

IN THE SENATE

SENATE BILL NO. 1095

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 REVISE PROVISIONS RELATING TO A REQUEST  
4 FOR NEGOTIATIONS AND TO REVISE PROVISIONS RELATING TO RATIFICATION;  
5 AMENDING SECTION 33-1272, IDAHO CODE, TO REVISE DEFINITIONS, TO DEFINE  
6 A TERM 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  
9 FOR PURPOSES OF NEGOTIATIONS PURSUANT TO LAW AND TO PROVIDE THAT NEGO-  
10 TIATIONS SHALL ONLY OCCUR BETWEEN CERTAIN REPRESENTATIVES; AMENDING  
11 SECTION 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.

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

31 (3) Upon either party making a request for negotiations, the local edu-  
32 cation organization, upon board request, shall provide to the district writ-  
33 ten evidence establishing that the local education organization represents  
34 fifty percent (50%) plus one (1) of the professional employees for negoti-  
35 ations. If requested by the board, the local education organization shall  
36 establish this representative status on an annual basis, prior to the com-  
37 mencement of negotiations.

38 (4) Accurate records or minutes of the proceedings shall be kept and  
39 shall be available for public inspection at the office of the affected school  
40 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 For the purposes of this section, "good faith" means honesty, fairness and  
 24 lawfulness of purpose with the absence of any intent to defraud, act mali-  
 25 ciously or take unfair advantage or the observance of reasonable standards  
 26 of fair dealing.

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

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

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

1           33-1274. APPOINTMENT OF MEDIATORS -- COMPENSATION. In the event the  
2 parties in negotiations are not able to come to an agreement upon items sub-  
3 mitted for negotiations under a negotiations agreement between the parties,  
4 one (1) or more mediators may be appointed. The issue or issues in dispute  
5 shall be submitted to mediation at the request of either party in an effort to  
6 induce the representatives of the board and the local education organization  
7 to resolve the conflict. The procedures for appointment of and compensation  
8 for the mediators shall be determined by both parties and if requested, medi-  
9 ation shall occur to be completed prior to the deadline identified in section  
10 33-1274A, Idaho Code.

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

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