

if his membership becomes necessary to constitute a quorum, but he shall not vote thereat unless his vote shall, for any reason whatsoever, be required to effect the organization of council, or to elect any officer who is required to be or may be elected at the organization meeting. In case of the unavoidable absence of the burgess at the organization meeting, one of the members of council, chosen by the members present at the meeting, shall preside.

The burgess shall attend all regular meetings of council unless detained by sickness or prevented by necessary absence from the borough. In all cases where, by reason of a tie or split vote, the council of any borough shall be unable to enact or pass any ordinance, resolution or motion, or to declare or fill any vacancy in its membership, or in any other borough office, or to take any action or any matter lawfully brought before it, *the burgess may at his option cast the deciding vote, or request that the matter be tabled until a special meeting of council to be held within not less than five days nor more than ten days at which time the matter shall be reconsidered by council and, if a tie or split vote still exists, it shall be the duty of the burgess [of such borough] at that time to cast the deciding vote.*

APPROVED—The 15th day of December, A. D. 1955.

GEORGE M. LEADER

No. 261

AN ACT

Amending the act of June thirty, one thousand nine hundred forty-seven (Pamphlet Laws 1183), entitled "An act relating to strikes by public employes; prohibiting such strikes; providing that such employes by striking terminate their employment; providing for reinstatement under certain conditions; providing for a grievance procedure; and providing for hearings before civil service and tenure authorities, and in certain cases before the Pennsylvania Labor Relations Board," changing the method of selecting panels for the adjustment of grievances of certain school district employes and imposing additional duties on such panels.

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

Section 1. Clause (b) of section one, act of June thirty, one thousand nine hundred forty-seven (Pamphlet Laws 1183), entitled "An act relating to strikes by public employes; prohibiting such strikes; providing that such employes by striking terminate their employment; providing for reinstatement under certain condi-

Strikes by public employes.

Clause (b), section 1, act of June 30, 1947, P. L. 1183, amended August 26, 1953, P. L. 1474, further amended.

tions; providing for a grievance procedure; and providing for hearings before civil service and tenure authorities, and in certain cases before the Pennsylvania Labor Relations Board," amended August twenty-six, one thousand nine hundred fifty-three (Pamphlet Laws 1474), is amended to read:

Definitions.

Section 1. As used in this act—

* * * * *

"Strike."

(b) The word "strike" means the failure to report for duty, the wilful absence from one's position, the stoppage of work or the abstinence in whole or in part from the full, faithful and proper performance of the duties of employment for the purpose of inducing, influencing or coercing a change in the conditions or compensation or the rights, privileges or obligations of employment: Provided, however, That nothing contained

Proviso.

in this act shall be construed to limit, impair or affect the right of any public employe to the expression or communication of a view, grievance, complaint or opinion on any matter related to the conditions or compensation of public employment, or the betterment thereof, so long as the same is not designed to and does not interfere with the full, faithful and proper performance of the duties of employment; nor to limit, impair or affect the right of any such employe to attend meetings, conferences or hearings, relating to such matters, so long as such attendance is not designed to interfere with the full, faithful and proper performance of the duties of employment for the further purpose of equitably carrying out the provisions of this act. In order to avoid or minimize any possible controversies by making available

Grievance procedure.

full and adequate governmental facilities for the adjustment of grievances, the governmental agency involved, at the request of the public employes, shall, within fifteen (15) days of such request, set up a panel of three members, one to be selected by the employes, one by the governmental agency, and the two so selected to select a third member. If, within fifteen (15) days of their selection, the two members selected by the governmental agency and the employes involved are unable to agree on the third member of the panel, either the governmental agency or the public employes may petition the Court of Common Pleas of Dauphin County, if the controversy involves the Commonwealth of Pennsylvania, its agencies, boards, commissions, or any of its authorities, to select * the third member of the panel. If the controversy involves any political subdivision of the Commonwealth or any other authority within a political subdivision, such petition for the selection of a third

Setting up panel.

* "the" in original.

member of the panel shall be presented to the court of common pleas of the county wherein the political subdivision or the authority is situated. Upon receipt of such a petition, the proper court shall select the third member. The members of the panel shall be compensated for all necessary expenses by the Commonwealth, or the political subdivision thereof, or the authority involved. The panel shall meet within fifteen (15) days. If the grievance can be adjusted through negotiation and informal conferences between the various parties, it shall be so adjusted. If the conference negotiations do not result in rulings satisfactory to all parties concerned within thirty (30) days of a request made for a hearing by any of the parties concerned, the panel shall afford the public employes and the governmental agency a full hearing. Within thirty (30) days of the close of such hearing, the panel shall make their findings, copy of which shall be forthwith sent to the Governor, to the General Assembly, and to the head of the agency, or political subdivision involved. Upon receipt of the findings of the panel the Governor or the head of the State agency or political subdivision involved may take administrative measures to remedy the complaints. If the Governor or the head of the State agency or political subdivision finds that the situation complained of can only be remedied by legislative action, the Governor may refer the matter to the Legislature for correction, or the head of the State agency or political subdivision may refer the matter to the proper law-making body. If the members of the panel decide that legal counsel is necessary they may, with the approval of the Attorney General, engage local counsel to advise them on the questions involved.[: Provided, however, That in] *In the case of grievances or controversies involving professional employes of the public school system of the Commonwealth, the school board or Board of Public Education, at the request of the employes, shall set up a panel of three members, one an employe of the school district to be selected by the employes, one a member of the board of school directors or Board of Public Education to be selected by such body, and the third shall be the State Superintendent of Public Instruction, or his nominee. The members of the panel shall serve without compensation, but shall receive all necessary traveling expenses, which shall be paid by the school district or Board of Public Education involved.*

Duties of panel.

Duties of Governor or head of State agency or political subdivision.

Grievances involving professional employes.

In the case of grievances or controversies involving employes other than professional employes of the public school system of the Commonwealth, the school board or board of public education, at the request of the employes, shall set up a panel of three members, one to

Grievances involving non-professional employes.

be selected by such employes, one to be selected by the Board of School Directors or Board of Public Education and the two so selected to select a third member. The panel shall meet within fifteen (15) days and shall consider all grievances submitted to it by the authorized representatives of such employes. The members of the panel shall serve without compensation but shall receive all necessary traveling expenses which shall be paid by the school district involved.

APPROVED—The 15th day of December, A. D. 1955.

GEORGE M. LEADER

No. 262

AN ACT

Amending the act of May four, one thousand nine hundred twenty-seven (Pamphlet Laws 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," further regulating the incorporation of boroughs, changing certain penalties and making such changes retroactive, fixing the expense allowance for delegates to the meetings of the State Association of Boroughs, providing for the creation of capital reserve funds for capital expenditures and the advertising of notices relative to land subdivision ordinances.

The Borough Code.

Sections 202, 1017, and subsection (e), section 1035, act of May 4, 1927, P. L. 519, reenacted and amended July 10, 1947, F. L. 1621, further amended.

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

Section 1. Section two hundred two, section one thousand seventeen and subsection (e) of section one thousand thirty-five, act of May four, one thousand nine hundred twenty-seven (Pamphlet Laws 519), known as "The Borough Code," reenacted and amended July ten, one thousand nine hundred forty-seven (Pamphlet Laws 1621), are amended to read:

Section 202. Applications for Incorporation.—The application for incorporation shall be by a petition signed by a majority of the freeholders residing within the limits of the proposed borough, [which] *when all parts of the proposed borough are in the same township and, where portions of the proposed borough are in different townships, the petition shall be signed by a majority of the freeholders residing in each of such separate portions.* The signatures must be secured within three months immediately preceding the presentation thereof to the court. Such petition shall be subscribed by and sworn to by at least one of the signers. The