

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 829 Session of 2017

INTRODUCED BY STREET AND COSTA, JULY 6, 2017

REFERRED TO LABOR AND INDUSTRY, JULY 6, 2017

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 collective bargaining
 14 impasse, further providing for collective bargaining impasse;
 15 providing for Southeastern Pennsylvania Transportation
 16 Authority Collective Bargaining; and, in strikes, further
 17 providing for strikes.

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

20 Section 1. The act of July 23, 1970 (P.L.563, No.195), known
 21 as the Public Employe Relations Act, is amended by adding a
 22 section to read:

23 Section 808. A dispute or impasse between the Southeastern
 24 Pennsylvania Transportation Authority and public employes shall
 25 be governed by Article VIII-A.

26 Section 2. The act is amended by adding an article to read:

1 ARTICLE VIII-A

2 SOUTHEASTERN PENNSYLVANIA TRANSPORTATION

3 AUTHORITY COLLECTIVE BARGAINING

4 Section 801-A. Definitions.

5 "SEPTA." The Southeastern Pennsylvania Transportation
6 Authority.

7 Section 802-A. Collective bargaining.

8 Notwithstanding any other provisions of this act, collective
9 bargaining between SEPTA and the representative of the public
10 employees shall begin at least six months before the expiration
11 of the current contract. A request for arbitration under this
12 article shall be made at least 90 days before the contract
13 expires.

14 Section 803-A. Impasse.

15 If a dispute or impasse arises in the collective bargaining
16 process between SEPTA and the representative of the public
17 employees, either party to the dispute or impasse, after written
18 notice to the other party containing specifications of the issue
19 in dispute, may request the appointment of a board of
20 arbitrators under section 804-A. For purposes of this section, a
21 dispute or impasse shall be deemed to occur if the parties do
22 not reach a settlement of the dispute by written agreement
23 within 60 days after the collective bargaining proceeding has
24 been initiated.

25 Section 804-A. Board of arbitrators.

26 (a) Selection.--A board of arbitrators shall be selected as
27 follows:

- 28 (1) Each party to the dispute or impasse shall select
29 one member within five days of the date of the request for
30 the appointment of a board of arbitrators. The two members

1 selected shall select the third member.

2 (2) If the members selected are unable to agree upon the
3 third member with 10 days from the date of their selection,
4 the American Arbitration Association shall submit a list of
5 three individuals from the American Arbitration Association
6 and each party shall alternately strike one name until one
7 name remains. Within five days after publication of the list,
8 SEPTA shall strike the first name. Within five days after the
9 first name is stricken, the representative of the public
10 employees shall eliminate one name from the list. The
11 individual remaining shall be the third member and
12 chairperson of the board of arbitrators.

13 (b) Powers.--Each member of the board of arbitrators shall
14 have the power to administer an oath, compel the appearance of a
15 witness and subpoena physical evidence.

16 Section 805-A. Arbitration proceedings.

17 The board of arbitrators shall commence arbitration
18 proceedings within 10 days after the third member is selected
19 and shall make its determination within 45 days.

20 Section 806-A. Final determination.

21 The determination of the majority of the board of arbitrators
22 shall be final and binding upon SEPTA, acting through SEPTA's
23 general manager and the public employees involved. The
24 determination shall be in writing and a copy of the
25 determination shall be forwarded to both parties. The final
26 determination may not be appealed.

27 Section 807-A. Compensation.

28 The compensation, if any, of a member of the board of
29 arbitrators appointed by the representative of the public
30 employees shall be paid by the public employees. The

1 compensation of the other two arbitrators and all stenographic
2 and other expenses incurred by the board of arbitrators in
3 connection with the arbitration proceedings shall be paid by
4 SEPTA.

5 Section 3. Section 1001 of the act is amended to read:

6 Section 1001. Strikes by guards at prisons or mental
7 hospitals, [or] employes directly involved with and necessary to
8 the functioning of the courts of this Commonwealth or employes
9 of the Southeastern Pennsylvania Transportation Authority are
10 prohibited at any time. If a strike occurs the public employer
11 shall forthwith initiate in the court of common pleas of the
12 jurisdiction where the strike occurs, an action for appropriate
13 equitable relief including but not limited to injunctions. If
14 the strike involves Commonwealth employes, the chief legal
15 officer of the public employer or the Attorney General where
16 required by law shall institute an action for equitable relief,
17 either in the court of common pleas of the jurisdiction where
18 the strike has occurred or the Commonwealth Court.

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