

SESSION OF 2016

SUPPLEMENTAL NOTE ON SENATE BILL NO. 469

As Amended by Senate Committee of the Whole

Brief*

SB 469, as amended, would make changes to the Professional Negotiations Act (PNA). The bill would require the Secretary of Labor to hold an election once every three years of all professional employees represented by a professional employees' organization to certify that a majority of the professional employees in the represented unit voting in the election support continued representation by the professional employees' organization. Elections, which would be staggered by the Department of Labor over the course of three years, would be held between January 1 and April 1. If no election is held, the Secretary of Labor would hold an election in the following year. The Secretary of Labor would be required to allow at least 14 days for an election to be held. If a majority of all professional employees in the represented unit who vote in the election do not vote in favor of continued representation, the organization would not be recognized, and the employees would be unrepresented.

The bill would allow a new professional employees' organization to be recognized in accordance with the provisions of current law, provided the new organization would not be substantially similar to or affiliated with an organization that lost recognition as the exclusive representative of the professional employees within the previous 36 months.

The bill also would allow a new professional employees' organization to be recognized for exclusive representation of the professional employees in a represented unit if the new

*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>

organization defeats an existing organization in the newly created election. In the event that no ballot option concerning representation receives a majority of the votes of all professional employees in a represented unit voting in the election, a run-off election would be held between the two ballot options receiving the most votes in the initial election.

The bill also would amend provisions of the PNA related to the process of petitioning the Secretary of Labor for the recognition of a professional employees' organization, the withdrawal of recognition of a professional employees' organization, or the replacement of representation of professional employees' organizations to account for the newly created elections. The Secretary would be required to adopt rules and regulations necessary to administer the elections.

Background

The bill was introduced by the Senate Committee on Ways and Means. At the Senate Committee on Commerce hearing on the bill, proponent testimony was provided by representatives of Americans for Prosperity – Kansas, the Kansas Association of American Educators, the Kansas Policy Institute, and a private citizen. Proponents stated the bill would provide teachers with the opportunity to periodically select their representation.

Testimony in opposition to the bill was provided by a representative of the Kansas Association of School Boards, also representing the Kansas National Education Association, the Kansas School Superintendents Association and United School Administrators of Kansas, who explained the issue of certification of professional employees' organizations was never identified as a problem during the negotiations that led to the passage of HB 2353 during the 2015 Legislative Session. A private citizen also testified against the bill, expressing concern the bill could infringe upon constitutionally protected rights. Additional testimony in

opposition to the bill was provided by the American Federation of Teachers – Kansas and Kansas AFL-CIO. There was no neutral testimony.

The Senate Committee amended the bill to change the election requirement from once every year to once every three years and to change the election time frame.

The Senate Committee of the Whole amended the bill to provide for the triennial elections to be staggered; to require that if an election is not held in the year in which it is scheduled to be held, that it shall be held the following year; to change the requirement for a professional employees' organization to maintain certification from a majority of professional employees' in the represented unit to a majority of such employees voting in the election; and to require the Secretary of Labor to allow for at least 14 days for the election to take place.

The fiscal note for the bill as introduced, prepared by the Division of the Budget, indicated the bill would require an additional appropriation of \$340,000 from the State General Fund and 4.0 FTE positions in FY 2017. Any fiscal effect associated with the bill is not reflected in *The FY 2017 Governor's Budget Report*. A revised fiscal note for the bill was not immediately available.