

## HB0362S01 compared with HB0362

~~{deleted text}~~ shows text that was in HB0362 but was deleted in HB0362S01.

inserted text shows text that was not in HB0362 but was inserted into HB0362S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Daniel McCay proposes the following substitute bill:

TRANSPARENCY IN ~~{COLLECTIVE BARGAINING}~~PUBLIC

EMPLOYMENT

NEGOTIATION PROCESS

2013 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Daniel McCay**

Senate Sponsor: \_\_\_\_\_

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### LONG TITLE

#### General Description:

This bill enacts provisions relating to ~~{collective bargaining}~~negotiation meetings between public employers and public employee labor organizations.

#### Highlighted Provisions:

This bill:

- ▶ requires ~~{collective bargaining}~~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 ~~{collective bargaining}~~negotiation meeting;

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- ▶ requires public employers to keep minutes of ~~{collective bargaining}~~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:

ENACTS:

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

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

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

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

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

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

**CHAPTER 20a. ~~{COLLECTIVE BARGAINING MEETINGS~~**  
**WITH TRANSPARENCY IN PUBLIC ~~{EMPLOYERS}~~ EMPLOYMENT**  
**NEGOTIATION**

**Part 1. General Provisions**

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

This chapter is known as "~~{Collective Bargaining Meetings with}~~Transparency in Public ~~{Employers}~~ Employment Negotiation."

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

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

As used in this chapter:

(1) "~~{Collective bargaining}~~Employment agreement" means an agreement between a public employer and a public employee labor organization regarding salary and benefits of public employees represented by the public employee labor organization.

(2) "Negotiation meeting" means a meeting between ~~{one or more representatives of}~~a

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public employer and ~~{ one or more representatives of }~~ a public employee labor organization for the purpose of ~~{ discussing, negotiating, or making a collective agreement between the public employer and the public employee labor organization.~~

~~(2) negotiating the terms of a new employment agreement.~~

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

~~{3}4~~ "Public employer" means:

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

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

~~{4}5~~ "Public employee labor organization" means an organization of any kind, in which public employees participate, that exists, in whole or in part, for the purpose of ~~{ dealing; negotiating with public employers on behalf of public employees about {employee concerns relating to employment, including grievances, labor disputes, wages, rates of pay, hours of employment, and conditions of work};~~ matters addressed by an employment agreement.

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

### Part 2. ~~{Collective Bargaining}~~ Negotiation Meetings

**34-20a-201. ~~{ Collective bargaining}~~ Negotiation meetings open to the public --**

#### **Notice of meeting.**

(1) (a) A ~~{collective bargaining}~~ negotiation meeting shall be open to the public.

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

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

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

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

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

(2) (a) A public employer shall give written public notice of a ~~{collective~~

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bargaining}negotiation meeting, as provided in Subsection (2)(b), at least 24 hours in advance.

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

(i) state the date, time, and location of the {collective bargaining}negotiation meeting;

(ii) state the subject matter to be addressed at the {collective bargaining}negotiation

meeting; and

(iii) be posted:

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

(B) at the location of the {collective bargaining}negotiation meeting; and

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

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

**34-20a-202. Minutes and audio recording of {collective bargaining}negotiation meeting.**

(1) (a) A public employer shall:

(i) prepare minutes of a {collective bargaining}negotiation meeting; and

(ii) make an audio recording of a {collective bargaining}negotiation meeting.

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

(i) the date, time, and location of the {collective bargaining}negotiation meeting;

(ii) the name of each public employer and public labor organization representative

present at the meeting;

(iii) the substance of all matters discussed, proposed, or decided at the meeting; and

(iv) if applicable, a record of any action taken or decided upon at the meeting.

(c) An audio recording under Subsection (1)(a)(ii) shall:

(i) be a complete and unedited audio record of all portions of a {collective bargaining}negotiation meeting from its commencement through its adjournment; and

(ii) be accurately labeled with the date, time, and location of the meeting.

(2) (a) Within 10 business days after a {collective bargaining}negotiation meeting is held, a public employer shall:

(i) make minutes of the meeting available to the public; and

(ii) post the minutes on the public employer's Internet website, if the public employer has an Internet website.

(b) Within three business days after a {collective bargaining}negotiation meeting is

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held, a public employer shall:

(i) make an audio recording of the meeting available to the public; and

(ii) post the audio recording on the public employer's Internet website, if the public employer has an Internet website.

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**Legislative Review Note**

~~as of 2-21-13 10:17 AM~~

~~Office of Legislative Research and General Counsel}~~