
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1845 Session of
2014

INTRODUCED BY KAUFFMAN, SWANGER, JAMES, MCGINNIS, EVERETT,
CUTLER, ROCK, BLOOM, KNOWLES, OBERLANDER, LUCAS AND
DENLINGER, MARCH 25, 2014

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, MARCH 25, 2014

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," further providing for right to
7 collectively bargain, for duty to exert reasonable efforts,
8 for commencement of collective bargaining, for board of
9 arbitration, for notice, for powers and procedures, for
10 determination of board of arbitration, for costs and
11 expenses, for applicability, for severability, for repeals
12 and for effective date; and making editorial changes.

13 The General Assembly of the Commonwealth of Pennsylvania
14 hereby enacts as follows:

15 Section 1. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12
16 of the act of June 24, 1968 (P.L.237, No.111), referred to as
17 the Policemen and Firemen Collective Bargaining Act, are amended
18 to read:

19 Section 1. Right to collectively bargain.

20 Policemen or firemen employed by a political subdivision of
21 the Commonwealth or by the Commonwealth shall, through labor
22 organizations or other representatives designated by [fifty

1 percent] 50% or more of such policemen or firemen, have the
2 right to bargain collectively with their public employers
3 concerning the terms and conditions of their employment, which
4 are not otherwise established or prohibited under Federal or
5 State law, including compensation, hours, working conditions,
6 retirement, pensions and other benefits, and shall have the
7 right to an adjustment or settlement of their grievances or
8 disputes in accordance with the terms of this act.

9 Section 2. Duty to exert reasonable efforts.

10 It shall be the duty of public employers and their policemen
11 and firemen [employees] employees to exert every reasonable
12 effort to settle all disputes by engaging in collective
13 bargaining in good faith and by entering into settlements by way
14 of written agreements and maintaining the same. Any party may
15 assert an unfair labor practice charge for a refusal to bargain
16 in good faith or a failure to comply with the time periods
17 provided under this act in accordance with the act of June 1,
18 1937 (P.L.1168, No.294), known as the Pennsylvania Labor
19 Relations Act, for which the Pennsylvania Labor Relations Board
20 shall have jurisdiction.

21 Section 3. Commencement of collective bargaining.

22 Collective bargaining shall begin at least [six] ten months
23 before the start of the fiscal year of the political subdivision
24 or of the Commonwealth, as the case may be, and any request for
25 arbitration, as [hereinafter] provided in this act, shall be
26 made at least [one hundred ten] 180 days before the start of
27 [said] the fiscal year.

28 Section 4. Board of arbitration.

29 (a) Right to request.--

30 (1) If in any case of a dispute between a public

1 employer and its policemen or firemen [employees] employees
2 the collective bargaining process reaches an impasse and
3 stalemate, or if the appropriate lawmaking body does not
4 approve the agreement reached by collective bargaining, with
5 the result that [said] the employers and [employees] employees
6 are unable to effect a settlement, then either party to the
7 dispute, after written notice to the other party containing
8 specifications of the issue or issues in dispute, may request
9 the appointment of a board of arbitration.

10 (2) For purposes of this section, an impasse or
11 stalemate shall be deemed to occur in the collective
12 bargaining process if the parties do not reach a settlement
13 of the issue or issues in dispute by way of a written
14 agreement within [thirty] 60 days after collective bargaining
15 proceedings have been initiated.

16 (3) In the case of disputes involving political
17 subdivisions of the Commonwealth, the agreement shall be
18 deemed not approved within the meaning of this section if it
19 is not approved by the appropriate lawmaking body within one
20 month after the agreement is reached by way of collective
21 bargaining.

22 (4) In the case of disputes involving the Commonwealth,
23 the agreement shall be deemed not approved within the meaning
24 of this section if it is not approved by the Legislature
25 within [six months] 180 days after the agreement is reached
26 by way of collective bargaining.

27 (b) Composition.--

28 (1) The board of arbitration shall be composed of three
29 persons, one appointed by the public employer, one appointed
30 by the body of policemen or firemen involved, and a neutral

1 third [member] arbitrator to be agreed upon by the public
2 employer and such policemen or firemen. The members of the
3 board representing the public employer and the policemen or
4 firemen shall be named within five days from the date of the
5 request for the appointment of such board.

6 (2) If, after a period of ten days from the date of the
7 appointment of the two arbitrators appointed by the public
8 employer and by the policemen or firemen, the neutral third
9 arbitrator has not been selected by them, then, within five
10 days, either arbitrator may request the American Arbitration
11 Association, or its successor in function, to furnish a list
12 of [three] seven members of [said] the association who are
13 residents of Pennsylvania from which the neutral third
14 arbitrator shall be selected. [The arbitrator appointed by
15 the public employer shall eliminate one name from the list
16 within five days after publication of the list, following
17 which the arbitrator appointed by the policemen or firemen
18 shall eliminate one name from the list within five days
19 thereafter.] In the case of disputes involving political
20 subdivisions of this Commonwealth, the American Arbitration
21 Association, or its successor in function, shall provide a
22 list that contains, if feasible and practical, at least one
23 name of a resident of the political subdivision in which the
24 public employer is located.

25 (3) Beginning with the selection of arbitrators which
26 occurs between a public employer and policemen or firemen
27 employed on or after January 1, 2014, the toss of a coin
28 shall determine which party shall be the first to eliminate a
29 name from the list provided in paragraph (2). Each arbitrator
30 shall then engage in alternate eliminations of names from the

1 list until only one name remains on the list. The individual
2 whose name remains on the list shall be the neutral third
3 arbitrator and shall act as chairman of the board of
4 arbitration.

5 (4) The board of arbitration thus established shall
6 commence the arbitration proceedings within ten days after
7 the neutral third arbitrator is selected and shall make its
8 determination within [thirty] 60 days after the appointment
9 of the neutral third arbitrator.

10 Section 5. Notice.

11 Notice by the policemen or firemen involved under section 4
12 shall, in the case of disputes involving the Commonwealth, be
13 served upon the Secretary of the Commonwealth and, in the case
14 of disputes involving political subdivisions of the
15 Commonwealth, shall be served upon the head of the governing
16 body of the local governmental unit involved.

17 Section 6. Powers and procedures.

18 (a) Witnesses and evidence.--Each of the arbitrators
19 selected in accordance with section 4 [hereof] shall have the
20 power to administer oaths and compel the attendance of witnesses
21 and physical evidence by subpoena.

22 (b) Meetings and records.--

23 (1) Except as otherwise provided under paragraph (2),
24 any hearing at which evidence of record is presented by any
25 party or witness under this act shall be open to the public
26 and all documents and evidence of record submitted by any
27 party at such public hearing shall be public records subject
28 to the act of February 14, 2008 (P.L.6, No.3), known as the
29 Right-to-Know Law. A stenographic recording shall be made of
30 any such hearing.

1 (2) Paragraph (1) shall not apply to a bargaining
2 session between the parties conducted before the hearing or
3 an executive session or other meeting between the arbitrators
4 conducted after the hearing.

5 Section 7. Determination of board of arbitration.

6 (a) Finality and comprehensiveness.--The determination of
7 the majority of the board of arbitration thus established shall
8 be final on the issue or issues in dispute and shall be binding
9 upon the public employer and the policemen or firemen involved.
10 Such determination shall be in writing and contain specific
11 findings of fact and conclusions of law with regard to each of
12 the issues presented to the board by the parties. Such issues
13 shall include a complete, accurate and detailed analysis, based
14 on the evidence presented at the hearing, as evaluated and
15 studied in any subsequent executive sessions, of the cost of the
16 award to the political subdivision and the impact it will have
17 on the finances and services provided by the political
18 subdivision; the relationship between projected revenues of the
19 political subdivision and the ability of the political
20 subdivision to pay all the costs of the award, including any
21 cost increases which may result from pre-existing terms and
22 conditions of employment which are allowed to continue under the
23 award; and the impact of the award on the future financial
24 stability of the political subdivision. The determination shall
25 be a public record and a copy thereof shall be forwarded to both
26 parties to the dispute. No appeal [therefrom] shall be allowed
27 to any court[.] if the determination complies with this section,
28 unless the board of arbitration exceeded its powers or
29 jurisdiction, the proceedings were irregular, the determination
30 requires an unconstitutional act or the determination would

1 result in the deprivation of a constitutional right.

2 (a.1) Mandate.--[Such] The determination under subsection
3 (a) shall constitute a mandate to the head of the political
4 subdivision which is the employer, or to the appropriate officer
5 of the Commonwealth if the Commonwealth is the employer, with
6 respect to matters which can be remedied by administrative
7 action, and to the lawmaking body of such political subdivision
8 or of the Commonwealth with respect to matters which require
9 legislative action, to take the action necessary to carry out
10 the determination of the board of arbitration.

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

20 (c) References to determination.--A determination of the
21 board may alternatively be referred to as an award or
22 settlement. Such reference shall not affect the applicability of
23 this act.

24 (d) Issues excluded.--No determination may award or
25 otherwise grant postretirement health or pension benefits which
26 are not required or authorized under Federal or State law, nor
27 any other term or condition of employment that is specifically
28 exempted from collective bargaining under Federal or State law.
29 No determination may award or grant any pension benefit or
30 provision that has been found to be unauthorized, unlawful or

1 excessive by the Department of the Auditor General or any court
2 of law.

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

10 (a) General rule.--Except as provided for in subsection (b),
11 the public employer and the policemen or firemen who are engaged
12 in the collective bargaining shall bear the costs of their
13 respective appointed arbitrators, witnesses, including any
14 actuary or expert witness, and attorneys in any arbitration
15 proceeding.

16 (b) Other expenses.--The reasonable fees and costs
17 associated with the neutral third arbitrator and the
18 stenographic and other expenses incurred by the board of
19 arbitration as a result of the arbitration proceedings shall be
20 divided. One-half of such fees and costs shall be paid by the
21 public employer and one-half shall be paid by the policemen and
22 firemen who are engaged in the collective bargaining.

23 Section 9. Applicability.

24 The provisions of this act shall be applicable to every
25 political subdivision of this Commonwealth notwithstanding the
26 fact that any such political subdivision, either before or after
27 the passage of this act, has adopted or adopts a home rule
28 charter.

29 Section 10. Severability.

30 If any provision of this act or the application thereof to

1 any person or circumstances is held invalid, the remainder of
2 this act and the application of such provision to other persons
3 or circumstances, shall not be affected [thereby], and to this
4 end the provisions of this act are declared to be severable.

5 Section 11. Repeals.

6 All acts or parts of acts inconsistent herewith are hereby
7 repealed.

8 Section 12. Effective date.

9 This act shall take effect immediately.

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