

Testimony on Senate Bill 2215 – March 17th, 2021

Jim Johnson, Board Member Fargo Public Schools

Good morning Chairman Owens, and members of the House Education Committee.

I am Jim Johnson, a member of the Fargo School Board since 2001, past board member and president of the North Dakota School Board's Association, and current board member and chairman of the South East Education Cooperative. I am here today to offer testimony in support of SB 2215.

In 1969 the legislature passed HB 175 and it was signed into law. HB 175 created in statutes the right for public school teachers to collectively bargain with their employing school district. To the best of my knowledge they are the only public employees in North Dakota that have been granted this right by the legislature.

During my service on the Fargo School Board I have served on the board's negotiating team in 10 of our last 11 negotiation sessions. While I can't determine the reason, it would appear that one of the negotiating strategies, that has recently appeared is to stretch the process out.

A look back at our last 3 negotiations sessions with our teachers might be helpful in understanding why I believe everybody involved should support SB 2215.

In 2017 we began negotiations on Jan. 5th

A total of 8 meetings were held between 1/5 and 6/27

6/27 Impasse was declared and the state Fact Finding Commission was contacted.

7/19 Fact Finding Commission hearing was held

7/25 Fact finding Commission report was received

8/15 A 1-year contract was ratified (prior to the start of the school year)

In 2018 we began negotiations on Jan. 11th

A total of 13 meetings were held between 1/11-8/30

No meeting could be scheduled with the teachers from 6/15 to 8/5

9/7 A 1-year contract was ratified (after the start of the school year)

In 2019 we began negotiations on Jan. 3rd

8 meetings were held between 1/3 and 6/3

No meeting could be scheduled with the teachers from 6/3 to 8/26

8/26 The Board declared that we were at impasse

9/5 The teachers filed an injunction to stop the impasse process

10/3 Hearing was held in Cass County District Court

10/4 Judge Steven Marquardt ruled in favor of the Board

12/7 Board request State Fact Finding Commission

1/8/20 Fact Finding Commission hearing was held

1/15/20 Fact Finding Commissions report was received

2/21/20 Teacher contract is ratified (well over ½ way through the school year!)

2021 – Teachers have not yet asked to be recognized for negotiation purposes

The protraction of the negotiations process beyond the start of the new school year creates multiple issues and challenges for Districts.

- Employee morale is negatively impacted when the new school year starts without a new contract in place. Our certified staff deserves to know what they will be paid before they start their next year of teaching.
- Hiring needed for new teachers is hampered as the District cannot tell the candidate for certain what their compensation package is prior to asking them to commit to taking the position.
- School districts are required by law to approve their preliminary budget by July each year and they need to submit their final budget to the county by October each year. Employee compensation is far and away the largest budget expenditure. Typically it represent between 60-80% of the general fund budget. Not having certainty in regards to staff compensation makes annual budgeting extremely difficult if teacher contracts have not been ratified.
- When the school year starts prior to contract talks being finalized, it causes additional burdens and expense for the district if they elect to retroactively pay their staff once the contract is ratified.

The proposed amendments to Section 15.1-16-06 that are outlined in SB 2215 will by design create a sense of immediacy that all parties' teachers and boards need to feel.

The statute, as would be amended, allows the parties to begin the negotiation process when they elect to do so provided it is no later than Feb. 1st. It creates an ending date certain of July 1st, unless both parties agree to extend beyond that date. Passage of these amendments will go a very long way toward increasing the likelihood that new contracts will be in place prior to the start of a new school year.

The only negative that I can see from having a July 1st deadline is that it requires a more consolidated time commitment from all of those involved in the negotiation process.

The criticism I have heard primary from ND United and its members is that this legislation somehow further erodes their position in the statutory bargaining process. I believe this concern is based in part upon on assumption that this body needs to complete its work before serious negotiations can begin. From my perspective nothing could be farther from reality. Typically during our negotiation session in Fargo in the past we have had multiple issues brought forward by both sides that had nothing to do with the state funding formula or other legislative issues.

There is nothing in the current statute or in SB2215 that prohibits the teachers from petitioning to start the bargaining process in the fall and addressing all the issues that can be prior to the legislature completing its work. Beginning the negotiations process earlier would allow for all the non-salary related issues to address with plenty of time remaining after the legislature adjourns to address the salary related issues prior to the July 1st deadline.

My hope is with passage of this amendment to Section 15.1-16-06, schools district throughout our state will be able to have new contracts in place prior to the start of the new school year. On behalf of the students, staffs, and school districts of North Dakota, I urge you to give SB 2215 a do pass recommendation.

Thank you for listening to my testimony and I would be happy to answer any questions you may have in regards to it.

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