

IN THE SENATE

SENATE BILL NO. 1259

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

1
2 RELATING TO DUTIES OF THE DIRECTOR OF THE DEPARTMENT OF LABOR; AMENDING SEC-
3 TION 72-1382, IDAHO CODE, TO PROVIDE FOR SECRET BALLOT ELECTIONS AND
4 OTHER REQUIREMENTS FOR AN EMPLOYER TO RECOGNIZE, CERTIFY, OR COLLEC-
5 TIVELY BARGAIN WITH A REPRESENTATIVE OF EMPLOYEES AND TO MAKE TECHNICAL
6 CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE
7 DATE.

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

9 SECTION 1. That Section 72-1382, Idaho Code, be, and the same is hereby
10 amended to read as follows:

11 72-1382. DUTIES OF DIRECTOR -- DETERMINATION OF REPRESENTATIVES. (1)
12 The director shall, when a question arises concerning the representation of
13 employees in a collective bargaining unit, investigate such controversy and
14 certify to the parties the name or names of the representatives who have been
15 selected. In any such investigation, the director shall provide for an ap-
16 propriate hearing, and ~~may shall~~ take a secret ballot of employees to ascer-
17 tain such representatives. ~~In all cases where a secret ballot is taken, the~~
18 ~~ballot shall permit a vote against representation by anyone named on the bal-~~
19 ~~lot; provided, however, that nothing~~ The ballot shall permit a vote against
20 representation by anyone named on the ballot.

21 (2) Notwithstanding any other provision of law to the contrary, where
22 collective bargaining is provided for under state law or where permissible
23 if the employer chooses to bargain, the director, any board of trustees of a
24 school district, or any other employer may not recognize, certify, or col-
25 lectively bargain with a representative of employees in a bargaining unit
26 unless such employees have voted in favor of such representative in a secret
27 ballot election administered by the director pursuant to this section or in a
28 comparable secret ballot election otherwise provided for or administered by
29 the board of trustees of a school district or any other employer.

30 (3) Nothing in this section shall be construed as authorizing the di-
31 rector, board of trustees of a school district, or any other employer to con-
32 duct an election on any matter which that is within the exclusive jurisdic-
33 tion of any federal official or board; and provided further that no election
34 shall be directed in any bargaining unit or subdivision within which, in the
35 preceding twelve (12) month period, a valid election was held.

36 SECTION 2. An emergency existing therefor, which emergency is hereby
37 declared to exist, this act shall be in full force and effect on and after
38 July 1, 2024.