

1 **TRANSPARENCY IN COLLECTIVE BARGAINING PROCESS**

2 2013 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Daniel McCay**

5 Senate Sponsor: _____

6

7 **LONG TITLE**

8 **General Description:**

9 This bill enacts provisions relating to collective bargaining meetings between public
10 employers and public employee labor organizations.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ requires collective bargaining meetings between public employers and public
14 employee labor organizations to be open to the public;

15 ▶ requires public employers to provide public notice of a collective bargaining
16 meeting;

17 ▶ requires public employers to keep minutes of collective bargaining meetings and to
18 make audio recordings of those meetings; and

19 ▶ requires public employers to make minutes and audio recordings available to the
20 public.

21 **Money Appropriated in this Bill:**

22 None

23 **Other Special Clauses:**

24 None

25 **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



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. COLLECTIVE BARGAINING MEETINGS**

35 **WITH PUBLIC EMPLOYERS**

36 **Part 1. General Provisions**

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

38 This chapter is known as "Collective Bargaining Meetings with Public Employers."

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

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

41 As used in this chapter:

42 (1) "Collective bargaining meeting" means a meeting between one or more
 43 representatives of a public employer and one or more representatives of a public employee
 44 labor organization for the purpose of discussing, negotiating, or making a collective agreement
 45 between the public employer and the public employee labor organization.

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

47 (3) "Public employer" means:

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

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

52 (4) "Public employee labor organization" means an organization of any kind, in which
 53 public employees participate, that exists, in whole or in part, for the purpose of dealing with
 54 public employers on behalf of public employees about employee concerns relating to
 55 employment, including grievances, labor disputes, wages, rates of pay, hours of employment,
 56 and conditions of work.

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

58 **Part 2. Collective Bargaining Meetings**

59 **34-20a-201. Collective bargaining meetings open to the public -- Notice of**
60 **meeting.**

61 (1) A collective bargaining meeting shall be open to the public.

62 (2) (a) A public employer shall give written public notice of a collective bargaining
63 meeting, as provided in Subsection (2)(b), at least 24 hours in advance.

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

65 (i) state the date, time, and location of the collective bargaining meeting;

66 (ii) state the subject matter to be addressed at the collective bargaining meeting; and

67 (iii) be posted:

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

69 (B) at the location of the collective bargaining meeting; and

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

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

72 **34-20a-202. Minutes and audio recording of collective bargaining meeting.**

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

74 (i) prepare minutes of a collective bargaining meeting; and

75 (ii) make an audio recording of a collective bargaining meeting.

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

77 (i) the date, time, and location of the collective bargaining meeting;

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

79 present at the meeting;

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

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

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

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

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

86 (2) (a) Within 10 business days after a collective bargaining meeting is held, a public
87 employer shall:

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

89 (ii) post the minutes on the public employer's Internet website, if the public employer

90 has an Internet website.

91 (b) Within three business days after a collective bargaining meeting is held, a public
92 employer shall:

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

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

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Office of Legislative Research and General Counsel