

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 103 Session of 2011

INTRODUCED BY EICHELBERGER, SCARNATI, ROBBINS, BROWNE, ORIE,
VOGEL, FOLMER, PICCOLA, SMUCKER, RAFFERTY, D. WHITE,
TOMLINSON, KASUNIC, BAKER, M. WHITE, WARD, PIPPY, BOSCOLA,
BRUBAKER, WAUGH, MENSCH, BREWSTER, EARLL, GREENLEAF AND
PILEGGI, JANUARY 12, 2011

REFERRED TO STATE GOVERNMENT, JANUARY 12, 2011

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

allowance and other expenses.

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

(3) Payments for unused vacation or sick leave.

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

(5) An arbitration award.

(6) Payments made pursuant to litigation.

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

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

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

"Commonwealth agency." Any of the following:

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

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

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

1 Section 3. Bonus ban.

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

4 Section 4. Penalties.

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

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

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

18 Section 5. Applicability.

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

22 Section 6. Effective date.

23 This act shall take effect in 30 days.