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Deanna Waller
Operator's Signature

10/21/03
Date

2003 SENATE INDUSTRY, BUSINESS AND LABOR

SB 2290

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2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 2290

Senate Industry, Business and Labor Committee

☐ Conference Committee

Hearing Date 02-04-03

Tape Number	Side A	Side B	Meter #
1		XXXX	2,400
Committee Clerk Signature <i>Jessie Van Beekom</i>			

Minutes: Chairman Mutch opened the hearing on SB 2290. All Senators were present.

SB 2290 relates to an Act to organization and representation of political subdivision employees, collective bargaining between political subdivision employers and their employees and their employees, and establishment of an employment relations board.

Support of SB 2290.

Senator Fairfield introduced the bill. She gave a brief explanation and overview and turned the testimony to **Representative Aarsvold**. He also spoke on his reasoning for sponsoring the bill.

Chris Runge, North Dakota Public Employees Association, American Federation of Teachers, AFL-CIO, spoke in support of the bill. See attached testimony.

Robert Benson, Fraternal Order of Police, spoke in support of the bill. He stated that many workers will leave the state seeking better paying jobs as police officers. He stated that the department has lost several officers in the past year to out-of-state jobs, which are better paying.

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Diana D. Smith
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Page 2

Senate Industry, Business and Labor Committee

Bill/Resolution Number 2290

Hearing Date 02-04-03

He stated that collective bargaining would give the department and officers more of a say in what they were paid, and would thus keep more officers in North Dakota.

Dave Kemnitz, AFL-CIO, also spoke in support of the bill. He wanted to go on record in support.

John Risch, United Transportation Union, spoke in support of SB 2290. He stated that there should not be a fear of strikes. Collective bargaining is a positive and effective way to negotiate work issues.

Testimony in opposition.

Connie Sprysznatyk, North Dakota League of Cities, spoke in opposition to SB 2290. She stated that ND is a Right To Work state. People have the choice to join the union or not join the union. She stated that this bill is a solution looking for a problem. To address the issue raised by Robert Benson, FOP, she stated that as a city commissioner, there just isn't money in the budget to raise the pay of police officers.

Hearing closed. No Action.

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Deanna D. Smith
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2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 2290

Senate Industry, Business and Labor Committee

☐ Conference Committee

Hearing Date 02-11-03

Tape Number	Side A	Side B	Meter #
1		XXXX	5,800
2	XXXX		100
Committee Clerk Signature <i>Lisa L. Burkorn</i>			

Minutes: Chairman Mutch opened the committee discussion on SB 2290. All Senators were present. SB 2290 is an Act relating to organization and representation of political subdivision employees, collective bargaining between political subdivision employers and their employees, and establishment of an employment relations board.

There was brief discussion from the committee.

Senator Klein moved a DO NOT PASS. Senator Krebsbach seconded.

Roll Call Vote: 5 yes. 2 no. 0 absent.

Carrier: Senator Mutch.

FISCAL NOTE STATEMENT

Senate Bill or Resolution No. 2290

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

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10/21/03
Date

Date: 2-11-03
Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2290

Senate _____ Committee: _____

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Not Pass

Motion Made By Klein Seconded By Krebsbach

Senators	Yes	No	Senators	Yes	No
Sen. Jerry Klein, Vice Chairman	X				
Sen. Karen Krebsbach	X				
Sen. Dave Nething	X				
Sen. Joel Heitkamp		X			
Sen. Mike Every		X			
Sen. Duane Espgaard	X				
Sen. Duane Mutch, Chairman	X				

Total (Yes) 5 No 2

Absent 0

Floor Assignment Mutch

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

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Operator's Signature Dan O'Neil Date 12/21/03

REPORT OF STANDING COMMITTEE (410)
February 11, 2003 12:00 p.m.

Module No: SR-26-2260
Carrier: Mutch
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

**SB 2290: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends
DO NOT PASS (6 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2290 was
placed on the Eleventh order on the calendar.**

(2) DESK, (3) COMM

Page No. 1

SR-26-2260

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Deanna Ballantyne
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10/21/03
Date

2003 TESTIMONY

SB 2290

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10/21/03
Date

NDPEA

North Dakota Public Employees Association

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BISMARCK, NORTH DAKOTA 58501-3396
TOLL FREE: 1-800-472-2698
BISMARCK-MANDAN: 701-223-1964

Support



AMERICAN
FEDERATION
OF TEACHERS
LOCAL 4660
AFL-CIO

TESTIMONY IN SUPPORT OF SB 2290

**Before the Senate Industry, Business and Labor Committee
North Dakota Public Employees Association, American Federation of Teachers, #4660
AFL-CIO
February 4, 2003**

Chairman Mutch, members of the Senate 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 SB 2290, a bill which would bring collective bargaining rights to political subdivision employees, 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, political subdivision employees. Collective bargaining, quite simply, is a democratic process of determining wages, hours of work, and working conditions with our employer. Collective bargaining will give public employees a real voice in the decisions that affect our jobs by allowing us to negotiate as equals with the state in determining our salary, benefits, and working conditions.

Testimony

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12/21/03
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Collective bargaining for public employees is allowed in every state surrounding North Dakota and then some. Twenty-eight states allow for collective bargaining for political subdivision employees. 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 SB 2290.

Today, the political 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.

North Dakota Century Code 34-12-02 provides, "Employees have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other lawful concerted activities for the purpose of collective bargaining or other mutual aid or protection, and also have the right to refrain from any or all of such activities and are free to decline to associate with their fellows and are free to obtaining employment wherever possible with interference or being hindered in any way." This is the law of the land for all citizens of North Dakota unless you happen to be a public servant. It is time to open the door to the democratic process for all public employees of North Dakota who provide quality services to our citizens.

NDPEA supports SB 2290 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.

SB 2290 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.

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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.

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