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MEMORANDUM

To: Chairman Abrams
Members of the Senate Committee on Education

From: Jason B. Long, Senior Assistant Revisor

Date: February 23, 2015

Subject: SB 176 – Limiting negotiations under the Professional Negotiations Act.

Senate Bill No. 176 makes several amendments to the Professional Negotiations Act (Act). The Act governs negotiations between boards of education and professional employees' organizations. The Act's scope covers not only school district boards of education, but also boards of education of two-year postsecondary educational institutions, such as community colleges and technical colleges. A professional employees' organization is a representative organization that negotiates on behalf of a group of teachers employed by the board of education.

First, SB 176 redefines the phrase "terms and conditions of professional service." This is a key phrase in the Act because it describes the terms and conditions of employment that the parties may negotiate when trying to reach a collective bargaining agreement. The bill strikes the current definition of this phrase, which includes several specific items, and states that the phrase exclusively means "the minimum amount of salaries and wages, including pay for duties under supplemental contracts." In conjunction with this change, SB 176 adds new subsection (b) to K.S.A. 72-5423 to expressly limit negotiations between parties to only the one term of professional service.

This change with respect to items subject to negotiation is applicable to future negotiations. Under the bill existing collective bargaining agreements will continue to be in effect until the termination date provided in such agreement. No agreement is to be extended, renewed or continued beyond such date.

Second, SB 176 repeals the impasse resolution procedures that are currently in place to assist parties in resolving an impasse in negotiations. Under current law, if either party believes an impasse exists, then they can petition the Secretary of Labor to determine if an impasse

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actually exists. SB 176 removes the Secretary's involvement. Under the bill an impasse is deemed to exist if the parties have not reached an agreement as to the term of professional service by the statutory impasse date, which is June 1.

Under current law, if an impasse exists then the Secretary is to appoint mediator to assist the parties in resolving the impasse. SB 176 repeals the mediation requirement. Also, current law if mediation fails, then the Secretary is to appoint a fact-finding board to further assist the parties in resolving the impasse. This requirement is also repealed by SB 176.

Under SB 176, if an impasse exists on the statutory impasse date, then the board of education is to take such action as it deems in the public interest, including the interest of the professional employees.

If enacted these amendments would become effective on July 1, 2015.