



## Frequently Asked Questions Senate Bill 36 (Wage bargaining)

**1Q What does this legislation do?**

**1A** The legislation enables Merit employees to negotiate “compensation.” Compensation is defined as the payment of salaries, and any cash allowances. However, position classification, health care and other benefit programs, workers compensation, disability programs and pension programs are not negotiable. Merit employees continue to be able to negotiate all other items that were previously negotiable under the prior law.

**2Q What employees will be affected by this legislation?**

**2A** The legislation affects all non-supervisory and non-confidential Merit employees employed by the State.

**3Q What agencies will be affected by this legislation?**

**3A** All agencies employing Merit employees are affected by this legislation.

**4Q Who will determine the eventual bargaining units?**

**4A** The legislation provides that the Public Employment Relations Board (Board) will determine the assignment of job titles to bargaining units and the bargaining unit status of individual employees. The legislation also creates 12 separate bargaining units that cover distinct occupational groupings crossing agency lines.

**5Q How does this affect employees who are currently not represented by a union?**

**5A** As noted in 4 above, the legislation provides a mechanism for assigning job titles and employees to particular bargaining units. The legislation also establishes a process by which unions can be certified or recognized as the exclusive bargaining representative for such bargaining units. If your job title is included in a bargaining unit for which a union becomes certified or recognized as the exclusive bargaining representative, the law permits the negotiation of provisions by which union dues or services fees can be withheld from employee paychecks and remitted to the exclusive representative.

**6Q How will an employee be able to choose whether they want to be a union member or not?**

**6A** The legislation provides that an employee organization desiring to be certified as the exclusive representative of the unrepresented employees in a bargaining unit shall file a petition with the Board, accompanied by a combination of the un-coerced signatures of at least 30 percent of the unrepresented employees in a bargaining unit. Alternatively, an employee organization may file a petition with the Board, accompanied by the un-coerced signatures of at least 30% of the combined unrepresented State employees and State employees currently represented by the petitioning employee organization in bargaining unit. If the Board determines that the employee organization has made a sufficient showing of interest in the petition, it will hold a secret ballot election in which affected employees will have a chance to vote on whether they wish to be represented.

Also, the legislation does not preclude the employer from voluntarily recognizing an employee organization as the exclusive bargaining representative for a specified bargaining unit without an election so long as the following conditions have been met: (1) a petition shall have been filed with the Board by an employee or group of employees or employee organization acting in their behalf alleging that a majority of employees in a unit identified in subsection (b) above wish to be represented by an employee organization for such purposes; and (2) the Board verifies that a majority of the employees in such unit have, within 12 months of the submission of the petition to the Board, signed authorizations designating the employee organization specified in the petition as their exclusive bargaining representative and that no other employee organization is currently certified or recognized as the exclusive bargaining representative of any of the employees in the unit; and (3) the Board determines that notices have been posted, where notices to affected employees are normally posted, for a period of at least ten (10) calendar days, advising that exclusive recognition will be granted without an election to a named employee organization for such unit.

**7Q What are management's rights and responsibilities under this legislation?**

**7A** The legislation does not modify or change any responsibilities or rights of management.

**8Q What does collective bargaining require of employee organizations and the State?**

**8A** "Collective bargaining" is defined in the statute as "the mutual obligation of a public employer through its designated representatives and the exclusive bargaining representative to confer and negotiate in good faith with respect to terms and conditions of employment, and to execute a written contract incorporating any agreements reached. However, this obligation does not compel either party to agree to a proposal or require the making of a concession."

**9Q**      **What happens if there is more than one representative in a bargaining unit?**

**9A**      The legislation provides that the exclusive bargaining representatives of all of the employees in each individual bargaining unit identified above shall join together in a bargaining coalition to bargain collectively for that unit.

**10Q**      **What happens if the bargaining coalition and the State cannot agree on wages, hours, and other terms of conditions of employment?**

**10A**      The legislation does not change the processes by which such disputes are resolved. In other words, the legislation continues to provide the same procedures, i.e., mediation and arbitration, to resolve collective bargaining disputes.

[disclaimer: the above information is subject to modification or revision, and issues concerning the application and interpretation of SB 36 may ultimately be decided by the Public Employment Relations Board and/or the courts.]