

HB0362S02 compared with HB0362S01

~~deleted text~~ shows text that was in HB0362S01 but was deleted in HB0362S02.

inserted text shows text that was not in HB0362S01 but was inserted into HB0362S02.

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 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

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- ▶ 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

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

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

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

Part 1. General Provisions

34-20a-101. Title.

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

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

34-20a-102. Definitions.

As used in this chapter:

(1) "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 a public employer and a public employee labor organization for the purpose of negotiating the terms of a new employment agreement.

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

(4) "Public employer" means:

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(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.

(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 negotiating with public employers on behalf of public employees about matters addressed by an employment agreement.

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

Part 2. Negotiation Meetings

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

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

(b) Subsection (1)(a) ~~may~~ does not ~~be construed~~ apply to ~~limit the ability of~~ a ~~separate meeting held by~~ a public employer or public employee labor organization ~~;~~
~~(i) to meet separately and privately~~ during the course of a negotiation meeting ~~;~~ ~~and~~ ~~;~~
if:

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

~~(A) ;~~ the meeting does not include an individual representing the public employee labor organization ~~;~~ ~~if the~~ ~~;~~ and

(ii) for a separate meeting ~~is~~ held by a ~~meeting of the public employer; or~~
~~(B) the public employer, if the separate meeting is a meeting of the~~ public employee labor organization, the meeting does not include an individual representing the public employer.

(2) (a) A public employer shall give written public notice of a 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 negotiation meeting;

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

(iii) be posted:

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

(B) at the location of the 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 negotiation meeting.

(1) (a) A public employer shall:

(i) prepare minutes of a negotiation meeting; and

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

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

(i) the date, time, and location of the 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 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 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 negotiation meeting is 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.