Ability to Pay Information Request

# Public Sector

Basic Information to Request

Please provide the following information to the union for the purposes of bargaining. Where available, please provide the information in an electronic format. If the information requested is accessible on the employer’s website, please provide the web page address where the document can be found.

1. The three most recent audited financial reports;
2. Unaudited financial reports for each fund for any years completed subsequent to the most recent audited fiscal report;
3. Year-to-date reports of revenues and expenditures for each fund for the current fiscal year, including comparisons to the same period in the prior year and to current-year budgeted revenues and expenditures, if available;
4. Adopted budgets for the current and past fiscal years;
5. All adopted, proposed or preliminary budgets for the next fiscal year; and
6. Please confirm that employees of the bargaining unit are wholly paid from the jurisdiction’s General Fund, or, if any bargaining unit employees are paid from other funds, please identify the associated fund(s) for each position and the share of each position paid by each fund.

Additional Information to Consider Requesting

1. Any other reports on the jurisdiction’s finances or fiscal condition produced within the last eighteen months, including but not limited to presentations to lawmakers, reports filed with the state or federal government and statements filed in connection with debt offerings; and
2. Communications regarding the jurisdiction’s financial condition and creditworthiness, including but not limited to rating reports, provided to the jurisdiction by a credit rating agency.

# Private Sector

Employer financial information is not automatically available to the union or the public the way it is for public sector jurisdictions. The employer is not required to provide private financial information to the union unless it claims a financial inability to pay.

* For publicly traded corporations, financial information is available in the company’s filings with the U.S. Securities and Exchange Commission. The SEC’s filings website is <http://www.sec.gov/edgar/searchedgar/companysearch.html>. The 10-K annual reports provide company financial information and Definitive 14A reports, also known as “proxy statements,” provide executive pay data.
* For nonprofit organizations, financial information is available from the organization’s IRS Form 990 tax returns. A good website to search for organizations’ IRS 990 filings is GuideStar: <http://www.guidestar.org/Home.aspx>. Registration is required, but it’s free.
* If the employer claims an *inability* to pay the union’s economic proposal, the union has the right to see more detailed financial information. The details of the information request would be determined by the specific circumstances of the negotiations.