

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 223 Session of
1995

INTRODUCED BY GODSHALL, PETTIT, FLICK, ARMSTRONG, MILLER,
PETRONE, NAILOR, LYNCH, FICHTER, BARLEY, FARGO, FAIRCHILD,
M. N. WRIGHT, NYCE, HUTCHINSON, BROWN, HERSHEY, TRUE, CLYMER,
EGOLF, E. Z. TAYLOR, FAJT, LAWLESS, TANGRETTI, HANNA, VANCE,
CLARK, MICOZZIE, MARSICO AND CARONE, JANUARY 24, 1995

REFERRED TO COMMITTEE ON EDUCATION, JANUARY 24, 1995

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," setting forth public policy relating
6 to strikes; and providing for assessments.

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

9 Section 1. The act of March 10, 1949 (P.L.30, No.14), known
10 as the Public School Code of 1949, is amended by adding a
11 section to read:

12 Section 1133-A. Public Policy Relating to Strikes;
13 Assessments.--(a) The Constitution of Pennsylvania requires the
14 General Assembly to provide for a thorough and efficient system
15 of public education. Existing law requires one hundred eighty
16 (180) days of instruction each year as established by the school
17 calendar. The scheduled one hundred eighty (180) days of
18 instruction are lost or rescheduled when a strike occurs. Days

lost or rescheduled are made up as much as possible by
cancelling scheduled vacation days and holidays and extending
the school year, resulting in severe disruption of the
educational process and family life. Guarantees for the
protection of the public health, safety and welfare are not kept
inviolable when instructional days are lost or rescheduled.
Therefore, it is the intent of the General Assembly that equal
financial assessments be imposed on those responsible for strike
disruptions.

(b) Whenever an instructional day, in accordance with the
officially adopted original calendar of instructional days
approved by the board of directors, is lost or rescheduled as
the result of a strike, each employe who participates in the
strike shall be assessed a sum equal to one one-hundred-
eightieth of that year's annual salary or wages for each day of
the strike. The school district shall be assessed by the
Commonwealth a sum equal to the total daily wages or salaries of
the striking employes from its Equalized Subsidy for Basic
Education (ESBE) payments calculated under Article XXV of this
act. In the case of an intermediate unit or area vocational-
technical school, the respective agency shall be assessed a sum
equal to the total daily wages or salaries of the striking
employes. The constituent districts of the respective agency
shall have a sum proportionate to the district's percentage of
enrollment deducted from the Equalized Subsidy for Basic
Education (ESBE) as provided for in Article XXV of this act. The
assessment paid by the employer shall not exceed the total
amount of annual subsidies due. The school district shall
deduct, in equal installments over the remaining pay periods,
the amount of the assessment it determines to be due under this

1 section from the compensation payable to the assessed employe.
2 Assessments required under this section shall not be waived,
3 suspended or reduced after the signing of a collective
4 bargaining agreement or as a condition for the agreement. The
5 scheduling of days to make up instructional days lost because of
6 a strike shall not constitute a basis for a rescission of or a
7 setoff for an assessment owed by or deducted from the school
8 district or for the payment of compensation to a striking
9 employe under this section. Assessments due under this section
10 shall be paid in the school year in which the strike occurs.

11 (c) If a school district, intermediate unit or area
12 vocational-technical school uses the services of a person who is
13 not a member of the bargaining unit to discharge the duties of a
14 striking employe, the district, intermediate unit or vocational-
15 technical school shall pay the strike assessments required in
16 subsection (b).

17 Section 2. This act shall take effect immediately.