



COLLECTIVE BARGAINING LEGISLATION 2010-2011

<u>IDAHO</u>	
<p><u>ID SB 1108</u></p> <p>Education</p> <p>2011</p>	<p>Amends, repeals and adds to existing law relating to education to revise conditions relating to the employment of professional personnel by the Board of Trustees.</p> <p>Provides that a district may place certain employees on unpaid leave of absence.</p> <p>Revises provisions relating to contract categories, provides provisions relating to grandfathered renewable contracts, provides provisions relating to reductions in force.</p> <p>Limits collective bargaining to compensation.</p>
<u>ILLINOIS</u>	
<p><u>IL HB 1197</u></p> <p>Chicago Educational Labor Relations</p> <p>2011</p>	<p>Provides the following changes take place only if S.B. 7 as passed by the 97th General Assembly becomes law:</p> <p>With respect to the list of permissive subjects of bargaining between an educational employer whose territorial boundaries are coterminous with those of a city having a population in excess of 500,000 and an exclusive representative of its employees, decisions to determine length of the work and school day and length of the work and school year apply only to the Chicago school district.</p> <p>Provides neither the Board nor any appointed mediator or fact-finder has jurisdiction over a collective bargaining dispute or impasse. Requires that, in the event of an impasse, the board post both parties' offers on its Web site.</p> <p>Provides that all members of Chicago's exclusive bargaining representative at the time of a strike authorization vote must be eligible to vote.</p>

<p><u>IL SB 7</u></p> <p>School Code Provisions</p> <p>2011</p>	<p>Mandatory Subjects of Bargaining (Chicago only): The length of the work and school day and year become permissive subjects of bargaining under Section 4.5 of the IELRA. CPS is required to bargain over the impact of its decision on bargaining unit members.</p> <p>Impasse Resolution – Chicago: For Chicago, after a reasonable period of mediation, the dispute is required to be submitted to a fact-finding panel that will conduct a hearing and issue a report containing advisory findings of fact and recommended</p>

IL SB 7

terms of settlement. If the dispute is not settled within 75 days of the appointment of the fact-finding panel, the panel will issue its report privately to the parties. The panel's recommended settlement will become binding on the parties unless either party submits a notice of rejection with rationale within 15 days of the publication of the report. If a party rejects the recommended settlement, then the panel's report is published for public review. If the parties have not settled the dispute within 30 days of the publication of the fact-finding report, then the union will have the right to engage in a strike, provided that 75% of all bargaining unit members have affirmatively voted to engage in the strike and the union has provided the employer with 10 days' advance notice of its intent to engage in a strike. Currently, before engaging in a strike, unions statewide are only required to participate in a reasonable period of mediation and give the employer 10 days' notice of their intent to strike.

Impasse Resolution – Downstate: After at least 15 days of mediation, either party may declare impasse. Seven days after impasse, parties exchange 'final offers.' If the parties have not settled the dispute within 7 days of submission, the mediator publishes the final offers. If the dispute is not settled within 14 days of the publication of the final offers, the union has the right to engage in a strike, provided that it provides the employer with 10 days advance notice of its intent to engage in a strike.

INDIANA

IN SB 575

Teacher Collective Bargaining

2011

Extends the use of temporary teacher contracts to hiring for positions funded by grants outside the school funding formula.

Provides that wage payment arrangements may not contain terms beyond those permitted to be bargained.

Provides that the statutory procedures for refusing to continue or canceling a teacher contract may not be modified by a collective bargaining agreement (agreement).

Limits the number of teachers the exclusive representative may appoint to serve on statutory or locally created district wide and school wide committees of a school corporation. Provides that an agreement may not include provisions that limit a school employer's ability to restructure schools that do not meet federal or state accountability standards, or that limit a school employer's ability to enter into programs that offer postsecondary credit or dual credits to students.

Provides that an agreement may not extend beyond December 31 of the year at the end of a state budget biennium.

Prohibits certain subjects from being bargained collectively, and provides that prohibited subjects and items that lead to deficit financing may not be included in an agreement. Removes certain items from the list of discussion subjects between a school employer and an exclusive representative.

Provides that collective bargaining begins before August 1 in the first year of the state budget biennium. Provides that if a complaint that is filed alleging an unfair

<p><u>IN SB 575</u></p>	<p>practice concerning a subject of discussion is found to be frivolous, the complaining party is liable for costs and attorney's fees. Modifies the mediation process.</p> <p>Establishes a process for fact-finding.</p> <p>Expands the purposes for which money in the capital projects fund may be used. Repeals provisions concerning minimum salary and salary increments for teachers, the definition of "submission date", and a provision allowing the statutory procedures for refusing to continue or canceling a teacher contract to be modified by an agreement, certain provisions concerning mediation and fact-finding, and makes conforming changes to related sections.</p>
<p><u>MICHIGAN</u></p>	
<p><u>MI SB 158</u></p> <p>Public Service Contracts</p> <p>2011</p>	<p>Requires certain provisions in public service contracts.</p> <p>Provides that each collective bargaining agreement entered into between a public employer and public employees shall include a provision that allows an emergency manager appointed under the local government and school district fiscal accountability act to reject, modify, or terminate the collective bargaining agreement as provided in the Local Government and School District Fiscal Accountability Act.</p>
<p>-----</p>	
<p><u>MI HB 4628</u></p> <p>Teacher Bargaining</p> <p>2011</p>	<p>Adds subjects that may not be subject to teacher bargaining:</p> <p>Placement of teachers, decisions about the development, content, standards, adoption, and implementation of personnel decisions when conducting a reduction in force or any other personnel determination resulting in the elimination of a position or a recall from a reduction in force or any other personnel determination, any performance evaluation system, and compensation practices.</p>
<p><u>OHIO</u></p>	
<p><u>OH SB 5</u></p> <p>Revision of Collective Bargaining Law</p> <p>2011</p>	<p>Amends sections of the Revised Code to make changes to laws concerning public employees, including collective bargaining, salary schedules and compensation, layoff procedures, and leave.</p> <p>Prohibits employees of community (charter) schools from collectively bargaining, except for conversion community schools. Allows the governing authority of a conversion community school to opt out of collectively bargaining with the community school's employees.</p> <p>Prohibits public employees from striking. Allows a public employer to enjoin a strike. Requires the public employer to deduct from the compensation of a striking employee an amount equal to twice the employee's daily rate of pay for each day or part thereof that the employee engaged in a strike. Provides that an employee that strikes in violation of an injunction can be fined no more than \$1,000 or imprisoned</p>

for no longer than 30 days.

Makes the following inappropriate subjects for collective bargaining: (1) employer-paid contributions to any of the five public employee retirement systems; (2) health care benefits for which the employer is required to pay more than 85% of the cost; (3) the privatization of a public employer's services or contracting out of the public employer's work; (4) the number of employees required to be on duty or employed in any department, division or facility of the public employer.

Permits public employers to not bargain on any subject reserved to the management and direction of the governmental unit, even if the subject affects wages, hours, and terms and conditions of employment. Prohibits an existing provision of a collective bargaining agreement that was modified, renewed or extended that does not concern wages, hours, and terms and conditions from being a mandatory subject of collective bargaining.

OH SB 5

Allows the public employer to do any of the following, unless the public employer specifically agrees otherwise in an express written provision of a collective bargaining agreement: (1) Hire, discharge, transfer, suspend or discipline employees; (2) Determine the number of persons required to be employed or laid off; (3) Determine the qualifications of employees; (4) Determine the starting and quitting time and the number of hours to be worked by its employees; (5) Make any and all reasonable rules and regulations; (6) Determine the work assignments of its employees; (7) Determine the basis for selection, retention, and promotion of employees; (8) Determine the type of equipment used and the sequence of work processes; (9) Determine the making of technological alterations by revising either process or equipment or both; (10) Determine work standards and the quality and quantity of work to be produced; (11) Select and locate buildings and other facilities; (12) Establish, expand, transfer, or consolidate work processes and facilities; (13) Transfer or subcontract work; (14) Consolidate, merge, or otherwise transfer any or all of its facilities, property, processes, or work with or to any other municipal corporation or entity or change in any respect the legal status, management, or responsibility of such property, facilities, processes, or work; (15) Terminate or eliminate all or any part of its work or facilities.

Prohibits a collective bargaining agreement from containing a provision that does any of the following: (1) Limits a public employer in determining the number of employees it employs or has working at any time, in any facility, building, classroom, on any work shift, or on any piece of equipment or vehicle; (2) Provides for the public employer to pay any portion of a public employee's state pension contributions or payments; (3) Provides for an hourly overtime payment rate that exceeds the overtime rate required by the federal Fair Labor Standards Act; (4) Requires the public employer to adhere to, follow, or continue any practices or benefits not specifically set forth in the specific written provisions of the agreement.

OH SB 5

Revises collective bargaining dispute resolution procedures. Revises the factors that a person or group administering an alternate dispute resolution procedure must take into account. If either party rejects a fact finding panel's recommendations, permits the public employer to implement, in whole or in part, any of those recommendations that have been approved by the appropriate legislative authority.

Revises what constitutes an unfair labor practice. Revises the procedures for hearing

an unfair labor practice complaint. Repeals the provision requiring the Public Employee Collective Bargaining Law to be liberally construed.

TENNESSEE

TN SB 113 / HB 130 / Pub. Ch. 378

Teachers' Unions

2011

Abolishes teachers' unions ability to negotiate terms of service with local boards of education.

Provides for a training program in the principles and techniques of interest-based collaborative problem-solving for use in collaborative conferencing.

Allows employees to elect to take part in collaborative conferencing as members of a union or unaffiliated; provides for unlawful acts including employee discrimination and coercion.

Under collaborative conferencing, if a representative of the professional employees had been selected the board of education may not deny access or usage of facilities to any other professional employees' organization.

Tenured teachers who participate in a strike shall lose tenure status and may be dismissed.