

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 986 Session of 2007

INTRODUCED BY EICHELBERGER, SCARNATI, FOLMER, RAFFERTY, ORIE, DINNIMAN, GREENLEAF, REGOLA, PIPPY, BOSCOLA, VANCE, WAUGH, D. WHITE, EARLL, PICCOLA, ARMSTRONG, BRUBAKER, COSTA, ROBBINS, BAKER, RHOADES, WONDERLING, WOZNIAK, TOMLINSON AND C. WILLIAMS, JUNE 20, 2007

AS AMENDED ON THIRD CONSIDERATION, OCTOBER 16, 2007

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 ~~reimbursement for mileage and~~  
15 ~~expenses for official business.~~ THE FOLLOWING: <—

16 (1) REIMBURSEMENT OR PAYMENTS FOR EXPENSES RELATED TO <—

1 OFFICIAL BUSINESS, INCLUDING MEALS, HOUSING, UNIFORMS, CAR  
2 ALLOWANCE AND OTHER EXPENSES.

3 (2) SEVERANCE PAYMENTS PURSUANT TO A PERSONNEL  
4 COMPENSATION PLAN, CONTRACT OR COLLECTIVE BARGAINING  
5 AGREEMENT.

6 (3) PAYMENTS FOR UNUSED VACATION OR SICK LEAVE.

7 (4) AN ANNUAL COST-OF-LIVING ADJUSTMENT EQUIVALENCY  
8 PAYMENT MADE TO AN INDIVIDUAL, AT THE MAXIMUM OF A SALARY  
9 RANGE, ADOPTED PURSUANT TO A PERSONNEL COMPENSATION PLAN OR A  
10 COLLECTIVE BARGAINING AGREEMENT.

11 (5) AN ARBITRATION AWARD.

12 (6) PAYMENTS MADE PURSUANT TO LITIGATION.

13 (7) OVERTIME PAYMENTS REQUIRED FOR WORK PERFORMED IN  
14 EXCESS OF THE MAXIMUM WORKWEEK.

15 (8) ANNUAL PERFORMANCE-BASED INCENTIVE PAYMENTS BASED ON  
16 OBJECTIVE CRITERIA MADE PURSUANT TO A PERSONNEL COMPENSATION  
17 PLAN INCLUDED IN AN INDIVIDUAL EMPLOYMENT CONTRACT OR  
18 COLLECTIVE BARGAINING AGREEMENT.

19 (9) SHIFT DIFFERENTIAL PAYMENTS, STANDBY OR CALL-TIME  
20 PAYMENTS OR EXTRA DUTY PAYMENTS MADE PURSUANT TO A COLLECTIVE  
21 BARGAINING AGREEMENT.

22 A PERSONNEL COMPENSATION PLAN, CONTRACT OR COLLECTIVE BARGAINING  
23 AGREEMENT UNDER THIS DEFINITION SHALL BE IN WRITING AND SHALL BE  
24 OPEN FOR PUBLIC INSPECTION.

25 "Commonwealth agency." Any of the following:

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

1 control of the Governor.

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

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

6 Section 3. Bonus ban.

7 No Commonwealth agency may pay a bonus to any of its  
8 employees.

9 Section 4. Penalties.

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

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

16 SECTION 5. APPLICABILITY. <—

17 THE PROVISIONS OF THIS ACT SHALL NOT ABROGATE ANY PROVISION  
18 OF AN EXISTING COLLECTIVE BARGAINING AGREEMENT OR EMPLOYMENT  
19 CONTRACT.

20 Section 5 6. Effective date. <—

21 This act shall take effect in 30 days.