

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 108

Session of
1987

INTRODUCED BY LAUGHLIN, MORRIS, OLASZ, BELFANTI, JAROLIN,
STEIGHNER, CAPPABIANCA AND TRUMAN, FEBRUARY 3, 1987

REFERRED TO COMMITTEE ON LABOR RELATIONS, FEBRUARY 3, 1987

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," imposing restrictions on
21 contracts for work or services normally performed by
22 Commonwealth employees.

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

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

Section 516.1. Restrictions on Letting of Contracts.--(a)

No administrative department, board or commission of the Commonwealth, including the Office of the Governor, shall contract out for work or services normally or traditionally performed by employees of such department, board or commission, or by other employees of the Commonwealth, unless all of the following conditions are met:

(1) The contract is let to a Pennsylvania-based business or professional concern, and the contract stipulates that the work or services thereunder are to be performed by persons at least seventy-five (75%) per centum of whom are domiciled in this Commonwealth at the time that the contract is let.

(2) The contracting-out of such work or services will not result or will not likely result in the layoff or furlough of Commonwealth employees who normally or traditionally perform such work or services, and will not result in significant diminution of the work available to such Commonwealth employees, and the chief administrative officer of the contracting department, board or commission so certifies in writing.

(3) The performance of the contemplated work or services by an independent contractor will not perpetuate personnel vacancies in the department, board or commission which normally or traditionally performs the work or services where such vacancies exist in job positions which have been budgeted or funded.

(4) There are no permanent Commonwealth employees on layoff or furlough status who have normally or traditionally performed the contemplated work or services as part of their job duties for the Commonwealth; or in any event, there is collectively an insufficient number of such Commonwealth employees on active and

1 furlough status to conduct the contemplated work or services,
2 thus necessitating the letting of the contract to an independent
3 contractor with sufficient personnel to undertake the specific
4 project.

5 (5) No provision of the Constitution of the Commonwealth of
6 Pennsylvania or any other law requires that such work or
7 services be performed only by employees of the Commonwealth.

8 (b) The provisions of subsection (a), except for clause (1)
9 thereof, shall not apply in any situation involving professional
10 services or specialized services in which a certifiable conflict
11 of interest would exist if a particular work or services project
12 was performed by employees of the Commonwealth, or of its
13 departments, boards or commissions, and the chief administrative
14 officer of the department, board or commission so certifies in
15 writing.

16 (c) The provisions of this section shall not be construed as
17 eliminating, displacing or diluting the provisions of any other
18 law which regulates or limits the letting of contracts, but
19 shall instead be construed as being in addition thereto.

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