

**2019 HOUSE INDUSTRY, BUSINESS AND LABOR**

**HB 1463**

# 2019 HOUSE STANDING COMMITTEE MINUTES

## Industry, Business and Labor Committee Peace Garden Room, State Capitol

HB 1463  
1/29/2019  
31730

- ☐ Subcommittee  
☐ Conference Committee

Committee Clerk: Ellen LeTang
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### Explanation or reason for introduction of bill/resolution:

Collective bargaining of law enforcement officers & paid full-time firefighters.

### Minutes:

Attachment 1, 2, 3, 4, 5
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**Chairman Keiser:** Opens the hearing on HB 1463.

**Rep Schneider~District 21:** Attachment 1

**6:10**

**Rep Schauer:** Do you have any information that firefighters in ND get paid less than other states?

**Rep Schneider:** I do not.

**Rep Schauer:** Are the firefighters being taken advantage of benefits & salaries that do not compare to these other states?

**Rep Schneider:** Labor department may have that information.

**Waylon Hedegaard~President of the AFL-CIO:** Attachment 2, which contains the petition list.

**13:30**

**Rep Richter:** Section 1 on page 13, who is the representative organization, does each community have their own organization, do firefighters & police have separate ones & how is it chosen?

**Waylon Hedegaard:** Each area has their own local & that local elects their own leaders in a democratic vote each 3 years. The leaders choose who will represent them at the bargaining table. Police & firefighter have separate organizations.

**Rep Richter:** It was mentioned that educators have collective bargaining but they also have very long specific set of rules that are followed. Have you looked at what's in place for that organization?

**Waylon Hedegaard:** I'm not sure I can answer that question.

**Chairman Keiser:** The other terms & conditions that would be negotiated & there is a provision of a no strike in legislation itself. The other terms & conditions, would they be under the oversight of the NRLB?

**Waylon Hedegaard:** From what I understand, no, I believe it should be under the state labor laws in the century code.

**Rep C Johnson:** The voting between the tax payer, firefighters & the political subs, how do you see that working?

**Waylon Hedegaard:** This is the budget we have & how do we best do it? How do we prioritize what we need? If the funding isn't there, it's hard to demand. They have to sit down, prioritize & come up with the best solution, which is a compromise.

**Rep Kasper:** What is preventing this now without a union?

**Waylon Hedegaard:** Every city is different. Some cities listen & some don't.

**Darren Shimke~President of the Professional Fire Fighters of ND:** Attachment 3.

**24:45**

**Rep Laning:** We are talking about full time; can you tell us what is normally done to relay their desires in wants?

**Darren Shimke:** Talks about how the City of Grand Forks does.

**Rep Schauer:** I have a hard time separating need versus want. I'm trying to figure out the need. When you make the statement, "some are broken", what are you referring to?

**Darren Shimke:** Some relationships are different in different departments. We would like to all be on the same level.

**Rep Richter:** In your testimony you mentioned "mutual respect & trust", if there is a community without respect & trust, will collective bargaining help develop that respect & trust?

**Darren Shimke:** Our belief is, if there is a lack of communication, that would provide an avenue to talk & improve that line of communication.

**Al Leibert~Bismarck Fire Department Union President:** Talks about his experiences. We have 90 minutes & 5 minutes & 30 seconds are 2 numbers that come to mind with any of these guys sitting in to get to the structure. If we don't meet those standards, we have to explain why we don't on every single call.

Explains what they need to bargain in collective bargaining. What we see is inconsistencies & that causes problem.

**39:20**

**Rep Laning:** Does the Bismarck handle communication & management any differently than the Grand Forks does?

**Al Leibert:** Every department handles things differently.

**Rep Bosch:** All firefighters interchangeable or at the same level?

**Al Leibert:** There is some fluctuations in there.

**Rep Bosch:** That happens in all industries. Are firefighters ok with people in a certain category being paid the same or would you rather have flexibility if someone is a little better at their job? Everyone being paid the same, no matter what the skill level is.

**Al Leibert:** There are 2 systems, a step system & you get paid from your performance system. It works itself out for the most part, pay is always an issue.

**Vice Chairman Lefor:** How is putting this in code makes a difference for you? Can't you go to the fire chief as a union representative to talk about these things?

**Al Leibert:** There is nothing there that's binding on what we agree on it. It's on paper versus just talking about it.

**Vice Chairman Lefor:** Do you work with the political subdivisions for the whole budget. Do you understand the totality of the budget not just the individual department? Do you think of things in terms like that?

**Al Leibert:** Yes. We don't come with something random. It will certainly be within the parameters of the budget.

**Vice Chairman Lefor:** If the mayor & the commission determine that a department really needs the equipment. The collective bargaining would be in that particular dollar amount set by the city. Is that accurate?

**Al Leibert:** The chief has a budget & he has so much money to work with.

**Vice Chairman Lefor:** You are working with your leadership, yes, we understand the project, but we believe that we really need this piece of equipment versus something else. We want to talk to you about why this is a priority.

**Al Leibert:** The contract is on the personal side of things than equipment.

**Rep Richter:** Who sets up the process so it's consistent state wide? Who oversees the process & who is responsible for training on how you do the collective bargaining process?

**Al Leibert:** When you set up collective bargaining, we set it up. You go to arbitration. We have a hand in it together. No one sets up alone.

**Chairman Keiser:** Summarizes & explains what is a collective bargaining is. It's a collective bargaining within their own unit.

**Brian Reinke~Vice President for Local 2468 for Bismarck:** We are looking for the opportunity for a binding say in matters that are really important to us. What would be a huge benefit to us is to be able to bargain, negotiate & come to an agreement with our city as staffing. It gives us the opportunity to work together.

**1:05:40**

**Rep Schauer:** Why is it better to have a union versus a chief?

**Brian Reinke:** Sometime it's difficult for a chief to understand what the problem is. We would like it bound in writing in a contract.

**Casey Buchmann~Union Worker from Washburn:** Attachment 4.

**1:11:15**

**Eric Eisenlohr~President of the Local Union in Fargo:** Informs the committee about the department he works for in Fargo. North Dakota is a right to work state, so you are not forced to join a union. Collective bargaining would give us a place at the table. Wages, all we can really do is ask. I think it's best to sit down at a certain time, talk about it & it's on paper. There are rules & it's organized. Talks about performance & step pay wages.

**1:25:30**

**Rep P Anderson:** Had you a conversation with the mayor, city commission or city hall? Do you talk year by year?

**Eric Eisenlohr:** We don't talk year by year. They have never come to us to talk about pay. One person makes the decision & we voted for him. We rely on the people to make decision for us. We feel we need to do more.

**Rep Richter:** Are most fire fighters members of the union?

**Eric Eisenlohr:** No, most are volunteer.

**Pamela Link~Government Relations Director for the Labors International Union of North America Local 563:** We support the idea off a collective bargaining. I encourage you to understand what this means to these people. I urge your support.

**Chairman Keiser:** Anyone else here to testify in support of HB 1463, opposition?

**Mayor Phil Riely~Watford City:** Attachment 5 who submitted testimony but was not in attendance.

**Chairman Keiser:** Anyone else here to testify in a neutral position? Closes the hearing.

# 2019 HOUSE STANDING COMMITTEE MINUTES

## Industry, Business and Labor Committee Peace Garden Room, State Capitol

HB 1463  
1/30/2019  
31844

- ☐ Subcommittee  
☐ Conference Committee

Committee Clerk: Ellen LeTang
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### Explanation or reason for introduction of bill/resolution:

Collective bargaining of law enforcement officers & paid full-time firefighters.

### Minutes:

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**Chairman Keiser:** Reopens the hearing on HB 1463.

**Rep D Ruby:** Moves a Do Not Pass.

**Rep Schauer:** Second.

**Chairman Keiser:** Discussion?

**Rep Adams:** Can I ask why?

**Rep D Ruby:** I had an issue with public employees are bargaining against the administration or the management of the company. The management of the company is looking out for the shareholders. Public employees are voters like the rest of us. They can elect people in this middle range of the administration.

Then you have the tax payers. The tax payers will vote for the administration of the public employees but the public employees also vote for that. My view is that public employees should not have the same collective bargaining options that private sector union employees have.

**Rep Adams:** Teachers do have it.

**Rep D Ruby:** Teachers went to impasse & the conflict didn't work very well.

**Rep Richter:** It's not as simple as it sounds for binding arbitration. It's wishy washy for binding. I don't see how collective bargaining makes it less hostile.

**Rep Bosch:** I'm going to go to resist the motion. I've listen to them & there is some actual day to day working mechanical issues that they have about staffing & day to day. They are having inconsistencies. They were sincere.

**Rep Laning:** I've had workers work for months without a contract. They will finally come together. I'm going to resist the motion too.

**Vice Chairman Lefor:** I'm going to support the motion. City makes the decision & the city commissioners are elected positions & it takes courage to fill these positions. So if they don't like the decision, do not reelect them. We need to rely on the publically elected employees to look at the whole picture, make the decisions & so I'm going to support the Do Not Pass.

**Rep Schauer:** I will take the same position. Because of free market competition, they are forced to do better on salaries & benefits.

**Rep M Nelson:** Knowing how cities work, the police & firemen can cause problems in a town. If they could sit down & negotiate, it would be proactive & gives them a voice. This is a way for the public to see the problem. I'm going to oppose the do not pass.

**Rep P Anderson:** I'm going to oppose the do not pass, too. I heard them say that salaries & benefits are down.

**Chairman Keiser:** Further discussion?

**Roll call was taken for a Do Not Pass with 6 yes, 6 no, 2 absent. Motion failed due to a tie.**

**Chairman Keiser:** We can send it out without recommendation.

**Rep M Nelson:** Moves to send it HB 1463 without recommendation.

**Rep P Anderson:** Second.

**Rep D Ruby:** I'm not going to support the motion; we should wait for the members absent.

**Roll call was taken on HB 1463 for without committee recommendation with 5 yes, 7 no, 2 absent. Motion failed.**

**Roll call was taken on HB 1463 to send out without recommendation. Motion failed.**

# 2019 HOUSE STANDING COMMITTEE MINUTES

## Industry, Business and Labor Committee Peace Garden Room, State Capitol

HB 1463  
2/4/2019  
32059

- ☐ Subcommittee  
☐ Conference Committee

Committee Clerk: Ellen LeTang
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### Explanation or reason for introduction of bill/resolution:

Collective bargaining of law enforcement officers & paid full-time firefighters.

### Minutes:

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**Chairman Keiser:** Reopens the hearing on HB 1463.

**Chairman Keiser:** What are the wishes of the committee?

**Rep D Ruby:** Moves a do not pass.

**Rep Kasper:** Second.

**Chairman Keiser:** Further discussion.

**Rep Kasper:** In a soft heart of the moment, I considered supporting the bill. I visited with the fire fighters. They made a persuasive case but I asked them some questions. Why don't you talk to your chief? They said "well, we don't want to rock the boat". I asked "why don't you talk to your new mayor"? They said "we don't want to go over the head of our administrators".

You have a safety concern & you don't want to enter a discussion, so you let legislature fix your problem. Due to those reasons, I'm going to support the bill.

**Chairman Keiser:** I'm going to support the do not pass. One, I don't believe in singling out one part of the body, if we allow one to do it, we should allow everyone to do it. That really changes the vote, I think, on the floor. We need to support all.

The other concern, who would regulate the disagreement. The NLRB would regulate. They are very efficient, select panels members for the NLRB, fly in, have a hearing to present the information, they make a ruling & you are bound. I don't think that you want to give away that authority to the cities, counties & political subdivisions. For those reasons, I support the do not pass.

**Vice Chairman Lefor:** I concur with that. I want to compliment the courtesy that Waylon Hedegaard & the firefighters, although there was disagreement, the tone was very professional & I appreciate the honest discussion. I would rather gear to the decisions of someone who is located in our own community & elected by the people rather than a fly in. I will support the recommendation.

**Chairman Keiser:** Further discussion?

**Roll call was taken for a Do Not Pass on HB 1463 with 8 yes, 6 no, 0 absent & Vice Chairman Lefor is the carrier.**

Date: Jan 30, 2019Roll Call Vote #: 1

# 2019 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1463

House \_\_\_\_\_ Industry, Business and Labor \_\_\_\_\_ Committee

☐ SubcommitteeAmendment LC# or  
Description: \_\_\_\_\_

## Recommendation

- ☐ Adopt Amendment  
☐ Do Pass ☒ Do Not Pass ☐ Without Committee Recommendation  
☐ As Amended ☐ Rerefer to Appropriations  
☐ Place on Consent Calendar

Other Actions

☐ Reconsider☐ \_\_\_\_\_Motion Made by Rep Ruby Seconded By Rep Schauer

Representatives	Yes	No	Representatives	Yes	No
Chairman Keiser	x		Rep O'Brien		x
Vice Chairman Lefor	x		Rep Richter	x	
Rep Bosch		x	Rep Ruby	x	
Rep C Johnson	x		Rep Schauer	x	
Rep Kasper	Ab		Rep Adams		x
Rep Laning		x	Rep P Anderson		x
Rep Louser	Ab		Rep M Nelson		x

Total (Yes) 6 No 6Absent 2Floor  
Assignment \_\_\_\_\_motion failed due to a tie

Date: Jan 30, 2019Roll Call Vote #: 2

# 2019 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1463

House \_\_\_\_\_ Industry, Business and Labor \_\_\_\_\_ Committee

☐ SubcommitteeAmendment LC# or  
Description: \_\_\_\_\_

## Recommendation

- ☐ Adopt Amendment  
☐ Do Pass    ☐ Do Not Pass    ☒ Without Committee Recommendation  
☐ As Amended    ☐ Rerefer to Appropriations  
☐ Place on Consent Calendar  
☐ Reconsider

Other Actions

Motion Made by Rep Nelson Seconded By Rep P. Anderson

Representatives	Yes	No	Representatives	Yes	No
Chairman Keiser		X	Rep O'Brien		X
Vice Chairman Lefor		X	Rep Richter		X
Rep Bosch	X		Rep Ruby		X
Rep C Johnson		X	Rep Schauer		X
Rep Kasper	Ab		Rep Adams	X	
Rep Laning	X		Rep P Anderson	X	
Rep Louser	Ab		Rep M Nelson	X	

Total (Yes) 5 No 7Absent 2Floor  
Assignment \_\_\_\_\_motion failed

Date: Feb 4, 2019Roll Call Vote #: 1

# 2019 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1463

House \_\_\_\_\_ Industry, Business and Labor \_\_\_\_\_ Committee

☐ SubcommitteeAmendment LC# or  
Description: \_\_\_\_\_

## Recommendation

- ☐ Adopt Amendment  
☐ Do Pass ☒ Do Not Pass ☐ Without Committee Recommendation  
☐ As Amended ☐ Rerefer to Appropriations  
☐ Place on Consent Calendar

## Other Actions

- ☐ Reconsider ☐ \_\_\_\_\_

Motion Made by Rep Ruby Seconded By Rep Kasper

Representatives	Yes	No	Representatives	Yes	No
Chairman Keiser	x		Rep O'Brien		x
Vice Chairman Lefor	x		Rep Richter	x	
Rep Bosch		x	Rep Ruby	x	
Rep C Johnson	x		Rep Schauer	x	
Rep Kasper	x		Rep Adams		x
Rep Laning		x	Rep P Anderson		x
Rep Louser	x		Rep M Nelson		y

Total (Yes) 8 No 6Absent 0Floor Assignment Rep Lefor

**REPORT OF STANDING COMMITTEE**

**HB 1463: Industry, Business and Labor Committee (Rep. Keiser, Chairman)**  
recommends **DO NOT PASS** (8 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING).  
HB 1463 was placed on the Eleventh order on the calendar.

**2019 TESTIMONY**

**HB 1463**

**Presentation of House Bill 1463**

Collective Bargaining for Firefighters and Police

**Industry Business and Labor Committee--Chairman George Keiser**

January 29, 2019

Rep. Mary Schneider

Good afternoon Chairman Keiser and Members of the Industry, Business and Labor Committee. I am Representative Mary Schneider from District 21--the Heart of Fargo. I am here today to present and heartily endorse HB 1463 which would allow for collective bargaining for law enforcement officers and paid full-time firefighters.

Twenty-four hours a day, seven days a week, 365 days a year, all weekends, all holidays, our police and firefighters potentially risk their lives to keep our communities safe. We turn to them with our greatest needs. We ask them to combat our greatest fears. They are with us in times of times of terror and tears. We give them the keys to our banks, our businesses, our buildings. But we don't trust them to talk to their employers. We don't trust them to talk to their employers. What can we possibly be thinking?

This legislation gives the dedicated men and women who protect our communities, our streets, and our homes the first amendment right to speak to those that have the most significant impact on how they do their jobs. It gives them the voice they need and deserve, to communicate about their working conditions--ways to enhance our safety and theirs. They would be able to discuss the resources they need to do their jobs most effectively to serve us, the public, and advance the future of the law enforcement and firefighting professions in North Dakota.

These are our neighbors, our friends, our relatives, our protectors. What is it we are afraid they'll do if we give them the rights most others in their profession have? Are our North Dakota firefighters and police less trustworthy and deserving than their counterparts in about 46 other states? What are we thinking?

If you think it's good public policy to prohibit firefighters and police from having a say in their own personal safety and that of the people they protect, think again.

Probably everyone in this room thinks freedom of speech is a critically important right--why on earth would we deny it to those most special people who are sworn to protect and serve us?

HB 1463 would allow those individuals to form, join and participate in a representative organization of their choosing (unless they are an elected official) for representation on matters of employer-employee relations. The bill doesn't require any employee to join or participate. What this bill does not do, is allow for a strike. It clearly states that neither police nor law enforcement may participate in a strike.

The governing body of the employing political subdivision and the representative organization would just be able to meet and discuss terms and conditions of employment, and employer and employee relations. They'd negotiate in good faith about their needs and wishes, and perhaps enter into a contract, with or without a binding arbitration clause.

These everyday heroes are competent public servants that we trust with our lives. These are North Dakotans who reflect our mostly conservative values of hard work, honesty, steadiness and selflessness. I think we can trust them to talk with their employers about the preferred or essential terms of their employment, and about what they need to keep us safe. As legislators we tend to guess piecemeal what these workers want--when they can best communicate that directly themselves.

Only 2% of the public labor force in 1960 had the right to bargain, but by 2010 that was up to 63%. Now only a few states, like North Dakota, prohibit public safety officers from collectively bargaining, and 30 states outright require it--which is not being requested here.

Surprisingly, despite the extension of collective bargaining in the states, the fears associated with collective bargaining have not been realized. Disruption and interruption of duties have not occurred. The allowance of collective bargaining did not cause excessive or distorted compensation, according to the Economic Policy Institute 2015 Study, *Laws enabling Public-Sector Collective Bargaining Have Not Led to Excessive Public-Sector Pay*. I've given you the Executive Summary.

Employees generally respond reasonably and have greater job satisfaction and longevity when given a say in their work conditions. That is especially true of our hero-workers, firefighters and police. These are the people who put their lives on the line for us every day. Let's trust them to responsibly utilize freedom of speech. Let's trust them to communicate with their employers in a way that is most meaningful, effective, efficient, clear and direct--about what they need to do their jobs--for us.

There's simply no good reason not to implement the overdue provisions of HB 1463. It's not "about time we did" but rather "way PAST time we do." Both sides will appreciate the results.

# Laws enabling public-sector collective bargaining have not led to excessive public-sector pay

Report • By Jeffrey Keefe • October 16, 2015

*This paper relies on an earlier version: Keefe, Jeffrey H. 2013. "A Reconsideration and Empirical Evaluation of Wellington and Winter's The Unions and The Cities." Comparative Labor Law and Policy Journal 34, 251.*

## Executive Summary

Unlike many other countries, when the United States enacted its private-sector labor law, the National Labor Relations Act, in 1935, it did not include public employees within the same or similar framework for collective bargaining. Not until the late 1950s and 1960s did state and local governments grapple with a labor law to govern their rapidly growing public-sector labor forces. No state or local government chose to transplant the private-sector model of collective bargaining; instead they adopted some parts of it, chose to create no bargaining framework at all, or prohibited collective bargaining. This paper describes the rapid growth of labor laws that have enabled public-sector collective bargaining, and examines the effects of various labor law frameworks on public employee wages.

- Only 2 percent of the state and local public-sector workforce in 1960 had the right to bargain collectively. By 2010, that share had grown to 63 percent.
- While early on, many policymakers were concerned about the right to strike, a number of states did eventually extend the right to strike to more than 20 percent of public employees; however, all of these employees are in non-public safety positions. Thus the right to strike has not had catastrophic results in terms of threats to public safety or welfare.
- The right to strike has also not led to massive wage increases: Employees covered by the right to strike earn about 2 percent to 5 percent more than those without it.
- Public safety employees are effectively covered by binding interest arbitration, which has prevented strikes and has resulted in cost-effective and widely accepted settlements by the participants.
- This research finds no wage effect for public employees covered by collective bargaining attributable to binding interest arbitration when compared with mediation.

Fact-finding, the most widely employed final dispute-resolution procedure, tends to favor the public employer, resulting in significantly lower wages for public employees, in the range of 2 percent to 5 percent less than other dispute resolution procedures.

Union security provisions, which require employees to contribute to the financial support of the union that has the exclusive right to represent them with respect to terms and conditions of employment, vary by state, locality, and various occupations.

- ◆ Dues checkoff, which is widespread in the public sector, has a small positive effect on wages, ranging from 0 percent to 3 percent; however, we suspect it has a major effect on union membership.
- ◆ Open-shop laws, which prohibit union security agreements, are associated with significantly lower public-employee wages, with estimates ranging from -4 percent to -11 percent, compared with no policy on union security.
- ◆ Agency-shop provisions, which require the payment only of a fee narrowly tailored to support a union's collective bargaining activities, its contract enforcement, and employee grievance processing, are associated with significantly higher wages, ranging from 2 percent to 7 percent for public employees.

In summary, it is difficult to conclude that the relatively small wage effects of collective bargaining have led to serious distortions in the democratic process. Collective bargaining has resulted in higher public-employee wages in the range of 5 percent to 8 percent. There is some indication that collective bargaining has offset employer monopsony power in the public sector (Keefe 2015; Lewin, Kochan, and Keefe 2012), thus not producing excessive or distorted public-employee compensation, and has promoted internal equity (Keefe 2015, forthcoming).

HB 1463

Attachment 1  
Jan 29, 2019  
Page 5

**Testimony for 2019 House Bill 1463  
House Industry, Business and Labor Committee  
Presented by Waylon Hedegaard  
President of the North Dakota AFL-CIO  
January 29th.**

Mr. Chairman, Members of the Committee:

My name is Waylon Hedegaard, President of the North Dakota AFL-CIO.

There are a huge number of myths about what collective bargaining actually is, particularly in this state. There is a common belief that if we allow workers to collective bargain that they will demand unrealistic wages and over the top benefits, that their demands will cause costs to skyrocket, bankrupting cities and counties, that thick men in badly-fitting dark suits will buster, intimidate and threaten until they get what they want.

These are myths perpetuated by lazy writers in Hollywood.

What collective bargaining really is is when workers have a guaranteed representative at the table where decisions are made that affect their job. What type of decisions? Safety. Equipment. Needed training. Standards. Policies that affect their job and turnover rates such as staffing hours, wages and benefits. So many others.

Think about what this means to workers like police and firefighters.

I said in this committee earlier today. These workers have an especially difficult and dangerous job. They face situations that the rest of us don't have to face. But they understand their job better than anyone else. They understand what equipment upgrades they need. They understand what training they lack. They understand which policies are working and which are not. They understand better than anyone what will allow them to do their jobs better and what will make their job safer.

All collective bargaining does is give them a guaranteed place to have their concerns heard and addressed. I want to let them speak for most of the specifics here, but collective bargaining can make them better firefighters and law enforcement officers, and it can build better fire and police departments,

and it does this by putting in place a system whereby the people who know their job best have a voice in the decisions affecting that job. That's collective bargaining.

Building a system that allows all voices to be heard brings out the best ideas in any group, workplace or nation. If we want the best departments possible, we need a system that guarantees that we listen to those voices, and this is exactly what collective bargaining gives them.

Despite every negative connotation that people try to pile onto it, collective bargaining, at its simplest, is giving workers some ownership of their job, a place where they can bring their concerns and needs. Nothing more.

Our emergency personnel do a very difficult job for which they are seldom acknowledged or rewarded sufficiently. I would hazard that most of us wouldn't do their job for their pay. Our society demands amazing things from these people all for a modest salary and modest retirement... and no voice.

We trust them to protect the most precious of things, and we should trust them to peaceably and voluntarily and collectively bargain in their own interest. It would be better for them. It would be better for their departments, and it would be better for North Dakota.

This is a winning issue across North Dakota regardless of party affiliation. I've been to both the Dem-NPL and GOP conventions two cycles running and this issue is popular in both.

I urge this committee to vote yes on HB 1463.

I would stand for any questions.

North Dakota Legislators,  
Since July 15<sup>th</sup>, 186 professional Firefighters and Police working in North Dakota have signed a petition entitled "I'm a ND first responder, and I support the freedom to negotiate a fair contract."

Here is the petition they signed:

"The time has come for full-time paid Firefighters and Law Enforcement to have the freedom to join together and negotiate fair contracts covering the terms and conditions of our employment. We are trusted to save families from burning buildings and horrifying accidents, I should be trusted to negotiate for what I need to do my job to the best of my ability. I am a public safety worker and I support collective bargaining for public safety workers in North Dakota."

Thank you,  
Waylon Hedegaard, ND AFL-CIO President

Matthew	Goode	Williston	ND	58801	Williston Firefighters Local 3743
Andrew	Isaacs	Williston	ND	58801	Williston Firefighters Local 3743
Jake	Byman	Williston	ND	58801	Williston Firefighters Local 3743
Joshua	Banks	Williston	ND	58801	Williston Firefighters Local 3743
Christopher	Dick	Williston	ND	58801	Williston Firefighters Local 3743
Tracy	Kerzmann	Williston	ND	58801	Williston Firefighters Local 3743
Jim	Weston	Bismarck	ND	58504	Williston Firefighters Local 3743
John	Hoskins	Williston	ND	58801	Williston Firefighters Local 3743
Chris	Mahoney	Williston	ND	58801	Williston Firefighters Local 3743
Justin	Champion	Williston	ND	58801	Williston Firefighters Local 3743
Calvin	Henson	Williston	ND	58801	Williston Firefighters Local 3743
Cody	Beilke	West Fargo	ND	58078	West Fargo Police
Weston	Christianson	West Fargo	ND	58078	West Fargo Police
Kellen	Jorgenson	Fargo	ND	58102	West Fargo Firefighter
Chris	Sandvig	Lisbon	ND	58054	Ransom County Sheriff's Office
Patrick	Haug	Mandan	ND	58554	North Dakota Fraternal Order of Police
Jason	Dvorak	Grand Forks	ND	58201	North Dakota Fraternal Order of Police
Jonathan	Moll	Mandan	ND	58554	Morton County Sheriff's Office
Bryan	Steele	Mandan	ND	58554	Morton County
Christopher	Aberle	Bottineau	ND	58318	Minot Firefighters Local 1157
Seth	Herigstad	Minot	ND	58703	Minot Firefighters Local 1157
Shane	Gilliss	Minot	ND	58701	Minot Firefighters Local 1157
Zach	Baker	Minot	ND	58701	Minot Firefighters Local 1157
Paul	Laskowski	Minot	ND	58703	Minot Firefighters Local 1157
Dana	Summers	Minot	ND	58701	Minot Firefighters Local 1157
Skylar	Orr	Burlington	ND	58722	Minot Firefighters Local 1157
Brent	Weber	Minot	ND	58703	Minot Firefighters Local 1157
Charles	Shoemaker	Minot	ND	58703	Minot Firefighters Local 1157
Robert	Blackwood	Minot	ND	58703	Minot Firefighters Local 1157
Casey	Meadows	Minot	ND	58701	Minot Firefighters Local 1157
Mike	Crisp	Minot	ND	58701	Minot Firefighters Local 1157
Danny	Raymond	Minot	ND	58702	Minot Firefighters Local 1157
Philip	Anderson	Minot	ND	58703	Minot Firefighters Local 1157

Miranda	Furchner	Mandan	ND	58554	Metro Area Ambulance
Nick	Pynnonen	Mandan	ND	58554	Mandan Police
Rick	Widicker	Bismarck	ND	58501	Mandan Police
Cole	Anderson	Bismarck	ND	58503	Mandan Firefighters Local 4984
Derek	Berger	Mandan	ND	58554	Mandan Firefighters Local 4984
Andrew	Beck	Bellmead	TX	58553	Mandan Firefighters Local 4984
Patrick	Martin	Bismarck	ND	58503	Mandan Firefighters Local 4984
Clayton	Schaff	Mandan	ND	58554	Mandan Firefighters Local 4984
Alexander	Froelich	Mandan	ND	58554	Mandan Firefighters Local 4984
Chad	Nicklos	Mandan	ND	58554	Mandan Firefighters Local 4984
Rory	Suby	Grand Forks	ND	58201	Grand Forks Police
Hank	Becker	Thompson	ND	58278	Grand Forks Police
Derrik	Johnston	Grand Forks	ND	58201	Grand Forks Police
Patrick	Krause	Grand Forks	ND	58201	Grand Forks Fire Fighters Local 242
Laura	Toth	Grand Forks	ND	58206	Grand Forks Fire Fighters Local 242
Jordan	Aamot	Grand Forks	ND	58201	Grand Forks Fire Fighters Local 242
Broderick	Nelson	Grand Forks	ND	58203	Grand Forks Fire Fighters Local 242
Chris	Carlson	E. Grand Forks	MN	56721	Grand Forks Fire Fighters Local 242
Jacob	Cariveau	Grand Forks	ND	58203	Grand Forks Fire Fighters Local 242
Drew	MacDonald	Moses Lake	WA	98837	Grand Forks Fire Fighters Local 242
Cory	Waldorf	Grand Forks	ND	58201	Grand Forks Fire Fighters Local 242
Kevin	Blake	Grand Forks	ND	58201	Grand Forks Fire Fighters Local 242
Connie	Kaste	Park River	ND	58270	Grand Forks Fire Fighters Local 242
Joseph	Dewey	Grand forks	ND	58201	Grand Forks Fire Fighters Local 242
Thomas	Lundeen	Grand Forks	ND	58201	Grand Forks Fire Fighters Local 242
Randy	Fetsch	Grand Forks	ND	58203	Grand Forks Fire Fighters Local 242
Amanda	Weninger	Grand Forks	ND	58203	Grand Forks Fire Fighters Local 242
Scott	Nelson	Grand Forks	ND	58201	Grand Forks Fire Fighters Local 242
Nathan	Norgren	Bellmead	TX		Grand Forks Fire Fighters Local 242
Erik	Quirk	Climax	MN	56523	Grand Forks Fire Fighters Local 242
Rod	Freitag	Grand Forks	ND	58203	Grand Forks Fire Fighters Local 242
Logan	Schonert	Grand Forks	ND	58201	Grand Forks Fire Fighters Local 242
Robert	kramer	Grand Forks	ND	58201	Grand Forks Fire Fighters Local 242
Jacob	Kennedy	Grand Forks	ND	58201	Grand Forks Fire Fighters Local 242
Jerod	Kurtz	Thompson	ND	58278	Grand Forks Fire Fighters Local 242
Aaron	Braathén	Grand Forks	ND	58201	Grand Forks Fire Fighters Local 242
Sam	Reile	Grand Forks	ND	58201	Grand Forks Fire Fighters Local 242
Patrick	Lorensen	Grand Forks	ND	58201	Grand Forks Fire Fighters Local 242
Richard	Aamot	Grand Forks	ND	58201	Grand Forks Fire Fighters Local 242
Scot	Smart	Grand Forks	ND	58201	Grand Forks Fire Fighters Local 242
Joseph	Aamot	Grand Forks	ND	58201	Grand Forks Fire Fighters Local 242
Josh	Schumer	Manvel	ND	58256	Grand Forks Fire Fighters Local 242
Cody	Wasylow	Grand Forks	ND	58203	Grand Forks Fire Fighters Local 242
Brandon	LaRoque	Thompson	ND	58278	Grand Forks Fire Fighters Local 242
Steven	Lackman	Thompson	ND	58278	Grand Forks Fire Fighters Local 242
Jordan	Osmundson	Grand Forks	ND	58201	Grand Forks Fire Fighters Local 242
Delray	Huot	Reynolds	ND	58275	Grand Forks Fire Fighters Local 242
Mike	Sandry	Grand Forks	ND	58201	Grand Forks Fire Fighters Local 242
Scott	Holter	Grand Forks	ND	58201	Grand Forks Fire Fighters Local 242

HB 1463

Attachment 2  
Jan 29, 2019  
Page 5

Ben	Rogers	Grand Forks	ND	58201	Grand Forks Fire Fighters Local 242
James	Fiala	Grand Forks	ND	58201	Grand Forks Fire Fighters Local 242
Adam	Larson	Grand Forks	ND	58203	Grand Forks Fire Fighters Local 242
Edward	Grossbauer	Grand Forks	ND	58201	Grand Forks Fire Fighters Local 242
Tyler	Vandeveld	Fargo	ND	58104	Fargo Firefighters Local 642
Dane	Carley	Hawley	MN	56549	Fargo Firefighters Local 642
Josh	Worm	Dilworth	MN	56529	Fargo Firefighters Local 642
Gene	Keller	Fargo	ND	58104	Fargo Firefighters Local 642
Logan	Johnson	Fargo	ND	58104	Fargo Firefighters Local 642
Jake	Premo	Horace	ND	58047	Fargo Firefighters Local 642
Andrew	Dingmann	Fargo	ND	58103	Fargo Firefighters Local 642
Justin	Martin	Hawley	MN	56549	Fargo Firefighters Local 642
Mike	Brown	Fargo	ND	58102	Fargo Firefighters Local 642
Trevor	Sellden	West Fargo	ND	58078	Fargo Firefighters Local 642
clayton	roscoe	Fargo	ND	58104	Fargo Firefighters Local 642
Chris	Pieper	Fargo	ND	58102	Fargo Firefighters Local 642
Brent	Durensky	Barnesville	MN	56514	Fargo Firefighters Local 642
Robert	Severson	Fargo	ND	58102	Fargo Firefighters Local 642
Shane	Simmons	Moorhead	MN	56560	Fargo Firefighters Local 642
Tyler	Pearson	Fargo	ND	58102	Fargo Firefighters Local 642
Nick	Mitchell	West Fargo	ND	58078	Fargo Firefighters Local 642
James	Garvey	Fargo	ND	58102	Fargo Firefighters Local 642
Justin	Phillippi	Fargo	ND	58103	Fargo Firefighters Local 642
Paul	Meidinger	Fargo	ND	58104	Fargo Firefighters Local 642
Daniel	Johnson	Moorhead	MN	56560	Fargo Firefighters Local 642
Aaron	Lordeman	West Fargo	ND	58078	Fargo Firefighters Local 642
Mike	Henedrickson	Fargo	ND	58102	Fargo Firefighters Local 642
Patrick	Williams	Fargo	ND	58104	Fargo Firefighters Local 642
Erik	Vosseteig	Fargo	ND	58102	Fargo Firefighters Local 642
Mike	Seaberg	Moorhead	MN	56560	Fargo Firefighters Local 642
Bernier	Jordan	Fargo	ND	58103	Fargo Firefighters Local 642
Mason	Krueger	West Fargo	ND	58078	Fargo Firefighters Local 642
Collin	Kelly	Detroit Lakes	MN	56501	Fargo Firefighters Local 642
Joseph	Fuller	Fargo	ND	58104	Fargo Firefighters Local 642
Everett	Patterson	Moorhead	MN	56560	Fargo Firefighters Local 642
Eric	Eisenlohr	Fargo	ND	58103	Fargo Firefighters Local 642
Brett	Czaplewski	Mapleton	ND	58059	Fargo Firefighters Local 642
Casey	Gibson	Fargo	ND	58104	Fargo Firefighters Local 642
Ryan	Young	Moorhead	MN	56560	Fargo Firefighters Local 642
Trevor	Rysgaard	West Fargo	ND	58078	Fargo Firefighters Local 642
Brett	Bergh	Moorhead	MN	56560	Fargo Firefighters Local 642
Nathan	Adams	Moorhead	MN	56560	Fargo Firefighters Local 642
Nick	Duffy	Fargo	ND	58102	Fargo Firefighters Local 642
Robert	Cuchna	Fargo	ND	58102	Fargo Firefighters Local 642
Greg	Schmidt	Moorhead	MN	56560	Fargo Firefighters Local 642
Jared	Hoover	Dilworth	MN	56529	Fargo Firefighters Local 642
Adam	Kankelfritz	Fargo	ND	58104	Fargo Firefighters Local 642
Keith	Johnson	Fargo	ND	58102	Fargo Firefighters Local 642
Matthew	Kramer	Fargo	ND	58104	Fargo Firefighters Local 642

Clark	Dietz	Fargo	ND	58103	Fargo Firefighters Local 642
Benjamin	Willey	Fargo	ND	58103	Fargo Firefighters Local 642
Rodney	Weigel	Fargo	ND	58102	Fargo Firefighters Local 642
Rob	Goebel	Fargo	ND	58103	Fargo Firefighters Local 642
Nicholas	Kindelspire	West Fargo	ND	58078	Fargo Firefighters Local 642
Matt	Dawson	Fargo	ND	58103	Fargo Firefighters Local 642
T.roy	Borowicz	West Fargo	ND	58078	Fargo Firefighters Local 642
Mike	Ambrose	Fargo	ND	58103	Fargo Firefighters Local 642
Kenton	Chromey	Moorhead	MN	56560	Fargo Firefighters Local 642
Michael	Hagen	West Fargo	ND	58078	Fargo Firefighters Local 642
Brandon	Wehner	Fargo	ND	58104	Fargo Firefighters Local 642
Joshua	Christofferson	Hawley	MN	56549	Fargo Firefighters Local 642
Gavin	Pollert	West Fargo	ND	58078	Fargo Firefighters Local 642
Michael	Hawley	West Fargo	ND	58078	Fargo Firefighters Local 642
Tom	Welder	Fargo	ND	58102	Fargo Firefighters Local 642
Dan	Senn	Fargo	ND	58104	Fargo Firefighters Local 642
Gerald	Loher	Casselton	ND	58012	Fargo Firefighters Local 642
Kevin	Swanson	West Fargo	ND	58078	Fargo Firefighters Local 642
Kyle	MacIntosh	Dickinson	ND	58601	Dickinson Firefighters Local 5150
Stephen	Lawson	Dickinson	ND	58601	Dickinson Firefighters Local 5150
Hilary	Hartman	Dickinson	ND	58601	Dickinson Firefighters Local 5150
Dustin	Hofer	Dickinson	ND	58601	Dickinson Firefighters Local 5150
Brad	Banyai	Dickinson	ND	58601	Dickinson Firefighters Local 5150
Daniel	Burgard	Bismarck	ND	58504	Bismarck Rural Fire Local 4580
Tim	Maloney	Lincoln	ND	58504	Bismarck Rural Fire Local 4580
Casey	Rogstad	Bismarck	ND	58503	Bismarck Rural Fire Local 4580
Brandon	Fitterer	Bismarck	ND	58504	Bismarck Rural Fire Local 4580
Scott	Nelson	Bismarck	ND	58504	Bismarck Rural Fire Local 4580
Scott	Sommers	Bismarck	ND	58503	Bismarck Rural Fire Local 4580
Matthew	Smith	Mandan	ND	58554	Bismarck Rural Fire Local 4580
Michael	Knell	Bismarck	ND	58501	Bismarck Rural Fire Local 4580
Jacob	Bratsch	Bismarck	ND	58501	Bismarck Police Department
Lance	Allerdings	Bismarck	ND	58504	Bismarck Police Department
Jonathen	Lahr	Mandan	ND	58554	Bismarck Police Department
Jesse	Sjoberg	Mandan	ND	58554	Bismarck Firefighters Local 2468
Erik	Kanz	Bismarck	ND	58501	Bismarck Firefighters Local 2468
Josh	Peshek	Bismarck	ND	58503	Bismarck Firefighters Local 2468
Jared	Bosch	Bismarck	ND	58501	Bismarck Firefighters Local 2468
Tom	Heid	Bismarck	ND	58504	Bismarck Firefighters Local 2468
Adam	Yborra	Bismarck	ND	58504	Bismarck Firefighters Local 2468
Joe	Gartner	Menoken	ND	58558	Bismarck Firefighters Local 2468
Logan	Pritchard	Bismarck	ND	58504	Bismarck Firefighters Local 2468
Josh	Eldridge	Bismarck	ND	58503	Bismarck Firefighters Local 2468
Nicholas	Reisenauer	Bismarck	ND	58501	Bismarck Firefighters Local 2468
Darin	Schadler	Bismarck	ND	58504	Bismarck Firefighters Local 2468
Owen	Fitzsimmons	Bismarck	ND	58501	Bismarck Firefighters Local 2468
Al	Liebert	Steele	ND	58482	Bismarck Firefighters Local 2468
Adam	Mork	Mandan	ND	58554	Bismarck Firefighters Local 2468
Brendan	Jochim	Mandan	ND	58554	Bismarck Firefighters Local 2468

HB 1463

Attachment 2  
Jan 29, 2019  
Page 7

Luke	Teagle	Mandan	ND	58554	Bismarck Firefighters Local 2468
Travis	Schneider	Mandan	ND	58554	Bismarck Firefighters Local 2468
Dustin	Beilke	Mandan	ND	58554	Bismarck Firefighters Local 2468
Lydia	Citta	Bismarck	ND	58501	Bismarck Airport Firefighters
Steven	Featherston	Bismarck	ND	58501	Bismarck Airport Firefighters

# Professional Fire Fighters of North Dakota

Darren Schimke, President | 218-779-4122 | [dschimke@wiktel.com](mailto:dschimke@wiktel.com)

1/29/2019

House Industry, Business and Labor Committee

Mr. Chairman and members of the House Industry, Business and Labor Committee,

My name is Darren Schimke, President of the Professional Fire Fighters of North Dakota. I rise before you on behalf of the PFFND in full support of HB 1463.

Without the collective bargaining process, law enforcement and paid full-time firefighters are not able to look out for our best interests as employees. Collective bargaining provides our members with a voice to negotiate working conditions, safety attire and equipment, staffing levels, training, benefits and wages. Through this give-and-take process, we will be able to negotiate an agreement with employers that will benefit both.

Collective bargaining is the process whereby we can negotiate with employers to renew a collective agreement or enter into a new one. The process starts with a notice to bargain, which is a notice in writing to start the collective bargaining process. Employees and employers must negotiate in good faith to reach a mutually beneficial agreement. We believe that Collective Bargaining is just that—bargaining, not demanding, not forcing and not holding anything hostage. The bargaining table is a place of mutual respect. We believe that it is an opportunity and a privilege to have a seat at the table and provide input towards issues that are important to both employees and employers. The relationships between workers and Administration are all over the map. Some are not broken, while others are at some level. With Collective Bargaining in place, all may be on a more even playing field.

The firefighters are members of the International Association of Fire Fighters. With that membership, we have a plethora of resources related to training, cancer research and staffing ideas, to name a few, that would assist our Chiefs, City Administrators and emergency workers. The opportunity to be a part of this decision-making process will not only directly improve morale but also improve recruitment and retention.

Law enforcement and paid full-time firefighters are currently involved within their respective communities at a level that you may not be aware of. We set up beds for needy children at Christmas time which includes sheets, quilts and pillows; ring the bell for the Salvation Army; volunteer at the Red Cross and we are the number one donor to Muscular Dystrophy Association; active within our community political elections and have even held the position of Campaign Manager during the Mayoral race in Grand Forks. We are given the respect and responsibility from citizens and business owners to enter unattended homes and businesses with the expectation of going in, meeting the goals and objectives of the mission, and getting out as soon as possible with the least amount of damage. Our integrity is held high. We are able to make entry by homeowners giving us entry codes and businesses allowing lockboxes to be on the outside walls that contain keys to enter the building.

HB 1463

Attachment 3  
Jan 29, 2019  
Page 2

We are respected by the citizens within our communities and I believe that our city administration will be pleasantly surprised at our level of professionalism and mutual respect that will be gained at the bargaining table. If my research is correct, we are one of 6 states that doesn't allow law enforcement and full-time firefighters to collectively bargain.

I thank you, and I implore you to please consider this bill as a bill that is moving the State of North Dakota and its emergency workers forward.

Thank you for the opportunity to stand in front of you today and now I will take any questions that you may have.

Darren Schimke

## HB 1463

Attachment 4  
Jan 29, 2019  
Page 1

Chairman Kaiser, Vice Chair Lefor and other committee members I want to thank you for the time and effort that you put forth towards the citizens of North Dakota and to remind you that as an elected official you work for ALL the people of North Dakota.

HB 1463 is a bill that would allow an individual that is employed by a political subdivision as a law enforcement officer or as a paid full-time firefighter to form, join and participate in a representative organization. HB 1463 also states that same individual may refuse to join and participate in a representative organization.

To me one of the key parts of this bill is the rights of an individual. In the Republican Platform under **Individual Liberty** it states: **The rights of American citizens proceed from the Creator, not from the government. Government authority proceeds only from the consent of the People. Individuals, including the unborn, have intrinsic right to life, liberty and the pursuit of happiness.**

Another Platform from the Republican Party is **Personal Responsibility** it states: **Individuals and families are responsible for their behavior. Public policy should encourage and empower their efforts to provide for their own health, safety, education, moral fortitude and personal wealth.**

As I read HB 1463, I believe this bill pertains to the 2 Republican Platforms that I just read. How could one deny the intrinsic rights of an individual? How could an elected official deprive an individual their rights to their own health, safety, education, moral fortitude and personal wealth?

HB 1463

Attachment 4  
Jun 29, 2019  
Page 2

This bill is about an individual's choice to participate or not in a representative organization. An individual's right to collective bargaining or not in on how he or she's contract should be negotiated.

To me this bill is solely about an individual's right or choice. As I stated earlier this bill falls under 2 of the Republican Platforms, **Individual Liberties** and **Personal Responsibilities**. This bill is about personal freedoms when it come to an individual's choice in their work place and to deny such choice would go totally against what it says in the Individual Liberties platform of the republican party in the first sentence: **The rights of American citizens proceed from The Creator, not from government.**

So, I ask each one of you members to ensure that these individual's liberties and responsibilities are not infringed by the government. I encourage you to vote a DO PASS on HB 1463.

Watford City

[www.cityofwatfordcity.com](http://www.cityofwatfordcity.com)

1/29/2019

2:30 PM – Peace Garden Room

City of Watford City

213 2<sup>nd</sup> St. NE | P.O. Box 494

Watford City, ND 58854

Ph. 701-444-2533

Fax 701-444-3004

Attachment 5  
Jan 29, 2019  
Page 1

## Urge a DO NOT Pass Recommendation for HB 1463

Chairman Keiser and members of House Industry, Business, and Labor,

Understanding that collective bargaining had a place in U.S. employment history until the point in time when labor laws caught up, the city of Watford City opposes HB 1463 and urges a DO NOT Pass from your committee. We need only to look at other parts of the county where law enforcement officers have collective bargaining and know that many of those communities have strained relationships and lack trust with their local law enforcement agencies. The root cause of these trust issues are typically traced to the issue of unionization protecting those who behave carelessly and recklessly on duty.

Watford City is a small employer with limited Human Resources capacity. In reviewing the proposed bill to enact collective bargaining for law enforcement officers (and paid full-time firefighters), the city anticipates this change would require the hiring of an additional Human Resources FTE.

Understanding what the fiscal concern is to one local political subdivision (LPS) with 25 sworn officers and not seeing a fiscal note attached to this bill, questions to the sponsors and supporters would be:

Is it the intent of HB 1463 to include law enforcement officers and paid full-time firefighters of the state of North Dakota to have the same collective bargaining authority of LPS's?

If so, what is the anticipated fiscal note? If not, why are state employees performing the same duties not included in this bill?

Chairman Keiser and committee members, thank you for the opportunity to share our concerns with you and for the opportunity to urge you to recommend a DO NOT Pass on HB 1463.

Mayor Phil Riely, Watford City  
(701) 570-4338  
[phil\\_riely@yahoo.com](mailto:phil_riely@yahoo.com)