

IN THE SENATE

SENATE BILL NO. 1242

BY MCKAGUE

AN ACT

RELATING TO PUBLIC EMPLOYEES; REPEALING SECTION 33-1271, IDAHO CODE, RELATING TO SCHOOL DISTRICTS AND NEGOTIATION AGREEMENTS; REPEALING SECTION 33-1272, IDAHO CODE, RELATING TO THE DEFINITION OF TERMS; REPEALING SECTION 33-1273, IDAHO CODE, RELATING TO LOCAL EDUCATION ORGANIZATIONS AND NEGOTIATIONS; REPEALING SECTION 33-1274, IDAHO CODE, RELATING TO THE APPOINTMENT OF MEDIATORS; REPEALING SECTION 33-1275, IDAHO CODE, RELATING TO FACT FINDING; REPEALING SECTION 33-1276, IDAHO CODE, RELATING TO THE INTENT OF SPECIFIED LAW; AMENDING SECTION 44-1801, IDAHO CODE, TO REVISE THE DEFINITION OF "FIREFIGHTER"; REPEALING SECTION 44-1802, IDAHO CODE, RELATING TO THE COLLECTIVE BARGAINING RIGHTS OF FIREFIGHTERS; REPEALING SECTION 44-1803, IDAHO CODE, RELATING TO THE RECOGNITION OF EXCLUSIVE BARGAINING AGENTS; REPEALING SECTION 44-1804, IDAHO CODE, RELATING TO THE OBLIGATION OF CORPORATE AUTHORITIES TO BARGAIN IN GOOD FAITH AND RELATING TO WRITTEN CONTRACTS; REPEALING SECTION 44-1805, IDAHO CODE, RELATING TO THE SUBMISSION OF ISSUES TO A FACT FINDING COMMISSION; REPEALING SECTION 44-1806, IDAHO CODE, RELATING TO THE APPOINTMENT OF A FACT FINDING COMMISSION; REPEALING SECTION 44-1807, IDAHO CODE, RELATING TO NEGOTIATED AGREEMENTS CONSTITUTING CONTRACTS; REPEALING SECTION 44-1808, IDAHO CODE, RELATING TO NOTICE OF REQUEST FOR COLLECTIVE BARGAINING; REPEALING SECTION 44-1809, IDAHO CODE, RELATING TO HEARINGS BEFORE FACT FINDING COMMISSION; REPEALING SECTION 44-1810, IDAHO CODE, RELATING TO RECOMMENDATIONS BY FACT FINDING COMMISSIONS; AMENDING SECTION 44-1811, IDAHO CODE, TO PROHIBIT FIREFIGHTERS FROM STRIKING OR RECOGNIZING A PICKET LINE OF ANY LABOR ORGANIZATION WHILE IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES; AND AMENDING TITLE 59, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 17, TITLE 59, IDAHO CODE, TO PROVIDE A DECLARATION OF PUBLIC POLICY, TO PROHIBIT PUBLIC SECTOR COLLECTIVE BARGAINING, TO PROVIDE FOR PUBLIC EMPLOYEE RIGHTS AND TO PROHIBIT PUBLIC EMPLOYEE STRIKES.

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

SECTION 1. That Section [33-1271](#), Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Section [33-1272](#), Idaho Code, be, and the same is hereby repealed.

SECTION 3. That Section [33-1273](#), Idaho Code, be, and the same is hereby repealed.

SECTION 4. That Section [33-1274](#), Idaho Code, be, and the same is hereby repealed.

1 SECTION 5. That Section [33-1275](#), Idaho Code, be, and the same is hereby
2 repealed.

3 SECTION 6. That Section [33-1276](#), Idaho Code, be, and the same is hereby
4 repealed.

5 SECTION 7. That Section 44-1801, Idaho Code, be, and the same is hereby
6 amended to read as follows:

7 44-1801. DEFINITIONS. As used in this act the following terms shall
8 have the following meanings:

9 (1) "Firefighter" shall mean the paid members, except supervisors, of
10 any regularly constituted fire department in any city, county, fire dis-
11 trict or political subdivision within the state. The term "supervisor"
12 means any individual having authority in the interest of an employer to
13 hire, direct, assign, promote, reward, transfer, lay off, recall, suspend,
14 discipline, or discharge other employees, or to adjust their grievances,
15 or to effectively recommend such action if in connection with the foregoing
16 the exercise of such authority is not merely routine or clerical in nature
17 but calls for the consistent exercise of independent judgment; provided,
18 the term "supervisor" shall include only those individuals who perform a
19 preponderance of the above specified acts of authority on a day-to-day ba-
20 sis; and provided further, a supervisor's administrative responsibilities
21 must include demonstrated involvement in policy and budget formulation for
22 the department. Nothing herein shall prohibit any individual employed as
23 a firefighter or supervisor from becoming or remaining a member of a labor
24 organization, ~~but no employer subject to this act shall be compelled to deem~~
25 ~~individuals defined herein as supervisors as employees for the purpose of~~
26 ~~any law, either state or local, related to collective bargaining.~~

27 (2) "Corporate authority" shall mean the council, commission,
28 trustees, or any other governing body of any city, county, fire district or
29 political subdivision whose duty it is to establish wages, working condi-
30 tions, and other conditions of employment of firefighters.

31 SECTION 8. That Section [44-1802](#), Idaho Code, be, and the same is hereby
32 repealed.

33 SECTION 9. That Section [44-1803](#), Idaho Code, be, and the same is hereby
34 repealed.

35 SECTION 10. That Section [44-1804](#), Idaho Code, be, and the same is hereby
36 repealed.

37 SECTION 11. That Section [44-1805](#), Idaho Code, be, and the same is hereby
38 repealed.

39 SECTION 12. That Section [44-1806](#), Idaho Code, be, and the same is hereby
40 repealed.

41 SECTION 13. That Section [44-1807](#), Idaho Code, be, and the same is hereby
42 repealed.

SECTION 14. That Section 44-1808, Idaho Code, be, and the same is hereby repealed.

SECTION 15. That Section 44-1809, Idaho Code, be, and the same is hereby repealed.

SECTION 16. That Section 44-1810, Idaho Code, be, and the same is hereby repealed.

SECTION 17. That Section 44-1811, Idaho Code, be, and the same is hereby amended to read as follows:

44-1811. ~~STRIKES PROHIBITED DURING CONTRACT. Upon consummation and during the term of the written contract or agreement, n~~No firefighter shall strike or recognize a picket line of any labor organization while in the performance of his official duties.

SECTION 18. That Title 59, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 17, Title 59, Idaho Code, and to read as follows:

CHAPTER 17
PROHIBITION OF COLLECTIVE BARGAINING IN THE PUBLIC SECTOR

59-1701. DECLARATION OF PUBLIC POLICY. It is hereby declared to be the public policy of the state of Idaho to promote harmonious, peaceful and cooperative relationships in governmental service between public employers and their employees and to protect the public by assuring effective and orderly operations of government. Such policy is best effectuated by prohibiting collective bargaining in the public sector.

59-1702. PUBLIC SECTOR COLLECTIVE BARGAINING PROHIBITED. (1) No officer, agent or governing body of the state of Idaho or any of its political subdivisions is vested with or possesses any authority to recognize any labor organization, union or other employee organization as a bargaining agent of any public employees, or to collectively bargain or enter into any collective bargaining contract with any such organization or its agents concerning grievances, labor disputes, rates of pay, hours of employment, conditions of work or with respect to any other matter relating to said employees or their employment or governmental service.

(2) Any agreement or contract entered into or extended in violation of subsection (1) of this section subsequent to the effective date of this act shall be illegal, void and of no effect.

59-1703. PUBLIC EMPLOYEE RIGHTS. No public employee may be denied the right to be a member of an organization of employees or be intimidated or coerced in a decision to communicate or affiliate with such an organization. Public employees may not be represented by employee organizations to negotiate collectively with their public employers in the determination of their terms and conditions of employment.

1 59-1704. PUBLIC EMPLOYEE STRIKES PROHIBITED. (1) It shall be unlawful
2 for public employees to strike. If a strike occurs, the public employer may
3 initiate, in the district court in the district where the strike occurs, an
4 action for injunctive relief.

5 (2) It shall be unlawful for any public employer to authorize, consent
6 to or condone any strike, or to pay or agree to pay a public employee for any
7 day in which the employee participates in a strike, or to pay or agree to pay
8 any increase in compensation or benefits to any public employee in response
9 to, or as a result of, any strike or any act which violates the provisions of
10 this act. It shall be unlawful for any official, director or representative
11 of any public employer to authorize, ratify or participate in any violation
12 of the provisions of this section.

13 (3) Public employees may not participate in a strike. A public employer
14 may withhold some or all of the wages otherwise due an employee who elects to
15 participate in a strike in violation of the provisions of this section.