

**HOUSE OF REPRESENTATIVES
FINAL BILL ANALYSIS**

BILL #:	HB 5007	FINAL HOUSE FLOOR ACTION:	
SPONSOR(S):	Appropriations Committee and Corcoran	120 Y's	0 N's
COMPANION BILLS:	SB 2504	GOVERNOR'S ACTION:	Approved

SUMMARY ANALYSIS

HB 5007 passed the House on March 11, 2016, and subsequently passed in the Senate.

Chapter 447, F.S., specifies the process for collective bargaining for public employees. The bargaining agent and the negotiator for the state must bargain collectively in the determination of the wages, hours, and terms and conditions of employment of the employees within the bargaining unit. Upon the issuance of the Governor's Budget Recommendations, any articles that have not been agreed to are declared at impasse. It is the Legislature's responsibility to resolve all of the issues at impasse between the parties in the General Appropriations Act or substantive legislation. Ultimately, the decisions made by the Legislature, as well as those agreed to by the parties, are reduced to writing, signed by the chief executive officer of the state and the bargaining agent for the union, and are submitted to the members of the bargaining unit for ratification. If the agreement is not ratified by all parties, the actions taken by the Legislature shall take effect for the remainder of the first fiscal year subject to negotiations.

The bill directs the resolution of collective bargaining issues at impasse not related to salary and benefit issues for the 2016-2017 fiscal year regarding state employees. Salary and benefit issues are typically resolved by the spending decisions included in the Fiscal Year 2016-2017 General Appropriations Act or legislation implementing that Act.

Generally, most issues are resolved by the state and unions and do not required legislative action (approximately 350 agreed to articles.) For the Fiscal Year 2016-2017, there were 31 non-wage or benefit related issues remaining at impasse that were subject to resolution by the Legislature. The Legislature resolved 21 issues by maintaining the status quo, eight by the state's proposal and 2 were resolved by combining elements of the state and union proposals.

The bill was approved by the Governor on March 17, 2016, ch. 2016-64, L.O.F. and will become effective on May 10, 2016.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Background:

Chapter 447, F.S., specifies the process for collective bargaining for public employees. The bargaining agent and the negotiator for the state must bargain collectively in the determination of the wages, hours of work, and terms and conditions of employment of the employees within the bargaining unit. Any collective bargaining agreement reached must be reduced to writing, signed by the chief executive officer of the state and the bargaining agent for the union, and be submitted to the members of the bargaining unit for ratification.

Typically, at the state level, an agreement is not reached on all issues. In that instance, and pursuant to s. 218.163(6), F.S., an impasse is declared on all unresolved issues when the Governor's Budget Recommendations are released. Within five days of the start of the impasse period, each party is required to notify the presiding officers of the Legislature of the unresolved issues. A joint select committee of members of the Florida House of Representatives and the Senate is appointed to review the positions of the parties and make recommendations to the Legislature on potential resolution. The committee's recommendations are provided to the presiding officers no later than ten days before the start of the regular legislative session. The parties continue to negotiate outstanding issues. During the session, the Legislature shall take action to resolve all issues remaining at impasse. Any actions taken by the Legislature are binding on all parties. Following resolution of the impasse issues, the parties are required to reduce to writing an agreement that includes those issues agreed to by the parties as well as those issues resolved by the Legislature. As noted above, the agreement must be signed by the chief executive officer and the bargaining agent and presented to the members of the bargaining unit for ratification.

If the members ratify the agreement, all the provisions of the agreement take effect. If the members do not ratify the agreement, the issues resolved by the Legislature take effect for the next fiscal year that was the subject of negotiations.

Provisions of the Bill:

The bill resolves the articles remaining at impasse for fiscal year 2016-2017 by imposing status quo language, the state's proposal, or a combination of the state and union proposals. Issues related to salary and benefits are resolved according to provisions of the General Appropriations Act (HB 5001). The following is a list of the certified bargaining units for state employees and respective bargaining agents, along with articles remaining at impasse and the associated legislative resolution of each (a description of select resolution of the issues follows this list):

Florida Nurses Association

- Professional Health Care Unit
 - Article 24 "On-Call Assignment" – *Status Quo*

Police Benevolent Association

- Special Agent Unit
 - Article 5 "Employee Representation and Association Activities" – *Status Quo*
 - Article 7 "Internal Investigations and Disciplinary Actions" – *State's Proposal*
 - Article 23 "Workday, Workweek, and Overtime" – *State's Proposal*
- Law Enforcement Unit

- Article 5 “Employee Representation and PBA Activities” – *Status Quo*
- Article 18 “Hours of Work, Leave and Job-Connected Disability” – *State’s Proposal*
- Florida Highway Patrol Unit
 - Article 5 “Employee Representation and PBA Activities” – *Status Quo*
 - Article 18 “Hours of Work, Leave and Job-Connected Disability” – *State’s Proposal*
- Lottery Law Enforcement Unit
 - Article 21 “On-Call Assignment, Call Back, Court Appearance” – *Combination of State and Union proposals.*
 - Article 23 “Uniforms, Equipment and Service Awards” – *State’s Proposal*

Florida State Fire Service Association

- Fire Service Unit
 - Article 9 “Voluntary Reassignment, Transfer, Change in Duty Station and Promotions” – *Combination of State and Union proposals.*
 - Article 23 “Hours of Work and Overtime” – *State’s Proposal*

Federation of Physicians and Dentists

- Supervisory Non-professional Unit
 - Article 3 “Vacant” – *Status Quo*
 - Article 9 “Vacant” – *Status Quo*
 - Article 24 “Vacant” – *Status Quo*
 - Article 27 “Vacant” – *Status Quo*
- Physicians Unit
 - Article 3 “Vacant” – *Status Quo*
 - Article 22 “Vacant” – *Status Quo*
- Attorneys Unit
 - Article 3 “Vacant” – *Status Quo*
 - Article 15 “Vacant” – *Status Quo*
 - Article 22 “Vacant” – *Status Quo*

Teamsters Local Union No. 2011

- Security Services Unit
 - Article 5 “Union Activities and Employee Representation” – *State’s Proposal*
 - Article 6 “Grievance Procedure” – *Status Quo*
 - Article 7 “Discipline and Discharge” – *State’s Proposal*
 - Article 8 “Workforce Reduction” – *State’s Proposal*
 - Article 9 “Lateral Action, Reassignment, Transfer, Change in Duty Station” – *Status Quo*
 - Article 10 “Promotions” – *Status Quo*
 - Article 13 “Safety” – *Status Quo*
 - Article 22 “Job-Connected Disability” – *State’s Proposal*
 - Article 24 “On-Call Assignment and Call Back” – *Status Quo*

Summary of Select Resolutions in the bill:

- Articles resolved between the state and the Teamsters pertaining to “Grievance Procedure”, “Discipline and Discharge”, “Workforce Reduction” and “Promotions”, were resolved by the state’s

proposal or status quo. The collective bargaining unit's proposals were to basically remove the concept of probationary status as it pertains to discipline, discharge, layoffs and promotions. In addition, the union proposed expiration dates on offenses used for progressive discipline.

- Language proposed for currently vacant articles by the Federation of Physicians and Dentists bargaining units pertaining to the Florida Retirement System (FRS) were resolved by maintaining the current language in the contract, which is none. The Union proposed that any statutory changes to the FRS not apply to the Union.
- Articles resolved between the state and the Police Benevolent Association (PBA) pertaining to "Employee Representation and PBA/Association Activities" and "Workday, Workweek, and Overtime" were resolved by maintaining the status quo. The Union proposed that attendance at negotiations be considered time worked rather than administrative leave. Administrative leave does not count as hours worked for overtime purposes. The union also proposed eliminating mandatory lunch breaks.
- The Article resolved between the state and the Lottery Unit of the PBA pertaining to "On-Call Assignment, Call Back, and Court Appearance" was resolved by adopting the Union's position on minimum call back time, but not on call back pay.
- The Article resolved between the state and the Florida State Fire Service Association pertaining to "Voluntary Reassignment, Transfer, Change in Duty Station, and Promotions" was resolved by adopting the state's proposal clarifying the promotion and reassignment request process and the union's proposal that the state make a good faith effort to promote union members into vacancies.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues: None
2. Expenditures: Insignificant

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues: None
2. Expenditures: None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

D. FISCAL COMMENTS:

None