

IN THE SENATE

SENATE BILL NO. 1302

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

1 RELATING TO THE EMPLOYMENT OF FIREFIGHTERS; AMENDING SECTION 44-1805,
2 IDAHO CODE, TO PROVIDE FOR MEDIATION AND TO MAKE TECHNICAL CORRECTIONS;
3 AMENDING SECTION 44-1806, IDAHO CODE, TO REVISE PROVISIONS REGARDING
4 FACTFINDER SELECTION; AMENDING SECTION 44-1807, IDAHO CODE, TO PROVIDE
5 FOR THE COMPLETION OF THE FACT-FINDING PROCESS; AND AMENDING SECTION
6 44-1811, IDAHO CODE, TO PROVIDE THAT STRIKES SHALL BE PROHIBITED DURING
7 MEDIATION, FACT-FINDING, AND DURING A CERTAIN PERIOD AFTER FACT-FIND-
8 ING.
9

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

11 SECTION 1. That Section 44-1805, Idaho Code, be, and the same is hereby
12 amended to read as follows:

13 44-1805. ~~SUBMISSION~~ RESOLUTION OF ISSUES TO -- MEDIATION --
14 FACT-FINDING COMMISSION. In the event that the bargaining agent and the cor-
15 porate authorities are unable, within thirty (30) days from and including
16 the date of their first meeting, to reach an agreement on a contract, any and
17 all unresolved issues shall be submitted to mediation. A mediator shall be
18 requested jointly by the bargaining agent and the corporate authorities and
19 shall recommend or suggest to the parties any proposal or procedure that in
20 the mediator's judgment might lead to settlement. If, within a further four-
21 teen (14) day period after mediation, the bargaining agent and the corporate
22 authorities remain unable to reach an agreement on a contract, any and all
23 unresolved issues shall be submitted to a fact-finding commission.

24 SECTION 2. That Section 44-1806, Idaho Code, be, and the same is hereby
25 amended to read as follows:

26 44-1806. APPOINTMENT OF FACT-FINDING COMMISSION -- PUBLIC OFFICIALS
27 AND EMPLOYEES INELIGIBLE -- PAYMENT OF EXPENSES. Within five (5) days from
28 the expiration of the ~~thirty fourteen (30) 14~~ day period referred to in sec-
29 tion 44-1805, Idaho Code, the bargaining agent and the corporate authorities
30 shall each select and name one (1) member of a fact-finding commission re-
31 spectively and shall immediately thereafter notify each other in writing of
32 the names and addresses of the person so selected. The two (2) members so se-
33 lected and named shall, within ten (10) days from and after the expiration of
34 the five (5) day period mentioned above in this section, agree upon and ap-
35 point and name a third member. If on the expiration of the ten (10) day pe-
36 riod, the two (2) members are unable to agree upon the appointment of a third
37 member, ~~the director of the department of labor shall appoint such third mem-~~
38 ~~ber upon request in writing from either the bargaining agent or the corporate~~
39 ~~authorities either member may request a list of five (5) factfinders from~~
40 the federal mediation and conciliation service. Within ten (10) days of the

1 receipt of that list, the two (2) members shall meet, and each shall alter-
 2 nately strike one (1) name from the list until a single name remains, and that
 3 person shall be appointed the third member of the fact-finding commission.
 4 The third member of the fact-finding commission, whether appointed as result
 5 of agreement between the two (2) members selected by the bargaining agent and
 6 the corporate authorities, or appointed by the director from a list provided
 7 as set out in this section, shall act as chairman of the fact-finding commis-
 8 sion. No member of the fact-finding commission shall be an elected official,
 9 or employee of the city, county, fire district, or political subdivision af-
 10 ected. Any expenses incurred by the fact-finding commission. The bargaining
 11 agent and the corporate authorities shall be responsible for the fees and any
 12 expenses of their selected member of the fact-finding commission. The fee
 13 and expenses of the third fact-finding member shall be equally shared by the
 14 bargaining agent and the corporate authorities.

15 SECTION 3. That Section 44-1807, Idaho Code, be, and the same is hereby
 16 amended to read as follows:

17 44-1807. NEGOTIATED AGREEMENTS CONSTITUTE CONTRACT. Any agreements
 18 actually negotiated between the bargaining agent and the corporate au-
 19 thorities either before or within ~~thirty~~ fourteen (30~~14~~) days after the
 20 fact-finding commission's recommendation shall constitute the collective
 21 bargaining contract governing the firefighters and said city, county,
 22 fire district, or political subdivision for the period stated therein.
 23 If no agreement is reached on matters subject to the fact-finding commis-
 24 sion's recommendation within fourteen (14) days after its issuance, then
 25 the fact-finding commission's recommendation shall become binding and all
 26 agreements actually negotiated between the parties, combined with those
 27 recommendations as to which the parties have not reached any other agree-
 28 ments, shall constitute the collective bargaining contract governing the
 29 firefighters and said city, county, fire district, or political subdivision
 30 for the period stated therein.

31 SECTION 4. That Section 44-1811, Idaho Code, be, and the same is hereby
 32 amended to read as follows:

33 44-1811. STRIKES PROHIBITED DURING CONTRACT. Upon consummation
 34 and during the term of the written contract or agreement and during any
 35 fact-finding, mediation, and the fourteen (14) day period provided for in
 36 section 44-1807, Idaho Code, conducted pursuant to this chapter, no fire-
 37 fighter shall strike or recognize a picket line of any labor organization
 38 while in the performance of his official duties.