



## Senate Bill 5

### Omnibus Amendment Summary

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- 1. Reinstates collective bargaining rights for state employees.**
- 2. Removes the right to strike for all public employees and establishes penalties for participation in a strike.** Violators are subject to removal, and shall have pay deducted at the rate of twice the daily rate of pay for each day of participation in a strike. The penalty for violating a court injunction against a strike is a fine up to \$1,000, up to 30 days imprisonment, or both. In addition, an employee who willfully disobeys a court mandate may be fined for contempt in an amount left to the court's discretion. Penalties and fines may not be waived as part of a settlement. At an unfair labor practice hearing related to illegal strike activity, the board shall order the suspension of payment of dues or fees to the employee organization for the greater of two days, or two times the duration of the illegal activity.
- 3. Establishes that all matters pertaining to wages, hours, and terms and conditions of employment are subject to collective bargaining.** Also establishes matters not appropriate for bargaining, such as health care benefits, pension pick-ups, privatization of services, workforce levels, and other provisions.
- 4. Establishes a procedure for dispute settlement for all public employees.** If the parties are unable to reach agreement, any party may request the State Employment Relations Board (SERB) to intervene. The board shall appoint a mediator. Any time after appointment of a mediator, either party may request appointment of a fact-finder. The fact-finder must consider factors listed in statute. Fact finding meetings may be open to the public at request of either party. The interests and welfare of the public and ability of employer to administer and finance the proposals must be a primary consideration.

If the parties are unable to reach agreement within 14 days after publication of the findings and recommendations, or if the Collective Bargaining Agreement (CBA) has expired, the public employer shall submit the findings, the employer's last best offer, and the employee organization's last best offer to the legislative body of the public employer. The legislative body shall conduct a public hearing, as soon as practicable, at which the parties shall explain their positions. At the conclusion of the hearing, the legislative body must vote to accept either the last best offer of the employee organization or the last best offer of the public employer. The parties shall execute a CBA that represents the last best offer chosen by the legislative body and the agreement is effective for 3 years.

During negotiations between a public employer and exclusive representative, for purposes of determining inability of the public employer to pay for any terms agreed to, only the employer's current financial status at the time period surrounding the negotiations – not any potential future increases in income that would only be possible by the employer obtaining funds from an outside source including passage of a levy or bond issue, ability to sell assets, raise revenue, or other revenue enhancements.

- 5. Clarifies public employer rights,** including such issues as hiring, discharging and discipline of employees; work assignments and hours; qualifications of employees; employee rules and regulations.
- 6. Establishes bargaining timelines.** Adjusts the timelines for certification and bargaining to ensure reasonable deadlines. The amendment also requires SERB to investigate a request to certify instead of automatically certifying an employee organization. Nonexclusive recognition previously through an agreement or memorandum of understanding does not preclude SERB from determining an appropriate unit, removing a classification, or holding an election to determine an exclusive representative.

- 7. Establishes bargaining guidelines related to fire departments.** SERB shall not designate a unit that includes rank and file members with members who rank lieutenant or above (similar to police departments under current law). A current bargaining unit that does not meet those requirements ceases to be an appropriate unit when their CBA expires, or three years after the bill's effective date, whichever is earlier. Fire supervisory officers are not subject to collective bargaining.
- 8. Establishes public employee pay ranges.** The amendment reinstates pay ranges, but not step values and automatic increases, in current law. Employees are paid based upon merit within the ranges set in statute. Merit shall be the only basis for an employee's progression through the schedule. Teachers are paid based upon merit and salaries may be bargained in a CBA. Teacher performance is measured by considering the level of license held by the teacher, whether the teacher is a "highly qualified teacher" as defined in statute, the value-added measure used to determine student performance, the results of performance evaluations, or any other system of evaluation or other criteria established by the board.
- 9. Establishes guidelines for employee vacation & sick leave.** Caps vacation leave at 7.7 hours per biweekly pay period after 19 years of service. Current law caps vacation leave at 9.2 hours per biweekly pay period after 24 years of service. Sick leave for employees in offices of the county, municipal, and civil service township service, and state colleges and universities is accrued at 10 days a year.
- 10. Clarifies that health care benefits apply equally to all employees.**
- 11. Restores current law as it relates to the School Employees Healthcare Board.**
- 12. Allows all new CBAs to be reopened under a fiscal emergency/watch.**
- 13. Allows teachers to negotiate an initial contract of up to three years.** Subsequent contracts are two to five years.
- 14. Clarifies when faculty at public universities exercise managerial authority,** making them management level employees not subject to bargaining.
- 15. Prohibits length of service from being the sole factor in determining order of layoff and requires compliance with federal anti-discrimination statutes.** For teachers, preference is given to teachers under continuing contracts then the school board considers the relative quality of performance (see factors considered in "public employee pay ranges," above) as the principal factor in determining reductions.