

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

SENATOR WARD, APPROPRIATIONS, RE-REPORTED AS AMENDED, MAY 4, 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 Employe 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." ~~Includes all of the following:~~ AS <--

26 FOLLOWS:

- 27 (1) The Commonwealth and its political subdivisions, ~~—~~ <--
28 ~~including school districts,~~ and any officer, board,
29 commission, agency, authority or other instrumentality
30 thereof.

1 ~~(2) A nonprofit organization or institution and any~~ <--
2 ~~charitable, religious, scientific, literary, recreational,~~
3 ~~health, educational or welfare institution receiving grants~~
4 ~~or appropriations from Federal, State or local government.~~

5 ~~The term does not include employers subject to the act of June~~

6 (2) THE TERM DOES NOT INCLUDE EMPLOYERS SUBJECT TO THE <--
7 ACT OF JUNE 1, 1937 (P.L.1168, No.294), known as the
8 Pennsylvania Labor Relations Act, or the National Labor
9 Relations Act (49 Stat. 449, 29 U.S.C. § 151 et seq.).

10 Section 3. Notice ~~prior to approval~~ of collective bargaining <--
11 agreement.

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

15 (1) A statement of the terms of the proposed collective
16 bargaining agreement.

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

19 (b) Posting.--The notice required shall be posted on the
20 public employer's publicly accessible Internet website beginning
21 at least two weeks prior to the signing of THE proposed <--
22 collective bargaining agreement and continuing until at least 30
23 days after the signing of the collective bargaining agreement.

24 IF A PUBLIC EMPLOYER DOES NOT HAVE A PUBLICLY ACCESSIBLE <--
25 INTERNET WEBSITE, THE PUBLIC EMPLOYER MUST PUBLISH THE REQUIRED
26 NOTICE ONCE AT LEAST TWO WEEKS PRIOR TO THE SIGNING OF THE
27 PROPOSED COLLECTIVE BARGAINING AGREEMENT.

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

1 Section 4. Open records.

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

4 (1) A proposed collective bargaining agreement made by a
5 public employer or received by a public employer from an
6 employee organization. The proposed collective bargaining
7 agreement shall be posted on the public employer's publicly
8 accessible Internet website within 48 hours of receipt of the
9 proposed collective bargaining agreement.

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

13 Section 5. This act shall take effect in 30 days.