

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2255 Session of  
1995

INTRODUCED BY TIGUE, GLADECK, DEMPSEY, ARMSTRONG, MARSICO,  
ROBINSON AND SATHER, NOVEMBER 27, 1995

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, NOVEMBER 27, 1995

AN ACT

1 Amending the act of June 24, 1968 (P.L.237, No.111), entitled  
2 "An act specifically authorizing collective bargaining  
3 between policemen and firemen and their public employers;  
4 providing for arbitration in order to settle disputes, and  
5 requiring compliance with collective bargaining agreements  
6 and findings of arbitrators," providing for regulation of  
7 arbitration awards.

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

10 Section 1. Sections 1, 4 and 7 of the act of June 24, 1968  
11 (P.L.237, No.111), referred to as the Policemen and Firemen  
12 Collective Bargaining Act, are amended to read:

13 Section 1. Policemen or firemen employed by a political  
14 subdivision of the Commonwealth or by the Commonwealth shall,  
15 through labor organizations or other representatives designated  
16 by fifty percent or more of such policemen or firemen, have the  
17 right to bargain collectively with their public employers  
18 concerning the terms and conditions of their employment,  
19 including compensation, hours, working conditions[, retirement,  
20 pensions and other benefits,] and benefits other than retirement

1 or postretirement benefits and shall have the right to an  
2 adjustment or settlement of their grievances or disputes in  
3 accordance with the terms of this act. Policemen or firemen  
4 employed by a political subdivision of the Commonwealth or by  
5 the Commonwealth shall not have the right to bargain  
6 collectively or obtain through interest arbitration retirement,  
7 postretirement or pension benefits, or other statutory benefits.

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

18       For purposes of this section, an impasse or stalemate shall  
19 be deemed to occur in the collective bargaining process if the  
20 parties do not reach a settlement of the issue or issues in  
21 dispute by way of a written agreement within thirty days after  
22 collective bargaining proceedings have been initiated. It shall  
23 be the duty of public employers and their policemen and firemen  
24 employes to exert every reasonable effort to settle all disputes  
25 by engaging in collective bargaining in good faith. Refusal to  
26 bargain shall not be grounds for impasse. Any and all parties  
27 shall retain the right to file an unfair labor practice charge.

28       In the case of disputes involving political subdivisions of  
29 the Commonwealth, the agreement shall be deemed not approved  
30 within the meaning of this section if it is not approved by the

1 appropriate lawmaking body within one month after the agreement  
2 is reached by way of collective bargaining.

3 In the case of disputes involving the Commonwealth, the  
4 agreement shall be deemed not approved within the meaning of  
5 this section if it is not approved by the Legislature within six  
6 months after the agreement is reached by way of collective  
7 bargaining.

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

1 third arbitrator is selected and shall make its determination  
2 within thirty days after the appointment of the third  
3 arbitrator.

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

19 (b) With respect to matters which require legislative action  
20 for implementation, such legislation shall be enacted, in the  
21 case of the Commonwealth, within six months following  
22 publication of the findings, and, in the case of a political  
23 subdivision of the Commonwealth, within one month following  
24 publication of the findings. The effective date of any such  
25 legislation shall be the first day of the fiscal year following  
26 the fiscal year during which the legislation is thus enacted.

27 (c) The arbitration panel shall be required to consider  
28 evidence and make findings in its award regarding the public  
29 employer's financial ability to pay for any economic aspects of  
30 the award based upon the adverse impact of the following factors

1 in determining the award:

2 (1) The ability of the public employer to maintain levels of  
3 public service sufficient to serve the municipality.

4 (2) The appropriated amounts of Federal and State funding.

5 (3) The amount, if any, of any tax increase and/or  
6 additional public funding which would be necessary to fund the  
7 economic cost increase, including, but not limited to, increases  
8 in wages, pensions and other fringe benefits, and the ability of  
9 the public to bear this tax increase, with consideration given  
10 to the per capita income of the residents within the  
11 municipality.

12 (4) A comparison between the overall wage, salary and fringe  
13 benefit levels of the public employer's represented employees and  
14 other employees in the public and private sectors within the  
15 county who perform similar works.

16 (5) A comparison of the hours and working conditions of the  
17 public employer's represented employees and other employees in the  
18 public and private sectors of the metropolitan area who perform  
19 work requiring similar skills.

20 (6) The cost of consumer goods and services within the  
21 metropolitan area.

22 Nothing in this subsection shall be construed to force a board  
23 of arbitration to grant an award on the basis of a  
24 municipality's ability to increase or impose an earned income  
25 tax or a real property tax.

26 Section 2. The act is amended by adding a section to read:

27 Section 7.1. A determination by a board of arbitration shall  
28 be reviewable by the court of common pleas within the county in  
29 which the dispute arose. The pendency of such proceeding shall  
30 not itself stay the order of the arbitrators.

1 Section 3. Section 8 of the act is amended to read:

2 Section 8. The compensation, if any, of the arbitrator  
3 appointed by the policemen or firemen shall be paid by them.  
4 [The compensation of the other two arbitrators, as well as all  
5 stenographic and other expenses incurred by the arbitration  
6 panel in connection with the arbitration proceedings, shall be  
7 paid by the political subdivision or by the Commonwealth, as the  
8 case may be.] The compensation of the arbitrator appointed by  
9 the public employer shall be paid by the employer. The cost of  
10 the third arbitrator, as well as all stenographic and other  
11 expenses incurred by the arbitration panel in connection with  
12 the arbitration proceedings, shall be paid fifty percent by the  
13 policemen or firemen and fifty percent by the public employer.

14 Section 4. This act shall take effect in 60 days.