

June 14, 2023

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APSCOF, on the other hand, claims that the Clean Indoor Air Act, while

exists, or intended, a provision of the contract was "in violation of"

of the contract. In any event, the contract was not intended to be a contract
which should be followed.

The contract was intended to be a contract which should be followed.

in the Commonwealth Court, section 1142 created a duty not

vested in the public employer the prerogative to pay a
higher rate, to do so as a result of collective bargaining
is not "in violation of, or inconsistent with, or in
conflict with" the statute in question. The mere fact that
the General Assembly granted the prerogative to the
employer does not exclude the possibility that the decision
to exercise that prerogative was influenced by the
collective bargaining process.

prohibit the public employer from making an agreement, as to
that specific term or condition of employment.

Pennsylvania Labor Relations Board v. State College School

provision of that regulation explicitly and definitively prohibits
NACSB from making an assessment of

campuses.

The General Assembly, however, has not explicitly reviewed
review statutes, such as the Clean Indoor Air Act, to determine whether
the General Assembly intended to prohibit collective bargaining within
the meaning of Section 703 of PERA. State College Area School District

will in circumstances not covered and those covered by the act. The act
and the act's purpose is to provide a framework for the act. The act
is intended to provide a framework for the act. The act is intended to
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them?" Representative Terfer responded that "Yes, ... [a]ssuming it is an outdoor area, smoking would be permitted." Legislative Journal - House, July 16, 2007 at 2061.

Under the Pennsylvania Department of Health, which is charged by the Clean Indoor Air Act with the "establishment of an Internet

requirements of this act." 35 P.S. §§ 637.9, also disagrees with PASSNS's interpretation. The Department of Health's Guidance for Public Places and Workplaces, as of August 21, 2008,² provides:

The outdoor property of a business building, for example,

understanding that under the Clean Indoor Air Act, smoking would be prohibited outdoors at PASSNS University.

If this was not clear enough, in a similar context with regard to outside areas of amusement parks, Representative Gabig noted that he did not see anything about prohibiting smoking in the bill.

... have a smoke, that is permitted under the law?" Representative Gerber responded, "Smoking is not permitted in the enclosed areas of the building."

Representative Gabig, for purposes of the Clean Indoor Air Act, the outside areas of amusement parks, zoos and state universities are essentially the same. Indeed, this view is consistent with that of

SMOKING IN ENCLOSED AREAS

... the law, which states that smoking is prohibited in all enclosed public places, including restaurants, bars, and other public places.

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COMMONWEALTH OF PENNSYLVANIA
Pennsylvania Labor Relations Board

ASSOCIATION OF PENNSYLVANIA STATE
COLLEGE AND UNIVERSITY FACULTIES :

v. :

PENNSYLVANIA STATE SYSTEM OF
HIGHER EDUCATION :

Case No. PERA-C-08-373-E

AFFIDAVIT OF COMPLIANCE

Approved by the Board
10/1/08
Robert M. Williams

