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LEGISLATURE OF THE STATE OF IDAHO  
Fifty-ninth Legislature Second Regular Session - 2008  
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IN THE \_\_\_\_\_

\_\_\_\_\_ BILL NO. \_\_\_\_\_

BY \_\_\_\_\_

1 AN ACT  
2 RELATING TO INSTITUTIONS OF HIGHER EDUCATION; AMENDING CHAPTER  
3 37, TITLE 33, IDAHO CODE, BY THE ADDITION OF NEW SECTIONS  
4 33-3726 THROUGH 33-3731, IDAHO CODE, TO PROVIDE FOR  
5 NEGOTIATION AGREEMENTS, TO DEFINE TERMS, TO PROVIDE FOR  
6 NEGOTIATIONS, TO PROVIDE FOR THE APPOINTMENT OF MEDIATORS AND  
7 FOR COMPENSATION, TO PROVIDE FOR THE APPOINTMENT OF FACT  
8 FINDERS AND FOR A REPORT AND TO PROVIDE FOR RESERVED POWERS,  
9 DUTIES AND RESPONSIBILITIES.

10 Be It Enacted by the Legislature of the State of Idaho:

11 SECTION 1. That Chapter 37, Title 33, Idaho Code, be, and  
12 the same is hereby amended by the addition thereto of NEW  
13 SECTIONS, to be known and designated as Sections 33-3726,  
14 33-3727, 33-3728, 33-3729, 33-3730 and 33-3731, Idaho Code, and  
15 to read as follows:

16 33-3726. NEGOTIATION AGREEMENTS. The administration of each  
17 institution of higher education is hereby empowered to and shall  
18 upon its own initiative or upon the request of a local faculty  
19 organization representing professional employees, enter into a  
20 negotiation agreement with the local faculty organization and  
21 negotiate with such party in good faith on those matters  
22 specified in any such negotiation agreement between the  
23 administration and the local faculty organization. A request for  
24 negotiations may be initiated by either party to such negotiation  
25 agreement. Accurate records or minutes of the proceedings shall  
26 be kept, and shall be available for public inspection at the  
27 offices of the state board of education during normal business  
28 hours. Joint ratification of all final offers of settlement shall  
29 be made in open meetings.

30 33-3727. DEFINITIONS. In sections 33-3726 through 33-3731,  
31 Idaho Code:

32 (1) "Administration" means the person authorized to act on  
33 behalf of the institution of higher education under the laws of  
34 this state or such person's designee.

35 (2) "Institution of higher education" means university of  
36 Idaho, Idaho state university, Boise state university,  
37 lewis-clark state college, eastern Idaho technical college, north  
38 Idaho college, college of southern Idaho, western Idaho college  
39 or any other public institution of higher education created by

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1 the legislature or formed pursuant to chapter 21, title 33, Idaho  
2 Code.

3 (3) "Local faculty organization" means any local  
4 organization duly chosen and selected by a majority of the  
5 professional employees employed at the institution of higher  
6 education as their representative organization for negotiations  
7 under sections 33-3726 through 33-3731, Idaho Code.

8 (4) "Negotiations" mean meeting and conferring in good faith  
9 by the administration and the authorized local faculty  
10 organization for the purpose of reaching an agreement, upon  
11 matters and conditions subject to negotiations as specified in a  
12 negotiation agreement between said parties.

13 (5) "Professional employee" means any instructor of the  
14 institution of higher education; provided, however, that those  
15 individuals with the responsibilities of dean or above may be  
16 excluded from the professional employee group if a negotiation  
17 agreement between the administration and local faculty  
18 organization so specifies.

19 33-3728. NEGOTIATIONS. The local faculty organization shall  
20 be the exclusive representative for all professional employees in  
21 that institution of higher education for purposes of  
22 negotiations. The individual or individuals selected to negotiate  
23 on behalf of the professional employees shall be a member of the  
24 organization designated to represent the professional employees  
25 and shall be a professional employee of the institution of higher  
26 education. However, in the event the administration chooses to  
27 designate any individual, other than an employee of the  
28 institution of higher education as its representative for  
29 negotiations, the local educational organization is authorized to  
30 designate any individual of its choosing to act as its  
31 representative for negotiations. The administration or its  
32 designated representative shall negotiate matters covered by a  
33 negotiations agreement only with the local faculty organization  
34 or its designated representative.

35 33-3729. APPOINTMENT OF MEDIATORS -- COMPENSATION. In the  
36 event the parties in negotiations are not able to come to an  
37 agreement upon items submitted for negotiations under a  
38 negotiations agreement between the parties, upon agreement of the  
39 parties one (1) or more mediators may be appointed. The issue or  
40 issues in dispute shall be submitted to mediation at the request  
41 of either party in an effort to induce the administration and the  
42 local faculty organization to resolve the conflict. The  
43 procedures for appointment of and compensation for the mediators  
44 shall be determined by both parties.

45 33-3730. APPOINTMENT OF FACT-FINDERS -- REPORT. (1) If  
46 mediation fails to bring agreement on all negotiable issues, the  
47 issues which remain in dispute may be submitted to fact-finding  
48 by request of either party. One (1) or more fact-finders shall be  
49 appointed by the parties by mutual agreement. If such agreement

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1 cannot be reached within thirty (30) days of the request for such  
2 appointment, the executive director of the state board of  
3 education shall make such appointment. The fact-finder shall have  
4 authority to establish procedural rules, conduct investigations  
5 and hold hearings during which each party to the dispute shall be  
6 given an opportunity to present its case with supporting  
7 evidence.

8 (2) Within thirty (30) days following designation of the  
9 fact-finder, he shall submit a report in writing to the  
10 administration and the professional employees, setting forth  
11 findings of fact and recommendations on the issues submitted.

12 33-3731. RESERVED POWERS, DUTIES AND RESPONSIBILITIES.  
13 Nothing contained herein is intended to or shall conflict with,  
14 or abrogate the powers, duties and responsibilities vested in the  
15 legislature, state board of education and the boards of trustees  
16 of the institutions of higher education by the laws of the state  
17 of Idaho. The administration of each institution of higher  
18 education is entitled, without negotiation or reference to any  
19 negotiated agreement, to take action that may be necessary to  
20 carry out its responsibility due to situations of emergency or  
21 acts of God.