

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2289 Session of 2015

INTRODUCED BY EVERETT, CUTLER, MCGINNIS, KAUFFMAN, TALLMAN, ZIMMERMAN, WARD, DUSH, METCALFE, MOUL, SAYLOR, PHILLIPS-HILL, B. MILLER, SACCONI, KNOWLES, GROVE, TOPPER, RAPP, REGAN, EVANKOVICH, PICKETT, KLUNK, BLOOM AND MAJOR, AUGUST 16, 2016

AS REPORTED FROM COMMITTEE ON STATE GOVERNMENT, HOUSE OF REPRESENTATIVES, AS AMENDED, SEPTEMBER 27, 2016

AN ACT

1 Providing for accountability regarding collective bargaining
2 agreements between governmental entities and employee
3 organizations AND FOR DUTIES OF THE OFFICE OF ADMINISTRATION <--
4 AND THE OFFICE OF THE BUDGET.

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

7 Section 1. Short title.

8 This act shall be known and may be cited as the Commonwealth
9 Employee Collective Bargaining Accountability Act.

10 Section 2. Definitions.

11 The following words and phrases when used in this act shall
12 have the meanings given to them in this section unless the
13 context clearly indicates otherwise:

14 "Employee organization." As defined as "employe
15 organization" in section 301(3) of the act of July 23, 1970
16 (P.L.563, No.195), known as the Public Employe Relations Act.

17 "Independent Fiscal Office." The office established and

1 provided for in ~~71 Pa.C.S. Ch. 41 (relating to Independent~~ <--
2 ~~Fiscal Office)~~ THE ACT OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN <--
3 AS THE ADMINISTRATIVE CODE OF 1929.

4 ~~"Memorandum of understanding." A written document that is~~ <--
5 ~~jointly prepared by a public employer and an employee~~
6 ~~organization, stating:~~

7 ~~(1) That the public employer and employee organization~~
8 ~~have agreed to the terms and conditions of a collective~~
9 ~~bargaining agreement under section 901 of the Public Employe~~
10 ~~Relations Act.~~

11 ~~(2) The details of the agreement and the intent to sign~~
12 ~~the collective bargaining agreement.~~

13 "PROPOSED COLLECTIVE BARGAINING AGREEMENT." THE TERMS OF <--
14 BARGAINING BETWEEN A PUBLIC EMPLOYER AND AN EMPLOYEE
15 ORGANIZATION THAT:

16 (1) APPLY TO WAGES, HOURS, TERMS AND CONDITIONS OF
17 EMPLOYMENT, BENEFITS AND WORKING CONDITIONS.

18 (2) ARE REDUCED TO WRITING.

19 (3) ARE AGREED TO BY A DESIGNATED REPRESENTATIVE OF THE
20 PUBLIC EMPLOYER AND THE EMPLOYEE ORGANIZATION.

21 (4) ARE SUBMITTED FOR ACCEPTANCE AS A CONTRACT TO THE
22 PUBLIC EMPLOYER AND THE PUBLIC EMPLOYEE ORGANIZATION.

23 "Public employee." An employee of a public employer.

24 "Public employer." A department or agency under the
25 jurisdiction of the Governor's Office for purposes of collective
26 bargaining.

27 Section 3. Notice to General Assembly.

28 (a) Copy of ~~memorandum of understanding~~ PROPOSED COLLECTIVE <--
29 BARGAINING AGREEMENT.--At least 45 calendar days ~~before a public~~ <--
30 ~~employer signs a collective bargaining agreement with an~~

1 ~~employee organization~~ IN ADVANCE OF ITS EXECUTION, the ~~public~~ <--
2 ~~employer~~ OFFICE OF ADMINISTRATION AND THE OFFICE OF THE BUDGET <--
3 shall provide to the General Assembly a copy of ~~the memorandum~~ <--
4 ~~of understanding regarding the agreement~~ A PROPOSED COLLECTIVE <--
5 BARGAINING AGREEMENT.

6 (b) Required information.--The ~~memorandum of understanding~~ <--
7 PROPOSED COLLECTIVE BARGAINING AGREEMENT under subsection (a) <--
8 shall contain documentation that a formal request has been made
9 ON THE SAME DATE THAT THE PROPOSED COLLECTIVE BARGAINING <--
10 AGREEMENT WAS SUBMITTED TO THE GENERAL ASSEMBLY UNDER SUBSECTION
11 (A) to the Independent Fiscal Office for a tailed cost analysis
12 of the proposed collective bargaining agreement.

13 (C) THE PROPOSED COLLECTIVE BARGAINING AGREEMENT SHALL NOT <--
14 BE EXECUTED UNTIL 90 CALENDAR DAYS HAVE PASSED FROM THE DATE
15 THAT IT IS PROVIDED TO THE GENERAL ASSEMBLY IF NO LEGISLATIVE
16 SESSION DAYS ARE SCHEDULED BY EITHER CHAMBER WITHIN 45 CALENDAR
17 DAYS OF THE DATE THAT THE GENERAL ASSEMBLY RECEIVES THE PROPOSED
18 COLLECTIVE BARGAINING AGREEMENT UNDER SUBSECTION (A).

19 Section 4. Cost analysis.

20 ~~(a) Duty of Independent Fiscal Office. Within seven~~ <--
21 ~~business days of the request under section 3(b), the Independent~~
22 ~~Fiscal Office shall prepare a cost analysis of the proposed~~
23 ~~collective bargaining agreement.~~

24 ~~(b) Duty of Governor's Office. Within two business days of~~
25 ~~a request by the Independent Fiscal Office, the Governor's~~
26 ~~Office shall provide to the Independent Fiscal Office any data,~~
27 ~~analysis or other information determined to be necessary to~~
28 ~~prepare a cost analysis under subsection (a).~~

29 ~~(c) Content of cost analysis. A cost analysis under this~~
30 ~~section shall compare the costs of the collective bargaining~~

1 ~~agreement in effect at the time of submission to cost~~
2 ~~projections for the proposed collective bargaining agreement for~~
3 ~~the current fiscal year and the length of the proposed contract.~~

4 ~~The cost analysis shall include:~~

5 ~~(1) The number of public employees covered by the~~
6 ~~agreement, by fund.~~

7 ~~(2) Wages and salaries, by fund.~~

8 ~~(3) Employer costs for public employee benefits,~~
9 ~~including pension contributions, by fund.~~

10 ~~(4) A summary of the changes to paid leave, working~~
11 ~~hours, working conditions or any other term of employment in~~
12 ~~the proposed collective bargaining agreement and the~~
13 ~~projected cost of such changes, by fund.~~

14 ~~(5) A statement explaining the data, assumptions and~~
15 ~~methodology used to make the projections.~~

16 (A) COLLECTIVE BARGAINING AGREEMENTS.--WITHIN 15 CALENDAR <--
17 DAYS OF THE FORMAL REQUEST BEING MADE UNDER SECTION 3(B), THE
18 INDEPENDENT FISCAL OFFICE SHALL PROVIDE A COST ANALYSIS OF THE
19 PROPOSED COLLECTIVE BARGAINING AGREEMENT TO THE GENERAL
20 ASSEMBLY. THE OFFICE OF ADMINISTRATION, IN CONSULTATION WITH THE
21 OFFICE OF THE BUDGET, SHALL:

22 (1) SUBMIT TO THE INDEPENDENT FISCAL OFFICE COPIES OF
23 EACH PROPOSED COLLECTIVE BARGAINING AGREEMENT UNDER THE
24 JURISDICTION OF THE GOVERNOR AT LEAST 45 CALENDAR DAYS IN
25 ADVANCE OF ITS EXECUTION.

26 (2) CONCURRENT WITH EACH SUBMISSION UNDER PARAGRAPH (1),
27 PROVIDE THE INDEPENDENT FISCAL OFFICE WITH A DETAILED COST
28 ANALYSIS OF THE PROPOSED COLLECTIVE BARGAINING AGREEMENT. THE
29 ANALYSIS SHALL COMPARE THE COLLECTIVE BARGAINING AGREEMENT IN
30 EFFECT AT THE TIME OF SUBMISSION TO PROJECTIONS FOR THE

1 PROPOSED COLLECTIVE BARGAINING AGREEMENT FOR THE CURRENT
2 FISCAL YEAR AND THE REMAINING SUBSEQUENT FISCAL YEARS IN THE
3 AGREEMENT. THE ANALYSIS SHALL INCLUDE:

4 (I) THE NUMBER OF EMPLOYEES COVERED BY THE AGREEMENT
5 BY FUND.

6 (II) WAGES AND SALARIES BY FUND.

7 (III) EMPLOYER COSTS FOR EMPLOYEE BENEFITS,
8 INCLUDING PENSION CONTRIBUTIONS, BY FUND.

9 (IV) A SUMMARY OF THE CHANGES TO PAID LEAVE, WORKING
10 HOURS, WORKING CONDITIONS OR ANY OTHER TERM OF EMPLOYMENT
11 IN THE PROPOSED COLLECTIVE BARGAINING AGREEMENT AND THE
12 PROJECTED COST OF THE CHANGES BY FUND.

13 (V) A STATEMENT EXPLAINING THE DATA, ASSUMPTIONS AND
14 METHODOLOGY USED TO MAKE THE PROJECTIONS.

15 (3) WITHIN TWO CALENDAR DAYS OF A REQUEST BY THE
16 DIRECTOR OF THE INDEPENDENT FISCAL OFFICE, PROVIDE THE
17 INDEPENDENT FISCAL OFFICE WITH ANY INFORMATION, DATA,
18 STATISTICS OR ANALYSIS DETERMINED BY THE DIRECTOR TO BE
19 NECESSARY TO FULFILL THE OFFICE'S OBLIGATIONS UNDER THIS
20 SECTION.

21 Section 5. Appropriation of additional funds.

22 If a provision of a collective bargaining agreement outlined
23 in a memorandum of understanding directly requires an
24 expenditure of funds that exceeds the amount appropriated for
25 the comparable collective bargaining agreement in effect at the
26 time or immediately prior to the proposed collective bargaining
27 agreement, the provision may not become effective unless
28 additional funds are appropriated through the enactment of the
29 general appropriation bill or a supplemental appropriation bill.

30 Section 6. Concurrent resolution.

1 (a) Legislative action.--

2 (1) ~~Within 20 calendar days after~~ AFTER receipt of the <--
3 ~~notice~~ PROPOSED COLLECTIVE BARGAINING AGREEMENT required <--
4 under section 3, ~~the Labor and Industry Committee of the~~ <--
5 ~~Senate or the Labor and Industry Committee of the House of~~
6 ~~Representatives~~ A STANDING COMMITTEE OF THE SENATE OR HOUSE <--
7 OF REPRESENTATIVES, or both, may report to the Senate or
8 House of Representatives a concurrent resolution expressing
9 to the Governor that it disapproves of the terms of the
10 proposed collective bargaining agreement outlined in the
11 memorandum of understanding.

12 (2) If either committee under paragraph (1) reports the
13 concurrent resolution before the ~~expiration of the 20-~~ <--
14 ~~calendar days, the Senate and the House of Representatives~~
15 ~~shall each have 20 calendar days from the date on which the~~
16 ~~concurrent resolution was reported to adopt the concurrent~~
17 ~~resolution.~~ COST ANALYSIS REQUIRED UNDER SECTION 4 HAS BEEN <--
18 DELIVERED TO THE GENERAL ASSEMBLY, NEITHER CHAMBER OF THE
19 GENERAL ASSEMBLY MAY VOTE ON THE RESOLUTION UNTIL AT LEAST
20 ONE DAY AFTER RECEIPT OF THE COST ANALYSIS. THE GENERAL
21 ASSEMBLY MUST PRESENT THE CONCURRENT RESOLUTION TO THE
22 GOVERNOR AT LEAST 10 CALENDAR DAYS BEFORE THE FINAL EXECUTION
23 DATE OF THE PROPOSED COLLECTIVE BARGAINING AGREEMENT.

24 (3) If the General Assembly adopts the concurrent
25 resolution by majority vote in both the Senate and the House
26 of Representatives, the concurrent resolution shall be
27 presented to the Governor in accordance with section 9 of
28 Article III of the Constitution of Pennsylvania.

29 (b) Action by Governor.--

30 (1) If the Governor does not return the concurrent

1 resolution to the General Assembly within 10 calendar days
2 after it is presented, the PROPOSED collective bargaining <--
3 agreement ~~outlined in the memorandum of understanding~~ may not <--
4 be finalized or signed.

5 (2) If the Governor vetoes the concurrent resolution,
6 the General Assembly may override the veto by a two-thirds
7 vote in each house. The Senate and the House of
8 Representatives shall each have 30 calendar days or 10
9 legislative days, whichever is longer, to override the veto.

10 (c) Time constraints.--

11 (1) If the General Assembly does not adopt the
12 concurrent resolution or override the veto in the time
13 prescribed in this section, the PROPOSED collective <--
14 bargaining agreement may be finalized and signed.

15 (2) If a concurrent resolution is reported out of
16 committee as required by subsection (a), the proposed
17 collective bargaining agreement may not be signed and
18 finalized until it is evident that the General Assembly did
19 not adopt the resolution or override a veto of the
20 resolution, as required by this section.

21 (d) Applicability.--Nothing in this section shall be
22 interpreted to conflict with provisions of section 4.

23 Section 7. Effective date.

24 This act shall take effect in 90 days.