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MEMORANDUM

To: Chairman Hutton and Committee on Commerce, Labor and Economic Development

From: Charles Reimer, Asst. Revisor

Date: 2-19-2015

Subject: HB 2326

HB 2326 makes two changes to the statutes governing negotiations between unions representing school teachers and school district boards.

- The terms subject to negotiation are limited.
- References and language that indicate a union or “professional employees organization” must be recognized by a school board as the exclusive representative of professional school employees in the appropriate bargaining unit are removed throughout the statutes amended in the bill.
- In addition, there are stylistic changes scattered throughout the bill which are not addressed in this memo.

A. Section 1 of the bill limits the definition of the “terms and conditions of professional service” subject to negotiation.

1. First, the definition is changed such that it exclusively limits the items for negotiation.

Page 3, line 1; lines 24-25.

2. Negotiation is limited to hours of work outside of teaching periods. Page 3, line 2-3.

3. “Professional employee appraisal procedures” is removed as an item. Page 3, lines 9-10.

4. Language limited privileges granted only to “the recognized professional employees’ organization” via negotiations is removed. Page 3, lines 21-26.

5. Matters relating to length and number of teaching periods are specifically excluded from the terms available for negotiation. Page 4, lines 4-7.

House Commerce, Labor and
Economic Development Committee

Date: 2-19-2015

Attachment: /

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B. Section 2.

Section 2 , page 4, involves changes that make representation by an organization of a teacher discretionary with each teacher. Teachers can enter into agreements with the school board individually.

C. Section 3

Section 3, page 4, changes language providing that an organization may ask the board of education to recognize it as a representative of teachers in an appropriate bargaining unit, to reflect that such an organization is no longer entitled to be the sole representative.

Pages 4-5. The procedure for the board resolving a dispute about who will represent the teachers is amended toward the same purpose on page 5.

New text is added on page 5 to clarify that teachers may represent themselves in negotiations with the board, and that agreements between an organization and the board may not impose representation by that organization upon a teacher unless the teacher is a member of that organization and does not elect to represent himself or herself.

D. Section 4.

Section 4, page 5, pertains to investigations by the secretary upon a petition regarding whether an organization has been designated by the teachers to represent them, whether the organization should be replaced by another organization, or whether recognition by the board of an organization as representing the teachers should be withdrawn. Again, changes are made to reflect that one organization is no longer the exclusive organization that will represent the teachers in a bargaining unit. Page 5-6.

E. Section 5.

Section 5 at page 6 pertains to a secret ballot conducted by the secretary for purposes of resolving a petition referenced in section 4. The conditions under which the secretary must dismiss the petition are amended to remove the conditions that an organization has been recognized by the board as the exclusive representative of the teachers involved or that the board has withdrawn its recognition of an organization as the exclusive representative. Page 6, lines 28-35.

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F. Section 6.

Section 6, pages 6-7, governs the secret ballot conducted by the secretary referenced in section 5. Again, the change at lines 14-15 on page 7 are to reflect that an organization is no longer entitled to be recognized as the exclusive representative.

G. Section 7.

Section 7, at page 7, pertains to ratification by the teachers of an agreement obtained with the board by an organization. These changes reflect that an organization is no longer entitled to exclusive representation. Page 7, line 25, line 40; page 8, lines 1 and 3.

H. Section 8.

This section on page 8 pertains to duties of a school board with regard to negotiating with an organization. The board and an organization may, not shall, enter into negotiations at any time during the school year. Page 8, line 16.

I. Section 9.

This section at page 9 provides that an agreement may include a provision for binding arbitration. It removes language which would suggest a limitation on the type of agreements possible for teachers with the board, reflecting, for example, that now such agreements may be between the board and individual teachers. Page 9, lines 6-7.

J. Section 10.

Section 10, page 9, governs the procedure when an impasse arises in the course of negotiations. Either or both parties may seek an investigation by the secretary of human resources.

Again, there is a change on page 9, line 18 and line 42 to reflect the removal of exclusivity of a representative organization.

K. Section 11.

This section at page 10 lists certain practices which are prohibited and constitute evidence of bad faith in the negotiation process between an organization and the school

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board. Changes at page 10, line 29 and page 11, line 8, reflects that negotiation is now discretionary, not a requirement, as amended by this bill in the referenced section.

L. Section 12.

Section 12 at page 11 pertains to continuation or nonrenewal of a contract of employment. A reference to authorization by 72-5428a for a unilateral contract is removed. Page 11, lines 29-30. This section is repealed by this bill.

M. This bill also repeals two sections of law, K.S.A. 72-5428a and K.S.A. 72-5420. These are attached for your review.

West's Kansas Statutes Annotated
Chapter 72. Schools
Article 54. Teachers' Contracts
Professional Negotiations

K.S.A. 72-5420

72-5420. Criteria for determining appropriate unit of employees' organization

Currentness

In each case where the question is in issue, the secretary shall decide, on the basis of the community of interest between and among the professional employees of the board of education, the wishes of the professional employees and/or the established practices among the professional employees including, among other things, the extent to which such professional employees have joined a professional employees' organization, whether the unit appropriate for the purposes of professional negotiation shall consist of all persons employed by the board of education who are engaged in teaching or performing other duties of an educational nature, or some subdivision thereof, except that a unit including classroom teachers shall not be appropriate unless it includes all such teachers employed by the board of education.

Credits

Laws 1970, ch. 284, § 8; Laws 1977, ch. 248, § 6.

Notes of Decisions (1)

K. S. A. 72-5420, KS ST 72-5420

Current through 2014 regular session

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West's Kansas Statutes Annotated
Chapter 72. Schools
Article 54. Teachers' Contracts
Professional Negotiations

K.S.A. 72-5428a

72-5428a. Unilateral contracts prohibited prior to completion of negotiation

Currentness

No board of education, which engages in professional negotiation with representatives of a recognized professional employees' organization, is permitted to issue a unilateral contract until the negotiations process as described in the Kansas professional negotiation law is fully completed.

Credits

Laws 1980, ch. 220, § 15.

Notes of Decisions (3)

K. S. A. 72-5428a, KS ST 72-5428a
Current through 2014 regular session