

IN THE SENATE

SENATE BILL NO. 1120

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO PEACE OFFICERS; AMENDING TITLE 44, IDAHO CODE, BY THE ADDITION
2 OF A NEW CHAPTER 28, TITLE 44, IDAHO CODE, TO DEFINE TERMS, TO PROVIDE
3 FOR COLLECTIVE BARGAINING RIGHTS OF PEACE OFFICERS, TO PROVIDE FOR EX-
4 CLUSIVE BARGAINING AGENTS, TO ESTABLISH PROVISIONS REGARDING NEGOTIA-
5 TIONS AND COLLECTIVE BARGAINING AGREEMENTS, TO PROVIDE FOR SUBMISSION
6 OF CERTAIN ISSUES TO FACT-FINDING, TO PROVIDE FOR APPOINTMENT OF A FACT-
7 FINDING COMMISSION, TO PROVIDE FOR CONTRACTS BETWEEN PEACE OFFICERS AND
8 PUBLIC EMPLOYERS, TO ESTABLISH PROVISIONS REGARDING REQUESTS TO BAR-
9 GAIN AND TO PROVIDE FOR MATTERS REQUIRING APPROPRIATION, TO ESTABLISH
10 FACT-FINDING PROCEDURES, TO PROVIDE FOR FACT-FINDING RECOMMENDATIONS,
11 TO PROHIBIT STRIKES DURING CONTRACTS, AND TO PROVIDE FOR EXISTING BAR-
12 GAINING RELATIONSHIPS.
13

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

15 SECTION 1. That Title 44, Idaho Code, be, and the same is hereby amended
16 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-
17 ter 28, Title 44, Idaho Code, and to read as follows:

18 CHAPTER 28

19 COLLECTIVE BARGAINING RIGHTS OF PEACE OFFICERS

20 44-2801. DEFINITIONS. As used in this chapter:

21 (1) "Collective bargaining" means the performance of the mutual obli-
22 gation of a public employer, through its designated representative or repre-
23 sentatives, and an exclusive collective bargaining agent, through its des-
24 ignated representative or representatives, to meet at reasonable times and
25 places and negotiate in good faith with respect to the topics outlined in
26 this chapter and any question arising under a collective bargaining agree-
27 ment.

28 (2) "Collective bargaining agreement" means a written agreement nego-
29 tiated and executed between the exclusive collective bargaining agent and a
30 public employer.

31 (3) "Law enforcement" means any and all activities pertaining to crime
32 prevention or reduction and law enforcement, including police, courts,
33 prosecution, corrections, probation, rehabilitation, and juvenile delin-
34 quency.

35 (4) "Peace officer" means a person holding any position or office des-
36 ignated in subsection (3) (a), (b), (c), (d), (e), or (i) of section 59-1303,
37 Idaho Code.

38 (5) "Public employer" shall mean the state of Idaho or any council, com-
39 mission, trustees, or any other governing body of any public employer whose
40 duty it is to establish wages, working conditions, and other conditions of
41 employment of peace officers.

1 (6) "Strike" means the following concerted actions taken by members
2 of a bargaining unit for the purpose of inducing, influencing, or coercing
3 a change in the terms and conditions of employment, compensation, rights,
4 privileges, or obligations of employment:

5 (a) Failure to report for duty;

6 (b) Willful absence from a position;

7 (c) Stopping or deliberately slowing work;

8 (d) Withholding, in whole or in part, the full, faithful, and proper
9 performance of duties of employment; or

10 (e) Interrupting the operations of the public employer.

11 44-2802. COLLECTIVE BARGAINING RIGHTS OF PEACE OFFICERS -- REPRESENTATION BY BARGAINING AGENT. Peace officers employed by a public employer
12 shall have the right to bargain collectively with their respective public
13 employers, or to refrain therefrom, and to be represented by a bargaining
14 agent in such collective bargaining process as to wages, rates of pay, work-
15 ing conditions, and all other terms and conditions of employment.
16

17 44-2803. RECOGNITION OF EXCLUSIVE BARGAINING AGENT. An organization
18 selected by the majority of peace officers of a public employer shall be rec-
19 ognized as the sole and exclusive bargaining agent for all of the peace offi-
20 cers of such public employer, unless and until recognition of such bargain-
21 ing agent is withdrawn by vote of the majority of the peace officers of such
22 public employer.

23 44-2804. AGREEMENT NEGOTIATIONS. (1) It shall be the obligation of a
24 public employer, through its designee or designees, to meet and confer in
25 good faith with the representative or representatives of a bargaining agent
26 within ten (10) days after receipt of written notice from said bargaining
27 agent of the request by the peace officers for a meeting for collective bar-
28 gaining purposes. This obligation shall include the duty to cause any agree-
29 ment resulting from negotiations between the bargaining agent and the proper
30 public employer to be reduced to a mutually acceptable written contract. The
31 obligation to bargain in good faith does not compel either party to agree to a
32 proposal, make a concession, or enter into any agreement.

33 (2) A request for negotiations may be initiated by either party to such
34 negotiation agreement.

35 (3) Upon either party making a request for negotiations, the exclusive
36 bargaining agent shall provide to the public employer written evidence es-
37 tablishing that the bargaining agent represents fifty percent (50%) plus one
38 (1) of the peace officers of such public employer for negotiations. If re-
39 quested by the public employer, the bargaining agent shall establish this
40 representative status on an annual basis, prior to the commencement of nego-
41 tiations.

42 (4) Accurate records or minutes of the negotiation proceedings shall be
43 kept and shall be available for public inspection at the office of the af-
44 fected public employer during normal business hours.

45 (5) Joint ratification of all final offers of settlement shall be made
46 in open meetings. Each party must provide written evidence confirming to the
47 other that majority ratification has occurred.

1 44-2805. SUBMISSION OF ISSUES TO FACT-FINDING COMMISSION. In the
2 event that the bargaining agent and the public employer are unable, within
3 thirty (30) days from and including the date of their first meeting, to reach
4 an agreement on a contract, any and all unresolved issues may be submitted to
5 a fact-finding commission by either party. Upon submission to a fact-find-
6 ing commission by either party, the bargaining agent and the public employer
7 shall participate in fact-finding in good faith pursuant to the requirements
8 of this chapter.

9 44-2806. APPOINTMENT OF FACT-FINDING COMMISSION -- PUBLIC OFFICIALS
10 AND EMPLOYEES INELIGIBLE -- PAYMENT OF EXPENSES. Within five (5) days from
11 the expiration of the thirty (30) day period referred to in section 44-2805,
12 Idaho Code, the bargaining agent and the public employer shall each select
13 and name one (1) member of a fact-finding commission, respectively, and
14 shall immediately thereafter notify each other in writing of the names and
15 addresses of the person so selected. The two (2) members so selected and
16 named shall, within ten (10) days from and after the expiration of the five
17 (5) day period described in this section, agree upon and appoint and name a
18 third member. If on the expiration of the ten (10) day period the two (2) mem-
19 bers are unable to agree upon the appointment of a third member, the director
20 of the department of labor shall appoint such third member upon request in
21 writing from either the bargaining agent or the public employer. The third
22 member of the fact-finding commission, whether appointed as result of agree-
23 ment between the two (2) members selected by the bargaining agent and the
24 public employer or appointed by the director, shall act as chairman of the
25 fact-finding commission. No member of the fact-finding commission shall
26 be an elected official or an employee of the public employer affected. Any
27 expenses incurred by the fact-finding commission shall be equally shared by
28 the bargaining agent and the public employer.

29 44-2807. NEGOTIATED AGREEMENTS CONSTITUTE CONTRACT. Any written
30 agreement negotiated between and executed by the bargaining agent and a pub-
31 lic employer either before or within thirty (30) days after the fact-finding
32 commission's recommendation shall constitute the collective bargaining
33 contract governing the peace officers and public employer for the period
34 stated in such agreement.

35 44-2808. NOTICE OF REQUEST FOR BARGAINING ON MATTERS REQUIRING APPRO-
36 PRIATION. Whenever wages, rates of pay, or any other matter requiring appro-
37 priation of moneys by a public employer are included as a matter of collec-
38 tive bargaining conducted under the provisions of this chapter, it is the
39 obligation of the bargaining agent to serve written notice of request for
40 collective bargaining on the public employer at least ninety (90) days be-
41 fore the last day on which moneys can be appropriated by the public employer
42 to cover the contract period that is the subject of the collective bargaining
43 procedure.

44 44-2809. NOTICE OF HEARING BEFORE FACT FINDING COMMISSION -- PRESEN-
45 TATION OF EVIDENCE -- DETERMINATION BY MAJORITY. (1) The fact-finding com-
46 mission shall appoint a time and place for hearing and cause notification to

1 the parties consisting of the bargaining agent and the public employer to be
2 served personally or by registered mail not less than five (5) days before
3 the hearing. Appearance at the hearing waives such notice requirement. The
4 fact-finding commission may adjourn the hearing from time to time as neces-
5 sary and on request of a party for good cause or upon their own motion may
6 postpone the hearing. The fact-finding commission may hear and determine
7 the controversy on the evidence produced notwithstanding the failure of a
8 party duly notified to appear.

9 (2) All interested parties are entitled to be heard, to present evi-
10 dence, and to cross-examine witnesses appearing at the hearing.

11 (3) The hearing shall be conducted by all the members of the fact-find-
12 ing commission, but a majority may determine any question and render a recom-
13 mendation. If during the course of the hearing a member of the fact-finding
14 commission for any reason ceases to act or serve on said commission, the re-
15 maining members appointed to act may continue with the hearing and determi-
16 nation of the controversy.

17 44-2810. WRITTEN RECOMMENDATION OF COMMISSION -- COPIES TO PARTIES.
18 The recommendation of the fact-finding commission shall be in writing and
19 signed by the members joining in the recommendation. The fact-finding com-
20 mission shall deliver a copy of the recommendation to the bargaining agent,
21 the public employer, and any other party requesting such recommendation.

22 44-2811. STRIKES PROHIBITED DURING CONTRACT. Upon consummation and
23 during the term of the written contract or agreement, no peace officer shall
24 strike or recognize a picket line of any labor organization while in the
25 performance of the peace officer's official duties.

26 44-2812. EXISTING BARGAINING RELATIONSHIPS. Any ordinance, resolu-
27 tion, or voluntary recognition established on or before July 1, 2021, shall
28 remain in effect under the terms, conditions, and procedures in effect at
29 such time. If any provisions of existing bargaining relationships or bar-
30 gaining agreements are in conflict with this law, all other provisions of the
31 agreement shall remain in effect.