

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2289 Session of  
2015

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EVANKOVICH, PICKETT AND KLUNK, AUGUST 16, 2016

REFERRED TO COMMITTEE ON STATE GOVERNMENT, AUGUST 16, 2016

AN ACT

1 Providing for accountability regarding collective bargaining  
2 agreements between governmental entities and employee  
3 organizations.

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

6 Section 1. Short title.

7 This act shall be known and may be cited as the Commonwealth  
8 Employee Collective Bargaining Accountability Act.

9 Section 2. Definitions.

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

13 "Employee organization." As defined as "employee  
14 organization" in section 301(3) of the act of July 23, 1970  
15 (P.L.563, No.195), known as the Public Employee Relations Act.

16 "Independent Fiscal Office." The office established and  
17 provided for in 71 Pa.C.S. Ch. 41 (relating to Independent

1 Fiscal Office).

2 "Memorandum of understanding." A written document that is  
3 jointly prepared by a public employer and an employee  
4 organization, stating:

5 (1) That the public employer and employee organization  
6 have agreed to the terms and conditions of a collective  
7 bargaining agreement under section 901 of the Public Employe  
8 Relations Act.

9 (2) The details of the agreement and the intent to sign  
10 the collective bargaining agreement.

11 "Public employee." An employee of a public employer.

12 "Public employer." A department or agency under the  
13 jurisdiction of the Governor's Office for purposes of collective  
14 bargaining.

15 Section 3. Notice to General Assembly.

16 (a) Copy of memorandum of understanding.--At least 45  
17 calendar days before a public employer signs a collective  
18 bargaining agreement with an employee organization, the public  
19 employer shall provide to the General Assembly a copy of the  
20 memorandum of understanding regarding the agreement.

21 (b) Required information.--The memorandum of understanding  
22 under subsection (a) shall contain documentation that a formal  
23 request has been made to the Independent Fiscal Office for a  
24 detailed cost analysis of the proposed collective bargaining  
25 agreement.

26 Section 4. Cost analysis.

27 (a) Duty of Independent Fiscal Office.--Within seven  
28 business days of the request under section 3(b), the Independent  
29 Fiscal Office shall prepare a cost analysis of the proposed  
30 collective bargaining agreement.

1 (b) Duty of Governor's Office.--Within two business days of  
2 a request by the Independent Fiscal Office, the Governor's  
3 Office shall provide to the Independent Fiscal Office any data,  
4 analysis or other information determined to be necessary to  
5 prepare a cost analysis under subsection (a).

6 (c) Content of cost analysis.--A cost analysis under this  
7 section shall compare the costs of the collective bargaining  
8 agreement in effect at the time of submission to cost  
9 projections for the proposed collective bargaining agreement for  
10 the current fiscal year and the length of the proposed contract.  
11 The cost analysis shall include:

12 (1) The number of public employees covered by the  
13 agreement, by fund.

14 (2) Wages and salaries, by fund.

15 (3) Employer costs for public employee benefits,  
16 including pension contributions, by fund.

17 (4) A summary of the changes to paid leave, working  
18 hours, working conditions or any other term of employment in  
19 the proposed collective bargaining agreement and the  
20 projected cost of such changes, by fund.

21 (5) A statement explaining the data, assumptions and  
22 methodology used to make the projections.

23 Section 5. Appropriation of additional funds.

24 If a provision of a collective bargaining agreement outlined  
25 in a memorandum of understanding directly requires an  
26 expenditure of funds that exceeds the amount appropriated for  
27 the comparable collective bargaining agreement in effect at the  
28 time or immediately prior to the proposed collective bargaining  
29 agreement, the provision may not become effective unless  
30 additional funds are appropriated through the enactment of the

1 general appropriation bill or a supplemental appropriation bill.

2 Section 6. Concurrent resolution.

3 (a) Legislative action.--

4 (1) Within 20 calendar days after receipt of the notice  
5 required under section 3, the Labor and Industry Committee of  
6 the Senate or the Labor and Industry Committee of the House  
7 of Representatives, or both, may report to the Senate or  
8 House of Representatives a concurrent resolution expressing  
9 to the Governor that it disapproves of the terms of the  
10 proposed collective bargaining agreement outlined in the  
11 memorandum of understanding.

12 (2) If either committee under paragraph (1) reports the  
13 concurrent resolution before the expiration of the 20  
14 calendar days, the Senate and the House of Representatives  
15 shall each have 20 calendar days from the date on which the  
16 concurrent resolution was reported to adopt the concurrent  
17 resolution.

18 (3) If the General Assembly adopts the concurrent  
19 resolution by majority vote in both the Senate and the House  
20 of Representatives, the concurrent resolution shall be  
21 presented to the Governor in accordance with section 9 of  
22 Article III of the Constitution of Pennsylvania.

23 (b) Action by Governor.--

24 (1) If the Governor does not return the concurrent  
25 resolution to the General Assembly within 10 calendar days  
26 after it is presented, the collective bargaining agreement  
27 outlined in the memorandum of understanding may not be  
28 finalized or signed.

29 (2) If the Governor vetoes the concurrent resolution,  
30 the General Assembly may override the veto by a two-thirds

1 vote in each house. The Senate and the House of  
2 Representatives shall each have 30 calendar days or 10  
3 legislative days, whichever is longer, to override the veto.

4 (c) Time constraints.--

5 (1) If the General Assembly does not adopt the  
6 concurrent resolution or override the veto in the time  
7 prescribed in this section, the collective bargaining  
8 agreement may be finalized and signed.

9 (2) If a concurrent resolution is reported out of  
10 committee as required by subsection (a), the proposed  
11 collective bargaining agreement may not be signed and  
12 finalized until it is evident that the General Assembly did  
13 not adopt the resolution or override a veto of the  
14 resolution, as required by this section.

15 (d) Applicability.--Nothing in this section shall be  
16 interpreted to conflict with provisions of section 4.

17 Section 7. Effective date.

18 This act shall take effect in 90 days.