
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1255 Session of
2013

INTRODUCED BY C. HARRIS, COHEN, D. COSTA, DENLINGER, YOUNGBLOOD,
MAHONEY, OBERLANDER, GOODMAN AND EVERETT, APRIL 24, 2013

REFERRED TO COMMITTEE ON STATE GOVERNMENT, APRIL 24, 2013

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," in representation, further
14 providing for appropriateness of a unit; in collective
15 bargaining impasse, further providing for impasse to a panel
16 of arbitrators; and, in strikes, further providing for
17 prohibition.

18 The General Assembly of the Commonwealth of Pennsylvania
19 hereby enacts as follows:

20 Section 1. Sections 604(3), 805 and 1001 of the act of July
21 23, 1970 (P.L.563, No.195), known as the Public Employe
22 Relations Act, are amended to read:

23 Section 604. The board shall determine the appropriateness
24 of a unit which shall be the public employer unit or a
25 subdivision thereof. In determining the appropriateness of the

1 unit, the board shall:

2 * * *

3 (3) Not permit guards at prisons and mental hospitals,
4 employes directly involved with and necessary to the functioning
5 of the courts of this Commonwealth, public employes who have the
6 power and authority to arrest under 61 Pa.C.S. § 6152 (relating
7 to status as peace officers) or any individual employed as a
8 guard to enforce against employes and other persons, rules to
9 protect property of the employer or to protect the safety of
10 persons on the employer's premises to be included in any unit
11 with other public employes, each may form separate homogenous
12 employe organizations with the proviso that organizations of the
13 latter designated employe group may not be affiliated with any
14 other organization representing or including as members, persons
15 outside of the organization's classification.

16 * * *

17 Section 805. Notwithstanding any other provisions of this
18 act where representatives of units of guards at prisons or
19 mental hospitals, units of public employes who have the power
20 and authority to arrest under 61 Pa.C.S. § 6152 (relating to
21 status as peace officers) or units of employes directly involved
22 with and necessary to the functioning of the courts of this
23 Commonwealth have reached an impasse in collective bargaining
24 and mediation as required in section 801 of this article has not
25 resolved the dispute, the impasse shall be submitted to a panel
26 of arbitrators whose decision shall be final and binding upon
27 both parties with the proviso that the decisions of the
28 arbitrators which would require legislative enactment to be
29 effective shall be considered advisory only.

30 Section 1001. Strikes by guards at prisons or mental

1 hospitals, public employes who have the power and authority to
2 arrest under 61 Pa.C.S. § 6152 (relating to status as peace
3 officers) or employes directly involved with and necessary to
4 the functioning of the courts of this Commonwealth are
5 prohibited at any time. If a strike occurs the public employer
6 shall forthwith initiate in the court of common pleas of the
7 jurisdiction where the strike occurs, an action for appropriate
8 equitable relief including but not limited to injunctions. If
9 the strike involves Commonwealth employes, the chief legal
10 officer of the public employer or the Attorney General where
11 required by law shall institute an action for equitable relief,
12 either in the court of common pleas of the jurisdiction where
13 the strike has occurred or the Commonwealth Court.

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