

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003

A Bill

SENATE BILL 747

4
5 By: Senator Wilkins
6
7

For An Act To Be Entitled

8
9 AN ACT TO CREATE THE PUBLIC SCHOOL EMPLOYMENT
10 RELATIONS BOARD; AND FOR OTHER PURPOSES.
11

Subtitle

12
13 TO CREATE THE PUBLIC SCHOOL EMPLOYMENT
14 RELATIONS BOARD.
15

16
17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
18

19 SECTION 1. Arkansas Code Title 6, Chapter 17, is amended to add an
20 additional subchapter to read as follows:

21 6-17-3001. Title.

22 This subchapter shall be known and may be cited as the "Public School
23 Employment Relations Act".
24

25 6-17-3002. Public Policy.

26 (a) The General Assembly declares that it is the public policy of the
27 state to promote harmonious and cooperative relationships between public
28 schools and their employees by permitting school employees to organize and
29 bargain collectively.

30 (b)(1) School boards and their employees have an obligation to the
31 public to exert full and continuing efforts to achieve the highest possible
32 education standards in the public schools in the State of Arkansas.

33 (2) To achieve the highest possible standards in the public
34 schools in the State of Arkansas, the state must establish and maintain an
35 educational climate and working environment that attracts and retains highly
36 qualified staff and stimulates the staff to perform optimally.



1 (c)(1) Experience has shown that school boards and their employees may
 2 best reach these objectives if decisions regarding the terms and conditions
 3 of the employee's service are made in an environment that uses the school
 4 board and the employees' ability, experience, and judgment.

5 (2)(A) Participation by all of the parties involved in the
 6 employment relationship may be accomplished most effectively if the employees
 7 have the right to form, join, and assist in the operations of employee
 8 organizations.

9 (B) Employees should be allowed to confer, consult, and
 10 negotiate with their school board employers through representatives of their
 11 own choosing for the following purposes:

12 (i) To establish, maintain, protect, and improve the
 13 the terms and conditions of service and other matters of mutual concern; and

14 (ii) To establish procedures that will facilitate
 15 and encourage the amicable settlement of disputes.

16
 17 6-17-3003. Definitions.

18 As used in this subchapter:

19 (1) "Appropriate bargaining unit" means a group of employees within an
 20 employee organization with a similar community of interests,
 21 responsibilities, and other relevant aspects as determined by the board;

22 (2) "Arbitration" means the procedure whereby the parties involved in
 23 a dispute under a collective bargaining agreement submit their differences to
 24 a third party for a final and binding decision;

25 (3) "Board" means the Public Employment Relations Board established
 26 under this subchapter;

27 (4) "Classified employee" means any employee who is not required to
 28 hold a teaching certificate issued by the Department of Education;

29 (5)(A) "Collective bargaining" means the performance of the mutual
 30 obligations of the employer and the exclusive representative under this
 31 subchapter.

32 (B) "Collective bargaining" includes the following obligations:

33 (i) To meet at reasonable times;

34 (ii) To confer and negotiate in good faith with the aim of
 35 reaching agreement on wages, benefits, and other terms and conditions of
 36 employment; and

1 (iii) To comply with the terms of the collective
 2 bargaining agreement.

3 (C) “Collective bargaining” shall not require any party to the
 4 negotiations to be compelled to agree to any specific proposal or be required
 5 to make a concession on a proposal;

6 (6) “Confidential employee” means an employee who:

7 (A) Has access to information used by the employer in
 8 negotiating with employees; or

9 (B) Has a close, continuing, working relationship with public
 10 school officers or representatives associated with negotiating on behalf of
 11 the employer;

12 (7) “Day” means calendar day;

13 (8) “Employee” means any person employed under a written contract by a
 14 school district;

15 (9) “Employee organization” means any lawful association,
 16 organization, federation, council, or labor union that represents employees
 17 in collective bargaining issues and other negotiations regarding terms and
 18 conditions of employment;

19 (10) “Employee organization representative” means any employee
 20 organization or any person or persons authorized or designated to act on
 21 behalf of the employee organization;

22 (11) “Employer” means the school board of each public school district
 23 in the state;

24 (12) “Employer representative” means any person or persons designated
 25 by the school board to represent the school board in negotiations with an
 26 employee organization;

27 (13) “Exclusive representative” means the representative designated or
 28 selected under this subchapter for the purpose of collective bargaining by
 29 employees in a unit appropriate for those purposes which has the sole right
 30 to represent all employees within the unit;

31 (14) “Fact finding” means the procedure that requires a qualified
 32 person to make written findings of facts and recommendations for resolution
 33 of an impasse;

34 (15) “Impasse” means the failure of an employer and an employee
 35 organization to reach agreement in the course of negotiations;

36 (16) “Mediation” means assistance by an impartial third party to

1 reconcile an impasse between the employer and employee organization through
 2 interpretation, suggestion, and advice;

3 (17) "Professional employee" means an employee who must hold a
 4 teaching certificate issued by the Department of Education;

5 (18) "School board" means any board authorized to direct the public
 6 educational system of any public school district in the state; and

7 (19) "Supervisory employee" means any employee that has:

8 (A) The authority to hire, transfer, suspend, layoff, recall,
 9 promote, discharge, assign, reward, or discipline other employees; or

10 (B) The responsibility to evaluate other employees, to make
 11 evaluation recommendations, to adjust their grievances, or to make grievance
 12 recommendations.

13
 14 6-17-3004. Coverage and exclusions.

15 This subchapter applies to all public school employees except the
 16 following:

- 17 (1) Superintendents;
- 18 (2) Assistant superintendents;
- 19 (2) Confidential employees; and
- 20 (3) Substitute employees.

21
 22 6-17-3005. Public Employment Relations Board.

23 (a) There is created within the executive branch a board to be known
 24 as the "Public Employment Relations Board".

25 (b)(1) The board shall consist of three (3) members appointed by the
 26 Governor.

27 (2) One (1) of each of the members shall meet the following
 28 qualifications:

29 (A) One (1) member shall be representative of labor;

30 (B) One (1) member shall be representative of employers;

31 and

32 (C) One (1) member shall be considered neutral in labor
 33 management issues and shall have five (5) years of experience as a mediator
 34 or an arbitrator of labor management disputes.

35 (3) The board members shall be:

36 (A) Individuals who have demonstrated their knowledge,

1 ability, and experience in the field of labor and management relations; and

2 (B) Residents of the State of Arkansas at the time of
3 appointment and throughout their terms.

4 (4) The members shall be subject to confirmation by the Senate.

5 (c)(1) Three (3) members shall be appointed by the Governor to serve
6 for the following terms:

7 (A) The initial labor representative shall be appointed
8 for a term of two (2) years;

9 (B) The initial employer representative shall be appointed
10 for a term of four (4) years; and

11 (C) The initial neutral member shall be appointed for a
12 term of six (6) years.

13 (2) Subsequent appointments are for a term of four (4) years.

14 (d)(1) If a vacancy occurs in position, for any reason, the vacancy
15 shall be filled by the Governor and the new appointee shall meet the same
16 qualifications for the position as the individual he or she replaces.

17 (2) The new appointee shall serve for the remainder of the
18 unexpired term.

19 (e) The member of the board that holds the neutral position shall
20 serve as chairperson.

21 (f) No member of the board shall engage in any political activity
22 while holding office.

23 (g) To the extent funds are available, the board may:

24 (1) Employ persons that are necessary for the performance of its
25 functions;

26 (2) Receive a stipend under § 25-16-904; and

27 (3) Receive expense reimbursement under § 25-16-902.

28 (h)(1) The board shall meet at times and places the chairperson deems
29 necessary, but no meetings shall be held outside of the State of Arkansas.

30 (2) A majority of the members of the board shall constitute a
31 quorum for the purpose of transacting business.

32 (3) All action of the board shall be by a majority vote of the
33 full membership of the board.

34 (i) The board shall:

35 (1) Administer and enforce the provisions of this subchapter;

36 (2) Establish minimum qualifications for arbitrators and

1 mediators;

2 (3) Establish procedures for appointing, maintaining, and
3 removing arbitrators and mediators;

4 (4) Establish compensation rates for arbitrators and mediators;

5 (5) Take other action as necessary to carry out its duties and
6 functions under this subchapter; and

7 (6) Promulgate regulations in accordance with the Arkansas
8 Administrative Procedure Act, § 25-15-201 et seq.

9
10 6-17-3006. Employee rights.

11 (a) Public school employees shall have the right, free from
12 interference, restraint, or coercion to:

13 (1) Organize, form, join, assist, and participate in activities
14 of employee organizations;

15 (2) Engage in collective bargaining regarding terms and
16 conditions of employment through exclusive representatives of their own
17 choosing;

18 (3) Engage in concerted activities for the purpose of collective
19 bargaining or other mutual aid or protection; and

20 (4) Refrain from any or all of the activities described in this
21 section.

22 (b)(1) Employee organizations shall have the right to:

23 (A) Access, at reasonable times, the areas where employees
24 work;

25 (B) Use institutional bulletin boards, main boxes, or
26 other communication media, subject to reasonable regulation; and

27 (C) Use institutional facilities at reasonable times for
28 the purpose of meetings concerned with the exercise of the rights guaranteed
29 by this subchapter.

30 (2) If an employee organization has been selected or designated
31 under § 6-17-3010, an employer may deny access and usage to any other
32 employee organization until the time that a lawful and timely challenge to
33 the majority status of the selected employee organization is raised under §
34 6-17-3010.

35 (3)(A) Employee organizations shall have the right, upon receipt
36 of an appropriate authorization form that shall not be revocable for a period

1 of one (1) year, to have deducted from the salary of professional employees,
 2 the fees and dues required for membership in an employee organization.

3 (B) If an employee organization is selected or designated
 4 under § 6-17-3010, then an employer shall deny a salary deduction to any
 5 other competing employee organization.

6
 7 6-17-3007. Employer Rights.

8 Employers shall have, in addition to all powers and duties, established
 9 by law, the exclusive power and duty to:

10 (1) Direct the work of its employees;

11 (2) Hire, promote, demote, transfer, assign, and retain employees in
 12 positions within the school district;

13 (3) Suspend or discharge employees for proper cause;

14 (4) Maintain the efficiency of school district operations;

15 (5) Determine and implement methods, means, assignments, and personnel
 16 by which the employer's operations are to be conducted;

17 (6) Take actions as may be necessary to carry out the mission of the
 18 employer; and

19 (7) Initiate, prepare, certify, and administer its budget;

20
 21 6-17-3008. Prohibited practices.

22 (a) An employer and its representatives or agents shall not:

23 (1) Interfere with, restrain, or coerce public school employees
 24 in the exercise of rights granted by this subchapter;

25 (2) Dominate or interfere with the formation or administration
 26 of any employee organization;

27 (3) Encourage or discourage membership in or support for any
 28 employee organization, committee, or association;

29 (4) Discharge, discriminate, or take adverse action against a
 30 public school employee because the employee:

31 (A) Supports an employee organization;

32 (B) Formed, joined, or has chosen to be represented by any
 33 employee organization;

34 (C) Exercised his or her rights under this subchapter;

35 (D) Filed an affidavit, petition, or complaint; or

36 (E) Gave any information or testimony under this

1 subchapter; or

2 (5) Refuse to recognize or to negotiate collectively with an
 3 employee bargaining representative as required under this subchapter.

4 (b) An employee organization and its representatives or agents shall
 5 not:

6 (1) Interfere with, restrain, or coerce public school employees
 7 in the exercise of rights granted under this subchapter;

8 (2) Restrain or coerce an employer with respect to selecting a
 9 representative for the purposes of negotiating collectively on the adjustment
 10 of grievances;

11 (3) Refuse to bargain collectively with an employer as required
 12 in this subchapter; or

13 (4) Breach its duty of fair representation by taking action or
 14 inaction that is arbitrary, discriminatory, or in bad faith.

15
 16 6-17-3009. Prohibited practice violations.

17 (a) The board shall prevent and remedy any practices that are
 18 prohibited under this subchapter.

19 (b) An order of the board under this section may be enforced by any
 20 member of the board by filing a petition in the appropriate circuit court.

21
 22 6-17-3010. Judicial review.

23 The board's review of proposed decisions and the rehearing or judicial
 24 review of final decisions are governed by the Arkansas Administrative
 25 Procedure Act, § 25-15-201 et seq.

26
 27 6-17-3011. Strikes Prohibited.

28 (a) It is unlawful for:

29 (1) Any public school employee or any employee organization to
 30 induce, instigate, authorize, ratify, or participate in a strike against any
 31 employer;

32 (2) Any employer to authorize, consent to, or condone a strike
 33 against any employer or to pay or agree to pay any increase in compensation
 34 or benefits to any employee in response to or as a result of a strike or any
 35 act which violates subdivision (a)(1) of this section;

36 (3) Any official, director, or representative of any employer to

1 authorize, ratify, or participate in any violation of this subsection; or

2 (4) Any employer or employee organization to bargain at any time
 3 regarding suspension or modification of any penalty provided in this section
 4 or regarding any request by the public employer to a court for the suspension
 5 or modification.

6 (b) If subdivision (a) of this section is violated, then, after the
 7 violation has ceased, nothing in this section shall prevent new or renewed
 8 bargaining and agreement within the scope of negotiations as defined in this
 9 subchapter.

10 (c)(1) If any violation or imminently threatened violation of
 11 subsection (a) of this section exists, any citizen domiciled within the
 12 jurisdictional boundaries of the employer may petition a court of competent
 13 jurisdiction in the county in which the violation occurs or in Pulaski County
 14 for an injunction restraining the violation or imminently threatened
 15 violation.

16 (2) The Rules of Civil Procedure regarding injunctions shall
 17 apply.

18 (3) The court shall grant a temporary injunction if the court
 19 finds a violation of this section has occurred or is imminently threatened.

20 (4) The plaintiff is not required to prove that the violation or
 21 threatened violation would greatly or irreparably injure the plaintiff.

22 (5) The court shall only require the plaintiff to post bond if
 23 the court determines that a bond is necessary in the public interest.

24 (6)(A) Failure to comply with any temporary or permanent
 25 injunction granted under this section shall constitute contempt of court.

26 (B) The punishment for each day during which the temporary
 27 or permanent injunction is violated shall not exceed:

28 (i) Five hundred dollars (\$500) for an individual;

29 (ii) Ten thousand dollars (\$10,000) for an employee
 30 organization or employer;

31 (iii) Imprisonment in a county jail not exceeding
 32 six (6) months; or

33 (iv) Both fine and imprisonment.

34 (C) An individual or an employee organization which makes
 35 an active good faith effort to comply fully with the injunction shall not be
 36 deemed to be in contempt.

1 (d)(1) If any employee is held in contempt of court for failure to
 2 comply with an injunction under this section, or pleads guilty or nolo
 3 contendere to, or is found guilty of violating of this section:

4 (A) The employee shall be ineligible for any employment by
 5 the same employer for a period of twelve (12) months; and

6 (B) The employee's employer shall immediately discharge
 7 the employee.

8 (2) Upon the employee's request, the court shall stay the
 9 discharge to permit further judicial proceedings.

10 (e)(1) If an employee organization or any of its officers is held to
 11 be in contempt of court for failure to comply with an injunction under this
 12 section, or pleads guilty or nolo contendere to, or is found guilty of
 13 violating of this section, the employee organization shall:

14 (A) Be immediately decertified;

15 (B) Cease to represent the bargaining unit; and

16 (C) Cease to receive any dues by deduction.

17 (2) If an employee organization or any of its officers is held
 18 to be in contempt of court for failure to comply with an injunction under
 19 this section, or pleads guilty or nolo contendere to, or is found guilty of
 20 violating of this section, the employee organization may again be certified
 21 only after:

22 (A) Twelve (12) months have elapsed from the effective
 23 date of decertification; and

24 (B) A new compliance with § 6-17-3010.

25 (3) The penalties provided in this section may be suspended or
 26 modified by the court, but only:

27 (A) Upon request of the employer; and

28 (B) If the court determines the suspension or modification
 29 is in the public interest.

30 (f) Each of the remedies and penalties provided by this section is
 31 separate and several, and is in addition to any other legal or equitable
 32 remedy or penalty.

33
 34 6-17-3012. Exclusive representation process.

35 (a) Selection.

36 (1) The selection of an employee organization as the exclusive

1 representative of the employees in an appropriate bargaining unit is the
 2 prerogative of public school employees, and employers shall maintain a
 3 neutral position with respect to the decision and choice by employees of an
 4 employee bargaining representative.

5 (2) The employee organization may request recognition in one (1)
 6 of two (2) ways:

7 (A) Majority designation by employees; or

8 (B) A board conducted election.

9 (b) Majority designation by employees.

10 (1) An employee organization that is designated as the
 11 collective bargaining representative by a majority of the public school
 12 employees in an appropriate bargaining unit may request recognition as the
 13 exclusive representative of the unit by the employer.

14 (2) The request shall identify the unit sought to be represented
 15 and the basis on which majority support is claimed.

16 (3) The employer shall grant the requested recognition unless:

17 (A) An employee has a reasonable good faith doubt as to
 18 the accuracy or validity of the employee organization's claim of majority
 19 support;

20 (B) The board currently has pending a request by another
 21 employee organization for a representation election for employees who would
 22 be included within the requested unit; or

23 (C) The bargaining unit sought is not appropriate.

24 (c) Board conducted election.

25 (1)(A) An employee organization may file a request for a secret
 26 ballot election with the board upon a showing of thirty percent (30%)
 27 interest among employees in a designated bargaining unit.

28 (B) Upon receipt of the petition, the board shall
 29 determine whether it is appropriate to direct and conduct a secret ballot
 30 election.

31 (C) The petition shall be dismissed if the board
 32 determines that:

33 (i) The bargaining unit sought is not appropriate;

34 (ii) The petition is not supported by at least
 35 thirty percent (30%) of the employees in the designated unit; or

36 (iii) The employee organization filing the request:

1 (a) Has been decertified or lost a
2 representation election for the same unit within the previous twelve (12)
3 months; or

4 (b) Is a party to a collective bargaining
5 agreement to which the board determines a contract bar applies.

6 (D)(i) Unless the petition is dismissed, the board, within
7 thirty (30) days after receipt of a petition, shall enter an order
8 establishing the time and place for a secret ballot election.

9 (ii) The board shall give no less than ten (10)
10 days' notice of the time and place of the election.

11 (2) Following the filing of a petition, any employee
12 organization may intervene and be included on the election ballot if the
13 employee organization establishes to the board's satisfaction a timely
14 showing of proof of support from at least ten percent (10%) of the employees
15 in the unit.

16 (3) The question on the ballot shall include, in addition to the
17 petitioning employee organization and any other employee organization that
18 has timely intervened, a choice for "no representative".

19 (4) The outcome of the election may be as follows:

20 (A) If a majority of the votes cast in the election is for
21 one (1) employee organization, then that employee organization shall be
22 certified as the exclusive representative;

23 (B) If a majority of the votes cast in the election is for
24 "no representative", then the board shall certify that the employees elected
25 to have no exclusive representative; or

26 (C) If none of the choices on the ballot receive a
27 majority of the votes, then the board shall conduct a runoff election between
28 the two (2) choices receiving the greatest number of votes.

29 (5)(A) The board shall promulgate regulations concerning the
30 conduct of elections.

31 (B) The regulations shall address:

32 (i) Access rights for employee organizations to
33 communicate with employees; and

34 (ii) A way to guarantee the secrecy of the ballot.

35 (d) Determination of bargaining unit.

36 (1) The board shall not intervene in matters of recognition and

1 unit definition except in the event of a dispute between two parties.

2 (2) In the event of a dispute, the board shall conduct a public
 3 hearing, receive written or oral testimony, and promptly thereafter file an
 4 order defining the appropriate bargaining unit.

5 (3)(A) The board shall prescribe rules and regulations and
 6 establish procedures for the determination of appropriate bargaining units.

7 (B) In defining the unit, the board shall consider, along
 8 with other relevant factors, the following:

9 (i) The principles of efficient administration of
 10 schools;

11 (ii) The desire to avoid excessive fragmentation;

12 (iii) The community of interests among the
 13 employees;

14 (iv) The history and extent of the employee
 15 organization; and

16 (v) The geographical location and the
 17 recommendations of the parties involved.

18 (C) Professional employees shall not be included in a unit
 19 with classified employees unless a majority of the employees in each group
 20 agree.

21 (D) Supervisory employees shall not be included in a unit
 22 with any other group of employees.

23
 24 6-17-3013. Collective bargaining.

25 (a) Exclusive representative.

26 (1) The lawfully recognized or certified exclusive bargaining
 27 representative selected by the employees shall be the exclusive
 28 representative of all the employees in the unit.

29 (2)(A) An employee organization may assess a reasonable fee to a
 30 nonmember for services rendered in representing the employee in a negotiated
 31 grievance or arbitration procedure in the absence of an alternative fee
 32 system negotiated between the parties.

33 (B) Any fees under this subdivision (a)(2)(A) may only be
 34 assessed upon the employee's written authorization and may be terminated by
 35 the employee during the months of January and July by giving thirty (30) days
 36 written notice.

1 (b) Commencement of negotiations. Within thirty (30) days following
2 recognition or certification of an employee organization as exclusive
3 representative or within ninety (90) days before the expiration of a
4 collective bargaining agreement between the parties, the designated
5 representative of the employee organization and of the employer shall begin
6 collective bargaining with an aim to reaching an agreement in an expeditious
7 manner.

8 (c) Scope of negotiations.

9 (1) The employer and the employee organization may negotiate
10 regarding compensation issues, seniority, transfer procedures, health and
11 safety matters, evaluation procedures, procedures for staff reduction, staff
12 development, training, class size, leaves, and other matters mutually agreed
13 upon.

14 (2) Every collective bargaining agreement shall include
15 procedures to address employee grievances and disputes over the
16 interpretation and application of agreements.

17 (3) Every agreement shall also include procedures to address
18 ratification of the agreement.

19 (d) Enforcement of agreement.

20 (1) The parties to a collective bargaining agreement may provide
21 for the final and binding arbitration of disputes arising under the
22 agreement.

23 (2) The judicial review, if any, of the arbitral decisions shall
24 be under applicable law.

25 (3) In the absence of an agreement for the arbitration of
26 disputes, the terms of any collective bargaining agreement may be enforced by
27 the appropriate circuit court upon the initiative of either party.

28 (e) Limitations. No collective bargaining agreement or arbitrator's
29 decision shall be valid or enforceable if its implementation would be
30 inconsistent with any statutory limitation on the employer's funds, or
31 budget, or would substantially impair or limit the performance of any
32 statutory duty by the employer.

33
34 6-17-3014. Impasse procedures.

35 (a) Absence of impasse procedure. In the absence of an impasse
36 agreement negotiated between the parties, the procedures prescribed in this

1 section shall apply.

2 (b) Mediation.

3 (1) If an agreement has not been reached within ninety (90) days
4 after the initiation of collective bargaining, the board shall, within five
5 (5) days after the request of either party, appoint an impartial and
6 disinterested person to act as mediator for the purpose of assisting the
7 parties in reconciling their differences and resolving the controversy on
8 mutually acceptable terms.

9 (2) The mediator shall take immediate steps to meet with the
10 parties and may take other steps as deemed appropriate in order to persuade
11 the parties to resolve their differences and effect a mutually acceptable
12 agreement in a timely fashion.

13 (3) The board may compel the attendance of all parties at any
14 meetings scheduled by the mediator.

15 (4) If the mediator has not effected a settlement of the issue
16 in dispute within ten (10) days of his or her appointment, either party, by
17 written notification to the other, may request implementation of the fact
18 finding procedure described in subsection (c) of this section.

19 (5) This section does not preclude the parties from mutually
20 agreeing upon a mediator who, upon the parties' joint request, shall be
21 appointed by the board to serve in that capacity.

22 (c)(1) If the impasse persists ten (10) days after the mediator has
23 been appointed, the board shall appoint a fact finder representative of the
24 public from a list of qualified persons maintained by the board.

25 (2) The fact finder shall conduct a hearing, may administer
26 oaths and may request the Board to issue subpoenas.

27 (3) The fact finder shall secure from both parties agreements
28 reached by the parties before fact finding and the final position of each
29 party with regard to any subject of bargaining as to which the parties have
30 not reached agreement.

31 (4) To determine whether to include in his or her
32 recommendations the final position of either party, the fact finder shall
33 consider the following factors:

34 (A) Agreements reached in collective bargaining before
35 fact finding;

36 (B) The ability of the employer to meet costs, including

1 both available financial resources and sources of additional financial
 2 resources, in light of any state imposed limitations on local spending or
 3 revenue;

4 (C) The terms and conditions of employment of the
 5 employees involved in the fact finding hearing as compared to the terms and
 6 conditions of employment of other employees of the employer and of other
 7 public and private sector employees performing similar services in the same
 8 community and in comparable communities; and

9 (D) Other factors that are traditionally taken into
 10 consideration in the determination of terms and conditions of employment
 11 through collective bargaining in public and private sector employment.

12 (5) The fact finder shall make written finding of facts and
 13 recommendations for resolution of the dispute and, not later than fifteen
 14 (15) days after the day of appointment, shall serve the findings and
 15 recommendations on the employer and the employee organization.

16 (6) The employer shall immediately accept the fact finder's
 17 recommendations or shall make public the report of the fact finder.

18 (7)(A) The employer shall, after five (5) days of making the
 19 fact finder report public, take action of acceptance or rejection of each
 20 recommendation of the fact finder.

21 (B) During the five (5) day period, the parties shall
 22 continue to make good faith efforts to resolve the dispute.

23
 24 6-17-3015. Registration of employee organizations.

25 (a) An employee organization seeking to represent school employees
 26 under this subchapter shall file with the board a registration document
 27 stating its intent to become a representative of school employees.

28 (b) Any employee organization subject to the Labor-Management
 29 Reporting and Disclosure Act of 1959, 29 U.S.C. § 401 et seq., may file with
 30 the board copies of all reports required to be filed under that law in lieu
 31 of the filings required under this subchapter, other than those required by
 32 subsection (a) of this section.

33
 34 6-17-3016. Filing agreement public access.

35 Copies of collective bargaining agreements entered into between the
 36 employer and the school employee's bargaining representative and made final

1 under this subchapter shall be filed with the State Board of Education and be
2 made available to the public at cost.

3
4 6-17-3017. General delegation

5 The General Assembly specifically confers upon the board and all
6 employers the power and authority to implement the provisions of this
7 subchapter, and further confers upon all employers the authority to recognize
8 and enter into collective bargaining agreements with employee organizations.

9
10 SECTION 2 EMERGENCY CLAUSE. It is found and determined by the General
11 Assembly of the State of Arkansas that this act creates the Public Employment
12 Relations Board; that the appropriation for the operation of the board
13 becomes effective at the beginning of the next fiscal year; that it is
14 necessary to coordinate the effective date of this substantive act with its
15 companion appropriation acts; and that this emergency clause must be adopted
16 to accomplish that purpose. Therefore, an emergency is declared to exist and
17 this act being necessary for the preservation of the public peace, health,
18 and safety shall become effective on July 1, 2003.