

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 399 Session of 2023

INTRODUCED BY STEFANO, DUSH, PHILLIPS-HILL, J. WARD, MASTRIANO, PENNYCUICK, COLEMAN, HUTCHINSON AND AUMENT, FEBRUARY 21, 2023

SENATOR DUSH, STATE GOVERNMENT, AS AMENDED, SEPTEMBER 19, 2023

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, agency, employee
14 representation committee or plan in which membership includes
15 public employees and which exists for the purpose, in whole or
16 in part, of dealing with employers concerning grievances,
17 employee-employer disputes, wages, rates of pay, hours of
18 employment or conditions of work. The term does not include any

1 organization that practices discrimination in membership because
2 of race, color, creed, national origin or political affiliation.

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

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

- 11 (1) Elected officials.
- 12 (2) Appointees of the Governor with the advice and
13 consent of the Senate as required by law.
- 14 (3) Management-level employees.
- 15 (4) Confidential employees.
- 16 (5) Clergymen or other individuals in a religious
17 profession, employees or personnel at church offices or
18 facilities when utilized primarily for religious purposes.
- 19 (6) Employees covered under the act of June 24, 1968
20 (P.L.237, No.111), referred to as the Policemen and Firemen
21 Collective Bargaining Act.

22 "Public employer." As follows:

- 23 (1) The Commonwealth and its political subdivisions and
24 any officer, board, commission, agency, authority or other
25 instrumentality of the Commonwealth.
- 26 (2) The term does not include employers subject to the
27 act of June 1, 1937 (P.L.1168, No.294), known as the
28 Pennsylvania Labor Relations Act, or 29 U.S.C. Ch. 7 Subch.
29 II (relating to national labor relations).

30 Section 3. Notice of collective bargaining agreement.

1 (a) Notice.--A public employer shall provide notice under
2 subsection (b) prior to signing a proposed collective bargaining
3 agreement. The notice shall include all of the following:

4 (1) A statement of the terms of the proposed collective
5 bargaining agreement.

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

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

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~~ THE following are public records accessible for <--
24 inspection and duplication ~~in accordance with the act of~~ <--
25 ~~February 14, 2008 (P.L.6, No.3), known as the Right to Know Law:~~

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

1 proposed collective bargaining agreement.

2 ~~(2) Any documents that are presented by a public~~ <--
3 ~~employer or received by a public employer from an employee~~
4 ~~organization in the course of collective bargaining.~~

5 (2) (RESERVED). <--

6 Section 5. Effective date.

7 This act shall take effect in 30 days.