

**HOUSE OF REPRESENTATIVES
FINAL BILL ANALYSIS**

BILL #: HB 7A

FINAL HOUSE FLOOR ACTION:

SPONSOR(S): Corcoran

113 Y's 0 N's

**COMPANION SB 2504-A
BILLS:**

GOVERNOR'S ACTION: Approved

SUMMARY ANALYSIS

SB 2504-A passed the House on June 19, 2015 as HB 7A. 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 2015-2016 fiscal year regarding state employees. Salary and benefit issues are typically resolved based on the spending decisions included in the Fiscal Year 2015-2016 General Appropriations Act or legislation implemented for that Act.

Generally, most issues are resolved by the state and the unions and do not require legislative action (approximately 350 tentatively agreed to articles.) For Fiscal Year 2015-2016, there were 19 non-wage or benefit related issues remaining at impasse that were subject to resolution by the Legislature. The Legislature resolved 10 of the issues by maintaining the status quo and nine by the state's proposal.

The bill was approved by the Governor on June 23, 2015, ch. 2015-223, L.O.F., and will become effective on July 1, 2015.

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. The parties continue to negotiate outstanding issues. 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.

Provisions of the bill:

The bill resolves the articles remaining at impasse for fiscal year 2015-16 by imposing either status quo language or the state's last offer. Issues related to salary and benefits are resolved according to provisions of the General Appropriations Act (SB 2500-A). The following is a list of the certified bargaining units for state employees and the respective bargaining agents, along with the articles remaining at impasse and the associated legislative *resolution* of each (a description of select resolution of the issues follows this list):

Florida State Fire Service Association

- Fire Service Unit
 - o Article 13 "Health and Welfare" – *Status Quo*
 - o Article 23 "Hours of Work and Overtime" – *State's Proposal*
 - o Article 26 "Vacant" - *Status Quo*

Federation of Physicians and Dentists

- Supervisory Nonprofessional Unit
 - o Article 7 "Employee Standards of Conduct and Performance- *Status Quo*"
 - o One article Retirement Benefits proposed by the Union- *Status Quo*
- Physicians Unit
 - o Article 7 "Employee Standards of Conduct and Performance" - *Status Quo*
 - o One article "Retirement Benefits" proposed by the Union- *Status Quo*
- State Employees Attorneys Guild
 - o Article 7 "Employee Standards of Conduct and Performance" - *Status Quo*

- o One article “Retirement Benefits” proposed by the Union - *Status Quo*

Teamsters Local Union No. 2011

- Security Services Unit
 - o Article 3 “Vacant” – *Status Quo*
 - o Article 5 “Union Activities and Employee Representation” - *State’s Proposal*
 - o Article 6 “Grievance Procedure” - *State’s Proposal*
 - o Article 7 “Discipline and Discharge” - *State’s Proposal*
 - o Article 8 “Workforce Reduction” - *State’s Proposal*
 - o Article 9 “Reassignment, Transfer, Change in Duty Station” - *State’s Proposal*
 - o Article 10 “Promotions” - *State’s Proposal*
 - o Article 13 “Safety” – *Status Quo*
 - o Article 18 “Leaves of Absence” - *State’s Proposal*
 - o Article 26 “Uniform and Insignia” – *State’s Proposal*

Summary of Select Resolutions in the bill:

- The article related to “Grievance Procedure” was resolved by the state’s offer. The state offered language that standardized timeframes across contracts. The Union proposed reversing language imposed last year that established a standard of evidence, “preponderance”, in line with that used by the Public Employee Relations Commission.
- Articles related to “Retirement” were resolved by maintaining the status quo. The respective collective bargaining units proposed that no changes be made to the Florida Retirement System (FRS), which would impact the ability of future legislatures to make changes to the FRS as deemed appropriate.
- Articles related to “Standards of Conduct and Performance Reviews” were resolved by maintaining the status quo. The collective bargaining unit’s with offers on these articles proposed eliminating the “at-will” status of its members.
- The article related to “Safety” or proposed articles related to safety was resolved status quo. The offers from the unions would result in a significant fiscal impact and the state’s current policies and procedures have proven effective and efficient.
- The article related to “Workforce Reduction” was resolved by the state’s offer. The state offered language to include lateral transfers as an action that can be taken by an employee in lieu of a layoff. The Union proposed that an employee may not be laid off due to privatization, and that Union representation follow employees to the private entity, potentially violation labor laws.
- The article related to “Reassignment, Transfer, Change in Duty Station was resolved by the state’s proposal, which added lateral transfer to the actions that could be requested. The Union proposed that reassignments be based on seniority, restricting management’s ability to ensure appropriate staffing.
- The article related to “Uniform and Insignia” was resolved by state’s proposal of retaining the status quo. The Union proposed flexibility in purchasing clear lunch boxes, the state believed it was not an appropriate issue to address in a union contract.

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