

SESSION OF 2015

**SUPPLEMENTAL NOTE ON SENATE SUBSTITUTE FOR
HOUSE BILL NO. 2326**

As Amended by Senate Committee of the Whole

Brief*

Senate Sub. for HB 2326 would revise the Professional Negotiations Act (PNA) concerning negotiable items, provisions in the PNA related to fact-finding to resolve impasse, and the continuation of existing agreements.

Negotiable Items

The bill would provide that upon entering negotiations, the parties must negotiate compensation of professional employees and hours and amounts of work. The bill would define compensation as the minimum amount of salary and wages, supplemental contract salaries, and overtime pay. Further, each party could select up to three additional terms and conditions of professional service from among those listed in the PNA's definition of "terms and conditions of professional service." The bill would revise the definition of "terms and conditions of professional service" to apply only to the minimum amount of salaries and wages and specify that matters related to nonrenewal of contracts are not included within the definition and not subject to professional negotiation.

All other items included in the definition would be permissive topics for negotiation if the parties mutually agreed to discuss them. These provisions would not apply to the negotiations of a first-time agreement between a board of education and a professional employees' organization.

*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>

The bill would require the individuals selected to conduct negotiations by the board of education and the professional employees' organization to complete training on conducting negotiations each year. The content and format of this training would be determined by the respective party each individual represents in negotiations.

The bill would change the deadline for filing notice to negotiate on new items or to amend an existing contract from February 1 to March 31 and the "statutory declaration of impasse date" from June 1 to July 31.

Removal of Fact-Finding Provisions

The bill would remove provisions in the PNA related to fact-finding to resolve impasse, which parties currently can request within ten days of the unsuccessful conclusion of mediation.

Continuation of Existing Agreements

The bill would add language providing any agreement entered into between a board of education and a professional employees' organization prior to July 1, 2015, the effective date of the bill, would continue beyond such date if the express terms of the agreement provide for a termination or expiration date that is on or after July 1, 2015. In no event, however, would any agreement be extended, renewed, or otherwise continued in effect beyond such termination date.

Background

HB 2326, as introduced, would have made alternative amendments to the PNA.

At the House Committee on Commerce, Labor and Economic Development hearing, 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 the 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 PNA. As a result of discussions among stakeholders, legislation was introduced in both chambers this year, SB 136 and HB 2257. Concern was expressed HB 2326 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 amended the bill to delay the effective date until July 1, 2016.

The House Committee of the Whole amended the bill by striking its contents and inserting the language found in HB 2257.

The Senate Education Committee amended the bill to replace its contents with the contents of SB 136, as amended by the Senate Committee of the Whole, as a substitute bill. There are two differences between the two bills. One is the number of additional terms and conditions each party could select from among those listed in the PNA's definition of "terms and conditions of professional service." HB 2326, as amended by the House Committee of the Whole, allowed for up to five, compared to three in the substitute bill. The

substitute also would require parties to negotiate hours and amounts of work, which was not required by HB 2326, as amended by House Committee of the Whole.

The Senate Committee of the Whole adopted an amendment to the substitute bill to:

- Revise the definition of “terms and conditions of professional service” to apply only to the minimum amount of salaries and wages and specify that matters related to nonrenewal of contracts are not included within the definition and not subject to professional negotiation;
- Add language providing any agreement entered into between a board of education and a professional employees’ organization prior to July 1, 2015, would continue beyond such date if the express terms of the agreement provide for a termination or expiration date that is on or after July 1, 2015; however, in no event would any agreement be extended, renewed, or otherwise continued in effect beyond such termination date;
- Amend the definition of “compensation” applicable to those items parties are required to negotiate to apply only to the minimum amount of salary and wages; and
- Remove provisions in the PNA related to fact-finding to resolve impasse.

SB 136

In the Senate Education Committee, a representative appeared in support of the bill on behalf of the United School Administrators of Kansas, the Kansas School Superintendents Association, the Kansas National Education Association, and the Kansas Association of School Boards. The representative stated the bill represents the efforts of

those organizations to reach an agreement on how to make collective bargaining more effective, efficient, and focused and less contentious. A member of the Topeka School Board also appeared in support of the bill. There was no neutral or opponent testimony.

The Senate Committee agreed to amend the definition of “terms and conditions of professional service,” narrowing it to mean only salaries and wages, including pay for duties under supplemental contracts; hours and amounts of work; and such other matters as the parties mutually agree upon as properly related to professional services, including but not limited to employment incentives or retention bonuses. The Senate Committee also agreed to strike language that would have allowed each party to select for negotiation up to five additional terms and conditions of professional service from among those listed in the PNA’s definition of “terms and conditions of professional service.”

The Senate Committee of the Whole agreed to add “hours and amounts of work” to the list of items required to be negotiated; restore language removed by the Senate Committee; and, in the restored language, change from five to three the number of additional terms and conditions each party could select from among those listed in the PNA’s definition of “terms and conditions of professional service.”

The fiscal note prepared by the Division of the Budget may not reflect the fiscal effect of the bill, as currently amended. The fiscal notes prepared by the Division of the Budget for HB 2257 and SB 136, as introduced, indicate there would be no fiscal effect on state revenues or expenditures.