

IN THE SENATE

SENATE BILL NO. 1033

BY SCHROEDER

AN ACT

1 RELATING TO INSTITUTIONS OF HIGHER EDUCATION; AMENDING CHAPTER
 2 37, TITLE 33, IDAHO CODE, BY THE ADDITION OF NEW SECTIONS
 3 33-3727 THROUGH 33-3732, IDAHO CODE, TO PROVIDE FOR NEGOTIATION
 4 AGREEMENTS; TO DEFINE TERMS; TO PROVIDE FOR BARGAINING UNITS
 5 AND NEGOTIATIONS; TO PROVIDE FOR THE APPOINTMENT OF MEDIATORS
 6 AND FOR COMPENSATION; TO PROVIDE FOR THE APPOINTMENT OF
 7 FACT-FINDERS AND FOR A REPORT; AND TO PROVIDE FOR RESERVED
 8 POWERS, DUTIES AND RESPONSIBILITIES.
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10 Be It Enacted by the Legislature of the State of Idaho:

11 SECTION 1. That Chapter 37, Title 33, Idaho Code, be, and the same is hereby amended
 12 by the addition thereto of NEW SECTIONS, to be known and designated as Sections 33-3727
 13 through 33-3732, Idaho Code, and to read as follows:

14 33-3727. NEGOTIATION AGREEMENTS. The administration of each institution of
 15 higher education is hereby empowered and shall, upon its own initiative or upon the request
 16 of a local faculty organization representing professional employees, enter into a negotiation
 17 agreement with the local faculty organization and negotiate with such party in good faith
 18 on matters of wages, hours of employment and other terms and conditions of employment.
 19 A request for negotiations may be initiated by either party to such negotiation agreement.
 20 Accurate records or minutes of the proceedings shall be kept, and shall be available for public
 21 inspection at the offices of the state board of education during normal business hours. Joint
 22 ratification of all final offers of settlement shall be made in open meetings.

23 33-3728. DEFINITIONS. In sections 33-3727 through 33-3732, Idaho Code:

24 (1) "Administration" means the person authorized to act on behalf of the institution of
 25 higher education under the laws of this state or such person's designee.

26 (2) "Institution of higher education" means the university of Idaho, Idaho state university,
 27 Boise state university, lewis-clark state college, eastern Idaho technical college, north Idaho
 28 college, college of southern Idaho, western Idaho college or any other public institution of
 29 higher education created by the legislature or formed pursuant to chapter 21, title 33, Idaho
 30 Code.

31 (3) "Local faculty organization" means any local organization duly chosen and selected
 32 by a majority of the professional employees employed at the institution of higher education
 33 as their representative organization for negotiations under the provisions of sections 33-3727
 34 through 33-3732, Idaho Code.

35 (4) "Negotiations" means meeting and conferring in good faith by the administration
 36 and the authorized local faculty organization for the purpose of reaching an agreement, upon
 37 matters and conditions subject to negotiations as specified in a negotiation agreement between
 38 said parties.

1 (5) "Professional employee" means any professor, adjunct, instructor, lecturer and
 2 graduate teaching assistant in that institution of higher education; provided, however, that those
 3 individuals with the responsibilities of dean or above may be excluded from the professional
 4 employee group if a negotiation agreement between the administration and local faculty
 5 organization so specifies.

6 33-3729. BARGAINING UNITS – NEGOTIATIONS. (1) For purposes of negotiations,
 7 professional employees shall be organized into bargaining units. Separate bargaining units shall
 8 be organized for:

- 9 (a) Tenured and tenure-track professors and senior instructors and instructors with
 10 renewable contracts;
 11 (b) Instructors and adjuncts without renewable contracts; and
 12 (c) Graduate teaching assistants.

13 (2) The local faculty organization shall be the exclusive representative for all
 14 professional employees in that institution of higher education for purposes of negotiations. The
 15 individual or individuals selected to negotiate on behalf of the professional employees shall
 16 be members of the organization designated to represent the professional employees and shall
 17 be professional employees of the institution of higher education. However, in the event the
 18 administration chooses to designate any individual, other than an employee of the institution
 19 of higher education as its representative for negotiations, the local educational organization is
 20 authorized to designate any individual or individuals of its choosing to act as its representative
 21 for negotiations. The administration or its designated representative(s) shall negotiate matters
 22 covered by a negotiations agreement only with the local faculty organization or its designated
 23 representative(s).

24 33-3730. APPOINTMENT OF MEDIATORS – COMPENSATION. In the event
 25 the parties in negotiations are not able to come to an agreement upon items submitted for
 26 negotiations under a negotiations agreement between the parties, upon agreement of the parties
 27 one (1) or more mediators may be appointed. The issue or issues in dispute shall be submitted
 28 to mediation at the request of either party in an effort to induce the administration and the
 29 local faculty organization to resolve the conflict. The procedures for appointment of and
 30 compensation for the mediators shall be determined by both parties.

31 33-3731. APPOINTMENT OF FACT-FINDERS – REPORT. (1) If mediation fails to
 32 bring agreement on all negotiable issues, the issues which remain in dispute may be submitted
 33 to fact-finding by request of either party. One (1) or more fact-finders shall be appointed by
 34 the parties by mutual agreement. If such agreement cannot be reached within thirty (30) days
 35 of the request for such appointment, the executive director of the state board of education
 36 shall make such appointment. The fact-finder shall have authority to establish procedural rules,
 37 conduct investigations and hold hearings during which each party to the dispute shall be given
 38 an opportunity to present its case with supporting evidence.

39 (2) Within thirty (30) days following designation of the fact-finder, the fact-finder shall
 40 submit a report in writing to the administration and the professional employees, setting forth
 41 findings of fact and recommendations on the issues submitted.

42 33-3732. RESERVED POWERS, DUTIES AND RESPONSIBILITIES. Nothing
 43 contained herein is intended to, or shall conflict with, or abrogate the powers, duties and

1 responsibilities vested in the legislature, state board of education and the boards of trustees
2 of the institutions of higher education by the laws of the state of Idaho. The administration
3 of each institution of higher education is entitled, without negotiation or reference to any
4 negotiated agreement, to take action as may be necessary to carry out its responsibility due to
5 situations of emergency or acts of God.