

**Sixty-seventh Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 5, 2021**

SENATE BILL NO. 2215
(Senators Schaible, Davison)
(Representatives Heinert, Schreiber-Beck, Zubke)

AN ACT to amend and reenact sections 15.1-16-06 and 15.1-16-10, subsection 1 of section 15.1-16-11, section 15.1-16-13, subsection 1 of section 15.1-16-14, and sections 15.1-16-15 and 15.1-16-18 of the North Dakota Century Code, relating to deadlines for teacher negotiations between school districts and representative organizations.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15.1-16-06 of the North Dakota Century Code is amended and reenacted as follows:

15.1-16-06. Factfinding - Sharing of cost.

If an impasse ~~is deemed to exist~~exists under section 15.1-16-14, the contending parties shall share the cost of factfinding equally.

SECTION 2. AMENDMENT. Section 15.1-16-10 of the North Dakota Century Code is amended and reenacted as follows:

15.1-16-10. Negotiating unit - Formation.

A group of teachers or a group of administrators employed by the board of a public school district may form a negotiating unit by filing with the board ~~no later than February first of the current school year~~ a petition providing a description of the job groupings or positions that constitute the negotiating unit. ~~Upon~~Within thirty days after the date of receipt of the description~~petition~~, the board shall accept or reject the proposed negotiating unit described in the petition. ~~If the board accepts the negotiating unit, the teachers or the administrators within the unit may designate or select a representative organization as provided for in section 15.1-16-11.~~

SECTION 3. AMENDMENT. Subsection 1 of section 15.1-16-11 of the North Dakota Century Code is amended and reenacted as follows:

1. a. If an organization is interested in representing a group of teachers or a group of administrators, the organization may file with the board of a school district a petition asserting that the organization represents a majority of the teachers or the administrators included within a negotiating unit.
- b. The petition must be accompanied by evidence substantiating the assertion contained in it.
- c. The petition must be filed with the board of a school district no later than March first of the current school year.
- d. Within ten days after receiving the petition, the board of the school district shall post notice of its intent to consider the petition in each school wherein the members of the negotiating unit are employed.
- ~~d.e.~~ No sooner than ten nor later than twenty days after posting the notice of intent to consider the petition, the board shall investigate the petition, determine the question of representation, and post notice of its determination in each school wherein the members of the negotiating unit are employed.

- e.f. If the petition is not contested, the board shall recognize the petitioner as the representative organization of the negotiating unit, unless if the board rejects the petition for recognition of the negotiating unit under section 15.1-16-10 or the board finds in good faith that there is a reasonable doubt the representation exists.

SECTION 4. AMENDMENT. Section 15.1-16-13 of the North Dakota Century Code is amended and reenacted as follows:

15.1-16-13. Good-faith negotiations.

1. The board of a school district or its representatives and the representative organization or its representatives shall, if requested by either entity, meet at reasonable times and negotiate in good faith regarding:
 - a. The terms and conditions of employment.
 - b. Employer-employee relations.
 - c. Formation of a contract, which may contain a provision for binding arbitration.
 - d. The interpretation of an existing contract.
2. The board of a school district and the representative organization, at the request of either party, shall execute a written contract incorporating any agreement reached.
3. Either the board of a school district or the representative organization may modify or terminate the contract on its annual anniversary date by giving notice of its desire to modify or terminate the contract to the other party not less than one hundred sixty days before the annual anniversary date.
4. Nothing in this section compels either the board of a school district or a representative organization to agree to a proposal or to make a concession.
5. Good-faith negotiations must begin no later than the thirtieth day after the representative organization is recognized by the board of the school district, in accordance with section 15.1-16-11, unless otherwise agreed to by the board of the school district and the representative organization.
6. Unless otherwise agreed to by the board of the school district and the representative organization, good-faith negotiations must be completed no later than July first following the recognition of the representative organization under section 15.1-16-11.

SECTION 5. AMENDMENT. Subsection 1 of section 15.1-16-14 of the North Dakota Century Code is amended and reenacted as follows:

1. An impasse exists if:
 - a. After a reasonable period of negotiation, an agreement has not been formulated and a dispute exists;
 - b. No later than July first following the recognition of the representative organization under section 15.1-16-11:
 - (1) An agreement has not been reached between the board of a school district and the representative organization; and
 - (2) The board of the school district and the representative organization have not agreed to extend the negotiation period; or

- c. The board of a school district and the representative organization both agree that an impasse exists.

SECTION 6. AMENDMENT. Section 15.1-16-15 of the North Dakota Century Code is amended and reenacted as follows:

15.1-16-15. Impasse - Resolution.

1. If an impasse exists under section 15.1-16-14, the board of a school district and the representative organization may agree to seek mediation. The board and the representative organization shall jointly select a mediator and agree to a distribution of the mediation cost. If mediation fails or if mediation is not attempted, the board or representative organization may request that the education factfinding commission provide assistance.
2. If the education factfinding commission is asked to provide assistance under subsection 1 ~~and if the commission determines that an impasse exists~~, the commission shall act as a factfinding commission or appoint a factfinder from a list of qualified individuals maintained by the commission. A factfinder appointed under this section has the powers designated by the commission. Upon completion of all duties, the factfinder shall make a recommendation to the commission.
3. The education factfinding commission shall:
 - a. Consider the facts, make its findings, and issue a recommendation; or
 - b. Consider the report and recommendation of its factfinder and, after any further investigation the commission elects to perform, make its findings and issue a recommendation.
4. Within forty days from the date the commission is asked to provide assistance, the commission shall deliver its findings and recommendations to the board of the school district and to the representative organization. No sooner than ten nor later than twenty days after its findings and recommendations are delivered to the board and the representative organization, the commission shall make its findings and recommendation public if the impasse is not resolved.
5. If facts are established or a recommendation made in accordance with factfinding procedures agreed to by the board of the school district and the representative organization and the impasse continues, the education factfinding commission may consider the findings and recommendations without instituting its own factfinding procedure and the commission may issue its own findings and recommendations based on the information available. No sooner than ten nor later than twenty days after these findings and recommendations are delivered to the board and the representative organization, the commission shall make its findings and recommendations public if the impasse is not resolved.

SECTION 7. AMENDMENT. Section 15.1-16-18 of the North Dakota Century Code is amended and reenacted as follows:

15.1-16-18. Representative organization - Recognition – ~~Withdrawal of recognition~~ Authority.

A representative organization that enters a contract between with the board of a school district and a representative organization bars retains the authority to represent the negotiating unit for the duration of the contract or until another representative group from petitioning for recognition and bars the withdrawal of recognition from the representative organization for the duration of the contract or three years, whichever is less is recognized by the board of the school district as the representative organization of the negotiating unit under section 15.1-16-11.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-seventh Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2215.

Senate Vote: Yeas 37 Nays 10 Absent 0

House Vote: Yeas 63 Nays 29 Absent 2

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2021.

Approved at _____ M. on _____, 2021.

Governor

Filed in this office this _____ day of _____, 2021,

at _____ o'clock _____ M.

Secretary of State