

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1372

2001 HOUSE INDUSTRY, BUSINESS AND LABOR

HB 1372


2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1372

House Industry, Business and Labor Committee

☐ Conference Committee

Hearing Date Feb. 6, 2001

Tape Number	Side A	Side B	Meter #
3	X		0-36.8
Committee Clerk Signature 			

Minutes: Chairman R. Berg, Vice-Chair G. Keiser, Rep. M. Ekstrom, Rep. R. Froelich, Rep. G. Froseth, Rep. R. Jensen, Rep. N. Johnson, Rep. J. Kasper, Rep. M. Klein, Rep. Koppang, Rep. D. Lemieux, Rep. B. Pietsch, Rep. D. Ruby, Rep. D. Severson, Rep. E. Thorpe.

Rep Mary Ekstrom: Sponsor of bill.

Rep Lonnie Winrich: Cosponsor of bill.

Rep Ole Aarsvold: I bring experience with me when I say I feel this process works well and the rules direct this toward an outcome that flows to a closure. We would construct conditions to concede some of the legislatures power but not all.

Chris Runge: *NDPEA* **Written testimony in support.**

Kurt Smith: *Minot Police Union President.* **Written testimony in support.**

Rep Kasper: What needed to change that caused your union to evolve?

Smith: Schedules, number of people, working conditions, and pay study to name a few.

Rep Jensen: What are the advantages of a union?

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House Industry, Business and Labor Committee
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Smith: Communication, consistent direction, and attention of needs.

Rep Jensen: What will you do for power without the allowance of strikes?

Smith: Public employees are hard to motivate to strike because they want to help people. The power comes by arbitration's.

Rep Thorpe: How will repour with entities be affected?

Smith: I think all around it will improve.

Dave Kemnitz: (21.9) *AFL/CIO* We support this bill.

Joe Wessby: I represent 8,000+ education employees and fully support the bill.

Jerry Hjelmstad: *ND League of Cities* We're opposed to the bill because it takes appropriations away from the local board.

Rep Klein: How would you handle the budget if this went over?

Hjelmstad: We would be forced to raise the mill levy.

Rep Andy Maragos: I support this.

Chairman Berg: We'll close the hearing on HB 1372.


2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1372(B)

House Industry, Business and Labor Committee

☐ Conference Committee

Hearing Date Feb. 13, 2001

Tape Number	Side A	Side B	Meter #
2	X		5.13-9.8
Committee Clerk Signature 			

Minutes: Chairman R. Berg, Vice-Chair G. Keiser, Rep. M. Ekstrom, Rep. R. Froelich, Rep. G. Froseth, Rep. R. Jensen, Rep. N. Johnson, Rep. J. Kasper, Rep. M. Klein, Rep. Koppang, Rep. D. Lemieux, Rep. B. Pietsch, Rep. D. Ruby, Rep. D. Severson, Rep. E. Thorpe.

Rep Keiser: I move a do not pass.

Rep Ruby: I second.

10 yea, 4 nay, 1 absent

Carrier Rep Kasper

FISCAL NOTE STATEMENT

House Bill or Resolution No. 1372

This bill or resolution appears to affect revenues, expenditures, or fiscal liability of counties, cities, or school districts. However, no state agency has primary responsibility for compiling and maintaining the information necessary for the proper preparation of a fiscal note regarding this bill or resolution. Pursuant to Joint Rule 502, this statement meets the fiscal note requirement.

John Walstad
Code Revisor

Date: 2-13-01
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1372

House Industry, Business and Labor Committee

Legislative Council Amendment Number _____

Action Taken Do Not Pass

Motion Made By Keiser Seconded By Ruby

Representatives	Yes	No	Representatives	Yes	No
Chairman- Rick Berg	✓		Rep. Jim Kasper	✓	
Vice-Chairman George Keiser	✓		Rep. Matthew M. Klein	✓	
Rep. Mary Ekstorm		✓	Rep. Myron Koppang	✓	
Rep. Rod Froelich			Rep. Doug Lemieux		✓
Rep. Glen Froseth	✓		Rep. Bill Pietsch	✓	
Rep. Roxanne Jensen		✓	Rep. Dan Ruby	✓	
Rep. Nancy Johnson	✓		Rep. Dale C. Severson	✓	
			Rep. Elwood Thorpe		✓

Total (Yes) 10 No 4

Absent 1

Floor Assignment Rep Kasper

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
February 13, 2001 12:43 p.m.

Module No: HR-26-3184
Carrier: Kasper
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1372: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends
DO NOT PASS (10 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1372 was
placed on the Eleventh order on the calendar.

2001 TESTIMONY

HB 1372

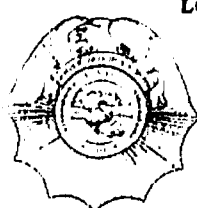
TESTIMONY IN SUPPORT OF HB 1372

**Before the House Industry, Business and Labor Committee
Minot Police Employees' Union, Local #1078, IUPA, AFL-CIO
February 6th, 2001**

Chairman Berg, members of the House of Representatives Industry, Business and Labor Committee, my name is Kurt Smith and I am the President of the Minot Police Employees' Union Local #1078. I represent 54 of the 77 employees of the Minot Police Department. MPEU is affiliated with the International Union of Police Associations, an AFL-CIO affiliated union chartered to represent law enforcement officers and law enforcement support personnel. The IUPA represents more than 90,000 members across North America. MPEU supports HB 1372, a bill that would bring collective bargaining rights to public employees of municipalities, counties and other political subdivisions in the state. These are rights that are commonly enjoyed by most workers in the state of North Dakota.

Our union was chartered in June 1999. In the short time since then I have learned a great deal about labor issues. One thing I learned was that many of the opponents to legalizing collective bargaining have concerns about public employees going out on strike. This bill does not permit strikes or work slowdowns or stoppages. This bill does not repeal the right to work provisions of state law.

The right to bargain for workplace conditions is a right afforded to all workers in North Dakota except public employees. Collective bargaining, quite simply, establishes a means for workers to utilize the democratic process for determining wages, hours of work, and working conditions with employers. Collective bargaining will give public employees a united voice in the decisions that affect our jobs by allowing us to negotiate as equals with our employers issues determining salary, benefits, and other working conditions.



**MINOT POLICE EMPLOYEE'S UNION
LOCAL #1078, IUPA, AFL-CIO**

**KURT D. SMITH
PRESIDENT**

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Labor is a commodity. Workers are the owners of that commodity and should be able to fairly negotiate the value of labor. This concept is commonly understood in the private sector. It should be treated with equal fairness for public employees.

Collective bargaining for public employees is presently allowed in approximately 38 states in this country, including all of those immediately surrounding North Dakota. Employees want to be involved in discussions on issues concerning the conditions under which they work. Who better to provide input on increasing the efficiency of labor than the men and women doing the work?

By seeking your support of HB 1372, public employees are merely asking that you to grant them the same workplace rights afforded to those in the private sector, federal employees and K-12 educators, that being the right to choose through free and open democratic elections whether to be represented by a labor organization in order to negotiate employment contracts.

MPEU supports HB 1372 and urges a DO PASS recommendation from this committee. Thank you for the opportunity to testify in support of collective bargaining rights for public employees. I will be glad to answer any questions you may have.



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TESTIMONY IN SUPPORT OF HB 1372

Before the House Industry, Business and Labor Committee
North Dakota Public Employees Association, American Federation of Teachers, #4660
AFL-CIO
February 6, 2001

Chairman Berg, members of the House Industry, Business and Labor Committee, my name is Chris Runge and I am the Executive Director of the North Dakota Public Employees Association, AFT Local #4660. NDPEA supports HB 1372 a bill which would bring collective bargaining rights to employees of political subdivisions, a right now enjoyed by all other workers in the state of North Dakota.

But first, let me tell you what this bill does not do. This bill does not permit strikes. This bill does not repeal the right to work provisions of state law and this bill does not force the Legislature to spend more money outside the money appropriated by the Legislature. This bill does not take away the power of the Legislature to manage the resources of government nor does it place employers and employees in an adversarial position.

The right to association in the workplace is a right afforded to all workers in North Dakota except public employees and in this case, employees of political subdivisions. In a time where the governor and legislators tout the private sector as an example to us as public employees, it is only fair that the right to association in the workplace be included. Collective bargaining, quite simply, is a democratic process of determining wages, hours of work, and working conditions with our employer. Collective bargaining will

Quality Services from Quality People

Testimony

give public employees a real voice in the decisions that affect our jobs by allowing us to negotiate as equals with political subdivisions in determining our salary, benefits, and working conditions.

Collective bargaining for public employees is allowed in every state surrounding North Dakota and then some. Some of the most innovative and effective worker involvement programs in this country are in the organized workplace. If the state, as our employer, wants to empower employees, if you want employees to be involved in discussions on how to make government more efficient, more responsive and more customer driven, then it is necessary for you to allow the employees to vote for meaningful representation through the process outlined in HB 1372.

Today, the political subdivision employees are asking you to afford them the same workplace rights afforded to those in the private sector, federal employees and K-12 educators; the right to choose through free and open democratic elections whether to be represented by a labor organization in order to negotiate employment contracts. I challenge you to open government up to workers and apply the law of the land to political subdivision employees.

NDPEA supports HB 1372 and urges a DO PASS. You will find attached a section by section explanation of the bill and I would be more than willing to go through each and every section of the bill if the committee would like. Thank you for the opportunity to testify in support of collective bargaining rights for political subdivision employees and I am available to answer any questions you may have.

HB 1372 BILL EXPLANATION

Section 1 is the definitions section of the bill. Enclosed in this section are the definitions of those terms used throughout the legislation. It is in this section that an employee is defined.

Section 2 addresses an employee rights. This section specifically protects employees in their decision to either join or not join an employee organization.

Additionally, this section identifies as the exclusive representative that organization which has been recognized as the representative of the majority of employees.

Finally, this section provides that the exclusive representative shall bargain for all employees in the unit with respect to wages, hours and other conditions of employment even if those employees don't hold membership in the employee organization.

Section 3 addresses the duty to bargain. It is under this section, that the employer and the exclusive representative are required to meet and negotiate, in good faith, with respect to wages, hours, terms and other conditions of employment.

Section 4 is the management rights section. Under the provisions of this bill, management is protected from having to bargain over certain matters of inherent management policy. This section identifies those matters that the employer shall not be required to bargain including: overall budget levels, the direction of employees and the selection of new employees.

Section 5 Establishes the employment relations board.

Section 6 relates to the duties of the employment relations board. The employment relations board shall be responsible for carrying out the provisions of this Act. Some of the duties include: determining appropriate bargaining units, conducting representation elections, develop rules and regulations as necessary to carry out the board's functions and hold hearings and issue orders to enforce the board's rules.

Section 7 relates to elections and possible recognition of an exclusive representative. This section provides for a democratic process of elections to determine if employees want an employee organization to represent them for the purposes of collective bargaining. Employees are guaranteed the option of "no representation" on the secret ballot election.

Section 7 also outlines the procedure necessary to remove an employee organization as the exclusive representative of the employees. The removal of an exclusive representative is conducted through the same democratic secret ballot election process used to certify an agent.

Section 8 relates to unit determination for purposes of collective bargaining. This section sets into place guidelines to assist the employment relations board in determining appropriate bargaining units. The board, in their decision, is to take into account such things as: community of interest; administrative structure; the negative effect of over fragmentation; and wages, hours and other working conditions of the various employees.

Section 9 requires a grievance resolution process be part of the negotiated agreement to address disputes that may arise regarding the administration or interpretation of the agreement.

Section 10 identifies those activities which are unfair labor practices for both the employer and employee organization. It is this section that specifically prohibits strikes, work stoppages or slowdowns.

Section 11 sets into place the procedures to be followed by the employment relations board in investigating and dealing with charges of unfair labor practices.

Section 12 outlines the various time frames involved in negotiating an employment contract.

Section 13 relates to a mediation process. If after approximately four months of negotiating, an agreement is not reached, the parties involved may request or the employment relations board may appoint a mediator to assist the parties in reaching an agreement.

Section 14 relates to the arbitration process. If after fifteen days of mediation, an agreement is not reached, either party may request the assistance of an arbitrator. The arbitrator, after holding a hearing, shall issue an order and that order shall be binding on both the employer and the exclusive representative.

Section 15 states that this Act and collectively bargained agreements shall take precedence.

Section 16 makes it very clear that strikes, work stoppages and slowdowns are prohibited at all times.

Section 17 protects employees from having to work in unsafe work environments and allows individual employees to make decisions regarding continued employment with the state.

Section 18 allows the employers and exclusive representative to negotiate multi-year agreements.