

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 946 Session of 2023

INTRODUCED BY D. MILLER, D. WILLIAMS, MADDEN, PISCIOTTANO, RABB, McNEILL, FREEMAN, SANCHEZ, HILL-EVANS, KHAN, FIEDLER, HADDOCK, DELLOSO, OTTEN, MERSKI, GREEN AND CONKLIN, APRIL 17, 2023

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, APRIL 17, 2023

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, providing for dispute resolution.

15 The General Assembly of the Commonwealth of Pennsylvania  
 16 hereby enacts as follows:

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

20 Section 808. Whenever collective bargaining is for the  
 21 purpose of establishing an initial agreement following  
 22 certification or other valid form of recognition under Article  
 23 VI, the following apply:

1 (1) Not later than ten days after receiving a written  
2 request for collective bargaining from an individual or labor  
3 organization that has been newly organized or certified as a  
4 representative as defined in Article VI, or within an additional  
5 period on which the parties agree, the parties shall meet and  
6 commence to bargain collectively and shall make every reasonable  
7 effort to conclude and sign a collective bargaining agreement.

8 (2) If, after the expiration of the one-hundred-twenty-day  
9 period beginning on the date on which bargaining is commenced,  
10 or the additional period on which the parties agree, the parties  
11 have failed to reach an agreement, either party may notify the  
12 Pennsylvania Bureau of Mediation of the existence of a dispute  
13 and request mediation. Whenever the request is received, the  
14 Pennsylvania Bureau of Mediation shall promptly put itself in  
15 communication with the parties and use its best efforts, by  
16 mediation and conciliation, to bring the parties to agreement.

17 (3) If, after the expiration of the sixty-day period  
18 beginning on the date on which the request is made under  
19 paragraph (2), or the additional period on which the parties  
20 agree, the Pennsylvania Bureau of Mediation is not able to bring  
21 the parties to agreement, the Pennsylvania Bureau of Mediation  
22 shall refer the dispute to an arbitration panel. The following  
23 apply:

24 (i) The arbitration panel shall consist of the following  
25 three members:

26 (A) One member chosen by the union.

27 (B) One member chosen by the employer.

28 (C) One member chosen by both the union and the employer.

29 (ii) The arbitration panel shall choose between the last  
30 offer that each party made.

1        (iii) The decision of the arbitration panel shall be binding  
2 upon the parties for a period of two years, unless amended  
3 during that period by written consent of the parties.

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