

Representative Daniel McCay proposes the following substitute bill:

TRANSPARENCY IN PUBLIC EMPLOYMENT

NEGOTIATION PROCESS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel McCay

Senate Sponsor: _____

LONG TITLE

General Description:

This bill enacts provisions relating to negotiation meetings between public employers and public employee labor organizations.

Highlighted Provisions:

This bill:

- ▶ requires negotiation meetings between public employers and public employee labor organizations to be open to the public;
- ▶ requires public employers to provide public notice of a negotiation meeting;
- ▶ requires public employers to keep minutes of negotiation meetings and to make audio recordings of those meetings; and
- ▶ requires public employers to make minutes and audio recordings available to the public.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:



26 ENACTS:

27 **34-20a-101**, Utah Code Annotated 1953

28 **34-20a-102**, Utah Code Annotated 1953

29 **34-20a-201**, Utah Code Annotated 1953

30 **34-20a-202**, Utah Code Annotated 1953

31

32 *Be it enacted by the Legislature of the state of Utah:*

33 Section 1. Section **34-20a-101** is enacted to read:

34 **CHAPTER 20a. TRANSPARENCY IN PUBLIC EMPLOYMENT**

35 **NEGOTIATION**

36 **Part 1. General Provisions**

37 **34-20a-101. Title.**

38 This chapter is known as "Transparency in Public Employment Negotiation."

39 Section 2. Section **34-20a-102** is enacted to read:

40 **34-20a-102. Definitions.**

41 As used in this chapter:

42 (1) "Employment agreement" means an agreement between a public employer and a
43 public employee labor organization regarding salary and benefits of public employees
44 represented by the public employee labor organization.

45 (2) "Negotiation meeting" means a meeting between a public employer and a public
46 employee labor organization for the purpose of negotiating the terms of a new employment
47 agreement.

48 (3) "Public employee" means an employee of a public employer.

49 (4) "Public employer" means:

50 (a) the state or any department, division, agency, or other instrumentality of the state,
51 including an institution of higher education; or

52 (b) a county, city, town, school district, local district, special service district, or other
53 political subdivision of the state.

54 (5) "Public employee labor organization" means an organization of any kind, in which
55 public employees participate, that exists, in whole or in part, for the purpose of negotiating
56 with public employers on behalf of public employees about matters addressed by an

57 employment agreement.

58 Section 3. Section **34-20a-201** is enacted to read:

59 **Part 2. Negotiation Meetings**

60 **34-20a-201. Negotiation meetings open to the public -- Notice of meeting.**

61 (1) (a) A negotiation meeting shall be open to the public.

62 (b) Subsection (1)(a) may not be construed to limit the ability of a public employer or
63 public employee labor organization:

64 (i) to meet separately and privately during the course of a negotiation meeting; and

65 (ii) to include in a separate meeting under Subsection (1)(b)(i) any individual the
66 public employer or public employee labor organization chooses, except an individual who is a
67 representative of:

68 (A) the public employee labor organization, if the separate meeting is a meeting of the
69 public employer; or

70 (B) the public employer, if the separate meeting is a meeting of the public employee
71 labor organization.

72 (2) (a) A public employer shall give written public notice of a negotiation meeting, as
73 provided in Subsection (2)(b), at least 24 hours in advance.

74 (b) A notice under Subsection (2)(a) shall:

75 (i) state the date, time, and location of the negotiation meeting;

76 (ii) state the subject matter to be addressed at the negotiation meeting; and

77 (iii) be posted:

78 (A) at the principal office of the public employer;

79 (B) at the location of the negotiation meeting; and

80 (C) electronically on the Utah Public Notice Website created under Section 63F-1-701.

81 Section 4. Section **34-20a-202** is enacted to read:

82 **34-20a-202. Minutes and audio recording of negotiation meeting.**

83 (1) (a) A public employer shall:

84 (i) prepare minutes of a negotiation meeting; and

85 (ii) make an audio recording of a negotiation meeting.

86 (b) Minutes under Subsection (1)(a)(i) shall include:

87 (i) the date, time, and location of the negotiation meeting;

88 (ii) the name of each public employer and public labor organization representative
89 present at the meeting;
90 (iii) the substance of all matters discussed, proposed, or decided at the meeting; and
91 (iv) if applicable, a record of any action taken or decided upon at the meeting.
92 (c) An audio recording under Subsection (1)(a)(ii) shall:
93 (i) be a complete and unedited audio record of all portions of a negotiation meeting
94 from its commencement through its adjournment; and
95 (ii) be accurately labeled with the date, time, and location of the meeting.
96 (2) (a) Within 10 business days after a negotiation meeting is held, a public employer
97 shall:
98 (i) make minutes of the meeting available to the public; and
99 (ii) post the minutes on the public employer's Internet website, if the public employer
100 has an Internet website.
101 (b) Within three business days after a negotiation meeting is held, a public employer
102 shall:
103 (i) make an audio recording of the meeting available to the public; and
104 (ii) post the audio recording on the public employer's Internet website, if the public
105 employer has an Internet website.