

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2578 Session of
2004

INTRODUCED BY TIGUE AND CAWLEY, APRIL 14, 2004

REFERRED TO COMMITTEE ON LABOR RELATIONS, APRIL 14, 2004

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," providing for binding final
14 best offer arbitration for certain professional employes;
15 and making a repeal.

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

18 Section 1. Sections 801 and 802 of the act of July 23, 1970
19 (P.L.563, No.195), known as the Public Employe Relations Act,
20 are amended to read:

21 Section 801. [If] (a) Except as provided in section 802, if
22 after a reasonable period of negotiation, a dispute or impasse
23 exists between the representatives of the public employer and
24 the public employes, the parties may voluntarily submit to

1 mediation but if no agreement is reached between the parties
2 within twenty-one days after negotiations have commenced, but in
3 no event later than one hundred fifty days prior to the "budget
4 submission date," and mediation has not been utilized by the
5 parties, both parties shall immediately, in writing, call in the
6 service of the Pennsylvania Bureau of Mediation.

7 [Section 802.] (b) Once mediation has commenced, it shall
8 continue for so long as the parties have not reached an
9 agreement. If, however, an agreement has not been reached within
10 twenty days after mediation has commenced or in no event later
11 than one hundred thirty days prior to the "budget submission
12 date," the Bureau of Mediation shall notify the board of this
13 fact. Upon receiving such notice the board may in its discretion
14 appoint a fact-finding panel which panel may consist of either
15 one or three members. If a panel is so designated or selected it
16 shall hold hearings and take oral or written testimony and shall
17 have subpoena power. If during this time the parties have not
18 reached an agreement, the panel shall make findings of fact and
19 recommendations:

20 (1) The findings of fact and recommendations shall be sent
21 by registered mail to the board and to both parties not more
22 than forty days after the Bureau of Mediation has notified the
23 board as provided in the preceding paragraph.

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

30 (3) Not less than five days nor more than ten days after the

1 publication of the findings of fact and recommendations, the
2 parties shall again inform the board and each other whether or
3 not they will accept the recommendations of the fact-finding
4 panel.

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

10 Section 802. The following procedure shall be followed when
11 an impasse exists between the representatives of a school
12 district and its professional employees:

13 (1) Once an impasse has been established, the parties shall,
14 and either party may, request the Secretary of Labor and
15 Industry to appoint an arbitrator, and the secretary shall
16 appoint an arbitrator, who may be an employe of the Department
17 of Labor and Industry.

18 (2) The parties shall each submit a final best offer to the
19 arbitrator.

20 (3) The arbitrator shall hold one or more hearings and take
21 oral or written testimony. The arbitrator shall have subpoena
22 power.

23 (4) The arbitrator shall select one of the offers which
24 shall be binding on the parties.

25 (5) Any items which have been agreed to by the parties are
26 not subject to binding arbitration under this section.

27 Section 2. Article XI-A of the act of March 10, 1949
28 (P.L.30, No.14), known as the Public School Code of 1949, is
29 repealed insofar as it is inconsistent with this act.

30 Section 3. This act shall take effect in 60 days.