

IN THE SENATE

SENATE BILL NO. 1269

BY SCHROEDER

AN ACT

1 RELATING TO INSTITUTIONS OF HIGHER EDUCATION; AMENDING CHAPTER 37, TITLE 33,
2 IDAHO CODE, BY THE ADDITION OF NEW SECTIONS 33-3726, 33-3727, 33-3728,
3 33-3729, 33-3730 AND 33-3731, IDAHO CODE, TO PROVIDE FOR A NEGOTIATION
4 AGREEMENT, TO DEFINE TERMS, TO PROVIDE FOR NEGOTIATIONS, TO PROVIDE FOR
5 THE APPOINTMENT OF MEDIATORS AND FOR COMPENSATION, TO PROVIDE FOR THE
6 APPOINTMENT OF FACT-FINDERS AND FOR A REPORT AND TO PROVIDE FOR RESERVED
7 POWERS, DUTIES AND RESPONSIBILITIES.
8

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

10 SECTION 1. That Chapter 37, Title 33, Idaho Code, be, and the same
11 is hereby amended by the addition thereto of NEW SECTIONS, to be known and
12 designated as Sections 33-3726, 33-3727, 33-3728, 33-3729, 33-3730 and
13 33-3731, Idaho Code, and to read as follows:

14 33-3726. NEGOTIATION AGREEMENT. The administration of each
15 institution of higher education is hereby empowered to and shall, upon
16 its own initiative or upon the request of a local faculty organization
17 representing professional employees, enter into a negotiation agreement
18 with the local faculty organization and negotiate with such party in
19 good faith on matters of wages, hours of employment and other terms and
20 conditions of employment. A request for negotiations may be initiated by
21 either party to such negotiation agreement. Accurate records or minutes
22 of the proceedings shall be kept and be available for public inspection at
23 the offices of the state board of education during normal business hours.
24 Joint ratification of all final offers of settlement shall be made in open
25 meetings.

26 33-3727. DEFINITIONS. For the purposes of sections 33-3726 through
27 33-3731, Idaho Code:

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

31 (2) "Institution of higher education" means the university of Idaho,
32 Idaho state university, Boise state university, Lewis-Clark state college,
33 eastern Idaho technical college, north Idaho college, college of southern
34 Idaho, western Idaho college or any other public institution of higher
35 education created by the legislature or formed pursuant to chapter 21, title
36 33, Idaho Code.

37 (3) "Local faculty organization" means any local organization duly
38 chosen and selected by a majority of the professional employees employed at
39 the institution of higher education as their representative organization
40 for negotiations under sections 33-3726 through 33-3731, Idaho Code.

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

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

11 33-3728. NEGOTIATIONS. The local faculty organization shall
12 be the exclusive representative for all professional employees in
13 that institution of higher education for purposes of negotiations.
14 The individual or individuals selected to negotiate on behalf of the
15 professional employees shall be a member of the organization designated
16 to represent the professional employees and shall be a professional
17 employee of the institution of higher education. However, in the event
18 the administration chooses to designate any individual or individuals,
19 other than an employee of the institution of higher education as its
20 representative for negotiations, the local educational organization is
21 authorized to designate any individual or individuals of its choosing
22 to act as its representative for negotiations. The administration or
23 its designated representative(s) shall negotiate matters covered by a
24 negotiation agreement only with the local faculty organization or its
25 designated representative(s). For purposes of negotiations there shall be
26 four (4) separate units: one (1) for tenured, tenure-track faculty, senior
27 instructors and other instructors with renewable contracts; one (1) for law
28 school faculty; one (1) for instructors, lecturers and adjuncts without
29 renewable contracts; and one (1) for graduate teaching assistants.

30 33-3729. APPOINTMENT OF MEDIATORS -- COMPENSATION. In the event the
31 parties in negotiations are not able to come to an agreement upon items
32 submitted for negotiations under a negotiation agreement between the
33 parties, upon agreement of the parties one (1) or more mediators may be
34 appointed. The issue or issues in dispute shall be submitted to mediation
35 at the request of either party in an effort to induce the administration and
36 the local faculty organization to resolve the conflict. The procedures for
37 appointment of and compensation for the mediators shall be determined by
38 both parties.

39 33-3730. APPOINTMENT OF FACT-FINDERS -- REPORT. (1) If mediation
40 fails to bring agreement on all negotiable issues, the issues that remain in
41 dispute may be submitted to fact-finding by request of either party. One (1)
42 or more fact-finders shall be appointed by the parties by mutual agreement.
43 If such agreement cannot be reached within thirty (30) days of the request
44 for such appointment, the executive director of the state board of education
45 shall make such appointment. The fact-finder shall have authority to
46 establish procedural rules, conduct investigations and hold hearings during

1 which each party to the dispute shall be given an opportunity to present its
2 case with supporting evidence.

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

7 33-3731. RESERVED POWERS, DUTIES AND RESPONSIBILITIES. Nothing
8 contained herein is intended to or shall conflict with, or abrogate the
9 powers, duties and responsibilities vested in the legislature, state
10 board of education and the boards of trustees of the institutions of
11 higher education by the laws of the state of Idaho. The administration of
12 each institution of higher education is entitled, without negotiation or
13 reference to any negotiated agreement, to take action that may be necessary
14 to carry out its responsibility due to situations of emergency or acts of
15 God.