items:

15 (1) A description of the program determining administrative  
16 salaries.

17 (2) Salary amounts or a salary schedule.

18 (3) A listing of fringe benefits.

19 (f) [School employers and school administrators shall  
20 continue to be subject to the act of June 30, 1947 (P.L.1183,  
21 No.492), referred to as the Public Employee Anti-Strike Law.]  
22 School employers shall not be required to bargain over matters  
23 of inherent managerial policy. Those matters shall include, but  
24 not be limited to, areas of discretion or policy as to the  
25 functions and programs of the employer, standards of services,  
26 overall budget, utilization of technology, the organizational  
27 structure, selection and direction of personnel. School  
28 employers, however, shall be required to meet and confer on  
29 policy matters affecting wages, hours and terms and conditions  
30 of employment as well as the impact thereon upon request by

1 employe representatives.

2 (g) (1) If, after a reasonable period of meeting and  
3 conferring, a dispute or impasse exists between the  
4 representatives of the employer and the employe organization,  
5 the parties may voluntarily submit to mediation. If no agreement  
6 is reached between the parties within forty-five (45) days after  
7 conferring commenced, but in no event later than one hundred  
8 twenty-six (126) days prior to June 30 or December 31, whichever  
9 is the end of the school employer's fiscal year, and mediation  
10 has not been utilized by the parties, both parties shall  
11 immediately in writing request the service of the Bureau of  
12 Mediation.

13 (2) The Bureau of Mediation shall employ a complement of not  
14 less than twenty-five (25) mediators which shall be available to  
15 mediate.

16 (h) (1) (i) Once mediation has commenced, it shall  
17 continue for so long as the parties have not reached an  
18 agreement. If, however, an agreement has not been reached within  
19 forty-five (45) days after mediation has commenced or in no  
20 event later than eighty-one (81) days prior to June 30 or  
21 December 31, whichever is the end of the school entity's fiscal  
22 year, the Bureau of Mediation shall notify the Pennsylvania  
23 Labor Relations Board of the parties' failure to reach an  
24 agreement and whether either party has requested the appointment  
25 of a fact-finding panel.

26 (ii) No later than eight-one (81) days prior to June 30 or  
27 December 31, whichever is the end of the school entity's fiscal  
28 year, either party may request the board to appoint a fact-  
29 finding panel. Upon receiving such request, the board shall  
30 appoint a fact-finding panel which may consist of either one (1)

or three (3) members. The panel so designated or selected shall hold hearings and take oral or written testimony and shall have subpoena power. If, during this time, the parties have not reached an independent agreement, the panel shall make findings of fact and recommendations. The panel shall not find or recommend that the parties accept or adopt an impasse procedure.

(iii) The parties may mutually agree to fact-finding and the board shall appoint a fact-finding panel as provided for in subclause (ii), at any time.

(iv) The board may implement fact-finding and appoint a panel as provided for in subclause (ii), at any time. If the board chooses not to implement fact-finding, the board shall issue a report to the parties listing the reasons for not implementing fact-finding, if either party requests one.

(2) The findings of fact and recommendations shall be sent by registered mail to the board and to both parties not more than forty (40) days after the Bureau of Mediation has notified the board as provided in clause (1).

(3) Not more than ten (10) days after the findings and recommendations shall have been sent, the parties shall notify the board and each other whether or not they accept the recommendations of the fact-finding panel and if they do not, the panel shall publicize its findings of fact and recommendations.

(4) Not less than five (5) days not more than ten (10) days after the publication of the findings of fact and recommendations, the parties shall again inform the board and each other whether or not they will accept the recommendations of the fact-finding panel.

(5) The board shall establish, after consulting

representatives of employe organizations and of school employers, panels of qualified persons broadly representative of the public to serve as members of fact-finding panels. The board shall, within sixty (60) days of the effective date of this act, increase the number of available panels of qualified persons to serve as members of fact-finding panels to meet the expanded role of fact-finding as provided for in this act.

(6) The Commonwealth shall pay one-half of the cost of the fact-finding panel; the remaining one-half of the cost shall be divided equally between the parties. The board shall establish rules and regulations under which panels shall operate, including, but not limited to, compensation for panel members.

(i) Any agreement reached under this section shall be memorialized in a written agreement by and between the school employer and the school administrators or their representative to be signed and sealed by their duly appointed officers and agents as provided by law. The executed agreement shall be enforceable by each party in the manner as provided by law. In the event that a school employer or school administrator or their representative refuses to execute a written agreement under this section, either party may institute a cause of action in the court of common pleas to compel compliance with the provision of this section requiring a written agreement and, in the appropriate case, specific performance of the determination.

(j) Any provisions of any agreement in existence on the effective date of this section which are inconsistent with any provision of this section, but not otherwise illegal, shall continue valid until the expiration of such contract. The procedure for entering into any new agreement, however, shall be governed by this section, where applicable, upon the effective

1 date of this article.

2 (k) Strikes by school administrators are prohibited as set  
3 forth in the act of June 30, 1947 (P.L.1183, No.492), referred  
4 to as the Public Employe Anti-Strike Law.

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