

Regular Session, 2011

HOUSE BILL NO. 204

BY REPRESENTATIVE LIGI

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

PUBLIC EMPLOYEES: Creates the Public Employee Bargaining Transparency Act

1 AN ACT

2 To enact Part IV of Chapter 1 of Title 44 of the Louisiana Revised Statutes of 1950, to be
3 comprised of R.S. 44:61 through 67, relative to public records; to create the Public
4 Employee Bargaining Transparency Act; to provide for legislative intent; to provide
5 with respect to public access to collective bargaining sessions and to documents; to
6 provide definitions; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Part IV of Chapter 1 of Title 44 of the Louisiana Revised Statutes of
9 1950, comprised of R.S. 44:61 through 67, is hereby enacted to read as follows:

10 PART IV. PUBLIC EMPLOYEE BARGAINING TRANSPARENCY ACT

11 §61. Short title

12 This Part shall be known as the "Public Employee Bargaining Transparency
13 Act".

14 §62. Legislative intent

15 A. It is the intent of the legislature that public sector collective bargaining
16 sessions and documents be open to the public.

17 B. The legislature finds that:

18 (1) Labor negotiations between the government and government employees
19 are an extension of the people's business.

20 (2) Such negotiations deal with public employers and public employees, and
21 as such, taxpayers have a vested interest in the proceedings.

1 (3) Taxpayers deserve to observe, monitor, and even participate in the
2 processes by which public contracts are negotiated and awarded.

3 (4) All levels of government should conduct deliberations and take actions
4 openly.

5 (5) Increased transparency in labor negotiation meetings and access to
6 documents serves to provide all parties to the negotiations with an incentive to avoid
7 any indication of corruption.

8 (6) Open sessions and increased oversight help ensure that the government
9 is using taxpayer money effectively.

10 (7) The people insist on remaining informed so that they may retain control
11 over the entities they have created.

12 §63. Definitions

13 For purposes of this Part, the following definitions shall apply unless context
14 clearly states otherwise:

15 (1) "Collective bargaining" means the performance of the mutual obligation
16 of the representatives of the public employer and the labor organization designated
17 as an exclusive bargaining representative to meet and bargain in good faith in an
18 effort to reach written agreement with respect to wages, hours, and terms and
19 conditions of employment.

20 (2) "Employee" means any individual employed by a public employer.

21 (3) "Labor organization" means any association or organization of
22 employees, and any agency, employee representation committee, or plan in which
23 employees participate that exists, in whole or in part, to advocate on behalf of
24 employees about grievances, labor disputes, wages, rates of pay, hours of
25 employment, or conditions of work.

26 (4) "Person" means an individual or individuals, labor organizations, or
27 agencies.

28 (5) "Public employer" means any state or local government or political
29 subdivision, government agency, government instrumentality, special district, joint

1 powers authority, school board, or special purpose organization that employs one or
2 more persons in any capacity.

3 §64. Open meetings

4 A.(1) Collective bargaining sessions between a public employer or its agent
5 and a labor organization or its agent are public meetings subject to the Open
6 Meetings Law as provided in R.S. 42:11 et seq.

7 (2) This Section shall not apply to grievance, mediation, or arbitration
8 proceedings with labor organizations or that portion of a meeting during which a
9 public employer is planning or adopting the strategy or position to be taken during
10 the course of any collective bargaining, grievance, mediation, or arbitration
11 proceedings.

12 B. The public shall be given notice of any collective bargaining session at
13 least twenty-four hours before the time of such meeting as specified in the notice,
14 through the manner prescribed by the Open Meetings Law.

15 C. The representatives or agents of the employer shall be subject to liability
16 for violations of this Part pursuant to the Open Meetings Law.

17 §65. Documents

18 Any documents that are created or presented by the public employer during
19 the collective bargaining sessions, or which are received from the labor organization
20 by the public employer in the course of collective bargaining, are public records
21 subject to the Public Records Law as provided in R.S. 44:1 et seq. and shall be
22 available immediately for public review.

23 §66. Website

24 The public employer shall make available on its existing website, operate a
25 website, or contract for the operation of a website that allows public access to all
26 tentative and finalized collective bargaining agreements.

27 §67. Construction

28 This Act shall be liberally construed to accomplish its purposes.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Ligi

HB No. 204

Abstract: Creates the Public Employee Bargaining Transparency Act to provide that public sector collective bargaining sessions be open to the public.

Proposed law creates the Public Employee Bargaining Transparency Act.

Proposed law outlines legislative intent that deliberations and actions of labor negotiations be open to public viewing and participation.

Proposed law provides definitions.

Proposed law provides that collective bargaining sessions between a public employer and a labor organization are subject to the Open Meetings Law.

Proposed law is not subject to the Open Meetings Law when the meeting concerns grievance, mediation, arbitration, or strategy.

Proposed law requires that the public be given a 24-hour notice of any collective bargaining meeting.

Proposed law provides that any documents created or presented by the public employer or received by the labor organization relative to collective bargaining are subject to the Public Records Law and shall be made available immediately to the public.

Proposed law requires that a public employer make all collective bargaining agreements available on the Internet.

(Adds R.S. 44:61-67)