

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 645 Session of 2015

INTRODUCED BY STEFANO, SCARNATI, CORMAN, FOLMER, ALLOWAY, EICHELBERGER, VOGEL, WAGNER, AUMENT, WHITE, BARTOLOTTA AND HUTCHINSON, APRIL 16, 2015

AS REPORTED FROM COMMITTEE ON STATE GOVERNMENT, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 23, 2015

AN ACT

1 Providing for notice and disclosure of proposed collective
2 bargaining agreements and related documents and for open
3 records.

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 Public
8 Employer Collective Bargaining Transparency 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." An organization of any kind, or any <--~~
14 ~~agency or employee representation committee or plan in which~~
15 ~~membership includes public employees, and which exists for the~~
16 ~~purpose, in whole or in part, of dealing with employers~~
17 ~~concerning grievances, employee employer disputes, wages, rates~~

1 ~~of pay, hours of employment or conditions of work. The term does~~
2 ~~not include any organization that practices discrimination in~~
3 ~~membership because of race, color, creed, national origin or~~
4 ~~political affiliation.~~

5 ~~"Proposed collective bargaining agreement." Any terms of~~
6 ~~bargaining between a public employer and an employee~~
7 ~~organization covering public employee wages, benefits and~~
8 ~~working conditions that have been reduced to writing under~~
9 ~~section 701 of the act of July 23, 1970 (P.L.563, No.195), known~~
10 ~~as the Public Employee Relations Act.~~

11 ~~"Public employee" or "employee." An individual employed by a~~
12 ~~public employer. This term does not include any of the~~
13 ~~following:~~

14 ~~(1) Elected officials.~~

15 ~~(2) Appointees of the Governor with the advice and~~
16 ~~consent of the Senate as required by law.~~

17 ~~(3) Management level employees.~~

18 ~~(4) Confidential employees.~~

19 ~~(5) Clergymen or other persons in a religious~~
20 ~~profession, employees or personnel at church offices or~~
21 ~~facilities when utilized primarily for religious purposes.~~

22 ~~(6) Employees covered under the act of June 24, 1968~~
23 ~~(P.L.237, No.111), referred to as the Policemen and Firemen~~
24 ~~Collective Bargaining Act.~~

25 ~~"Public employer." As follows:~~

26 ~~(1) The Commonwealth and its political subdivisions and~~
27 ~~any officer, board, commission, agency, authority or other~~
28 ~~instrumentality thereof.~~

29 ~~(2) The term does not include employers subject to the~~
30 ~~act of June 1, 1937 (P.L.1168, No.294), known as the~~

~~Pennsylvania Labor Relations Act, or the National Labor
Relations Act (49 Stat. 449, 29 U.S.C. § 151 et seq.).~~

"EMPLOYEE ORGANIZATION." AS DEFINED AS "EMPLOYEE ORGANIZATION" IN SECTION 301(3) OF THE ACT OF JULY 23, 1970 (P.L.563, NO.195), KNOWN AS THE PUBLIC EMPLOYEE RELATIONS ACT.

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"PROPOSED COLLECTIVE BARGAINING AGREEMENT." THE TERMS OF BARGAINING BETWEEN A PUBLIC EMPLOYER AND AN EMPLOYEE ORGANIZATION WHICH:

(1) APPLY TO WAGES, HOURS, TERMS AND CONDITIONS OF EMPLOYMENT, BENEFITS AND WORKING CONDITIONS; AND

(2) ARE:

(I) REDUCED TO WRITING.

(II) AGREED UPON BY DESIGNATED REPRESENTATIVES OF THE PUBLIC EMPLOYER AND THE EMPLOYEE ORGANIZATION.

(III) SUBMITTED FOR ACCEPTANCE AS A CONTRACT TO THE PUBLIC EMPLOYER AND THE EMPLOYEE ORGANIZATION.

"PUBLIC EMPLOYEE" OR "EMPLOYEE." AS DEFINED AS "PUBLIC EMPLOYEE" OR "EMPLOYEE" IN SECTION 301(2) OF THE ACT OF JULY 23, 1970 (P.L.563, NO.195), KNOWN AS THE PUBLIC EMPLOYEE RELATIONS ACT.

"PUBLIC EMPLOYER." AS DEFINED IN SECTION 301(1) OF THE PUBLIC EMPLOYEE RELATIONS ACT. THE TERM DOES NOT INCLUDE ANY OF THE FOLLOWING:

(1) A NONPROFIT ORGANIZATION OR INSTITUTION.

(2) A CHARITABLE, RELIGIOUS, SCIENTIFIC, LITERARY, RECREATIONAL, HEALTH, EDUCATIONAL OR WELFARE INSTITUTION RECEIVING GRANTS OR APPROPRIATIONS FROM FEDERAL, STATE OR LOCAL GOVERNMENT.

(3) A STATE-RELATED INSTITUTION AS DEFINED IN 62 PA.C.S. § 103 (RELATING TO DEFINITIONS).

1 Section 3. Notice of PROPOSED collective bargaining agreement. <--

2 (a) Notice.--A public employer shall provide notice prior to
3 signing a proposed collective bargaining agreement. The notice
4 shall include all of the following:

5 (1) A statement of the terms of the proposed collective
6 bargaining agreement.

7 (2) An estimate of the costs to the public employer
8 associated with the proposed collective bargaining agreement.

9 (b) Posting.--The notice required shall be posted on the
10 public employer's publicly accessible Internet website beginning
11 at least two weeks prior to the signing of the proposed
12 collective bargaining agreement and continuing until at least 30
13 days after the signing of the collective bargaining agreement.

14 If a public employer does not have a publicly accessible
15 Internet website, the public employer must publish IN PRINTED <--
16 FORMAT the required notice once at least two weeks prior to the
17 signing of the proposed collective bargaining agreement AND MAKE <--
18 THE NOTICE PUBLICLY ACCESSIBLE IN THE MAIN OFFICE OF THE PUBLIC
19 EMPLOYER.

20 (c) Unenforceability.--A collective bargaining agreement
21 executed without providing the notice required under this
22 section shall be void and unenforceable in its entirety.

23 ~~Section 4. Open records.~~ <--

24 ~~All of the following are public records subject to the act of~~
25 ~~February 14, 2008 (P.L.6, No.3), known as the Right to Know Law:~~

26 SECTION 4. INTERNET ACCESS TO APPROVED COLLECTIVE BARGAINING <--
27 AGREEMENT.

28 TEN BUSINESS DAYS AFTER AN EMPLOYEE REPRESENTATIVE AND PUBLIC
29 EMPLOYER EXECUTE A PROPOSED COLLECTIVE BARGAINING AGREEMENT, THE
30 PUBLIC EMPLOYER SHALL TRANSMIT THE COLLECTIVE BARGAINING

1 AGREEMENT TO THE OFFICE OF ADMINISTRATION WHERE IT SHALL BE
2 POSTED ON THE OFFICE OF ADMINISTRATION'S PUBLICLY ACCESSIBLE
3 INTERNET WEBSITE WITHIN 10 BUSINESS DAYS OF RECEIPT.

4 SECTION 5. OPEN RECORDS.

5 NOTWITHSTANDING SECTION 708(B)(8) OF THE ACT OF FEBRUARY 14,
6 2008 (P.L.6, NO.3), KNOWN AS THE RIGHT-TO-KNOW LAW, THE
7 FOLLOWING RECORDING SHALL BE REQUIRED TO BE ACCESSIBLE BY A
8 REQUESTER:

9 (1) A proposed collective bargaining agreement made by a
10 public employer or received by a public employer from an
11 employee organization. ~~The proposed collective bargaining~~ <--
12 ~~agreement shall be posted on the public employer's publicly~~
13 ~~accessible Internet website within 48 hours of receipt of the~~
14 ~~proposed collective bargaining agreement.~~

15 (2) Any documents that are presented by a public
16 employer or received by a public employer from an employee
17 organization, in the course of collective bargaining.

18 Section ~~5~~ 6. EFFECTIVE DATE. <--

19 This act shall take effect in 30 days.