

HB 1288 -- Good Faith Employee Negotiations

Sponsor: George

This bill requires the Commissioner of the Office of Administration to appoint a chief negotiator to represent the state in negotiations and administer all labor contracts entered into by the state.

Public employees may refuse to join an employee organization and refuse to pay any fees, dues, assessments, or service fees except to the extent that agreements between the public body and the employee organization require, as a condition of employment, the payment of service fees in an amount not to exceed the dues payable by an organization member. The representative of the employee organization, as a requirement for receiving service fees from nonparticipating employees, is required to provide certain safeguards with respect to the payment of the service fees. Certain public employees are excluded from the requirements of the bill.

Requirements for the formation and the function of public employee bargaining units are specified. Certain statewide bargaining units and the corresponding occupations included in the units are structured by the bill. Final determination of the appropriate placement of occupational classifications in the units is vested in the State Board of Mediation. Contested board rulings will be resolved by the State Hearing Officer.

The state board is required to adopt rules and regulations for the certification and decertification of bargaining representatives, impasse procedures, grievance procedures, payment of fees, hearings, and enforcement of good faith negotiation rights.

The bill makes it unlawful for public employees to strike or for the representative of any public body to authorize or participate in any strike. Procedures for obtaining an injunction restraining a violation of the strike prohibition or imminently threatened violation of the strike prohibition are established.

Persons in violation of the strike prohibition who are held to be in contempt of court for noncompliance with a court order may be immediately discharged from employment, forfeit all seniority rights, be barred from employment by the same employer for 12 months, or any combination of the sanctions. If an employee organization or any of its officers are held to be in contempt of court for failure to follow a court order, the employee organization will be decertified as the exclusive bargaining representative and will cease to receive financial support from

its members.

If requested negotiations reach an impasse, either participating party may request the state board to appoint a mutually agreed upon mediator. The bill provides mediation procedures, time requirements, and factors to be considered by the mediator in negotiations between the parties.

Any final agreement requiring appropriations by the employing public body are subject to all applicable laws and will be addressed in the budget submitted by the Governor and proceed through the required appropriations process.

Any employee organization and public employer may sue or be sued as an entity under the bill.