

FIRST ENGROSSMENT

Sixty-seventh
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2215

Introduced by

Senators Schaible, Davison

Representatives Heinert, Schreiber-Beck, Zubke

1 A BILL for an Act to amend and reenact sections 15.1-16-06 and 15.1-16-10, subsection 1 of
2 section 15.1-16-11, section 15.1-16-13, subsection 1 of section 15.1-16-14, and sections
3 15.1-16-15 and 15.1-16-18 of the North Dakota Century Code, relating to deadlines for teacher
4 negotiations between school districts and representative organizations.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. AMENDMENT.** Section 15.1-16-06 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **15.1-16-06. Factfinding - Sharing of cost.**

9 If an impasse is ~~deemed to exist~~exists under section 15.1-16-14, the contending parties
10 shall share the cost of factfinding equally.

11 **SECTION 2. AMENDMENT.** Section 15.1-16-10 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **15.1-16-10. Negotiating unit - Formation.**

14 A group of teachers or a group of administrators employed by the board of a public school
15 district may form a negotiating unit by filing with the board no later than February first of the
16 current school year a petition providing a description of the job groupings or positions that
17 constitute the negotiating unit. ~~Upon~~Within thirty days after the date of receipt of the
18 ~~description~~petition, the board shall accept or reject the proposed negotiating unit described in
19 the petition. ~~If the board accepts the negotiating unit, the teachers or the administrators within~~
20 ~~the unit may designate or select a representative organization as provided for in section~~
21 ~~15.1-16-11.~~

22 **SECTION 3. AMENDMENT.** Subsection 1 of section 15.1-16-11 of the North Dakota
23 Century Code is amended and reenacted as follows:

- 1 1. a. If an organization is interested in representing a group of teachers or a group of
2 administrators, the organization may file with the board of a school district a
3 petition asserting that the organization represents a majority of the teachers or
4 the administrators included within a negotiating unit.
- 5 b. The petition must be accompanied by evidence substantiating the assertion
6 contained in it.
- 7 c. The petition must be filed with the board of a school district no later than ~~March~~
8 first of the current school yearthirty days after the date the petition under section
9 15.1-16-10 was filed.
- 10 d. Within ten days after receiving the petition, the board of the school district shall
11 post notice of its intent to consider the petition in each school wherein the
12 members of the negotiating unit are employed.
- 13 d-e. No sooner than ten nor later than twenty days after posting the notice of intent to
14 consider the petition, the board shall investigate the petition, determine the
15 question of representation, and post notice of its determination in each school
16 wherein the members of the negotiating unit are employed.
- 17 e-f. If the petition is not contested, the board shall recognize the petitioner as the
18 representative organization of the negotiating unit, unless ~~the board rejects the~~
19 petition for recognition of the negotiating unit under section 15.1-16-10 or the
20 board finds in good faith that there is a reasonable doubt the representation
21 exists.

22 **SECTION 4. AMENDMENT.** Section 15.1-16-13 of the North Dakota Century Code is
23 amended and reenacted as follows:

24 **15.1-16-13. Good-faith negotiations.**

- 25 1. The board of a school district or its representatives and the representative
26 organization or its representatives shall, if requested by either entity, meet at
27 reasonable times and negotiate in good faith regarding:
- 28 a. The terms and conditions of employment.
- 29 b. Employer-employee relations.
- 30 c. Formation of a contract, which may contain a provision for binding arbitration.
- 31 d. The interpretation of an existing contract.

- 1 2. The board of a school district and the representative organization, at the request of
2 either party, shall execute a written contract incorporating any agreement reached.
- 3 3. Either the board of a school district or the representative organization may modify or
4 terminate the contract on its annual anniversary date by giving notice of its desire to
5 modify or terminate the contract to the other party not less than one hundred sixty
6 days before the annual anniversary date.
- 7 4. Nothing in this section compels either the board of a school district or a representative
8 organization to agree to a proposal or to make a concession.
- 9 5. Good-faith negotiations must begin no later than the thirtieth day after the
10 representative organization is recognized by the board of the school district, in
11 accordance with section 15.1-16-11, unless otherwise agreed to by the board of the
12 school district and the representative organization.
- 13 6. Unless otherwise agreed to by the board of the school district and the representative
14 organization, good-faith negotiations must be completed no later than July first
15 following the recognition of the representative organization under section 15.1-16-11.

16 **SECTION 5. AMENDMENT.** Subsection 1 of section 15.1-16-14 of the North Dakota
17 Century Code is amended and reenacted as follows:

- 18 1. An impasse exists if:
- 19 a. After a reasonable period of negotiation, an agreement has not been formulated
20 and a dispute exists-;
- 21 b. No later than July first following the recognition of the representative organization
22 under section 15.1-16-11:
- 23 (1) An agreement has not been reached between the board of a school district
24 and the representative organization; and
- 25 (2) The board of the school district and the representative organization have not
26 agreed to extend the negotiation period; or
- 27 c. The board of a school district and the representative organization both agree that
28 an impasse exists.

29 **SECTION 6. AMENDMENT.** Section 15.1-16-15 of the North Dakota Century Code is
30 amended and reenacted as follows:

1 **15.1-16-15. Impasse - Resolution.**

- 2 1. If an impasse exists under section 15.1-16-14, the board of a school district and the
3 representative organization may agree to seek mediation. The board and the
4 representative organization shall jointly select a mediator and agree to a distribution of
5 the mediation cost. If mediation fails or if mediation is not attempted, the board or
6 representative organization may request that the education factfinding commission
7 provide assistance.
- 8 2. If the education factfinding commission is asked to provide assistance under
9 subsection 1 ~~and if the commission determines that an impasse exists~~, the
10 commission shall act as a factfinding commission or appoint a factfinder from a list of
11 qualified individuals maintained by the commission. A factfinder appointed under this
12 section has the powers designated by the commission. Upon completion of all duties,
13 the factfinder shall make a recommendation to the commission.
- 14 3. The education factfinding commission shall:
- 15 a. Consider the facts, make its findings, and issue a recommendation; or
16 b. Consider the report and recommendation of its factfinder and, after any further
17 investigation the commission elects to perform, make its findings and issue a
18 recommendation.
- 19 4. Within forty days from the date the commission is asked to provide assistance, the
20 commission shall deliver its findings and recommendations to the board of the school
21 district and to the representative organization. No sooner than ten nor later than
22 twenty days after its findings and recommendations are delivered to the board and the
23 representative organization, the commission shall make its findings and
24 recommendation public if the impasse is not resolved.
- 25 5. If facts are established or a recommendation made in accordance with factfinding
26 procedures agreed to by the board of the school district and the representative
27 organization and the impasse continues, the education factfinding commission may
28 consider the findings and recommendations without instituting its own factfinding
29 procedure and the commission may issue its own findings and recommendations
30 based on the information available. No sooner than ten nor later than twenty days after
31 these findings and recommendations are delivered to the board and the representative

1 organization, the commission shall make its findings and recommendations public if
2 the impasse is not resolved.

3 **SECTION 7. AMENDMENT.** Section 15.1-16-18 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **15.1-16-18. Representative organization - Recognition – Withdrawal of**
6 **recognitionAuthority.**

7 A representative organization that enters a contract betweenwith the board of a school
8 district and a representative organization barsretains the authority to represent the negotiating
9 unit for the duration of the contract or until another representative group from petitioning for
10 recognition and bars the withdrawal of recognition from the representative organization for the
11 duration of the contract or three years, whichever is lessis recognized by the board of the
12 school district as the representative organization of the negotiating unit under section
13 15.1-16-11.