

Sixty-first
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2320

Introduced by

Senators Bakke, Nelson, Oehlke

Representatives Delmore, Potter, Wall

1 A BILL for an Act to amend and reenact sections 15.1-16-01, 15.1-16-07, 15.1-16-08,
2 15.1-16-10, 15.1-16-11, 15.1-16-12, 15.1-16-16, 15.1-16-17, and 15.1-16-19 of the North
3 Dakota Century Code, and subsection 1 of section 44 of House Bill No. 1400, as approved by
4 the sixty-first legislative assembly, relating to representation and negotiation for school district
5 employees other than teachers and administrators.

6 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

7 **SECTION 1. AMENDMENT.** Section 15.1-16-01 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **15.1-16-01. Definitions.** As used in this chapter:

- 10 1. "Administrator" means an individual who is employed by the board of a public
11 school district primarily for administration of a school or schools of the district and
12 who devotes at least fifty percent of the individual's time in any one year to the
13 duties of administration of the school or schools of the district.
- 14 2. "Negotiating unit" means:
- 15 a. A group of administrators having common interests, common problems, a
16 common employer, or a history of common representation, which warrants
17 that group being represented by a single representative organization in
18 negotiations with the board of a school district; or
- 19 b. A group of teachers having common interests, common problems, a common
20 employer, or a history of common representation, which warrants that group
21 being represented by a single representative organization in negotiations with
22 the board of a school district; or
- 23 c. Any group of individuals, other than those listed in subdivisions a and b,
24 employed by a school district and having common interests, common

1 problems, a common employer, or a history of common representation, which
2 warrants that group being represented by a single representative organization
3 in negotiations with the board of a school district.

4 3. "Representative organization" means an organization authorized by a negotiating
5 unit to represent the members of the unit in negotiations with a school board.

6 4. "Strike" means any concerted work stoppage, slowdown, or withholding of
7 contracted services.

8 5. "Teacher" means a public school employee licensed to teach by the education
9 standards and practices board or approved to teach by the education standards
10 and practices board and employed primarily as a classroom teacher.

11 **SECTION 2. AMENDMENT.** Section 15.1-16-07 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **15.1-16-07. Representative organizations - Participation.**

14 1. An individual employed as a teacher may form, join, and participate in the activities
15 of a representative organization of the individual's choosing for the purpose of
16 representation on matters of employer-employee relations.

17 2. An individual employed as an administrator may form, join, and participate in the
18 activities of a representative organization of the individual's choosing for the
19 purpose of representation on matters of employer-employee relations.

20 3. Any individual referenced in subdivision c of subsection 2 of section 15.1-16-01
21 may form, join, and participate in the activities of a representative organization of
22 the individual's choosing for the purpose of representation on matters of
23 employer-employee relations.

24 4. Any individual employed as a teacher or as an administrator may refuse to join or
25 participate in the activities of a representative organization.

26 **SECTION 3. AMENDMENT.** Section 15.1-16-08 of the North Dakota Century Code is
27 amended and reenacted as follows:

28 **15.1-16-08. Representative organization - Negotiating unit - Right to negotiate.** A
29 representative organization has the right to represent a negotiating unit in matters of employee
30 relations with the board of a school district. Any teacher ~~or~~, administrator, or individual

referenced in subdivision c of subsection 2 of section 15.1-16-01 has the right to present the individual's views directly to the board.

SECTION 4. AMENDMENT. Section 15.1-16-10 of the North Dakota Century Code is amended and reenacted as follows:

15.1-16-10. Negotiating unit - Formation. A Any group of teachers or a group of, administrators, or individuals referenced in subdivision c of subsection 2 of section 15.1-16-01 employed by the board of a public school district may form a negotiating unit by filing with the board a description of the job groupings or positions that constitute the negotiating unit. Upon receipt of the description, the board shall accept or reject the proposed negotiating unit. If the board accepts the negotiating unit, the teachers ~~or the~~, administrators, or individuals referenced in subdivision c of subsection 2 of section 15.1-16-01 within the unit may designate or select a representative organization as provided for in section 15.1-16-11.

SECTION 5. AMENDMENT. Section 15.1-16-11 of the North Dakota Century Code is amended and reenacted as follows:

15.1-16-11. Representative organization - Selection.

1. a. If an organization is interested in representing a group of teachers ~~or~~, a group of administrators, or a group of individuals referenced in subdivision c of subsection 2 of section 15.1-16-01, the organization may file with the board of a school district a petition asserting that the organization represents a majority of the teachers ~~or the~~, administrators, or individuals referenced in subdivision c of subsection 2 of section 15.1-16-01 included within a negotiating unit.
- b. The petition must be accompanied by evidence substantiating the assertion contained in it.
- c. Within ten days after receiving the petition, the board of the school district shall post notice of its intent to consider the petition in each school wherein the members of the negotiating unit are employed.
- d. No sooner than ten nor later than twenty days after posting the notice of intent to consider the petition, the board shall investigate the petition, determine the question of representation, and post notice of its determination in each school wherein the members of the negotiating unit are employed.

e. If the petition is not contested, the board shall recognize the petitioner as the representative organization of the negotiating unit, unless it finds in good faith that there is a reasonable doubt the representation exists.

2. If any organization has an interest in representing a group of teachers or a group of administrators, or a group of individuals referenced in subdivision c of subsection 2 of section 15.1-16-01 and wishes to contest the claim of representation made in the petition under subsection 1, the contesting organization must file with the board of the school district a petition containing a written statement of contest together with substantiating evidence, within ten days from the date on which the board posted the notice of intent to consider the original petition.

3. If the board of a school district fails to make and post notice of its determination or if the board's determination has been contested, the board shall call an election to determine the question of representation not sooner than twenty nor later than thirty days after the posting of the notice of intent to consider the original petition.

4. If the board of a school district receives a petition that is signed by at least twenty-five percent of the members of the negotiating unit and which calls for an election to determine the question of representation, the board shall call the election.

5. The election must be conducted in the manner agreed to by the interested parties. If the interested parties cannot reach an agreement, the election must be conducted in the manner determined by the education factfinding commission under its rules.

6. Once a representative organization has been selected, its authority to represent the negotiating unit continues for at least one year from the date of the selection.

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.

SECTION 6. AMENDMENT. Section 15.1-16-12 of the North Dakota Century Code is amended and reenacted as follows:

15.1-16-12. Representative organization - Payroll deduction - Dues.

1. If an individual who is employed as a teacher, and who is a member of a representative organization as defined in this chapter, signs a petition requesting that dues for the representative organization be deducted from the individual's regular paycheck, the board of the school district shall comply with the petition.

2. If an individual who is referenced in subdivision c of subsection 2 of section 15.1-16-01 is a member of a representative organization and if that individual signs a petition requesting that dues for the representative organization be deducted from the individual's regular paycheck, the board of the school district shall comply with the petition.

3. Nothing in this section may be interpreted to mean that the dues of a nonmember must be deducted in that manner.

SECTION 7. AMENDMENT. Section 15.1-16-16 of the North Dakota Century Code is amended and reenacted as follows:

15.1-16-16. Participation in a strike - Prohibition. Teachers ~~and~~, administrators, and individuals referenced in subdivision c of subsection 2 of section 15.1-16-01 employed by school districts may not participate in a strike. The board of a school district may withhold some or all the wages otherwise due a teacher ~~or~~, an administrator ~~who~~, or an individual referenced in subdivision c of subsection 2 of section 15.1-16-01 if the teacher, administrator, or referenced individual elects to participate in a strike in violation of this section.

SECTION 8. AMENDMENT. Section 15.1-16-17 of the North Dakota Century Code is amended and reenacted as follows:

15.1-16-17. Discrimination - Prohibition. Neither the board of a school district nor any administrator employed by the district may discriminate against any ~~individual employed as~~ a teacher ~~or~~, administrator, or individual referenced in subdivision c of subsection 2 of section 15.1-16-01 because the teacher, administrator, or referenced individual exercises rights available under this chapter.

SECTION 9. AMENDMENT. Section 15.1-16-19 of the North Dakota Century Code is amended and reenacted as follows:

15.1-16-19. Sick leave - Accumulation.

1. The board of a school district shall allow a teacher to:

- ~~1-~~ a. Use at least ten days of sick leave each school year without a loss of compensation; and
 - ~~2-~~ b. Accumulate sick leave and carry over from year to year at least thirty days of accumulated unused sick leave.
2. The board of a school district shall allow an individual referenced in subdivision c of subsection 2 of section 15.1-16-01 to:
 - a. Use at least ten days of sick leave each school year without a loss of compensation; and
 - b. Accumulate sick leave and carry over from year to year at least thirty days of accumulated unused sick leave.

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.