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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 168 Session of  
2017

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INTRODUCED BY STEFANO, SCARNATI, FOLMER, EICHELBERGER, VOGEL,  
HUTCHINSON, WAGNER, AUMENT, BARTOLOTTA, RESCHENTHALER AND  
DiSANTO, JANUARY 20, 2017

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REFERRED TO STATE GOVERNMENT, JANUARY 20, 2017

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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  
18 of pay, hours of employment or conditions of work. The term does

1 not include any organization that practices discrimination in  
2 membership because of race, color, creed, national origin or  
3 political affiliation.

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

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

13 (1) Elected officials.

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

16 (3) Management-level employees.

17 (4) Confidential employees.

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

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

24 "Public employer." As follows:

25 (1) The Commonwealth and its political subdivisions and  
26 any officer, board, commission, agency, authority or other  
27 instrumentality of the Commonwealth.

28 (2) The term does not include employers subject to the  
29 act of June 1, 1937 (P.L.1168, No.294), known as the  
30 Pennsylvania Labor Relations Act, or the National Labor

1 Relations Act (49 Stat. 449, 29 U.S.C. § 151 et seq.).

2 Section 3. Notice of collective bargaining agreement.

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

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

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

10 (b) Posting.--The notice required shall be posted on the  
11 public employer's publicly accessible Internet website beginning  
12 at least two weeks prior to the signing of the proposed  
13 collective bargaining agreement and continuing until at least 30  
14 days after the signing of the collective bargaining agreement.  
15 If a public employer does not have a publicly accessible  
16 Internet website, the public employer must publish the required  
17 notice once at least two weeks prior to the signing of the  
18 proposed collective bargaining agreement.

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

22 Section 4. Open records.

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

25 (1) A proposed collective bargaining agreement made by a  
26 public employer or received by a public employer from an  
27 employee organization. The proposed collective bargaining  
28 agreement shall be posted on the public employer's publicly  
29 accessible Internet website within 48 hours of receipt of the  
30 proposed collective bargaining agreement.

1           (2) Any documents that are presented by a public  
2       employer or received by a public employer from an employee  
3       organization in the course of collective bargaining.  
4 Section 5. Effective date.  
5       This act shall take effect in 30 days.