

SESSION OF 2015

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2326

As Amended by House Committee on
Commerce, Labor and Economic Development

Brief*

HB 2326, as amended, would revise the means by which professional employee negotiations are conducted. A professional employee, as defined by law, means a person employed by a local board of education in a position that requires a certificate issued by the State Board of Education or employed by a local board of education in a professional, educational, or instructional capacity but excluding administrative employees.

The definition for “terms and conditions of professional service” would be revised to be limited exclusively to the items listed in the bill. Negotiated hours and amounts of work would pertain solely to work performed outside of teaching periods. Reference to public employee appraisal procedures would be deleted from the definition. The bill would repeal the prohibition placed on granting negotiated privileges of one public employee organization to another public employee organization. A local board and a public employee organization would have discretion to enter negotiations when requested by either party; such negotiations are mandatory under current law when requested by one party. Parties to the negotiation would not be allowed to discuss other matters as mutually agreed upon, which is permitted by current law. Matters relating to the length and number of teaching periods would be nonnegotiable.

The bill would repeal the requirement for there to be a single mandatory representative to negotiate on the behalf of the public employees in a negotiating unit. Each public

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>.

employee member would be able to represent himself or herself and could enter into an agreement with the school board. The bill would repeal the condition placed on school boards to fully complete the negotiations process of the Kansas Professional Negotiation Law prior to issuing a unilateral contract.

Under current law, if there is a question or dispute pertaining to public employee organizations or representation, the Secretary of Labor may be petitioned by public employees or local boards to resolve the matter. The bill would delete references to exclusive representation in those sections of law pertaining to the duties and responsibilities of the Secretary. Criteria used by the Secretary to determine the appropriate unit size of a public employee organization would be repealed; it would be permissible for certain classroom teachers to be excluded from a public employee unit. The Secretary of Labor must dismiss petitions for intervention if certain conditions are found to be present. The bill would repeal two of those conditions pertaining to the recognition status of a public employee organization as decided by a local board within the previous 12 months.

The bill would take effect on July 1, 2016.

Background

A representative of the Kansas Policy Institute spoke in favor of the bill, stating the legislation would provide freedom to individual teachers to negotiate the terms and conditions of professional service. Two members of the State Board of Education, expressing their individual opinions and not a policy position of the State Board, stated the bill would give schools more flexibility when hiring qualified persons to teach science and mathematics.

A representative, on the behalf of Kansas Association of School Boards, the Kansas National Education Association, the United School Administrators of Kansas, and the Kansas

School Superintendents Association, spoke in opposition to the bill, stating all four organizations agreed two years ago to work on means to reform the Professional Negotiations Act. As a result of discussions between stakeholders, legislation was introduced in both chambers this year, SB 136 and HB 2257. Concern was expressed the bill could lead to complicating the negotiation process if multiple teachers negotiated individually. The bill, according to the testimony, could limit local control and flexibility by disallowing parties from negotiating matters which were mutually agreed upon. A representative of the American Federation of Teachers—Kansas spoke in opposition to the bill, stating downward pressure could be placed on teacher pay and benefits.

The House Committee on Commerce, Labor and Economic Development amended the bill to delay the effective date until July 1, 2016.

According to the fiscal note prepared by the Division of the Budget, the bill, as introduced, would have no fiscal effect.