

**HOUSE OF REPRESENTATIVES
FINAL BILL ANALYSIS**

BILL #:	HB 5005	FINAL HOUSE FLOOR ACTION:		
SUBJECT/SHORT TITLE	Collective Bargaining	110	Y's 2	N's
SPONSOR(S):	Appropriations Committee	GOVERNOR'S ACTION:		Approved
COMPANION BILLS:	SB 2504			

SUMMARY ANALYSIS

House Bill 5005 passed both chambers as Senate Bill 2504. SB 2504 passed the Senate on May 8, 2017, as amended by the conference committee. The House concurred in the conference committee amendment to the Senate bill and subsequently passed the bill as amended on May 8, 2017.

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 of the 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 of the state and the bargaining agent for the union, and are submitted to 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 negotiations.

The bill directs the resolution of collective bargaining issues at impasse not relating to salary and benefit issues for the 2017-2018 fiscal year regarding state employees. Salary and benefit issues are typically resolved by the spending decisions included in the Fiscal Year 2017-2018 General Appropriations Act (GAA) or conforming legislation.

Generally, most issues are resolved by the state and unions and do not require legislative action (approximately 325 agreed to articles.) For the Fiscal Year 2017-2018, there were 37 articles remaining at impasse, 22 were economic in nature and were resolved in the GAA or conforming legislation. The remaining 15 articles were resolved in this bill by maintaining the status quo language under the current contract.

This bill was approved by the Governor on June 16, 2017, ch. 2017-125, L.O.F., and will become effective on July 1, 2017.

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. 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.

Provisions of the bill:

For the Fiscal Year 2017-2018, there were 37 articles remaining at impasse between the parties, 22 were economic in nature and were resolved in the GAA (SB 2500) or conforming legislation (SB 7022.) This bill resolves the 15 articles remaining at impasse by imposing status quo language of the current contract, as illustrated in the following table.

Article	State’s Last Proposal	Union’s Last Proposal	CR/SB 2504
Selected Exempt Service (SES) - Attorneys Unit (4 Articles at Impasse)			
10 - Classification and Pay Plan	State Proposal of November 14, 2016: Status Quo	None	Status Quo
11 - Classification Review and Professional Practice Scope	State Proposal of November 14, 2016: Status Quo	None	Status Quo
Selected Exempt Service (SES) - Supervisory Non-professional Unit (3 Articles at Impasse)			
11 - Classification and Pay Plan	State Proposal of November 14, 2016: Status Quo	None	Status Quo

(Table Continued on the next page)

Article	State's Last Proposal	Union's Last Proposal	CR/SB 2504
Selected Exempt Service (SES) - Physicians Unit			
10 - Classification and Pay Plan	State Proposal of November 14, 2016: Status Quo	None	Status Quo
11 - Classification Review and Professional Practice Scope	State Proposal of November 14, 2016: Status Quo	None	Status Quo
Florida State Fire Service Association - Fire Service Unit			
9-Reassignment, Lateral Action, Transfer, Change in Duty Station and Promotion	State Proposal of January 27, 2017: Revises language to reflect the new People First request process. Eliminates submittal of the current paper form.	Union Proposal of February 1, 2017: Adds language that reassignments must result in substantially different duties.	Status Quo
23 - Hours of Work and Overtime	State's Proposal of January 27, 2017: Status Quo	Union Proposal of November 21, 2016: All employees will have access to the People First automated system to enter time sheets.	Status Quo
AFSCME Florida Council 79			
18 - Leaves of Absence, Hours of Work, Disability Leave	State Proposal of January 10, 2017: Removes agencies' consideration of employee preference to use leave when placed on suspension.	Union Proposal of November 15, 2016: Unused special compensatory leave paid instead of forfeited.	Status Quo
Police Benevolent Association:			
Law Enforcement Unit			
18 - Hours of Work, Leave and Job-Connected Disability	State Proposal of January 30, 2017: Status Quo	Union Proposal of February 3, 2017: No offset of anticipated excess hours in a workweek, credit holiday hours in the amount of their regular shift	Status Quo
Florida Highway Patrol Unit			
18 - Hours of Work, Leave and Job-Connected Disability	State Proposal of January 30, 2017: Status Quo	Union Proposal of February 3, 2017: No offset of anticipated excess hours in a workweek, credit holiday hours in the amount of their regular shift	Status Quo
Special Agent			
18 - Leave	State Proposal January 30, 2017: Status Quo	Union Proposal of February 3, 2017: Credit holiday hours in the amount of the regular shift, and credit officers with holiday leave regardless of other time off taken in the same week.	Status quo
23 - Workday, Workweek and Overtime	State Proposal of January 30, 2017: Status Quo	Union Proposal of February 3, 2017: No offset of anticipated excess hours in a workweek, credit holiday hours in the amount of their regular shift	Status quo
Security Services Unit			
18 - Leave of Absence	None	Union Proposal of January 30, 2017: Credit holiday hours in the amount of the regular shift, and credit officers with holiday leave regardless of other time off taken in the same week.	Status Quo
23 - Hours of Work/Overtime	State Proposal of January 30, 2017: Status Quo	Union Proposal of January 30, 2017: No offset of anticipated excess hours in a workweek, credit holiday hours in the amount of their regular shift	Status Quo
Proposed Procedure No. 208.005	State Proposal of March 6, 2017: Revise current procedures relating to promotional opportunities and requests to provide greater agency flexibility to select qualified individuals.	In discussion.	Status Quo

B. SECTION DIRECTORY:

Section 1: Provides for resolution of collective bargaining issues at impasse between the State of Florida and certified collective bargaining units pursuant to specified instructions.

Section 2: Provides effective date of July 1, 2017.

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:

D. FISCAL COMMENTS: