

SESSION OF 2015

**SUPPLEMENTAL NOTE ON SENATE SUBSTITUTE FOR
HOUSE BILL NO. 2096**

As Recommended by Senate Committee on
Commerce

Brief*

Senate Sub. for HB 2096 would amend the Public Employer-Employee Relations Act (PEERA) and make revisions pertaining to the use of public employee union funds and payroll deductions for public employees.

PEERA

The bill would abolish the Public Employee Relations Board and assign its duties and responsibilities, including all rules and regulations, directives, contracts, and other documents, to the Secretary of Labor. The bill would repeal the authority under PEERA for there to be mediation, fact-finding, and arbitration in public employer-employee relations. The filing of grievances would be repealed for the State and other employers who are not counties, townships, cities, or special districts. "Conditions of employment" for the state and other employers who are not counties, townships, cities, or special districts would be redefined to mean exclusively the minimum amount of salaries and wages; reference to hours of work and all other benefits would be deleted. The definition of "conditions of employment" as it pertains to counties, townships, cities, or special districts would remain the same as current law.

A public employer, other than the State which is covered by PEERA would be permitted to rescind PEERA coverage at any time. Under current law, termination of PEERA coverage

*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>

takes place after the completion of the budget year following a governing body's vote. The bill would specify that PEERA is not intended to modify a public employer's rights to set personnel policies or determine personnel questions.

If parties in a labor dispute have not resolved an impasse no later than 14 days prior to the submission of a budget, the State or a public employer's governing body could unilaterally take action considered necessary for the public interest, including the interest of the public employees involved. Under current law a public employer may take unilateral action after fact-finding and hearing procedures have been conducted.

Political Activities of Professional or Public Employee Organizations

Professional employee and public employ organizations, as those organizations are defined by law, would be prohibited from using union dues, fees, money, or other assessments for partisan or political purposes. Under current law these organizations are prohibited from using deductions from members' paychecks for political purposes. The term "partisan or political purposes" is defined by law and appears in the bill.

Prohibitions Placed on Public Employers

Boards of education and any public agency or employer would be prohibited from using resources to collect union dues from the wages of public or professional employees. The use of public resources to make payroll deductions for voluntary contributions which are not for an employee benefit program would be prohibited.

Background

The Senate Committee on Commerce deleted the language of HB 2096, which pertained to property owners'

associations, and inserted the contents of SB 179 and SB 212. The following is the background for those bills, including amendments made to those provisions.

Background of SB 179—PEERA

Senator Melcher and representatives of the Kansas Policy Institute, Americans for Prosperity, and the Department of Children and Families spoke in favor of the bill, stating agencies would be allowed more flexibility to reward individual employee achievement, making the public sector more competitive in attracting skilled workers, and streamlining the decision making process for labor disputes. A representative of the Department of Labor, testifying as a proponent on some provisions and neutral on others, noted 13 cities, 8 counties, and 3 school districts currently are covered under PEERA.

Several individuals and representatives of the State Council of Fire Fighters, the Fraternal Order of Police, the Kansas Organization of State Employees, the International Brotherhood of Teamsters, the Kansas AFL-CIO, the American Federation of Teachers-Kansas, the State Troopers Association, and the Kansas National Education Association spoke in opposition to the bill, noting local PEERA coverage is voluntary and provides a means for employers and employees to communicate and negotiate about terms and conditions of employment. Opponents also noted public employers are not compelled to agree to any condition or stipulation which arises from mediation, fact-finding, or arbitration.

The Senate Committee on Commerce amended SB 179 to:

- Delete the proposed provision which would have required the voters to approve PEERA coverage for a local unit of government; and

- Define “conditions of employment” for state and other public employees differently from certain local units of government, allowing for grievances procedures to be specified at the local level.

According to the fiscal note prepared by the Division of the Budget, in consultation with the departments of Labor and Administration, **SB 179**, as introduced, would have no fiscal effect on the operation of the Department of Labor. The Department of Administration indicates any savings would be negligible.

Background of SB 212 – Political Activities of Certain Organizations; Prohibitions Placed on Public Employers

Representatives of the National Federation of Independent Businesses, the Kansas Chamber, and Americans for Prosperity spoke in favor of the bill, stating public employers should end the practice of using public resources for the benefit of private organizations or political activities.

Several individuals, including two school superintendents, and representatives of the Kansas Organization of State Employees, the International Brotherhood of Teamsters, the Kansas AFL-CIO, and the American Federation of Teachers-Kansas spoke in opposition to the bill, stating paycheck deductions for union dues are voluntarily negotiated between the public employer and the employees’ organization.

The Secretary of Administration provided neutral testimony, stating each week between two to five hours of staff time are devoted to administering payroll deductions.

The Senate Committee on Commerce amended SB 212 to prohibit:

- The use of union dues, fees, money, or other assessments for partisan or political purposes; and
- The use of public resources for voluntary paycheck contributions which are not part of an employee benefit program.

According to the fiscal note prepared by the Division of the Budget, in consultation with the Department of Administration, **SB 212**, as introduced, would reduce staff time to process deductions in the payroll system, but the amount of staff time saved cannot be estimated.