

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 103 Session of 2009

INTRODUCED BY EICHELBERGER, FOLMER, BRUBAKER, PILEGGI, WARD,
ALLOWAY, BAKER, ROBBINS, ORIE, TOMLINSON, VOGEL, RAFFERTY,
BROWNE, PICCOLA, CORMAN, BOSCOLA, PIPPY, GREENLEAF, WAUGH,
WONDERLING, SMUCKER, D. WHITE AND SCARNATI, MARCH 18, 2009

REFERRED TO STATE GOVERNMENT, MARCH 18, 2009

AN ACT

1 Providing for banning bonuses provided to employees of
2 Commonwealth agencies.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Commonwealth
7 Agency Bonus Ban Act.

8 Section 2. Definitions.

9 The following words and phrases when used in this act shall
10 have the meanings given to them in this section unless the
11 context clearly indicates otherwise:

12 "Bonus." Any monetary compensation given to an employee
13 above and beyond the employee's annual salary or other rate of
14 pay. The term does not include the following:

15 (1) Reimbursement or payments for expenses related to
16 official business, including meals, housing, uniforms, car
17 allowance and other expenses.

1 (2) Severance payments pursuant to a personnel
2 compensation plan, contract or collective bargaining
3 agreement.

4 (3) Payments for unused vacation or sick leave.

5 (4) An annual cost-of-living adjustment equivalency
6 payment made to an individual, at the maximum of a salary
7 range, adopted pursuant to a personnel compensation plan or a
8 collective bargaining agreement.

9 (5) An arbitration award.

10 (6) Payments made pursuant to litigation.

11 (7) Overtime payments required for work performed in
12 excess of the maximum workweek.

13 (8) Shift differential payments, standby or call-time
14 payments or extra duty payments made pursuant to a collective
15 bargaining agreement.

16 A personnel compensation plan, contract or collective bargaining
17 agreement under this definition shall be in writing and shall be
18 open for public inspection.

19 "Commonwealth agency." Any of the following:

20 (1) The Governor, Lieutenant Governor, Attorney General,
21 Auditor General, State Treasurer and the departments,
22 offices, boards, authorities, commissions and other agencies
23 of the executive branch of the government of this
24 Commonwealth, whether or not subject to the supervision and
25 control of the Governor.

26 (2) The legislative branch of the government of this
27 Commonwealth.

28 (3) Any court and any office of the unified judicial
29 system of this Commonwealth.

30 Section 3. Bonus ban.

1 No Commonwealth agency may pay a bonus to any of its
2 employees.

3 Section 4. Penalties.

4 (a) Reimbursement.--Employees of Commonwealth agencies who
5 are paid a bonus after the effective date of this section shall
6 reimburse their employer for the full amount of the bonus.

7 (b) Penalty.--An individual who intentionally approves or
8 authorizes a bonus prohibited by this act commits a misdemeanor
9 of the third degree.

10 (c) Effect on compensation.--A bonus payment made in
11 violation of section 3 as determined by the agency or by a court
12 of competent jurisdiction shall not be deemed to be compensation
13 under 71 Pa.C.S. Pt. XXV (relating to retirement for State
14 employees and officers). This act shall not affect the
15 definition of "compensation" under 71 Pa.C.S. Pt. XXV or 24
16 Pa.C.S. Pt. IV (relating to retirement for school employees).

17 Section 5. Applicability.

18 The provisions of this act shall not abrogate any provision
19 of an existing collective bargaining agreement or employment
20 contract.

21 Section 6. Effective date.

22 This act shall take effect in 30 days.