

IN THE SENATE

SENATE BILL NO. 1039

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO EDUCATION; AMENDING SECTION 33-1271, IDAHO CODE, TO REVISE LAN-
2 GUAGE RELATING TO ENTERING INTO A NEGOTIATION AGREEMENT, TO PROVIDE FOR
3 NEGOTIATIONS IN GOOD FAITH, TO DEFINE A TERM, TO REVISE PROVISIONS RE-
4 LATING TO A REQUEST FOR NEGOTIATIONS AND TO REVISE PROVISIONS RELATING
5 TO RATIFICATION; AMENDING SECTION 33-1272, IDAHO CODE, TO REVISE DEF-
6 INITIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-1273,
7 IDAHO CODE, TO CLARIFY THAT THE LOCAL EDUCATION ORGANIZATION SHALL BE
8 THE EXCLUSIVE REPRESENTATIVE FOR CERTAIN EMPLOYEES IN THAT DISTRICT FOR
9 PURPOSES OF NEGOTIATIONS PURSUANT TO LAW AND TO PROVIDE THAT NEGOTIA-
10 TIONS SHALL ONLY OCCUR BETWEEN CERTAIN REPRESENTATIVES; AMENDING SEC-
11 TION 33-1274, IDAHO CODE, TO REVISE PROVISIONS RELATING TO MEDIATION
12 AND TO MAKE A TECHNICAL CORRECTION; PROVIDING SEVERABILITY; AND DECLAR-
13 ING AN EMERGENCY.
14

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

16 SECTION 1. That Section 33-1271, Idaho Code, be, and the same is hereby
17 amended to read as follows:

18 33-1271. SCHOOL DISTRICTS -- PROFESSIONAL EMPLOYEES -- NEGOTIATION
19 AGREEMENTS. The board of trustees of each school district, including spe-
20 cially chartered districts, or the designated representative(s) of such
21 district, is hereby empowered to and shall, upon its own initiative or upon
22 the request of a local education organization representing a majority of the
23 professional employees, enter into a negotiation agreement with the local
24 education organization or the designated representative(s) of such organi-
25 zation. and negotiate with such party in

26 (1) The parties to such negotiations shall negotiate in good faith on
27 those matters specified in any such negotiation agreement between the local
28 board of trustees and the local education organization. For the purposes of
29 this section, the term "good faith" means honesty, fairness and lawfulness
30 of purpose with the absence of any intent to defraud, act maliciously or take
31 unfair advantage.

32 (2) A request for negotiations may be initiated by either party to such
33 negotiation agreement.

34 (3) Upon either party making a request for negotiations, the local
35 education organization shall provide to the district written evidence es-
36 tablishing that the local education organization represents fifty percent
37 (50%) plus one (1) of the professional employees for negotiations. The local
38 education organization shall establish this representative status on an
39 annual basis, prior to the commencement of negotiations.

40 (4) Accurate records or minutes of the proceedings shall be kept and
41 shall be available for public inspection at the office of the affected school
42 district during normal business hours.

1 (5) Joint ratification of all final offers of settlement shall be made
 2 in open meetings. Each party must provide written evidence confirming to the
 3 other that majority ratification has occurred.

4 SECTION 2. That Section 33-1272, Idaho Code, be, and the same is hereby
 5 amended to read as follows:

6 33-1272. DEFINITIONS. Definition of terms as used in this act:

7 (1-) "Professional employee" means any certificated employee of a
 8 school district, including charter districts; provided, however, that
 9 administrative personnel including superintendents, supervisors or prin-
 10 cipals may be are excluded from the professional employee group if a nego-
 11 tiation agreement between the board and local education organization so
 12 specifies for the purposes of negotiations.

13 (2-) "Local education organization" means any local district organi-
 14 zation duly chosen and selected by a majority fifty percent (50%) plus one
 15 (1) of the professional employees, excluding administrative personnel as
 16 addressed in this section, as their representative organization for negoti-
 17 ations under this act.

18 (3-) "Negotiations" means meeting and conferring in good faith by a lo-
 19 cal board of trustees and the authorized local education organization, or
 20 the respective designated representatives of both parties for the purpose of
 21 reaching an agreement, upon matters and conditions subject to negotiations
 22 as specified in a negotiation agreement between said parties.

23 SECTION 3. That Section 33-1273, Idaho Code, be, and the same is hereby
 24 amended to read as follows:

25 33-1273. SCHOOL DISTRICTS -- PROFESSIONAL EMPLOYEES -- NEGOTIA-
 26 TIONS. The local education organization shall be the exclusive represen-
 27 tative for all professional employees in that district for purposes of
 28 negotiations pursuant to the provisions of this chapter. The individual
 29 or individuals selected to negotiate for the professional employees shall
 30 be a member of the organization designated to represent the professional
 31 employees and shall be a professional employee of the local school district.
 32 However, in the event a local board of trustees chooses to designate any
 33 individual(s) other than the superintendent or elected trustee(s) of the
 34 school district as its representative(s) for negotiations, the local edu-
 35 cational organization is authorized to designate any individual(s) of its
 36 choosing to act as its representative(s) for negotiations. ~~A local board of~~
 37 ~~trustees or its designated representative(s) shall negotiate matters cov-~~
 38 ~~ered by a negotiations agreement only with the local education organization~~
 39 ~~or its designated representative(s) Negotiations pursuant to this chapter~~
 40 ~~shall only occur between the respective designated representatives.~~

41 SECTION 4. That Section 33-1274, Idaho Code, be, and the same is hereby
 42 amended to read as follows:

43 33-1274. APPOINTMENT OF MEDIATORS -- COMPENSATION. In the event the
 44 parties in negotiations are not able to come to an agreement upon items sub-
 45 mitted for negotiations under a negotiations agreement between the parties,

1 one (1) or more mediators may be appointed. The issue or issues in dispute
2 shall be submitted to mediation at the request of either party in an effort to
3 induce the representatives of the board and the local education organization
4 to resolve the conflict. The procedures for appointment of and compensation
5 for the mediators shall be determined by both parties and if requested, medi-
6 ation shall occur to be completed prior to the deadline identified in section
7 33-1274A, Idaho Code.

8 SECTION 5. SEVERABILITY. The provisions of this act are hereby declared
9 to be severable and if any provision of this act or the application of such
10 provision to any person or circumstance is declared invalid for any reason,
11 such declaration shall not affect the validity of the remaining portions of
12 this act.

13 SECTION 6. An emergency existing therefor, which emergency is hereby
14 declared to exist, this act shall be in full force and effect on and after its
15 passage and approval.