

2009 SENATE EDUCATION

SB 2320

## 2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2320

Senate Education Committee

☐ Check here for Conference Committee

Hearing Date: February 9, 2009

Recorder Job Number: 8972

Committee Clerk Signature

Minutes:

Chairman Freborg opened the hearing on SB 2320. All members were present.

Senator Bakke introduced the bill. See written testimony.

Senator Taylor asked if there is a group to represent the support staff, union or otherwise.

Senator Bakke said they can join the North Dakota Education Association. In Grand Forks they have an active ESP organization. They do not represent 51% of the ESPs. They try to work with administrators. They are currently using the meet and confer process.

Senator Lee asked what number of hours an employee would have to work, for example would a substitute bus driver be represented.

Senator Bakke said part time teachers are allowed to bargain so her guess would be yes.

Senator Lee asked how many people are we talking about.

Senator Bakke said she doesn't know but others who are testifying will know.

Senator Freborg asked why the ESP organization has not had its own bill.

Senator Bakke said they have worked with public employees in the past and this time they decided to try it on their own. It is very difficult for these employees to leave work. They have to take a vacation day or a day without pay. We do not make it easy for school employees or

for teachers to have a voice in the legislature. They can't send an email because we say they can't use the computers.

Senator Lee asked the number of active teachers in the legislature.

Senator Bakke said there are three, the rest are retired teachers. It is difficult for active teachers to serve, they lose retirement benefits and salary every month. It is not easy.

Dakota Draper, President, North Dakota Education Association testified in favor of the bill. See written testimony. He added there are over 5000 ESPs in the state.

Audrey Haskill testified in favor of the bill. See written testimony.

Senator Flakoll said that although the ESPs are not included, does she support the legislation that states 70% of new money needs to go to teacher salaries.

Audrey Haskill said yes. When they speak with their administrators, the teachers go first, the administrators are next and the ESPs are last, usually the last week of May. They have one meeting. It is not about the money, it is about the right to speak to their administrator.

Senator Flakoll said the ESPs would be taking money out of the teachers' pocket.

Audrey Haskill said it is not taking money, it is sharing.

Roger Roehl testified in favor of the bill. See written testimony.

Senator Taylor asked him to tell the committee about his job as a job coach.

Roger Roehl said he has the best job. He works with children of special needs. He works one on one with students and helps them learn how to get a job, how to interview, how to make eye contact, how to work. The ESPs are afraid to step up, they are afraid they will lose their jobs.

They need to have rights and privileges.

Senator Lee asked if he works in Mandan.

Roger Roehl said yes, he has worked for 5 years.

Senator Lee said he has experienced a change in administration within the last few years, has he experienced a change in salary and benefits.

Roger Roehl said they have a meet and confer arrangement with the board and administration. There are some issues they can't touch. They sit down and it is awkward. They still have a long way to go. People are intimidated. This would be a win – win for employees.

Senator Lee asked if his salary has changed.

Roger Roehl said his salary has gone up but not at pace with other professional groups. The benefits are the same.

Amanda Voss testified in favor of the bill. She works in nutritional services in Fargo. They received 1200 signatures and she distributed the signatures to each senator on the committee. They have the meet and confer process in Fargo.

Senator Freborg asked if she has requested to talk about work conditions to their administration or the board and been refused.

Amanda Voss said the ESP's work with human resources in Fargo.

Bev Nielson, North Dakota School Board Association, testified against the bill. . See written testimony. She said the school boards respect all employees.

Senator Taylor said there was a bill earlier that dealt with administrators and bargaining, how are they represented.

Bev Nielson said administrators may organize and bargain.

Senator Taylor said they are not always organized.

Bev Nielson said that is correct. Superintendents usually sit down one on one.

Senator Bakke said its possible administrators and superintendents could go to impasse.

Bev Nielson said administrators, yes. She would have to look in code about superintendents. Principals are included with the teachers in contract language.

Senator Bakke asked how many administrators went to impasse last year.

Bev Nielson said no one through their office.

Senator Bakke said asked if she would agree that the opportunities for teachers and administrators to meet with their school boards has been fairly successful and workable in most districts.

Bev Nielson said she finds collective bargaining adversarial and arduous. No one is happy when it's over. One school district went through impasse and fact finding and tried to issue unilateral contracts and has a court order staying that and they are in limbo and cannot open negotiations for next year. It is difficult. No employer would choose to have that requirement. Certainly in the public sector, they are the only ones who do.

Senator Bakke said she understands, when it gets to an impasse situation, that is never

comfortable for anyone. Is she saying there aren't that many occasions where it goes to impasse. Would she say most times, in most districts, it has been a pretty agreeable process.

Bev Nielson said she would not.

Ben Auch, Mott Regent School Board, testified against the bill. See written testimony.

Senator Bakke said when support staff has concerns with working conditions, can they talk to the board.

Ben Auch said they just have to get listed on the agenda and they can discuss it at the school board meeting.

Senator Bakke said so they are already doing bargaining type of process in that they are hearing their concerns and making some decisions.

Ben Auch said they try to talk to anyone with concerns, they are there to serve their teachers, staff and constituents.

Warren Larson, North Dakota Council of Educational Leaders, testified against the bill. He has been involved with the meet and confer process, it works fairly well. This will take more money. No group is going to give up something. As Bev Nielson mentioned, the 10 days of sick leave would be a problem. It could lead to real issues of concern. Custodians would take the 10 days of sick leave and then quit so they went to 1 sick day per month process. There is more turnover in the support staff.

Senator Bakke said we could put in the bargaining agreement something relative to sick leave. Warren Larson said that would be counter to current law.

Senator Flakoll asked if federal law takes precedent over state law.

Warren Law said yes.

Senator Taylor asked how many school districts have meet and confer arrangements.

Warren Larson said he doesn't know. It has increased considerably.

Senator Bakke asked if he could explain the difference between meet and confer and bargaining. It seems strange to her that there has been an increase in meet and confer if they don't feel there is a need for it.

Warren Larson said one is law, the other is not. Meet and confer works well but it is more open ended with not a lot of strings attached to it.

Senator Bakke asked if meet and confer benefits the administration or the employee.

Warren Larson said it benefits both.

Senator Bakke asked if collective bargaining is a more formalized meet and confer process and providing a more formal setting for it.

Warren Larson said it goes beyond formalized.

Senator Bakke said in what respect.

Warren Larson said it makes it law.

Chairman Freborg closed the hearing on SB 2320.

## 2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2320

Senate Education Committee

☐ Check here for Conference Committee

Hearing Date: February 16, 2009

Recorder Job Number: 9504

Committee Clerk Signature

Minutes:

Chairman Freborg opened the discussion on SB 2320. All members were present.

Senator Flakoll distributed amendment .0102. It adds section 10 which includes the school district staff in the 70% of new money, it does not include the administrators.

Senator Flakoll moved amendment 90674.0102, seconded by Senator Lee.

Senator Taylor said this is something we discussed during the hearing. Does anyone have the math as to how this would play out?

Senator Flakoll said there are about 7800 teachers, which includes counselors and librarians, and about 5000 staff. As far as the dollars available, it is too early to know. The bill is in House Appropriations now. It is very volatile at this point.

Senator Bakke said 70% of new money would go to teacher's salary and those of support staff.

Senator Flakoll said it would go to salary and benefits, total compensation.

The motion passed 5 – 0.

Senator Flakoll distributed amendment .0101. The amendment states the group that represents the support staff in negotiations cannot be the same group that represents the teachers or the administrators.

Senator Flakoll moved amendment 90674.0101, seconded by Senator Lee.



Senator Bakke confirmed this would mean the support staff would need their own bargaining group. In Fargo, the support staff and teachers are together, would they need to split?

Senator Flakoll said yes.

Senator Taylor said we heard concern in testimony that all support staff would be dealt with separately, does this address that concern?

Senator Flakoll said no, not as he reads it.

Senator Bakke said according to the amendment, support staff would bargain as a group, is that correct?

Senator Flakoll said not necessarily, the amendment is silent on that subject. The amendment says they cannot be a part of the groups that bargain for the teachers or the administrators.

The motion passed 5 – 0.

Senator Lee moved a Do Not Pass As Amended on SB 2320, seconded by Senator Flakoll.

Senator Lee said we have had good discussion, good testimony on both sides. The ESP's have the opportunity to discuss issues with administration. The bill is not necessary.

Senator Bakke said it is not accurate to say the ESP's do not feel this bill is necessary. They feel their voice is not being heard. She will support the bill.

The motion passed 3 – 2. Senator Lee will carry the bill.

PROPOSED AMENDMENTS TO SENATE BILL NO. 2320

Page 1, line 3, after the comma insert "and subsection 1 of section 35 of House Bill No. 1400, as approved by the sixty-first legislative assembly,"

Page 6, after line 8, insert:

**"SECTION 10. AMENDMENT.** Subsection 1 of section 35 of House Bill No. 1400, as approved by the sixty-first legislative assembly, is amended and reenacted as follows:

1. During the 2009-11 biennium, the board of each school district shall use an amount equal to at least seventy percent of all new money received by the district for per student payments to ~~increase~~:
  - a. Increase the compensation paid to teachers and individuals, other than administrators, who are employed by the school district; and to
  - b. To provide compensation to teachers and individuals, other than administrators, who begin employment with the district on or after July 1, 2009."

Renumber accordingly

Date: 2/16/09 :  
Roll Call Vote #: 1 :

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2320

Senate Education Committee

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Legislative Council Amendment Number \_\_\_\_\_

Action Taken 90674. 0102

Motion Made By Sen. Flakoll Seconded By Sen. Lee

Senators	Yes	No	Senators	Yes	No
Senator Freborg	✓		Senator Taylor	✓	
Senator Gary Lee	✓		Senator Bakke	✓	
Senator Flakoll	✓				

Total (Yes) 5 No 0

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

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

February 10, 2009

PROPOSED AMENDMENTS TO SENATE BILL NO. 2320

Page 4, after line 25, insert:

"7. An organization is not eligible to represent the group of individuals referenced in subdivision c of subsection 2 of section 15.1-16-01 at the same time that it serves as the representative organization for a group of teachers or a group administrators."

Renumber accordingly

<sup>1</sup>  
of

Date: 2/16/09 :  
Roll Call Vote #: 2 :

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2320

Senate Education Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Move amendment 90674.0101

Motion Made By Ser. Flakoll Seconded By Sen Lee

Senators	Yes	No	Senators	Yes	No
Senator Freborg	✓		Senator Taylor	✓	
Senator Gary Lee	✓		Senator Bakke	✓	
Senator Flakoll	✓				

Total (Yes) 5 No 0

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

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

Date: 2/16/09 :  
Roll Call Vote #: 3 :

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2320

Senate Education Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Not Pass As Amended

Motion Made By Sen. Lee Seconded By Sen. Flakoll

Senators	Yes	No	Senators	Yes	No
Senator Freborg	✓		Senator Taylor		✓
Senator Gary Lee	✓		Senator Bakke		✓
Senator Flakoll	✓				

Total (Yes) 3 No 2

Absent 0

Floor Assignment Sen. Lee

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

**REPORT OF STANDING COMMITTEE**

**SB 2320: Education Committee (Sen. Freborg, Chairman) recommends AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (3 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2320 was placed on the Sixth order on the calendar.

Page 1, line 3, after the comma insert "and subsection 1 of section 44 of House Bill No. 1400, as approved by the sixty-first legislative assembly,"

Page 4, after line 25, insert:

"7. An organization is not eligible to represent the group of individuals referenced in subdivision c of subsection 2 of section 15.1-16-01 at the same time that it serves as the representative organization for a group of teachers or a group of administrators."

Page 6, after line 8, insert:

**"SECTION 10. AMENDMENT.** Subsection 1 of section 44 of House Bill No. 1400, as approved by the sixty-first legislative assembly, is amended and reenacted as follows:

1. During the 2009-11 biennium, the board of each school district shall use an amount equal to at least seventy percent of all new money received by the district for per student payments to ~~increase~~:
  - a. Increase the compensation paid to teachers and individuals, other than administrators, who are employed by the school district; and to provide
  - b. Provide compensation to teachers and individuals, other than administrators, who begin employment with the district on or after July 1, 2009."

Renumber accordingly

2009 TESTIMONY

SB 2320



Testimony Senate Bill 2320  
NDEA President Dakota Draper  
February 9, 2009

Chairman Freborg and members of the committee, my name is Dakota Draper, President of the North Dakota Education Association. I stand before you today to ask for your support of SB2320. As Senator Bakke outlined in her testimony, this bill would provide respect for our school support employees or as we call them Education Support Professionals (ESPs) to negotiate wages, terms, and working conditions with their employers.


Before I venture too far into the merits of this bill, I wanted to take a few moments to outline who are North Dakota's ESPs and what do they do. ESPs are:

- Bus Drivers who are the first person to greet our students each morning and the last school employee to wave goodbye after getting them safely home each afternoon. They face the challenges of nasty road conditions and proper bus operation while monitoring student conduct behind them.
- Classroom aides or paraprofessionals who play an increasingly critical role in improving student achievement. They are asked to perform medical procedures and to deal with a variety of behaviors in the hallways, cafeteria, and playgrounds with limited training in addition to being key partners with classroom teachers.
- Custodians who provide the clean and safe environment needed for teaching and learning.
- Food Service Workers who insure the student's nutritional needs are met in a welcoming setting.
- Buildings and Grounds Staff, who repair and maintain the school's exteriors, remove mountains of snow in the winters and mow grass in the summers. Carpenters, electricians, plumbers, security, and mechanics are also part of this category.
- Clerical or administrative assistants who are at the front lines of public relations with parents, community, staff and students. They are the key people in technical functions such as reporting, finance, and communications.

In the words of Reg Weaver, the immediate past President of the National Education Association, they "provide the living infrastructure within each of our public schools." I agree with Reg and can tell you from personal experience how grateful I am that we have these individuals in our schools and that we could not do the job we do without them. Further, I am thankful that you will get to hear from some of these individuals shortly. They will tell you first hand why this bill is important to them.

So, now that you know who these people are, why SB2320? In short, ESPs have no job security; they are underpaid and most have no health insurance coverage. Additionally, they represent the only group not designated for a compensation improvement in the Governor's budget proposal. Further, school districts already understand the negotiations process because they use it with our certified teaching staffs and administrators. Our North Dakota ESPs deserve the same respect and dignity as people who are important in our children's school experience.

Furthermore, I have attached some handouts for your review. You will see in the first hand out the states highlighted in green are those states that have laws supporting ESP bargaining. As you can see, in the immediate region, only Wyoming and North Dakota do not have laws that provide ESPs a right to sit



down and discuss their work with their employer. I believe that ND should join the ranks of those states that provide ESPs the respect they deserve.

If you look at second handout you will see another map of the United States. This map shows you what states currently have teacher negotiations laws...those highlighted in red. If you compare it to the first map you will see that ND is one of a handful of states that provides teachers and administrators this right but not our support professionals. North Dakota does not belong on that list. Our ESPs deserve the respect of bargaining. SB2320 would show our ESPs that they are valuable and that they are a respected member of our public school system.



Mr. Chairman and members of the committee, I appreciate your time this morning and there will be others who can expound a bit more after me, but I believe that SB2320 is the right thing to do. I hope you agree and give this bill a "Do Pass Recommendation." I would be happy to answer any questions.

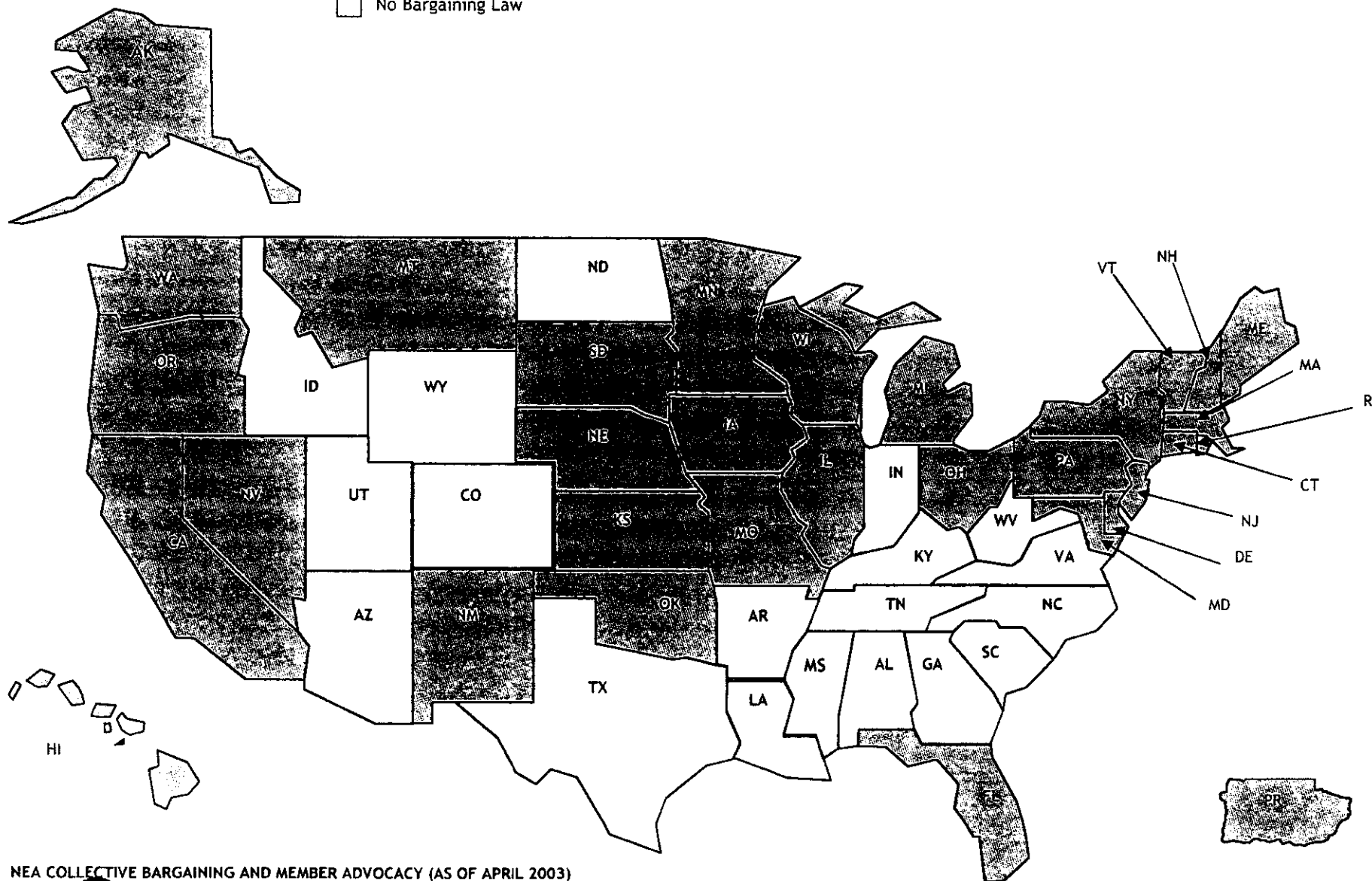
(Questions and Answers)

At this time Audrey Haskell, an ESP from Grand Forks would like to share her story about why we need SB2320.






# STATUS OF COLLECTIVE BARGAINING: FOR EDUCATION SUPPORT PROFESSIONALS

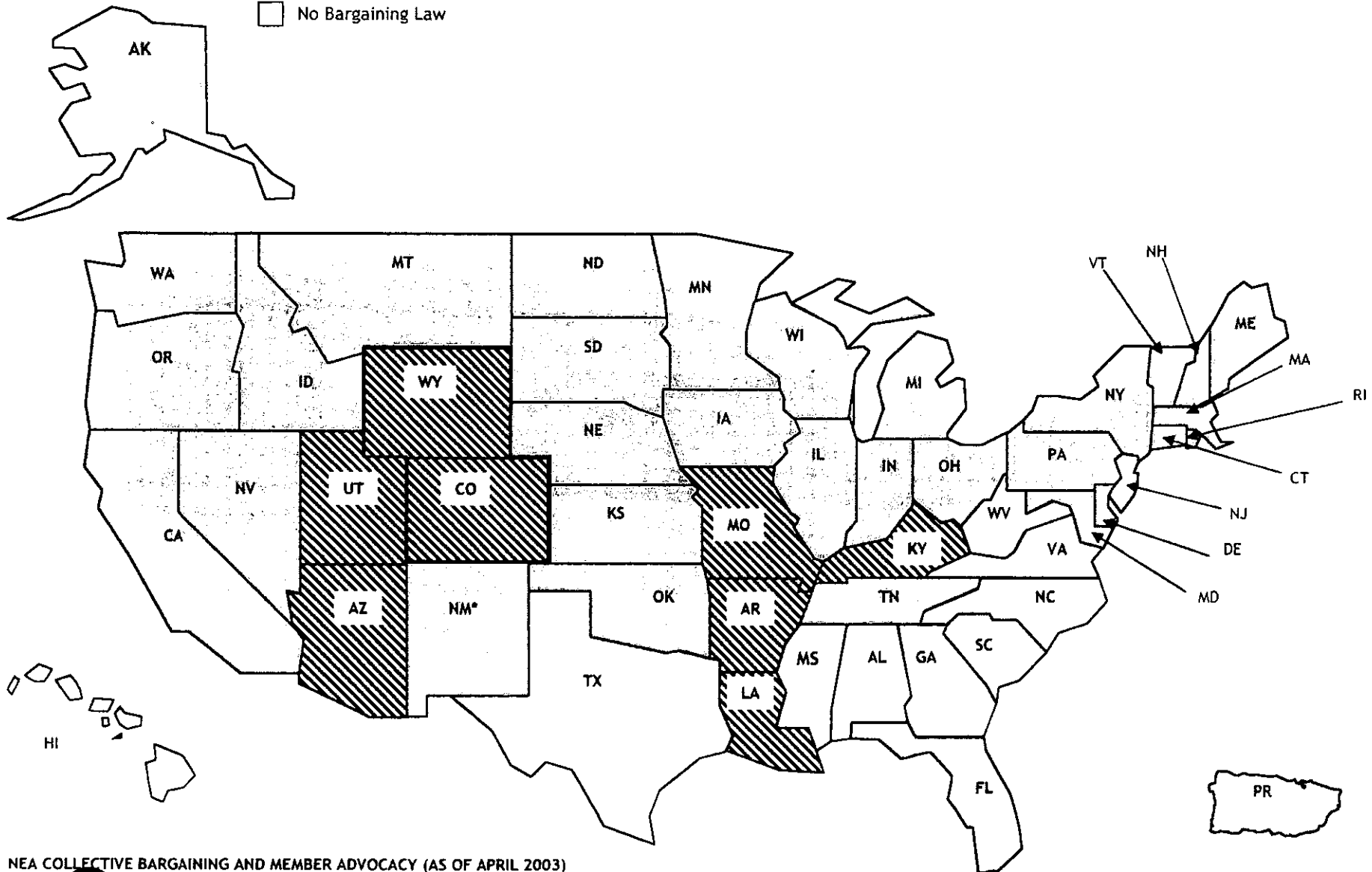
-  Bargaining Law Covering Education Support Professionals
-  No Bargaining Law



# STATUS OF COLLECTIVE BARGAINING: FOR PUBLIC SCHOOL TEACHERS

-  Bargaining Laws K-12 Teachers
-  No Bargaining Law But Limited Bargaining Takes Place
-  No Bargaining Law

\* Bargaining Law In NM Was Not Renewed In 1999



SB2320— Relating to representation and negotiation for school district employees other than teachers and administrations.

Chairman Freborg and members of the senate education committee, for the record my name is Senator JoNell Bakke and I represent district 43 in Grand Forks. I bring before you today SB2320 which would allow public school support staff to negotiated with school board members regarding their work conditions and benefits.

As far as I am concerned this is a matter of respect. As it stands presently, teachers and administrators are allowed to bargain with the school board concerning their salaries and benefits. However, Educational Support Professionals (ESP) are not given this same curtesy. These individuals are the people who keep our schools up and running. They are the bus drivers, clerical staff, custodians, food service and classroom aids. Anyone who teaches knows that these are the people who really run the school. I couldn't do my job as a special education teacher without these people. They are invaluable.

Many of these individuals have teaching degrees or have completed work towards a degree. Many have graduated from trade or post secondary programs and are licensed in their profession. With the implementation of no child left behind, the requirements have become more demanding. They are required to take professional development classes and exams to get and keep their jobs.

Probably the most disturbing issue for me however, is that as invaluable as these individuals are, they are underpaid and are the only group not designated for a compensation improvement in the Governor's budget. Giving them the right to bargain with the school boards that employ them will cost this state nothing but it will send a clear message to these individuals that they are valued and appreciated. I know I appreciate them.

Thank you for your attention to this matter and I would stand for any questions at this time.

Testimony Senate Bill 2320  
Audrey Haskell,  
Grand Forks Education Support Professional

Good morning Chairman Freborg and members of the Committee. My name is Audrey Haskell, and I am one of North Dakota's 5,000 plus Education Support Professionals, or as we are normally called ESP's. I stand before you today to ask for you to give ESPs the respect of negotiating by supporting SB2320.

As you have heard from President Draper, each ESP category has unique professional development and training needs but as different as these categories may be, we all have the one common desire for the right to sit face-to-face with our administration or school board members to talk about the terms and conditions of our jobs. We all want to feel confident that we are doing our very best as we perform the tasks that we are asked to do.

Let me tell you a little story about why we need to feel confident in our jobs. When I was a Special Education Paraprofessional in a summer school classroom with severely medically challenged students, I was working with a 14 year-old student who needed diapering and feeding through a tube. His food was sent from home, so at least I didn't have to make sure it was the right consistency. But, the only training I received was to be shown how to get the line started and how to flush the tube when finished---one demonstration by someone that had done it before, nothing else.

The first few days went well but on the fourth day, the tube clogged. As I was trying to unhook it to flush it, the attachment that was imbedded in the student's stomach came out. I was sure I was killing him. He couldn't speak, he's strapped in a wheelchair, and I had no idea if I had hurt him or what I had just done to him. I yelled for help and when my co-workers came running, one of them blew through the lines, pinched his stomach, and popped the tube back in place. It all sounds easy, but if you don't know what to do, it's not easy. After everything was back in order, I went to the bathroom and cried. Then, I got angry.

That afternoon, I was in my supervisor's office, telling her what had happened and asking for more training. I have been asking for more training for ESPs ever since, and I will continue as long as I am an Education Support Professional.

Paraprofessionals and secretaries across the state are being asked to perform medical tasks such as inserting catheters, maintaining feeding tubes and the liquids that go into them, checking blood sugars and giving insulin shots, and determining whether an injury is a break or sprain and if the cut needs stitches. Imagine asking to get additional training and being refused. Then, imagine refusing to perform a task and being told that if you don't want to, there are plenty of others out there that would be willing to do what they are told.

I work in the Grand Forks Public School District, and we are one of few districts that have the gift of a meet and confer process. I say gift because administrators and school board officials aren't required to have a discussion with representatives of our ESP, they allow it to happen. We are advised of this fact during every meeting and reminded that the process is very precarious and can be stopped at their discretion.

Other Education Support Professionals around the state aren't as fortunate as us. They have no process in place and have to accept the terms and conditions of their employment without any input. Some wonder from May to August if they will even have a job next school year because they do not know what the terms and conditions of employment will be or if they will be called back. SB2320 does not provide us with job security or force anyone to agree with us. However, it does provide a setting where we can meet as equals to discuss our future and the terms and conditions of our employment.

It's all about respect; the respect that would come with knowing the contributions we make in the lives of students matter enough to talk with us about what happens every day with the student we work with and help learn.

Please vote "yes" on Senate Bill #2320, and allow Educational Support Professionals across North Dakota have the same rights as their teacher colleagues—the right to sit across the table and negotiate. Thank you!

**Mister Chairman and members of the committee:**

**My name is Roger Roehl from MANDAN. I am currently employed by the Mandan Public Schools as a paraprofessional/job coach. I am here today to ask for your support of SB2320.**

**Current legislation allows administrators and teachers the right to belong to a representative organization that deals with matters of employer-employee relations. I believe the time has come that North Dakota law guarantees other school district employees the same rights and privileges as their school counterparts.**

**I recently served on a committee formed to discuss updates of our classified manual. While the idea was commendable, I was often frustrated because we had no official, negotiating standards to support our requests. Committee members were often apprehensive about expressing their opinions because they were not a recognized representative committee protected by the rights of negotiations. Some feared that their comments might affect their employment.**

**In this day and age, school support staff plays an important role in the lives of the students. The bus driver or the secretary is often the first or last person children speak with as they arrive at or leave school; paraprofessional aides spend countless hours with children working one-on-one. Educational support personnel are expected to have training and adhere to professional standards, yet this group is not afforded the privilege of negotiating its own professional contract.**



**Many school staff members have loyally served their districts for countless years. Yet, without a negotiated contract, their salary, benefits, and employment policies are always at the discretion of changing boards and administrations. An official, negotiated agreement would provide continued stability for the employees.**

**I ask—What is the worst that could happen if school support staff was given the legal right to negotiate? I see only a win-win situation.**

**Employees and school boards would sit together and reach a common ground that would be acceptable to all parties. School support staff would have the same rights as administrators and teachers, and employees would enjoy the professional status that they deserve.**

**Thank you for listening to my comments and for allowing me to speak here today. I would appreciate your help with this matter, and I would be willing to answer any questions you may have.**

**Roger Roehl**

**1306—7<sup>th</sup> Street NW**

**Mandan, ND 58554**

**(701) 663-7959**



NORTH DAKOTA  
SCHOOL BOARDS  
ASSOCIATION  
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*Excellence in North Dakota public education through local school board governance*

Senate Education Committee  
SB2320  
Bev Nielson, NDSBA

Chairman Freborg and members of the Committee, for the record my name is Bev Nielson representing the North Dakota School Boards Association. I am testifying in opposition to SB2320.

School boards are the only North Dakota political subdivision mandated in statute to collectively bargain. It has never been clear to us why we were singled out as the only employer in the public sector to have to do so. Public employees have lobbied the legislature--multiple times--for collective bargaining rights and have never received them. School boards remain the only public employer with this requirement.

Boards have lived with the bargaining law for decades now and it remains an adversarial and often contentious process. It can go on for months, even into the new school year. It can include everything from work slow downs to boycotting of boards members' businesses. Occasionally, it rises to the level of the courts.

The time and resources required to bargain with multiple employee groups would be extensive and we believe unnecessary. After school boards budget for all federal and state mandates, including 70% of new state money going to teacher compensation and other costs incurred in teacher-negotiated benefits, the boards do everything they can to provide competitive wages and benefits for support staff.

NDEA has already sold memberships in their professional teachers association to non-educators but there appears a significant conflict if

they were to represent all employee groups in collective bargaining. It is hard to believe that NDEA's highest priority would not continue to be increasing the salaries and benefits of licensed teachers. The pot of available money is only so big and we are confident the teachers would want their piece first.

Please keep in mind that the changes made in this bill will impact all sections in NDCC 15.1-16. This means each sub-group negotiating could go to impasse and factfinding. I doubt the Factfinding Commission would be equipped to handle the potential volume of cases. I know school districts are not. In addition, in this bill, NDCC 15.1-16-19 would allow at-will employees 10 days of annual sick leave upon employment. Since these employees are not usually under contract, they could potentially use 10 days of sick leave and not even be employed the entire school year. The sick leave requirement was put in statute for teachers who are under contract for the school year. Typically, in business, non-contracted employees earn sick leave by the month. This is the type of benefit that causes personnel budgets to grow.

If this bill somehow suggests, or can be construed to mean, that all employees of public schools will become contracted employees, then we have a whole other set of issues with nonrenewals and discharges.

In conclusion, NDSBA asks the Committee to seriously consider the precedent the Legislature would be setting by requiring **only one political subdivision** to bargain with ALL it's employees. Respect and dignity for employees can be shown in many ways other than collective bargaining. We ask for a DNP recommendation on SB2320.

Thank you for your consideration.

Testimony Senate Education Committee

SB 2320 February 9, 2009

Ben Auch Board Member Mott Regent School Board


Chairman Freborg and members of the Senate Education Committee, for the record my name is Ben Auch and I am a member of the Mott Regent School Board I come before you today in opposition to SB 2320.

This legislation will do nothing to raise the salaries of ancillary staff or education support professional(ESP's) as referred to by NDEA. As a School board member I can tell you from personal experience we recognize the importance of our ancillary staff and pay them as much as the district can afford. This legislation will only serve to complicate the issue of pay raises for ancillary staff.

I would like to address the concern I have with para-professionals or teachers aides as they used to be called. Many smaller districts use aides that are hired by special education units that serve many districts. Who will these aides negotiate with? Will they negotiate with the school district or as a separate group with the special education district?

Next question I have is will the aides be a unit with the custodian and the cooks or will this be three separate groups? As they have many different duties I see it as the district having to negotiate with several different units the cooks, custodians, aides, bus drivers, administrators, and teachers. Only in the large districts will these units consist of more than two or three people. Where is the collective bargaining power of a group of 2 or 3?

The next issue I have is the time it will take and costs to negotiate with these units. Using the teachers as an example we start with recognition of the negotiating units in February. We then have the initial meeting in March to set ground rules, the scope of the negotiations, permissive subjects and exchange all proposals. Then there is a series of follow up meetings maybe 4, maybe 5 or 6 each of these a couple of weeks to a month apart and each an hour or two. So take this times 5 negotiating units (aides, custodians, secretaries, cooks, and teachers) and you have taken up 40 to 60 hours of negotiating time and 20 to 30 different days for school board members. Now add in possible legal advisor costs for both sides, recorder costs (all negotiations are public meeting and have to be recorded) and printing and publishing costs for the minutes of these open meetings. If the negotiations stall and we go to impasse as I assume these units would get the right to go to impasse we have more of all of the costs above and the cost of the Education Fact Finding Commission which has a down payment of \$950 from both sides. So as you can see having negotiation units will only complicate matters. In comparison our school board has its administrator negotiation during a regular meeting lasting 20 minutes with possible 20 minutes at the following meeting, and our ancillary staff takes about an hour at a regular



meeting with follow up from one or two staff members who want have a discussion with the board at the following meeting.

Would we like to offer more benefits and pay to them absolutely without question and depending on the final outcome of HB 1400 the Governors Education Commission funding bill may be we can. In conclusion if the legislature wants to treat the ancillary staff the same way they treat teachers then offer the school districts that same consideration by making the contracts binding for the entire school year with a licensing process and a penalty for leaving mid school year. So committee members I ask you to vote no and give this bill a do not pass recommendation and allow the local school boards to retain the authority they have and do the job their constituents so duly elected them to do.

Thank You

