



**TO:** Members of the House Labor and Industry Committee  
**FROM:** Ashley Lenker White, Director of Government Relations  
**DATE:** 11/15/2021  
**RE:** **CCAP Comments on House Bill 845 – Collective Bargaining Transparency**

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On behalf of the County Commissioners Association of Pennsylvania (CCAP), representing all 67 counties in the commonwealth, thank you for the opportunity to provide comments on for the House Labor and Industry Committee on HB 845, which requires public employers to provide public notice of collective bargaining agreements.

As currently drafted, HB 845 would require a public employer to provide public notice of a collective bargaining agreement prior to its approval, as well as a requirement to post the proposed agreement online, or via a newspaper of public circulation, at least two weeks prior to signing it and for 30 days following acceptance. Counties, as public employers, would be required to post the terms of the proposed agreement and an estimate of the cost associated with the proposed agreement. The bill would also make proposed collective bargaining agreements and documents presented to either party in the course of negotiations subject to the Right-To-Know Law (RTKL).

While counties appreciate the general goal of providing transparency in government operation, we support the retention of the existing standard for the final collective bargaining agreement to be public. House Bill 845 would alter this process by requiring counties and other government entities to publicly post *proposed* collective bargaining agreements and makes other documentation subject to the RTKL while negotiations are underway. Under current law, only ratified collective bargaining agreements are public records. Counties are concerned that this posting of collective bargaining agreements before they are final could have a negative impact on the bargaining process and reaching final agreement.

Additionally, counties support the maintenance of confidentiality of the collective bargaining process and arbitration proceedings under both the Open Meetings Law and the RTKL, including initial offers and other records pertaining to strategy, negotiations, or information exchanged between the parties in regard to labor relations or collective bargaining and related arbitration proceedings. House Bill 845 would make both proposed agreements and all documents related to the negotiations public records, and we believe this would result in significant harm to the bargaining process. In contrast to the requirement of posting the tentative agreement as stated above, requiring public employers to make public *any* proposal or communication between the parties under the RTKL during negotiations may have a drastic chilling effect on bargaining

because it is likely to limit what either side is willing to put in writing. Providing information of this confidential nature during the course of negotiations would not only serve to uproot the bargaining process, we believe it would also result in the expenditure of additional time, resources and taxpayer money to achieve a final agreement between public employers and employee organizations. Furthermore, Act 195 provides for a mandatory mediation process and addresses the need for candid communications, conducted in confidence, between parties. House Bill 845 does not address what would become of this mandatory process if enacted and is inconsistent with the confidentiality necessary in the mediation process.

Thank you for your consideration of these comments. Please contact us if you have questions or need additional information.