

SESSION OF 2013

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2083

As Amended by House Committee on
Commerce, Labor and Economic Development

Brief*

HB 2083, as amended, would revise the Public Employer-Employee Relations Act (PEERA) by shifting the costs associated with public employee elections and fact-finding or mediation from the Department of Labor to the parties involved.

In instances when the Public Employee Relations Board (Board) administers a secret ballot for a unit of public employees to determine if they wish to be represented by an employee organization, the bill would require the Board to charge the costs of conducting the ballot to the party seeking the election. The bill would define "costs" to mean the amounts spent on printing ballots and postage.

In instances when the Board determines a negotiation impasse exists between a public employer and a recognized employee organization, the costs for fact-finding or mediation services would be borne equally by the parties involved in the dispute.

Background

The Public Employee Relations Board, created by KSA 75-4323, is comprised of five members appointed by the Governor and subject to Senate confirmation. Members' term of office is four years and until their successors are appointed and confirmed. One member represents public employers,

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

another represents public employees, and three members represent the public at large. The Board selects its chairperson from among the members of the public. Organized within the Department of Labor, the Board's responsibility is to prevent improper practices of public employers or their employees.

The Department of Labor requested introduction of the bill. A representative of the Department, speaking as a proponent, stated the bill would reduce expenses related to labor disputes, with the persons receiving the benefit bearing the service costs.

A representative of the Fraternal Order of Police spoke in opposition, noting the term "costs" was not defined. The opponent also expressed concern that the bill could lead to unnecessary tension between public employers and employees.

The House Committee on Commerce, Labor and Economic Development amended the bill to specify reasonable costs include the amount to print and mail ballots. The Committee's other amendment revised the title of the bill to reflect the subject matter contained within the bill.

According to the fiscal note prepared by the Division of the Budget on the original bill, in consultation with the Department of Labor, secret ballot elections occur two or three times per year. Over the past three years, approximately \$11,000 has been spent on fact-finding and mediation services. By shifting the expenses to those parties accessing the services, the Department's savings would be negligible.