

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 5707 PCB APC 17-09 Collective Bargaining
SPONSOR(S): Appropriations Committee, Trujillo
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Appropriations Committee	17 Y, 10 N	Delaney	Leznoff

SUMMARY ANALYSIS

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 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 negotiations.

The bill directs the resolution of collective bargaining issues at impasse not related 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 HB 5701, the House 2017-18 General Appropriations Act (GAA) or legislation implementing that Act.

Generally, most issues are resolved by the state and unions and do not require legislative action (approximately 350 agreed to articles.) For the Fiscal Year 2017-2018, there were 14 non-wage or benefit related issues remaining at impasse that were subject to resolution by the Legislature. The bill resolves all 14 issues by maintaining the current language in the contract.

The bill has an effective date of July 1, 2017.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED 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.

Upon execution of the collective bargaining agreement, the Governor must request the legislative body to appropriate amounts sufficient to fund the provisions of the agreement. If the Legislature appropriates funds that are not sufficient to fund the agreement, the agreement must be administered on the basis of the amounts actually appropriated.

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.

The certified bargaining units for state employees and the respective bargaining agents include:

American Federation of State, County and Municipal Employees, Council 79 (AFSCME)

- Administrative and Clerical Unit
- Operational Services Unit
- Human Services Unit
- Professional Unit

Florida Nurses Association

- Professional Health Care Unit

Police Benevolent Association

- Special Agent Unit
- Law Enforcement Unit
- Florida Highway Patrol Unit
- Lottery Law Enforcement Unit
- Security Services Unit

Florida State Fire Service Association

- Fire Service Unit

Federation of Physicians and Dentists

- Supervisory Non-professional Unit
- Physicians Unit

State Employees Attorneys Guild

- Attorneys Unit

Federation of Public Employees

- Lottery Administrative and Support Unit

Provisions of the bill:

The bill resolves the articles remaining at impasse for fiscal year 2017-2018 by imposing status quo language of the current contract for all 14 non-economic issues remaining at impasse between parties. Issues related to salary and benefits are resolved according to provisions of HB 5701, the House 2017-18 General Appropriations Act (GAA). The following is a list of the articles remaining at impasse and the associated legislative resolution of each (a description of select resolution of the issues follows this list):

Police Benevolent Association

- Special Agent Unit
 - Article 18 "Leave" – *Status Quo*
 - Article 23 "Workday, Workweek, and Overtime" – *Status Quo*
- Law Enforcement Unit
 - Article 18 "Hours of Work, Leave and Job-Connected Disability" – *Status Quo*
- Florida Highway Patrol Unit
 - Article 18 "Hours of Work, Leave and Job-Connected Disability" – *Status Quo*
- Security Services Unit
 - Article 18 "Leave of Absence" – *Status Quo*
 - Article 23 "Hours of Work/Overtime" – *Status Quo*

Florida State Fire Service Association

- Fire Service Unit
 - Article 9 “Voluntary Reassignment, Transfer, Change in Duty Station and Promotions” – *Status Quo*
 - Article 23 “Hours of Work and Overtime” – *Status Quo*

Federation of Physicians and Dentists

- Supervisory Non-professional Unit
 - Article 11 “Classification and Pay Plan” – *Status Quo*
- Physicians Unit
 - Article 10 “Classification and Pay Plan” – *Status Quo*
 - Article 11 “Classification Review and Professional Scope” – *Status Quo*
- Attorneys Unit
 - Article 10 “Classification and Pay Plan” – *Status Quo*
 - Article 11 “Classification Review and Professional Scope” – *Status Quo*

American Federation of State, County and Municipal Employees (AFSCME)

- Article 18 “Leaves of Absence, Hours of Work, Disability Leave” – *Status Quo*

Summary of Select Resolutions in the bill:

- Articles at impasse between the state and the Police Benevolent Association (PBA) pertaining to hours of work and overtime were resolved by maintaining the status quo language from the current contract. The Union proposed that overtime hours worked not be offset in the same workweek and that holiday leave be awarded in the amount of the regularly scheduled shift.
- The Article at impasse between the state and the Florida State Fire Service Association pertaining to “Voluntary Reassignment, Transfer, Change in Duty Station, and Promotions was resolved by maintaining the status quo language of the current contract. The union proposed defining lateral transfers as being into positions with substantially different duties.
- Articles at impasse between the state and the Federation of Physicians and Dentists pertaining to classification and professional scope were resolved by maintaining the status quo language in the current contract. The state proposed status quo language, while the union did not make a formal offer.
- The Article at impasse between the state and AFSCME pertaining to leaves of absence and hours of work was resolved by maintaining the status quo language of the current contract. The union proposed that unused Special Compensatory leave be paid instead of forfeited, while the state proposed eliminating the requirement that the state give consideration to employee preference to use leave when placed on suspension.

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:

None

D. FISCAL COMMENTS:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None. This bill does not appear to affect county or municipal government.

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES