

IN THE SENATE

SENATE BILL NO. 1038

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

1 RELATING TO THE EMPLOYMENT OF FIREFIGHTERS; AMENDING SECTION 44-1806, IDAHO
2 CODE, TO REVISE PROVISIONS REGARDING FACT-FINDER SELECTION; AND AMEND-
3 ING SECTION 44-1807, IDAHO CODE, TO PROVIDE FOR THE COMPLETION OF THE
4 FACT-FINDING PROCESS.
5

6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Section 44-1806, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 44-1806. APPOINTMENT OF FACT-FINDING COMMISSION -- PUBLIC OFFICIALS
10 AND EMPLOYEES INELIGIBLE -- PAYMENT OF EXPENSES. Within five (5) days from
11 the expiration of the thirty (30) day period referred to in section 44-1805,
12 Idaho Code, the bargaining agent and the corporate authorities shall each
13 select and name one (1) member of a fact-finding commission respectively and
14 shall immediately thereafter notify each other in writing of the names and
15 addresses of the person so selected. The two (2) members so selected and
16 named shall, within ten (10) days from and after the expiration of the five
17 (5) day period mentioned above, agree upon and appoint and name a third mem-
18 ber. If on the expiration of the ten (10) day period the two (2) members are
19 unable to agree upon the appointment of a third member, ~~the director of the~~
20 ~~department of labor shall appoint such third member upon request in writing~~
21 ~~from either the bargaining agent or the corporate authorities either mem-~~
22 ~~ber may request a list of five (5) fact-finders from the federal mediation~~
23 ~~and conciliation service. Within ten (10) days of the receipt of that list,~~
24 ~~the two (2) members shall meet and each shall alternately strike one (1) name~~
25 ~~from the list until a single name remains, and that person shall be appointed~~
26 ~~the third member of the fact-finding commission. The third member of the~~
27 ~~fact-finding commission, whether appointed as result of agreement between~~
28 ~~the two (2) members selected by the bargaining agent and the corporate au-~~
29 ~~thorities, or appointed by the director from a list provided as set out in~~
30 ~~this section, shall act as chairman of the fact-finding commission. No mem-~~
31 ~~ber of the fact-finding commission shall be an elected official, or employee~~
32 ~~of the city, county, fire district, or political subdivision affected. Any~~
33 ~~expenses incurred by the fact-finding commission, including the fee and ex-~~
34 ~~penditures of the third member, shall be equally shared by the bargaining agent~~
35 ~~and the corporate authorities.~~

36 SECTION 2. That Section 44-1807, Idaho Code, be, and the same is hereby
37 amended to read as follows:

38 44-1807. NEGOTIATED AGREEMENTS CONSTITUTE CONTRACT. Any agreements
39 actually negotiated between the bargaining agent and the corporate authori-
40 ties either before or within thirty (30) days after the fact-finding commis-

1 sion's recommendation shall constitute the collective bargaining contract
2 governing the firefighters and said city, county, fire district, or polit-
3 ical subdivision for the period stated therein. If no agreement is reached
4 on matters subject to the fact-finding commission's recommendation within
5 thirty (30) days after its issuance, then the fact-finding commission's
6 recommendation shall become binding and all agreements actually negotiated
7 between the parties, combined with those recommendations as to which the
8 parties have not reached any other agreements, shall constitute the collec-
9 tive bargaining contract governing the firefighters and said city, county,
10 fire district, or political subdivision for the period stated therein.