

IN THE SENATE

SENATE BILL NO. 1124

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO PUBLIC EMPLOYEES; REPEALING SECTION 33-1271, IDAHO CODE, RELAT-  
2 ING TO SCHOOL DISTRICTS AND NEGOTIATION AGREEMENTS; REPEALING SECTION  
3 33-1272, IDAHO CODE, RELATING TO THE DEFINITION OF TERMS; REPEALING  
4 SECTION 33-1273, IDAHO CODE, RELATING TO LOCAL EDUCATION ORGANIZATIONS  
5 AND NEGOTIATIONS; REPEALING SECTION 33-1274, IDAHO CODE, RELATING TO  
6 THE APPOINTMENT OF MEDIATORS; REPEALING SECTION 33-1275, IDAHO CODE,  
7 RELATING TO FACT FINDING; REPEALING SECTION 33-1276, IDAHO CODE, RE-  
8 LATING TO THE INTENT OF SPECIFIED LAW; AMENDING SECTION 44-1801, IDAHO  
9 CODE, TO REVISE THE DEFINITION OF "FIREFIGHTER"; REPEALING SECTION  
10 44-1802, IDAHO CODE, RELATING TO THE COLLECTIVE BARGAINING RIGHTS OF  
11 FIREFIGHTERS; REPEALING SECTION 44-1803, IDAHO CODE, RELATING TO THE  
12 RECOGNITION OF EXCLUSIVE BARGAINING AGENTS; REPEALING SECTION 44-1804,  
13 IDAHO CODE, RELATING TO THE OBLIGATION OF CORPORATE AUTHORITIES TO BAR-  
14 GAIN IN GOOD FAITH AND RELATING TO WRITTEN CONTRACTS; REPEALING SECTION  
15 44-1805, IDAHO CODE, RELATING TO THE SUBMISSION OF ISSUES TO A FACT  
16 FINDING COMMISSION; REPEALING SECTION 44-1806, IDAHO CODE, RELATING  
17 TO THE APPOINTMENT OF A FACT FINDING COMMISSION; REPEALING SECTION  
18 44-1807, IDAHO CODE, RELATING TO NEGOTIATED AGREEMENTS CONSTITUTING  
19 CONTRACTS; REPEALING SECTION 44-1808, IDAHO CODE, RELATING TO NOTICE  
20 OF REQUEST FOR COLLECTIVE BARGAINING; REPEALING SECTION 44-1809, IDAHO  
21 CODE, RELATING TO HEARINGS BEFORE FACT FINDING COMMISSION; REPEALING  
22 SECTION 44-1810, IDAHO CODE, RELATING TO RECOMMENDATIONS BY FACT FIND-  
23 ING COMMISSIONS; AMENDING SECTION 44-1811, IDAHO CODE, TO PROHIBIT  
24 FIREFIGHTERS FROM STRIKING OR RECOGNIZING A PICKET LINE OF ANY LABOR  
25 ORGANIZATION WHILE IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES; AND  
26 AMENDING TITLE 59, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 17, TITLE  
27 59, IDAHO CODE, TO PROVIDE A DECLARATION OF PUBLIC POLICY, TO PROHIBIT  
28 PUBLIC SECTOR COLLECTIVE BARGAINING, TO PROVIDE FOR PUBLIC EMPLOYEE  
29 RIGHTS AND TO PROHIBIT PUBLIC EMPLOYEE STRIKES.  
30

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

32 SECTION 1. That Section [33-1271](#), Idaho Code, be, and the same is hereby  
33 repealed.

34 SECTION 2. That Section [33-1272](#), Idaho Code, be, and the same is hereby  
35 repealed.

36 SECTION 3. That Section [33-1273](#), Idaho Code, be, and the same is hereby  
37 repealed.

38 SECTION 4. That Section [33-1274](#), Idaho Code, be, and the same is hereby  
39 repealed.

1 SECTION 5. That Section [33-1275](#), Idaho Code, be, and the same is hereby  
2 repealed.

3 SECTION 6. That Section [33-1276](#), Idaho Code, be, and the same is hereby  
4 repealed.

5 SECTION 7. That Section 44-1801, Idaho Code, be, and the same is hereby  
6 amended to read as follows:

7 44-1801. DEFINITIONS. As used in this act the following terms shall  
8 have the following meanings:

9 (1) "Firefighter" shall mean the paid members, except supervisors, of  
10 any regularly constituted fire department in any city, county, fire dis-  
11 trict or political subdivision within the state. The term "supervisor"  
12 means any individual having authority in the interest of an employer to  
13 hire, direct, assign, promote, reward, transfer, lay off, recall, suspend,  
14 discipline, or discharge other employees, or to adjust their grievances,  
15 or to effectively recommend such action if in connection with the foregoing  
16 the exercise of such authority is not merely routine or clerical in nature  
17 but calls for the consistent exercise of independent judgment; provided,  
18 the term "supervisor" shall include only those individuals who perform a  
19 preponderance of the above specified acts of authority on a day-to-day ba-  
20 sis; and provided further, a supervisor's administrative responsibilities  
21 must include demonstrated involvement in policy and budget formulation for  
22 the department. Nothing herein shall prohibit any individual employed as  
23 a firefighter or supervisor from becoming or remaining a member of a labor  
24 organization, ~~but no employer subject to this act shall be compelled to deem~~  
25 ~~individuals defined herein as supervisors as employees for the purpose of~~  
26 ~~any law, either state or local, related to collective bargaining.~~

27 (2) "Corporate authority" shall mean the council, commission,  
28 trustees, or any other governing body of any city, county, fire district or  
29 political subdivision whose duty it is to establish wages, working condi-  
30 tions, and other conditions of employment of firefighters.

31 SECTION 8. That Section [44-1802](#), Idaho Code, be, and the same is hereby  
32 repealed.

33 SECTION 9. That Section [44-1803](#), Idaho Code, be, and the same is hereby  
34 repealed.

35 SECTION 10. That Section [44-1804](#), Idaho Code, be, and the same is hereby  
36 repealed.

37 SECTION 11. That Section [44-1805](#), Idaho Code, be, and the same is hereby  
38 repealed.

39 SECTION 12. That Section [44-1806](#), Idaho Code, be, and the same is hereby  
40 repealed.

41 SECTION 13. That Section [44-1807](#), Idaho Code, be, and the same is hereby  
42 repealed.

1 SECTION 14. That Section [44-1808](#), Idaho Code, be, and the same is hereby  
2 repealed.

3 SECTION 15. That Section [44-1809](#), Idaho Code, be, and the same is hereby  
4 repealed.

5 SECTION 16. That Section [44-1810](#), Idaho Code, be, and the same is hereby  
6 repealed.

7 SECTION 17. That Section 44-1811, Idaho Code, be, and the same is hereby  
8 amended to read as follows:

9 44-1811. STRIKES PROHIBITED DURING CONTRACT. ~~Upon consummation and~~  
10 ~~during the term of the written contract or agreement, n~~No firefighter shall  
11 strike or recognize a picket line of any labor organization while in the per-  
12 formance of his official duties.

13 SECTION 18. That Title 59, Idaho Code, be, and the same is hereby  
14 amended by the addition thereto of a NEW CHAPTER, to be known and designated  
15 as Chapter 17, Title 59, Idaho Code, and to read as follows:

16 CHAPTER 17  
17 PROHIBITION OF COLLECTIVE BARGAINING IN THE PUBLIC SECTOR

18 59-1701. DECLARATION OF PUBLIC POLICY. It is hereby declared to be the  
19 public policy of the state of Idaho to promote harmonious, peaceful and coop-  
20 erative relationships in governmental service between public employers and  
21 their employees and to protect the public by assuring effective and orderly  
22 operations of government. Such policy is best effectuated by prohibiting  
23 collective bargaining in the public sector.

24 59-1702. PUBLIC SECTOR COLLECTIVE BARGAINING PROHIBITED. (1) No offi-  
25 cer, agent or governing body of the state of Idaho or any of its political  
26 subdivisions is vested with or possesses any authority to recognize any la-  
27 bor organization, union or other employee organization as a bargaining agent  
28 of any public employees, or to collectively bargain or enter into any collec-  
29 tive bargaining contract with any such organization or its agents concerning  
30 grievances, labor disputes, rates of pay, hours of employment, conditions of  
31 work or with respect to any other matter relating to said employees or their  
32 employment or governmental service.

33 (2) Any agreement or contract entered into or extended in violation of  
34 subsection (1) of this section subsequent to the effective date of this act  
35 shall be illegal, void and of no effect.

36 59-1703. PUBLIC EMPLOYEE RIGHTS. No public employee may be denied the  
37 right to be a member of an organization of employees or be intimidated or co-  
38 erced in a decision to communicate or affiliate with such an organization.  
39 Public employees may not be represented by employee organizations to nego-  
40 tiate collectively with their public employers in the determination of their  
41 terms and conditions of employment.

1           59-1704. PUBLIC EMPLOYEE STRIKES PROHIBITED. (1) It shall be unlawful  
2 for public employees to strike. If a strike occurs, the public employer may  
3 initiate, in the district court in the district where the strike occurs, an  
4 action for injunctive relief.

5           (2) It shall be unlawful for any public employer to authorize, consent  
6 to or condone any strike, or to pay or agree to pay a public employee for any  
7 day in which the employee participates in a strike, or to pay or agree to pay  
8 any increase in compensation or benefits to any public employee in response  
9 to, or as a result of, any strike or any act which violates the provisions of  
10 this act. It shall be unlawful for any official, director or representative  
11 of any public employer to authorize, ratify or participate in any violation  
12 of the provisions of this section.

13           (3) Public employees may not participate in a strike. A public employer  
14 may withhold some or all of the wages otherwise due an employee who elects to  
15 participate in a strike in violation of the provisions of this section.