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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2170 Session of  
2021

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INTRODUCED BY D. MILLER, DELLOSO, FREEMAN, SCHLOSSBERG, RABB,  
NEILSON, SANCHEZ AND PISCIOTTANO, DECEMBER 14, 2021

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REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, DECEMBER 14, 2021

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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 election requests, consent to election, notice  
15 and pre-election hearings and for appropriateness of unit; in  
16 scope of bargaining, repealing provisions relating to first  
17 level supervisors; in collective bargaining impasse, further  
18 providing for commencement of mediation and for continuation  
19 of mediation and fact-finding panels; and repealing  
20 provisions relating to picketing.

21 The General Assembly of the Commonwealth of Pennsylvania  
22 hereby enacts as follows:

23 Section 1. Section 603 of the act of July 23, 1970 (P.L.563,  
24 No.195), known as the Public Employe Relations Act, is amended  
25 by adding subsections to read:

26 Section 603. \* \* \*

27 (e) Within two business days after receiving the notice of a

1 pre-election hearing under this section, along with the docket  
2 letter from the board, the public employer shall:

3 (1) Post the notice of petition for election in conspicuous  
4 places, including all places where notices for its employes are  
5 customarily posted, so that all pages of the notice of petition  
6 for election are simultaneously visible.

7 (2) Either of the following:

8 (i) If the public employer customarily communicates with all  
9 of its employes through electronic means, distribute the notice  
10 of petition for election through electronic means to all of the  
11 employes of the proposed unit.

12 (ii) If the public employer customarily communicates with  
13 only some of its employes through electronic means, distribute  
14 the notice of petition for election through electronic means to  
15 those employes of the proposed unit.

16 (f) The public employer shall maintain the posting of the  
17 notice of petition for election under subsection (e) until the  
18 petition is dismissed or withdrawn or the notice of petition for  
19 election is replaced by the notice of election. Failure to  
20 properly post or distribute the notice of petition for election  
21 may be grounds for setting aside the election whenever proper  
22 and timely objections are filed.

23 (g) Except in cases presenting unusually complex issues, the  
24 board shall schedule a pre-election hearing under this section  
25 on the eighth day following the date of service of the notice of  
26 the pre-election hearing, excluding any intervening Federal or  
27 State holiday. The following apply:

28 (1) If the eighth day falls on a Federal or State holiday or  
29 weekend, the pre-election hearing shall commence the next  
30 business day following the holiday or weekend.

1     (2) The pre-election hearing shall continue from day to day  
2 until completed, unless the designated representative of the  
3 board concludes that extraordinary circumstances warrant  
4 otherwise.

5     (h) Following an affirmative decision made during the pre-  
6 election hearing under this section to hold a representation  
7 election, the representation election shall be held at the  
8 earliest date practicable, but no later than forty-five days  
9 from the conclusion of the pre-election hearing.

10     Section 2. Section 604(1) of the act is amended to read:

11     Section 604. The board shall determine the appropriateness  
12 of a unit which shall be the public employer unit or a  
13 subdivision thereof. In determining the appropriateness of the  
14 unit, the board shall:

15     (1) Take into consideration but shall not be limited to the  
16 following: (i) public employes must have an identifiable  
17 community of interest, and (ii) the effects of substantial or  
18 unreasonable over-fragmentization.

19     \* \* \*

20     Section 3. Section 704 of the act is repealed:

21     [Section 704. Public employers shall not be required to  
22 bargain with units of first level supervisors or their  
23 representatives but shall be required to meet and discuss with  
24 first level supervisors or their representatives, on matters  
25 deemed to be bargainable for other public employes covered by  
26 this act.]

27     Section 4. Sections 801 and 802 introductory paragraph of  
28 the act are amended to read:

29     Section 801. If after a reasonable period of negotiation, a  
30 dispute or impasse exists between the representatives of the

1 public employer and the public employes, the parties may  
2 voluntarily submit to mediation but if no agreement is reached  
3 between the parties within twenty-one days after negotiations  
4 have commenced, but in no event later than [one hundred fifty]  
5 ninety days prior to the "budget submission date," and mediation  
6 has not been utilized by the parties, both parties shall  
7 immediately, in writing, call in the service of the Pennsylvania  
8 Bureau of Mediation. This section shall not apply to initial or  
9 first contracts, except that either party may voluntarily submit  
10 to mediation and call in the service of the Bureau of Mediation  
11 at any time at least sixty days after negotiations have  
12 commenced.

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

26 \* \* \*

27 Section 5. Article XI of the act is repealed:

28 [ARTICLE XI

29 Picketing

30 Section 1101. Public employes, other than those engaged in a

1 nonprohibited strike, who refuse to cross a picket line shall be  
2 deemed to be engaged in a prohibited strike and shall be subject  
3 to the terms and conditions of Article X pertaining to  
4 prohibited strikes.]

5 Section 6. This act shall take effect in 60 days.