

2018 Regular Session

HOUSE BILL NO. 555

BY REPRESENTATIVE THOMAS

PUBLIC EMPLOYEES: Makes collective bargaining sessions between public employers and employees subject to the Open Meetings Law and Public Records Law

1 AN ACT

2 To amend and reenact R.S. 44:67.1(B) and 67.2 and to enact R.S. 44:67.3 and 67.4, relative
3 to public employer-employee collective bargaining; to provide relative to public
4 meetings; to provide relative to public records; to provide definitions; and to provide
5 for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 44:67.1(B) and 67.2 are hereby amended and reenacted and R.S.
8 44:67.3 and 67.4 are hereby enacted to read as follows:

9 §67.1. Acceptance of collective bargaining agreement

10 * * *

11 B. For purposes of this Part, the following definitions shall apply unless
12 context clearly indicates otherwise:

13 (1) "~~public~~ Public employer" means the state or a political subdivision
14 thereof, or a department, agency, office, institution, or other organizational unit of
15 state or local government that employs one or more individuals in any capacity.

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

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

6 §67.2. Open meetings

7 A.(1) Collective bargaining sessions between a public employer or its agent
8 and a labor organization or its agent are public meetings subject to the Open
9 Meetings Law.

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

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

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

20 §67.3 Documents

21 Any documents that are created or presented by the public employer during
22 the collective bargaining sessions or that are received from the labor organization by
23 the public employer in the course of collective bargaining are public records subject
24 to the Public Records Law and shall be available immediately for public review.

25 §67.4. Construction; enforcement

26 A. The provisions of this Part shall be liberally construed to accomplish its
27 purposes.

28 B. The provisions of this Part shall not be construed to affect the rights of a
29 public employer pursuant to Part V of Chapter 9 of Title 23 of the Louisiana Revised

1 Statutes of 1950 or to require a particular form of employment agreement between
 2 a public employer and its employees.
 3 C. The provisions of this Part may be enforced as provided in R.S. 44:35.

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)]

HB 555 Original

2018 Regular Session

Thomas

Abstract: Makes collective bargaining sessions between public employers and employees public meetings subject to the Open Meetings Law and makes documents presented during such sessions subject to the Public Records Law.

Present law provides that no collective bargaining agreement to which a public employer is a party shall be accepted until the agreement has been made available to the public on the employer's website for at least five days. Requires the employer to issue a written public notice in the manner required of public bodies by the Open Meetings Law informing the public of how to access the agreement and the date, time, and location of the meeting at which the agreement will be considered for acceptance.

Proposed law retains present law and provides that collective bargaining sessions between a public employer and a labor organization shall be public meetings subject to the Open Meetings Law. Excludes grievance, mediation, or arbitration proceedings with labor organizations or the portion of a meeting during which a public employer is planning or adopting strategy during the course of any collective bargaining proceeding. Requires public notice of a collective bargaining session. Subjects representatives of the employer to liability for violations of proposed law pursuant to the Open Meetings Law.

Proposed law makes documents created or presented during collective bargaining sessions subject to the Public Records Law.

Proposed law defines "collective bargaining agreement" and "labor organization."

(Amends R.S. 44:67.1(B) and 67.2; Adds R.S. 44:67.3 and 67.4)