

HB 2030 -- Public Employment Relations Act

Sponsor: Lowe (44)

This bill establishes the Public Employment Relations Act and requires, within 30 days of the effective date of the bill, the Commissioner of the Office of Administration to appoint a chief negotiator to represent the state in negotiations and to administer all labor contracts entered into by the state.

Public employees may refuse to join an employee organization and refuse to pay any fees, dues, assessments, or service fees except those agreed upon by the public body and the employee organization required as a condition of employment. The payment of service fees is not to exceed the dues paid by an employee organization member. The representative of the employee organization, as a requirement for receiving service fees from nonparticipating employees, is required to provide certain safeguards regarding the payment of the service fees. Certain public employees are exempt from the requirements of the bill.

Requirements for the formation and the function of public employee bargaining units are specified. Certain statewide bargaining units and the corresponding occupations included in the units are specified in the bill. Final determination of the appropriate placement of occupational classifications in the units is vested in the State Board of Mediation within the Department of Labor and Industrial Relations.

The board is required to adopt rules and regulations for the certification and decertification of exclusive bargaining representatives, impasse procedures, grievance procedures, payment of fees and assessments, holding of hearings, collection of data, maintenance of a list of qualified mediators and arbitrators, and enforcement of good faith negotiation rights.

If requested negotiations reach an impasse, either participating party may request the state board to appoint a mutually agreed upon mediator. The bill specifies mediation procedures, time requirements, and factors to be considered by the mediator in negotiations between the parties.

Any final agreement requiring appropriations by the employing public body is subject to all applicable laws and will be addressed in the budget submitted by the Governor and must follow the required appropriations process.

Any employee organization and public employer may sue or be sued as an entity under the provisions of the bill.

The bill makes it unlawful for public employees to strike or for any public employer, public employee, or employee organization to refuse to negotiate in good faith with respect to the scope of negotiations. A public employer is prohibited from willfully:

- (1) Interfering with, restraining, or coercing public employees in the exercise of their rights;
- (2) Dominating or interfering with the administration of any employee organization;
- (3) Encouraging or discouraging membership in any employee organization, committee, or association by discrimination in hiring, tenure, or other terms or conditions of employment;
- (4) Discharging or discriminating against a public employee because the employee has filed an affidavit, petition, or complaint; given information or testimony; or formed, joined, or chosen to be represented by an employee organization;
- (5) Refusing to negotiate collectively with certified employee organization representatives;
- (6) Denying the rights accompanying certification or exclusive recognition granted;
- (7) Refusing to participate in good faith in any agreed upon impasse procedures; or
- (8) Engaging in a lockout.

Proceedings against a party alleging a violation of the provisions of the bill are to be heard before the board. However, the board may designate an administrative law judge to conduct the hearing. If the board finds that the party has committed a prohibited practice, the board may, within 30 days of its decision, enter into a consent order with the party to discontinue the practice, or after the 30 days following the decision, may petition the circuit court for injunctive relief.