

shall not affect or impair any of the remaining provisions of this act. It is hereby declared to be the legislative intent that this act would have been adopted had such provisions not been included herein.

Inconsistent acts  
repealed.

Section 25. Repeal of Existing Law.—All acts and parts of acts inconsistent with this act are hereby repealed.

APPROVED—The 18th day of May, A. D. 1937.

GEORGE H. EARLE

No. 177

AN ACT

To encourage the making and maintaining of agreements concerning wages, hours, and conditions of employment between employers and employes by their representatives, and the settlement of controversies concerning the same by mediation and voluntary arbitration; conferring powers of mediation and arbitration of such controversies on the Department of Labor and Industry.

Be it enacted, &c., That,

Labor.

Short title.

Policy stated.

Section 1. This act shall be known, and may be cited, as "Pennsylvania Labor Mediation Act."

Section 2. It is the public policy of the Commonwealth to encourage employers and employes by their representatives to make and maintain agreements concerning wages, hours, and conditions of employment, and to settle all controversies arising out of the application of such agreements.

Definitions.

Section 3. When used in this act—

(a) The term "department" shall mean the Department of Labor and Industry.

(b) The term "employer" includes an employer and any person acting, directly or indirectly, on behalf of or in the interest of an employer with the employer's knowledge or ratification, but a labor organization, or any officer or agent thereof, shall be considered an employer only with respect to individuals employed by such organization.

(c) The term "employee" shall include any employe, and shall not be limited to the employes of a particular employer, unless the act explicitly states otherwise, and shall include any individual whose work has ceased as a consequence of or in connection with any current labor dispute, or because of any unfair labor practice as provided in the act of 1937, entitled "Pennsylvania Labor Relations Act." This term, however, shall not include any individual taking the place of any employe whose work has ceased as aforesaid, nor shall it include any individual employed by his parent or spouse, or in the

domestic service of any person in the home of the employer.

(d) The term "representatives" is not limited to individuals, but shall include labor organizations, and individual representatives need not themselves be employed by, and a labor organization serving as a representative need not be limited in membership to employes of the employer whose employes are represented.

Section 4. The parties or either party to a controversy between employers and employes may invoke the services of the department, or the department may proffer its services in a controversy over the making, maintaining or the application of an agreement between employers and employes concerning wages, hours or conditions of employment. Whenever the services of the department have been invoked by any party to a controversy, or when the department has proffered its services, the department shall promptly put itself in communication with the parties to such controversy, and shall use its best efforts by mediation, through a representative of the Secretary of Labor and Industry, to bring them in agreement.

Department empowered to settle labor disputes.

Section 5. For the further purpose of carrying out the provisions of this act, the department at the request of both the employer and the employes, may set up a commission or panel whose members shall serve in such controversy without pay.

Panel or commission.

Section 6. Whenever a controversy shall arise between an employer and his employes which is not settled either in conference between representatives of the parties or through mediation in the manner provided in the preceding sections, such controversy may, by agreement of the parties, be submitted to arbitration, one person to be selected by the employer, one person to be selected by the employes, and a third to be selected by the representatives of the employer and employes, and in the event of any such appointment or selection not being made upon the request of the parties in the controversy, the department may select the third person to arbitrate the matter submitted: Provided, however, That the failure or refusal of either party to submit a controversy to arbitration shall not be construed as a violation of the policy or purpose of this act, or of any provision thereof, nor shall failure or refusal to arbitrate constitute a basis for any action at law or suit in equity.

Arbitration.

Selection of board.

Proviso.

Section 7. Nothing in this act shall be construed so as to interfere with, impede or diminish in any way the right of employes to strike or engage in other concerted activities.

Act does not limit the right to strike.

Section 8. If any clause, sentence, paragraph or part of this act, or the application thereof to any person or circumstances, shall for any reason be adjudged by a

Constitutional provision.

court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this act, and the application of such provision to other persons or circumstances, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof, directly involved in the controversy in which such judgment shall have been rendered and to the person or circumstances involved. It is hereby declared to be the legislative intent that this act would have been adopted had such invalid provisions not been included herein.

Inconsistent  
acts repealed.

Proviso.

Section 9. All acts or parts of acts, whether, general, special or local, inconsistent herewith, are hereby repealed: Provided, That this act shall not apply to any controversy involving unfair labor practices or the selection of collective bargaining representatives provided for in the act of 1937, entitled "Pennsylvania Labor Relations Act."

When effective.

Section 10. This act shall take effect immediately upon its final enactment.

APPROVED—The 18th day of May, A. D. 1937.

GEORGE H. EARLE

No. 178

### AN ACT

To amend sections three, four, six, and seven of, and to add section 9.1 to, the act, approved the twenty-eighth day of June, one thousand nine hundred thirty-five (Pamphlet Laws, four hundred fifty-two), entitled "An act to promote the welfare of the people of the Commonwealth; creating a General State Authority as a body corporate and politic with power to construct, improve, and operate projects, and to lease the same, and to fix and collect fees, rentals, and charges for the use thereof; authorizing and regulating the issuance of bonds by said Authority, and providing for the payment of such bonds, and the rights of the holders thereof; and to enter into agreements with the Government of the United States or any Federal agency; and authorizing the Department of Property and Supplies to grant, assign, convey, or lease to the Authority lands of the Commonwealth and interests therein, and to acquire lands therefor; granting the right of eminent domain; and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act," by providing for additional projects; removing the date by which projects must be commenced; removing certain restrictions against the construction of projects; making such Authority perpetual; fixing the quorum of the Authority; providing for the leasing of projects by the Authority to the Commonwealth; clarifying the powers of a receiver appointed pursuant to such act so as to prohibit such receiver from selling, assigning, mortgaging, or otherwise disposing of, any of the assets belonging to the Authority; and clarifying certain provisions of said act.

The General  
Authority.

Section 1. Be it enacted, &c., That sections three, four, six, and seven of the act, approved the twenty-