

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1235 Session of  
2005

INTRODUCED BY ARGALL, DeWEESE, BENNINGHOFF, GOODMAN, ARMSTRONG, BARRAR, BASTIAN, CALTAGIRONE, CAPPELLI, CAWLEY, CLYMER, CRAHALLA, DeLUCA, DENLINGER, J. EVANS, FABRIZIO, FAIRCHILD, FORCIER, FREEMAN, GEIST, GEORGE, GILLESPIE, GINGRICH, HALUSKA, HARHAI, HARRIS, HASAY, HERMAN, HUTCHINSON, JAMES, JOSEPHS, W. KELLER, KIRKLAND, LEACH, LEH, MANN, McGEEHAN, MUNDY, NICKOL, O'NEILL, PHILLIPS, READSHAW, REED, REICHLEY, ROBERTS, SATHER, SCAVELLO, B. SMITH, SOLOBAY, STABACK, STERN, SURRA, TANGRETTI, E. Z. TAYLOR, TIGUE, WALKO, WANSACZ, WILT, YOUNGBLOOD AND YUDICHAK, MARCH 30, 2005

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 30, 2005

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled  
2 "An act providing for and reorganizing the conduct of the  
3 executive and administrative work of the Commonwealth by the  
4 Executive Department thereof and the administrative  
5 departments, boards, commissions, and officers thereof,  
6 including the boards of trustees of State Normal Schools, or  
7 Teachers Colleges; abolishing, creating, reorganizing or  
8 authorizing the reorganization of certain administrative  
9 departments, boards, and commissions; defining the powers and  
10 duties of the Governor and other executive and administrative  
11 officers, and of the several administrative departments,  
12 boards, commissions, and officers; fixing the salaries of the  
13 Governor, Lieutenant Governor, and certain other executive  
14 and administrative officers; providing for the appointment of  
15 certain administrative officers, and of all deputies and  
16 other assistants and employes in certain departments, boards,  
17 and commissions; and prescribing the manner in which the  
18 number and compensation of the deputies and all other  
19 assistants and employes of certain departments, boards and  
20 commissions shall be determined," providing for staffing  
21 levels and limitations on inmate capacity at State  
22 correctional institutions.

23 The General Assembly of the Commonwealth of Pennsylvania  
24 hereby enacts as follows:

1 Section 1. The act of April 9, 1929 (P.L.177, No.175), known  
2 as The Administrative Code of 1929, is amended by adding a  
3 section to read:

4 Section 915-B. Staffing Levels and Inmate Capacity.--(a)  
5 The department shall utilize the following relief factor values  
6 when determining staffing levels for corrections officers and  
7 food service instructors at State correctional institutions:

8 (1) A minimum of 1.75 for all seven-day posts.

9 (2) A minimum of 1.55 for all six-day posts.

10 (3) A minimum of 1.25 for all five-day posts.

11 (b) A corrections officer or food service instructor vacancy  
12 at any State correctional institution or community corrections  
13 center shall be filled within thirty (30) days of the occurrence  
14 of the vacancy in accordance with applicable collective  
15 bargaining agreement or law in order to meet the staffing levels  
16 established in subsection (a).

17 (c) Except when necessary due to an emergency capacity  
18 situation, upon written notice to the department from an employe  
19 organization representing corrections officers and food service  
20 instructors at a State correctional institution in this  
21 Commonwealth that the total inmate capacity at the State  
22 correctional institution has exceeded one hundred thirty-five  
23 per centum (135%) of the total inmate capacity at the State  
24 correctional institution for more than thirty (30) consecutive  
25 days or sixty (60) days in the aggregate in any 12-month period,  
26 the department shall do the following:

27 (1) Within ten (10) business days of receiving the notice,  
28 conduct a Manpower survey of the institution in consultation  
29 with the employe organization, to determine the number of seven-  
30 day, six-day and five-day posts required at the institution for

each tenth percentile exceeding one hundred thirty-five per centum (135%) of the total inmate capacity. The survey shall be completed within fifteen (15) business days.

(2) Enter into negotiations with the employe organization to discuss required staffing levels at the institution. If no agreement is reached on the number of posts required at the institution within seven (7) business days, the department shall enter into arbitration as provided for under the collective bargaining agreement of the employe organization to set the required staffing levels at the institution. The arbitration shall be completed within fifteen (15) business days.

(3) Implement the number of posts determined by the joint Manpower survey or arbitration within ten (10) business days of the completion of the joint Manpower survey or arbitration, whichever is later.

(d) The following words and phrases when used in this section shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Department" means the Department of Corrections of the Commonwealth.

"Emergency capacity situation" means any extraordinary occurrence which is outside the immediate control of the department, necessitating that the department transfer inmates from their current institution to other institutions in the interests of maintaining the overall safety of the inmates and the protection of the public.

"Inmate" means an individual who has been court ordered to the care and custody of the department.

"State correctional institution" means a jail, prison or detention facility operated by the Commonwealth and used for the

1 detention and confinement of inmates.

2 "Total inmate capacity" means the number of inmates living in  
3 those areas of a State correctional institution specifically and  
4 purposefully designed as living quarters.

5 Section 2. This act shall take effect in 60 days.