



House Commerce, Labor and Economic Development Committee

HB 2085 Professional Employees Negotiations

January 29, 2013

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Chairman Kleeb and Committee Members:

We appreciate the opportunity to provide testimony in support of HB 2085. This legislation will undoubtedly be labeled as 'anti-union' in some circles but we respectfully disagree with that assessment. We view this important legislation as 'pro-student.'

I have no philosophical opposition to unions. In my previous career as a general manager of several unionized television stations, I personally negotiated agreements on behalf of the company and developed good working relationships with the members and leadership. In fact, when I returned to Kansas from my last assignment, I brought a letter of recommendation from the local union president.

We developed a shared focus that our success as employees, managers and owners depended upon having completely satisfied customers, so that became the metric against which labor issues were measured. We needed to do right by our staff and have good working conditions, but we couldn't do anything that would interfere with the customer experience.

In education, students are the primary customer. Good employees and managers are essential to every organization but customers must come first. The modifications included in the Professional Negotiating Act are designed to ensure that local school boards do not allow certain elements of school operations to be negotiated in ways that would not be in students' best interests.

Local school boards and superintendents have to consider how all the pieces of school operations fit together. Improved outcomes are their focus but they also need the flexibility to make operational decisions that make the most effective use of taxpayer money. So, for example, while some may wish to negotiate over the starting and ending times of a school day, superintendents need the flexibility to make adjustments that make the most efficient use of taxpayer money.

Article III, Section A, Paragraph 1(c) on page 5 of the [current agreement between USD 259 Wichita and United Teachers of Wichita](#) shows how the district's ability to set the school year and the length of the school day is subject to union approval.

"The Superintendent and the UTW President will review all requests submitted to extend the school year prior to April 1 of each year. Their joint recommendation shall be subject to Board approval. All requests must be first supported by 80 percent of the affected staff as determined by a secret ballot election conducted by the UTW."

And from Article III, Section A, Paragraph 1(a) *"The ending time of the school day in each building shall be seven (7) hours and ten (10) minutes after the beginning time. The Superintendent and the UTW President will review all requests submitted to extend the school day prior to April 1 of each year. Their joint recommendation shall be subject to Board approval. All requests must be first supported by 80 percent of the affected staff as determined by a secret ballot election conducted by the UTW."*

As CEOs of school districts, superintendents also need final say over what occurs in a classroom. Superintendents and local school boards are ultimately responsible for student outcomes and must retain unlimited rights to manage. Many teachers are no doubt fully capable of making appropriate decisions in that regard, but it is not in students' best interests to partially or completely surrender control of the classroom.

For example, page 16 of the [current agreement between the Shawnee Mission School District and the National Education Association of Shawnee Mission, Inc.](#) discusses Political Activities and says "...the only restrictions imposed upon professional employees by the Board of Education are...for the solicitation, promotion, election or defeat of any candidate for public office." Saying the only restrictions apply to candidates for public office means teachers are permitted to discuss any other political activities in their classroom.

Regardless of how parents may feel, teachers are contractually permitted to share their personal views with children on controversial social issues, school funding issues, support or opposition to ballot issues, open criticism of legislators' actions...anything they want as long as they are not expressly doing so "...for the solicitation, promotion, election or defeat of any candidate for public office."

This legislation would also provide an opportunity for teachers to individually negotiate with districts. In addition to affording teachers the personal freedom to negotiate on their own behalf, this provision also benefits of students. The ability to negotiate individually provides districts the flexibility to meet the unique needs of a particular school or recruit teachers for hard-to-fill positions.

We fully support HB 2085 and encourage the Committee to approve this student-focused legislation.