

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 845 Session of 2021

INTRODUCED BY ROWE, SANKEY, BERNSTINE, GLEIM, JAMES, KAUFFMAN, KEEFER, METCALFE, B. MILLER, RYAN, ZIMMERMAN, ARMANINI AND HAMM, MARCH 9, 2021

AS REPORTED FROM COMMITTEE ON LABOR AND INDUSTRY, HOUSE OF REPRESENTATIVES, AS AMENDED, JANUARY 25, 2022

AN ACT

1 Providing for transparency in public employment collective
2 bargaining.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Public
7 Employment Collective Bargaining Act.

8 Section 2. Definitions.

9 The following words and phrases when used in this act shall
10 have the meanings given to them in this section unless the
11 context clearly indicates otherwise:

12 "Employee organization." An "employe organization" as
13 defined in section 301(3) of the act of July 23, 1970 (P.L.563,
14 No.195), known as the Public Employe Relations Act.

15 "FINAL ARBITRATION AWARD." A FINAL AND BINDING ARBITRATION <--
16 AWARD ISSUED BY A BOARD OF ARBITRATION IN ACCORDANCE WITH THE
17 ACT OF JUNE 24, 1968 (P.L.237, NO.111), REFERRED TO AS THE

1 POLICEMEN AND FIREMEN COLLECTIVE BARGAINING ACT.

2 "Proposed collective bargaining agreement." The terms of
3 bargaining between a public employer and an employee
4 organization that:

5 (1) apply to wages, benefits and working conditions; and

6 (2) are:

7 (i) reduced to writing;

8 (ii) agreed upon by designated representatives of

9 the:

10 (A) public employer; and

11 (B) employee organization; and

12 (iii) submitted for acceptance as a contract to the:

13 (A) public employer; and

14 (B) employee organization.

15 "Public employee." An employee of a public employer.

16 "Public employer." As defined in section 301(1) of the
17 Public Employe Relations Act.

18 Section 3. Conflict with other statutes.

19 (a) Scope.--This section applies to the following
20 provisions:

21 (1) Section 1125-A(g), (h) and (k) of the act of March
22 10, 1949 (P.L.30, No.14), known as the Public School Code of
23 1949.

24 (2) Section 7(a) of the act of June 24, 1968 (P.L.237,
25 No.111), referred to as the Policemen and Firemen Collective
26 Bargaining Act.

27 (b) Resolution.--In case of a conflict between this act and
28 a provision identified in subsection (a), the provision
29 identified in subsection (a) governs.

30 Section 4. Public notice.

1 (a) Requirement.--A public employer must provide notice to
2 the public ~~prior to accepting a proposed collective bargaining~~ <--
3 ~~agreement as a contract.~~: <--

4 (1) PRIOR TO ACCEPTING A PROPOSED COLLECTIVE BARGAINING
5 AGREEMENT AS A CONTRACT; AND

6 (2) AFTER THE ISSUANCE OF A FINAL ARBITRATION AWARD.

7 (b) Posting or publishing.--

8 (1) Except as specified in paragraph ~~(2)~~ (3), the notice <--
9 under subsection (a) must be posted on the public employer's
10 publicly accessible Internet website:

11 ~~(i) beginning at least 14 days prior to acceptance;~~ <--

12 and

13 ~~(ii) ending 30 days after acceptance.~~

14 (I) BEGINNING AT LEAST 14 DAYS PRIOR TO ACCEPTANCE <--
15 AND ENDING 30 DAYS AFTER ACCEPTANCE, FOR A PROPOSED
16 COLLECTIVE BARGAINING AGREEMENT; OR

17 (II) BEGINNING WITHIN TWO BUSINESS DAYS OF THE
18 ISSUANCE OF A FINAL ARBITRATION AWARD AND ENDING 30 DAYS
19 AFTER THE INITIAL POSTING.

20 (2) NOTHING IN PARAGRAPH (1) SHALL PROHIBIT A PUBLIC
21 EMPLOYER FROM POSTING NOTICE OF A PROPOSED COLLECTIVE
22 BARGAINING AGREEMENT OR A FINAL ARBITRATION AWARD FOR A
23 PERIOD LONGER THAN THAT REQUIRED UNDER PARAGRAPH (1).

24 ~~(2)~~ (3) If a public employer does not have a publicly <--
25 accessible Internet website, the public employer must publish
26 the required notice once in a newspaper of general
27 circulation ~~at least two weeks prior to accepting a proposed~~ <--
28 ~~collective bargaining agreement.~~: <--

29 (I) AT LEAST TWO WEEKS PRIOR TO ACCEPTING A PROPOSED
30 COLLECTIVE BARGAINING AGREEMENT; OR

1 (II) WITHIN TWO WEEKS AFTER THE ISSUANCE OF A FINAL
2 ARBITRATION AWARD.

3 ~~(3)~~ (4) The notice must include the following: <--

4 (i) A statement of the terms of the proposed
5 collective bargaining agreement OR FINAL ARBITRATION <--
6 AWARD.

7 (ii) An estimate of the costs to the public employer
8 associated with the proposed collective bargaining
9 agreement OR FINAL ARBITRATION AWARD. <--

10 (c) Effect of noncompliance.--A collective bargaining
11 agreement entered into in violation of subsection (a) or (b)
12 shall be void.

13 Section 5. Right-to-Know Law.

14 The following are public records ~~subject to~~ AND SHALL BE <--
15 ACCESSIBLE FOR INSPECTION AND DUPLICATION IN ACCORDANCE WITH the
16 act of February 14, 2008 (P.L.6, No.3), known as the Right-to-
17 Know Law:

18 (1) A proposed collective bargaining agreement.

19 (2) ~~Documents presented by a public employer or~~ <--
20 ~~received by a public employer from an employee organization~~
21 ~~in the course of collective bargaining.~~ A FINAL ARBITRATION <--
22 AWARD.

23 (3) ALL DOCUMENTS AND EVIDENCE OF RECORD SUBMITTED BY A
24 PARTY AT A HEARING OF A BOARD OF ARBITRATORS UNDER THE ACT OF
25 JUNE 24, 1968 (P.L.237, NO.111), REFERRED TO AS THE POLICEMEN
26 AND FIREMEN COLLECTIVE BARGAINING ACT, AFTER THE ISSUANCE OF
27 THE FINAL ARBITRATION AWARD.

28 Section 6. Effective date.

29 This act shall take effect in 60 days.