

**HOUSE OF REPRESENTATIVES
FINAL BILL ANALYSIS**

BILL #:	HB 5007	FINAL HOUSE FLOOR ACTION:	
SPONSOR(S):	Appropriations Committee and McKeel	110 Y's	16 N's
COMPANION BILLS:	(SB 1504)	GOVERNOR'S ACTION: Approved	

SUMMARY ANALYSIS

HB 5007 passed the House on May 3, 2013, as SB 1504. Chapter 447, F.S., specifies the process for collective bargaining for public employees. The bargaining agent and the negotiator for the state must bargain collectively in the determination of the wages, hours, and terms and conditions of employment of the employees within the bargaining unit. Upon the issuance of the Governor's Budget Recommendations, any articles that have not been agreed to are declared at impasse. It is the Legislature's responsibility to resolve all issues at impasse between the parties in the General Appropriations Act or substantive legislation. Ultimately, the decisions made by the Legislature, as well as those agreed to by the parties, are reduced to writing, signed by the chief executive officer for the state and the bargaining agent for the union, and submitted to the members of the bargaining unit for ratification. If the agreement is not ratified by all parties, the actions taken by the Legislature shall take effect for the remainder of the first fiscal year subject to the negotiations.

The bill directs the resolution of collective bargaining issues at impasse not related to salary and benefit issues for the 2013-2014 fiscal year regarding state employees. Salary and benefit issues are typically resolved based on the spending decisions included in the Fiscal Year 2013-2014 General Appropriations Act or legislation implemented for that Act.

For Fiscal Year 2013-2014, the Legislature resolved all issues remaining at impasse between the unions and the state. The resolution varied from maintaining status quo language, the state's last offer or the union's last offer with modifications. However, many issues had already been resolved by the parties or there was no proposal on the table from the unions.

The bill was approved by the Governor on May 20, 2013, ch. 2013-43, L.O.F., and will become effective on July 1, 2013.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Background:

Chapter 447, F.S., specifies the process for collective bargaining for public employees. The bargaining agent and the negotiator for the state must bargain collectively in the determination of the wages, hours, and terms and conditions of employment of the employees within the bargaining unit. Any collective bargaining agreement reached must be reduced to writing, signed by the chief executive officer for the state and the bargaining agent for the union, and submitted to the members of the bargaining unit for ratification.

Typically, at the state level, an agreement is not reached on all issues. In that instance, and pursuant to s. 216.163(6), F.S., an impasse is declared on all unresolved issues when the Governor's Budget Recommendations are released. Within five days of the start of the impasse period, each party is required to notify the presiding officers of the Legislature of the unresolved issues. A joint select committee of members of the Florida House of Representatives and the Senate is appointed to review the positions of the parties and make recommendations to the Legislature on potential resolution. The committee's recommendation is provided to the presiding officers no later than ten days before the start of the regular legislative session. During the session, the Legislature shall take action to resolve all issues remaining at impasse. Any actions taken by the Legislature are binding on the parties.

Following the resolution of the impasse issues, the parties are required to reduce to writing an agreement that includes those issues agreed to by the parties as well as those issues resolved by the Legislature. As noted above, the agreement must be signed by the chief executive officer and the bargaining agent and presented to the members of the bargaining unit for ratification.

If the members ratify the agreement, all the provisions of the agreement take effect. If the members do not ratify the agreement, the issues resolved by the Legislature take effect for the next fiscal year which was the subject of the negotiations.

The certified bargaining units for state employees and the respective bargaining agents, along with the articles remaining at impasse, not including salary and benefit articles, include:

American Federation of State, County and Municipal Employees, Council 79

- Administrative and Clerical Unit
- Operational Services Unit
- Human Services Unit
- Professional Unit
 - Article 4 "No Discrimination"
 - Article 6 "Grievance Procedure"
 - Article 13 "Health and Safety"
 - Article 18 "Leaves of Absence, Hours of Work, Disability Leave"

Florida Nurses Association

- Professional Health Care Unit (agreed to all articles)

Police Benevolent Association

- Special Agent Unit
 - Article 23 "Workday, Workweek, and Overtime"
- Law Enforcement Unit
 - Article 10 "Disciplinary Action"
 - Article 18 "Hours of Work, Leave and Job-Connected Disability"
- Florida Highway Patrol Unit
 - Article 10 "Disciplinary Action"
 - Article 16 "Employment Outside State Government"
 - Article 18 "Hours of Work, Leave and Job-Connected Disability"

Florida State Fire Service Association

- Fire Service Unit
 - Article 1 "Recognition"
 - Article 2 "Gender Reference"
 - Article 3 "Vacant"
 - Article 4 "No Discrimination"
 - Article 5 "Representation Rights"
 - Article 6 "Grievance Procedures"
 - Article 7 "Disciplinary Action"
 - Article 8 "Workforce Reductions"
 - Article 9 "Voluntary Reassignment Transfer, Change in Duty Station and Promotions"
 - Article 10 "Occupation Profiles/Rules Maintained/Documentation"
 - Article 11 "Classification Review"
 - Article 12 "Personnel Records"
 - Article 13 "Health and Welfare"
 - Article 14 "State Vehicles and Vessels"
 - Article 15 "Probationary Status"
 - Article 16 "Retirement"
 - Article 17 "Allowances and Reimbursements"
 - Article 18 "Leaves of Absence"
 - Article 19 "Outside Employment"
 - Article 20 "Training and Education"
 - Article 21 "Committees"
 - Article 24 "On-Call Assignment, Call-Back and Residency"
 - Article 26 "Vacant"
 - Article 27 "Uniforms"
 - Article 28 "Vacant"
 - Article 29 "Vacant"
 - Article 30 "Vacant"
 - Article 31 "Management Rights"
 - Article 32 "Entire Agreement"
 - Article 33 "Savings Clause"

Federation of Physicians and Dentists

- Supervisory Nonprofessional Unit

- Article 11 "Classification and Pay Plan"
- Article 23 "Insurance Benefits"
- Physicians Unit
 - Article 19 "Insurance Benefits"
 - Article 21 "Pay Plan and Classification of Work"
- State Employees Attorneys Guild
 - Article 7 "Employee Standards of Conduct and Performance"
 - Article 10 "Classification and Pay Plan"
 - Article 19 "Insurance Benefits"

Teamsters Local Union No. 2011

- Security Services Unit
 - Article 23 "Hours of Work/Overtime"

Federation of Public Employees

- Lottery Administrative and Support Unit
 - Agreed to all articles except for Wages.

Provisions of the bill:

One of the collective bargaining units, the Florida State Fire Service Association, did not submit any formal proposals nor agree to meet with the state to negotiate, thus all articles remained at impasse. The bill resolves all articles as status quo with the contract that went into effect on July 1, 2012. The Florida Nurses Association was the only union to agree to its entire contract.

The bill resolves the articles remaining at impasse for fiscal year 2013-14 by imposing either status quo language, the state's last offer or the union's last offer with modifications. Issues related to salary and benefits are resolved according to provisions of the General Appropriations Act (SB 1500) or other related legislation.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

D. FISCAL COMMENTS:

None.