

Chairman Owens and House Education Committee, for the record my name is Senator Don Schaible, representing District 31, here to introduce SB 2215.

Just a brief explanation on how this process currently works. Negotiations can not begin until the negotiating unit (teachers) or the school board provide notice of their intent to negotiate.

- Once notice has been provided, a 2 step recognition process is followed for the negotiations to begin. This process is necessary to define the negotiating unit and recognize the representative organization that will represent the unit in negotiations with the board. However, there is no timeframe built into statute as to when this must occur. If this process isn't started or it is delayed, it can significantly impact the timing and completion of negotiations.
- Once the recognition process is complete, negotiations must begin within 30 days unless the parties agree otherwise. However, other than the general duty to negotiate in good faith, there are no other timeframes or deadlines in place to encourage the parties to pursue negotiations in a timely and reasonable manner.
- Current practice has allowed schools to meet until a reasonable contract is agreed to, or both side agree that they are at impasse or one side brings a lawsuit alleging bad faith negotiations which further delaying the process.
- If a contract is agreed to, contracts are issued and teachers have 15 days to sign or reject and if rejected, the school can then look find a replacement for that position.
- If impasse is agreed to, the process is turned over to Fact Finding Commission, hearing is held, the Commission suggests and non-binding opinion, one more negotiating meeting held and if no agreement is met, the school board may offer is final offer contract to the teachers and they again have the 15 days to accept.

SB 2215 ads to clarify this two-step recognition process and provides a deadline of July 1st that if no agreement has been reached that impasse would be assumed to exist and that final stage of negotiation would begin under fact finding. Now if both sides see further value in negotiating and with mutual consent, negotiation can continue.

There was some discussion that the deadline was to early in the process with the uncertain of state funding. That is one reason for the amendment that we passed in the Senate to extend the deadline to July 1st.

Chairman Owens and Committee, I understand that impasse is not the norm of the vast majority of our school and that in most cases the negotiation process works fine, and teachers and boards find a reasonable solution to contract disputes. This bill also allows negotiations process to continue longer than July 1st if both parties believe further meeting would be beneficial. This bill in no way is trying to hinder the negotiation process but is an attempt to streamline the process and provides a pathway to move this process along when no further progress is made by holding more meetings. This bill would prevent stalling or not meeting as a tactic of either side and would provide certainty to a reasonable end of this process. I believe most legislators in North Dakota understand the importance of a deadline in the completion of our work with the 80 day limit that we must abide by. I believe certainty to completion is better for moral of staff, the board and the community. Being able to know the budget and offer contracts before school starts and having everyone focusing on education rather than negotiation would also seem to be reasonable.

Chairman Owens and House Education Committee that ends my introduction of this bill and I will try to answer your questions.