

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2635 Session of
2008

INTRODUCED BY READSHAW, CARROLL, COHEN, DALEY, KORTZ, KULA,
MARKOSEK, PAYNE, PETRONE, WAGNER, WALKO, WOJNAROSKI AND
YOUNGBLOOD, JUNE 18, 2008

REFERRED TO COMMITTEE ON URBAN AFFAIRS, JUNE 18, 2008

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," extending all collective
7 bargaining provisions to members of the Bureau of Emergency
8 Medical Services in cities of the second class.

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

11 Section 1. The title and sections 1, 2, 4, 5, 7 and 8 of the
12 act of June 24, 1968 (P.L.237, No.111), referred to as the
13 Policemen and Firemen Collective Bargaining Act, are amended to
14 read:

15 AN ACT

16 Specifically authorizing collective bargaining between policemen
17 [and firemen], firemen, members of the Bureau of Emergency
18 Medical Services in cities of the second class and their
19 public employers; providing for arbitration in order to
20 settle disputes, and requiring compliance with collective

1 bargaining agreements and findings of arbitrators.

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

13 Section 2. It shall be the duty of public employers and
14 their policemen and firemen employes and members of the Bureau
15 of Emergency Medical Services in cities of the second class to
16 exert every reasonable effort to settle all disputes by engaging
17 in collective bargaining in good faith and by entering into
18 settlements by way of written agreements and maintaining the
19 same.

20 Section 4. (a) If in any case of a dispute between a public
21 employer and its policemen or firemen employes and members of
22 the Bureau of Emergency Medical Services in cities of the second
23 class the collective bargaining process reaches an impasse and
24 stalemate, or if the appropriate lawmaking body does not approve
25 the agreement reached by collective bargaining, with the result
26 that said employers and employes are unable to effect a
27 settlement, then either party to the dispute, after written
28 notice to the other party containing specifications of the issue
29 or issues in dispute, may request the appointment of a board of
30 arbitration.

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

6 In the case of disputes involving political subdivisions of
7 the Commonwealth, the agreement shall be deemed not approved
8 within the meaning of this section if it is not approved by the
9 appropriate lawmaking body within one month after the agreement
10 is reached by way of collective bargaining.

11 In the case of disputes involving the Commonwealth, the
12 agreement shall be deemed not approved within the meaning of
13 this section if it is not approved by the Legislature within six
14 months after the agreement is reached by way of collective
15 bargaining.

16 (b) The board of arbitration shall be composed of three
17 persons, one appointed by the public employer, one appointed by
18 the body of policemen [or firemen], firemen or members of the
19 Bureau of Emergency Medical Services in cities of the second
20 class involved, and a third member to be agreed upon by the
21 public employer and such policemen [or], firemen or members of
22 the Bureau of Emergency Medical Services in cities of the second
23 class. The members of the board representing the public employer
24 and the policemen [or firemen], firemen or members of the Bureau
25 of Emergency Medical Services in cities of the second class
26 shall be named within five days from the date of the request for
27 the appointment of such board. If, after a period of ten days
28 from the date of the appointment of the two arbitrators
29 appointed by the public employer and by the policemen [or
30 firemen], firemen or members of the Bureau of Emergency Medical

1 Services in cities of the second class, the third arbitrator has
2 not been selected by them, then either arbitrator may request
3 the American Arbitration Association, or its successor in
4 function, to furnish a list of three members of said association
5 who are residents of Pennsylvania from which the third
6 arbitrator shall be selected. The arbitrator appointed by the
7 public employer shall eliminate one name from the list within
8 five days after publication of the list, following which the
9 arbitrator appointed by the policemen [or firemen], firemen or
10 members of the Bureau of Emergency Medical Services in cities of
11 the second class shall eliminate one name from the list within
12 five days thereafter. The individual whose name remains on the
13 list shall be the third arbitrator and shall act as chairman of
14 the board of arbitration. The board of arbitration thus
15 established shall commence the arbitration proceedings within
16 ten days after the third arbitrator is selected and shall make
17 its determination within thirty days after the appointment of
18 the third arbitrator.

19 Section 5. Notice by the policemen [or firemen], firemen or
20 members of the Bureau of Emergency Medical Services in cities of
21 the second class involved under section 4 shall, in the case of
22 disputes involving the Commonwealth, be served upon the
23 Secretary of the Commonwealth and, in the case of disputes
24 involving political subdivisions of the Commonwealth, shall be
25 served upon the head of the governing body of the local
26 governmental unit involved.

27 Section 7. (a) The determination of the majority of the
28 board of arbitration thus established shall be final on the
29 issue or issues in dispute and shall be binding upon the public
30 employer and the policemen [or firemen], firemen or members of

1 the Bureau of Emergency Medical Services in cities of the second
2 class involved. Such determination shall be in writing and a
3 copy thereof shall be forwarded to both parties to the dispute.
4 No appeal therefrom shall be allowed to any court. Such
5 determination shall constitute a mandate to the head of the
6 political subdivision which is the employer, or to the
7 appropriate officer of the Commonwealth if the Commonwealth is
8 the employer, with respect to matters which can be remedied by
9 administrative action, and to the lawmaking body of such
10 political subdivision or of the Commonwealth with respect to
11 matters which require legislative action, to take the action
12 necessary to carry out the determination of the board of
13 arbitration.

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

22 Section 8. The compensation, if any, of the arbitrator
23 appointed by the policemen [or firemen], firemen or members of
24 the Bureau of Emergency Medical Services in cities of the second
25 class shall be paid by them. The compensation of the other two
26 arbitrators, as well as all stenographic and other expenses
27 incurred by the arbitration panel in connection with the
28 arbitration proceedings, shall be paid by the political
29 subdivision or by the Commonwealth, as the case may be.

30 Section 2. This act shall take effect January 1, 2009.