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SENATE FILE 531

By COMMITTEE ON HUMAN AND INDUSTRIAL RELATIONS

FILED MAY 4 1973

State Govt. 5/4/73, amend o/w S-560 re recommendation 5/10

Senate File 531
Nystrom, Chairman
Robinson
Schwengels

Passed Senate, Date 5-16-73 (1295) Passed House, Date _____

Vote: Ayes 33 Nays 14 Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to public employment relations and providing
2 penalties for violations.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4
5 Special Order of business for Feb. 20, 1974 6/10 (2077)
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16 S—560
17 1 Amend Senate File 531 as follows:
18 2 1. Page 12, line 30, by striking the word "request" and
3 inserting in lieu thereof the word "petition".
19 4 2. Page 18, lines 1 and 2, by striking the words "section
20 5 twenty (20) of this Act" and inserting in lieu thereof the
6 words "subsection two (2) of this section".
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22 S—560 Filed. adopted 5/16 By COMMITTEE ON STATE GOVERNMENT
May 10, 1973
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1 Section 1. NEW SECTION. PUBLIC POLICY. The general
2 assembly declares that it is the public policy of the state
3 to promote harmonious and cooperative relationships between
4 government and its employees by permitting public employees
5 to organize and bargain collectively and to protect the citi-
6 zens of this state by assuring effective and orderly opera-
7 tions of government in providing for their health, safety,
8 and welfare.
9 Sec. 2. NEW SECTION. TITLE. This Act shall be known
10 as the "Public Employment Relations Act".
11 Sec. 3. NEW SECTION. DEFINITIONS. When used in this
12 Act, unless the context otherwise requires:
13 1. "Public employer" means the state of Iowa, its boards,
14 commissions, agencies, departments, and its political subdi-
15 visions including school districts and other special purpose
16 districts.
17 2. "Public employee" means any individual employed by
18 a public employer, except individuals exempted under the pro-
19 visions of section four (4) of this Act.
20 3. "Employee organization" means an organization of any
21 kind in which public employees participate and which exists
22 for the primary purpose of representing public employees in
23 their employment relations.
24 4. "Board" means the public employment relations board
25 established under section five (5) of this Act.
26 5. "Strike" means a public employee's refusal, in con-
27 certed action with others, to report to duty, or his willful
28 absence from his position, or his stoppage of work, or his
29 abstinence in whole or in part from the full, faithful, and
30 proper performance of the duties of employment, for the pur-
31 pose of inducing, influencing, or coercing a change in the
32 conditions, compensation, rights, privileges, or obligations
33 of public employment.
34 6. "Confidential employee" means any public employee who
35 works in the personnel offices of a public employer or who

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1 has access to information subject to use by the public employer
2 in negotiating or who works in a close continuing working
3 relationship with public officers or representatives associ-
4 ated with negotiating on behalf of the public employer.
5 7. "Mediation" means assistance by an impartial third
6 party to reconcile an impasse between the public employer
7 and the employee organization through interpretation, sugges-
8 tion, and advice.
9 8. "Arbitration" means the procedure whereby the parties
10 involved in an impasse submit their differences to a third
11 party for a final and binding decision or as provided in this
12 Act.
13 9. "Impasse" means the failure of a public employer and
14 the employee organization to reach agreement in the course
15 of negotiations.
16 Sec. 4. NEW SECTION. EXCLUSIONS. The following public
17 employees shall be excluded from the provisions of this Act:
18 1. Elected officials and persons appointed to fill vacan-
19 cies in elective offices, and members of any board or commis-
20 sion.
21 2. Representatives of a public employer, including the
22 administrative officer, director, or chief executive officer
23 of a public employer or major division thereof as well as
24 his deputy, first assistant, and any supervisory employees.
25 In defining supervisory employees, the board shall consider
26 the authority of an employee to perform, in the interest of
27 the public employer, such duties as to hire, transfer, suspend,
28 lay-off, recall, promote, discharge, assign, reward or disci-
29 pline other public employees, or the responsibility to direct
30 them, or to adjust their grievances, or effectively to recom-
31 mend such action, if in connection with the foregoing exercise
32 of such authority is not of a merely routine or clerical
33 nature, but requires the use of independent judgment.
34 3. Confidential employees.
35 4. Students working as part-time public employees less

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1 than twenty hours per week.
2 5. Temporary public employees employed for a period of
3 three months or less.
4 6. Commissioned and enlisted personnel of the Iowa national
5 guard.
6 7. Judges of the supreme court, district judges, district
7 associate judges, and judicial magistrates, and the employees
8 of such judges and courts.
9 Sec. 5. NEW SECTION. PUBLIC EMPLOYMENT RELATIONS BOARD.
10 1. There is established a board to be known as the public
11 employment relations board. The board shall consist of three
12 members appointed by the governor, with approval of two-thirds
13 of the senate. No more than two members shall be of the same
14 political affiliation and no member shall engage in any
15 political activity while holding office and the members shall
16 devote fulltime to their duties.
17 Each member shall be appointed for a term of six years,
18 except that of the members first appointed, one member shall
19 be appointed for a term of two years commencing July 1, 1973
20 and ending June 30, 1975; one member shall be appointed for
21 a term of four years commencing July 1, 1973 and ending June
22 30, 1977; and one member shall be appointed for a term of
23 six years commencing July 1, 1973 and ending June 30, 1979.
24 The member first appointed for a term of six years shall
25 serve as chairman and each of his successors shall also serve
26 as chairman.
27 2. Any vacancy on the commission which may occur when
28 the general assembly is not in session shall be filled by
29 appointment by the governor, which appointment shall expire
30 at the end of thirty days following the convening of the next
31 session of the general assembly. Prior to the expiration
32 of the thirty-day period, the governor shall transmit to the
33 senate for its approval the name of the appointee for the
34 unexpired portion of the regular term. Any vacancy occurring
35 when the general assembly is in session shall be filled in

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1 the board, or persons appointed or employed by the board,
2 including hearing officers for the performance of its func-
3 tions. The board may petition the district court at the seat
4 of government or of the county wherein any hearing is held
5 to enforce a board order compelling the attendance of witnesses
6 and production of records.
7 5. Adopt rules and regulations in accordance with the
8 provisions of chapter seventeen A (17A) of the Code as it
9 may deem necessary to carry out the purposes of this Act.
10 Sec. 7. NEW SECTION. PUBLIC EMPLOYER RIGHTS. Public
11 employers shall have the right to:
12 1. Direct the work of its public employees.
13 2. Hire, promote, demote, transfer, assign, and retain
14 public employees in positions within the public agency.
15 3. Suspend or discharge public employees for proper cause.
16 4. Maintain the efficiency of governmental operations.
17 5. Relieve public employees from duties because of lack
18 of work or for other legitimate reasons.
19 6. Take actions as may be necessary to carry out the
20 mission of the agency in emergencies.
21 Sec. 8. NEW SECTION. PUBLIC EMPLOYEE RIGHTS. Public
22 employees shall have the right to:
23 1. Organize, or form, join, or assist any employee organi-
24 zation.
25 2. Negotiate collectively through representatives of their
26 own choosing.
27 3. Engage in other concerted activities for the purpose
28 of collective bargaining or other mutual aid or protection
29 insofar as any such activity is not prohibited by this Act
30 or any other law of the state.
31 4. Refuse to join or participate in the activities of
32 employee organizations, including the payment of any dues,
33 fees or assessments or service fees of any type.
34 Sec. 9. NEW SECTION. SCOPE OF NEGOTIATIONS. The public
35 employer and the employee organization shall meet at reasonable

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1 times, including meetings reasonably in advance of the public
2 employer's budget-making process, to negotiate in good faith
3 with respect to wages, hours, and other terms and conditions
4 of employment, including terms authorizing dues checkoff for
5 members of the employee organization and grievance procedures
6 for resolving any questions arising under the agreement, which
7 shall be embodied in a written agreement and signed by the
8 parties. Such obligation to negotiate in good faith does
9 not compel either party to agree to a proposal or make a
10 concession.
11 Nothing in this section shall diminish the authority and
12 power of the merit employment department or any civil service
13 commission established by constitutional provision, statute,
14 charter or special act to recruit employees, prepare, conduct,
15 and grade examinations, rate candidates in order of their
16 relative scores for certification for appointment or promo-
17 tion or for other matters of classification, reclassification
18 or appeal rights in the classified service of the public
19 employer served.
20 The public employee retirement systems provided under chap-
21 ters ninety-seven A (97A), ninety-seven B (97B), four hun-
22 dred ten (410), and four hundred eleven (411) of the Code
23 shall be excluded from the scope of negotiations.
24 Sec. 10. NEW SECTION. PROHIBITED PRACTICES.
25 1. It shall be a prohibited practice for any public
26 employer, public employee, or employee organization to will-
27 fully refuse to negotiate in good faith with respect to the
28 scope of negotiations as defined in section nine (9) of this
29 Act.
30 2. It shall be a prohibited practice for a public employer
31 or his designated representative willfully to:
32 a. Interfere, restrain, or coerce public employees in
33 the exercise of rights granted by this Act.
34 b. Dominate, interfere, or assist in the formation,
35 existence, or administration of any employee organization.

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c. Encourage or discourage membership in any employee organization, committee, or association by discrimination in hiring, tenure, or other terms or conditions of employment.

d. Discharge or discriminate against a public employee because he has filed an affidavit, petition, or complaint or given any information or testimony under this Act, or because he has formed, joined, or chosen to be represented by any employee organization.

e. Refuse to negotiate collectively with representatives of recognized employee organizations as required in this Act.

f. Deny the rights accompanying certification or exclusive recognition granted in this Act.

g. Refuse to participate in good faith in any agreed upon impasse procedures or those set forth in this Act.

3. It shall be a prohibited practice for public employees or employee organizations willfully to:

a. Interfere, restrain, or coerce public employees in the exercise of rights granted by this Act.

b. Interfere, restrain, or coerce a public employer with respect to rights granted in this Act or with respect to selecting a representative for the purposes of negotiating collectively on the adjustment of grievances.

c. Refuse to bargain collectively with a public employer as required in this Act.

d. Refuse to participate in good faith in any agreed upon impasse procedures or those set forth in this Act.

Sec. 11. NEW SECTION. PROHIBITED PRACTICE VIOLATIONS.

1. Proceedings against a party alleging a violation of section ten (10) of this Act, shall be commenced by filing a complaint with the board within ninety days of the alleged violation causing a copy of the complaint to be served upon the accused party in the manner of an original notice as provided in this Act. The accused party shall have twenty days within which to file a written answer to the complaint. The board shall promptly thereafter set a time and place for

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1 hearing in the county where the alleged violation occurred.
2 The parties shall be permitted to be represented by counsel
3 and to summon witnesses. Compliance with the technical rules
4 of pleading and evidence shall not be required.
5 2. The board may designate a hearing officer to conduct
6 the hearing. The hearing officer shall have such powers
7 as may be exercised by the board for conducting the hearing
8 and shall follow the procedures adopted by the board for con-
9 ducting the hearing. The decision of the hearing officer
10 may be appealed to the board and the board shall hear the
11 case de novo.
12 3. The board shall appoint a shorthand reporter to report
13 the proceedings and the board shall fix the reasonable amount
14 of compensation for such service, which amount shall be taxed
15 as other costs.
16 4. The board shall file its findings of fact and conclu-
17 sions of law. If the board finds that the party accused has
18 committed a prohibited practice, the board may, within thirty
19 days of its decision, enter into a consent order with the
20 party to discontinue the practice, or petition the district
21 court for injunctive relief pursuant to chapter six hundred
22 sixty-four (664) of the Code.
23 5. Any party aggrieved by any decision or order of the
24 board may within thirty days from the date such decision or
25 order is filed, appeal therefrom to the district court of
26 the county in which the hearing was held, by filing with the
27 board a written notice of appeal setting forth in general
28 terms the decision appealed from and the grounds of the appeal.
29 The board shall forthwith give notice to the other parties
30 in interest.
31 6. Within thirty days after a notice of appeal is filed
32 with the board, it shall make, certify, and file in the office
33 of the clerk of court to which the appeal is taken, a full
34 and complete transcript of all documents in the case, includ-
35 ing any depositions and a transcript or certificate of the

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1 evidence together with the notice of appeal.
2 7. The appeal shall be triable at any time after the
3 expiration of twenty days from the date of filing the trans-
4 cript by the board and after twenty days notice in writing
5 by either party and the board upon the other.
6 8. The transcript as certified and filed by the board
7 shall be the record on which the appeal shall be heard, and
8 no additional evidence shall be heard. In the absence of
9 fraud, the findings of fact made by the board shall be
10 conclusive if supported by the substantive evidence on the
11 record as a whole.
12 9. Any order or decision of the board may be modified,
13 reversed, or set aside on one or more of the following grounds
14 and on no other:
15 a. If the board acts without or in excess of its powers.
16 b. If the order was procured by fraud.
17 c. If the facts found by the board do not support the
18 order.
19 d. If there is not sufficient competent evidence in the
20 record to warrant the making of the order or decision.
21 10. When the district court, on appeal, reverses or sets
22 aside an order or decision of the board, it may remand the
23 case to the board for further proceedings in harmony with
24 the holdings of the court, as it may enter the proper judgment,
25 as the case may be. Such judgment or decree shall have the
26 same force and effect as if action had been originally brought
27 and tried in said court. The assessment of costs in such
28 appeals shall be in the discretion of the court.
29 11. An appeal may be taken to the supreme court from any
30 final order, judgment, or decree of the district court.
31 Sec. 12. NEW SECTION. STRIKES PROHIBITED.
32 1. It shall be unlawful for any public employee or any
33 employee organization representing public employees to induce,
34 instigate, ratify, or participate in a strike against a public
35 employer.

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1 2. In the event of a strike by public employees, the
2 public employer may petition the district court in and for
3 the county in which the strike occurs or the district court
4 of Polk county for an injunction against the public employees,
5 individually or collectively, and their certified employee
6 organization pursuant to chapter six hundred sixty-four (664)
7 of the Code. Failure to comply with a court order enjoining
8 a strike shall constitute a contempt punishable pursuant to
9 chapter six hundred sixty-five (665) of the Code and in
10 addition the court may, upon a finding that the employee
11 organization has violated subsection one (1) of this section,
12 suspend and enjoin the certification of the employee organiza-
13 tion as the exclusive representative of the bargaining unit
14 involved for a period not to exceed twelve months. During
15 the period of decertification, a public employer may
16 discontinue dues checkoff for the employee organization.
17 The remedies provided in this section shall be in addition
18 to any other legal or equitable remedy.
19 3. A public employer may suspend, discharge, or subject
20 to other disciplinary action applicable to misconduct in
21 employment, any public employee who participates in a strike,
22 provided the public employer first notifies the public employee
23 of the alleged violation, the date of the violation, and the
24 action being considered. Such action shall be stayed for
25 ten days from such notice within which time the public employee
26 may file with the board a request for a hearing. Upon receipt
27 of the request for a hearing, the board shall notify the
28 public employer, which notification shall further stay the
29 contemplated public employer action and appoint an impartial
30 hearing officer to determine if a violation of subsection
31 one (1) of this section did occur. The hearing and appeal
32 procedure shall be the same as provided in section eleven
33 (11) of this Act.
34 Sec. 13. NEW SECTION. BARGAINING UNIT DETERMINATION.
35 1. Board determination of an appropriate bargaining unit

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1 shall be upon petition filed by a public employer, public
2 employee, employee organization or upon the board's own ini-
3 tiative.
4 2. Within thirty days of receipt of a petition or notice
5 to all interested parties if on its own initiative, the board
6 shall conduct a public hearing, receive written or oral testi-
7 mony, and promptly thereafter file an order defining the
8 appropriate bargaining unit. In defining the unit, the board
9 shall take into consideration, along with other relevant
10 factors, the principles of efficient administration of
11 government, the existence of a community of interest among
12 public employees, the history and extent of public employee
13 organization, geographical location, and the recommendations
14 of the parties involved.
15 3. Appeals from such order shall be governed by appeal
16 provisions provided in section eleven (11) of this Act.
17 Sec. 14. NEW SECTION. BARGAINING REPRESENTATIVE DETER-
18 MINATION.
19 1. Board certification of an employee organization as
20 the exclusive bargaining representative of a bargaining unit
21 shall be upon a petition filed with the board by a public
22 employer, public employee, or an employee organization and
23 an election conducted pursuant to section fifteen (15) of
24 this Act.
25 2. The petition of an employee organization shall allege
26 that:
27 a. The employee organization has submitted a request
28 to a public employer to bargain collectively with a designated
29 group of public employees.
30 b. The request is accompanied by written evidence that
31 thirty percent of such public employees are members of the
32 employee organization or have authorized it to represent them
33 for the purposes of collective bargaining.
34 3. The petition of a public employee shall allege that
35 an employee organization which has been certified as the

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1 bargaining representative does not represent a majority of
2 such public employees and that the petitioners do not want
3 to be represented by an employee organization or seek certifi-
4 cation of an employee organization.
5 4. The petition of a public employer shall allege that
6 it has received a request to bargain from an employee
7 organization which has not been certified as the bargaining
8 representative of the public employees in an appropriate bar-
9 gaining unit.
10 5. The board shall investigate the allegations of any
11 petition and shall give reasonable notice of the receipt of
12 such a petition to all public employees, employee organizations
13 and public employers named or described in such petitions
14 or interested in the representation questioned. The board
15 shall thereafter call an election under section fifteen (15)
16 of this Act, unless:
17 a. It finds that less than thirty percent of the public
18 employees in the unit appropriate for collective bargaining
19 support the petition for decertification or for certification.
20 b. The appropriate bargaining unit has not been determined
21 pursuant to section thirteen (13) of this Act.
22 6. The hearing and appeal procedures shall be the same
23 as provided in section eleven (11) of this Act.
24 Sec. 15. NEW SECTION. ELECTIONS.
25 1. In an election conducted under this Act, all public
26 employees in the appropriate bargaining unit shall be given
27 the right to vote by secret ballot under such terms and
28 conditions as the board may prescribe by rule. The ballot
29 shall list any employee organization which has petitioned
30 for certification or which has presented proof satisfactory
31 to the board of support of ten percent or more of the public
32 employees in the appropriate unit and also listing no exclusive
33 representative as one of the choices.
34 2. If none of the choices on the ballot receive a majority
35 of the votes cast, the board shall conduct a run-off election

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among the two choices receiving the greatest number of votes.

3. If the board finds that misconduct or other circumstances prevented the public employees eligible to vote from freely expressing their preferences, the board may invalidate the election and hold a second election for the public employees.

4. Upon completion of a valid election in which the majority choice of those voting is determined, the board shall certify the results of the election and shall give reasonable notice of the order to all employee organizations listed on the ballot, the public employers, and the public employees in the appropriate bargaining unit.

5. A petition for certification as an exclusive bargaining representative shall not be considered by the board for a period of one year from the date of the certification or noncertification of an exclusive bargaining representative or during the duration of a collective bargaining agreement which shall not exceed two years. However, if a petition for decertification is filed during the duration of a collective bargaining agreement, the board shall award an election under this section not more than one hundred eighty days nor less than one hundred fifty days prior to the expiration of the collective bargaining agreement. If an employee organization is decertified, the board may receive petitions under section fourteen (14) of this Act.

Sec. 16. NEW SECTION. DUTY TO BARGAIN. Upon the receipt by a public employer of a request from an employee organization to bargain on behalf of public employees, the duty to engage in collective bargaining shall arise if the employee organization has been certified by the board as the exclusive bargaining representative for the public employees in that bargaining unit.

Sec. 17. NEW SECTION. PROCEDURES.

1. The employee organization certified as the bargaining representative shall be the exclusive representative of all

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1 public employees in the bargaining unit and shall represent
2 all public employees fairly. Any public employee may meet
3 and adjust individual complaints with a public employer so
4 long as any such adjustment is consistent with the terms of
5 the collective bargaining agreement then in force and so long
6 as the bargaining representative is given notice.
7 2. The employee organization and the public employer may
8 designate any individual as its representative to engage in
9 collective bargaining negotiations.
10 3. Negotiating sessions, mediation and the deliberative
11 process of arbitrators shall be exempt from the provisions
12 of chapter twenty-eight A (28A) of the Code. Hearings con-
13 ducted by arbitrators shall be open to the public.
14 4. The terms of a proposed collective bargaining agreement
15 shall be made public prior to a ratification election. Public
16 employees shall vote by secret ballot in elections to ratify
17 a proposed collective bargaining agreement.
18 5. Terms of any collective bargaining agreement may be
19 enforced by a civil action in the district court of the county
20 in which the agreement was made upon the initiative of either
21 party.
22 6. The terms of a collective bargaining agreement for
23 which the public employer does not have authority to appro-
24 priate funds shall be construed as a joint recommendation
25 requiring the public employer to make a good faith effort
26 to obtain the funds. Failure to obtain the necessary funds
27 to implement the provisions of the agreement shall be adjusted
28 through further collective bargaining.
29 7. If agreed to by the parties nothing in this Act shall
30 be construed to prohibit supplementary bargaining on behalf
31 of public employees in a part of the bargaining unit concern-
32 ing matters uniquely affecting those public employees or
33 cooperation and coordination of bargaining between two or
34 more bargaining units, subject to the approval of the board.
35 8. The salaries of all public employees of the state under

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1 a merit system and all other fringe benefits which are granted
2 to all public employees of the state shall be negotiated with
3 the governor or his designee on a statewide basis, except
4 those benefits which are not subject to negotiations pursuant
5 to the provisions of section nine (9) of this Act.
6 Sec. 18. NEW SECTION. GRIEVANCE PROCEDURES. An agree-
7 ment with an employee organization which is the exclusive
8 representative of public employees in an appropriate unit
9 may provide procedures for the consideration of public employee
10 grievances and of disputes over the interpretation and appli-
11 cation of agreements. Negotiated procedures may provide for
12 binding arbitration of public employee grievances and of dis-
13 putes over the interpretation and application of existing
14 agreements. Negotiated procedures may not extend arbitration
15 to changes or proposed changes in agreements or public employer
16 policy. Such procedures shall provide for the invoking of
17 arbitration only with the approval of the employee organiza-
18 tion, and in the case of an employee grievance, only with
19 the approval of the public employee. The costs of arbitration
20 shall be shared equally by the parties.
21 Public employees of the state shall follow either the
22 grievance procedures provided in a collective bargaining
23 agreement or a grievance procedure established pursuant to
24 chapter nineteen A (19A) of the Code.
25 Sec. 19. NEW SECTION. IMPASSE PROCEDURES--AGREEMENT OF
26 PARTIES. As the first step in the performance of their duty
27 to bargain, the public employer and the employee organization
28 shall endeavor to agree upon impasse procedures. Such agree-
29 ment shall provide for implementation of these impasse pro-
30 cedures not later than one hundred twenty days prior to the
31 certified budget submission date of the public employer.
32 The cost of all impasse procedures shall be shared equally
33 by the public employer and the employee organization. If
34 the parties fail to agree upon impasse procedures under the
35 provisions of this section, the impasse procedures provided

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1 in sections twenty (20) and twenty-one (21) of this Act shall
2 apply.
3 Sec. 20. NEW SECTION. MEDIATION. In the absence of an
4 impasse agreement between the parties or the failure of either
5 party to utilize its procedures, one hundred twenty days prior
6 to the certified budget submission date, the board shall,
7 upon the request of either party, appoint an impartial and
8 disinterested person to act as mediator. It shall be the
9 function of the mediator to bring the parties together to
10 effectuate a settlement of the dispute, but the mediator may
11 not compel the parties to agree.
12 Sec. 21. NEW SECTION. FINAL OFFER ARBITRATION.
13 1. If the impasse is not resolved through mediation ninety-
14 five days prior to the certified budget submission date, the
15 parties shall notify the board and the parties shall sub-
16 mit the dispute to final-offer arbitration.
17 2. Each party shall submit to the board within four days
18 of notification a final offer on specific impasse items with
19 proof of service of a copy upon the other party. Each party
20 shall also submit a copy of a draft of the proposed collective
21 bargaining agreement to the extent to which agreement has
22 been reached and the name of its selected arbitrator. The
23 parties may continue to negotiate all offers until an agreement
24 is reached or a decision rendered by the panel of arbitrators.
25 3. The panel of arbitrators shall consist of three members
26 appointed in the following manner:
27 a. One member shall be appointed by the public employer.
28 b. One member shall be appointed by the employee organiza-
29 tion.
30 c. One member shall be appointed mutually by the members
31 appointed by the public employer and the employee organiza-
32 tion. The last member appointed shall be the chairman of
33 the panel of arbitrators. No member appointed shall be an
34 employee of the parties.
35 4. If the third member has not been selected within four

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1 days of notification as provided in section twenty (20) of
2 this Act, a list of three arbitrators shall be submitted to
3 the parties by the board. The two arbitrators selected by
4 the public employer and the employee organization shall deter-
5 mine by lot which arbitrator shall remove the first name from
6 the list submitted by the board. The arbitrator having the
7 right to remove the first name shall do so within two days
8 and the second arbitrator shall have one additional day to
9 remove one of the two remaining names. The person whose name
10 remains shall become the chairman of the panel of arbitrators
11 and shall call a meeting within ten days at a location
12 designated by him.
13 5. If a vacancy should occur on the panel of arbitrators,
14 the selection for replacement of such member shall be in the
15 same manner and within the same time limits as the original
16 member was chosen. No final selection under subsection eight
17 (8) of this section shall be made by the board until the
18 vacancy has been filled.
19 6. The panel of arbitrators shall at no time engage in
20 an effort to mediate or otherwise settle the dispute in any
21 manner other than that prescribed in this section.
22 7. From the time of appointment until such time as the
23 panel of arbitrators makes its final determination, there
24 shall be no discussion concerning recommendations for
25 settlement of the dispute by the members of the panel of
26 arbitrators with parties other than those who are direct
27 parties to the dispute. The panel of arbitrators shall have
28 the power to subpoena any persons necessary to arrive at a
29 decision and may conduct formal or informal hearings to discuss
30 offers submitted by both parties.
31 8. The panel of arbitrators may consider, in addition
32 to any other relevant factors, the following factors:
33 a. Past collective bargaining contracts between the par-
34 ties including the bargaining that led up to such contracts.
35 b. Comparison of wages, hours and conditions of employ-

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1 ment of the involved public employees with those of other
2 public employees doing comparable work, giving consideration
3 to factors peculiar to the area and the classifications
4 involved.
5 c. The interests and welfare of the public, the ability
6 of the public employer to finance economic adjustments and
7 the effect of such adjustments on the normal standard of
8 services.
9 9. The chairman of the panel of arbitrators may hold hear-
10 ings and administer oaths, examine witnesses and documents,
11 take testimony and receive evidence, issue subpoenas to compel
12 the attendance of witnesses and the production of records,
13 and to delegate such powers to other members of the panel
14 of arbitrators. The chairman of the panel of arbitrators
15 may petition the district court at the seat of government
16 or of the county in which any hearing is held to enforce the
17 order of the chairman compelling the attendance of witnesses
18 and the production of records.
19 10. A majority of the panel of arbitrators shall select
20 within fifteen days after its first meeting the most reason-
21 able offer, in its judgment, of the final offers on each
22 impasse item submitted by the parties, unless a majority of
23 the panel of arbitrators finds both positions to be
24 unreasonable, then it shall reject the offers of the parties
25 on those items only. The panel of arbitrators shall make
26 public the rejected items and the final offers of both parties
27 and the reasons for rejection. The parties shall then have
28 four days to submit a second offer on the unresolved items
29 to the panel of arbitrators. The panel of arbitrators shall
30 select, within ten days the most reasonable of the second
31 final offers submitted by the parties.
32 11. The panel of arbitrators shall not compromise or alter
33 any of the items in any final offer submitted as provided
34 in subsection two (2) of this section.
35 12. The offer selected by the panel of arbitrators and

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1 items agreed upon by the public employer and the employee
2 organization, shall be deemed to represent the contract between
3 the parties.
4 13. The determination of the panel of arbitrators shall
5 be by majority vote and shall be final and binding subject
6 to the provisions of section seventeen (17), subsection six
7 (6), of this Act. The panel of arbitrators shall give written
8 explanation for its selection and inform the parties of its
9 decision.
10 Sec. 22. NEW SECTION. LEGAL ACTIONS. Any employee
11 organization and public employer may sue or be sued as an
12 entity under the provisions of this Act. Service upon the
13 public employer shall be in accordance with law or the rules
14 of civil procedure. Individual assets of any public official
15 and an employee of an employee organization shall be exempt
16 from judgment.
17 Sec. 23. NEW SECTION. NOTICE AND SERVICE. Any notice
18 required under the provisions of this Act shall be in writing,
19 but service thereof shall be sufficient if mailed by restricted
20 certified mail, return receipt requested addressed to the
21 last known address of the parties, unless otherwise provided
22 in this Act. Refusal of restricted certified mail by any
23 party shall be considered service. Prescribed time periods
24 shall commence from the date of the receipt of the notice.
25 Any party may at any time execute and deliver an acceptance
26 of service in lieu of mailed notice.
27 Sec. 24. NEW SECTION. INTERNAL CONDUCT OF EMPLOYEE
28 ORGANIZATIONS.
29 1. Every employee organization which is certified as a
30 representative of public employees under the provisions of
31 this Act shall file with the board a registration report,
32 signed by its president or other appropriate officer. The
33 report shall be in a form prescribed by the board and shall
34 be accompanied by two copies of the employee organization's
35 constitution and bylaws. A filing by a national or inter-

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1 national employee organization of its constitution and bylaws
2 shall be accepted in lieu of a filing of such documents by
3 each subordinate organization. All changes or amendments
4 to such constitutions and bylaws shall be promptly reported
5 to the board.
6 2. Every employee organization shall file with the board
7 an annual report and an amended report whenever changes are
8 made. The reports shall be in a form prescribed by the board,
9 and shall provide the following information:
10 a. The names and addresses of the organization, any parent
11 organization or organizations with which it is affiliated,
12 the principal officers, and all representatives.
13 b. The name and address of its local agent for service
14 of process.
15 c. A general description of the public employees the
16 organization represents or seeks to represent.
17 d. The amounts of the initiation fee and monthly dues
18 members must pay.
19 e. A pledge, in a form prescribed by the board, that the
20 organization will conform to the laws of the state and that
21 it will accept members without regard to age, race, sex,
22 religion, or national origin.
23 f. A financial report and audit.
24 3. The constitution or bylaws of every employee organiza-
25 tion shall provide that:
26 a. Accurate accounts of all income and expenses shall
27 be kept, and annual financial report and audit shall be
28 prepared, such accounts shall be open for inspection by any
29 member of the organization, and loans to officers and agents
30 shall be made only on terms and conditions available to all
31 members.
32 b. Business or financial interests of its officers and
33 agents, their spouses, minor children, parents, or otherwise,
34 that conflict with the fiduciary obligation of such persons
35 to the organization shall be prohibited.

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1 c. Every official or employee of an employee organization
2 who handles funds or other property of the organization, or
3 trust in which an organization is interested, or a subsidiary
4 organization, shall be bonded. The amount, scope, and form
5 of the bond shall be determined by the board.
6 4. The governing rules of every employee organization
7 shall provide for periodic elections by secret ballot subject
8 to recognized safeguards concerning the equal right of all
9 members to nominate, seek office, and vote in such elections,
10 the right of individual members to participate in the affairs
11 of the organization, and fair and equitable procedures in
12 disciplinary actions.
13 5. The board shall prescribe rules and regulations neces-
14 sary to govern the establishment and reporting of trusteeships
15 over employee organizations. Establishment of such trustee-
16 ships shall be permitted only if the constitution or bylaws
17 of the organization set forth reasonable procedures.
18 6. An employee organization that has not registered or
19 filed an annual report, or that has failed to comply with
20 other provisions of this Act, shall not be certified.
21 Certified employee organizations failing to comply with this
22 Act may have such certification revoked by the board.
23 Prohibitions shall be enforced by injunction upon the petition
24 of the board to the district court of the county in which
25 the violation occurs. Complaints of violation of this section
26 shall be filed with the board.
27 Sec. 25. NEW SECTION. EMPLOYEE ORGANIZATIONS--POLITICAL
28 CONTRIBUTIONS. An employee organization shall not make any
29 contribution out of the funds of the employee organization,
30 either directly or indirectly, to any political party or
31 organization or in support of any political candidate for
32 public office.
33 Any employee organization which violates the provisions
34 of this section or fails to file any required report or
35 affidavit or files a false report or affidavit shall, upon

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1 conviction, be subject to a fine of not more than two thousand
2 dollars.
3 Any person who willfully violates this section, or who
4 makes a false statement knowing it to be false, or who
5 knowingly fails to disclose a material fact shall, upon
6 conviction, be subject to a fine of not more than one thousand
7 dollars or imprisoned for not more than thirty days or shall
8 be subject to both such fine and imprisonment. Each individual
9 required to sign affidavits or reports under this section
10 shall be personally responsible for filing such report or
11 affidavit and for any statement contained therein he knows
12 to be false.
13 Nothing in this section shall be construed to prohibit
14 voluntary contributions by individuals to political parties
15 or candidates.
16 Sec. 26. Chapter nineteen A (19A), Code 1973, is amended
17 by adding the following new section:
18 NEW SECTION. A pay plan established pursuant to this Act
19 shall be altered to the extent necessary and possible in order
20 to reflect an agreement resulting from collective bargaining
21 pursuant to the public employment negotiations Act.
22 Sec. 27. This Act shall become effective on July 1, 1973,
23 but the provisions of this Act relative to the duty to bargain
24 shall not become effective until July 1, 1974.
25 EXPLANATION
26 This bill permits collective bargaining in public
27 employment.
28 The bill gives public employees the right to form and join
29 organizations and to negotiate with public employers. Public
30 employees also have the right to refrain from negotiating
31 or joining an organization.
32 The bill establishes an agency to assist the parties in
33 determining appropriate bargaining units and conducting repre-
34 sentation elections. The agency will also serve as an infor-
35 mation and data center for the public employees and public

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employers. The agency may also assist the parties to a dispute by providing lists of persons qualified to act as mediators and arbitrators.

The bill provides for voluntary and mandatory impasse procedures. As the initial step in bargaining between the parties, the bill directs that the parties negotiate impasse procedures to resolve their disputes. The mandatory impasse procedures provided in the bill become effective only upon the failure to reach an impasse agreement.

The bill also prohibits strikes by public employees.

LSB 1188
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SENATE FILE 531
FISCAL NOTE

Date prepared May 16, 1973

Requested by Senator Taylor.

Prepared in regard to S.F. 531 - An Act relating to public employment relations and providing penalties for violations. Following is the fiscal effect in dollars of the legislative proposal as required by Senate Rule 31.

The following is an estimated yearly cost:

Chairman	$ 26,500
2 Commissioners	47,700
Travel and expenses	2,500
Executive Director	20,000
Office personnel (2)	20,000
IPERS and insurance	3,750
Office supplies, telephone & equipment	5,000
Total	$125,450

The above is the estimated cost of only the public employment relations board. No attempt has been made to estimate the cost to governmental agencies from employee lost time.

Filed
May 16, 1973

GERRY D. RANKIN
Legislative Fiscal Director

AMENDMENT S-562 TO SENATE FILE 531
FISCAL NOTE
SENATE

Date prepared May 16, 1973

Requested by Senator Griffin.

Prepared in regard to Griffin Amendment S-562 to S.F. 531 - An Act relating to public employment relations and providing penalties for violations. Following is the fiscal effect in dollars of the legislative proposal as required by Senate Rule 31.

The following is an estimated yearly cost:

3 Commissioners:	
Chairman	$ 26,500
2 members - $100 per diem (estimate 100 days)	20,000
Travel and expenses	2,500
Executive director	20,000
Office personnel (2)	20,000
IPERS and insurance	1,200
Office supplies, telephone and equipment	5,000
	$ 95,200

The above is the estimated cost of only the public employment relations board. No attempt has been made to estimate the cost to governmental agencies from employee lost time.

Filed
May 16, 1973

GERRY D. RANKIN
Legislative Fiscal Director

SENATE FILE 531

S—562

1 Amend Senate File 531 by striking every-
2 thing after the enacting clause and inserting in lieu
3 thereof the following:
4 Section 1. NEW SECTION. PUBLIC POLICY. The general
5 assembly declares that it is the public policy of this
6 state that:
7 1. The people of this state have a fundamental
8 interest in the development of harmonious and cooperative
9 relationships between government and its employees.
10 2. Public employers recognize the right of public
11 employees to organize and to accept the principle of
12 full communication between public employers and public
13 employee organizations to alleviate various forms of
14 strike and unrest.
15 3. The state has an obligation to protect the public
16 by attempting to assure the orderly and uninterrupted
17 operations and functions of government.
18 4. The status of public employees is not completely
19 comparable to that of private employees because of
20 inherent differences in the employment relationship
21 arising out of the unique fact that the public employer
22 is established by and run for the benefit of all the
23 people and its authority derives not from contract nor
24 the profit motive inherent in the principle of free
25 private enterprise, but arises from the Constitution

1 and statutes.
2 It is the purpose of this Act to obligate public
3 employers, public employees, and their representatives
4 to enter into discussions with affirmative willingness
5 to resolve grievances and disputes relating to wages,
6 salaries, and other economic benefits. It is also the
7 purpose of this Act to promote the improvement of
8 employer-employee relations within state agencies and
9 political subdivisions of the state by providing a
10 uniform basis for recognizing the right of public
11 employees to join organizations of their own choice,
12 or to refrain from joining, and be represented by such
13 organizations in their employment relations and dealings
14 with public agencies.
15 Sec. 2. NEW SECTION. DEFINITIONS. When used in
16 this Act, unless the context otherwise requires:
17 1. "Public employer" means the state of Iowa, its
18 political subdivisions, including school districts and
19 other special purpose districts; and any department,
20 board, commission, or other agency thereof and their
21 representatives.
22 2. "Public employee" means any person employed by
23 a public employer except persons excluded under the
24 provisions of section three (3) of this Act.
25 3. "Employee organization" means an organization

of any kind which includes public employees and which has as one of its purposes the representation of public employees in their employment relations with public employers.

4. "Board" means the public employment relations board.

5. "Governing body" means the legislative body of the public employer or the body possessing legislative powers.

6. "Supervisory employee" means any public employee having authority, in the interest of the public employer, to hire, transfer, suspend, lay off, recal, promote, discharge, assign, reward, or discipline other public employees, or responsibility to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

7. "Meet and confer in good faith" means the process whereby the chief executive of a public employer, or his representatives and representatives of employee organizations have the mutual obligation personally to meet and confer in order to exchange freely information,opinions, and proposals, to endeavor to reach agreement on matters within the scope of

discussions, and to seek by every possible means to implement agreements reached.

8. "Memorandum of agreement" means a written memorandum of understanding arrived at by the representatives of the public employer and an employee organization, which may be presented to the governing body for appropriate action.

9. "Mediation" means effort by an impartial third party to assist in reconciling a dispute regarding wages, salaries, and other economic benefits between the public employer and the employee organization through interpretation, suggestion, and advice.

10. "Fact-finding" means investigation of such a dispute by an individual, panel, or board with the fact-finder submitting a report to the parties describing the issues involved. The report may contain recommendations for settlement and may be made public.

11. "Advisory arbitration" means interpretation of the terms of an existing or a new memorandum of agreement or investigations of disputes by an impartial third party whose decision is not binding upon the parties.

12. "Voluntary arbitration" means a procedure wherein both parties jointly agree to submit their dispute over the interpretation of the terms of an existing agreement

1 or over a new memorandum of agreement to an impartial
2 third party whose decision may be final and binding
3 or advisory and nonbinding, depending on the nature
4 of the initial agreement.
5 13. "Strike" means the failure by concerted action
6 with others to report for duty, the willful absence
7 from one's position, the stoppage of work, or the
8 abstinence in whole or in part from the full, faithful,
9 and proper performance of the duties of employment,
10 or in any matter interferring with the operation of
11 any public employer.
12 14. "Confidential employee" means one whose
13 unrestricted access to confidential personnel files
14 or information concerning the administrative operations
15 of a public employer or whose functional responsibilities
16 or knowledge in connection with the issues involved
17 in the collective negotiations process, would make his
18 membership in the organization incompatible with his
19 official duties.
20 Sec. 3. NEW SECTION. EXCLUSIONS. The following
21 public employees shall be excluded from the provisions
22 of this Act:
23 1. Officials elected by popular vote, and persons
24 appointed to fill vacancies in elective offices, their
25 immediate secretaries, two deputies, and the immediate

1 secretary of each of the two deputies.
2 2. Members and the chief administrative officers
3 of boards and commissions and their immediate
4 secretaries.
5 3. The personal staff of the governor, all persons
6 appointed by the governor and their immediate
7 secretaries.
8 4. Patients and inmates employed, sentenced, or
9 committed to any state or local institution.
10 5. Persons employed permanently by the board.
11 6. Persons employed by the legislative branch of
12 government, office of the attorney general, judges of
13 the supreme court, district judges, district associate
14 judges, and judicial magistrates, and the employees
15 of the judges and courts.
16 7. Officers and enlisted men of the armed services
17 under state jurisdiction.
18 8. All persons whose salaries are set by the general
19 assembly.
20 9. All persons holding a status of student in any
21 state or local institution.
22 10. Persons who regularly work for a public employer
23 less than twenty hours per week or five months per year.
24 11. All persons in a confidential relationship with
25 their public employer.

1 Sec. 4. NEW SECTION. PUBLIC EMPLOYMENT RELATIONS
2 BOARD.
3 1. There is established an autonomous board to be
4 known as the public employment relations board. The
5 governor shall assign the board to an existing agency,
6 except an agency of which he has the unqualified right
7 to discharge the head, for the purpose of administration.
8 The board shall consist of three members appointed by
9 the governor with the approval of two-thirds of the
10 senate. Not more than two members of the board shall
11 be of the same political affiliation.
12 Each member shall be appointed for a term of six
13 years, except that of the members first appointed, one
14 member shall be appointed for a term of two years
15 commencing July 1, 1973 and ending June 30, 1975, one
16 member shall be appointed for a term of four years
17 commencing July 1, 1973 and ending June 30, 1977, and
18 one member shall be appointed for a term of six years
19 commencing July 1, 1973 and ending June 30, 1979. The
20 member first appointed for a term of six years shall
21 serve as chairman and each of his successors shall also
22 serve as chairman.
23 A member appointed to fill a vacancy shall be
24 appointed for the unexpired term of the member he
25 succeeds.

1 2. The members of the board shall be selected on
2 the basis of their knowledge, ability, and experience
3 in the field of labor-management relations.
4 The chairman shall devote full time to the duties
5 of his office and shall receive an annual salary equal
6 to the salary of a district court judge. He shall not
7 be selected on the basis of his political affiliation
8 and shall not engage in any political activity while
9 he holds this position. The remaining two members shall
10 devote such time as is necessary to carry out the duties
11 and responsibilities of the office. Members of the
12 board, except the chairman, shall receive a per diem
13 of one hundred dollars and necessary travel and ex-
14 penses incurred in the performance of their official
15 duties.
16 3. The board may appoint an executive director and
17 employ such other persons as are necessary for the
18 performance of its functions. Personnel of the board
19 shall be employed pursuant to the provisions of chapter
20 nineteen A (19A) of the Code.
21 Sec. 5. NEW SECTION. GENERAL POWERS AND DUTIES
22 OF THE BOARD. The board shall have the power and duty
23 to:
24 1. Make studies and analyses of, and act as a
25 clearinghouse of information relating to conditions

1 of employment of public employees throughout the state.
2 2. Provide technical assistance and training programs
3 to assist public employers in their employment violations
4 with employee organizations.
5 3. Request from any public employer such assistance,
6 services, and data as will enable the board to carry
7 out its functions and powers.
8 4. Establish procedures for the prevention of
9 improper public employer and employee organization
10 practices as provided in section fifteen (15) of this
11 Act, provided that in the case of a claimed violation
12 of subsection two (2), paragraph c, or subsection three
13 (3), paragraph a of section thirteen (13) of this Act,
14 procedures shall provide only for an entering of an
15 order directing the public employer or employee
16 organization to meet and confer in good faith. Pend-
17 ing proceedings under this subsection shall not be used
18 to delay or interfere with determination of
19 representation status pursuant to section nine (9) of
20 this Act or with meeting and conferring. The board
21 shall exercise exclusive nondelegable jurisdiction of
22 the power granted to it by this subsection.
23 5. Establish, after consulting with representatives
24 of employee organizations, public employers and qualified
25 persons representative of the public, to be available

1 to serve as mediators, members of fact-finding boards,
2 or arbitrators.
3 6. Hold such hearings as it deems necessary, to
4 carry out its functions and powers.
5 7. For the purpose of such hearings, administer
6 oaths and affirmations, examine witnesses and documents,
7 take testimony and receive evidence, compel attendance
8 of witnesses and the production of documents by the
9 issuance of subpoenas, and delegate such powers to any
10 member of the board or any person appointed by the board
11 for the performance of its functions. Such subpoenas
12 shall be regulated and enforced under the Iowa rules
13 of civil procedure.
14 8. Make, amend, and rescind, such rules and
15 regulations, including but not limited to those governing
16 its internal organization and operations, and exercise
17 such other powers, as may be appropriate to effectuate
18 the purposes and provisions of this Act pursuant to
19 chapter seventeen A (17A) of the Code.
20 Sec. 6. NEW SECTION. PUBLIC EMPLOYEE RIGHTS.
21 Public employees may form, join, and participate in
22 the activities of employee organizations of their own
23 choosing for the purpose of meeting and conferring with
24 public employers or their representatives with respect
25 to grievances and wages, salaries, and other economic

1 benefits. Public employees may also refuse or fail
2 to join or participate in the activities of employee
3 organizations. A public employee who refuses or fails
4 to join or participate in the activities of employee
5 organizations shall have the right to petition the
6 public employer and the board to resolve grievances
7 and disputes relating to wages, salaries, and other
8 economic benefits.
9 Sec. 7. NEW SECTION. SUPERVISORY EMPLOYEES.
10 Supervisory employees may form, join, and participate
11 in the activities of an employee organization, provided
12 the organization does not include nonsupervisory
13 employees. A public employer shall not extend formal
14 recognition to a supervisory organization for the purpose
15 of meeting and conferring with respect to grievances
16 and conditions of employment, but may consult or
17 communicate with such an organization on appropriate
18 matters. The public employer shall determine whether
19 an individual is to be considered a supervisory or
20 confidential employee under the provisions of this Act,
21 subject to appeal to the board.
22 Sec. 8. NEW SECTION. PUBLIC EMPLOYER RIGHTS.
23 Nothing in this Act is intended to circumscribe or
24 modify the existing right of a public employer to:
25 1. Direct the work of its employees.

1 2. Hire, promote, assign, transfer, and retain
2 employees in positions created by the public employer.
3 3. Demote, suspend, or discharge employees for
4 proper cause.
5 4. Maintain the efficiency of governmental
6 operations.
7 5. Relieve employees from duties because of lack
8 of work or for other legitimate reasons.
9 6. Take actions as may be necessary to carry out
10 the mission of the public employer in emergencies.
11 7. Determine the methods, means, and personnel by
12 which operations are to be carried on.
13 Sec. 9. NEW SECTION. RECOGNITION OF EMPLOYEE
14 ORGANIZATIONS.
15 1. Public employers shall recognize employee
16 organizations for the purpose of representing their
17 members in dealings with such employers. Employee
18 organizations may establish reasonable provisions for
19 an individual's admission to or dismissal from
20 membership.
21 2. Where a public employer has recognized an employee
22 organization or where an organization has been certified
23 by the board as representing a majority of the public
24 employees in an appropriate unit, or recognized formally,
25 pursuant to the provisions of this Act, the public

1 employer shall meet and confer in good faith with the
2 employee organization in the determination of the
3 economic terms and conditions of employment of their
4 public employees and the settlement of grievances, and
5 may enter into a memorandum of agreement with the em-
6 ployee organization.
7 3. When a representational question relating to
8 the designation of an appropriate unit is raised by
9 a public employer, employee organization, or public
10 employee, the board shall, at the request of any of
11 the parties, investigate such question and, after a
12 hearing, rule on the definition of the appropriate unit.
13 In defining the unit, the board shall consider, along
14 with other relevant factors, the principles of efficient
15 administration of government, the existence of a
16 community of interest among public employees, the history
17 and extent of employee organization, geographical
18 location, and the recommendations of the parties
19 involved.
20 4. Following investigation of a question concerning
21 whether an employee organization represents a majority
22 of the public employees in an appropriate unit, the
23 board, at the request of any of the parties, shall
24 examine such question and certify to the parties in
25 writing the name of the representative that has been

1 designated. The filing of a petition for the inves-
2 tigation or certification of a representative by any
3 of the parties shall constitute a question within the
4 meaning of this section. In any such investigation,
5 the board may provide for a hearing, determine voting
6 eligibility, and take a secret ballot of public employees
7 in the appropriate unit involved to ascertain the
8 employee representative for the purpose of formal
9 recognition. If the board has certified a formally
10 recognized employee representative in an appropriate
11 unit, it shall not be required to consider the matter
12 again for a period of one year. The board may promulgate
13 rules and regulations as may be appropriate to carry
14 out the provisions of subsections one (1) and two (2)
15 of this section.
16 Sec. 10. NEW SECTION. RIGHTS ACCOMPANYING FORMAL
17 RECOGNITION.
18 1. A public employer shall extend to a certified
19 or recognized employee organization, the right to
20 represent all the public employees, regardless of
21 membership in the employee organization, in meet and
22 confer proceedings, the settlement of grievances, and
23 the right to unchallenged representation status, for
24 one year following the date of certification or
25 recognition.

1 2. A public employer may extend to the employee
2 organization the right to membership dues deduction,
3 upon presentation of dues deduction authorization cards
4 signed by public employees.
5 3. Representatives of employee organizations may
6 be given time off without loss of compensation during
7 normal working hours to meet and confer with public
8 employers on matters falling within the scope of
9 discussions.
10 Sec. 11. NEW SECTION. PROCEDURES FOR DETERMINING
11 THE RECOGNITION STATUS OF LOCAL EMPLOYEE ORGANIZATIONS.
12 1. Every public employer, other than the state
13 acting through its governing body, may establish
14 procedures, not inconsistent with the provisions of
15 sections nine (9) and ten (10) of this Act and after
16 consultation with employee organizations and employer
17 representatives, to resolve disputes concerning the
18 recognition status of employee organizations composed
19 of public employees.
20 2. In the absence of such procedures, these disputes
21 shall be submitted to the board in accordance with
22 section nine (9) of this Act.
23 Sec. 12. NEW SECTION. SCOPE OF A MEMORANDUM OF
24 AGREEMENT. The memorandum of agreement may extend to
25 all matters with respect to wages, salaries, and other

1 economic benefits. However, the memorandum of agreement
2 shall not include proposals relating to:
3 1. Any subject preempted by federal or state law
4 or municipal ordinance.
5 2. Public employee rights defined in section six
6 (6) of this Act.
7 3. Public employer rights defined in section eight
8 (8) of this Act.
9 4. The authority and power of the merit employment
10 commission or any civil service commission created by
11 statute or ordinance to establish and administer
12 standards dealing with the impartial recruitment of
13 candidates for public employment, to conduct and grade
14 merit examinations, and to rate candidates in the order
15 of their relative excellence from which appointments
16 or promotions may be made to positions in the competitive
17 division of the classified service of the public employer
18 served by the merit employment commission or civil
19 service commission.
20 A memorandum of agreement may contain a grievance
21 procedure including advisory arbitration of unresolved
22 grievances and disputed interpretations of such
23 agreements.
24 Sec. 13. NEW SECTION. IMPLEMENTATION OF A MEMORANDUM
25 OF AGREEMENT. If agreement is reached by the public

1 employer and the employee organization, they shall
2 prepare a memorandum of understanding and, within
3 fourteen days, present it to the governing body for
4 determination. After receiving a report from the chief
5 financial officer of the public employer as to the
6 fiscal effect of the memorandum upon the public employer,
7 the governing body shall consider the memorandum and
8 take appropriate action. If an agreement is reached
9 with an employee organization, the governing body or
10 the public employer shall implement the agreement.
11 If the governing body rejects a proposed memorandum,
12 the matter shall be returned to the parties for further
13 deliberation. An implemented memorandum of agreement
14 shall remain in effect not longer than two years.
15 Sec. 14. NEW SECTION. RESOLUTION OF DISPUTES ARISING
16 IN THE COURSE OF DISCUSSIONS.
17 1. Public employers may include in a memorandum
18 of agreement with employee organizations a provision
19 establishing procedures including mediation, fact-
20 finding, voluntary arbitration, and advisory arbitration,
21 to be involved in the event of disputes which reach
22 an impasse in the course of meet and confer proceedings.
23 For purposes of this section, an impasse shall exist
24 if the parties fail to reach agreement at least one
25 hundred twenty days prior to the budget submission date

1 of the public employer. If no impasse procedures are
2 contained in agreements, resulting in an impasse, either
3 party may request the assistance of the board or the
4 board may render such assistance on its own motion.
5 2. On the request of either party, or upon the
6 board's own motion, if it determines an impasse exists
7 in meet and confer proceedings between a public employer
8 and an employee organization, the board shall aid the
9 parties in effecting a voluntary resolution of the
10 dispute, and appoint a mediator from a list of qualified
11 persons maintained by the board.
12 3. If the parties fail to resolve the impasse through
13 mediation ninety days prior to the budget submission
14 date, the board shall appoint a fact-finding board of
15 not more than three members from a list of qualified
16 persons maintained by the board. The fact-finding board
17 shall conduct hearings, administer oaths, and may request
18 the board to issue subpoenas.
19 The fact-finding board shall make written findings
20 of facts and recommendations for resolution of the
21 dispute and, not later than thirty days prior to the
22 budget submission date, shall serve such findings on
23 the public employer and the employee organization.
24 If the dispute continues ten days after the report is
25 submitted to the parties, the report may be made public

1 by the board.
2 4. If the parties have not resolved the impasse
3 within forty days from the date of appointment of the
4 fact-finding board, the public employer shall submit
5 to the governing body a copy of the findings of fact
6 and recommendations of the fact-finding board, together
7 with its recommendations for settling the dispute.
8 The employee organization may submit to the governing
9 body its recommendations for settling the dispute.
10 The governing body shall conduct a hearing at which
11 the parties shall be required to explain their positions
12 on the findings of the fact-finding board and the
13 governing body shall take such action as it deems to
14 be in the public interest, including the interest of
15 the public employees involved.
16 5. Meet and confer proceedings, mediation, and the
17 deliberative process of fact-finding, and arbitration
18 shall be exempt from the provisions of chapter twenty-
19 eight A (28A) of the Code.
20 6. The costs for mediation services provided by
21 the board shall be paid by the board. All other costs,
22 including that of fact-finding services, shall be shared
23 equally by the parties to a dispute.
24 Sec. 15. NEW SECTION. PROHIBITIED PRACTICES--EVIDENCE
25 OF BAD FAITH.

1 1. Committing a prohibitied practice shall constitute
2 evidence of bad faith in meet and confer proceedings.
3 2. It is a prohibitied practice for a public employer
4 to willfully:
5 a. Interfere, restrain, or coerce public employees
6 in the exercise of rights granted in section six (6)
7 of this Act.
8 b. Dominate, interfere, or assist in the formation,
9 existence, or administration of any employee
10 organizations.
11 c. Encourage or discourage membership in any employee
12 organization, by discrimination in hiring, tenure, or
13 other terms or conditions of employment.
14 d. Discharge or discriminate against a public
15 employee because he has filed any affidavit, petition,
16 or complaint or given any information or testimony under
17 this Act, or because he has formed, joined, or chosen
18 to be represented by any employee organization.
19 e. Refuse to meet and confer with representatives
20 of employee organizations as required in section nine
21 (9) of this Act.
22 f. Deny the rights accompanying certification or
23 formal recognition granted in section ten (10) of this
24 Act.
25 g. Blacklist any employee organization or its members

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1 for the purpose of denying them employment because of
2 their organizational activities.
3 h. Avoid mediation and fact-finding procedures as
4 provided in section fourteen (14) of this Act.
5 3. It shall be a prohibited practice for any public
6 employee or employee organization to willfully:
7 a. Interfere with, restrain, or coerce public
8 employees in the exercise of rights granted in section
9 six (6) of this Act.
10 b. Interfere with, restrain, or coerce a public
11 employer with respect to rights protected in section
12 eight (8) of this Act with respect to selecting a
13 representative for the purposes of meeting and
14 conferring.
15 c. Refuse to meet and confer with a public employer
16 as required in section nine (9) of this Act.
17 d. Avoid mediation and fact-finding procedures
18 provided in section fourteen (14) of this Act.
19 e. Engage in a strike.
20 4. In applying this section, fundamental distinctions
21 between private and public employment shall be
22 recognized, and federal or state law applicable to
23 employer-employee relations in private employment, shall
24 not be regarded as binding or controlling precedent.
25 Sec. 16. NEW SECTION. VIOLATIONS OF PROHIBITED

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1 PRACTICES.
2 1. Any controversy concerning prohibited practices
3 may be submitted to the board. Proceedings against
4 the party alleged to have committed a prohibited practice
5 shall be commenced by service of written notice by the
6 board, together with a copy of the charges. The accused
7 party shall have seven days within which to serve a
8 written answer to such charges. The parties shall be
9 permitted to be represented by counsel and to summon
10 witnesses in their behalf at the board hearing.
11 Compliance with the technical rules of evidence shall
12 not be required. The board may exercise its powers
13 to adopt any rules it deemes necessary to carry on this
14 function.
15 2. The board shall state its findings of facts upon
16 all the testimony and shall dismiss the complaint or
17 determine that a prohibited practice has been or is
18 being committed. If the board finds that the party
19 accused has committed or is committing a prohibited
20 practice, the board shall petition the district court
21 to punish such violation, and shall file with the
22 district court the record in the proceedings. Any
23 person aggrieved by a final order of the board may ob-
24 tain a review of the order in the district court by
25 filing a complaint requesting that the order of the

1 board be modified or set aside. The aggrieved party
2 shall file a copy of the complaint with the board and
3 a copy of the record in the proceedings, certified by
4 the board, shall be filed with the district court.
5 Findings of the board as to the facts shall be conclusive
6 unless the findings of fact are not supported by
7 substantial evidence.
8 Sec. 17. NEW SECTION. INTERNAL CONDUCT OF PUBLIC
9 EMPLOYEE ORGANIZATIONS.
10 1. Every employee organization which has or seeks
11 recognition as a representative of public employees
12 of this state and of its political subdivisions shall
13 file with the board a registration report, signed by
14 its president or other appropriate officer, within
15 ninety days after the effective date of this Act. Such
16 report shall be in a form prescribed by the board and
17 shall be accompanied by two copies of the employee
18 organization's constitution and bylaws. A filing by
19 a national or international employee organization of
20 its constitution and bylaws shall be accepted in lieu
21 of a filing of such documents by each subordinate
22 organization. All changes or amendments to such
23 constitutions and bylaws shall be promptly reported
24 to the board.
25 2. Every employee organization shall file with the

1 board an annual report. The report shall be in a form
2 prescribed by the board, and shall provide the following
3 information.
4 a. The name and address of the organization, any
5 parent organization with which it is affiliated, its
6 principal officers, and its representatives.
7 b. The name and address of its local agent for
8 service of process.
9 c. A general description of the public employees
10 or groups of employees the organization represents or
11 seeks to represent.
12 d. The amount of the initiation fee and monthly
13 dues members shall pay.
14 e. A pledge, in a form prescribed by the board,
15 that the organization will conform to the laws of the
16 state and that it will accept members without regard
17 to age, race, sex, religion, or national origin.
18 f. A financial report and audit.
19 3. The constitution or bylaws of every employee
20 organization shall provide that:
21 a. Accurate accounts of all income and expenses
22 shall be kept, an annual financial report and audit
23 shall be prepared, such accounts shall be open for
24 inspection by any member of the organization, and loans
25 to officers and agents shall be made only on terms and

1 conditions available to all members.
2 b. Business or financial interests of its officers
3 and agents, their spouses, minor children, and parents,
4 that conflict with the fiduciary obligation of such
5 persons to the organization shall be prohibited.
6 c. Every officer or employee of an employee
7 organization who handles funds or other property of
8 the organization, or trust in which an organization
9 is interested, or a subsidiary organization, shall be
10 bonded. The amount and form of the bond shall be
11 determined by the board.
12 4. The governing rules of every employee organization
13 shall provide for:
14 a. Periodic elections by secret ballot subject to
15 recognized safeguards concerning the equal right of
16 all members to nominate, seek office, and vote in such
17 elections.
18 b. The right of individual members to participate
19 in the affairs of the organization.
20 c. Fair and equal treatment of its members.
21 d. The right of any member to sue the organiza-
22 tion.
23 e. Fair and equitable procedures in disciplinary
24 actions.
25 5. The board shall prescribe such rules and

1 regulations as may be necessary to govern the
2 establishment and reporting of trusteeships over employee
3 organizations. Establishment of such trusteeships shall
4 be permitted only if the constitution or bylaws of the
5 organization set forth reasonable procedures.
6 6. An employee organization that has not registered
7 or filed an annual report, or that has failed to comply
8 with other provisions of this Act, shall not be
9 recognized for the purpose of meeting and conferring
10 with any public employer regarding the terms and
11 conditions of employment of its members. Recognized
12 employee organizations failing to comply with the
13 provisions of this Act may have its recognition revoked
14 by the board. All proceedings under this subsection
15 shall be conducted pursuant to rules adopted by the
16 board. Complaints of violation of this Act shall be
17 filed with the board.
18 Sec. 18. NEW SECTION. LEGAL ACTIONS. Any employee
19 organization and any public employer may sue or be sued
20 as an entity. Service upon any officer of an employee
21 organization shall constitute service upon the
22 organization. Service upon the public employer shall
23 be in accordance with law or the rules of civil
24 procedure. Any judgment obtained against an employee
25 organization or public employer shall be enforceable

as to the assets of the employee organization or public employer only, and the individual assets of any public employee or public official shall be exempt. Appeal from the judgment of the board shall be to the supreme court, or a panel of judges which the chief justice may appoint.

Sec. 19. NEW SECTION. It shall be unlawful for any employee organization that has been recognized or certified as an exclusive bargaining agent in conformity with this Act to support, endorse, or oppose, directly or indirectly, any political candidate, or to expend, directly or indirectly, any of its funds to promote or oppose any political candidacy, or to provide goods, services, or any other thing of value to any political party or political organization.

Notwithstanding any provision in this Act to the contrary, no employee organization that has been recognized or certified as an exclusive bargaining agent in conformity with this Act which is in violation of this section shall be entitled to recognition or certification, or to the continuance of any prior recognition or certification as a representative of any public employees and there shall be no duty on the part of any public employer to bargain with any such employee organization which is in violation of this

section.

Any violation of this section shall be deemed to be a misdemeanor and any officer, director, trustee or other agent of any employee organization that has been recognized or certified as an exclusive bargaining agent in conformity with this Act who aids, abets, causes or knowingly permits a violation of this section shall likewise be guilty of a misdemeanor and shall be punished accordingly.

Sec. 20. Chapter nineteen A (19A), Code 1973, is amended by adding the following new section:

NEW SECTION. A pay plan established pursuant to this Act shall be altered to the extent necessary and possible in order to reflect an agreement resulting from meeting and conferring pursuant to this Act if the agreement is approved by the general assembly.

Sec. 21. EFFECTIVE DATES. The provisions of this Act relative to the duty to bargain shall not be effective until July 1, 1973 for state employees and shall not be effective until January 1, 1974 for all other public employees. If the governor determines that the administrative machinery is not available to effectively allow collective bargaining by the public employer or public employees, he may by executive order delay application of the provisions of this Act as they

may affect state employees for an additional period of time, but in no event later than July 1, 1974.

S—562 Filed
May 10, 1973

By GRIFFIN

EXPLANATION

The bill provides for a meet and confer law for the purpose of resolving disputes between public employers and employee organizations representing public employees.

Section 1 states the public policy of the General Assembly.

Section 2 defines the terms used throughout the bill.

Section 3 lists the groups of public employees excluded from the provisions of the bill.

Section 4 creates a Public Employment Relations Board composed of three members appointed by the Governor with the approval of two-thirds of the Senate. Members are appointed for a term of six years, except that the initial appointees shall serve terms of two, four, and six years, respectively. The chairman of the board is the only full-time member and receives a salary comparable to that of a district court judge. The remaining two members serve as needed receiving a one hundred dollar per diem and expenses.

Section 5 outlines the duties of the board which includes administrative functions and the authority to resolve disputes.

Section 6 authorized public employees to form, join, and participate in, or to refrain from joining or participating in, employee organizations for the purpose of meeting and conferring with public employers. A public employee who is not a member of an employee organization also is given the right to petition a public employer to resolve grievances and disputes.

Section 7 permits supervisory employees to join and participate in employee organizations which do not include nonsupervisory employees. The section prohibits the public employer from extending formal recognition to employee organizations of supervisory personnel but permits informal consultation at the discretion of the public employer.

Section 8 guarantees certain traditional public employer rights under the bill.

Section 9 provides procedures for the formal recognition of employee organizations by the public

employer. It also provides that the public employment relations board may determine the appropriate bargaining unit.

Section 10 outlines the rights accompanying recognition of an employee organization, including authority for the public employer to make dues checkoffs and giving representatives of the employee organization time off during normal working hours without loss of compensation to meet and confer with the public employer.

Section 11 contains alternative procedures for determining the recognition of local employee organizations allowing public employers, other than the state, to determine their own procedures for such determination.

Section 12 outlines the matters which may be included in a memorandum of agreement.

Section 13 outlines the procedures for implementing a memorandum of agreement.

Section 14 provides the machinery for resolving disputes arising in the course of discussions, including mediation and fact-finding. The impasse procedures established by the bill shall be used only in the event the parties fail to agree upon procedures of their own. The public employer and employee organization may agree upon mediation, fact-finding, advisory arbitration, and voluntary arbitration. Voluntary arbitration includes final-offer arbitration by definition. The section also exempts meet and confer and dispute settlement procedures from the open meeting law.

Section 15 lists prohibits practices for public employers, public employees, and employee organizations. The section states that the application of the section shall recognize the distinction between public employment and private employment and that no law applicable to private employment shall be binding or controlling in public employment relations. The section also prohibits strikes.

Section 16 outlines procedures for handling violations.

Section 17 provides for the regulation of the internal organization of an employee organization, including safeguards over the conduct or organizational elections, regulation of trusteeships and fiduciary responsibilities or organizational officers, and maintenance of accounting and fiscal controls.

Section 18 provides that public employers and employee organizations may sue or be sued.

Section 19 prohibits an employee organization from engaging in political activities.

Section 20 provides that the merit employment commission shall adjust pay plans to reflect agreements of public employers and employee organizations which have been approved by the governing body.

Section 21 provides for the effective dates of the bill.

S—606
1 Amend Senate File 531 as follows:
2 1. Page 3, by striking line 35, and page 4, by striking
3 line 1, and inserting in lieu thereof the following:
4 "4. Employees having the status of student, and part-
5 time employees who work less than twenty hours per week."
6 2. Page 12, by striking lines 2 and 3, and inserting in
7 lieu thereof the following: "employee, or employee organiza-
8 tion."
9 3. Page 12, lines 4 and 5, by striking the words "or notice
10 to all interested parties if on its own initiative".
11 4. Page 12, line 12, by inserting after the word "employees"
12 the words ",professional and labor market considerations
13 which mitigate against the community of interest".
14 5. Page 12, line 14, by inserting after the word "involved"
15 the words ";provided, however, that bargaining units for
16 employees of the board of regents shall not extend beyond
17 each institution under the control of the board".
18 6. Page 16, line 5, by inserting after the word "Act" the
19 words "and except that collective bargaining with employees
20 of the board of regents shall be conducted by the board or
21 its designee".

S—606 Filed and lost By LAMBORN
May 16, 1973

S—607
1 Amend Senate File 531, page 6, line 19 by inserting
2 after the word "Take" the words "such extraordinary".

S—607 Filed and adopted By DE KOSTER
May 16, 1973

S—612
1 Amend Senate File 531, page 15, as follows:
2 1. Line 24, by striking the word "joint".
3 2. By striking lines 25 and 26 and inserting in lieu
4 thereof the following: "of the panel of arbitrators, if
5 said agreement has been determined by such panel, that
6 funds be made available. Failure to obtain the necessary
7 funds".

S—612 Filed and lost By McCARTNEY
May 16, 1973

S—613
1 Amend Senate File 531, page 11, line 2, by inserting
2 after the word "employer" the words "or any affected
3 citizen of Iowa".

S—613 Filed and lost By WINKELMAN
May 16, 1973

S—589

1 Amend Senate File 531 by striking everything after the enact-
2 ing clause and inserting in lieu thereof the following new
3 sections:
4 Section 1. NEW SECTION. PUBLIC POLICY. It is the public
5 policy of this state to promote an orderly and constructive re-
6 lationship between all public employers and public employees sub-
7 ject to the paramount right of the citizens of this state for the
8 protection of their health, safety, and welfare. Unresolved dis-
9 putes between public employers and public employees are injurious
10 to the public and adequate means must be provided to resolve
11 these differences. A harmonious relationship between the public
12 employer and the public employee is necessary for the protection
13 of all persons and this relationship will be facilitated by stat-
14 ing that public employers shall bargain collectively with em-
15 ployee organizations representing public employees and when
16 mutually agreed upon to enter into formal agreements and by pro-
17 viding for the protection of the rights of the public employee,
18 public employer, and the general public.
19 Sec. 2. NEW SECTION. TITLE. This Act shall be cited as the
20 "Public Employment Negotiations Act".
21 Sec. 3. NEW SECTION. DEFINITIONS. When used in this Act,
22 unless the context otherwise requires:
23 1. "Public employer" means the state of Iowa, its political
24 subdivisions, including school districts and other special pur-
25 pose districts; and any department, board, commission, or other

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1 agency thereof.
2 2. "Public employee" means any person employed by a public
3 employer.
4 3. "Employee organization" means an organization of any kind
5 which includes public employees and which has as one of its pur-
6 poses the representation of public employees in their employment
7 relations with public employers.
8 4. "Confidential employee" means one whose unrestricted
9 access to confidential personnel files or information concerning
10 the administrative operations of a public employer or whose
11 functional responsibilities or knowledge in connection with the
12 issues involved in the collective bargaining process, would make
13 his membership in the employee organization incompatible with his
14 official duties.
15 Sec. 4. NEW SECTION. EXCLUSIONS. The following public em-
16 ployees shall be excluded from the provisions of this Act:
17 1. Officials elected by popular vote, and persons appointed
18 to fill vacancies in elective offices, their immediate secretar-
19 ies, two deputies, and the immediate secretary of each of the two
20 deputies.
21 2. Members and the chief administrative officers of boards
22 and commissions and their immediate secretaries.
23 3. The personal staff of the governor, all persons appointed
24 by the governor and their immediate secretaries.
25 4. The professional teaching personnel at the institutions

1 under the control of the state board of regents.
2 5. Persons employed by the legislative branch of government,
3 office of the attorney general, judges of the supreme court, dis-
4 trict judges, district associate judges, and judicial magistrates,
5 and the employees of the judges and courts.
6 6. Officers and enlisted men of the armed services under
7 state jurisdiction.
8 7. All persons whose salaries are set by the general assembly.
9 8. All persons holding a status of student in any state or
10 local institution.
11 9. Persons who regularly work for a public employer less than
12 twenty hours per week or five months per year.
13 10. All persons in a confidential relationship with their
14 public employer.
15 Sec. 5. NEW SECTION. PUBLIC EMPLOYEE RIGHTS. Public employees
16 shall have the right to form, join, or assist any employee organi-
17 zation and to be represented by it for the purpose of collective
18 bargaining with public employers, provided that membership in any
19 employee organization shall not be required as a condition of
20 employment or retention of employment. Public employees who are
21 not members of a public employee organization may petition independently
22 with the public employer.
23 Sec. 6. NEW SECTION. PUBLIC EMPLOYER RIGHTS. Public em-
24 ployers may recognize, bargain collectively, and contract with
25 employee organizations concerning the wages, salaries, hours,
26 periods of employment, dues checkoff, and other economic benefits

1 of public employees represented by an employee organization.
2 Nothing in this section shall diminish the authority and power
3 of the merit employment department or any civil service commis-
4 sion established by constitutional provision, statute, charter or
5 special act to recruit employees, prepare, conduct, and grade
6 examinations, rate candidates in order of their relative scores
7 for certification for appointment or promotion or for other mat-
8 ters of classification, reclassification or appeal rights in the
9 classified service of the public employer served.
10 The public employee retirement systems provided under chapters
11 ninety-seven A (97A), ninety-seven B (97B), four hundred ten
12 (410), and four hundred eleven (411) of the Code shall be ex-
13 cluded from the scope of negotiations.
14 Nothing in this Act is intended to circumscribe or modify the
15 existing right of a public employer to:
16 1. Direct the work of its employees.
17 2. Hire, promote, assign, transfer, and retain employees in
18 positions created by the public employer.
19 3. Demote, suspend, or discharge employees for proper cause.
20 4. Maintain the efficiency of governmental operations.
21 5. Relieve employees from duties because of lack of work or
22 for other legitimate reasons.
23 6. Take actions as may be necessary to carry out the mission
24 of the public employer in emergencies.
25 7. Determine the methods, means, and personnel by which

1 operations are to be carried on.
2 Sec. 7. NEW SECTION. BARGAINING PERMISSIVE. Public employers
3 may enter into collective bargaining agreements with employee
4 organizations as the exclusive representatives of the public em-
5 ployees in such bargaining units as the public employers shall
6 find to be appropriate for bargaining purposes, provided that any
7 such employee organization shall represent at least a majority of
8 the public employees in any such unit.
9 Sec. 8. NEW SECTION. RULES AND REGULATIONS. Public employ-
10 ers and public employees may mutually adopt reasonable rules and
11 regulations necessary or appropriate for purposes of this Act,
12 including:
13 1. The determination of appropriate or exclusive bargaining
14 units.
15 2. Methods for collective bargaining and the resolution of
16 disputes.
17 3. Such other purposes as may be necessary to carry out the
18 purposes of the Act.
19 Sec. 9. NEW SECTION. LENGTH OF CONTRACTS. The terms of
20 collective bargaining agreements between public employers and
21 employee organizations shall not exceed three years.
22 Sec. 10. NEW SECTION. EMPLOYEE ORGANIZATIONS--POLITICAL
23 CONTRIBUTIONS. An employee organization shall not make any con-
24 tribution out of the funds of the employee organization, either
25 directly or indirectly, to any political party or organization

1 or in support of any political candidate for public office.
2 Any employee organization which violates the provisions of
3 this section or fails to file any required report or affidavit or
4 files a false report or affidavit shall, upon conviction, be sub-
5 ject to a fine of not more than two thousand dollars.
6 Any person who willfully violates this section, or who makes
7 a false statement knowing it to be false, or who knowingly fails
8 to disclose a material fact shall, upon conviction, be subject
9 to a fine of not more than one thousand dollars or imprisoned for
10 not more than thirty days or shall be subject to both such fine
11 and imprisonment. Each individual required to sign affidavits
12 or reports under this section shall be personally responsible for
13 filing such report or affidavit and for any statement contained
14 therein he knows to be false.
15 Nothing in this section shall be construed to prohibit volun-
16 tary contributions by individuals to political parties or
17 candidates.

S—589 Filed- For File By TAYLOR
May 15, 1973

S—596
Division S-596A

1 Amend Senate File 531 as follows:
2 1. Page 3, by inserting after line 15 the following:
3 "10. 'Professional employee' means -
4 a. Any employee engaged in work
5 (1) predominately intellectual and varied in
6 character as opposed to routine mental, mechanical, manual or
7 physical work;
8 (2) involving the consistent exercise of dis-
9 cretion and judgment in its performance;
10 (3) of such a character that the output produced
11 or the result accomplished cannot be standardized in relation
12 to a given period of time;
13 (4) requiring knowledge of an advanced type in a
14 field of science or learning customarily acquired by a
15 prolonged course of specialized intellectual instruction and
16 study in an institution of higher learning or a hospital,
17 as distinguished from a general academic education or from
18 an apprenticeship or from training in the performance of
19 routine mental, manual, or physical processes; or
20 b. any employee who
21 (1) has completed the courses of specialized
22 intellectual instruction and study described in subparagraph
23 4 of paragraph a, or
24 c. any employee who is registered as a qualified
25 professional by a board of registration under the laws of

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1 the state of Iowa."
2 2. Page 12, by inserting after line 16 the following:
3 4. Professional and nonprofessional employees shall
4 not be included in the same bargaining unit unless a majority
5 of both agree.

Division S-596B

6 3. Page 16, by inserting after line 5 the following:
7 "9. Nothing in this law shall preclude an agency from
8 consulting or dealing with any lawful organization not
9 certified as a bargaining representative with respect to
10 matters or policies which involve individual members of the
11 organization or are of particular applicability to it or its
12 members, when such consultations or dealings are duly limited
13 so as not to assume the character of collective bargaining
14 on matters of general employee-management policy or to
15 extend to areas where recognition of the interests of one
16 employee group may result in discrimination against or
17 injury to the interest of other employees."

S—596 Filed By SCHWENGELS
Division S-596A lost
Division S-596B lost
May 16, 1973

S—597
1 Amend the Lamborn amendment S-572, to Senate File 531, as
2 follows:
3 1. Line 3, by striking the words "collective bargaining".
4 2. Line 10, by striking the words "a collective bargaining"
5 and inserting in lieu thereof the word "an".

S—597 Filed and adopted By LAMBORN
May 16, 1973

S—592
1 Amend Senate File 531, page 22, as follows:
2 1. Line 29, by inserting before the word "contribution"
3 the words "direct or indirect".
4 2. Line 29, by striking the comma.
5 3. Line 30, by striking the words "either directly or
6 indirectly,".

S—592 Filed - Adopted 5/16 By MURRAY and ROBINSON
May 15, 1973

S—591
1 Amend the Lamborn Amendment, S-571, to Senate File 531
2 as follows:
3 1. By striking lines 5 and 6 and inserting in lieu thereof
4 the following:
5 9. Persons employed by the Iowa General Assembly and
6 the state department of justice.
7 2. By striking lines 7 and 8 and inserting in lieu thereof
8 the following:
9 10. The personal staff of the governor.

S—591 Filed - Adopted 5/16 By MURRAY and ROBINSON
May 15, 1973

S—590
1 Amend Senate File 531 as follows:
2 1. Page 10, line 35, by inserting after the period the words "A strike
3 may be deemed to exist when fifteen percent or more of the public
4 employees in an appropriate bargaining unit are absent from their
5 place of employment at the same time."
6 2. Page 11, line 10, by striking the word "may" and inserting
7 in lieu thereof the word "shall".
8 3. Page 11, line 14, by striking the words "not to exceed"
9 and inserting in lieu thereof the words "of not less than".
10 4. Page 11, by inserting after line 33 the following new
11 paragraph:
12 The compensation of any public employee who participates in a
13 strike shall not be increased until after the expiration of one
14 year from the date the public employee participated in the strike.

S—590 Filed - ~~Adopted 5/16~~ ~~Lost 5/16~~ By TIEDEN
May 15, 1973

S—605

Amend Senate File 531 as follows:

1. Page 8, line 33, by striking the word "twenty" and inserting in lieu thereof the word "ten".

2. Page 9, line 3, by striking the words "and to summon witnesses" and inserting in lieu thereof the words ", summon witnesses, and request the board to subpoena witnesses on the requestor's behalf".

3. Page 9, line 10, by striking the word "shall" and inserting in lieu thereof the word "may".

4. Page 9, line 11, by inserting after the word "novo" the words "or upon the record as submitted before the hearing officer, utilizing procedures governing appeals to the district court in this section so far as applicable".

5. Page 9, line 24, by striking the word "thirty" and inserting in lieu thereof the word "ten".

6. Page 10, line 10, by striking the words "the substantive" and inserting in lieu thereof the word "substantial".

7. Page 10, line 11, by inserting after the word "record" the word "considered".

8. Page 18, lines 27 through 29, by striking the words "shall have the power to subpoena any persons necessary to arrive at a decision and".

S—605 Filed and adopted By MURRAY
May 16, 1973

S—604

Amend Senate File 531 as follows:

1. Page 6, line 33, by inserting after the word "type." the following:

"A public employee who refuses or fails to join or participate in the activities of employee organizations shall have the right to petition the public employer to resolve grievances and disputes relating to wages and hours."

S—604 Filed and lost By WINKELMAN, TIEDEN and CURTIS
May 16, 1973

S—601

Amend Senate File 531 as follows:

1. Page 17, by striking lines 12 through 35, page 18, by striking lines 1 through 35, page 19, by striking lines 1 through 35, and page 20, by striking lines 1 through 9, and by inserting in lieu thereof the following:

Sec. 21. NEW SECTION. FACT-FINDING. If the impasse is not resolved through mediation ninety-five days prior to the certified budget submission date, the board shall appoint a fact-finding board of not more than three (3) members, each representative of the public, from a list of qualified persons maintained by the board. The fact-finding board shall conduct a hearing, may administer oaths, and may request the board to issue subpoenas. It shall make written findings of fact and recommendations for resolution of the dispute and, not later than fifteen days from the day of its appointment, shall serve such findings and recommendations on the parties. If the dispute continues ten days after the report is submitted to the parties, it shall be made public by the board. Thereafter, the public employer shall take such action as it deems to be in the public interest.

S—604 Filed and withdrawn By POTTER, McCARTNEY and CURTIS
May 16, 1973

S—598

Division S-598A

1 Amend Senate File 531 as follows:

2 1. Page 7, lines 4 and 5, by striking the words "terms
3 authorizing dues checkoff for members of the employee organiza-
4 tion and".

Division S-598B

5 2. Page 7, by inserting after line 10 the following new
6 paragraph:

7 The public employer may provide for dues checkoff for members
8 of an employee organization, but such determination shall be
9 discretionary on the public employer and shall not be included
10 within the scope of negotiations.

S—598 Filed By RAMSEY
division S-598A lost
division S-598B withdrawn
May 16, 1973

S—595

1 Amend the Griffin Amendment S-562, to Senate File 531, as
2 follows:

3 1. Page 27, by inserting the following after line 6:

4 "2. In the event of a strike by public employees, the pub-
5 lic employer or any affected citizen of Iowa may petition
6 the district court in and for the county in which the strike
7 occurs or the district court of Polk county for an injunction
8 against the public employees, individually or collectively,
9 and their certified employee organization pursuant to chapter
10 six hundred sixty-four (664) of the Code. Upon the district
11 court's determination that a strike exists, the court shall
12 forthwith enjoin the striking public employees from the
13 continuation of the strike. Failure to comply with a court
14 order enjoining a strike shall constitute a contempt
15 punishable pursuant to chapter six hundred sixty-five (665) of
16 the Code and in addition the court may, upon a finding that
17 the employee organization has violated subsection three (3),
paragraph e
18 of section fifteen (15) of this Act, suspend and enjoin the
certi-
19 fication of the employee organization as the exclusive repre-
20 sentative of the bargaining unit involved for a period not to
21 exceed twelve months. During the period of decertification,
22 a public employer may discontinue dues checkoff for the employee
23 organization. The remedies provided in this section shall be
24 in addition to any other legal or equitable remedy."

25 2. By correcting internal numbering and references.

S—595 Filed and adopted By GRIFFIN
May 16, 1973

S—588
1 Amend Senate File 531, page 11, line 15 by striking the word
2 "may" and inserting in lieu thereof the word "shall."

S—588 Filed - [illegible] By TAYLOR
May 15, 1973

S—587
1 Amend Senate File 531, page 4, by inserting after line
2 8 the following new subsection:
3 8. Professional teaching personnel at any institution
4 under the jurisdiction of the state board of regents.

S—587 Filed - [illegible] By TAYLOR
May 15, 1973

S—586
1 Amend Senate File 531 as follows:
2 1. Page 20, by inserting after line 9 the following new
3 section:
4 "Sec. ____. NEW SECTION. Regardless of the provisions of this
5 Act, the authority of a city council, under the provisions
6 of chapter one thousand eighty-eight (1088), Acts of the
7 Sixty-fourth General Assembly, 1972 Session, or any local tax
8 certifying or levying board, under the provisions of chapter
9 twenty-four (24) of the Code, shall be retained to reduce any
10 item or items of expenditure proposed in its budget when any
11 taxpayer of the taxing district appears at the public budget
12 hearing and presents an objection to the item or items of
13 expenditure proposed in the budget."
14 2. By renumbering the remaining sections.

S—586 Filed - [illegible] By TAYLOR
May 15, 1973

S—583
1 Amend Senate File 531, page 11, by inserting after line
2 33 the following new subsection:
3 "4. Any public employee who participates in a strike
4 or work stoppage shall forfeit all merit employment rights
5 and all other rights, benefits and privileges which he
6 enjoys as a result of his employment; however, the right
7 of a public employee to cease work shall not be abridged
8 so long as the public employee is not acting in concert
9 with other public employees in an organized work stoppage."

S—583 Filed - [illegible] By SCHWENGELS, POTTER, CURTIS,
May 15, 1973 BERGMAN, McCARTNEY and
TAYLOR

S—581
1 Amend Senate File 531, page 7, by striking lines 3
2 through 10, inclusive, and inserting in lieu thereof the
3 following: "with respect to wages and hours."

S—581 Filed - [illegible] By CURTIS, GRIFFIN,
May 15, 1973 TIEDEN and BERGMAN

S—568
1 Amend Senate File 531, page 2, line 16, by inserting
2 after the word "district" the following: ", except
3 that this definition shall not include hospitals".

S—568 Filed - [illegible] By CURTIS and NYSTROM
May 14, 1973

S—569
1 Amend Senate File 531 as follows:
2 1. Page 9, line 12, by inserting the word "certified"
3 after the word "a".

S—569 Filed - Adopted [illegible] By SCHWIEGER
May 14, 1973

S—571
1 Amend Senate File 531, page 4, by adding after line 8 the fol-
2 lowing new subsections:
3 8. Patients and inmates employed, sentenced, or committed
4 to any state or local institution.
5 9. Persons employed by the legislative branch of govern-
6 ment, and office of the attorney general.
7 10. The personal staff of the governor, all persons ap-
8 pointed by the governor and their immediate secretaries.

S—571 Filed - Adopted as amended by S-541 [illegible] By LAMBORN
May 14, 1973

S—572
1 Amend Senate File 531, page 7, by adding after line 10, the
2 following new paragraph:
3 "Each collective bargaining agreement between a public em-
4 ployer and an employee organization shall provide that in the
5 administration of all matters covered by the agreement, public
6 employers and employees shall be governed by existing and future
7 laws, by published public employer policies and regulations in
8 existence at the time the agreement was approved, or by subse-
9 quently published public employer policies and regulations re-
10 quired by law. However, a collective bargaining agreement shall
11 not include proposals relating to public employer rights defined
12 in section seven (7) of this Act, nor to public employee rights
13 defined in section eight (8) of this Act."

S—572 Filed - [illegible] By LAMBORN
May 14, 1973

S—577
1 Amend Senate File 531, page 5, line 9, by striking
2 the word "ninety" and inserting in lieu thereof the word
3 "eighty".

S—577 Filed - [illegible] By HULTMAN
May 15, 1973

S—579
1 Amend Senate File 531, page 16, line 14 by striking
2 the words "Negotiated procedures" and inserting in lieu
3 thereof the words "An arbitrator's decision on a
4 grievance".

S—579 Filed - Adopted By ROBINSON
May 15, 1973

May 17, 1973

SENATE FILE 531

By COMMITTEE ON HUMAN AND INDUSTRIAL RELATIONS

SENATE AMENDMENTS SHOWN IN BOLD FACE

(AS PASSED BY THE SENATE)

Passed Senate, Date 4-4-74 (1193) per House amendment Passed House, Date 3-7-74 (834)

Vote: Ayes 50 **Nays** 20 Vote: Ayes 56 Nays 43

Approved 4-23-74

A BILL FOR

1 An Act relating to public employment relations and providing
2 penalties for violations.
3 *Be It Enacted by the General Assembly of the State of Iowa:*

1 Section 1. *NEW SECTION.* PUBLIC POLICY. The general
2 assembly declares that it is the public policy of the state
3 to promote harmonious and cooperative relationships between
4 government and its employees by permitting public employees
5 to organize and bargain collectively and to protect the citi-
6 zens of this state by assuring effective and orderly opera-
7 tions of government in providing for their health, safety,
8 and welfare.

9 Sec. 2. *NEW SECTION.* TITLE. This Act shall be known
10 as the "Public Employment Relations Act".

11 Sec. 3. *NEW SECTION.* DEFINITIONS. When used in this
12 Act, unless the context otherwise requires:

13 1. "Public employer" means the state of Iowa, its boards,
14 commissions, agencies, departments, and its political subdi-
15 visions including school districts and other special purpose
16 districts.

17 2. "Public employee" means any individual employed by
18 a public employer, except individuals exempted under the pro-
19 visions of section four (4) of this Act.

20 3. "Employee organization" means an organization of any
21 kind in which public employees participate and which exists
22 for the primary purpose of representing public employees in
23 their employment relations.

24 4. "Board" means the public employment relations board
25 established under section five (5) of this Act.

26 5. "Strike" means a public employee's refusal, in con-
27 certed action with others, to report to duty, or his willful
28 absence from his position, or his stoppage of work, or his
29 abstinence in whole or in part from the full, faithful, and
30 proper performance of the duties of employment, for the pur-
31 pose of inducing, influencing, or coercing a change in the
32 conditions, compensation, rights, privileges, or obligations
33 of public employment.

34 6. "Confidential employee" means any public employee who
35 works in the personnel office of a public employer or who

1 has access to information subject to use by the public employer
2 in negotiating or who works in a close continuing working
3 relationship with public officers or representatives associ-
4 ated with negotiating on behalf of the public employer.
5 7. "Mediation" means assistance by an impartial third
6 party to reconcile an impasse between the public employer
7 and the employee organization through interpretation, sugges-
8 tion, and advice.
9 8. "Arbitration" means the procedure whereby the parties
10 involved in an impasse submit their differences to a third
11 party for a final and binding decision or as provided in this
12 Act.
13 9. "Impasse" means the failure of a public employer and
14 the employee organization to reach agreement in the course
15 of negotiations.
16 Sec. 4. *NEW SECTION.* EXCLUSIONS. The following public
17 employees shall be excluded from the provisions of this Act:
18 1. Elected officials and persons appointed to fill vacan-
19 cies in elective offices, and members of any board or commis-
20 sion.
21 2. Representatives of a public employer, including the
22 administrative officer, director, or chief executive officer
23 of a public employer or major division thereof as well as
24 his deputy, first assistant, and any supervisory employees.
25 In defining supervisory employees, the board shall consider
26 the authority of an employee to perform, in the interest of
27 the public employer, such duties as to hire, transfer, suspend,
28 lay-off, recall, promote, discharge, assign, reward or disci-
29 pline other public employees, or the responsibility to direct
30 them, or to adjust their grievances, or effectively to recom-
31 mend such action, if in connection with the foregoing exercise
32 of such authority is not of a merely routine or clerical
33 nature, but requires the use of independent judgment.
34 3. Confidential employees.
35 4. Students working as part-time public employees less

1 than twenty hours per week.

2 5. Temporary public employees employed for a period of

3 three months or less.

4 6. Commissioned and enlisted personnel of the Iowa national

5 guard.

6 7. Judges of the supreme court, district judges, district

7 associate judges, and judicial magistrates, and the employees

8 of such judges and courts.

9 **8. Patients and inmates employed, sentenced, or committed**

10 **to any state or local institution.**

11 **9. Persons employed by the Iowa General Assembly and the**

12 **state department of justice.**

13 **10. The personal staff of the governor.**

14 Sec. 5. *NEW SECTION.* PUBLIC EMPLOYMENT RELATIONS

15 1. There is established a board to be know as the public

16 employment relations board. The board shall consist of three

17 members appointed by the governor, with approval of two-thirds

18 of the senate. No more than two members shall be of the same

19 political affiliation and no member shall engage in any

20 political activity while holding office and the members shall

21 devote fulltime to their duties.

22 Each member shall be appointed for a term of six years,

23 except that of the members first appointed, one member shall

24 be appointed for a term of two years commencing July 1, 1973

25 and ending June 30, 1975; one member shall be appointed for

26 a term of four years commencing July 1, 1973 and ending June

27 30, 1977; and one member shall be appointed for a term of

28 six years commencing July 1, 1973 and ending June 30, 1979.

29 The member first appointed for a term of six years shall

30 serve as chairman and each of his successors shall also serve

31 as chairman.

32 2. Any vacancy on the commission which may occur when

33 the general assembly is not in session shall be filled by

34 appointment by the governor, which appointment shall expire

35 at the end of thirty days following the convening of the next

36 session of the general assembly. Prior to the expiration
37 of the thirty-day period, the governor shall transmit to the
38 senate for its approval the name of the appointee for the
39 unexpired portion of the regular term. Any vacancy occurring
40 when the general assembly is in session shall be filled in

1 the same manner as regular appointments are made, and before
2 the end of such session, and for the unexpired portion of
3 the regular term.
4 3. The members of the board shall be selected on the basis
5 of their knowledge, ability and experience in the field of
6 labor-management relations. The chairman shall receive an
7 annual salary equal to that of a district court judge. The
8 remaining two members shall each receive an annual salary
9 equal to ninety percent of the salary received by the chair-
10 man.
11 4. The board may employ such persons as are necessary
12 for the performance of its functions. Personnel of the board
13 shall be employed pursuant to the provisions of chapter
14 nineteen A (19A) of the Code.
15 5. Members of the board and other employees of the board
16 shall be allowed their actual and necessary expenses incurred
17 in the performance of their duties. All expenses and salaries
18 shall be paid from appropriations for such purposes and the
19 board shall be subject to the budget requirements of chapter
20 eight (8) of the Code.
21 Sec. 6. *NEW SECTION.* GENERAL POWERS AND DUTIES OF THE
22 BOARD. The board shall:
23 1. Administer the provisions of this Act.
24 2. Collect data and conduct studies relating to wages,
25 hours, benefits and other terms and conditions of public
26 employment and make the same available to any interested per-
27 son or organization.
28 3. Maintain, after consulting with employee organizations
29 and public employers, a list of qualified persons representa-
30 tive of the public to be available to serve as mediators
31 and arbitrators and establish their compensation rates.
32 4. Hold hearings and administer oaths, examine witnesses
33 and documents, take testimony and receive evidence, issue
34 subpoenas to compel the attendance of witnesses and the pro-
35 duction of records, and delegate such power to a member of

1 the board, or persons appointed or employed by the board,
2 including hearing officers for the performance of its func-
3 tions. The board may petition the district court at the seat
4 of government or of the county wherein any hearing is held
5 to enforce a board order compelling the attendance of witnesses
6 and production of records.
7 5. Adopt rules and regulations in accordance with the
8 provisions of chapter seventeen A (17A) of the Code as it
9 may deem necessary to carry out the purposes of this Act.
10 Sec. 7. *NEW SECTION.* PUBLIC EMPLOYER RIGHTS. Public
11 employers shall have the right to:
12 1. Direct the work of its public employees.
13 2. Hire, promote, demote, transfer, assign, and retain
14 public employees in positions within the public agency.
15 3. Suspend or discharge public employees for proper cause.
16 4. Maintain the efficiency of governmental operations.
17 5. Relieve public employees from duties because of lack
18 of work or for other legitimate reasons.
19 6. Take such extraordinary actions as may be necessary to carry out the
20 mission of the agency in emergencies.
21 Sec. 8. *NEW SECTION.* PUBLIC EMPLOYEE RIGHTS. Public
22 employees shall have the right to:
23 1. Organize, or form, join, or assist any employee organi-
24 zation.
25 2. Negotiate collectively through representatives of their
26 own choosing.
27 3. Engage in other concerted activities for the purpose
28 of collective bargaining or other mutual aid or protection
29 insofar as any such activity is not prohibited by this Act
30 or any other law of the state.
31 4. Refuse to join or participate in the activities of
32 employee organizations, including the payment of any dues,
33 fees or assessments or service fees of any type.
34 Sec. 9. *NEW SECTION.* SCOPE OF NEGOTIATIONS. The public
35 employer and the employee organization shall meet at reasonable

1 times, including meetings reasonably in advance of the public
2 employer's budget-making process, to negotiate in good faith
3 with respect to wages, hours, and other terms and conditions
4 of employment, including terms authorizing dues checkoff for
5 members of the employee organization and grievances procedures
6 for resolving any questions arising under the agreement, which
7 shall be embodied in a written agreement and signed by the
8 parties. Such obligation to negotiate in good faith does
9 not compel either party to agree to a proposal or make a
10 concession.
11 Nothing in this section shall diminish the authority and
12 power of the merit employment department or any civil service
13 commission established by constitutional provision, statute,
14 charter or special act to recruit employees, prepare, conduct,
15 and grade examinations, rate candidates in order of their
16 relative scores for certification for appointment or promo-
17 tion or for other matters of classification, reclassification
18 or appeal rights in the classified service of the public
19 employer served.
20 The public employee retirement systems provided under chap-
21 ters ninety-seven A (97A), ninety-seven B (97B), four hun-
22 dred ten (410), and four hundred eleven (411) of the Code
23 shall be excluded from the scope of negotiations.
24 Sec. 10. *NEW SECTION.* PROHIBITED PRACTICES.
25 1. It shall be a prohibited practice for any public
26 employer, public employee, or employee organization to will-
27 fully refuse to negotiate in good faith with respect to the
28 scope of negotiations as defined in section nine (9) of this
29 Act.
30 2. It shall be a prohibited practice for a public employer
31 or his designated representative willfully to:
32 a. Interfere, restrain, or coerce public employees in
33 the exercise of rights granted by this Act.
34 b. Dominate, interfere, or assist in the formation,
35 existence, or administration of any employee organization.

1 c. Encourage or discourage membership in any employee
2 organization, committee, or association by discrimination
3 in hiring, tenure, or other terms or conditions of employment.
4 d. Discharge or discriminate against a public employee
5 because he has filed an affidavit, petition, or complaint
6 or given any information or testimony under this Act, or
7 because he has formed, joined, or chosen to be represented
8 by any employee organization.
9 e. Refuse to negotiate collectively with representatives
10 of recognized employee organizations as required in this Act.
11 f. Deny the rights accompanying certification or exclusive
12 recognition granted in this Act.
13 g. Refuse to participate in good faith in any agreed upon
14 impasse procedures or those set forth in this Act.
15 3. It shall be a prohibited practice for public employees
16 or employee organizations willfully to:
17 a. Interfere, restrain, or coerce public employees in
18 the exercise of rights granted by this Act.
19 b. Interfere, restrain, or coerce a public employer with
20 respect to rights granted in this Act or with respect to
21 selecting a representative for the purposes of negotiating
22 collectively on the adjustment of grievances.
23 c. Refuse to bargain collectively with a public employer
24 as required in this Act.
25 d. Refuse to participate in good faith in any agreed upon
26 impasse procedures or those set forth in this Act.
27 Sec. 11. *NEW SECTION.* PROHIBITED PRACTICE VIOLATIONS.
28 1. Proceedings against a party alleging a violation of
29 section ten (10) of this Act, shall be commenced by filing
30 a complaint with the board within ninety days of the alleged
31 violation causing a copy of the complaint to be served upon
32 the accused party in the manner of an original notice as
33 provided in this Act. The accused party shall have ten
34 days within which to file a written answer to the complaint.
35 The board shall promptly thereafter set a time and place for

1 hearing in the county where the alleged violation occurred.
2 The parties shall be permitted to be represented by counsel,
3 **summon witnesses, and request the board to subpoena witnesses on**
4 **the requestor's behalf.** Compliance with the technical rules
5 of pleading and evidence shall not be required.
6 2. The board may designate a hearing officer to conduct
7 the hearing. The hearing officer shall have such powers
8 as may be exercised by the board for conducting the hearing
9 and shall follow the procedures adopted by the board for con-
10 ducting the hearing. The decision of the hearing officer
11 may be appealed to the board and the board **may** hear the
12 case de novo or upon the record as submitted before the **hearing**
13 **officer, utilizing procedures governing appeals to the district**
14 **court in this section so far as applicable.**
15 3. The board shall appoint a **certified** shorthand reporter to report
16 the proceedings and the board shall fix the reasonable amount
17 of compensation for such service, which amount shall be taxed
18 as other costs.
19 4. The board shall file its findings of fact and conclu-
20 sions of law. If the board finds that the party accused has
21 committed a prohibited practice, the board may, within thirty
22 days of its decision, enter into a consent order with the
23 party to discontinue the practice, or petition the district
24 court for injunctive relief pursuant to chapter six hundred
25 sixty-four (664) of the Code.
26 5. Any party aggrieved by any decision or order of the
27 board may within **ten** days from the date such decision or
28 order is filed, appeal therefrom to the district court of
29 the county in which the hearing was held, by filing with the
30 board a written notice of appeal setting forth in general
31 terms the decision appealed from and the grounds of the appeal.
32 The board shall forthwith give notice to the other parties
33 in interest.
34 6. Within thirty days after a notice of appeal is filed
35 with the board, it shall make, certify, and file in the office

36 of the clerk of court to which the appeal is taken, a full
37 and complete transcript of all documents in the case, includ-
38 ing any depositions and a transcript or certificate of the

1 evidence together with the notice of appeal.
2 7. The appeal shall be triable at any time after the
3 expiration of twenty days from the date of filing the trans-
4 cript by the board and after twenty days notice in writing
5 by either party and the board upon the other.
6 8. The transcript as certified and filed by the board
7 shall be the record on which the appeal shall be heard, and
8 no additional evidence shall be heard. In the absence of
9 fraud, the findings of fact made by the board shall be
10 conclusive if supported by substantial evidence on the
11 record considered as a whole.
12 9. Any order or decision of the board may be modified,
13 reversed, or set aside on one or more of the following grounds
14 and on no other:
15 a. If the board acts without or in excess of its powers.
16 b. If the order was procured by fraud.
17 c. If the facts found by the board do not support the
18 order.
19 d. If there is not sufficient competent evidence in the
20 record to warrant the making of the order or decision.
21 10. When the district court, on appeal, reverses or sets
22 aside an order or decision of the board, it may remand the
23 case to the board for further proceedings in harmony with
24 the holdings of the court, as it may enter the proper judgment,
25 as the case may be. Such judgment or decree shall have the
26 same force and effect as if action had been originally brought
27 and tried in said court. The assessment of costs in such
28 appeals shall be in the discretion of the court.
29 11. An appeal may be taken to the supreme court from any
30 final order, judgment, or decree of the district court.
31 Sec. 12. *NEW SECTION.* STRIKES PROHIBITED.
32 1. It shall be unlawful for any public employee or any
33 employee organization representing public employees to induce,
34 instigate, ratify, or participate in a strike against a public
35 employer.

1 2. In the event of a strike by public employees, the
2 public employer may petition the district court in and for
3 the county in which the strike occurs or the district court
4 of Polk county for an injunction against the public employees,
5 individually or collectively, and their certified employee
6 organization pursuant to chapter six hundred sixty-four (664)
7 of the Code. Failure to comply with a court order enjoining
8 a strike shall constitute a contempt punishable pursuant to
9 chapter six hundred sixty-five (665) of the Code and in
10 addition the court may, upon a finding that the employee
11 organization has violated subsection one (1) of this section,
12 suspend and enjoin the certification of the employee organiza-
13 tion as the exclusive representative of the bargaining unit
14 involved for a period not to exceed twelve months. During
15 the period of decertification, a public employer may
16 discontinue dues checkoff for the employee organization.
17 The remedies provided in this section shall be in addition
18 to any other legal or equitable remedy.
19 3. A public employer may suspend, discharge, or subject
20 to other disciplinary action applicable to misconduct in
21 employment, any public employee who participates in a strike,
22 provided the public employer first notifies the public employee
23 of the alleged violation, the date of the violation, and the
24 action being considered. Such action shall be stayed for
25 ten days from such notice within which time the public employee
26 may file with the board a request for a hearing. Upon receipt
27 of the request for a hearing, the board shall notify the
28 public employer, which notification shall further stay the
29 contemplated public employer action and appoint an impartial
30 hearing officer to determine if a violation of subsection
31 one (1) of this section did occur. The hearing and appeal
32 procedure shall be the same as provided in section eleven
33 (11) of this Act.
34 Sec. 13. *NEW SECTION.* BARGAINING UNIT DETERMINATION.
35 1. Board determination of an appropriate bargaining unit

1 shall be upon petition filed by a public employer, public
2 employee, employee organization or upon the board's own ini-
3 tiative.
4 2. Within thirty days of receipt of a petition or notice
5 to all interested parties if on its own initiative, the board
6 shall conduct a public hearing, receive written or oral testi-
7 mony, and promptly thereafter file an order defining the
8 appropriate bargaining unit. In defining the unit, the board
9 shall take into consideration, along with other relevant
10 factors, the principles of efficient administration of
11 government, the existence of a community of interest among
12 public employees, the history and extent of public employee
13 organization, geographical location, and the recommendations
14 of the parties involved.
15 3. Appeals from such order shall be governed by appeal
16 provisions provided in section eleven (11) of this Act.
17 Sec. 14. *NEW SECTION.* BARGAINING REPRESENTATIVE DETER-
18 MINATION.
19 1. Board certification of an employee organization as
20 the exclusive bargaining representative of a bargaining unit
21 shall be upon a petition filed with the board by a public
22 employer, public employee, or an employee organization and
23 an election conducted pursuant to section fifteen (15) of
24 this Act.
25 2. The petition of an employee organization shall allege
26 that:
27 a. The employee organization has submitted a request
28 to a public employer to bargain collectively with a designated
29 group of public employees.
30 b. The petition is accompanied by written evidence that
31 thirty percent of such public employees are members of the
32 employee organization or have authorized it to represent them
33 for the purposes of collective bargaining.
34 3. The petition of a public employee shall allege that
35 an employee organization which has been certified as the

1 bargaining representative does not represent a majority of
2 such public employees and that the petitioners do not want
3 to be represented by an employee organization or seek certifi-
4 cation of an employee organization.
5 4. The petition of a public employer shall allege that
6 it has received a request to bargain from an employee
7 organization which has not been certified as the bargaining
8 representative of the public employees in an appropriate bar-
9 gaining unit.
10 5. The board shall investigate the allegations of any
11 petition and shall give reasonable notice of the receipt of
12 such a petition to all public employees, employee organizations
13 and public employers named or described in such petitions
14 or interested in the representation questioned. The board
15 shall thereafter call an election under section fifteen (15)
16 of this Act, unless:
17 a. It finds that less than thirty percent of the public
18 employees in the unit appropriate for collective bargaining
19 support the petition for decertification or for certification.
20 b. The appropriate bargaining unit has not been determined
21 pursuant to section thirteen (13) of this Act.
22 6. The hearing and appeal procedures shall be the same
23 as provided in section eleven (11) of this Act.
24 Sec. 15. *NEW SECTION.* ELECTIONS.
25 1. In an election conducted under this Act, all public
26 employees in the appropriate bargaining unit shall be given
27 the right to vote by secret ballot under such terms and
28 conditions as the board may prescribe by rule. The ballot
29 shall list any employee organization which has petitioned
30 for certification or which has presented proof satisfactory
31 to the board of support of ten percent or more of the public
32 employees in the appropriate unit and also listing no exclusive
33 representative as one of the choices.
34 2. If none of the choices on the ballot receive a majority
35 of the votes cast, the board shall conduct a run-off election

1 among the two choices receiving the greatest number of votes.
2 3. If the board finds that misconduct or other circum-
3 stances prevented the public employees eligible to vote from
4 freely expressing their preferences, the board may invalidate
5 the election and hold a second election for the public employ-
6 ees.
7 4. Upon completion of a valid election in which the major-
8 ity choice of those voting is determined, the board shall
9 certify the results of the election and shall give reasonable
10 notice of the order to all employee organizations listed on
11 the ballot, the public employers, and the public employees
12 in the appropriate bargaining unit.
13 5. A petition for certification as an exclusive bargaining
14 representative shall not be considered by the board for a
15 period of one year from the date of the certification or
16 noncertification of an exclusive bargaining representative
17 or during the duration of a collective bargaining agreement
18 which shall not exceed two years. However, if a petition
19 for decertification is filed during the duration of a
20 collective bargaining agreement, the board shall award an
21 election under this section not more than one hundred eighty
22 days nor less than one hundred fifty days prior to the
23 expiration of the collective bargaining agreement. If an
24 employee organization is decertified, the board may receive
25 petitions under section fourteen (14) of this Act.
26 Sec. 14. *NEW SECTION.* DUTY TO BARGAIN. Upon the receipt
27 by a public employer of a request from an employee organization
28 to bargain on behalf of public employees, the duty to engage
29 in collective bargaining shall arise if the employee
30 organization has been certified by the board as the exclusive
31 bargaining representative for the public employees in that
32 bargaining unit.
33 Sec. 17. *NEW SECTION.* PROCEDURES.
34 1. The employee organization certified as the bargaining
35 representative shall be the exclusive representative of all

1 public employees in the bargaining unit and shall represent
2 all public employees fairly. Any public employee may meet
3 and adjust individual complaints with a public employer so
4 long as any such adjustment is consistent with the terms of
5 the collective bargaining agreement then in force and so long
6 as the bargaining representative is given notice.
7 2. The employee organization and the public employer may
8 designate any individual as its representative to engage in
9 collective bargaining negotiations.
10 3. Negotiating sessions, mediation and the deliberative
11 process of arbitrators shall be exempt from the provisions
12 of chapter twenty-eight A (28A) of the Code. Hearings con-
13 ducted by arbitrators shall be open to the public.
14 4. The terms of a proposed collective bargaining agreement
15 shall be made public prior to a ratification election. Public
16 employees shall vote by secret ballot in elections to ratify
17 a proposed collective bargaining agreement.
18 5. Terms of any collective bargaining agreement may be
19 enforced by a civil action in the district court of the county
20 in which the agreement was made upon the initiative of either
21 party.
22 6. The terms of a collective bargaining agreement for
23 which the public employer does not have authority to appro-
24 priate funds shall be construed as a joint recommendation
25 requiring the public employer to make a good faith effort
26 to obtain the funds. Failure to obtain the necessary funds
27 to implement the provisions of the agreement shall be adjusted
28 through further collective bargaining.
29 7. If agreed to by the parties nothing in this Act shall
30 be construed to prohibit supplementary bargaining on behalf
31 of public employees in a part of the bargaining unit concern-
32 ing matters uniquely affecting those public employees or
33 cooperation and coodination of bargaining between two or
34 more bargaining units, subject to the approval of the board.
35 8. The salaries of all public employees of the state under

1 a merit system and all other fringe benefits which are granted
2 to all public employees of the state shall be negotiated with
3 the governor or his designee on a statewide basis, except
4 those benefits which are not subject to negotiations pursuant
5 to the provisions of section nine (9) of this Act.
6 Sec. 18. *NEW SECTION.* GRIEVANCE PROCEDURES. An agree-
7 ment with an employee organization which is the exclusive
8 representative of public employees in an appropriate unit
9 may provide procedures for the consideration of public employee
10 grievances and of disputes over the interpretation and appli-
11 cation of agreements. Negotiated procedures may provide for
12 binding arbitration of public employee grievances and of dis-
13 putes over the interpretation and application of existing
14 agreements. An arbitrator's decision on a grievance may not extend arbitration
15 to changes or proposed changes in agreements or public employer
16 policy. Such procedures shall provide for the invoking of
17 arbitration only with the approval of the employee organiza-
18 tion, and in the case of an employee grievance, only with
19 the approval of the public employee. The costs of arbitration
20 shall be shared equally by the parties.
21 Public employees of the state shall follow either the
22 grievance procedures provided in a collective bargaining
23 agreement or a grievance procedure established pursuant to
24 chapter nineteen A (19A) of the Code.
25 Sec. 19. NEW SECTION. IMPASSE PROCEDURES—AGREEMENT OF
26 PARTIES. As the first step in the performance of their duty
27 to bargain, the public employer and the employee organization
28 shall endeavor to agree upon impasse procedures. Such agree-
29 ment shall provide for implementation of these impasse pro-
30 cedures not later than one hundred twenty days prior to the
31 certified budget submission date of the public employer.
32 The cost of all impasse procedures shall be shared equally
33 by the public employer and the employee organization. If
34 the parties fail to agree upon impasse procedures under the
35 provisions of this section, the impasse procedures provided

1 in sections twenty (20) and twenty-one (21) of this Act shall
2 apply.
3 Sec. 20. *NEW SECTION.* MEDIATION. In the absence of an
4 impasse agreement between the parties or the failure of either
5 party to utilize its procedures, one hundred twenty days prior
6 to the certified budget submission date, the board shall,
7 upon the request of either party, appoint an impartial and
8 disinterested person to act as mediator. It shall be the
9 function of the mediator to bring the parties together to
10 effectuate a settlement of the dispute, but the mediator may
11 not compel the parties to agree.
12 Sec. 21. *NEW SECTION.* FINAL OFFER ARBITRATION.
13 1. If the impasse is not resolved through mediation ninety-
14 five days prior to the certified budget submission date, the
15 parties shall notify the board and the parties shall sub-
16 mit the dispute to final-offer arbitration.
17 2. Each party shall submit to the board within four days
18 of notification a final offer on specific impasse items with
19 proof of service of a copy upon the other party. Each party
20 shall also submit a copy of a draft of the proposed collective
21 bargaining agreement to the extent to which agreement has
22 been reached and the name of its selected arbitrator. The
23 parties may continue to negotiate all offers until an agreement
24 is reached or a decision rendered by the panel of arbitrators.
25 3. The panel of arbitrators shall consist of three members
26 appointed in the following manner:
27 a. One member shall be appointed by the public employer.
28 b. One member shall be appointed by the employee organiza-
29 tion.
30 c. One member shall be appointed mutually by the members
31 appointed by the public employer and the employee organiza-
32 tion. The last member appointed shall be the chairman of
33 the panel of arbitrators. No member appointed shall be an
34 employee of the parties.
35 4. If the third member has not been selected within four

1 days of notification as provided in subsection two (2) of this
2 section, a list of three arbitrators shall be submitted to
3 the parties by the board. The two arbitrators selected by
4 the public employer and the employee organization shall deter-
5 mine by lot which arbitrator shall remove the first name from
6 the list submitted by the board. The arbitrator having the
7 right to remove the first name shall do so within two days
8 and the second arbitrator shall have one additional day to
9 remove one of the two remaining names. The person whose name
10 remains shall become the chairman of the panel of arbitrators
11 and shall call a meeting within ten days at a location
12 designated by him.
13 5. If a vacancy should occur on the panel of arbitrators,
14 the selection for replacement of such member shall be in the
15 same manner and within the same time limits as the original
16 member was chosen. No final selection under subsection eight
17 (8) of this section shall be made by the board until the
18 vacancy has been filled.
19 6. The panel of arbitrators shall at no time engage in
20 an effort to mediate or otherwise settle the dispute in any
21 manner other than that prescribed in this section.
22 7. From the time of appointment until such time as the
23 panel of arbitrators makes its final determination, there
24 shall be no discussion concerning recommendations for
25 settlement of the dispute by the members of the panel of
26 arbitrators with parties other than those who are direct
27 parties to the dispute. The panel of arbritrators
28 may conduct formal or informal hearings to discuss
29 offers submitted by both parties.
30 8. The panel of arbitrators may consider, in addition
31 to any other relevant factors, the following factors:
32 a. Past collective bargaining contracts between the par-
33 ties including the bargaining that led up to such contracts.
34 b. Comparison of wages, hours and conditions of employ-

1 ment of the involved public employees with those of other
2 public employees doing comparable work, giving consideration
3 to factors peculiar to the area and the classifications
4 involved.
5 c. The interests and welfare of the public, the ability
6 of the public employer to finance economic adjustments and
7 the effect of such adjustments on the normal standard of
8 services.
9 9. The chairman of the panel of arbitrators may hold hear-
10 ings and administer oaths, examine witnesses and documents,
11 take testimony and receive evidence, issue subpoenas to compel
12 the attendance of witnesses and the production of records,
13 and to delegate such powers to other members of the panel
14 of arbitrators. The chairman of the panel of arbitrators
15 may petition the district court at the seat of government
16 or of the county in which any hearing is held to enforce the
17 order of the chairman compelling the attendance of witnesses
18 and the production of records.
19 10. A majority of the panel of arbitrators shall select
20 within fifteen days after its first meeting the most reason-
21 able offer, in its judgment, of the final offers on each
22 impasse item submitted by the parties, unless a majority of
23 the panel of arbitrators finds both positions to be
24 unreasonable, then it shall reject the offers of the parties
25 on those items only. The panel of arbitrators shall make
26 public the rejected items and the final offers of both parties
27 and the reasons for rejection. The parties shall then have
28 four days to submit a second offer on the unresolved items
29 to the panel of arbitrators. The panel of arbitrators shall
30 select, within ten days the most reasonable of the second
31 final offers submitted by the parties.
32 11. The panel of arbitrators shall not compromise or alter
33 any of the items in any final offer submitted as provided
34 in subsection two (2) of this section.
35 12. The offer selected by the panel of arbitrators and

1 items agreed upon by the public employer and the employee
2 organization, shall be deemed to represent the contract between
3 the parties.
4 13. The determination of the panel of arbitrators shall
5 be by majority vote and shall be final and binding subject
6 to the provisions of section seventeen (17), subsection six
7 (6), of this Act. The panel of arbitrators shall give written
8 explanation for its selection and inform the parties of its
9 decision.
10 Sec. 22. *NEW SECTION.* LEGAL ACTIONS. Any employee
11 organization and public employer may sue or be sued as an
12 entity under the provisions of this Act. Service upon the
13 public employer shall be in accordance with law or the rules
14 of civil procedure. Individual assets of any public officials
15 and an employee of an employee organization shall be exempt
16 from judgment.
17 Sec. 23. *NEW SECTION.* NOTICE AND SERVICE. Any notice
18 required under the provisions of this Act shall be in writing,
19 but service thereof shall be sufficient if mailed by restricted
20 certified mail, return receipt requested addressed to the
21 last known address of the parties, unless otherwise provided
22 in this Act. Refusal of restricted certified mail by any
23 party shall be considered service. Prescribed time periods
24 shall commence fro mthe date of the receipt of the notice.
25 Any party may at any time execute and deliver an acceptance
26 of service in lieu of mailed notice.
27 Sec. 24. *NEW SECTION.* INTERNAL CONDUCT OF EMPLOYEE
28 ORGANIZATIONS.
29 1. Every employee organization which is certified as a
30 representative of public employees under the provisions of
31 this Act shall file with the board a registration report,
32 signed by its president or other appropriate officer. The
33 report shall be in a form prescribed by the board and shall
34 be accompanied by two copies of the employee organization's
35 constitution and bylaws. A filing by a national or inter-

1 national employee organization of its constitution and bylaws
2 shall be accepted in lieu of a filing of such documents by
3 each subordinate organization. All changes or amendments
4 to such constitutions and bylaws shall be promptly reported
5 to the board.
6 2. Every employee organization shall file with the board
7 an annual report and an amended report whenever changes are
8 made. The reports shall be in a form prescribed by the board,
9 and shall provide the following information:
10 a. The names and addresses of the organization, any parent
11 organization or organizations with which it is affiliated,
12 the principal officers, and all representatives.
13 b. The name and address of its local agent for service
14 of process.
15 c. A general description of the public employees the
16 organization represents or seeks to represent.
17 d. The amounts of the initiation fee and monthly dues
18 members must pay.
19 e. A pledge, in a form prescribed by the board, that the
20 organization will conform to the laws of the state and that
21 it will accept members without regard to age, race, sex,
22 religion, or national origin.
23 f. A financial report and audit.
24 3. The constitution or bylaws of every employee organiza-
25 tion shall provide that:
26 a. Accurate accounts of all income and expenses shall
27 be kept, and annual financial report and audit shall be
28 prepared, such accounts shall be open for inspection by any
29 member of the organization, and loans to officers and agents
30 shall be made only on terms and conditions available to all
31 members.
32 b. Business or financial interests of its officers and
33 agents, their spouses, minor children, parents, or otherwise,
34 that conflict with the fiduciary obligation of such persons
35 to the organization shall be prohibited.

1 c. Every official or employee of an employee organization
2 who handles funds or other property of the organization, or
3 trust in which an organization is interested, or a subsidiary
4 organization, shall be bonded. The amount, scope, and form
5 of the bond shall be determined by the board.
6 4. The governing rules of every employee organization
7 shall provide for periodic elections by secret ballot subject
8 to recognized safeguards concerning the equal right of all
9 members to nominate, seek office, and vote in such elections,
10 the right of individual members to participate in the affairs
11 of the organization, and fair and equitable procedures in
12 disciplinary actions.
13 5. The board shall prescribe rules and regulations neces-
14 sary to govern the establishment and reporting of trusteeships
15 over employee organizations. Establishment of such trustee-
16 ships shall be permitted only if the constitution or bylaws
17 of the organization set forth reasonable procedures.
18 6. An employee organization that has not registered or
19 filed an annual report, or that has failed to comply with
20 other provisions of this Act, shall not be certified.
21 Certified employee organizations failing to comply with this
22 Act may have such certification revoked by the board.
23 Prohibitions shall be enforced by injunction upon the petition
24 of the board to the district court of the county in which
25 the violation occurs. Complaints of violation of this section
26 shall be filed with the board.
27 Sec. 25. *NEW SECTION.* EMPLOYEE ORGANIZATIONS—POLITICAL
28 CONTRIBUTIONS. An employee organization shall not make any
29 **direct or indirect** contribution out of the funds of the
30 employee organization to any political party or
31 organization or in support of any political candidate for
32 public office.
33 Any employee organization which violates the provisions
34 of this section or fails to file any required report or
35 affidavit or files a false report or affidavit shall, upon

1 conviction, be subject to a fine of not more than two thousand
2 dollars.
3 Any person who willfully violates this section, or who
4 makes a false statement knowing it to be false, or who
5 knowingly fails to disclose a material fact shall, upon
6 conviction, be subject to a fine of not more than one thousand
7 dollars or imprisoned for not more than thirty days or shall
8 be subject to both such fine and imprisonment. Each individual
9 required to sign affidavits or reports under this section
10 shall be personally responsible for filing such report or
11 affidavit and for any statement contained therein he knows
12 to be false.
13 Nothing in this section shall be construed to prohibit
14 voluntary contributions by individuals to political parties
15 or candidates.
16 Sec. 26. Chapter nineteen A (19A), Code 1973, is amended
17 by adding the following new section:
18 *NEW SECTION.* A pay plan established pursuant to this Act
19 shall be altered to the extent necessary and possible in order
20 to reflect an agreement resulting from collective bargaining
21 pursuant to the public employment negotiations Act.
22 Sec. 27. This Act shall become effective on July 1, 1973,
23 but the provisions of this Act relative to the duty to bargain
24 shall not become effective until July 1, 1974.
25 EXPLANATION
26 This bill permits collective bargaining in public
27 employment.
28 The bill gives public employees the right to form and join
29 organizations and to negotiate with public employers. Public
30 employees also have the right to refrain from negotiating
31 or joining an organization.
32 The bill establishes an agency to assist the parties in
33 determining appropriate bargaining units and conducting repre-
34 sentation elections. The agency will also serve as an infor-
35 mation and data center for the public employees and public

1 employers. The agency may also assist the parties to a dis-
2 pute by providing lists of persons qualified to act as medi-
3 ators and arbitrators.
4 The bill provides for voluntary and mandatory impasse pro-
5 cedures. As the initial step in bargaining between the par-
6 ties, the bill directs that the parties negotiate impasse
7 procedures to resolve their disputes. The mandatory impasse
8 procedures provided in the bill become effective only upon
9 the failure to reach an impasse agreement.
10 The bill also prohibits strikes by public employees.

FISCAL NOTE
SENATE FILE 531

Date prepared February 11, 1974

Requested by Representative C. R. Fisher.

Prepared in regard to Senate File 531 - An Act relating to public employment relations and providing penalties for violations. Following is the fiscal effect in dollars of the legislative proposal as required by Senate Rule 31.

Chairman	$ 29,000
2 Commissioners	52,200
Executive Director	20,000
Office personnel (2)	20,000
State's Share Benefits	6,500
Travel	2,500
Office Supplies, Expense	5,000
	$135,200

The above estimate is the first year cost of the Public Relations Board only. The salaries of the Chairman and Commissioners are based on District Court Judges salaries pursuant to Section 5 subparagraph 3 of the bill. No attempt has been made to estimate the cost to governmental agencies from employee lost time.

Filed
February 12, 1974

GERRY D. RANKIN
Legislative Fiscal Director

H—2408

1 Amend Senate File 531, as passed by the Senate
2 and reprinted, as follows:
3 1. Page 22, line 31, by striking the word
4 "political".
5 2. Page 22, by inserting at the end of line 31
6 the word "elective".

H—2408 Filed and adopted By BRANSTAD of Winnebago
March 6, 1974

H—2410

1 Amend the Anderson, et al., amendment H-2274 to
2 page 23 of Senate File 531, by striking the words
3 "The question" in line 15 and by striking all of lines
4 16 through 20.

H—2410 Filed and adopted By ANDERSON of Ringgold
March 6, 1974

H—2412

1 Amend Senate File 531, as passed by the Senate
2 and reprinted, page 4A, by inserting at the end of
3 section four (4) the following new subsection:
4 "All faculty members who have tenure and are
5 employed at the state universities."

H—2412 Filed, rules suspended to substitute for amendment H-2258, and lost
March 6, 1974 By STROMER of Hancock

H--2407

1 Amend Senate File 531, as amended, passed, and re-
2 printed by the Senate, as follows:

Division H-2407-A

3 1. Page 5, line 24, by inserting after the word
4 "Collect" the words ", for public employers other
5 than the state and its boards, commissions, depart-
6 ments, and agencies,".

Division H-2407-B

7 2. Page 7, line 14, by striking the words "to
8 recruit employees, prepare, conduct," and inserting
9 in lieu thereof a period.
10 3. Page 7, by striking lines 15 through 19.

Division H-2407-C

11 4. Page 14, line 18, by inserting after the word
12 "years." the words "A collective bargaining agreement
13 with the state, its boards, commissions, departments,
14 and agencies shall be for two years and the effective
15 date of any such agreement shall be July first of odd-
16 numbered years."

Division H-2407-D

17 5. Page 15, by striking line 35.
18 6. Page 16, by striking lines 1 through 5, and
19 inserting in lieu thereof the following new subsection:
20 The salaries of all public employees of the state
21 under chapter nineteen A (19A) of the Code and fringe
22 benefits which are provided by law to all such public
23 employees shall be negotiated with the governor or his
24 designee on a statewide basis, except those benefits
25 which are not subject to negotiations pursuant to the
26 provisions of section nine (9) of this Act.

Division H-2407-E

27 7. Page 16, by striking lines 21 through 24 and
28 inserting in lieu thereof the following:
29 Public employees of the state shall follow grievance
30 procedures established in a collective bargaining con-
31 tract. If the grievance procedures are not provided
32 in the collective bargaining contract, grievance pro-
33 cedures established under chapter nineteen A (19A) of
34 the Code shall prevail.

Division H-2407-F

35 8. Page 23, by striking lines 16 through 21 and
36 inserting in lieu thereof the following new sections:

37 Sec.____. Section nineteen A point nine (19A.9),
38 subsection two (2), Code 1973, is amended to read as
39 follows:
40 2. For a pay plan within the purview of an appro-
41 priation made by the general assembly and not other-
42 wise provided by law for all employees in the merit
43 system, after consultation with appointing authorities
44 with due regard to the results of a collective bargain-
45 ing agreement negotiated under the provisions of this
46 Act and after a public hearing held by the commission.
47 Such pay plan shall become effective only after it has
48 been approved by the executive council after submission
49 from the commission. Review of the pay plan for
50 revisions shall be made in the same manner at the
51 discretion of the director, but not less than annually.
52 The annual review by the director shall be made
53 available to the governor a sufficient time in advance
54 of collective bargaining negotiations to permit its
55 recommendations to be considered during such negotiations.
56 Each employee shall be paid at one of the rates set
57 forth in the pay plan for the class of position in which
58 employed and, unless otherwise designated by the com-
59 mission, shall begin employment at the first step of
60 the established range for his class. Unless otherwise
61 established by law, the governor, with the approval of
62 the executive council, shall establish a pay plan for
63 all exempt positions in the executive branch of govern-
64 ment except for employees of the governor, board of
65 regents, the state educational radio and television
66 facility board, the superintendent of public instruction
67 and members of the professional staff of the department
68 of public instruction, appointed under the provisions
69 of section 257.24, who possess a current, valid teacher's
70 certificate or who are assigned to vocational activities
71 or programs, the commission for the blind, members of
72 the Iowa highway safety patrol and other peace officers,
73 as defined in section 97A.1, employed by the department
74 of public safety, and officers and enlisted men of the
75 armed services under state jurisdiction.

Division H-2407-G

76 Sec.____. NEW SECTION. If any provision of this
77 Act jeopardizes the receipt by the state or any of its
78 political subdivisions of any federal grant-in-aid funds
79 or other federal allotment of money, the provisions of
80 this Act shall, insofar as the fund is jeopardized,
81 be deemed to be inoperative.

Division H-2407-H

82 9. Page 23, line 24, by inserting after the period
83 the words "However, public employees of the state, its
84 boards, commissions, departments, and agencies may not
85 bargain collectively until July 1, 1976."

H—2407 Filed By FISHER of Greene
Division H-2407-A filed and adopted
Division H-2407-B filed and lost
Division H-2407-C filed and adopted
Division H-2407-D filed and withdrawn
Division H-2407-E filed and withdrawn
Division H-2407-F filed and adopted
Division H-2407-G filed and adopted
Division H-2407-H filed and adopted
March 7, 1974

H—2361

1 Amend Senate File 531 as amended, passed by the
2 Senate and reprinted, Page 8, by inserting after line
3 26 the following:
4 "e. Violate the provisions of Chapter seven
5 hundred thirty-six B (736B), sections one (1), two
6 (2) and three (3) of the Code, which are hereby made
7 applicable to public employers, public employees and
8 public employee organizations."
9 "f. Picket in a manner which interferes with
10 ingress and egress to the facilities of the public
11 employer."
12 "g. Engage in, initiate, sponsor or support any
13 picketing that is performed in support of a strike,
14 work stoppage, boycott or slowdown against a public
15 employer."
16 "h. Picket for any unlawful purpose."
17 "4. The expressing of any views, argument, or
18 opinion, or the dissemination thereof, whether in
19 written, printed, graphic, or visual form, shall not
20 constitute or be evidence of any unfair labor practice
21 under any of the provisions of this Act, if such
22 expression contains no threat of reprisal or force or
23 promise of benefit."

H—2361 Filed and adopted
March 1, 1974

By GRASSLEY of Butler
FITZGERALD of Webster

H—2380

1 Amend the Stanley, et al., amendment H-2232 to
2 Senate File 531, as passed by the Senate and reprinted,
3 by striking lines 148 and 149 and inserting in lieu
4 thereof the following:
5 "by the public employer, but the agreement shall
6 provide either for automatic reduction of such con-
7 ditional benefits or for additional".

H—2380 Filed, rules
suspended for its consideration,
and adopted
March 5, 1974

By STANLEY of Muscatine
WEST of Marshall
READINGER of Polk
HARVEY of Scott

H—2403

1 Amend the West, et al., amendment H-2254D, to
2 Senate File 531, as passed by the Senate and reprint-
3 ed, line 19 by striking the word "employers" and
4 inserting in lieu thereof the word "employees".

H—2403 Filed and adopted
March 5, 1974

By WEST of Marshall

H—2350

1 Amend the Grassley amendment H-2236 to Senate
2 File 531 as follows:
3 1. By striking lines 19 through 45 and lines 48
4 through 50 and inserting the following:
5 "e. Violate the provisions of Chapter seven
6 hundred thirty six B (736B), sections one (1), two (2)
7 and three (3) of the Code, which are hereby made
8 applicable to public employers, public employees and
9 public employee organizations."
10 2. By inserting after line 51 the following:
11 "Page 8, by inserting after line 26 the follow-
12 ing new section:
13 4. The expressing of any views, argument, or
14 opinion, or the dissemination thereof, whether in
15 written, printed, graphic, or visual form, shall not
16 constitute or be evidence of an unfair labor practice
17 under any of the provisions of this Act, if such
18 expression contains no threat of reprisal or force or
19 promise of benefit."

H—2350 Filed and adopted By OAKLEY of Clinton
February 27, 1974 Motion to reconsider FITZGERALD of Webster
filed and prevailed. Amendment withdrawn GRASSLEY of Butler
3/1 (736.737)

H—2352 - CORRECTED

1 Amend Senate File 531, as passed by the Senate
2 and reprinted, as follows:
3 1. Page 13, by striking from line 34 the words
4 "a majority", and in line 35 the words "of the votes
5 cast," and inserting in lieu thereof the following:
6 "the vote of a majority of the public employees who
7 could be represented by an employee organization,".
8 2. Page 14, by striking from line 8 the words
9 "of those voting" and inserting in lieu thereof the
10 following: "of the employees who could be repre-
11 sented by an employee organization".

H—2352 Filed, substituted By DAGGETT of Adams
for amendment H—2268-A, and Motion to reconsider filed 3/1 (748) w.d. 3/6
adopted
February 28, 1974

H—2356

1 Amend the West, et al., amendment H-2254C to Senate
2 File 531, as passed by the Senate and reprinted, as
3 follows:
4 1. Line 28, by striking the words "with the"
5 and inserting in lieu thereof the following: "directly
6 with a member of the governing board of a".
7 2. Line 32, by inserting after the word
8 "representative" the following: ", unless the
9 member of the governing board is the designated
10 bargaining representative of the public employer".

H—2356 Filed and adopted By WEST of Marshall
March 5, 1974

H—2324

Amend the Branstad, et al., amendment H-2276C to Senate File 531, as passed by the Senate and reprinted, as follows:

1. By striking from lines 39 and 40 the words ", and department heads".

2. By striking in line 39 preceding the word "assistant" the word "and".

H—2324 Filed and adopted February 26, 1974

By BRANSTAD of Winnebago
WYCKOFF of Benton
BITTLE of Polk

H—2331

Amend Senate File 531, as amended, passed, and reprinted by the Senate as follows:

1. Page 13, by striking lines 25 through 33 and inserting in lieu thereof the following:

1. Upon the filing of a petition for certification of an employee organization, the board shall submit two questions to the public employees at an election in an appropriate bargaining unit. The first question on the ballot shall permit the public employees to determine whether or not such public employees desire exclusive bargaining representation. The second question on the ballot shall list any employee organization which has petitioned for certification or which has presented proof satisfactory to the board of support of ten percent or more of the public employees in the appropriate unit.

2. If a majority of the votes cast on the first question are in the negative, the public employees shall not be represented by an employee organization. If a majority of the votes cast on the first question is in the affirmative, then the employee organization receiving a majority of the votes cast on the second question shall represent the public employees in an appropriate bargaining unit.

2. Correct internal references as may be necessary in accordance with the amendment.

H—2331 Filed and adopted February 28, 1974

By SCHROEDER of Pottawattamie

H—2332

Amend Senate File 531, as passed by the Senate and reprinted as follows:

1. Page 7, line 12, by inserting following the word "department" the words ", board of regents' merit system, educational radio and television facility board's merit system,"

H—2332 Filed and adopted February 26, 1974

By CRAWFORD of Story
OAKLEY of Clinton

H—2348

Division A

1 Amend the Stanley, et al., amendment H-2232 to
2 Senate File 531 as follows:
3 1. By striking lines 62 through 69 and inserting
4 in lieu thereof the following:
5 2. It shall be unlawful for any public employer
6 to authorize, consent to, or condone a strike; or to
7 pay or agree to pay any public employee for any day in
8 which the employee participates in a strike; or to pay
9 or agree to pay any increase in compensation or bene-
10 fits to any public employee in response to or as a
11 result of any strike or any act which violates sub-
12 section one (1) of this section. It shall be unlawful
13 for any official, director, or representative of any
14 public employer to authorize, ratify, or participate
15 in any violation of this subsection. Nothing in this
16 subsection shall prevent new or renewed bargaining and
17 agreement within the scope of negotiations as defined
18 by this Act, at any time after such violation of
19 subsection one (1) has ceased; but it shall be unlaw-
20 ful for any public employer or employee organization
21 to bargain at any time regarding suspension or modifica-
22 tion of any penalty provided in this section or regard-
23 ing any request by the public employer to a court for
24 such suspension or modiciation.

Division B

25 2. Line 74, by striking the words "any citizen
26 of Iowa" and inserting in lieu thereof the words "any
27 citizen domiciled within the jurisdictional boundaries
28 of the public employer".
29 3. Line 86, by inserting the following after
30 the word "plaintiff": "unless the court determines
31 that a bond is necessary in the public interest".
32 4. Line 90, by striking the words "one thousand"
33 and inserting in lieu thereof the words "five hundred".
34 5. Line 95, by inserting the following after the
35 period:
36 "An individual or an employee organization which
37 makes an active good faith effort to comply fully with
38 the injunction shall not be deemed to be in contempt."
39 6. Line 102, by striking the words "any public
40 employer in this state" and inserting in lieu thereof
41 the words "the same public employer".

Division C

42 7. By striking lines 148 and 149 and inserting
43 in lieu thereof the following: "by the public employer,
44 and there shall be additional".

H—2348 Filed
H—2348-A adopted
H—2348-B adopted
H—2348-C pending w.d. 3/5
February 27, 1974

By STANLEY of Muscatine
READINGER of Polk
HARVEY of Scott

H—2300

Amend Senate File 531 as amended, passed, and reprinted by the Senate, as follows:

Page 4A, line 1, by changing the period to a comma and adding:

"except graduate or other post-graduate students in preparation for a profession who are engaged in academically related employment as a teaching, research, or service assistant."

H—2300 Filed - Adopted 2/22 By SMALL of Johnson
February 21, 1974

H—2301

Amend the Oakley, et al., amendment H-2280 to Senate File 531, as passed by the Senate and reprinted, by adding the following new section:

26. Page 4A, line 1, by changing the period to a comma and adding:

"except graduate or other post-graduate students in preparation for a profession who are engaged in academically related employment as a teaching, research, or service assistant."

H—2301 Filed - Withdrawn 3/7 (833) By SMALL of Johnson
February 21, 1974

H—2302

Amend the Bittle, et al., amendment, H-2266, to Senate File 531, as amended, passed, and reprinted by the Senate, by striking lines 37 through 146 and inserting in lieu thereof the following:

If the findings of fact and recommendations of the fact finder are made public and the impasse continues, the board may take appropriate steps to resolve the dispute, including the making of recommendations based upon the fact finder's findings of fact and recommendations.

Sec. ____. If either the public employer or the employee organization does not accept in whole or in part the recommendations of the board, the chief executive officer of the governing body shall, within ten days after receipt of the board's recommendations, submit to the governing body a copy of the findings of fact of the fact finder and his recommendations, and the recommendations of the board for resolving the dispute. The employee organization shall also submit its recommendations to the governing body for resolving the dispute. The governing body shall immediately set a date for public hearing at which the public employer and the employee organization shall explain their positions with regard to the report of the fact finder and the recommendations of the board. After the public hearing, the public body shall take such action as it deems to be in the public interest.

H—2302 Filed and ruled out of order By BRANSTAD of Winnebago
February 21, 1974

H—2303

1 Amend the Bittle, et al., amendment H-2266 to
2 Senate File 531, as follows:
3 By striking the period in line 144 and inserting
4 in lieu thereof the following:
5 ", unless either party rejects the decision of
6 the panel of arbitrators within ten days of notifica-
7 tion to the parties by the panel of arbitrators of its
8 decision."

H—2303 Filed and lost By DAGGETT of Adams
February 21, 1974

H—2304

1 Amend Senate File 531, Page 6, by inserting
2 after line 18 the following new subsection:
3 "Determine and implement methods, means,
4 assignments and personnel by which the public
5 employer's operations are to be conducted."

H—2304 Filed - adopted 2/26 By JUNKER of Woodbury
February 21, 1974

H—2305

1 Amend Senate File 531 as amended and passed by
2 the Senate and reprinted as follows:
3 Page 15, by striking lines 2 through 6 and insert-
4 ing in lieu thereof the following: "all public
5 employees fairly. However, any public employee may
6 meet and adjust individual complaints with a public
7 employer."

H—2305 Filed - adopted 2/28 (727) By DAGGETT of Adams
February 21, 1974 motion to reconsider filed 2/28 (727)
w.d. 3/

H—2306

1 Amend Senate File 531, as amended, passed, and reprinted
2 by the Senate, page 23, by inserting after line 15 the follow-
3 ing new section:
4 Sec.____. A member of an employee organization shall
5 not serve as a member of any commission, board, department,
6 or agency of the public employer or the governing body of
7 the public employer with which the employee organization
8 shall bargain under the provisions of this Act.

H—2306 Filed - w.d. 3/7 (333) By SCHROEDER of Pottawattamie
February 21, 1974

H—2315

1 Amend the Crawford amendment (H-2286) to Senate
2 File 531 by striking from line 18 the words
3 "professional employee" and inserting in lieu
4 thereof the words "academic employee at a Regent
5 institution."

H—2315 Filed and lost By SMALL of Johnson
February 26, 1974

H--2290
1 Amend the Oakley, et al., amendment H--2216, to
2 Senate File 531, as passed by the Senate and reprinted
3 by striking in line 61 the words "unless a" and in-
4 serting a period after the word "unit" and by strik-
5 ing all of line 62.

Filed - w.d. 2/20 By ANDERSON of Ringgold
February 20, 1974
H--2290

H—2292
1 Amend Senate File 531, as passed by the Senate
2 and reprinted, page 21, by striking the comma in line
3 28 and inserting in lieu thereof the following:
4 "by the auditor of state, and".

H—2292 Filed - w.d. 3/5 By SCHROEDER of Pottawattamie
February 20, 1974

H—2293
1 Amend the Bittle, et al., amendment H-2266 to
2 Senate File 531, as passed by the Senate and re-
3 printed, as follows:
4 1. Line 41, by striking the following "either
5 party," and inserting in lieu thereof the words
6 "both parties".
7 2. By striking from line 42 the word "The" and
8 all of lines 43 and 44.

H—2293 Filed and lost By STROMER of Hancock
February 20, 1974 Motion to reconsider filed 2/20 (581)
Lost 2/21 (600)

H—2294
1 Amend Senate File 531, as passed by the Senate
2 and reprinted, as follows:
3 1. Page 5, by inserting the following
4 new subsection after line 20:
5 "6. Members of the legislature and former
6 members of the legislature who served as floor
7 managers for Senate File 531 shall not be eligible
8 to serve on the public employment relations board."

H—2294 Filed - Ruled not germane 2/25 By FISCHER of Grundy
February 20, 1974

H—2295
1 Amend the Bittle, et al., amendment H-2266 to
2 Senate File 531, as passed by the Senate and reprinted,
3 line 104, by striking the word "may" and inserting in
4 lieu thereof the word "shall".

H—2295 Filed - Withdrawn 2/21 By ROORDA of Jasper
February 20, 1974

H—2296

Amend the Bittle, et al., amendment H-2266 to Senate File 531, as passed by the Senate and reprinted, by inserting after the period in line 146 the following: "The actual cost of any arbitration award in excess of the final offer as submitted by the public employer shall be certified to the state comptroller by the governing body, and the comptroller shall pay out of the general fund of the state to the governing body the cost as so certified."

H—2296 Filed · Lost 2/21
February 20, 1974

By FISCHER of Grundy
ROORDA of Jasper
BORTELL of Madison
LOGUE of Iowa
WYCKOFF of Benton
McELROY of Fremont
ANDERSON of Ringgold
SCHROEDER of Pottawattamie
MILLER of Calhoun
WELDEN of Hardin

H—2297

Amend Senate File 531, as amended, passed, and reprinted by the Senate, page 15, by striking lines 10 through 13.

H—2297 Filed · Lost 3/5 Motion to rec. Lost 3/5 (784) a.d. 3/6
February 21, 1974

By HARVEY of Scott

H—2298

Amend Senate File 531, as amended, passed, and reprinted by the Senate, page 22, by inserting after line 26 the following new subsection:

Upon the written request of any member of a certified employee organization, the auditor of state may audit the financial records of the certified employee organization.

H—2298 Filed · adopted 3/5 (796)
February 21, 1974

By SCHROEDER of Pottawattamie

H—2299

Amend Senate File 531, as amended, passed, and reprinted by the Senate, as follows:

1. Page 13, by striking lines 25 through 33 and inserting in lieu thereof the following:

1. Upon the filing of a petition for certification of an employee organization, the board shall first submit the question of whether or not the public employees desire exclusive bargaining representation. All public employees in the appropriate bargaining unit shall be given the right to vote by secret ballot under such terms and conditions as the board may prescribe.

2. If the public employees elect to have an exclusive bargaining unit, the board shall conduct another election. The ballot shall list any employee organization which has petitioned for certification or which has presented proof satisfactory to the board of support of ten percent or more of the public employees in the appropriate unit.

2. Correct internal references as may be necessary in accordance with this amendment.

H—2299 Filed [illegible] By SCHROEDER of Pottawattamie

H—2268

Amend Senate File 531, as amended, passed, and reprinted by the Senate, as follows:

1. Page 12, by striking from line 31 the word "thirty" and inserting in lieu thereof the word "fifty".

2. Page 13, by striking from line 17 the word "thirty" and inserting in lieu thereof the word "fifty".

3. Page 13, by striking from line 31 the word "ten" and inserting in lieu thereof the word "fifty".

H—2268 Filed
February 20, 1974

By DAGGETT of Adams
MILLEN of Van Buren
BRANSTAD of Winnebago
ROORDA of Jasper
FERGUSON of Carroll
FISHER of Greene
BORTELL of Madison
BENNETT of Ida
MENKE of O'Brien
STROTHMAN of Henry
DANKER of Pottawattamie
HANSEN of O'Brien
MILLER of Calhoun
WYCKOFF of Benton
MENDENHALL of Allamakee
CRABB of Crawford
FULLERTON of Woodbury
JUNKER of Woodbury
PELLETT of Cass
STEPHENS of Plymouth
DUNTON of Keokuk
WEST of Marshall
DEN HERDER of Sioux

H—2269

Amend Senate File 531, as amended, passed, and reprinted by the Senate, page 15, by striking lines 7 through 9 and inserting in lieu thereof the following:

2. The employee organization and the public employer shall engage in collective bargaining negotiations and neither party shall employ or accept the services of any other person or organization to represent such party or negotiate on behalf of such party. In the case of school districts, the representatives of the employee organization shall be employees of the school district and members of the board of directors shall represent the school district as the public employer. In the case of counties, the representatives of the employee organization shall be employees of the county and members of the boards of supervisors shall negotiate for the county as the public employer.

H—2269 Filed - Lost 3/4 (765)
February 20, 1974

By BRUNOW of Appanoose

H—2271

Amend Senate File 531, as passed by the Senate and reprinted as follows:

1. By striking all of line 21, page 23 and inserting in lieu thereof the following: "pursuant to the public employment relations Act."

H—2271 Filed - adopted 3/5 (796)
February 21, 1974

By MILLEN of Van Buren
W D. on 3/7 p. 832
Does not appear in reprint

H—2270

1 Amend Senate File 531, as passed by the Senate
2 and reprinted, as follows:
3 Page 15, line 17, by inserting after the word
4 "agreement." the following:
5 "The collective bargaining agreement or contract
6 shall not become effective until after the treasurer
7 of the employee bargaining unit has deposited a cash
8 bond with the treasurer of the employer to assure
9 compliance by the employees with the terms of the col-
10 lective bargaining agreement or contract. The amount
11 of the bond required shall be determined by the
12 employer and shall bear a relationship to the amount of
13 money involved in the agreement or contract. The bond
14 shall be not less than ten thousand (10,000) dollars
15 nor more than fifty thousand (50,000) dollars. The
16 bond shall be immediately forfeited in case of a
17 strike as defined in this Act, work stoppage or con-
18 certed effort by the employees to interfere with the
19 public services provided by the employer. The funds
20 so forfeited shall be used by the public employer in
21 any way necessary to assure continuation of the unin-
22 terrputed public services of the employer."

H—2270 Filed - Lost 3/6 By DAGGETT of Adams
February 20, 1974

H—2272

1 Amend the Norland, et al., amendment H-2278 to
2 Senate File 531, as passed by the Senate and reprinted
3 by striking from lines 10 and 11 the following:
4 "evaluation procedures, procedures for staff reduction,
5 in-service training".

H—2272 Filed - Lost 2/26 By JUNKER of Woodbury
February 20, 1974

H—2275

1 Amend Senate File 531, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 10, line 16, by inserting after the word
4 "fraud" the words "or is contrary to law".
5 2. Page 10, lines 19 and 20, by striking the words
6 "If there is no sufficient competent evidence in the
7 record to warrant the making of the order or decision."
8 and inserting in lieu thereof the words "If the order
9 is not supported by a preponderance of the competent
10 evidence on the record considered as a whole."

H—2275 Filed - Adopted 2/27 (700) By ANDERSON of Ringgold
February 20, 1974

H—2274

Amend Senate File 531, as amended, passed, and reprinted by the Senate, page 23, by striking lines 22 through 24 and inserting in lieu thereof the following new section:

Sec. ____. This Act shall become effective on July 1, 1974, but the provisions of this Act relative to the duty to bargain between a public employer and public employees of the state, or any of its departments, boards, commissions, or agencies shall become effective on July 1, 1975. The provisions of this Act relative to the duty to bargain between any other public employer and public employee shall become effective upon the affirmative vote of the voters at an election held after July 1, 1975 to elect officers of a political subdivision of the state. The question shall be placed on the ballot by an affirmative vote of the governing body of the political subdivision or by a petition signed by thirty percent of the voters of the political subdivision, as shown in the last such election held in the political subdivision.

H—2274 Filed - Lost as amended by 2440 3/5 (799)
February 20, 1974

By ANDERSON of Ringgold
HANSEN of O'Brien
MILLER of Calhoun
MENKE of O'Brien
HOLDEN of Scott
EDELEN of Emmet
BRANSTAD of Winnebago
HUSAK of Tama
WYCKOFF of Benton
JORDAN of Linn
MIDDLESWART of Warren

DAGGETT of Adams
ROORDA of Jasper
BENNETT of Ida
WEST of Marshall
STEPHENS of Plymouth
McELROY of Fremont
DeJONG of Marion

H—2277

Amend Senate File 531, as amended, passed, and reprinted by the Senate, as follows:

1. Page 16, line 23 by striking the words "or a grievance procedure" and inserting in lieu thereof the words ", or in the event that no such procedures are so provided, shall follow grievance procedures." } Adopted 3/5 (787)

2. Page 16, by striking lines 21 through 24, and inserting in lieu thereof the words "Public employees of the state shall follow either the grievance procedures provided in a collective bargaining agreement or a grievance procedure established pursuant to chapter nineteen A (19A) of the Code. Notwithstanding any provision of this Act or of any grievance procedures provided in a collective bargaining agreement, teachers employed pursuant to chapter two hundred seventy-nine (279) of the Code shall follow the procedures established pursuant to sections two hundred seventy-nine point thirteen (279.13) and two hundred seventy-nine point twenty-four (279.24), and chapter two hundred ninety (290) of the Code.

Lost 3/5 Motion to recon. 3/5 (789) w.d. 3/6

H—2277 Filed -
February 20, 1974

By BRANSTAD of Winnebago
MILLEN of Van Buren
ANDERSON of Ringgold
WELDEN of Hardin
WEST of Marshall
DAGGETT of Adams
WYCKOFF of Benton

H—2276

Amend Senate File 531, as amended, passed and reprinted by the Senate, as follows:

1. Page 3, by inserting after line 15 the following subsection:

"Professional employee" means any employee engaged in work predominantly intellectual and varied in character as opposed to routine mental, manual, mechanical, or physical work; involving the consistent exercise of discretion and judgment in its performance; of such a character that the output produced or the result accomplished cannot be standardized in relation to a given period of time; and requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning or a hospital, as distinguished from a general academic education or from an apprenticeship or from training in the performance of routine mental, manual, or physical processes. "Professional employee" also includes any employee, who has completed the courses of specialized intellectual instruction and study and is performing related work under the supervision of a professional person to qualify himself to become a professional employee. A teacher shall be deemed to be a professional employee, and no teacher shall be included in a bargaining unit with noncertificated employees.

1 lost 2/21

2. Page 3, lines 25 through 27, by striking the words "In defining supervisory employees, the board shall consider the authority of an employee to perform, in the interest of the public employer, such duties as" and inserting in lieu thereof the words "Supervisory employee means any individual having authority in the interest of the public employer".

2 adopted 2/22

3. Page 3, by inserting after line 33 the words "All school superintendents, assistant superintendents, principals, assistant principals, and department heads shall be deemed to be supervisory employees."

3 lost 2/22

H—2276 Filed
February 20, 1974

By BRANSTAD of Winnebago
MILLEN of Van Buren
ANDERSON of Ringgold
WELDEN of Hardin
WEST of Marshall
DAGGETT of Adams
WYCKOFF of Benton

L 1 lost 2/21
2 adopted 2/22
3. lost 2/22 - Motion to reconsider filed 2/22 (635) prevailed 2/26
2 adopted as amended by 2324 2/26

H—2278

1 Amend Senate File 531 as amended, passed, and
2 reprinted by the Senate as follows:
3 1. Page 7, by striking from lines 3 and 4 the
4 following: "and other terms and conditions of em-
5 ployment, including" and inserting in lieu thereof,
6 "vacations, insurance, holidays, leaves of absence,
7 shift differentials, overtime compensation, sup-
8 plemental pay, seniority, transfer procedures, job
9 classifications, health and safety matters,
10 evaluation procedures, procedures for staff re-
11 duction, in-service training and other matters
12 mutually agreed upon. Negotiations shall also
13 include"

H—2278 Filed - adopted 2/26
February 20, 1974

By NORLAND of Worth
COCHRAN of Webster
HUTCHINS of Guthrie
JORDAN of Linn
McCORMICK of Delaware
BRINCK of Lee
MILLER of Cerro Gordo
BRUNOW of Appanoose
HENNESSEY of Delaware
DUNTON of Keokuk
GRIFFEE of Chickasaw

H—2279

1 Amend Senate File 531, as amended, passed, and re-
2 printed by the Senate, as follows:
3 1. Page 8, by inserting after line 26 the follow-
4 ing new paragraph:
5 e. Seek affiliation with or membership in any
6 national or international labor union.
7 2. Page 20, line 35 and page 21, lines 1 through
8 3, by striking the words "A filing by a national or
9 international employee organization of its constitu-
10 tion and bylaws shall be accepted in lieu of a filing
11 of such documents by each subordinate organization."
12 3. Page 21, by striking lines 10 through 12 and
13 inserting in lieu thereof the following:
14 a. The name and address of the organization, the
15 principal officers, and its agents.

H—2279 Filed - withdrawn 2/27/1991
February 21, 1974

By HARVEY of Scott

SENATE FILE 531

H—2280

Amend Senate File 531 as amended, passed, and reprinted by the Senate, as follows:

1. Page 3, by inserting after line 15, the following:

10. "Professional employee" means any one of the following:

a. Any employee engaged in work:

(1) Predominantly intellectual and varied in character as opposed to routine mental, manual, mechanical, or physical work;

(2) Involving the consistent exercise of discretion and judgment in its performance;

(3) Of such a character that the output produced or the result accomplished cannot be standardized in relation to a given period of time; and

(4) Requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning or a hospital, as distinguished from a general academic education or from an apprenticeship or from training in the performance of routine mental, manual, or physical processes.

b. Any employee who (i) has completed the courses of specialized intellectual instruction and study described in subparagraph four (4) of paragraph a of this subsection, and (ii) is performing related work under the supervision of a professional person to qualify himself or herself to become a professional employee as defined in paragraph a of this subsection."

A adopted 2/21

2. Page 4A, line 3, by striking the word "three" and inserting in lieu thereof the word "four".

B withdrawn 2/22 (634)

3. Page 4A, line 15, by striking the word "know" and inserting in lieu thereof the word "known".

C - adopted 2/25 (648)

4. Page 4A, line 24, by striking "1973" and inserting in lieu thereof "1974".

5. Page 4A, line 25, by striking "1975" and inserting in lieu thereof "1976".

6. Page 4A, line 26, by striking "1973" and inserting in lieu thereof "1974".

7. Page 4A, line 27, by striking "1977" and inserting in lieu thereof "1978".

8. Page 4A, line 28, by striking "1973" and inserting in lieu thereof "1974" and by striking "1979" and inserting in lieu thereof "1980".

withdrawn 2/25 (652)

D

9. Page 7, line 5, by striking the word "grievances" and inserting in lieu thereof the word "grievance".

E - adopted 2/26 (673)

10. Page 8, line 10, by striking the word "recognized" and inserting in lieu thereof the word "certified".

F - w.d. 2/27 (697)

11. Page 8, by inserting after line 14 the following: "h. Engage in a lockout." — G - w.d. 2/27(697)

12. Page 8, line 15, by inserting after the word employees a comma, and in line 16 after employee organizations the words ", or their ~~agents~~,". — H - w.d. (699)

13. Page 8, by inserting after line 26 the following: "e. Engage in a strike." — I - w.d. (699)

14. Page 8, by inserting after line 34 the following: "However, the board may conduct a preliminary investigation of the alleged violation, and if the board determines that the complaint has no basis in fact, the board may dismiss the complaint." — J - w.d. (699)

15. Page 10, line 24, by striking the word "as" and inserting in lieu thereof the word "or". — K - w.d. (700)

16. Page 12, by inserting after line 16 the following: "4. Professional and non-professional employees shall not be included in the same bargaining unit unless a majority of both agree." — A - Lost 2/21

17. Page 14, line 26, by striking "14" and inserting in lieu thereof "16". — L - adopted 2/28(726)

18. Page 15, line 10 by inserting after the word sessions, "including strategy meetings of public employers or employee organizations,". — M - w.d. 3/7 (833)

19. Page 15, by striking lines 14 through 17 and inserting in lieu thereof:

"4. The terms of a proposed collective bargaining agreement shall be made public and reasonable notice shall be given to the public employees prior to a ratification election. The collective bargaining agreement shall become effective only if ratified by a majority of those voting by secret ballot." — N withdrawn 3/1 (737)

20. Page 16, by striking in line 14 "An arbitrator's decision on a grievance may not extend arbitration", all of line 15 and in line 16 the word "policy" and insert in lieu thereof: An arbitrator's decision on a grievance may not change or amend the terms, conditions or applications of the collective bargaining agreement. — O withdrawn 3/5 (785)

21. Page 16, by striking line 32 and in line 33 the words "by the public employer and the employee organization." — P - adopted 3/5 (788)

22. Page 20, by striking in line 14 all after the period, and striking lines 15 and 16 and inserting in lieu thereof: "Nothing in this Act shall be construed to make any individual or his assets liable for any judgment against a public employer or an employee organization." — Q - withdrw: 3/5

23. Page 21, by striking in line 20 the words "will conform" and inserting in lieu thereof the words "comply with". — R - w.d. 3/1 (737)

24. Page 23, line 22, by striking "1973" and inserting in lieu thereof "1974". — S - withdrawn 3/5 (800)

25. Page 23, line 24, by striking "1974" and inserting in lieu thereof "1975".

H—2280 Filed
February 20, 1974

By OAKLEY of Clinton
DRAKE of Muscatine
CONNORS of Polk
HILL of Polk
FITZGERALD of Webster
HORN of Linn
WELLS of Linn

H—2281

Amend the Stanley, et al., amendment H-2232 to Senate File 531, as amended, passed, and reprinted by the Senate, as follows:

1. Line 18, by inserting the following before the period:

", for the purpose of influencing or coercing a public employer".

2. By striking line 129 and inserting in lieu thereof the following:

"name of the employee. The bargaining representative shall also be given notice of any final settlement or decision regarding the individual complaint."

Withdrawn 3/7 (833)

H—2281 Filed - Adopted 2/21
February 20, 1974

By STANLEY of Muscatine
READINGER of Polk
WYCKOFF of Benton
HARVEY of Scott

H—2282

Amend the Bittle, et al., amendment, H2266, to Senate File 531 as amended, passed, and reprinted by the Senate, as follows:

1. By inserting after line 53 a new paragraph:

"As an alternative procedure, the two parties may agree to submit the dispute to a single arbitrator. If the parties cannot agree on the arbitrator within four days, the selection shall be made pursuant to subsection five (5) of this section. The full costs of arbitration under this provision shall be shared equally by the parties to the dispute."

2. By inserting after line 72 the following:

d. The public employer and employee organization shall each pay the fees and expenses incurred by the arbitrator each selected. The fee and expenses of the chairman of the panel and all other costs of arbitration shall be shared equally.

3. By striking in line 104 the word "may" and inserting in lieu thereof "shall".

4. By striking in line 124 the word "to".

5. By striking in lines 139 and 140 the words "represent the contract" and inserting in lieu thereof "be the collective bargaining agreement."

H—2282 Filed and adopted
February 20, 1974

By BITTLE of Polk

H—2283

Amend the Oakley, et al., amendment H-2216 to Senate File 531, as passed by the Senate and reprinted, by striking all after the word "words" in line 70 and all of lines 71, 72 and 73 and inserting in lieu thereof the following: "An arbitrator's decision on a grievance may not change or amend the agreement, or modify or restrict the public employer's rights under section seven (7) of this Act."

H—2283 Filed - Lost 3/5 Motion to reconsider filed 3/5 (789) on d. 3/6
February 20, 1974

By WYCKOFF of Benton

H—2286

Amend Senate File 531, as passed by the Senate and reprinted as follows:

1. Page 3, by inserting after line 15 the following new subsection:

10. "Student means any individual registered for courses and accorded that status at a public institution of higher learning of the state except registrations merely incidental to his or her employment."

A - Lost 2/21 (611)

2. Page 3, line 35, by striking the word "less".

3. Page 4A, line 1, by striking the word "than".

4. Page 4A, line 1, by inserting after the word "week" the words "or less".

B - adopted 2/22 (631)

5. Page 6, line 13, by inserting after the word "assign," the words "classify and reclassify,".

C - withdrawn 2/26

6. Page 6, by inserting after line 20 the following new subsection:

"7. Remunerate any professional employee with differential remuneration or other perquisites exceeding that called for in any collective bargaining agreement then in force, provided, that the employee has demonstrated individual competence so as to require separate treatment in order to retain his or her services."

D Lost 2/26 (670)

7. Page 12, line 2, by inserting the word "or" after the comma and by striking the words "or upon the board's own ini-".

E - adopted 2/27

8. Page 12, line 3, by striking "tiative".

9. Page 12, line 12, by inserting after the word "employees" the words "including professional disciplines and labor market considerations".

10. Page 12, line 13, by inserting after the word "organization," the words "the history and relative degree of local autonomy,".

F - w.d. 2/27 (711)

11. Page 15, line 6, by inserting after the period the following sentence: "Nothing herein shall prevent differential remuneration or other perquisites in accordance with Section 7 of this Act."

G - w.d. 2/4 (764)

H—2286 Filed 2, 3, 4, 7, 8 adopted By CRAWFORD of Story
February 20, 1974

H—2289

Amend the Oakley, et al., amendment H-2216, to Senate File 531, as passed by the Senate and reprinted, by striking lines 33 through 38 and inserting in lieu thereof the following:

3. Page 6, by inserting after the period in line 9 the words "Such rules and regulations shall be published in the Iowa departmental rules."

4. Page 6, line 11, by inserting after the word "have" the words, "in addition to all powers, duties, and rights established by constitutional provision, statute, ordinance, charter, or special act, the exclusive power, duty, and".

5. Page 6, by striking lines 19 and 20.

2. Amend by renumbering the subsequent amendments.

H—2289 Filed w.d. 2/26 By ANDERSON of Ringgold
February 20, 1974

H—2284

1 Amend the Oakley, et al., amendment H-2280 to
2 Senate File 531, as passed by the Senate and reprinted
3 by striking all after the colon in line 85, all of
4 lines 86, 87 and 88, and inserting in lieu thereof the
5 following: "An arbitrator's decision on a grievance
6 may not change or amend the agreement, or modify or
7 restrict the public employer's rights under section
8 seven (7) of this Act."

H—2284 Filed - withdrawn 3/5 By WYCKOFF of Benton
February 20, 1974

H—2285

1 Amend the Stanley, et al., amendment H-2232 to
2 Senate File 531, as amended, passed, and reprinted by
3 the Senate, by striking lines 62 through 69 and
4 inserting in lieu thereof the following:
5 2. It shall be unlawful for any public employer
6 to authorize, consent to, or condone a strike; or to
7 pay or agree to pay any public employee for any day in
8 which the employee participates in a strike; or to pay
9 or agree to pay any increase in compensation or
10 benefits to any public employee in response to or as
11 a result of any strike or any act which violates sub-
12 section one (1) of this section. It shall be unlawful
13 for any official, director, or representative of any
14 public employer to authorize, ratify, or participate
15 in any violation of this subsection. Notwithstanding
16 the provisions of any other law, regulation, rule, or
17 contract, no school board or school district shall be
18 required to extend the school year or calendar in
19 order to make up for any school days lost as a result
20 of a strike.

H—2285 Filed - Lost 2/27 (703) By BRANSTAD of Winnebago
February 20, 1974

H—2287

1 Amend the Daggett, et al., amendment H-2268, to
2 Senate File 531, as passed and reprinted by the
3 Senate, as follows:
4 Line 5 by striking the word "fifty" and
5 inserting in lieu thereof the word "fifty-one".
6 Line 8 by striking the word "fifty" and
7 inserting in lieu thereof the word "fifty-one".
8 Line 10 by striking the word "fifty" and
9 inserting in lieu thereof the word "fifty-one".

2/27 (713)

B. Withdrawn 2/27 (702)

H—2287 Filed By DAGGETT of Adams
February 20, 1974

SENATE FILE 531

H—2266

1 Amend Senate File 531, as amended, passed, and re-
2 printed by the Senate, as follows:
3 1. Page 2, by inserting after line 16 the follow-
4 ing new subsection:
5 "Governing body" means the board, council, or
6 commission, whether elected or appointed, of a political
7 subdivision of this state, including school districts
8 and other special purpose districts, which determines
9 the policies for the operation of the political sub-
10 division.
11 2. Page 3, by inserting after line 15 the following
12 new subsection:
13 "Fact-finding" means the procedure by which a qualified
14 person shall make written findings of fact and recom-
15 mendations for resolution of an impasse.
16 3. Page 17, by striking lines 12 through 35 and
17 inserting in lieu thereof the following new sections:
18 Sec.____. NEW SECTION. FACT-FINDING. If the impasse
19 persists ten days after the mediator has been appointed,
20 the board shall appoint a fact-finder representative
21 of the public, from a list of qualified persons main-
22 tained by the board. The fact-finder shall conduct a
23 hearing, may administer oaths, and may request the board
24 to issue subpoenas. The fact-finder shall make written
25 findings of facts and recommendations for resolution
26 of the dispute and, not later than fifteen days from the
27 day of appointment, shall serve such findings on the
28 public employer and the certified employee organization.
29 The public employer and the certified employee
30 organization shall immediately accept the fact-finder's
31 recommendation or shall within five days submit the
32 fact-finder's recommendations to the governing body
33 and members of the certified employee organization for
34 acceptance or rejection. If the dispute continues ten
35 days after the report is submitted, the report shall
36 be made public by the board.
37 Sec.____. NEW SECTION. BINDING ARBITRATION.
38 1. If an impasse persists after the findings of fact
39 and recommendations are made public by the fact-finder,
40 the parties may continue to negotiate or, the board
41 shall have the power, upon request of either party, to
42 arrange for arbitration, which shall be binding. The
43 request for arbitration shall be in writing and a copy
44 of the request shall be served upon the other party.
45 2. Each party shall submit to the board within four
46 days of request a final offer on the impasse items with
47 proof of service of a copy upon the other party. Each
48 party shall also submit a copy of a draft of the proposed
49 collective bargaining agreement to the extent to which
50 agreement has been reached and the name of its selected

51 arbitrator. The parties may continue to negotiate all
52 offers until an agreement is reached or a decision
53 rendered by the panel of arbitrators.
54 3. The submission of the impasse items to the
55 arbitrators shall be limited to those issues that had
56 been considered by the fact-finder and upon which the
57 parties have not reached agreement. With respect to
58 each such item, the arbitration board award shall be
59 restricted to the final offers on each impasse item sub-
60 mitted by the parties to the arbitration board or to the
61 recommendation of the fact-finder on each impasse item.
62 4. The panel of arbitrators shall consist of three
63 members appointed in the following manner:
64 a. One member shall be appointed by the public
65 employer.
66 b. One member shall be appointed by the employee
67 organization.
68 c. One member shall be appointed mutually by the
69 members appointed by the public employer and the
70 employee organization. The last member appointed shall
71 be the chairman of the panel of arbitrators. No member
72 appointed shall be an employee of the parties.
73 5. If the third member has not been selected within
74 four days of notification as provided in subsection
75 two (2) of this section, a list of three arbitrators
76 shall be submitted to the parties by the board. The two
77 arbitrators selected by the public employer and the
78 employee organization shall determine by lot which
79 arbitrator shall remove the first name from the list
80 submitted by the board. The arbitrator having the right
81 to remove the first name shall do so within two days
82 and the second arbitrator shall have one additional day
83 to remove one of the two remaining names. The person
84 whose name remains shall become the chairman of the
85 panel of arbitrators and shall call a meeting within
86 ten days at a location designated by him.
87 6. If a vacancy should occur on the panel of
88 arbitrators, the selection for replacement of such
89 member shall be in the same manner and within the same
90 time limits as the original member was chosen. No final
91 selection under subsection nine (9) of this section shall
92 be made by the board until the vacancy has been filled.
93 7. The panel of arbitrators shall at no time engage
94 in an effort to mediate or otherwise settle the dispute
95 in any manner other than that prescribed in this section.
96 8. From the time of appointment until such time as
97 the panel of arbitrators makes its final determination,
98 there shall be no discussion concerning recommendations
99 for settlement of the dispute by the members of the
100 panel of arbitrators with parties other than those who

101 are direct parties to the dispute. The panel of
102 arbitrators may conduct formal or informal hearings to
103 discuss offers submitted by both parties.
104 9. The panel of arbitrators may consider, in addition
105 to any other relevant factors, the following factors:
106 a. Past collective bargaining contracts between
107 the parties including the bargaining that led up to
108 such contracts.
109 b. Comparison of wages, hours and conditions of
110 employment of the involved public employees with those
111 of other public employees doing comparable work, giving
112 consideration to factors peculiar to the area and the
113 classifications involved.
114 c. The interests and welfare of the public, the
115 ability of the public employer to finance economic
116 adjustments and the effect of such adjustments on the
117 normal standard of services.
118 d. The power of the public employer to levy taxes
119 and appropriate funds for the conduct of its operations.
120 10. The chairman of the panel of arbitrators may
121 hold hearings and administer oaths, examine witnesses
122 and documents, take testimony and receive evidence,
123 issue subpeonas to compel the attendance of witnesses
124 and the production of records, and to delegate such
125 powers to other members of the panel of arbitrators.
126 The chairman of the panel of arbitrators may petition
127 the district court at the seat of government or of the
128 county in which any hearing is held to enforce the
129 order of the chairman compelling the attendance of
130 witnesses and the production of records.
131 11. A majority of the panel of arbitrators shall
132 select within fifteen days after its first meeting
133 the most reasonable offer, in its judgment, of the
134 final offers on each impasse item submitted by the
135 parties, or the recommendation of the fact-finder on each
136 impasse item.
137 12. The selections by the panel of arbitrators and
138 items agreed upon by the public employer and the
139 employee organization, shall be deemed to represent
140 the contract between the parties.
141 13. The determination of the panel of arbitrators
142 shall be by majority vote and shall be final and binding
143 subject to the provisions of section seventeen (17),
144 subsection six (6), of this Act. The panel of arbitrators
145 shall give written explanation for its selection and
146 inform the parties of its decision.
147 4. Page 18, by striking lines 1 through 34.
148 5. Page 19, by striking lines 1 through 35.
149 6. Page 20, by striking lines 1 through 9.

H—2266 Filed - Amended by 2282, Tuesday 2/20 adopted 2/21
February 19, 1974

By BITTLE of Polk
BUTLER of Pottawattamie
WEST of Marshall
EDELEN of Emmet
TOFTE of Winneshiek
KNOKE of Pottawattamie

EXPLANATION

This amendment adds fact finding as part of the impasse resolution procedure. When the fact-finder makes his recommendation, the parties either immediately accept the recommendation of the fact-finder, or within five days submit the fact-finders recommendations to the governing body and the members of the certified employees organization for acceptance or rejection. If the dispute continues ten days after the report is submitted, the report of the fact-finder is to be made public.

If impasse continues after the findings of fact and recommendation are made public, the parties may continue to negotiate, or either party may request the P.E.R. Board to arrange for binding arbitration.

Each party must then submit its final offer.

3. The submission of the impasse items to the arbitrators shall be limited to those issues that had been considered by the fact-finder and upon which the parties have not reached agreement. With respect to each such item, the arbitration board award shall be restricted to the final offers on each impasse item submitted by the parties to the arbitration board or to the recommendation of the fact-finder on each impasse item.

H—2262

Amend Senate File 531, as amended, passed and reprinted by the Senate, as follows:

1. Page 5, line 7, by striking the words "equal to that of a district court judge" and inserting in lieu thereof the words "of twenty-four thousand (24,000) dollars."

H—2262 Filed - adopted 2/25 (653) By COCHRAN of Webster
February 19, 1974

H—2263

Amend Senate File 531, as amended, passed, and reprinted by the Senate, as follows:

1. Page 4A, lines 20 and 21, by striking the words "and the members shall devote full time to their duties". A none 2/25 motion to reconsider 2/25 passed 2 nay

2. Page 4A, line 24, by striking the figure "1973" and inserting in lieu thereof the figure "1974". B withdrawn 2/25 (652)

3. Page 4A, line 25, by striking the figure "1975" and inserting in lieu thereof the figure "1976".

4. Page 4A, line 26, by striking the figure "1973" and inserting in lieu thereof the figure "1974".

5. Page 4A, line 27, by striking the figure "1977" and inserting in lieu thereof the figure "1978".

6. Page 4A, line 28, by striking the figure "1973" and inserting in lieu thereof the figure "1974".

7. Page 4A, line 28, by striking the figure "1979" and inserting in lieu thereof the figure "1980".

8. Page 5, line 7, by striking the words "equal to that of a district court judge" and inserting in lieu thereof the words "as determined by the general assembly and the chairman shall devote his full time to the duties of his office". C withdrawn 2/25 (653)

9. Page 5, lines 4 and 5, by striking the words "The members of the board shall be selected on the basis of their knowledge, ability and experience in the field of" and inserting in lieu thereof the words "In selecting the members of the board, consideration shall be given to their knowledge, ability, and experience in the field of". D adopted 2/25 (653)

10. Page 5, lines 8 through 10, by striking the words "shall each receive an annual salary equal to ninety percent of the salary received by the chairman" and inserting in lieu thereof the words "shall devote such time as is necessary to carry out the duties and responsibilities of the office. Members of the board, except the chairman, shall receive a per diem of forty dollars and necessary travel and expenses incurred in the performance of their official duties". A none 2/25

H—2263 Filed - 1, 10 - lost; 2, 3, 4, 5, 6, 7, 8, w.d.; 9. adopted By ANDERSON of Ringgold
February 19, 1974

H—2264

Amend Senate File 531, as passed by the Senate and reprinted, page 19, by inserting after line 8 the following:

"d. The power of the public employer to levy taxes and appropriate funds for the conduct of its operation."

H—2264 Filed - Ruled out of order 3/5 (788) By STROMER of Hancock
February 19, 1974

SENATE FILE 531

H—2257

1 Amend the Egenes, et al., amendment H-2234, to
2 Senate File 531, as passed by the Senate and reprint-
3 ed, by striking all of lines 372 through 393 and
4 inserting in lieu thereof the following:
5 3. Determine, effectuate and implement the
6 objectives and goals of the public employer.
7 4. Manage and supervise all operations and
8 functions of the public employer.
9 5. Manage and direct work forces.
10 6. Change or eliminate existing facilities,
11 methods, or equipment used by the public employer.
12 7. Relieve, layoff, or discharge employees
13 for budgetary or other proper cause.
14 8. Increase, reduce, change, modify and alter
15 the composition and size of the work force.
16 9. Create, establish, change, modify and
17 discontinue any function, operation, or division of
18 the public employer.
19 10. Establish, implement, modify and change
20 financial policies, accounting procedures, public
21 relations, and procedures and policies for the
22 safety, health and protection of the public employer's
23 property and personnel.
24 11. Determine the size and character of
25 inventories at the public employer's disposal.
26 12. Determine the mission of the public employer.
27 13. Establish, modify, change and discontinue
28 work standards.
29 14. Hire, examine, classify, promote, train,
30 transfer, assign and retain employees; suspend,
31 demote, discharge or take other disciplinary action
32 against employees for proper cause.
33 15. Determine, establish, set and implement
34 policies for the selection, training and promotion
35 of employees.
36 16. Adopt, modify, change, enforce or dis-
37 continue any existing rules, regulations, procedures
38 and policies, except as restricted by this or any
39 provisions of the Code.
40 17. Establish, change, alter, or modify the
41 written manual of the public employer.
42 18. Determine the methods, means and number
43 of personnel needed to carry out the public employ-
44 er's mission.
45 19. Determine employees' ability and qualifica-
46 tions.
47 20. Contract out work.
48 21. Create, modify and abolish job classifica-
49 tions and duties.
50 22. Establish and enforce the public employer's
51 rules and regulations, except as restricted by the
52 Code.

H—2257 Filed - Lost 2/20 By JUNKER of Woodbury
February 19, 1974

H—2258

Amend Senate File 531, as amended, passed, and reprinted by the Senate, page 4A, by inserting after line 13 the following new subsection:

11. Faculty members and other instructional personnel employed by the state board of regents at the state university of Iowa, Iowa state university of science and technology, and the university of northern Iowa.

H—2258 Filed – Lost 2/22 By STROMER of Hancock
February 19, 1974 2412 MILLEN of Van Buren
Motion to reconsider filed 2/22, provided out 3/6 BRANSTAD of Winnebago

H—2259

Amend Senate File 531, as amended, passed, and reprinted by the Senate, as follows:

1. Page 21, line 3, by inserting after the word "organization" the words "but shall not relieve such subordinate organization from filing such report, constitution and by-laws with respect to its own subordinate organization and operation". Lost - Motion to reconsider filed 3/5 (789) w.d. 3/6

2. Page 21, line 22, by striking the words "or national origin" and inserting in lieu thereof the words "national origin, or physical disability as provided by law". adopted 3/1 (736)

H—2259 Filed By BRANSTAD of Winnebago
February 19, 1974

H—2260

Amend Senate File 531, as amended, passed, and reprinted by the Senate, as follows:

1. Page 13, line 30 by inserting after the word "certification" the words "or has been named in a petition of a public employee or of a public employer". A - withdrawn 2/28 (725)

2. Page 14, line 2, by striking the word "If" and inserting in lieu thereof the words "Upon written objections filed by any party to the election within 10 days after notice of the results of the election, if". B - adopted 7/28

3. Page 14, line 25, by inserting after the word "Act" the words "; provided that no such petition and no election conducted pursuant to such petition within one year from decertification shall include as a party the decertified employee organization". C - adopted 7/28

H—2260 Filed By BRANSTAD of Winnebago
February 19, 1974

H—2261

Amend Senate File 531, as amended, passed, and reprinted by the Senate, as follows:

1. Page 12, line 3, by inserting after the period the words "Any petition filed pursuant to section fourteen (14) of this Act shall include or be deemed to include and serve as a petition for determination of the appropriate bargaining unit." A

2. Page 12, line 12, by striking the words "and extent". B

3. Page 12, line 14, by inserting after the period the words "Professional and nonprofessional employees shall not be included in the same bargaining unit." C

H—2261 Filed - 1 and 2 lost; 3 ruled out of order 2/27 (711-712) By BRANSTAD of Winnebago
February 19, 1974

H—2253

1 Amend Senate File 531, as amended, passed, and re-
2 printed by the Senate, as follows:
3 1. Page 17, by striking lines 12 through 35 and
4 inserting in lieu thereof the following new sections:
5 Sec.____. NEW SECTION. FACT FINDING. If the
6 impasse persists ten days after the mediator has been
7 appointed, the board shall appoint a fact-finder repre-
8 sentative of the public, from a list of qualified
9 persons maintained by the board. The fact-finder shall
10 conduct a hearing, may administer oaths, and may re-
11 quest the board to issue subpoenas. The fact-finder
12 shall make written findings of facts and recommendations
13 for resolution of the dispute and, not later than
14 fifteen days from the day of appointment, shall serve
15 such findings on the public employer and the certified
16 employee organization. If the dispute continues ten
17 days after the report is submitted to the parties, the
18 report shall be made public by the board.
19 Sec.____. NEW SECTION. VOLUNTARY ARBITRATION. If
20 an impasse persists after the findings of fact and
21 recommendations are made public by the fact-finding
22 board, the board shall have the power, upon request of
23 both parties, to assist in arranging for voluntary
24 arbitration, which may be binding or advisory, depending
25 on the mutual assent of the parties.
26 2. Page 18, by striking lines 1 through 34.
27 3. Page 19, by striking lines 1 through 35.
28 4. Page 20, by striking lines 1 through 9.

H—2253 Filed - Ruled out of order 3/5 (788) By STROMER of Hancock
February 19, 1974

H—2256

1 Amend Senate File 531, as amended, passed, and re-
2 printed by the Senate, page 23, by striking lines 22
3 through 24, and inserting in lieu thereof the follow-
4 ing:
5 Sec. 27. This Act shall become effective upon the
6 adoption of rules and regulations by the board, es-
7 tablishing internal guidelines and procedures which
8 are approved by the general assembly or on July 1,
9 1975, whichever time occurs last; provided that sec-
10 tions one (1) through six (6) of this Act shall be-
11 come effective on July 1, 1974.

H—2256 Filed - Lost 3/5 By BRANSTAD of Winnebago
February 19, 1974

H—2254

Amend Senate File 531, as amended, passed, and reprinted by the Senate, as follows:

1. Page 15, by striking lines 22 through 28 and inserting in lieu thereof the following: A - withdrawn 3/5

6. Any term of a collective bargaining agreement which exceeds the authority of the public employer or is otherwise contrary to law shall be invalid and unenforceable. Notwithstanding any provision of this Act, any collective bargaining agreement, or of any determination of a panel of arbitrators, a public employer shall not expend funds or approve claims in excess of the appropriations made thereto, nor expend funds for any purpose other than that for which the money was appropriated.

2. Page 15, line 34, by striking the words ", subject to the approval of the board". B - adopted 3/5 (783)

3. Page 16, line 5, by inserting after the period the words "Nothing in this subsection shall be construed to require that all state employers comprise a single appropriate unit for purposes of collective bargaining under this Act or to prevent the governor from naming more than one or different designees for negotiations with respect to the different departments or agencies of the state." D - Lost 3/5 (784) Motion to reconsider filed 3/5 (789) w.d. 3/6

4. Page 16, following line 5, by adding the following new subsections: C - adopted as amended by 2356 3/5 (784)

8. A public employee or any employee organization shall not negotiate or attempt to negotiate with the public employer if the public employer has appointed or authorized a bargaining representative for the purpose of bargaining with the public employees or their representative.

9. Public employers shall establish procedures to meet and confer with professional employees, as defined in section three (3) of this Act, on matters of interest and concern to such employees. These procedures shall not be included within a collective bargaining agreement. E - withdrawn 3/5

H—2254 Filed
February 19, 1974

By WEST of Marshall
BRANSTAD of Winnebago
MILLEN of Van Buren
WYCKOFF of Benton
WELDEN of Hardin

H—2255

Amend Senate File 531, as amended, passed, and reprinted by the Senate, page 23, by inserting after line 15 the words "Nothing in this section shall be construed to limit or deny any civil remedy which may exist as a result of action which may violate this section."

H—2255 Filed - adopted 3/5 (796)
February 19, 1974

By BRANSTAD of Winnebago

SENATE FILE 531

H—2243

1 Amend Senate File 531, as passed by the Senate
2 and reprinted, as follows:
3 1. Page 6, by striking all of lines 12 through
4 20 and inserting in lieu thereof the following:
5 1. Determine, effectuate and implement the
6 objectives and goals of the public employer.
7 2. Manage and supervise all operations and
8 functions of the public employer.
9 3. Manage and direct work forces.
10 4. Change or eliminate existing facilities,
11 methods, or equipment used by the public employer.
12 5. Relieve, layoff, or discharge employees
13 for budgetary or other proper cause.
14 6. Increase, reduce, change, modify and alter
15 the composition and size of the work force.
16 7. Create, establish, change, modify and
17 discontinue any function, operation, or division of
18 the public employer.
19 8. Establish, implement, modify and change
20 financial policies, accounting procedures, public
21 relations, and procedures and policies for the
22 safety, health and protection of the public employer's
23 property and personnel.
24 9. Determine the size and character of
25 inventories at the public employer's disposal.
26 10. Determine the mission of the public
27 employer.
28 11. Establish, modify, change and discontinue
29 work standards.
30 12. Hire, examine, classify, promote, train,
31 transfer, assign and retain employees; suspend,
32 demote, discharge or take other disciplinary action
33 against employees for proper cause.
34 13. Determine, establish, set and implement
35 policies for the selection, training and promotion
36 of employees.
37 14. Adopt, modify, change, enforce or dis-
38 continue any existing rules, regulations, procedures
39 and policies, except as restricted by this or any
40 provisions of the Code.
41 15. Establish, change, alter, or modify the
42 written manual of the public employer.
43 16. Determine the methods, means and number
44 of personnel needed to carry out the public employer's
45 mission.
46 17. Determine employees' ability and
47 qualifications.
48 18. Contract out work.
49 19. Create, modify and abolish job
50 classifications and duties.
51 20. Establish and enforce the public employer's
52 rules and regulations, except as restricted by the
53 Code.
54 2. Page 7, line 6, by inserting after the word
55 "agreement" the following: "except those reserved
56 to the employer in section 7 of this Act,".

H—2243 Filed
February 19, 1974

By JUNKER of Woodbury
WYCKOFF of Benton
FULLERTON of Woodbury

H—2250

1 Amend Senate File 531, page 2, line 16, by inserting
2 after the word "district" the following: ", except
3 that this definition shall not include hospitals".

H—2250 Filed - Lost 2/20
February 19, 1974

Motion to reconsider filed 2/22 (635)
w.d. 3/6

By FISCHER of Grundy
FISHER of Greene
BORTELL of Madison
DEN HERDER of Sioux
ROORDA of Jasper
LOGUE of Iowa
McELROY of Fremont
WYCKOFF of Benton
HUSAK of Tama
CRABB of Crawford
SCHROEDER of Pottawattamie
ANDERSON of Ringgold
MILLEN of Van Buren
MENKE of O'Brien
STROTHMAN of Henry
DUNTON of Keokuk
FREEMAN of Buena Vista

H--2250

H—2252

1 Amend Senate File 531, as amended, passed, and re-
2 printed by the Senate, as follows:
3 1. Page 6, by inserting after the period in line 9 A. Lost 2/26
4 the words "Such rules and regulations shall be published
5 in the Iowa departmental rules."
6 2. Page 6, line 11, by inserting after the word B. adopted 2/26
7 "have" the words ", in addition to all powers, duties, Motion to reconsider filed 2/26 (677)
8 and rights established by constitutional provision, w.d. 3/6
9 statute, ordinance, charter, or special act, the
10 exclusive power, duty, and".
11 3. Page 6, by striking lines 19 and 20 and inserting C. adopted
12 in lieu thereof the following: 2/26 (667)
13 6. Take such actions as may be necessary to carry
14 out the mission of the public employer.
15 7. Determine the methods, means, and personnel by D. w.d. 2/26
16 which operations are to be conducted.
17 8. Initiate, prepare, certify, and administer its E. adopted 2/26
18 budget.
19 9. Exercise all powers and duties granted to the
20 public employer by law.
21 10. Implement, free from any duty to bargain under D. w.d. 2/26
22 this Act, any employment policies and practices
23 established by law.

H—2252 Filed
February 19, 1974

By ANDERSON of Ringgold

H—2237

Amend Senate File 531, as amended, passed, and reprinted by the Senate, page 15, by striking lines 7 through 9 and inserting in lieu thereof the following:

2. The employee organization and the public employer shall engage in collective bargaining negotiations and neither party shall employ or accept the services of any other person or organization to represent such party or negotiate on behalf of such party.

H—2237 Filed - withdrawn 3/4 (76-) By BRUNOW of Appanoose
February 19, 1974

H—2235

Amend Senate File 531, as amended, passed, and reprinted by the Senate, as follows:

1. Page 15, by striking lines 22 through 28.

2. Page 23, by inserting after line 21 the following new section:

Sec. ____. NEW SECTION. Notwithstanding the millage and budget limitations imposed by law on any political subdivision of the state, such political subdivision of the state shall levy an amount sufficient to fund any economic benefits provided under a collective bargaining agreement. There is appropriated from the general fund of the state an amount sufficient to pay economic benefits provided under a collective bargaining agreement between the state, its departments, commissions, boards, or agencies and state public employees.

H—2235 Filed - Lost 3/5 By KNOKE of Pottawattamie
February 19, 1974

H—2246

Amend the Egenes, et al., amendment H-2234 to Senate File 531, as passed by the Senate and reprinted, by inserting after line 146 the following new subsection:

"13. Persons employed by the commission for the blind."

H—2246 Filed - Adopted 2/20 By FISHER of Greene
February 19, 1974

House 2
February 20, 1974

SENATE FILE 531

H—2236

Amend Senate File 531, as amended, passed, and reprinted by the Senate, as follows:

1. Page 7, line 32, by inserting after the word "interfere" the word "with".

2. Page 7, line 34, by inserting after the word "interfere" the word "with".

3. Page 8, line 10, by striking the word "recognized" and inserting in lieu thereof the word "certified".

4. Page 8, by striking lines 15 and 16 and inserting in lieu thereof the following:

3. It shall be a prohibited practice for public employees or an employee organization or for any person, union, or organization or their agents willfully to:

5. Page 8, line 17, by inserting after the word "interfere" the word "with".

6. Page 8, by inserting after line 26 the following:

e. Coerce, restrain, induce or encourage any person to:

1. Force or require any public employer to cease doing business with any other person.

2. Force or require a public employer to recognize for representation purposes an employee organization.

3. Refuse to handle goods or perform services.

4. Prevent a public employee from providing services to a public employer.

5. Force or require any public employer to assign particular work to public employees in an employee organization.

6. Cause or attempt to cause a public employer to pay or deliver or agree to pay or deliver any money or other thing of value, for services which are not performed or not to be performed.

7. Strike, boycott, or engage in a work slowdown in support of any employee organization.

f. Picket or cause or threaten the picketing of any public employer to force or attempt to force a public employer to bargain with an employee organization as the representative of the public employees or to force or require the public employees of a public employer to select such an employee organization as their collective bargaining respresentative unless such employee organization is currently certified by the board as the representative of such public employees.

g. Picket in a manner which interferes with ingress and egress to the facilities of the public employer.

h. Engage in, initiate, sponsor, or support any picketing that is performed in support of a strike, work stoppage, boycott or slowdown.

i. Picket for any unlawful purpose.

H—2236 Filed
February 19, 1974

By GRASSLEY of Butler

SENATE FILE 531

H—2216

Amend Senate File 531, as amended, passed, and reprinted by the Senate, as follows:

1. Page 3, by inserting after line 15 the following:

10. "Professional employee" means any one of the following:

a. Any employee engaged in work:

(1) Predominantly intellectual and varied in character as opposed to routine mental, manual, mechanical, or physical work;

(2) Involving the consistent exercise of discretion and judgment in its performance;

(3) Of such a character that the output produced or the result accomplished cannot be standardized in relation to a given period of time; and

(4) Requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning or a hospital, as distinguished from a general academic education or from an apprenticeship or from training in the performance of routine mental, manual, or physical processes.

b. Any employee who has completed the courses of specialized intellectual instruction and study described in subparagraph four (4) of paragraph a of this subsection.

c. Any employee who is registered as a qualified professional by a licensing or registration board or body under the laws of this state.

A withdrawn 2/22 (611)

2. Page 4A, line 3, by striking the word "three" and inserting in lieu thereof the word "four".

B adopted 2/22

3. Page 6, by striking lines 19 and 20 and inserting in lieu thereof the following:

C. w.d. 2/26

6. Take such actions as may be necessary to carry out the mission of the public employer.

7. Exercise all powers and duties granted to the public employer by law.

4. Page 8, line 10, by striking the word "recognized" and inserting in lieu thereof the word "certified".

D. w.d. 2/26

5. Page 8, by inserting after line 14, the following: "h. Engage in a lockout".

E adopted 2/27 (699)

6. Page 8, line 15, by inserting a comma after the word "employees".

F withdrawn 2/27 (699)

7. Page 8, line 16, by striking the words "or employee organizations" and inserting in lieu thereof the words "employee organizations, or their agents".

8. Page 8, by inserting after line 26, the following: "e. Engage in a strike."

G w.d. 2/27 (699)

9. Page 8, line 34, by adding after the period the words "However, the board may conduct a preliminary investigation of the alleged violation, and if the board determines that the complaint has no basis in fact, the board may dismiss the complaint." H - adopted 2/27 (699)

10. Page 10, line 24, by striking the word "as" and inserting in lieu thereof the word "or". E - adopted 2/27 (700)

11. Page 12, by inserting after line 16 the following new subsection: A - w d 2/26

4. Professional and nonprofessional employees shall not be included in the same bargaining unit unless a majority of both agree.

12. Page 15, line 10, by inserting after the comma the words "including strategy meetings of public employers or employee organizations,". J - adopted 2/4 (766)

13. Page 16, lines 14 through 16 by striking the words "An arbitrator's decision on a grievance may not extend arbitration to changes or proposed changes in agreements or public employer policy." and inserting in lieu thereof the words "An arbitrator's decision on a grievance may not change or amend the terms, conditions or applications of the collective bargaining agreement." K - adopted 3/5 (785) motion to reconsider failed 3/5 (784) w d 3/6

14. Page 16, by striking from lines 32 and 33 the words "The cost of all impasse procedures shall be shared equally by the public employer and the employee organization." L - withdrawn 3/5 (788)

15. Page 17, by inserting after line 24 the words "As an alternative procedure, the two parties may agree to submit the dispute to a single arbitrator. If the parties cannot agree on the arbitrator within four days, the selection shall be made pursuant to subsection four (4) of this section. The full costs of arbitration under this provision shall be shared equally by the parties to the dispute."

16. Page 17, by inserting after line 34 the following: "d. The public employer and employee organization shall each pay the fees and expenses incurred by the arbitrator each selected. The fee and expenses of the chairman of the panel and all other costs of arbitration shall be shared equally." 2/27

17. Page 18, line 30, by striking the word "may" and inserting in lieu thereof the word "shall".

18. Page 19, line 13, by striking the first word "to".

19. Page 20, line 2, by striking the words "represent the contract" and inserting in lieu thereof the words "be the collective bargaining agreement".

20. Page 20, by striking from line 14 through 16 the words "Individual assets of any public officials M - w d 3/1 (731)

101 and an employee of an employee organization shall be
102 exempt from judgment." and inserting in lieu thereof
103 the words "Nothing in this Act shall be construed to
104 make any individual or his assets liable for any
105 judgment against a public employer or an employee
106 organization."
107 21. Page 21, line 20, by striking the words N. adopted 3/1 (735)
108 "conform to" and inserting in lieu thereof the words
109 "comply with".
110 22. Page 22, line 23, by striking the word "shall" O. adopted 3/5 (737)
111 and inserting in lieu thereof the word "may".
112 23. Page 23, line 22, by striking "1973" and P. ~~adopted 3/6 (900)~~ adopted 3/6 (900)
113 inserting "1974".
114 24. Page 23, line 24, by striking "1974" and
115 inserting "1975".

H—2216 Filed
February 15, 1974

By OAKLEY of Clinton
FITZGERALD of Webster
DRAKE of Muscatine
WELLS of Linn
HILL of Polk
CONNORS of Polk
HORN of Linn

SENATE FILE 531

H—2218

Amend Senate File 531, as passed by the Senate and reprinted, as follows:

1. Page 2, by striking from line 30 the following: "for the pur-", all of lines 31, 32, and 33 and inserting in lieu thereof the following: " or any other concerted interruption of operations by employees."

A Lost 2/21 (607)

2. Page 11, by striking all of lines 1 through 33 and inserting in lieu thereof the following:

B

"2. In addition to any other legal or equitable remedies, a public employer, in the event of a strike or threatened strike, may petition the district court in and for the county in which the strike occurs or is threatened, or the district court of Polk County, for an injunction against the public employees, individually and collectively, and the employee organization. Any strike contrary to the provisions of this Act shall be deemed to have caused irreparable harm. Failure to comply with a court order enjoining a strike shall constitute a contempt punishable pursuant to chapter six hundred sixty-five (665) of the Code. A permanent injunction issued by the court against an employee organization for violation of subsection one (1) of this section shall include an order suspending the certification rights of such organization for two (2) years. During such suspension, the public employer shall not deduct membership dues for such organization.

Lost 2/27 (706)

3. Any public employee who participates in a strike shall be subject to immediate suspension, discharge or other disciplinary action. The question whether a public employee violated subsection 1 of this section may be reviewed by a hearing officer of the board pursuant to section eleven (11) of this Act, upon application by such employee.

The hearing procedure provided for in this subsection shall be the sole and exclusive procedure for reviewing disciplinary action taken pursuant to this subsection, notwithstanding any other procedure or form provided by law, ordinance, regulation, charter or special act or by contact.

C

4. No public employer shall have the power to authorize, consent to or condone a strike or to pay or agree to pay employees for any day in which they participate in a strike, or any increased compensation granted as a result of a

Withdrawn 2/27 (706)

51 strike. Notwithstanding the provisions of any
52 other law, regulation, rule or contract, no
53 school board or school district shall be required
54 to extend the school year or calendar in order to
55 make up for school days lost as a result of a
56 strike."

H—2218 Filed
February 15, 1974

By BRANSTAD of Winnebago
HARVEY of Scott
FULLERTON of Woodbury
PETERSON of Woodbury
WYCKOFF of Benton
BENNETT of Ida
BORTELL of Madison
McELROY of Fremont
MENDENHALL of Allamakee
MILLEN of Van Buren
DANKER of Pottawattamie
STEPHENS of Plymouth
BROCKETT of Marshall
FISCHER of Grundy
WEST of Marshall
PELLETT of Cass
STROTHMAN of Henry
DAGGETT of Taylor
HANSEN of O'Brien
GRASSLEY of Butler
TOFTE of Winneshiek
WELDEN of Hardin
MIDDLESWART of Warren
EDELEN of Emmet
FISHER of Greene
SCHROEDER of Pottawattamie
EWING of Mahaska

EXPLANATION

The need for effective injunctive relief to stop a strike disrupting public agencies and operations - and threatening the safety and welfare of Iowa citizens - is obvious. Therefore, the proposed amendment recognizes that a public sector strike causes "irreparable harm", and requires (as do other states) that employee organizations violating the law must forfeit their right to represent employees for a specified period.

The proposed amendment permits immediate discipline of strikers who violate the law, but protects the employee against arbitrary action by submitting the question of strike participation to a hearing. The hearing procedures specified in this subsection shall be the only procedures available to the employee to determine whether or not there was a violation of subsection (1), section 12.

This amendment is also designed to take away the incentive to strike in violation of the law. It also releases school districts from any obligation they may have to make up school days lost as a result of a strike.

H—2190

1 Amend Senate File 531, as amended, passed, and
2 reprinted by the Senate, page 7, by striking lines 20
3 through 23 and inserting in lieu thereof the following:
4 "The scope of negotiations shall not extend to wages,
5 hours and other terms and conditions of employment,
6 including terms authorizing dues checkoff for members
7 of the employee organization and grievance or other
8 procedures for resolving any questions arising under
9 an agreement, or to any other matters which are or
10 may hereafter be the subject of a statute, ordinance,
11 regulation, charter or special act."

H—2190 Filed - W. d. 2/26 By HOLDEN of Scott
February 13, 1974

H—2207

1 Amend Senate File 531, as amended, passed and re-
2 printed by the Senate, as follows:
3 1. Page 6 by striking lines 7 through 9 and in-
4 serting in lieu thereof the following:
5 "5. Notwithstanding the provisions of chapter
6 seventeen A (17A), Code 1973, the board shall submit
7 rules and regulations they deem necessary to the
8 legislature for approval and may adopt any such rules
9 and regulations after approval by a majority of both
10 houses of the legislature."
11 2. Page 23, lines 22-24, by striking Section 27
12 and substituting therefor:
13 "Sec. 27. This Act shall become effective upon
14 the public employment relations board's adoption of
15 rules and regulations, approved by the legislature,
16 establishing internal guidelines and board procedures
17 or on July 1, 1975, whichever last occurs; provided
18 that sections one (1) through six (6) of this Act
19 shall become effective on July 1, 1974."

H—2207 Filed - Lost 2/26 By WELDEN of Hardin
February 14, 1974 SCHROEDER of Pottawattamie
MILLEN of Van Buren

EXPLANATION

This proposed amendment provides that the board submit their proposed rules to the legislature for approval before adopting them, and makes the effective date contingent on adoption of rules.

H—2211

1 Amend Senate File 531 as follows:
2 Amend the Holden amendment No. 2190 to
3 Senate File 531, as amended, passed and reprinted
4 by the Senate, by inserting in line 4 following
5 the word "to" the following: "matters other
6 than".

H—2211 Filed - Withdrawn 2/26 By HILL of Polk
February 15, 1974

H—2215

Amend Senate File 531, as amended, passed and reprinted by the Senate as follows:

1. Page 3, by inserting after line 15 the following new section:

"Sec.____. NEW SECTION. BARGAINING PROCEDURES. All public employees and their employee organizations shall meet and confer at reasonable time on matters concerning wages, salaries and working conditions; provided, that if by mutual agreement the public employer and the employee organization agree to negotiate collectively, than and only in such event shall the provisions of sections 16, 17, 18, 19, 20 and 21 of this Act be applicable to the parties to such agreement."

2. By renumbering the subsequent sections and correcting cross references.

H—2215 Filed - Lost 2/21
February 15, 1974
Motion to reconsider filed 2/21 (6-7) w.d. 3/6

By WELDEN of Hardin
WEST of Marshall
WYCKOFF of Benton
PETERSON of Woodbury
ANDERSON of Ringgold
BRANSTAD of Winnebago
SCHROEDER of Pottawattamie
BORTELL of Madison
TOFTE of Winneshiek
EWING of Mahaska
CRABB of Crawford
EGENES of Story
LOGUE of Iowa
MIDDLESWART of Warren
MILLER of Calhoun

H—2155

Amend Senate File 531, as amended, passed, and reprinted by the Senate, as follows:

1. Page 4A, by striking lines 22 through 31 and inserting in lieu thereof the following:

Each member shall be appointed for a term of four years, except that of the members first appointed, two members shall be appointed for a term of two years commencing July 1, 1974 and ending June 30, 1976, and one member shall be appointed for a term of four years commencing July 1, 1974 and ending June 30, 1978.

The member first appointed for a term of four years shall serve as chairman and each of his successors shall also serve as chairman.

2. Page 7, line 4, by inserting after the word "employment" the words "mutally agreed upon".

3. Page 10, by striking lines 31 through 35.

4. Page 11, by striking lines 1 through 33.

5. Page 16, by striking lines 25 through 35.

6. Page 17, by striking lines 1 through 35.

7. Page 18, by striking lines 1 through 34.

8. Page 19, by striking lines 1 through 35.

9. Page 20, by striking lines 1 through 9 and inserting in lieu thereof the following new section:

Sec. ____. NEW SECTION. NONBINDING ARBITRATION.

1. Whenever a dispute exists concerning issues being negotiated and prior to a strike by the public employees, or a lockout by a public employer, an arbitration panel of three members shall be appointed.

2. The panel of arbitrators shall be appointed in the following manner:

a. One member shall be appointed by the public employer.

b. One member shall be appointed by the employee organization.

c. One member shall be appointed mutually by the public employer and the employee organization. The last member appointed shall be chairman of the panel of arbitrators. No member appointed shall be an employee of the parties.

3. The panel of arbitrators shall conduct hearings and make recommendations on the issues subject to arbitration. The recommendations of the panel of arbitrators shall be submitted to the parties to the dispute and made public.

4. The recommendations of the panel of arbitrators shall be advisory only and shall not be binding upon the public employer or the employee organization, unless mutually agreed upon.

H—2155 Filed By BRINCK of Lee
February 8, 1974

H-2208

Amend Senate File 531, as amended, passed, and reprinted by the Senate, as follows:

1. Page 4A, line 11, by striking the words "Iowa General Assembly and the".

2. Page 4A, by striking line 13.

H-2208 Filed adopted 2/22 By BENNETT of Ida
February 14, 1974

H—2152

Amend Senate File 531, as passed by the Senate and reprinted, as follows:

Page 17, line 30, by inserting after the word "member" the following:

", who shall be a resident of the school district,".

H—2152 Filed - Ruled out of order 3/5 By NORPEL of Jackson
February 8, 1974

SENATE FILE 531
(CORRECTED AMENDMENT TO SENATE FILE 531)

H—2146 Corrected

Amend Senate File 531, as passed by the Senate and reprinted as follows:

1. Page 19, by striking all of lines 19 through 35 and inserting in lieu thereof the following:

"10. A majority of the panel of arbitrators shall agree, within fifteen (15) days after its first meeting, to a reasonable solution of each impasse item. The panel shall consider the final offers of the parties in arriving at decisions on impasse items and the solution shall be a compromise of the offers of the parties.

11. The panel shall make public the rejected offers and the reasons for the rejections.

12. The solution arrived at by the panel of arbitrators and".

H—2146 Filed - Ruled out of order 3/5 (788) By NORPEL of Jackson
February 8, 1974

H—2143

Amend Senate File 531, as passed by the Senate and reprinted, as follows:

1. Page 7, by striking from lines 3, 4 and 5 the following: ", hours, and other terms and conditions of employment, including terms authorizing dues checkoff for members of the employee organization". A Lost 2/26

2. Page 7, by striking lines 34 and 35 and inserting in lieu thereof the following: "b. Dominate or interfere in the administration of any employee organization." B adopted 2/26 (676)

3. Page 11, by striking the word "During" in line 14 and all of lines 15 and 16. A - Lost 2/26

4. Page 15, by striking lines 29 through 34 and inserting in lieu thereof the following: "7. The terms of a collective bargaining agreement shall be deemed to represent the only contract between the public employer and public employee members of the employee organization." C withdrawn 3/5

5. Page 18, by striking from line 34 the words ", hours and conditions of employ-" and page 19, line 1 by striking "ment". D withdrawn 2/26

6. Page 20, line 3, by inserting before the period the following: "and between the public employer and the public employee members of the employee organization".

H—2143 Filed By HOLDEN of Scott
February 7, 1974

House 14
February 19, 1974

SENATE FILE 531

H—2234 - Lost 2/20 - Reconsidered and lost 3/6 (801)

Amend Senate File 531, as amended, passed, and reprinted by the Senate as follows:

1. By striking all after the enacting clause and inserting in lieu thereof the following:

Section 1. NEW SECTION. PUBLIC POLICY. The general assembly declares that it is the public policy of the state to respect the aspirations and dignity of all citizens in public service and to promote harmonious relationships and peaceful resolution of conflicts among public employees and between those employees and government; that, in any conflict relating to public employment, the guarantees of rights and procedures to all parties shall encourage mutual respect, orderly pursuit, and speedy resolution without undue stress or disruption to the well-being of the parties involved or to the community.

Sec. 2. NEW SECTION. TITLE. This Act shall be known as the "Public Employment Relations Act".

Sec. 3. NEW SECTION. DEFINITIONS. When used in this Act, unless the context otherwise requires:

1. "Public employer" means the governing bodies of the state of Iowa and its political subdivisions including school districts and other special purpose districts, their boards, commissions, agencies, and departments.

2. "Representative of a public employer" means an appointed administrative officer authorized to represent the public employer in procedures required by this Act.

3. "Public employee" means any individual employed by a public employer, except individuals exempted under provisions of section four (4) of this Act.

4. "Confidential employee" means any public employee who works in the personnel office of a public employer or who has access to information subject to use by the public employer in negotiation policy procedures or who works in a close continuing working relationship with public officers or representatives associated with negotiation policy procedures on behalf of the public employer.

5. "Employee organization" means an organization of any kind in which public employees participate and which exists for the primary purpose of representing public employees in their employment relations.

6. "Recognized public employee organization" means a public employee organization which becomes certified through election to participate in negotiation policy procedures on the terms provided for in this Act.

51 7. "Commission" means the administrative division
52 of the Iowa merit employment commission, established
53 under section five (5) of this Act.
54 8. "Adjudication of employees' compensation in-
55 terests" means the right of the public employer to
56 weigh the interests and conditions of all employees
57 whether members of recognized public employee
58 organizations, other public employee organizations,
59 or nonaffiliated, and to make the final disposition
60 of the budget upon that judgment.
61 9. "Adjudication of public policy interests"
62 means the right of the public employer to weigh
63 interests of all citizens in establishment of public
64 policy and to make the final disposition of the budget
65 upon that judgment.
66 10. "Memorandum of compensation agreement" means
67 a written memorandum of understanding relating to
68 employee compensation arrived at by the representatives
69 of the public employer and a recognized employee
70 organization, which shall be submitted to the public
71 employer.
72 11. "Memorandum of compensation recommendations"
73 means a written memorandum of recommendations relating
74 to employee compensation which shall be received by
75 the representative of the public employer from any
76 recognized employee organization, a minority of the
77 recognized organization, any other public employee
78 organization, group, or individual public employee
79 and which shall be submitted to the public employer.
80 12. "Memorandum of function-performance agree-
81 ment" means a written memorandum of understanding
82 arrived at by representatives of the public employer
83 and a recognized public employee organization relating
84 to recommendations for policy changes that would enhance
85 opportunities for employees to better perform their
86 functions as assigned by the public employer.
87 13. "Memorandum of function-performance recommenda-
88 tions" means a written memorandum of recommendations
89 for policy changes that would enhance opportunities
90 for employees to better perform their functions as
91 assigned by the public employer, and which shall be
92 received by the representative of the public employer
93 from any recognized employee organization, a minority
94 of the recognized organization, any other public em-
95 ployee organization, group, or individual employee
96 and submitted to the public employer.
97 14. "Mediation" means assistance by an impartial
98 third party to reconcile an impasse regarding em-
99 ployee compensation issues between the public employer
100 and a recognized employee organization through inter-

101 pretation, suggestion, and advice.
102 15. "Fact-finding" means investigation of an
103 impasse regarding employee compensation issues by an
104 individual or panel with the fact-finder submitting
105 a report to the parties describing the issues involved.
106 16. "Strike" means a public employee's refusal,
107 in concerted action with others, to report to duty,
108 or the employee's willful absence from the position,
109 or stoppage of work, or abstinence in whole or in
110 part from the full, faithful, and proper performance
111 of the duties of employment, or any other concerted
112 interruption of operations by employees.
113 17. "Grievance" means a claim based upon alleged
114 violation, misinterpretation, or a misapplication of
115 existing policies, regulations, resolutions, or rules
116 of the public employer or its administration.
117 Sec. 4. NEW SECTION. EXCLUSIONS. The following
118 public employees shall be excluded from the provi-
119 sions of this Act.
120 1. Elected officials and persons appointed to fill
121 vacancies in elective offices, and members of any
122 board or commission.
123 2. Representatives of a public employer, includ-
124 ing the administrative officer, director, or chief
125 executive officer of a public employer or major
126 division thereof as well as his deputy, first
127 assistant, and any supervisory employees.
128 3. Confidential employees.
129 4. Students working as part-time public employees
130 less than twenty hours per week.
131 5. Temporary public employees employed for a
132 period of three months or less.
133 6. Commissioned and enlisted personnel of the Iowa
134 national guard.
135 7. Judges of the supreme court, district judges,
136 district associate judges, and judicial magistrates,
137 and the employees of such judges and courts.
138 8. Patients and inmates employed, sentenced, or
139 committed to any state or local institution.
140 9. Persons employed by the general assembly and
141 the state department of justice.
142 10. The personal staff of the governor.
143 11. All persons whose salaries are set by the
144 general assembly.
145 12. Persons employed permanently by the commis-
146 sion.
147 Sec. 5. NEW SECTION. GENERAL POWERS AND DUTIES
148 GRANTED TO THE MERIT EMPLOYMENT COMMISSION. The Iowa
149 merit employment commission shall:
150 1. Establish a public employment relations division

151 to administer the provisions of this Act. A director
152 shall be appointed by the governor with the approval
153 of two-thirds of the senate, and shall serve at the
154 pleasure of the governor. The salary of the director
155 shall be one hundred twenty-five percent of the salary
156 of the director of the Iowa merit employment commis-
157 sion.
158 2. Administer the provisions of this Act.
159 3. Assure substantive and procedural rights of
160 public employees and employers guaranteed by this
161 Act, enforce negotiation policy agreements and elec-
162 tion procedures required by this Act, and enforce
163 other agreements allowed by this Act upon mutual
164 agreement of public employers and employees in any
165 political subdivision.
166 4. Hold hearings and administer oaths, examine
167 witnesses and documents, take testimony and receive
168 evidence, issue subpoenas to compel the attendance
169 of witnesses and the production of records, and
170 delegate such power to a member of the commission,
171 or persons appointed or employed by the commission,
172 including hearing officers for the performance of
173 its functions. The commission may petition the dis-
174 trict court at the seat of government or of the
175 county wherein any hearing is held to enforce a com-
176 mission order compelling the attendance of witnesses
177 and production of records.
178 5. Collect data and conduct studies relating to
179 wages, hours, benefits and other terms and conditions
180 of public employment and make the same available to
181 any interested person or organization.
182 6. Maintain, after consulting with employee
183 organizations and public employers, a list of quali-
184 fied persons representative of the public to be
185 available to serve and mediators and fact finders
186 and establish their compensation rates.
187 7. Maintain a list of qualified persons to be
188 available to serve as members of an appeal panel
189 hearing an appeal from the decision of a hearing
190 officer, and establish their compensation rates.
191 8. Adopt rules and regulations in accordance with
192 the provisions of chapter seventeen A (17A) of the
193 Code as it may deem necessary to carry out the
194 purposes of this Act.
195 Sec. 6. NEW SECTION. OBLIGATIONS OF THE PUBLIC
196 EMPLOYER.
197 1. Every public employer shall, in consultation
198 with public employees or their representatives, es-
199 tablish a public employment relations agreement.
200 a. Each agreement shall include a grievance

201 procedure policy which shall:
202 (1) Aim to secure at the lowest possible admin-
203 istrative level equitable solutions to grievances of
204 public employees.
205 (2) Encourage the processing of grievances as
206 rapidly as possible by stipulating the number of days
207 in which that grievance must be processed before ad-
208 vancing to the next level of appeal.
209 (3) Specify that matters whose resolution can be
210 found only through changes in policy established by
211 the public employer are excluded from grievance pro-
212 cedures.
213 b. Each agreement shall include a public employ-
214 ment negotiations policy which shall:
215 (1) Include a negotiations procedures timetable
216 appropriate to the political subdivision which shall
217 be drawn to consider the date by which the budget is to
218 be filed, the number of recognized employee organiza-
219 tions, other employee organizations and the number of
220 employees to be involved in negotiation, and reasonable
221 judgment of the time required for all the procedures
222 stipulated in the agreement, and any other factors
223 significant to the political subdivision.
224 (2) Provide a statement of guaranteed rights and
225 procedures which shall:
226 (a) Assure adjudication of employees' interests
227 and adjudication of public policy interests by the
228 public employer.
229 (b) Provide for memoranda of compensation agree-
230 ment, compensation recommendations, function-performance
231 agreement, and function-performance recommendations.
232 (c) Provide that when mutually agreed to by both
233 parties, a meeting for mutual discussion of any item
234 submitted in a memorandum of compensation recommenda-
235 tions or memorandum of function-performance recommenda-
236 tions may be held between the public employer and a
237 minority of a recognized public employee organization,
238 the representative of the recognized employee organiza-
239 tion, any other group or individual employee.
240 (d) Reserve to the public employer the right to
241 stipulate reasonable limits of time the public em-
242 ployer shall allot for mutual discussion of items in
243 memoranda of recommendations.
244 (e) State that individual grievances shall not
245 be subject to negotiation discussions but shall be
246 processed by the grievance procedure policy.
247 (f) Provide that a meeting shall be held between
248 the public employer and a recognized public employee
249 organization for mutual discussion of a memorandum of
250 compensation agreement or a memorandum of function-

251 performance agreement.
252 (g) Provide that meetings shall be called by
253 written request of either the public employer or a
254 recognized employee organization, stating the purpose
255 of the request, and the meeting shall be arranged
256 within a reasonable length of time, not to exceed
257 three weeks.
258 (h) Provide that written proposals shall be freely
259 exchanged for study between meetings and that open
260 discussion and mutual respect for opinions and ideas
261 of participants should prevail at all times.
262 (3) Provide for election procedures by which any
263 group of public employees may seek certification as
264 a recognized public employee organization. The state-
265 ment shall:
266 (a) Assure the right of the public employer to
267 reasonably restrict time for organizational activities
268 to be taken from hours of employment.
269 (b) Provide that the public employer and public
270 employees may consult and mutually agree on the ap-
271 propriateness of any negotiating unit to the structure
272 and numbers of public employees within the jurisdic-
273 tion of the political subdivision served by the public
274 employer.
275 (c) State the rights of public employees and public
276 employers to appeal to the commission for a ruling
277 whether any action relating to elections has abridged
278 any substantive or procedural right guaranteed by
279 this Act.
280 (d) Provide that costs of any election are to be
281 borne by the public employees seeking the election.
282 (e) Provide that if any election fails to certify
283 a recognized public employee organization, another
284 election shall be held no sooner than one year from
285 the date on which the previous election was held.
286 (f) The statement of election procedures may in-
287 clude other provisions appropriate to the political
288 subdivision and further refinements of any provisions
289 required above.
290 2. A public employment relations agreement within
291 its negotiation policy:
292 a. May provide for mediation of an impasse between
293 a recognized employee organization and the public em-
294 ployer. A panel of mediators shall consist of three
295 or five members. Each party shall independently
296 choose the same number of mediators, and either one
297 or three shall be mutually acceptable. When mediation
298 is agreed upon, it shall be mutually agreed whether
299 the mediators will be chosen from the citizenry of the
300 political subdivision or from lists provided by the

301 commission. Recommendations of mediators shall not
302 be withheld from the public.
303 b. May provide for fact-finding in an impasse
304 between a recognized public employee organization
305 and the public employer. If more than one fact
306 finder is chosen to investigate the dispute, the panel
307 shall consist of an odd number, and either one or three
308 shall be mutually acceptable to both parties. Fact
309 finders may be chosen either from the citizenry of
310 the political subdivision or from lists provided by
311 the commission. The report of the fact finder shall
312 not be withheld from the public.
313 c. Shall state responsibility for costs incurred
314 if either mediation or fact-finding is included in a
315 negotiations policy.
316 (1) If the negotiations policy provided mediation
317 or fact-finding shall occur only upon mutual agree-
318 ment of both parties to the impasse, all costs of
319 mediation shall be shared equally.
320 (2) If the negotiations policy provides mediation
321 or fact-finding shall occur upon the request of only
322 one party to the impasse, all costs of mediation shall
323 be borne solely by the party requesting mediation.
324 The other party may voluntarily assume no more than
325 thirty-three percent of the costs.
326 d. May provide further or alternate solutions to
327 an impasse if such resolution of conflict is conducted
328 within the citizenry of the political subdivision
329 served.
330 e. May provide that upon filing with the county
331 auditor of a specified number of signatures, an issue
332 relating to the settlement of an impasse may be sub-
333 mitted to a referendum of the voters of the political
334 subdivision. The referendum may be held in connection
335 with any primary or general election.
336 Sec. 7. NEW SECTION. OBLIGATIONS OF PUBLIC EM-
337 PLOYEES AND PUBLIC EMPLOYEE ORGANIZATIONS. Public
338 employees and public employee organizations shall:
339 1. Cooperate with public employers to establish
340 a mutually agreed upon public employment relations
341 agreement including grievance procedures, public
342 employment negotiations policy, and election pro-
343 cedures for the certification of recognized public
344 employee organizations.
345 2. Cooperate with public employers in meeting the
346 negotiations policy timetable limits in order that
347 filing of the budget of the political subdivision shall
348 not be delayed beyond the date set by the laws of this
349 state or its political subdivisions.
350 3. Acknowledge the right of all public employees to

351 submit recommendations to the public employer regard-
352 ing compensation or function-performance; however,
353 whenever a minority of a recognized organization,
354 another organization, group or individual employee
355 submits recommendations, it shall not be expected
356 that the public employer allot as much time for mutual
357 discussion with any of these parties as to the repre-
358 sentatives of recognized employee organizations,
359 though the public employer may choose to do so.
360 Sec. 8. NEW SECTION. PUBLIC EMPLOYER RIGHTS.
361 Public employers shall have the right to:
362 1. Adjudicate employees' compensation interests
363 through weighing the interest and conditions of all
364 employees whether members of recognized employee
365 organizations, other employee organizations, or non-
366 affiliated, and to make the final disposition of the
367 budget upon that judgment.
368 2. Adjudicate public policy interests through
369 weighing the interests of all citizens in the estab-
370 lishment of public policy and to make the final dis-
371 position of the budget upon that judgment.
372 3. Direct the work of its public employees.
373 4. Hire, promote, demote, transfer, assign, and
374 retain public employees in positions within the public
375 agency.
376 5. Suspend or discharge public employees for proper
377 cause.
378 6. Maintain the efficiency of governmental opera-
379 tions.
380 7. Relieve public employees from duties because
381 of lack of work or for other legitimate reasons.
382 8. Take such actions as may be necessary to carry
383 out the mission of the public employer.
384 9. Determine the methods- means and personnel
385 by which operations are to be conducted.
386 10. Initiate, prepare, certify and administer its
387 budget.
388 11. Exercise all powers and duties now or here-
389 after granted to the public employer by law.
390 12. Implement, free from any duty to negotiate
391 under this Act, any employment policies and practices
392 established by or pursuant to law as otherwise pro-
393 vided in the laws of Iowa.
394 Sec. 9. NEW SECTION. PUBLIC EMPLOYEE RIGHTS.
395 Public employees shall have the right to:
396 1. Submit recommendations to the public employer
397 regarding compensation and function-performance.
398 2. Organize, or form, join, or assist any employee
399 organization.
400 3. Participate in negotiations procedures through

401 representatives of their own choosing.
402 4. Engage in other concerted activities for the
403 purpose of mutual aid or protection insofar as any
404 such activity is not prohibited by this Act of any
405 other law of the state.
406 5. Refuse to join or participate in the activities
407 of employee organizations, including the payment of
408 any dues, fees or assessments or service fees of any
409 type.
410 Sec. 10. NEW SECTION. PROHIBITIED PRACTICES.
411 1. It shall be a prohibited practice for any pub-
412 lic employer to willfully refuse to establish a pub-
413 lic employment relations agreement as defined in sec-
414 tion six (6) of this Act.
415 2. It shall be a prohibited practice for any pub-
416 lic employer, employee or employee organization to
417 willfully refuse to comply with provisions of a pub-
418 lic employment relations agreement.
419 3. It shall be a prohibited practice for a public
420 employer or his designated representative willfully
421 to:
422 a. Interfere, restrain, or coerce public employees
423 in the exercise of rights granted by this Act.
424 b. Dominate, interfere, or assist in the formation,
425 existence, or administration of any employee organization.
426 c. Encourage or discourage membership in any employee
427 organization, committee, or association by discrimina-
428 tion in hiring, tenure, or other terms or condition
429 of employment.
430 d. Discharge or discriminate against a public
431 employee because he has filed an affidavit, petition,
432 or complaint or given any information or testimony
433 under this Act, or because he has formed, joined, or
434 chosen to be represented by any employee organization.
435 e. Deny the rights accompanying certification of
436 a recognized public employee organization granted in
437 this Act.
438 4. It shall be a prohibited practice for public
439 employees or employee organizations willfully to:
440 a. Interfere, restrain, or coerce public employees
441 in the exercise of rights granted by this Act.
442 b. Interfere, restrain, or coerce a public employer
443 with respect to rights granted in this Act.
444 c. Interfere, restrain, or coerce a public employer
445 with respect to selecting a representative to
446 participate in negotiations policy as set forth in
447 this Act.
448 Sec. 11. NEW SECTION. PROHIBITED PRACTICE VIOLA-
449 TIONS.
450 1. Proceedings against a party alleging a violation

451 of section ten (10) of this Act, shall be commenced by
452 filing a complaint with the commission within ninety
453 days of the alleged violation causing a copy of the
454 complaint to be served upon the accused party in the
455 manner of an original notice as provided in this Act.
456 The accused party shall have ten days within which to
457 file a written answer to the complaint. The commis-
458 sion shall promptly thereafter set a time and place
459 for hearing in the county where the alleged violation
460 occurred. The parties shall be permitted to be repre-
461 sented by counsel, summon witnesses, and request the
462 commission to subpoena witnesses on the requestor's
463 behalf. Compliance with the technical rules of
464 pleading and evidence shall not be required.
465 2. The commission may designate a hearing officer
466 to conduct the hearing. The hearing officer shall
467 have such powers as may be exercised by the commission
468 for conducting the hearing and shall follow the pro-
469 cedures adopted by the commission for conducting the
470 hearing.
471 3. The decision of the hearing officer may be
472 appealed to an appeal panel consisting of the director
473 of the public employment relations division and two
474 members chosen by the commission from the list
475 designating qualified persons, together with their
476 compensation rates.
477 4. The appeal panel may hear the case de novo or
478 upon the record as submitted before the hearing officer,
479 utilizing procedures governing appeals to the district
480 court in this section so far as applicable.
481 5. The commission shall appoint a certified short-
482 hand reporter to report the proceedings and the com-
483 mission shall fix the reasonable amount of compensa-
484 tion for such service, which amount shall be taxed
485 as other costs.
486 6. The appeal panel shall file with the commission
487 its findings of fact and conclusions of law, and they
488 shall be the findings of fact and conclusions of law
489 by the commission.
490 7. If the commission finds that the party accused
491 has committed a prohibited practice, the commission
492 may, within thirty days of its decision, enter into a
493 consent order with the party to discontinue the practice,
494 or petition the district court for injunctive relief
495 pursuant to chapter six hundred sixty-four (664) of
496 the Code.
497 8. Any party aggrieved by any decision or order
498 of the appeal panel may within ten days from the date
499 such decision or order is filed, appeal therefrom to
500 the district court of the county in which the hearing

501 was held, by filing with the commission a written notice
502 of appeal setting forth in general terms the decision
503 appealed from and the grounds of the appeal. The
504 commission shall forthwith give notice to the other
505 parties in interest.
506 9. Within thirty days after a notice of appeal is
507 filed with the commission, it shall make, certify, and
508 file in the office of the clerk of court to which the
509 appeal is taken, a full and complete transcript of all
510 documents in the case, including any depositions and
511 a transcript or certificate of the evidence together
512 with the notice of appeal.
513 10. The appeal shall be traible at any time after
514 the expiration of twenty days from the date of filing
515 the transcript by the commission and after twenty
516 days notice in writing by either party and the com-
517 mission upon the other.
518 11. The transcript as certified and filed by the
519 commission shall be the record on which the appeal
520 shall be heard, and no additional evidence shall be
521 heard. In the absence of fraud, the findings of fact
522 made by the commission shall be conclusive if supported
523 by substantial evidence on the record considered as a
524 whole.
525 12. Any order or decision of the commission may
526 be modified, reversed, or set aside on one or more of
527 the following grounds and on no other:
528 a. If the commission acts without or in excess of
529 its powers.
530 b. If the order was procured by fraud.
531 c. If the facts found by the commission do not
532 support the order.
533 d. If there is not sufficient competent evidence
534 in the record to warrant the making of the order or
535 decision.
536 13. When the district court, on appeal, reverses
537 or sets aside an order or decision of the commission,
538 it may remand the case to the commission for further
539 proceedings in harmony with the holdings of the court,
540 or it may enter the proper judgment, as the case may
541 be. Such judgment or decree shall have the same force
542 and effect as if action had been originally brought
543 and tried in said court. The assessment of costs in
544 such appeals shall be in the discretion of the court.
545 14. An appeal may be taken to the supreme court
546 from any final order, judgment, or decree of the dis-
547 trict court.
548 Sec. 12. NEW SECTION. STRIKES PROHIBITED.
549 1. It shall be unlawful for any public employee or
550 any employee organization representing public employees

551 to induce, instigate, ratify, or participate in a strike
552 against a public employer.
553 2. In the event of a strike or threatened strike
554 by public employees, the public employer may petition
555 the district court in and for the county in which the
556 strike occurs or is threatened or the district court
557 of Polk county for an injunction against the employees,
558 individually or collectively, and their certified em-
559 ployee organization pursuant to chapter six hundred
560 sixty-four (664) of the Code. Failure to comply with
561 a court order enjoining a strike shall constitute
562 contempt punishable pursuant to chapter six hundred
563 sixty-five (665) of the Code and in addition the
564 court may, upon a finding that the employee organiza-
565 tion has violated subsection one (1) of this section,
566 suspend and enjoin the certification of the employee
567 organization as the recognized public employee organiza-
568 tion for any negotiating unit involved for a period
569 not to exceed two years. During such suspension, a
570 public employer shall not deduct membership dues for
571 the employee organization.
572 3. Any public employee who participates in a
573 strike shall be subject to immediate suspension, dis-
574 charge or other disciplinary action. The question
575 whether a public employee violated subsection one (1)
576 of this section may be reviewed by a hearing officer of
577 the commission pursuant to section eleven (11) of
578 this Act, upon application by such employee.
579 4. No public employer shall have the power to
580 authoirze, consent or to condone a strike or to pay
581 or agree to pay employees for any day in which they
582 participate in a strike, or any increased compensa-
583 tion granted as a result of a strike. Notwithstand-
584 ing the provisions of any other law, regulation, rule
595 or contract, no school board or school district shall
596 be required to extend the school year or calendar in
587 order to make up for school days lost as a result of
588 a strike.
589 Sec. 13. NEW SECTION. INTERNAL CONDUCT OF EM-
590 PLOYEE ORGANIZATIONS.
591 1. Every employee organization which is certified
592 as a representative of public employees under the pro-
593 visions of this Act shall file with the commission a
594 registration report, signed by its president or other
595 appropriate officer. The report shall be in a form
596 prescribed by the commission and shall be accompanied
597 by two copies of the employee organization constitu-
598 tion and bylaws. A filing by a national or interna-
599 tional employee organization of its constitution and
600 bylaws may be accepted by the commission but shall

601 not relieve such subordinate organization from filing
602 such report, constitution and bylaws with respect to
603 its own subordinate organization and operation. All
604 changes or amendments to such constitutions and by-
605 laws shall be promptly reported to the commission.
606 2. Every employee organization shall file with
607 the commission an annual report and an amended report
608 whenever changes are made. The reports shall be in
609 a form prescribed by the commission and shall provide
610 the following information:
611 a. The names and addresses of the organization,
612 any parent organization or organizations with which
613 it is affiliated, the principal officers, and all
614 representatives.
615 b. The name and address of its local agent for
616 service of process.
617 c. A general description of the public employees
618 the organization represents or seeks to represent.
619 d. The amounts of the initiation fee and monthly
620 dues members must pay.
621 e. A pledge, in a form prescribed by the commis-
622 sion, that the organization will conform to the laws
623 of the state and that it will accept members without
624 regard to age, race, sex, religion, or national
625 origin.
626 f. A financial report and audit.
627 3. The constitution or bylaws of every employee
628 organization shall provide that:
629 a. Accurate accounts of all income and expenses
630 shall be kept, an annual financial report and audit
631 shall be prepared, such accounts shall be open for
632 inspection by any member of the organization, and
633 loans to officers and agents shall be made only on
634 terms and conditions available to all members.
635 b. Business or financial interests of its of-
636 ficers and agents, their spouses, minor children,
637 parents, or otherwise, that conflict with the
638 fiduciary obligation of such persons to the organiza-
639 tion shall be prohibited.
640 c. Every official or employee of an employee
641 organization who handles funds or other property of
642 the organization, or trust in which an organization
643 is interested, or a subsidiary organization, shall
644 be bonded. The amount, scope, and form of the bond
645 shall be determined by the board.
646 4. The governing rules of every employee organiza-
647 tion shall provide for periodic elections by secret
648 ballot subject to recognized safeguards concerning
649 the equal right of all members to nominate, seek
650 office, and vote in such elections, the right of

651 individual members to participate in the affairs of
652 the organization, and fair and equitable procedures in
653 disciplinary actions.
654 5. The commission shall prescribe rules and regula-
655 tions necessary to govern the establishment and re-
656 porting of trusteeships over employee organizations.
657 Establishment of such trusteeships shall be permitted
658 only if the constitution or bylaws of the organization
659 set forth reasonable procedures.
660 6. An employee organization that has not reg-
661 istered or filed an annual report, or that has failed
662 to comply with other provisions of this Act, shall
663 not be certified. Certified employee organizations
664 failing to comply with this Act may have such
665 certification revoked by the commission. Prohibitions
666 shall be enforced by injunction upon the petition of
667 the commission to the district court of the county in
668 which the violation occurs. Complaints of violation
669 of this section shall be filed with the commission.
670 Sec. 14. NEW SECTION. EMPLOYEE ORGANIZATIONS--
671 POLITICAL CONTRIBUTIONS.
672 1. An employee organization shall not make any
673 direct or indirect contribution out of the funds of
674 the employee organization to any political party or
675 organization or in support of any political candidate
676 for public office.
677 2. An employee organization which violates the pro-
678 visions of this section or fails to file any required
679 report or affidavit or files a false report or af-
680 fidavit shall, upon conviction, be subject to a fine
681 of not more than two thousand dollars.
682 3. Any person who willfully violates this section,
683 or who makes a false statement knowing it to be false,
684 or who knowingly fails to disclose a material fact
685 shall, upon conviction, be subject to a fine of not
686 more than one thousand dollars or imprisoned for not
687 more than thirty days or shall be subject to both
688 such fine and imprisonment. Each individual required
689 to sign affidavits or reports under this section
690 shall be personally responsible for filing such report
691 or affidavit and for any statement contained therein
692 he knows to be false.
693 4. Nothing in this section shall be construed to
694 prohibit voluntary contributions by individuals to
695 political parties or candidates.
696 Sec. 15. EFFECTIVE DATE. This Act shall become
697 effective on July 1, 1974, but the provisions of this
698 Act relative to the requirement that public employers
699 establish and implement a public employment relations
700 agreement as required by this Act shall not become

701 effective until July 1, 1975.

H—2234 Filed - Lost 2/20
February 18, 1974
Motion to reconsider filed 2/20 (531)
prevailed 3/6
amendment adopted 3/6 (801)

By EGENES of Story
SCHROEDER of Pottawattamie
MILLEN of Van Buren
ANDERSON of Ringgold
BROCKETT of Marshall
KNOKE of Pottawattamie
MENKE of O'Brien
GRASSLEY of Butler
BUTLER of Pottawattamie
WEST of Marshall
WELDEN of Hardin
DAGGETT of Adams
HOLDEN of Scott
McELROY of Fremont
EWING of Mahaska
STROMER of Hancock
MILLER of Calhoun
FISCHER of Grundy
PELLETT of Cass
HANSEN of O'Brien
WYCKOFF of Benton

EXPLANATION

This bill requires all public employers to establish, in consultation with public employees, a public employment relations agreement which shall include grievance procedures, a negotiations policy (including a timetable to allow varying budget deadlines to be met), and election procedures.

The public employer is assured the right to exercise judgment in considering the interests of all public employees, organized and unorganized, and to consider the interst of all citizens of its political subdivision in making the disposition of the budget.

All employees have the right to submit recommendations to the public employer in respect to compensation or function-performance, in memoranda of recommendations or agreement.

Employees as individuals, or in organizations not recognized, or in "minority" groups of recognized employee organizations may submit recommendations through the representative of the public employer. These will be in the form of compensation recommendations or function-performance recommendations. The public employer (governing body) may enter mutual discussion of these items, and has the right to limit time for mutual discussion of these issues.

"Majority" members of a recognized organization may use memoranda of recommendations to bring to the attention of the public employer items which it did not get into a memorandum of agreement.

Representatives of an organization certified through election to be a recognized employee organization shall meet first with the representative of the public employer. They mutually may submit to the public employer a memorandum of compensation agreement and a memorandum of function-performance agreement.

The public employer (governing body) and the representatives of recognized employee groups will, at the request of either, meet for mutual discussion of submitted memoranda of agreement or any other stipulated purpose.

The bill specifies minimum requirements for guarantees and procedures in a public employment relations agreement, but it allows latitude to suit the particular political subdivision or community. The agreement can suit the total number of recognized or nonrecognized employee groups, total number of employees, varying budget deadlines, etc.

An agreement may, by mutual consent, include mediation and fact-finding by citizens of the jurisdiction or by persons chosen from lists supplied by the commission. The bearing or sharing of costs is stipulated and depends on conditions mutually drawn in the negotiations policy. Reports from mediators or fact finders shall not be withheld from the public.

A negotiations policy, by mutual consent, may also provide for further or alternative methods to resolve conflicts--as long as they are achieved within the citizenry of the political subdivision. It authorizes a referendum if any should agree they want it.

State administration of this bill is established in a new division, the Public Employment Relations Division, within the Iowa Merit Employment Commission. The Commission already performs functions expected to reside in the administrative body.

The one director shall be paid a salary 125% of that of the director of the Iowa Merit Employment Commission.

The commission is authorized to enforce the substantive and procedural rights guaranteed to public employers and employees by this Act and the provisions of the locally drawn agreements. They shall conduct hearings on questions or prohibited practices, and decisions may be appealed to an appeal panel consisting of the director and two other qualified individuals, from a ready list, who will be paid for work performed according to a compensation schedule. Final appeal to the courts is provided for in these matters.

Strikes are prohibited -- and further discouraged by provisions of the bill.

The bill regulates internal conduct of employee organizations, with special attention to fiduciary responsibility, and prohibits direct or indirect political contributions by the employee organizations, but not by individual members.

SENATE FILE 531

H—2232

Amend Senate File 531, as amended, passed, and reprinted by the Senate, as follows:

1. Page 2, line 5, by striking the word "and" and inserting in lieu thereof a semicolon.

2. Page 2, line 8, by inserting after the word "welfare" the words "; to prohibit and prevent all strikes by public employees; and to protect the rights of public employees to join or refuse to join, and to participate in or refuse to participate in, employee organizations".

A adopted 2/20 (574)

3. Page 2, by striking lines 26 through 33 and inserting in lieu thereof the following:

5. "Strike" means the act of any public employee, in concerted action with others, in refusing or failing to report for duty, or willfully absenting himself from his position, or stopping work, or abstaining in whole or in part from the full, faithful, and proper performance of the duties of employment.

B Lost 2/21 (605)

4. Page 3, by inserting after line 4 the following:

"Confidential employee" also includes the personal secretary of any of the following: any elected official or person appointed to fill a vacancy in an elective office, member of any board or commission, the administrative officer, director, or chief executive officer of a public employer or major division thereof, or the deputy or first assistant of any of the foregoing.

C adopted 2/21 (608)

5. Page 7, by inserting after the period in line 8 the following:

If an agreement provides for dues checkoff, a member's dues may be checked off only upon the member's written request and the member may terminate the dues checkoff at any time by giving thirty days written notice.

D. adopted 2/26 (673)

6. Page 8, by striking lines 17 and 18 and inserting in lieu thereof the following:

a. Interfere with, restrain, coerce, or harass any public employee with respect to any of his rights under this Act or in order to prevent or discourage his exercise of any such right, including, without limitation, all rights under section eight (8) of this Act.

E - adopted 2/27 (699)

7. Page 8, by inserting after line 26 the following new paragraph:

e. Violate section twelve (12) of this Act.

F. adopted 2/27 (699)

8. Page 10, by striking line 15 and inserting in lieu thereof the following:

a. If the board acts arbitrarily, capriciously, or without or in excess of its powers.

G - w.d. 2/27 (710)

9. Page 10, by striking lines 17 and 18 and inserting in lieu thereof the following:

H - w.d. 2/27 (710)

c. If the board's findings of fact or conclusions of law are erroneous or do not support the order or decision.

H w.d. 2/27 (710)

10. Page 10, by striking lines 32 through 35, and inserting in lieu thereof the following:

1. It shall be unlawful for any public employee or any employee organization, directly or indirectly, to induce, instigate, encourage, authorize, ratify, or participate in a strike against any public employer.

1 - adopted 2/27 (701)

11. Page 10, by inserting after line 35 the following new subsection:

It shall be unlawful for any public employer to pay or agree to pay any increase in compensation or benefits to any public employee in response to or as a result of any strike or any act which violates subsection one (1) of this section. It shall be unlawful for any official, director, or representative of any public employer to authorize, ratify, or participate in any violation of this subsection.

adopted or amended by 2348A 2/27 (705)

J

12. Page 11, by striking lines 1 through 18 and inserting in lieu thereof the following new subsection:

In the event of any violation or imminently threatened violation of subsection one (1) or two (2) of this section, any citizen of Iowa may petition the district court for the county in which the violation occurs or the district court for Polk county for an injunction restraining such violation or imminently threatened violation. Chapter six hundred sixty-four (664) of the Code and the pertinent rules of civil procedure regarding injunctions shall apply. However, the court shall grant a temporary injunction if it appears to the court that a violation has occurred or is imminently threatened; the plaintiff need not show that the violation or threatened violation would greatly or irreparably injure him; and no bond shall be required of the plaintiff. Failure to comply with any temporary or permanent injunction granted pursuant to this section shall constitute a contempt punishable pursuant to chapter six hundred sixty-five (665) of the Code. The punishment shall not exceed one thousand dollars for an individual, or ten thousand dollars for an employee organization or public employer, for each day during which the failure to comply continues, or imprisonment in a county jail not exceeding six months, or both such fine and imprisonment.

adopted or amended by 2348B 2/27 708

K

13. Page 11, by strikine lines 19 through 33 and inserting in lieu thereof the following new subsection:

If a public employee is held to be in contempt of court for failure to comply with an injunction pursuant to this section, or is convicted of violating this

adopted 2/27 See K

L

section, he shall be ineligible for any employment by any public employer in this state for a period of twelve months. His public employer shall immediately discharge him, but upon his request the court shall stay his discharge to permit further judicial proceedings.

14. Page 11, by inserting after line 33 the following new subsection:

If an employee organization or any of its officers is held to be in contempt of court for failure to comply with an injunction pursuant to this section, or is convicted of violating this section, the employee organization shall be immediately decertified, shall cease to represent the bargaining unit, shall cease to receive any dues by checkoff, and may again be certified only after twelve months have elapsed from the effective date of decertification and only after a new compliance with section fourteen (14) of this Act. The penalties provided in this section may be suspended or modified by the court, but only upon request of the public employer and only if the court determines that suspension or modification is in the public interest.

15. Page 11, by inserting after line 33 the following new subsection:

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

16. Page 15, line 6, by inserting after the word "notice" the words "of the fact of the meeting and the name of the employee".

17. Page 15, by striking lines 14 through 17 and inserting in lieu thereof the following:

4. The terms of a proposed collective bargaining agreement shall be made public and reasonable notice shall be given to the public employees prior to a ratification election. The collective bargaining agreement shall become effective only if ratified by a majority of those voting by secret ballot.

18. Page 15, by striking lines 22 through 28 and inserting in lieu thereof the following:

6. No collective bargaining agreement or arbitrators' decision shall be valid or enforceable if its implementation would be inconsistent with any statutory limitation on the public employer's funds, spending, or budget or would substantially impair or limit the performance of any statutory duty by the public employer. A collective bargaining agreement or arbitrators' award may provide for benefits conditional upon specified funds to be obtained by the public employer, but shall provide for automatic reduction of such conditional benefits or for additional bargaining if the funds are not obtained or if a lesser

151 amount is obtained.
152 19. Page 19, line 8, by inserting after the word
153 "services" the words ", and the limitations stated in
154 section seventeen (17), subsection six (6) of this
155 Act".
156 20. Page 20, by striking from line 14 through 16
157 the words "Individual assets of any public officials
158 and an employee of an employee organization shall be
159 exempt from judgment." and inserting in lieu thereof
160 the words "Nothing in this Act shall be construed to
161 make any individual or his assets liable for any
162 judgment against a public employer or an employee
163 organization."

H—2232 Filed
February 18, 1974

By STANLEY of Muscatine
JUNKER of Woodbury
HARVEY of Scott
WYCKOFF of Benton
ANDERSON of Ringgold
HUSAK of Tama
READINGER of Polk
MILLER of Calhoun

House 6
February 19, 1974

SENATE FILE 531

H—2229

1 Amend Senate File 531, as amended, passed, and re-
2 printed by the Senate, as follows:
3 1. Page 7, by striking lines 14 through 19 and
4 substituting in lieu thereof the following:
5 "charter or special act, nor shall the collective
6 bargaining obligations of this section be applicable
7 to employees covered under chapter nineteen A (19A)
8 of the Code, 1973. The Iowa merit employment commis-
9 sion shall adopt rules for the administration and
10 implementation of procedures allowing the employee
11 organizations to meet and confer in good faith with
12 the Iowa merit employment commission regarding wages,
13 hours, benefits, and other terms and conditions of
14 employment. The director of the Iowa merit employment
15 department shall prepare and submit proposed rules to
16 the commission to carry out the provisions of this
17 section. 'Meet and confer in good faith' means that
18 the Iowa merit employment commission and employee
19 organizations shall have the mutual obligation to meet
20 and confer within a reasonable period of time in order
21 to exchange freely information, opinions, and proposals
22 in order to reach agreement on proposals to be presented
23 to the executive council, the department and agencies
24 of the state, and the general assembly for their con-
25 sideration and action. The commission rules shall pro-
26 vide for reasonable employment time off for employees
27 in reasonable numbers to meet and confer with the
28 commission."
29 2. Page 15, by striking line 35.
30 3. Page 16, by striking lines 1 through 5.
31 4. Page 23, by striking lines 16 through 21.

H—2229 Filed - Lost 2/26 (675) Motion to reconsider filed 2/27 (713) prevailed 3/6 Lost 3/7 (828)
February 18, 1974

By FISHER of Greene
WELDEN of Hardin
MILLEN of Van Buren
MILLER of Calhoun
BENNETT of Ida
HOLDEN of Scott
DUNLAP of Story
HARVEY of Scott
WULFF of Black Hawk
DANKER of Pottawattamie
PETERSON of Woodbury
BITTLE of Polk
DUNTON of Keokuk
BORTELL of Madison
JUNKER of Woodbury
BROCKETT of Marshall
DEN HERDER of Sioux
SCHROEDER of Pottawattamie
TOFTE of Winneshiek
HOGUE of Iowa
EDELEN of Emmet
FISCHER of Grundy
EGENES of Story
LIPPOLD of Black Hawk

MENDENHALL of Allamakee
EWING of Mahaska
FULLERTON of Woodbury
CRABB of Crawford
ANDERSON of Ringgold
FERGUSON of Carroll
DAGGETT of Adams
WEST of Marshall
PELLETT of Cass
BRANSTAD of Winnebago
HUTCHINS of Guthrie
BRINCK of Lee
HUSAK of Tama
WYCKOFF of Benton
HANSEN of O'Brien
MIDDLESWART of Warren
STEPHENS of Plymouth
STROTHMAN of Henry
MENKE of O'Brien
ROORDA of Jasper
STROMER of Hancock

H—2233
1 Amend Senate File 531, as amended, passed, and re-
2 printed by the Senate, page 4A, by inserting after
3 line 13 the following new subsection:
4 "10. Persons employed by the commission for the blind."

H—2233 Filed By GRASSLEY of Butler
February 18, 1974

H—2230
1 Amend the Holden amendment, H-2143, to Senate
2 File 531 as amended, passed and reprinted by the
3 Senate, line 16, by striking the words "deemed to
4 represent".

H—2230 Filed - Withdrawn 3/5 By HOLDEN of Scott
February 18, 1974

H—2228
1 Amend Senate File 531, as amended, passed, and re-
2 printed by the Senate, as follows:
3 1. Page 4A, by striking lines 15 through 35 and
4 inserting in lieu thereof the following:
5 1. There is established a board to be known as the
6 public employment relations board. The board shall
7 consist of three members, one of whom shall be the
8 chairman of the Iowa employment security commission,
9 the chairman of the Iowa merit employment department,
10 and the secretary of state. Each member of the board
11 shall appoint from the officials of his department a
12 deputy member who shall, in the absence of such member,
13 act as a member of the board. Such deputy member shall
14 have the full powers, duties, and responsibilities of a
15 board member. The duties of the board members or their
16 deputies shall be in addition to their regular duties,
17 but they shall receive no additional compensation
18 except actual and necessary expenses incurred in the
19 performance of their official duties as board members.
20 2. Page 4B, by striking lines 36 through 40.
21 3. Page 5, by striking lines 1 through 10.
22 4. Page 5, by striking lines 15 through 20.

H—2228 Filed - Lost 3/25 By STROMER of Hancock
February 18, 1974

H—2226
1 Amend Senate File 531, as passed by the Senate
2 and reprinted, page 16, by striking from lines 14, 15
3 and 16 the following: "An arbitrator's decision on a
4 grievance may not extend arbitration to changes or
5 proposed changes in agreements or public employer
6 policy.", and inserting in lieu thereof the following:
7 "An arbitrator's decision on a grievance may not
8 change or amend the agreement, or modify or restrict
9 the public employer's rights under section seven (7)
10 of this Act."

H—2226 Filed - Withdrawn 3/7 (832) By WYCKOFF of Benton
February 18, 1974 MILLER of Calhoun
BORTELL of Madison
LIPPOLD of Black Hawk

H—567

1 Amend Senate File 531, as amended and passed by
2 the Senate, page 16, by inserting after line 5 the
3 following new subsection:
4 Any costs incurred to resolve a labor dispute which
5 creates an act or precedent for resolving similar dis-
6 putes in future bargaining by the same political sub-
7 divisions of the state shall be shared equally by the
8 political subdivisions of the state as equal
9 beneficiaries.

H—567 Filed - Lost 3/5 By MILLER of Buchanan
May 22, 1973

S—2632

1 Amend the House amendment to Senate File 531 as
2 amended, passed and reprinted by the Senate, page 17,
3 by striking lines 9 through 15, and by inserting in
4 lieu thereof the following:
5 1. If an impasse persists after the findings of
6 fact are made public by the fact finder, the parties
7 may continue to negotiate or, upon request of either
8 party, the board shall have the power to arrange for
9 arbitration, which may be binding or advisory de-
10 pending on the mutual assent of the parties; provided
11 that when the impasse involves pllicemen, firemen,
12 or guards at a correctional institution or mental
13 hospital the arbitration procedures shall be bind-
14 ing upon request of either party. The request for
15 arbitration shall be in writing and a copy of the
16 request shall be served upon the other party.

S—2632 Filed Withdrawn 4/4
April 1, 1974

By CURTIS, LAMBORN and SCHWENGELS

S—2642

1 Amend the House Amendment to Senate File 531 as
2 amended, passed and reprinted by the Senate, page
3 16, by adding after line 10 the following new
4 division:
5 "_____. Page 16, by inserting after line 24 the
6 following:
7 'Notwithstanding any provision of this Act or
8 of any grievance procedures provided in a collective
9 bargaining agreement, teachers employed pursuant to
10 chapter two hundred seventy-nine (279) of the Code
11 shall follow the procedures established pursuant to
12 sections two hundred seventy-nine point thirteen
13 (279.13) and two hundred seventy-nine point twenty-
14 four (279.24), and chapter two hundred ninety (290)
15 of the Code.'"

S—2642 Filed - Withdrawn 4/4
April 2, 1974

By GRIFFIN

S—2649

1 Amend the House amendment to Senate File 531, as
2 amended, passed and reprinted, page 3, by striking
3 lines 20 through 25.

S—2649 Filed - Lost 4/4
April 3, 1974

By McCARTNEY

S—2645

1 Amend the House amendment to Senate File 531, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 17, by striking lines 9 through 15, and in-
5 serting in lieu thereof the following:
6 1. If an impasse persists after the findings of
7 fact are made public by the fact finder, the parties
8 may continue to negotiate or, upon request of either
9 party, the board shall have the power to arrange for
10 arbitration, which may be binding or advisory de-
11 pending on the mutual assent of the parties; provided
12 that when the impasse involves policemen, firemen, or
13 guards at a correctional institution or mental hospi-
14 tal the arbitration procedures shall be binding upon
15 request of either party. The request for arbitration
16 shall be in writing and a copy of the request shall
17 be served upon the other party.
18 2. Page 21, line 16, by inserting after the word
19 "Act" the words "and as provided in subsection one
20 (1) of this section".

S—2645 Filed - Hotchkiss 4/4
April 2, 1974

By CURTIS, LAMBORN and
SCHWENGELS

HOUSE AMENDMENT TO SENATE FILE 531

1 Amend Senate File 531, as passed by the Senate and
2 reprinted, as follows:
3 1. Page 2, line 5, by striking the second word "and" and
4 inserting in lieu thereof a semicolon.
5 2. Page 2, line 8, by inserting after the word "welfare"
6 the words "; to prohibit and prevent all strikes by public
7 employees; and to protect the rights of public employees to
8 join or refuse to join, and to participate in or refuse to
9 participate in, employee organizations".
10 3. Page 2, by inserting after line 16 the following new
11 subsection:
12 "Governing body" means the board, council, or commission,
13 whether elected or appointed, of a political subdivision
14 of this state, including school districts and other special
15 purpose districts, which determines the policies for the
16 operation of the political subdivision.
17 4. Page 3, by inserting after line 4 the following:
18 "Confidential employee" also includes the personal
19 secretary of any of the following: any elected official or
20 person appointed to fill a vacancy in an elective office,
21 member of any board or commission, the administrative officer,
22 director, or chief executive officer of a public employer or
23 major division thereof, or the deputy or first assistant of
24 any of the foregoing.
25 5. Page 3, by inserting after line 15, the following:

Page 2

1 10. "Professional employee" means any one of the
2 following:
3 a. Any employee engaged in work:
4 (1) Predominantly intellectual and varied in character
5 as opposed to routine mental, manual, mechanical, or physical
6 work;
7 (2) Involving the consistent exercise of discretion and
8 judgment in its performance;
9 (3) Of such a character that the output produced or the
10 result accomplished cannot be standardized in relation to a
11 given period of time; and
12 (4) Requiring knowledge of an advanced type in a field
13 of science or learning customarily acquired by a prolonged
14 course of specialized intellectual instruction and study
15 in an institution of higher learning or a hospital, as
16 distinguished from a general academic education or from an
17 apprenticeship or from training in the performance of routine
18 mental, manual, or physical processes.
19 b. Any employee who (i) has completed the courses of
20 specialized intellectual instruction and study described in
21 subparagraph four (4) of paragraph a of this subsection, and
22 (ii) is performing related work under the supervision of
23 a professional person to qualify himself or herself to become
24 a professional employee as defined in paragraph a of this
25 subsection.

Page 3

1 6. Page 3, by inserting after line 15 the following new
2 subsection:
3 "Fact-finding" means the procedure by which a qualified
4 person shall make written findings of fact and recommendations
5 for resultion of an impasse.
6 7. Page 3, lines 25 through 27, by striking the words
7 "In defining supervisory employees, the board shall consider
8 the authority of an employee to perform, in the interest of
9 the public employer, such duties as" and inserting in lieu
10 thereof the words "Supervisory employee means any individual
11 having authority in the interest of the public employer".
12 8. Page 3, by inserting after line 33 the words "All
13 school superintendents, assistant superintendents, principals,
14 and assistant principals shall be deemed to be supervisory
15 employees."
16 9. Page 3, line 35, by striking the word "less".
17 10. Page 4A, line 1, by striking the word "than".
18 11. Page 4A, line 1, by inserting after the word "week"
19 the words "or less".
20 12. Page 4A, line 1, by changing the period to a comma
21 and adding:
22 "except graduate or other post-graduate students in
23 preparation for a profession who are engaged in academically
24 related employment as a teaching, research, or service
25 assistant."

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1 13. Page 4A, line 3, by striking the word "three" and
2 inserting in lieu thereof the word "four".
3 14. Page 4A, line 11, by striking the words "Iowa
4 General Assembly and the".
5 15. Page 4A, by striking line 13.
6 16. Page 4A, by inserting after line 13 the following
7 new subsection:
8 11. Persons employed by the commission for the blind.
9 17. Page 4A, by striking lines 22 through 31 and
10 inserting in lieu thereof the following:
11 Each member shall be appointed for a term of four years,
12 except that of the members first appointed, two members shall
13 be appointed for a term of two years commencing July 1, 1974
14 and ending June 30, 1976, and one member shall be
15 appointed for a term of four years commencing July 1, 1974 and
16 ending June 30, 1978.
17 The member first appointed for a term of four years shall
18 serve as chairman and each of his successors shall also
19 serve as chairman.
20 18. Page 5, lines 4 and 5, by striking the words "The
21 members of the board shall be selected on the basis of
22 their knowledge, ability and experience in the field of" and
23 inserting in lieu thereof the words "In selecting the members
24 of the board, consideration shall be given to their knowledge,
25 ability, and experience in the field of".

1 19. Page 5, line 7, by striking the words "equal to that
2 of a district court judge" and inserting in lieu thereof
3 the words "of twenty-four thousand (24,000) dollars".
4 20. Page 5, line 24, by inserting after the word "Collect"
5 the words ", for public employers other than the state and
6 its boards, commissions, departments, and agencies,".
7 21. Page 6, line 11, by inserting after the word "have"
8 the words ", in addition to all powers, duties, and rights
9 established by constitutional provision, statute, ordinance,
10 charter, or special act, the exclusive power, duty, and".
11 22. Page 6, by inserting after line 18 the following
12 new subsection:
13 6. Determine and implement methods, means, assignments
14 and personnel by which the public employer's operations are
15 to be conducted.
16 23. Page 6, by striking lines 19 and 20 and inserting
17 in lieu thereof the following:
18 7. Take such actions as may be necessary to carry out
19 the mission of the public employer.
20 8. Initiate, prepare, certify, and administer its budget.
21 9. Exercise all powers and duties granted to the public
22 employer by law.
23 24. Page 7, by striking from lines 3 and 4 the following:
24 "and other terms and conditions of employment, including"
25 and inserting in lieu thereof, "vacations, insurance, holidays,

1 leaves of absence, shift differentials, overtime compensation,
2 supplemental pay, seniority, transfer procedures, job
3 classifications, health and safety matters, evaluation
4 procedures, procedures for staff reduction, in-service training
5 and other matters mutually agreed upon. Negotiations shall
6 also include".
7 25. Page 7, by inserting after the period in line 8 the
8 following:
9 If an agreement provides for dues checkoff, a member's
10 dues may be checked off only upon the member's written
11 request and the member may terminate the dues checkoff at
12 any time by giving thirty days written notice.
13 26. Page 7, line 12, by inserting following the word
14 "department" the words ", board of regents' merit system,
15 educational radio and television facility board's merit
16 system,".
17 27. Page 7, line 32, by inserting after the word
18 "interfere" the word "with".
19 28. Page 7, by striking lines 34 and 35 and inserting
20 in lieu thereof the following: "b. Dominate or interfere
21 in the administration of any employee organization."
22 29. Page 8, line 10, by striking the word "recognized"
23 and inserting in lieu thereof the word "certified".
24 30. Page 8, by inserting after line 14, the following:
25 h. Engage in a lockout.

31. Page 8, by striking lines 15 and 16 and inserting in lieu thereof the following:

3. It shall be a prohibited practice for public employees or an employee organization or for any person, union, or organization or their agents willfully to:

32. Page 8, by striking lines 17 and 18 and inserting in lieu thereof the following:

a. Interfere with, restrain, coerce, or harass any public employee with respect to any of his rights under this Act or in order to prevent or discourage his exercise of any such right, including, without limitation, all rights under section eight (8) of this Act.

33. Page 8, by inserting after line 26 the following new paragraph:

Violate section twelve (12) of this Act.

34. Page 8, by inserting after line 26 the following new paragraphs:

Violate the provisions of chapter seven hundred thirty-six B (736B), sections one (1), two (2) and three (3) of the Code, which are hereby made applicable to public employers, public employees and public employee organizations.

Picket in a manner which interferes with ingress and egress to the facilities of the public employer.

Engage in, initiate, sponsor or support any picketing that is performed in support of a strike, work stoppage,

boycott or slowdown against a public employer.

Picket for any unlawful purpose.

4. The expressing of any views, argument, or opinion, or the dissemination thereof, whether in written, printed, graphic, or visual form, shall not constitute or be evidence of any unfair labor practice under any of the provisions of this Act, if such expression contains no threat of reprisal or force or promise of benefit.

35. Page 8, line 34, by adding after the period the words "However, the board may conduct a preliminary investigation of the alleged violation, and if the board determines that the complaint has no basis in fact, the board may dismiss the complaint."

36. Page 10, line 16, by inserting after the word "fraud" the words "or is contrary to law".

37. Page 10, lines 19 and 20, by striking the words "If there is not sufficient competent evidence in the record to warrant the making of the order or decision." and inserting in lieu thereof the words "If the order is not supported by a preponderance of the competent evidence on the record considered as a whole."

38. Page 10, line 24, by striking the word "as" and inserting in lieu thereof the word "or".

39. Page 10, by striking lines 32 through 35, and inserting in lieu thereof the following:

1 1. It shall be unlawful for any public employee or any
2 employee organization, directly or indirectly, to induce,
3 instigate, encourage, authorize, ratify, or participate in a
4 strike against any public employer.
5 40. Page 10, by striking after line 35 the following new
6 subsection:
7 2. It shall be unlawful for any public employer to
8 authorize, consent to, or condone a strike; or to pay or
9 agree to pay any public employee for any day in which the
10 employee participates in a strike; or to pay or agree to
11 pay any increase in compensation or benefits to any public
12 employee in response to or as a result of any strike or any
13 act which violates subsection one (1) of this section. It
14 shall be unlawful for any official, director, or representative
15 of any public employer to authorize, ratify, or participate
16 in any violation of this subsection. Nothing in this sub-
17 section shall prevent new or renewed bargaining and agreement
18 within the scope of negotiations as defined by this Act, at
19 any time after such violation of subsection one (1) has ceased;
20 but it shall be unlawful for any public employer or employee
21 organization to bargain at any time regarding suspension or
22 modification of any penalty provided in this section or regard-
23 any request by the public employer to a court for such
24 suspension or modification.
25 41. Page 11, by striking lines 1 through 18 and inserting

1 in lieu thereof the following new subsection:
2 In the event of any violation or imminently threatened
3 violation of subsection one (1) or two (2) of this section,
4 any citizen domiciled within the jurisdictional boundaries of
5 the public employer may petition the district court for the
6 county in which the violation occurs or the district court for
7 Polk county for an injunction restraining such violation or
8 imminently threatened violation. Chapter six hundred sixty-
9 four (664) of the Code and the pertinent rules of civil
10 procedure regarding injunctions shall apply. However, the
11 court shall grant a temporary injunction if it appears to the
12 court that a violation has occurred or is imminently
13 threatened; the plaintiff need not show that the violation or
14 threatened violation would greatly or irreparably injure him;
15 and no bond shall be required of the plaintiff unless the
16 court determines that a bond is necessary in the public
17 interest. Failure to comply with any temporary or
18 permanent injunction granted pursuant to this section shall
19 constitute a contempt punishable pursuant to chapter six
20 hundred sixty-five (665) of the Code. The punishment shall
21 not exceed five hundred dollars for an individual, or ten
22 thousand dollars for an employee organization or public
23 employer, for each day during which the failure to comply
24 continues, or imprisonment in a county jail not exceeding six
25 months, or both such fine and imprisonment. An individual or

1 an employee organization which makes an active good faith
2 effort to comply fully with the injunction shall not be deemed
3 to be in contempt.
4 42. Page 11, by striking lines 19 through 33 and inserting
5 in lieu thereof the following new subsection:
6 If a public employee is held to be in contempt of court for
7 failure to comply with an injunction pursuant to this section,
8 or is convicted of violating this section, he shall be
9 ineligible for any employment by the same public employer
10 for a period of twelve months. His public employer shall
11 immediately discharge him, but upon his request the court
12 shall stay his discharge to permit further judicial pro-
13 ceedings.
14 43. Page 11, by inserting after line 33 the following
15 new subsection:
16 If an employee organization or any of its officers is
17 held to be in contempt of court for failure to comply with
18 an injunction pursuant to this section, or is convicted of
19 violating this section, the employee organization shall be
20 immediately decertified, shall cease to represent the
21 bargaining unit, shall cease to receive any dues by checkoff,
22 and may again be certified only after twelve months have
23 elapsed from the effective date of decertification and only
24 after a new compliance with section fourteen (14) of this
25 Act. The penalties provided in this section may be suspended

1 or modified by the court, but only upon request of the public
2 employer and only if the court determines that suspension or
3 modification is in the public interest.
4 44. Page 11, by inserting after line 33 the following
5 new subsection:
6 Each of the remedies and penalties provided by this section
7 is separate and several, and is in addition to any other
8 legal or equitable remedy or penalty.
9 45. Page 12, line 2, by inserting the word "or" after the
10 comma and by striking the words "or upon the board's own
11 ini-".
12 46. Page 12, line 3, by striking "tiative".
13 47. Page 12, by inserting after line 16 the following:
14 4. Professional and non-professional employees shall not
15 be included in the same bargaining unit unless a majority of
16 both agree.
17 48. Page 13, by striking lines 25 through 33 and inserting
18 in lieu thereof the following:
19 1. Upon the filing of a petition for certification of an
20 employee organization, the board shall submit two questions
21 to the public employees at an election in an appropriate
22 bargaining unit. The first question on the ballot shall
23 permit the public employees to determine whether or not such
24 public employees desire exclusive bargaining representation.
25 The second question on the ballot shall list any employee

Page 13

1 organization which has petitioned for certification or
2 which has presented proof satisfactory to the board of support
3 of ten percent or more of the public employees in the
4 appropriate unit.
5 2. If a majority of the votes cast on the first question
6 are in the negative, the public employees shall not be
7 represented by an employee organization. If a majority of
8 the votes cast on the first question is in the affirmative,
9 then the employee organization receiving a majority of the
10 votes cast on the second question shall represent the
11 public employees in an appropriate bargaining unit.
12 49. Page 13, by striking from line 34 the words "a
13 majority", and in line 35 the words "of the votes cast," and
14 inserting in lieu thereof the following: "the vote of a
15 majority of the public employees who could be represented
16 by an employee organization,".
17 50. Page 14, line 2, by striking the word "If" and
18 inserting in lieu thereof the words "Upon written objections
19 filed by any party to the election within ten days after
20 notice of the results of the election, if".
21 51. Page 14, by striking from line 8 the words "of those
22 voting" and inserting in lieu thereof the following: "of
23 the employees who could be represented by an employee
24 organization".
25 52. Page 14, line 18, by inserting after the word "years."

Page 14

1 the words "A collective bargaining agreement with the state,
2 its boards, commissions, departments, and agencies shall be
3 for two years and the effective date of any such agreement
4 shall be July first of odd-numbered years."
5 53. Page 14, line 25, by inserting after the word "Act"
6 the words ", provided that no such petition and no election
7 conducted pursuant to such petition within one year from
8 decertification shall include as a party the decertified
9 employee organization".
10 54. Page 15, by striking lines 2 through 6 and inserting
11 in lieu thereof the following: "all public employees fairly.
12 However, any public employee may meet and ajust individual
13 complaints with a public employer."
14 55. Page 15, line 10, by inserting after the comma the
15 words "including strategy meetings of public employers or
16 employee organizations,".
17 56. Page 15, by striking lines 14 through 17 and inserting
18 in lieu thereof the following:
19 4. The terms of a proposed collective bargaining agreement
20 shall be made public and reasonable notice shall be given
21 to the public employees prior to a ratification election. The
22 collective bargaining agreement shall become effective only if
23 ratified by a majority of those voting by secret ballot.
24 57. Page 15, by striking lines 22 through 28 and inserting
25 in lieu thereof the following:

1 6. No collective bargaining agreement or arbitrators'
2 decision shall be valid or enforceable if its implementation
3 would be inconsistent with any statutory limitation on the
4 public employer's funds, spending, or budget or would
5 substantially impair or limit the performance of any
6 statutory duty by the public employer. A collective
7 bargaining agreement or arbitrators' award may provide for
8 benefits conditional upon specified funds to be obtained
9 by the public employer, but the agreement shall provide
10 either for automatic reduction of such conditional benefits
11 or for additional bargaining if the funds are not obtained
12 or if a lesser amount is obtained.
13 58. Page 15, line 34, by striking the words ", subject
14 to the approval of the board".
15 59. Page 16, following line 5, by adding the following new
16 subsection:
17 A public employee or any employee organization shall not
18 negotiate or attempt to negotiate directly with a member of
19 the governing board of a public employer if the public employer
20 has appointed or authorized a bargaining representative for
21 the purpose of bargaining with the public employees or their
22 representative, unless the member of the governing board is
23 the designated bargaining representative of the public
24 employer".
25 60. Page 16, lines 14 through 16 by striking the words

1 "An arbitrator's decision on a grievance may not extend
2 arbitration to changes or proposed changes in agreements or
3 public employer policy." and inserting in lieu thereof the
4 words "An arbitrator's decision on a grievance may not change
5 or amend the terms, conditions or applications of the
6 collective bargaining agreement."
7 61. Page 16, line 23 by striking the words "or a
8 grievance procedure" and inserting in lieu thereof the words
9 ", or in the event that no such procedures are so provided,
10 shall follow grievance procedures".
11 62. Page 16, by striking line 32 and in line 33 the
12 words "by the public employer and the employee organization."
13 63. Page 17, by striking lines 12 through 35 and
14 inserting in lieu thereof the following new sections:
15 Sec.____. NEW SECTION. FACT-FINDING. If the impasse
16 persists ten days after the mediator has been appointed, the
17 board shall appoint a fact-finder representative of the
18 public, from a list of qualified persons maintained by the
19 board. The fact-finder shall conduct a hearing, may administer
20 oaths, and may request the board to issue subpoenas. The
21 fact-finder shall make written findings of facts and
22 recommendations for resolution of the dispute and, not later
23 than fifteen days from the day of appointment, shall serve
24 such findings on the public employer and the certified
25 employee organization.

1 The public employer and the certified employee organization
2 shall immediately accept the fact-finder's recommendation or
3 shall within five days submit the fact-finder's recommendations
4 to the governing body and members of the certified employee
5 organization for acceptance or rejection. If the dispute
6 continues ten days after the report is submitted, the report
7 shall be made public by the board.
8 Sec.____. NEW SECTION. BINDING ARBITRATION.
9 1. If an impasse persists after the findings of fact and
10 recommendations are made public by the fact-finder, the
11 parties may continue to negotiate or, the board shall have
12 the power, upon request of either party, to arrange for
13 arbitration, which shall be binding. The request for
14 arbitration shall be in writing and a copy of the request shall
15 be served upon the other party.
16 2. Each party shall submit to the board within four days
17 of request a final offer on the impasse items with proof of
18 service of a copy upon the other party. Each party shall also
19 submit a copy of a draft of the proposed collective bargaining
20 agreement to the extent to which agreement has been reached
21 and the name of its selected arbitrator. The parties may
22 continue to negotiate all offers until an agreement is reached
23 or a decision rendered by the panel of arbitrators.
24 As an alternative procedure, the two parties may agree to
25 submit the dispute to a single arbitrator. If the parties

1 cannot agree on the arbitrator within four days, the selection
2 shall be made pursuant to subsection five (5) of this section.
3 The full costs of arbitration under this provision shall be
4 shared equally by the parties to the dispute.
5 3. The submission of the impasse items to the arbitrators
6 shall be limited to those issues that had been considered by
7 the fact-finder and upon which the parties have not reached
8 agreement. With respect to each such item, the arbitration
9 board award shall be restricted to the final offers on each
10 impasse item submitted by the parties to the arbitration board
11 or to the recommendation of the fact-finder on each impasse
12 item.
13 4. The panel of arbitrators shall consist of three members
14 appointed in the following manner:
15 a. One member shall be appointed by the public employer.
16 b. One member shall be appointed by the employee
17 organization.
18 c. One member shall be appointed mutually by the members
19 appointed by the public employer and the employee organization.
20 The last member appointed shall be the chairman of the panel
21 of arbitrators. No member appointed shall be an employee of
22 the parties.
23 d. The public employer and employee organization shall each
24 pay the fees and expenses incurred by the arbitrator each
25 selected. The fee and expenses of the chairman of the panel

1 and all other costs of arbitration shall be shared equally.
2 5. If the third member has not been selected within four
3 days of notification as provided in subsection two (2) of this
4 section, a list of three arbitrators shall be submitted to the
5 parties by the board. The two arbitrators selected by the
6 public employer and the employee organization shall determine
7 by lot which arbitrator shall remove the first name from the
8 list submitted by the board. The arbitrator having the right
9 to remove the first name shall do so within two days and the
10 second arbitrator shall have one additional day to remove one
11 of the two remaining names. The person whose name remains
12 shall become the chairman of the panel of arbitrators and shall
13 call a meeting within ten days at a location designated by him.
14 6. If a vacancy should occur on the panel of arbitrators,
15 the selection for replacement of such member shall be in the
16 same manner and within the same time limits as the original
17 member was chosen. No final selection under subsection nine (9)
18 of this section shall be made by the board until the vacancy
19 has been filled.
20 7. The panel of arbitrators shall at no time engage in an
21 effort to mediate or otherwise settle the dispute in any
22 manner other than that prescribed in this section.
23 8. From the time of appointment until such time as the panel
24 of arbitrators makes its final determination, there shall be
25 no discussion concerning recommendations for settlement of the

1 dispute by the members of the panel of arbitrators with parties
2 other than those who are direct parties to the dispute. The
3 panel of arbitrators may conduct formal or informal hearings to
4 discuss offers submitted by both parties.
5 9. The panel of arbitrators shall consider, in addition to
6 any other relevant factors, the following factors:
7 a. Past collective bargaining contracts between the parties
8 including the bargaining that led up to such contracts.
9 b. Comparison of wages, hours and conditions of employment
10 of the involved public employees with those of other public
11 employees doing comparable work, giving consideration to
12 factors peculiar to the area and the classifications involved.
13 c. The interests and welfare of the public, the ability
14 of the public employer to finance economic adjustments and
15 the effect of such adjustments on the normal standard of
16 services.
17 d. The power of the public employer to levy taxes and
18 appropriate funds for the conduct of its operations.
19 10. The chairman of the panel of arbitrators may hold
20 hearings and administer oaths, examine witnesses and documents,
21 take testimony and receive evidence, issue subpoenas to compel
22 the attendance of witnesses and the production of records, and
23 delegate such powers to other members of the panel of
24 arbitrators. The chairman of the panel of arbitrators may
25 petition the district court at the seat of government or of

Page 21

1 the county in which any hearing is held to enforce the order
2 of the chairman compelling the attendance of witnesses and the
3 production of records.
4 11. A majority of the panel of arbitrators shall select
5 within fifteen days after its first meeting the most reasonable
6 offer, in its judgment, of the final offers on each impasse
7 item submitted by the parties, or the recommendation of the
8 fact-finder on each impasse item.
9 12. The selection by the panel of arbitrators and items
10 agreed upon by the public employer and the employee
11 organization, shall be deemed to be the collective bargaining
12 agreement between the parties.
13 13. The determination of the panel of arbitrators shall be
14 by majority vote and shall be final and binding subject to
15 the provisions of section seventeen (17), subsection six (6),
16 of this Act. The panel of arbitrators shall give written
17 explanation for its selection and inform the parties of its
18 decision.
19 64. Page 18, by striking lines 1 through 34.
20 65. Page 19, by striking lines 1 through 35.
21 66. Page 20, by striking lines 1 through 9.
22 67. Page 20, by striking from lines 14 through 16 the words
23 "Individual assets of any public officials and an employee of
24 an employee organization shall be exempt from judgment." and
25 inserting in lieu thereof the words "Nothing in this Act shall

Page 22

1 be construed to make any individual or his assets liable for
2 any judgment against a public employer or an employee
3 organization.
4 68. Page 21, line 20, by striking the words "conform to"
5 and inserting in lieu thereof the words "comply with".
6 69. Page 21, line 22, by striking the words "or national
7 origin" and inserting in lieu thereof the words "national
8 origin, or physical disability as provided by law".
9 70. Page 22, line 23, by striking the word "shall" and
10 inserting in lieu thereof the word "may".
11 71. Page 22, by inserting after line 26 the following new
12 subsection:
13 Upon the written request of any member of a certified
14 employee organization, the auditor of state may audit the
15 financial records of the certified employee organization.
16 72. Page 22, line 31, by striking the word "political".
17 73. Page 22, by inserting at the end of line 31 the word
18 "elective".
19 74. Page 23, by inserting after line 15 the following:
20 Nothing in this section shall be construed to limit or deny
21 any civil remedy which may exist as a result of action which
22 may violate this section.
23 75. Page 23, by striking lines 16 through 21 and inserting
24 in lieu thereof the following new sections:
25 Sec.____. Section nineteen A point nine (19A.9), subsection

1 two (2), Code 1973, is amended to read as follows:
2 2. For a pay plan within the purview of an appropriation
3 made by the general assembly and not otherwise provided by
4 law for all employees in the merit system, after consultation
5 with appointing authorities with due regard to the results
6 of a collective bargaining agreement negotiated under the
7 provisions of this Act and after a public hearing held by the
8 commission. Such pay plan shall become effective only after it
9 has been approved by the executive council after submission
10 from the commission. Review of the pay plan for revisions shall
11 be made in the same manner at the discretion of the director,
12 but not less than annually. The annual review by the director
13 shall be made available to the governor a sufficient time in
14 advance of collective bargaining negotiations to permit its
15 recommendations to be considered during such negotiations.
16 Each employee shall be paid at one of the rates set forth in
17 the pay plan for the class of position in which employed and,
18 unless otherwise designated by the commission, shall begin
19 employment at the first step of the established range for his
20 class. Unless otherwise established by law, the governor, with
21 the approval of the executive council, shall establish a pay
22 plan for all exempt positions in the executive branch of
23 government except for employees of the governor, board of
24 regents, the state educational radio and television facility
25 board, the superintendent of public instruction and members

1 of the professional staff of the department of public
2 instruction, appointed under the provisions of section 257.24,
3 who possess a current, valid teacher's certificate or who are
4 assigned to vocational activities or programs, the commission
5 for the blind, members of the Iowa highway safety patrol and
6 other peace officers, as defined in section 97A.1, employed by
7 the department of public safety, and officers and enlisted
8 men of the armed services under state jurisdiction.
9 Sec. ____. NEW SECTION. If any provision of this Act
10 jeopardizes the receipt by the state or any of its political
11 subdivisions of any federal grant-in-aid funds or other
12 federal allotment of money, the provisions of this Act shall,
13 insofar as the fund is jeopardized, be deemed to be inoperative.
14 76. Page 23, line 22, by striking "1973" and inserting
15 "1974".
16 77. Page 23, line 24, by striking "1974" and inserting
17 "1975".
18 78. Page 23, line 24, by inserting after the period the
19 words "However, public employees of the state, its boards
20 commissions, departments, and agencies may not bargain
21 collectively until June 1, 1976."
22 79. Correct section and subsection numbers and internal
23 references as may be necessary to comply with this amendment.

Received from the House
March 13, 1974

Senate concurred 4/4

SENATE FILE 531

S—2655

1 Amend the House amendment to Senate File 531 as
2 amended, passed and reprinted by the Senate, as follows:
3 1. Page 5, by striking lines 4 through 6.
4 2. Page 13, by striking line 25.
5 3. Page 14, by striking lines 1 through 4.
6 4. Page 23, by striking lines 2 through 25 and
7 Page 24, by striking lines 1 through 8 and inserting
8 in lieu thereof the following:
9 "2. For a pay plan within the purview of an ap-
10 propriation made by the general assembly and not
11 otherwise provided by law for all employees in the
12 merit system, after consultation with appointing
13 authorities with due regard to the agreement negoti-
14 ated under the provisions set forth in this sub-
15 section and after a public hearing held by the
16 commission. Such pay plan shall become effective
17 only after it has been approved by the executive
18 council after submission from the commission. Review
19 of the pay plan for revisions shall be made in the
20 same manner at the discretion of the director, but
21 not less than annually. The annual review by the
22 director shall be made available to the governor a
23 sufficient time in advance of negotiations to permit
24 its recommendations to be considered during such
25 negotiations. Each employee shall be paid at one

Page 2

1 of the rates set forth in the pay plan for the class
2 of position in which employed and, unless otherwise
3 designated by the commission, shall begin employment
4 at the first step of the established range for his
5 class. Unless otherwise established by law, the
6 governor, with the approval of the executive council,
7 shall establish a pay plan for all exempt positions
8 in the executive branch of government except for
9 employees of the governor, board of regents, the
10 state educational radio and television facility
11 board, the superintendent of public instruction and
12 members of the professional staff of the department
13 of public instruction, appointed under the provisions
14 of section 257.24, who possess a current, valid
15 teacher's certificate or who are assigned to voca-
16 tional activities or programs, the commission for
17 the blind, members of the Iowa highway safety patrol
18 and other peace officers, as defined in section 97A.1
19 employed by the department of public safety, and
20 officers and enlisted men of the armed services
21 under state jurisdiction.
22 "Notwithstanding any other statute, charter or
23 special act of the state of Iowa the provisions of
24 this subsection relating to negotiations procedures
25 shall be applicable to employees covered under section

Page 3

1 19A of the Code, 1973.
2 "The merit employment commission shall adopt and
3 may amend rules for the administration and implem-
4 entation of procedures allowing the Iowa state
5 employee organizations or employee organizations to
6 negotiate in good faith with the merit employment
7 commission regarding wages, hours, benefits, and
8 other terms and conditions of employment. The
9 director of the Iowa merit employment department,
10 after consultation with the major employee organi-
11 zations, shall prepare and submit proposed rules
12 to the commission. The merit employment commission,
13 the governor or his designee and representatives
14 of the Iowa state employee associations or employee
15 organizations shall have the mutual obligation to
16 meet and negotiate within a reasonable period of time
17 in order to exchange freely information, opinions,
18 and proposals in order to reach agreement on
19 proposals to be presented to the executive council,
20 the appointing authorities of the various depart-
21 ments and agencies of the state, and the general
22 assembly for their consideration and action. The
23 commission rules shall provide for reasonable
24 employment time off for employees in reasonable
25 numbers to negotiate with the commission. These

Page 4

1 rules shall provide for impasse procedures for
2 mediation and fact finding as provided for under
3 the public employees negotiation act."
4 5. Page 24, by striking lines 18 through 21.

S—2655 Filed - Withdrawn 4/4
April 3, 1974

By SCHWENGELS, BERGMAN,
WINKELMAN, LAMBORN, GRIFFIN,
McCARTNEY, BURROUGHS,
MILLER of Marshall, BRILES,
TIEDEN, HEYING, CURTIS,
TAYLOR and HULTMAN

EXPLANATION

This amendment is intended to exempt all merit employees covered under Chapter 19A of the Code from the provisions of Senate File 531 and its collective bargaining procedures. It establishes negotiations procedures for these employees.

S—2656

1 Amend the House amendment to Senate File 531, as
2 amended, passed and reprinted by the Senate, as
3 follows:
4 1. Page 6, line 2, by striking the words
5 "transfer procedures, job".
6 2. Page 6, line 3, by striking the word "classi-
7 fications".
8 3. Page 6, line 3, by striking the word
9 "evaluation".
10 4. Page 6, line 4, by striking the first word
11 "procedures,"

S—2656 Filed. Withdrawn 4/4
April 3, 1974

By SCHWENGELS, BERGMAN, WINKELMAN, LAMBORN, GRIFFIN, McCARTNEY, BURROUGHS, MILLER of Marshall, BRILES, TIEDEN, CURTIS, TAYLOR and HULTMAN

S—2661

1 Amend the House amendment to Senate File 531, as
2 amended, passed and reprinted by the Senate, page 24,
3 by adding after line 8 the following new section:
4 Sec. ____. Chapter three hundred sixty-five (365),
5 Code 1973, is amended by adding the following new
6 section:
7 NEW SECTION. The provisions of sections three
8 hundred sixty-five point twenty (365.20) through
9 three hundred sixty-five point twenty-seven (365.27)
10 of the Code, shall not apply to an employee member
11 of a bargaining unit as defined in the public employ-
12 ment relations act which has entered a collective
13 bargaining agreement with his employer. Such an
14 employee shall be governed by the grievance proce-
15 dures contained in that agreement.

S—2661 Filed - Lost 4/4
April 3, 1974

By McCARTNEY

S—2663

1 Amend the House Amendment to Senate File 531 as
2 amended, passed and reprinted by the Senate, as
3 follows:
4 1. Page 14, by striking lines 14 through 16 and
5 inserting in lieu thereof the following:
6 "55. Page 15, by striking lines 10 through
7 13 and inserting in lieu thereof the following:
8 '3. Strategy sessions of the governing board
9 of the public employer, mediation and the delibera-
10 tive process of the fact-finder and arbitrators
11 shall be exempt from the provisions of chapter
12 twenty-eight A (28A) of the Code. Hearings con-
13 ducted by fact-finders and arbitrators shall be
14 open to the public.'"

S—2663 Filed and lost
April 4, 1974

By HULTMAN

S—2662

1 Amend the House Amendment to Senate File 531 as
2 amended, passed and reprinted by the Senate, as
3 follows:
4 1. Page 24, by striking all of lines 14 through 21
5 and by inserting in lieu thereof the following:
6 "76. Page 23, by striking all of lines 22 through 24
7 and inserting in lieu thereof the following:
8 Sec. 27. This Act shall become effective on July
9 1, 1974. However, public employees of the state, its
10 boards, commissions, departments, and agencies may not
11 bargain collectively until June 1, 1976. The pro-
12 visions of this Act relative to the duty to bargain
13 between any other public employer and public employ
14 shall become effective upon the affirmative vote of
15 the voters at an election held after July 1, 1975 to
16 elect officers of a political subdivision of the
17 state. The question shall be placed on the ballot by
18 an affirmative vote of the governing body of the
19 political subdivision or by a petition signed by ten
20 percent of the voters of the political subdivision,
21 as shown in the last such election held in the
22 political subdivision."

S—2662 Filed Withdrawn 4/4
April 3, 1974

By TAYLOR, SCHWENGELS, HULTMAN, MILLER of Marshall, BURROUGHS, WINKELMAN, RAMSEY, BERGMAN, McCARTNEY, CURTIS, GRIFFIN, LAMBORN, HEYING and BRILMS

S—2668

1 Amend the House amendment to Senate File 531, as
2 amended, passed and reprinted by the Senate, as
3 follows:
4 1. Page 4, by striking all of lines 18 and 19
5 and inserting in lieu thereof the following:
6 "serve as chairman; whenever regular appointments
7 are made thereafter the governor shall designate
8 the chairman of the board for the ensuing two-year
9 period."
10 2. Page 4, by adding after line 19 the following
11 new division:
12 "____. Page 4A, line 32, by striking the word
13 "commission" and inserting in lieu thereof the
14 word "board".

S—2668 Filed and lost
April 4, 1974

By SHAW

S—2667

1 Amend the House amendment to Senate File 531, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 16, line 24, by inserting after the word
5 "on" the words "the board,".
6 2. Page 16, line 25, by inserting after the
7 period the words "The board shall review the findings
8 of fact and recommendations of the fact-finder and
9 may approve, modify, or reject the report and pro-
10 vide copies of its decision to the fact-finder, the
11 public employer, and the certified employee
12 organization."
13 3. Page 17, line 2, by inserting after the word
14 "recommendation" the words "as approved by the re-
15 port of the board".
16 4. Page 17, line 7, by inserting before the
17 word "shall" the words "of the fact-finder and
18 the board".

S—2667 Filed and withdrawn By RAMSEY
April 4, 1974

S—2666

1 Amend the House amendment to Senate File 531, as
2 amended, passed, and reprinted by the Senate, page
3 5, by inserting after line 6 the following:
4 _____. Page 6, by inserting after line 6, the following
5 new subsection:
6 _____. Upon the request of either party to collective
7 bargaining negotiations at such time as a dispute
8 continues after the budget submission date, and if
9 the board determines that it is in the best interest
10 of the general public or it is necessary to assure
11 that the public employees will be properly compensated
12 after a collective bargaining agreement has expired
13 and a new agreement has not been reached, the board
14 may order that the collective bargaining agreement
15 which has terminated shall continue in full force
16 and effect until a new collective bargaining agree-
17 ment is reached and approved or the board may
18 specify temporary terms and conditions under which
19 public employees of the certified employee organiza-
20 tion shall be employed until a new collective
21 bargaining agreement is reached between the public
22 employer and the certified employee organization
23 and such agreement has been approved by the members
24 of the certified employee organization.

S—2666 Filed and lost By RAMSEY
April 4, 1974

SENATE FILE 531

By COMMITTEE ON HUMAN AND INDUSTRIAL RELATIONS

March 20, 1974

(As passed by the Senate and amended by the House.)

Passed Senate, Date *5-16-73* Passed House, Date *3-7-74*

Vote: Ayes *33* Nays *14* Vote: Ayes *56* Nays *43*

Approved _____

A BILL FOR

1 An Act relating to public employment relations and providing
2 penalties for violations.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4
5

- -

PLEASE READ FOLLOWING INSTRUCTIONS

Follows is an unofficial reprint of Senate File 531. Amendments may not be filed to this reprint. Amendments must be filed to the House Amendment to Senate File 531, which appears on pages 774 through 786 of the Senate Journal.

The entire text of the bill as passed by the Senate appears within. Language stricken by the House of Representatives appears as follows:

~~In defining supervisory employees, the board shall~~

New language inserted by the House appears in italic type as follows:

; to prohibit and prevent all strikes by public

No portion of Senate File 531 strikes present language from the Code of Iowa. Accordingly, we have the ability to use strike throughs (~~In defining~~) to indicate language stricken from the Senate version by the House. As always, language added to the Code of Iowa is underscored:

with due regard to the results of a collective

1 Section 1. NEW SECTION. PUBLIC POLICY. The general
2 assembly declares that it is the public policy of the state
3 to promote harmonious and cooperative relationships between
4 government and its employees by permitting public employees
5 to organize and bargain collectively ~~and~~ *;* to protect the
6 citizens of this state by assuring effective and orderly
7 operations of government in providing for their health, safety,
8 and welfare*; to prohibit and prevent all strikes by public*
9 *employees; and to protect the rights of public employees to*
10 *join or refuse to join, and to participate in or refuse to*
11 *participate in, employee organizations.*
12 Sec. 2. NEW SECTION. TITLE. This Act shall be known
13 as the "Public Employment Relations Act".
14 Sec. 3. NEW SECTION. DEFINITIONS. When used in this
15 Act, unless the context otherwise requires:
16 1. "Public employer" means the state of Iowa, its boards,
17 commissions, agencies, departments, and its political subdi-
18 visions including school districts and other special purpose
19 districts.
20 *2. "Governing body" means the board, council, or commission,*
21 *whether elected or appointed, of a political subdivision of this*
22 *state, including school districts and other special purpose*
23 *districts, which determines the policies for the operation of*
24 *the political subdivision.*
25 ~~2.~~ *3.* "Public employee" means any individual employed by
26 a public employer, except individuals exempted under the pro-
27 visions of section four (4) of this Act.
28 ~~3.~~ *4.* "Employee organization" means an organization of any
29 kind in which public employees participate and which exists for
30 the primary purpose of representing public employees in their
31 employment relations.
32 ~~4.~~ *5.* "Board" means the public employment relations board
33 established under section five (5) of this Act.
34 ~~5.~~ *6.* "Strike" means a public employee's refusal, in con-
35 certed action with others, to report to duty, or his willful

absence from his position, or his stoppage of work, or his abstinence in whole or in part from the full, faithful, and proper performance of the duties of employment, for the purpose of inducing, influencing, or coercing a change in the conditions, compensation, rights, privileges, or obligations of public employment.

6. *7.* "Confidential employee" means any public employee who works in the personnel *officesof* a public employer or who has access to information subject to use by the public employer in negotiating or who works in a close continuing working relationship with public officers or representatives associated with negotiating on behalf of the public employer.

"Confidential employee" also includes the personal secretary of any of the following: any elected official or person appointed to fill a vacancy in an elective office, member of any board or commission, the administrative officer, director, or chief executive officer of a public employer or major division thereof, or the deputy or first assistant of any of the foregoing.

~~7.~~ *8.* "Mediation" means assistance by an impartial third party to reconcile an impasse between the public employer and the employee organization through interpretation, suggestion, and advice.

8. *9.* "Arbitration" means the procedure whereby the parties involved in an impasse submit their differences to a third party for a final and binding decision or as provided in this Act.

9. *10.* "Impasse" means the failure of a public employer and the employee organization to reach agreement in the course of negotiations.

~~10.~~ *11. "Professional employee" means any one of the following:*

a. Any employee engaged in work:

(1) Predominantly intellectual and varied in character as opposed to routine mental, manual, mechanical, or physical work;

(2) Involving the consistent exercise of discretion and judgment in its performance;

1 *(3) Of such a character that the output produced or the*
2 *result accomplished cannot be standardized in relation to a*
3 *given period of time; and*
4 *(4) Requiring knowledge of an advanced type in a field*
5 *of science or learning customarily acquired by a prolonged*
6 *course of specialized intellectual instruction and study in*
7 *an institution of higher learning or a hospital, as dis-*
8 *tinguished from a general academic education or from an appren-*
9 *ticeship or from training in the performance of routine mental,*
10 *manual, or physical processes.*
11 *b. Any employee who (i) has completed the courses of*
12 *specialized intellectual instruction and study described in*
13 *subparagraph four (4) of paragraph a of this subsection, and*
14 *(ii) is performing related work under the supervision of a*
15 *professional person to qualify himself or herself to become*
16 *a professional employee as defined in paragraph a of this sub-*
17 *section.*
18 *12. "Fact-finding" means the procedure by which a*
19 *qualified person shall make written findings of fact and re-*
20 *commendations for resolution of an impasse.*
21 Sec. 4. NEW SECTION. EXCLUSIONS. The following public
22 employees shall be excluded from the provisions of this Act:
23 1. Elected officials and persons appointed to fill vacan-
24 cies in elective offices, and members of any board or commis-
25 sion.
26 2. Representatives of a public employer, including the
27 administrative officer, director, or chief executive officer
28 of a public employer or major division thereof as well as
29 his deputy, first assistant, and any supervisory employees.
30 ~~In-defining-supervisory-employees,-the-board-shall-con-~~
31 ~~sider-the-authority-of-an-employee-to-perform,-in-the-interest~~
32 ~~of-the-public-employer,-such-duties-as~~ *Supervisory employee*
33 *means any individual having authority in the interest of the*
34 *public employer* to hire, transfer, suspend, lay-off, recall,
35 promote, discharge, assign, reward or discipline other public

employees, or the responsibility to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment. *All school superintendents, assistant superintendents, principals, and assistant principals shall be deemed to be supervisory employees.*

3. Confidential employees.

4. Students working as part-time public employees ~~less than~~ twenty hours per week *or less*~~.~~*, except graduate or other post-graduate students in preparation for a profession who are engaged in academically related employment as a teaching, research, or service assistant.*

5. Temporary public employees employed for a period of ~~three~~ *four* months or less.

6. Commissioned and enlisted personnel of the Iowa national guard.

7. Judges of the supreme court, district judges, district associate judges, and judicial magistrates, and the employees of such judges and courts.

8. Patients and inmates employed, sentenced, or committed to any state or local institution.

9. Persons employed by the ~~Iowa General Assembly and the~~ state department of justice.

~~10.--The personal staff of the governor.~~

~~11.~~ *10. Persons employed by the commission for the blind.*

Sec. 5. NEW SECTION. PUBLIC EMPLOYMENT RELATIONS BOARD.

1. There is established a board to be known as the public employment relations board. The board shall consist of three members appointed by the governor, with approval of two-thirds of the senate. No more than two members shall be of the same political affiliation and no member shall engage in any political activity while holding office and the members shall devote fulltime to their duties.

~~Each member shall be appointed for a term of six years,~~

1 ~~except-that-of-the-members-first-appointed,-one-member-shall~~
2 ~~be-appointed-for-a-term-of-two-years-commencing-July-1,-1973~~
3 ~~and-ending-June-30,-1975,-one-member-shall-be-appointed-for~~
4 ~~a-term-of-four-years-commencing-July-1,-1973-and-ending-June~~
5 ~~30,-1977,-and-one-member-shall-be-appointed-for-a-term-of~~
6 ~~six-years-commencing-July-1,-1973-and-ending-June-30,-1979.~~
7 ~~The-member-first-appointed-for-a-term-of-six-years-shall~~
8 ~~serve-as-chairman-and-each-of-his-successors-shall-also-serve~~
9 ~~as-chairman.~~
10 *Each member shall be appointed for a term of four years,*
11 *except that of the members first appointed, two members shall*
12 *be appointed for a term of two years commencing July 1, 1974*
13 *and ending June 30, 1976, and one member shall be appointed for*
14 *a term of four years commencing July 1, 1974 and ending June 30,*
15 *1978.*
16 *The member first appointed for a term of four years shall*
17 *serve as chairman and each of his successors shall also serve*
18 *as chairman.*
19 2. Any vacancy on the commission which may occur when
20 the general assembly is not in session shall be filled by
21 appointment by the governor, which appointment shall expire
22 at the end of thirty days following the convening of the next
23 session of the general assembly. Prior to the expiration of
24 the thirty-day period, the governor shall transmit to the senate
25 for its approval the name of the appointee for the unexpired
26 portion of the regular term. Any vacancy occurring when the
27 general assembly is in session shall be filled in the same
28 manner as regular appointments are made, and before the end of
29 such session, and for the unexpired portion of the regular
30 term.
31 3. ~~The-members-of-the-board-shall-be-selected-on-the-basis~~
32 ~~of-their-knowledge,-ability-and-experience-in-the-field-of~~
33 *In selecting the members of the board, consideration shall be*
34 *given to their knowledge, ability, and experience in the field*
35 *of* labor-management relations. The chairman shall receive an

1 annual salary ~~equal to that of a district court judge~~
2 *of twenty-four thousand (24,000) dollars.* The remaining
3 two members shall each receive an annual salary equal to
4 ninety percent of the salary received by the chairman.
5 4. The board may employ such persons as are necessary
6 for the performance of its functions. Personnel of the board
7 shall be employed pursuant to the provisions of chapter nine-
8 teen A (19A) of the Code.
9 5. Members of the board and other employees of the board
10 shall be allowed their actual and necessary expenses incurred
11 in the performance of their duties. All expenses and salaries
12 shall be paid from appropriations for such purposes and the
13 board shall be subject to the budget requirements of chapter
14 eight (8) of the Code.
15 Sec. 6. NEW SECTION. GENERAL POWERS AND DUTIES OF THE
16 BOARD. The board shall:
17 1. Administer the provisions of this Act.
18 2. Collect, *for public employers other than the state and*
19 *its boards, commissions, departments, and agencies,* data and
20 conduct studies relating to wages, hours, benefits and other
21 terms and conditions of public employment and make the same
22 available to any interested person or organization.
23 3. Maintain, after consulting with employee organizations
24 and public employers, a list of qualified persons representa-
25 tive of the public to be available to serve as mediators and
26 arbitrators and establish their compensation rates.
27 4. Hold hearings and administer oaths, examine witnesses
28 and documents, take testimony and receive evidence, issue
29 subpoenas to compel the attendance of witnesses and the pro-
30 duction of records, and delegate such power to a member of
31 the board, or persons appointed or employed by the board,
32 including hearing officers for the performance of its func-
33 tions. The board may petition the district court at the seat
34 of government or of the county wherein any hearing is held to
35 enforce a board order compelling the attendance of witnesses

and production of records.

5. Adopt rules and regulations in accordance with the provisions of chapter seventeen A (17A) of the Code as it may deem necessary to carry out the purposes of this Act.

Sec. 7. NEW SECTION. PUBLIC EMPLOYER RIGHTS. Public employers shall have, *in addition to all powers, duties, and rights established by constitutional provision, statute, ordinance, charter, or special act, the exclusive power, duty, and* the right to:

1. Direct the work of its public employees.

2. Hire, promote, demote, transfer, assign, and retain public employees in positions within the public agency.

3. Suspend or discharge public employees for proper cause.

4. Maintain the efficiency of governmental operations.

5. Relieve public employees from duties because of lack of work or for other legitimate reasons.

6. Determine and implement methods, means, assignments and personnel by which the public employer's operations are to be conducted.

~~6.--Take such extraordinary actions as may be necessary to carry out the mission of the agency in emergencies.~~

7. Take such actions as may be necessary to carry out the mission of the public employer.

8. Initiate, prepare, certify, and administer its budget.

9. Exercise all powers and duties granted to the public employer by law.

Sec. 8. NEW SECTION. PUBLIC EMPLOYEE RIGHTS. Public employees shall have the right to:

1. Organize, or form, join, or assist any employee organization.

2. Negotiate collectively through representatives of their own choosing.

3. Engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection insofar as any such activity is not prohibited by this Act or any other

law of the state.

4. Refuse to join or participate in the activities of employee organizations, including the payment of any dues, fees or assessments or service fees of any type.

Sec. 9. NEW SECTION. SCOPE OF NEGOTIATIONS. The public employer and the employee organization shall meet at reasonable times, including meetings reasonably in advance of the public employer's budget-making process, to negotiate in good faith with respect to wages, hours, ~~and other terms and conditions of employment, including~~ *vacations, insurance, holidays, leaves of absence, shift differentials, overtime compensation, supplemental pay, seniority, transfer procedures, job classifications, health and safety matters, evaluation procedures, procedures for staff reduction, in-service training and other matters mutually agreed upon. Negotiations shall also include* terms authorizing dues checkoff for members of the employee organization and grievance procedures for resolving any questions arising under the agreement, which shall be embodied in a written agreement and signed by the parties. *If an agreement provides for dues checkoff, a member's dues may be checked off only upon the member's written request and the member may terminate the dues checkoff at any time by giving thirty days written notice.* Such obligation to negotiate in good faith does not compel either party to agree to a proposal or make a concession.

Nothing in this section shall diminish the authority and power of the merit employment department, *board of regents' merit system, educational radio and television facility board's merit system,* or any civil service commission established by constitutional provision, statute, charter or special act to recruit employees, prepare, conduct, and grade examinations, rate candidates in order of their relative scores for certification for appointment or promotion or for other matters of classification, reclassification or appeal rights in the classified service of the public employer served.

The public employee retirement systems provided under chapters

ninety-seven A (97A), ninety-seven B (97B), four hundred ten (410), and four hundred eleven (411) of the Code shall be excluded from the scope of negotiations.

Sec. 10. NEW SECTION. PROHIBITED PRACTICES.

1. It shall be a prohibited practice for any public employer, public employee, or employee organization to willfully refuse to negotiate in good faith with respect to the scope of negotiations as defined in section nine (9) of this Act.

2. It shall be a prohibited practice for a public employer or his designated representative willfully to:

a. Interfere *with*, restrain, or coerce public employees in the exercise of rights granted by this Act.

~~b.--Dominate,-interfere,-or-assist-in-the-formation,-existence,-or-administration-of-any-employee-organization.~~

b. Dominate or interfere in the administration of any employee organization.

c. Encourage or discourage membership in any employee organization, committee, or association by discrimination in hiring, tenure, or other terms or conditions of employment.

d. Discharge or discriminate against a public employee because he has filed an affidavit, petition, or complaint or given any information or testimony under this Act, or because he has formed, joined, or chosen to be represented by any employee organization.

e. Refuse to negotiate collectively with representatives of ~~recognized~~ *certified* employee organizations as required in this Act.

f. Deny the rights accompanying certification or exclusive recognition granted in this Act.

g. Refuse to participate in good faith in any agreed upon impasse procedures or those set forth in this Act.

h. Engage in a lockout.

~~3.--It-shall-be-a-prohibited-practice-for-public-employees-or-employee-organizations-willfully-to:~~

1 *3. It shall be a prohibited practice for public*
2 *employees or an employee organization or for any person,*
3 *union, or organization or their agents willfully to:*
4 ~~a.--Interfere,-restrain,-or-coerce-public-employees-in~~
5 ~~the-exercise-of-rights-granted-by-this-Act.~~
6 *a. Interfere with, restrain, coerce, or harass any*
7 *public employee with respect to any of his rights under this*
8 *Act or in order to prevent or discourage his exercise of any*
9 *such right, including, without limitation, all rights under*
10 *section eight (8) of this Act.*
11 b. Interfere, restrain, or coerce a public employer with
12 respect to rights granted in this Act or with respect to
13 selecting a representative for the purposes of negotiating
14 collectively on the adjustment of grievances.
15 c. Refuse to bargain collectively with a public employer
16 as required in this Act.
17 d. Refuse to participate in good faith in any agreed
18 upon impasse procedures or those set forth in this Act.
19 *e. Violate section twelve (12) of this Act.*
20 *f. Violate the provisions of chapter seven hundred thirty-*
21 *six B (736B), sections one (1), two (2) and three (3) of the*
22 *Code, which are hereby made applicable to public employers, public*
23 *employees and public employee organizations.*
24 *g. Picket in a manner which interferes with ingress and*
25 *egress to the facilities of the public employer.*
26 *h. Engage in, initiate, sponsor or support any picketing*
27 *that is performed in support of a strike, work stoppage, boycott*
28 *or slowdown against a public employer.*
29 *i. Picket for any unlawful purpose.*
30 *4. The expressing of any views, argument, or opinion, or*
31 *the dissemination thereof, whether in written, printed, graphic,*
32 *or visual form, shall not constitute or be evidence of any unfair*
33 *labor practice under any of the provisions of this Act, if such*
34 *expression contains no threat of reprisal or force or promise of*
35 *benefit.*

1 Sec. 11. NEW SECTION. PROHIBITED PRACTICE VIOLATIONS.
2 1. Proceedings against a party alleging a violation of
3 section ten (10) of this Act, shall be commenced by filing
4 a complaint with the board within ninety days of the alleged
5 violation causing a copy of the complaint to be served upon
6 the accused party in the manner of an original notice as
7 provided in this Act. The accused party shall have ten days
8 within which to file a written answer to the complaint. *How-*
9 *ever, the board may conduct a preliminary investigation of the*
10 *alleged violation, and if the board determines that the com-*
11 *plaint has no basis in fact, the board may dismiss the complaint.*
12 The board shall promptly thereafter set a time and place for
13 hearing in the county where the alleged violation occurred.
14 The parties shall be permitted to be represented by counsel,
15 summon witnesses, and request the board to subpoena witnesses
16 on the requestor's behalf. Compliance with the technical rules
17 of pleading and evidence shall not be required.
18 2. The board may designate a hearing officer to conduct
19 the hearing. The hearing officer shall have such powers as
20 may be exercised by the board for conducting the hearing and
21 shall follow the procedures adopted by the board for conducting
22 the hearing. The decision of the hearing officer may be appealed
23 to the board and the board may hear the case de novo or upon the
24 record as submitted before the hearing officer, utilizing pro-
25 cedures governing appeals to the district court in this section
26 so far as applicable.
27 3. The board shall appoint a certified shorthand reporter
28 to report the proceedings and the board shall fix the reasonable
29 amount of compensation for such service, which amount shall be
30 taxed as other costs.
31 4. The board shall file its findings of fact and conclusions
32 of law. If the board finds that the party accused has committed
33 a prohibited practice, the board may, within thirty days of its
34 decision, enter into a consent order with the party to discontinue
35 the practice, or petition the district court for injunctive relief

1 pursuant to chapter six hundred sixty-four (664) of the Code.
2 5. Any party aggrieved by any decision or order of the
3 board may within ten days from the date such decision or
4 order is filed, appeal therefrom to the district court of the
5 county in which the hearing was held, by filing with the board
6 a written notice of appeal setting forth in general terms the
7 decision appealed from and the grounds of the appeal. The
8 board shall forthwith give notice to the other parties in
9 interest.
10 6. Within thirty days after a notice of appeal is filed
11 with the board, it shall make, certify, and file in the office
12 of the clerk of court to which the appeal is taken, a full and
13 complete transcript of all documents in the case, including
14 any depositions and a transcript or certificate of the evidence
15 together with the notice of appeal.
16 7. The appeal shall be triable at any time after the ex-
17 piration of twenty days from the date of filing the transcript
18 by the board and after twenty days notice in writing by either
19 party and the board upon the other.
20 8. The transcript as certified and filed by the board
21 shall be the record on which the appeal shall be heard, and
22 no additional evidence shall be heard. In the absence of
23 fraud, the findings of fact made by the board shall be con-
24 clusive if supported by substantial evidence on the record
25 considered as a whole.
26 9. Any order or decision of the board may be modified,
27 reversed, or set aside on one or more of the following grounds
28 and on no other:
29 a. If the board acts without or in excess of its powers.
30 b. If the order was procured by fraud *or is contrary to*
31 *law*.
32 c. If the facts found by the board do not support the
33 order.
34 d. ~~If there is no sufficient competent evidence in the~~
35 ~~record to warrant the making of the order or decision.~~ *If the*

order is not supported by a preponderance of the competent evidence on the record considered as a whole.

10. When the district court, on appeal, reverses or sets aside an order or decision of the board, it may remand the case to the board for further proceedings in harmony with the holdings of the court, ~~as~~ *or* it may enter the proper judgment, as the case may be. Such judgment or decree shall have the same force and effect as if action had been originally brought and tried in said court. The assessment of costs in such appeals shall be in the discretion of the court.

11. An appeal may be taken to the supreme court from any final order, judgment, or decree of the district court.

Sec. 12. NEW SECTION. STRIKES PROHIBITED.

~~1.--It shall be unlawful for any public employee or any employee organization representing public employees to induce, instigate, ratify, or participate in a strike against a public employer.~~

1. It shall be unlawful for any public employee or any employee organization, directly or indirectly, to induce, instigate, encourage, authorize, ratify, or participate in a strike against any public employer.

2. It shall be unlawful for any public employer to authorize, consent to, or condone a strike; or to pay or agree to pay any public employee for any day in which the employee participates in a strike; or to pay or agree to pay any increase in compensation or benefits to any public employee in response to or as a result of any strike or any act which violates subsection one (l) of this section. It shall be unlawful for any official, director, or representative of any public employer to authorize, ratify, or participate in any violation of this subsection. Nothing in this subsection shall prevent new or renewed bargaining and agreement within the scope of negotiations as defined by this Act, at any time after such violation of subsection one (l) has ceased; but it shall be unlawful for any public employer or employee organization to bargain at any

time regarding suspension or modification of any penalty provided in this section or regarding any request by the public employer to a court for such suspension or modification.

~~2.--In-the-event-of-a-strike-by-public-employees,-the public-employer-may-petition-the-district-court-in-and-for the-county-in-which-the-strike-occurs-or-the-district-court of-Polk-county-for-an-injunction-against-the-public-employees, individually-or-collectively,-and-their-certified-employee organization-pursuant-to-chapter-six-hundred-sixty-four-(664) of-the-Code.--Failure-to-comply-with-a-court-order-enjoining a-strike-shall-constitute-a-contempt-punishable-pursuant-to chapter-six-hundred-sixty-five-(665)-of-the-Code-and-in addition-the-court-may,-upon-a-finding-that-the-employee-organization-has-violated-subsection-one-(1)-of-this-section,-suspend and-enjoin-the-certification-of-the-employee-organization-as the-exclusive-representative-of-the-bargaining-unit-involved for-a-period-not-to-exceed-twelve-months.--During-the-period of-decertification,-a-public-employer-may-discontinue-dues checkoff-for-the-employee-organization.--The-remedies-provided in-this-section-shall-be-in-addition-to-any-other-legal-or equitable-remedy.~~

3. In the event of any violation or imminently threatened violation of subsection one (1) or two (2) of this section, any citizen domiciled within the jurisdictional boundaries of the public employer may petition the district court for the county in which the violation occurs or the district court for Polk county for an injunction restraining such violation or imminently threatened violation. Chapter six hundred sixty-four (664) of the Code and the pertinent rules of civil procedure regarding injunctions shall apply. However, the court shall grant a temporary injunction if it appears to the court that a violation has occurred or is imminently threatened; the plaintiff need not show that the violation or threatened violation would greatly or irreparably injure him; and no bond shall be required of the

1 *plaintiff unless the court determines that a bond is necessary*
2 *in the public interest. Failure to comply with any temporary or*
3 *permanent injunction granted pursuant to this section shall*
4 *constitute a contempt punishable pursuant to chapter six hundred*
5 *sixty-five (665) of the Code. The punishment shall not exceed*
6 *five hundred dollars for an individual, or ten thousand dollars*
7 *for an employee organization or public employer, for each day*
8 *during which the failure to comply continues, or imprisonment*
9 *in a county jail not exceeding six months, or both such fine*
10 *and imprisonment. An individual or an employee organization*
11 *which makes an active good faith effort to comply fully with*
12 *the injunction shall not be deemed to be in contempt.*
13 ~~3.--A-public-employer-may-suspend,-discharge,-or-subject~~
14 ~~to-other-disciplinary-action-applicable-to-misconduct-in-employ-~~
15 ~~ment,-any-public-employee-who-participates-in-a-strike,-provided~~
16 ~~the-public-employer-first-notifies-the-public-employee-of-the-alleg-~~
17 ~~ed-violation,-the-date-of-the-violation,-and-the-action-being-con-~~
18 ~~sidered.--Such-action-shall-be-stayed-for-ten-days-from-such-notice~~
19 ~~within-which-time-the-public-employee-may-file-with-the-board-a~~
20 ~~request-for-a-hearing.--Upon-receipt-of-the-request-for-a-hearing,~~
21 ~~the-board-shall-notify-the-public-employer,-which-notification~~
22 ~~shall-further-stay-the-contemplated-public-employer-action-and~~
23 ~~appoint-an-impartial-hearing-officer-to-determine-if-a-violation~~
24 ~~of-subsection-one-(1)-of-this-section-did-occur.--The-hearing-and~~
25 ~~appeal-procedure-shall-be-the-same-as-provided-in-section-eleven~~
26 ~~(11)-of-this-Act.~~
27 *4. If a public employee is held to be in contempt of court*
28 *for failure to comply with an injunction pursuant to this section,*
29 *or is convicted of violating this section, he shall be ineligible*
30 *for any employment by the same public employer for a period of*
31 *twelve months. His public employer shall immediately discharge*
32 *him, but upon his request the court shall stay his discharge to*
33 *permit further judicial proceedings.*
34 *5. If an employee organization or any of its officers is*
35 *held to be in contempt of court for failure to comply with an*

1 *injunction pursuant to this section, or is convicted of vio-*
2 *lating this section, the employee organization shall be im-*
3 *mediately decertified, shall cease to represent the bargaining*
4 *unit, shall cease to receive any dues by checkoff, and may*
5 *again be certified only after twelve months have elapsed from the*
6 *effective date of decertification and only after a new compliance*
7 *with section fourteen (14) of this Act. The penalties provided*
8 *in this section may be suspended or modified by the court, but*
9 *only upon request of the public employer and only if the court*
10 *determines that suspension or modification is in the public*
11 *interest.*
12 *6. Each of the remedies and penalties provided by this*
13 *section is separate and several, and is in addition to any other*
14 *legal or equitable remedy or penalty.*
15 Sec. 13. NEW SECTION. BARGAINING UNIT DETERMINATION.
16 1. Board determination of an appropriate bargaining unit
17 shall be upon petition filed by a public employer, public
18 employee, *or* employee organization ~~or upon the board's own~~
19 ~~initiative~~.
20 2. Within thirty days of receipt of a petition or notice
21 to all interested parties if on its own initiative, the board
22 shall conduct a public hearing, receive written or oral testimony,
23 and promptly thereafter file an order defining the appropriate
24 bargaining unit. In defining the unit, the board shall take into
25 consideration, along with other relevant factors, the principles
26 of efficient administration of government, the existence of a
27 community of interest among public employees, the history and
28 extent of public employee organization, geographical location,
29 and the recommendations of the parties involved.
30 3. Appeals from such order shall be governed by appeal
31 provisions provided in section eleven (11) of this Act.
32 *4. Professional and non-professional employees shall not*
33 *be included in the same bargaining unit unless a majority of*
34 *both agree.*
35 Sec. 14. NEW SECTION. BARGAINING REPRESENTATIVE DETERMINATION.

1. Board certification of an employee organization as the exclusive bargaining representative of a bargaining unit shall be upon a petition filed with the board by a public employer, public employee, or an employee organization and an election conducted pursuant to section fifteen (15) of this Act.

2. The petition of an employee organization shall allege that:

a. The employee organization has submitted a request to a public employer to bargain collectively with a designated group of public employees.

b. The petition is accompanied by written evidence that thirty percent of such public employees are members of the employee organization or have authorized it to represent them for the purposes of collective bargaining.

3. The petition of a public employee shall allege that an employee organization which has been certified as the bargaining representative does not represent a majority of such public employees and that the petitioners do not want to be represented by an employee organization or seek certification of an employee organization.

4. The petition of a public employer shall allege that it has received a request to bargain from an employee organization which has not been certified as the bargaining representative of the public employees in an appropriate bargaining unit.

5. The board shall investigate the allegations of any petition and shall give reasonable notice of the receipt of such a petition to all public employees, employee organizations and public employers named or described in such petitions or interested in the representation questioned. The board shall thereafter call an election under section fifteen (15) of this Act, unless:

a. It finds that less than thirty percent of the public employees in the unit appropriate for collective bargaining support the petition for decertification or for certification.

b. The appropriate bargaining unit has not been determined pursuant to section thirteen (13) of this Act.

6. The hearing and appeal procedures shall be the same as provided in section eleven (11) of this Act.

Sec. 15. NEW SECTION. ELECTIONS.

~~1.--In-an-election-conducted-under-this-Act,-all-public employees-in-the-appropriate-bargaining-unit-shall-be-given the-right-to-vote-by-secret-ballot-under-such-terms-and-conditions as-the-board-may-prescribe-by-rule.--The-ballot-shall-list-any employee-organization-which-has-petitioned-for-certification or-which-has-presented-proof-satisfactory-to-the-board-of support-of-ten-percent-or-more-of-the-public-employees-in-the appropriate-unit-and-also-listing-no-exclusive-representative as-one-of-the-choices.~~

1. Upon the filing of a petition for certification of an employee organization, the board shall submit two questions to the public employees at an election in an appropriate bargaining unit. The first question on the ballot shall permit the public employees to determine whether or not such public employees desire exclusive bargaining representation. The second question on the ballot shall list any employee organization which has petitioned for certification or which has presented proof satisfactory to the board of support of ten percent or more of the public employees in the appropriate unit.

2. If a majority of the votes cast on the first question are in the negative, the public employees shall not be represented by an employee organization. If a majority of the votes cast on the first question is in the affirmative, then the employee organization receiving a majority of the votes cast on the second question shall represent the public employees in an appropriate bargaining unit.

~~2.~~ *3.* If none of the choices on the ballot receive ~~a majority-of-the-votes-cast,~~ *the vote of a majority of the public employees who could be represented by an employee organization,* the board shall conduct a run-off election among the two choices

1 receiving the greatest number of votes.
2 ~~3.~~ *4.* ~~If~~ *Upon written objections filed by any party*
3 *to the election within ten days after notice of the results of*
4 *the election, if* the board finds that misconduct or other
5 circumstances prevented the public employees eligible to vote
6 from freely expressing their preferences, the board may invalidate
7 the election and hold a second election for the public employees.
8 ~~4.~~ *5.* Upon completion of a valid election in which the
9 majority choice ~~of these voting~~ *of the employees who could be*
10 *represented by an employee organization* is determined, the
11 board shall certify the results of the election and shall give
12 reasonable notice of the order to all employee organizations
13 listed on the ballot, the public employers, and the public
14 employees in the appropriate bargaining unit.
15 ~~5.~~ *6.* A petition for certification as an exclusive bar-
16 gaining representative shall not be considered by the board
17 for a period of one year from the date of the certification or
18 noncertification of an exclusive bargaining representative or
19 during the duration of a collective bargaining agreement which
20 shall not exceed two years. *A collective bargaining agreement*
21 *with the state, its boards, commissions, departments, and*
22 *agencies shall be for two years and the effective date of any*
23 *such agreement shall be July first of odd-numbered years.* How-
24 ever, if a petition for decertification is filed during the
25 duration of a collective bargaining agreement, the board shall
26 award an election under this section not more than one hundred
27 eighty days nor less than one hundred fifty days prior to the
28 expiration of the collective bargaining agreement. If an employee
29 organization is decertified, the board may receive petitions
30 under section fourteen (14) of this Act, *provided that no such*
31 *petition and no election conducted pursuant to such petition*
32 *within one year from decertification shall include as a party the*
33 *decertified employee organization.*
34 Sec. 16. NEW SECTION. DUTY TO BARGAIN. Upon the receipt
35 by a public employer of a request from an employee organization

to bargain on behalf of public employees, the duty to engage in collective bargaining shall arise if the employee organization has been certified by the board as the exclusive bargaining representative for the public employees in that bargaining unit.

Sec. 17. NEW SECTION. PROCEDURES.

1. The employee organization certified as the bargaining representative shall be the exclusive representative of all public employees in the bargaining unit and shall represent ~~all-public employees-fairly.--Any-public-employee-may-meet-and-adjust individual-complaints-with-a-public-employer-so-long-as-any such-adjustment-is-consistent-with-the-terms-of-the-collective bargaining-agreement-then-in-force-and-so-long-as-the-bargaining representative-is-given-notice.~~ *all public employees fairly. However, any public employee may meet and adjust individual complaints with a public employer.*

2. The employee organization and the public employer may designate any individual as its representative to engage in collective bargaining negotiations.

3. Negotiating sessions, *including strategy meetings of public employers or employee organizations,* mediation and the deliberative process of arbitrators shall be exempt from the provisions of chapter twenty-eight A (28A) of the Code. Hearings conducted by arbitrators shall be open to the public.

~~4.--The-terms-of-a-proposed-collective-bargaining-agreement shall-be-made-public-prior-to-a-ratification-election.--Public employees-shall-vote-by-secret-ballot-in-elections-to-ratify a-proposed-collective-bargaining-agreement.~~

4. The terms of a proposed collective bargaining agreement shall be made public and reasonable notice shall be given to the public employees prior to a ratification election. The collective bargaining agreement shall become effective only if ratified by a majority of those voting by secret ballot.

5. Terms of any collective bargaining agreement may be enforced by a civil action in the district court of the county

in which the agreement was made upon the initiative of either party.

~~6.--The terms of a collective bargaining agreement for which the public employer does not have authority to appropriate funds shall be construed as a joint recommendation requiring the public employer to make a good faith effort to obtain the funds. Failure to obtain the necessary funds to implement the provisions of the agreement shall be adjusted through further collective bargaining.~~

6. No collective bargaining agreement or arbitrators' decision shall be valid or enforceable if its implementation would be inconsistent with any statutory limitation on the public employer's funds, spending, or budget or would substantially impair or limit the performance of any statutory duty by the public employer. A collective bargaining agreement or arbitrators' award may provide for benefits conditional upon specified funds to be obtained by the public employer, but the agreement shall provide either for automatic reduction of such conditional benefits or for additional bargaining if the funds are not obtained or if a lesser amount is obtained.

7. If agreed to by the parties nothing in this Act shall be construed to prohibit supplementary bargaining on behalf of public employees in a part of the bargaining unit concerning matters uniquely affecting those public employees or cooperation and coordination of bargaining between two or more bargaining units~~, subject to the approval of the board~~.

8. The salaries of all public employees of the state under a merit system and all other fringe benefits which are granted to all public employees of the state shall be negotiated with the governor or his designee on a statewide basis, except those benefits which are not subject to negotiations pursuant to the provisions of section nine (9) of this Act.

9. A public employee or any employee organization shall not negotiate or attempt to negotiate directly with a member of the governing board of a public employer if the public employer has

appointed or authorized a bargaining representative for the purpose of bargaining with the public employees or their representative, unless the member of the governing board is the designated bargaining representative of the public employer.

Sec. 18. NEW SECTION. GRIEVANCE PROCEDURES. An agreement with an employee organization which is the exclusive representative of public employees in an appropriate unit may provide procedures for the consideration of public employee grievances and of disputes over the interpretation and application of agreements. Negotiated procedures may provide for binding arbitration of public employee grievances and of disputes over the interpretation and application of existing agreements. ~~An arbitrator's decision on a grievance may not extend arbitration to changes or proposed changes in agreements or public employer policy.~~ *An arbitrator's decision on a grievance may not change or amend the terms, conditions or applications of the collective bargaining agreement.* Such procedures shall provide for the invoking of arbitration only with the approval of the employee organization, and in the case of an employee grievance, only with the approval of the public employee. The costs of arbitration shall be shared equally by the parties.

Public employees of the state shall follow either the grievance procedures provided in a collective bargaining agreement ~~or a grievance procedure~~, *or in the event that no such procedures are so provided, shall follow grievance procedures* established pursuant to chapter nineteen A (19A) of the Code.

Sec. 19. NEW SECTION. IMPASSE PROCEDURES--AGREEMENT OF PARTIES. As the first step in the performance of their duty to bargain, the public employer and the employee organization shall endeavor to agree upon impasse procedures. Such agreement shall provide for implementation of these impasse procedures not later than one hundred twenty days prior to the certified budget submission date of the public employer. ~~The cost of all impasse procedures shall be shared equally by the public employer and~~

1 ~~the-employee-organization.~~ If the parties fail to agree upon
2 impasse procedures under the provisions of this section, the
3 impasse procedures provided in sections twenty (20) ~~and~~, twenty-
4 one (21) *and twenty-two (22)* of this Act shall apply.
5 Sec. 20. NEW SECTION. MEDIATION. In the absence of an
6 impasse agreement between the parties or the failure of either
7 party to utilize its procedures, one hundred twenty days prior
8 to the certified budget submission date, the board shall, upon
9 the request of either party, appoint an impartial and disinterested
10 person to act as mediator. It shall be the function of the
11 mediator to bring the parties together to effectuate a settle-
12 ment of the dispute, but the mediator may not compel the parties
13 to agree.
14 ~~Sec.-21.--NEW-SECTION.--FINAL-OFFER-ARBITRATION.~~
15 ~~1.--If-the-impasse-is-not-resolved-through-mediation-ninety-~~
16 ~~five-days-prior-to-the-certified-budget-submission-date,-the~~
17 ~~parties-shall-notify-the-board-and-the-parties-shall-submit-the~~
18 ~~dispute-to-final-offer-arbitration.~~
19 ~~2.--Each-party-shall-submit-to-the-board-within-four-days~~
20 ~~of-notification-a-final-offer-on-specific-impasse-items-with~~
21 ~~proof-of-service-of-a-copy-upon-the-other-party.--Each-party~~
22 ~~shall-also-submit-a-copy-of-a-draft-of-the-proposed-collective~~
23 ~~bargaining-agreement-to-the-extent-to-which-agreement-has-been~~
24 ~~reached-and-the-name-of-its-selected-arbitrator.--The-parties~~
25 ~~may-continue-to-negotiate-all-offers-until-an-agreement-is~~
26 ~~reached-or-a-decision-rendered-by-the-panel-of-arbitrators.~~
27 ~~3.--The-panel-of-arbitrators-shall-consist-of-three-members~~
28 ~~appointed-in-the-following-manner:~~
29 ~~a.--One--member-shall-be-appointed-by-the-public-employer.~~
30 ~~b.--One-member-shall-be-appointed-by-the-employee-organiza-~~
31 ~~tion.~~
32 ~~c.--One-member-shall-be-appointed-mutually-by-the-members~~
33 ~~appointed-by-the-public-employer-and-the-employee-organization.~~
34 ~~The-last-member-appointed-shall-be-the-chairman-of-the-panel-of~~
35 ~~arbitrators.--No-member-appointed-shall-be-an-employee-of-the~~

1 parties.
2 4.--If the third member has not been selected within four
3 days of notification as provided in subsection two (2) of this
4 section, a list of three arbitrators shall be submitted to the
5 parties by the board.--The two arbitrators selected by the public
6 employer and the employee organization shall determine by lot
7 which arbitrator shall remove the first name from the list sub-
8 mitted by the board.--The arbitrator having the right to remove
9 the first name shall do so within two days and the second arbi-
10 trator shall have one additional day to remove one of the two
11 remaining names.--The person whose name remains shall become
12 the chairman of the panel of arbitrators and shall call a meet-
13 ing within ten days at a location designated by him.
14 5.--If a vacancy should occur on the panel of arbitrators,
15 the selection for replacement of such member shall be in the
16 same manner and within the same time limits as the original
17 member was chosen.--No final selection under subsection eight
18 (8) of this section shall be made by the board until the
19 vacancy has been filled.
20 6.--The panel of arbitrators shall at no time engage in an
21 effort to mediate or otherwise settle the dispute in any manner
22 other than that prescribed in this section.
23 7.--From the time of appointment until such time as the
24 panel of arbitrators makes its final determination, there shall
25 be no discussion concerning recommendations for settlement of
26 the dispute by the members of the panel of arbitrators with
27 parties other than those who are direct parties to the dispute.
28 The panel of arbitrators may conduct formal or informal hearings
29 to discuss offers submitted by both parties.
30 8.--The panel of arbitrators may consider, in addition to
31 any other relevant factors, the following factors:
32 a.--Past collective bargaining contracts between the parties
33 including the bargaining that led up to such contracts.
34 b.--Comparison of wages, hours and conditions of employment
35 of the involved public employees with those of other public

1 employees-doing-comparable-work,-giving-consideration-to-factors
2 peculiar-to-the-area-and-the-classifications-involved.
3 e.--The-interests-and-welfare-of-the-public,-the-ability
4 of-the-public-employer-to-finance-economic-adjustments-and-the
5 effect-of-such-adjustments-on-the-normal-standard-of-services.
6 9.--The-chairman-of-the-panel-of-arbitrators-may-hold-hear-
7 ings-and-administer-oaths,-examine-witnesses-and-documents,-take
8 testimony-and-receive-evidence,-issue-subpoenas-to-compel-the
9 attendance-of-witnesses-and-the-production-of-records,-and-to
10 delegate-such-powers-to-other-members-of-the-panel-of-arbitrators.
11 The-chairman-of-the-panel-of-arbitrators-may-petition-the-district
12 court-at-the-seat-of-government-or-of-the-county-in-which-any
13 hearing-is-held-to-enforce-the-order-of-the-chairman-compelling
14 the-attendance-of-witnesses-and-the-production-of-records.
15 10.--A-majority-of-the-panel-of-arbitrators-shall-select
16 within-fifteen-days-after-its-first-meeting-the-most-reasonable
17 offer,-in-its-judgment,-of-the-final-offers-on-each-impasse-item
18 submitted-by-the-parties,-unless-a-majority-of-the-panel-of
19 arbitrators-finds-both-positions-to-be-unreasonable,-then-it
20 shall-reject-the-offers-of-the-parties-on-those-items-only.
21 The-panel-of-arbitrators-shall-make-public-the-rejected-items
22 and-the-final-offers-of-both-parties-and-the-reasons-for-re-
23 jection.--The-parties-shall-then-have-four-days-to-submit-a
24 second-offer-on-the-unresolved-items-to-the-panel-of-arbitrators.
25 The-panel-of-arbitrators-shall-select,-within-ten-days-the-most
26 reasonable-of-the-second-final-offers-submitted-by-the-parties.
27 11.--The-panel-of-arbitrators-shall-not-compromise-or-alter
28 any-of-the-items-in-any-final-offer-submitted-as-provided-in
29 subsection-two-(2)-of-this-section.
30 12.--The-offer-selected-by-the-panel-of-arbitrators-and
31 items-agreed-upon-by-the-public-employer-and-the-employee-organi-
32 zation,-shall-be-deemed-to-represent-the-contract-between-the
33 parties.
34 13.--The-determination-of-the-panel-of-arbitrators-shall-be
35 by-majority-vote-and-shall-be-final-and-binding-subject-to-the

~~provisions-of-section-seventeen-(17),-subsection-six-(6),~~
~~of-this-Act.--The-panel-of-arbitrators-shall-give-written~~
~~explanation-for-its-selection-and-inform-the-parties-of-its~~
~~decision.~~

Sec. 21. NEW SECTION. FACT-FINDING. If the impasse persists ten days after the mediator has been appointed, the board shall appoint a fact-finder representative of the public, from a list of qualified persons maintained by the board. The fact-finder shall conduct a hearing, may administer oaths, and may request the board to issue subpoenas. The fact-finder shall make written findings of facts and recommendations for resolution of the dispute and, not later than fifteen days from the day of appointment, shall serve such findings on the public employer and the certified employee organization.

The public employer and the certified employee organization shall immediately accept the fact-finder's recommendation or shall within five days submit the fact-finder's recommendations to the governing body and members of the certified employee organization for acceptance or rejection. If the dispute continues ten days after the report is submitted, the report shall be made public by the board.

Sec. 22. NEW SECTION. BINDING ARBITRATION.

1. If an impasse persists after the findings of fact and recommendations are made public by the fact-finder, the parties may continue to negotiate or, the board shall have the power, upon request of either party, to arrange for arbitration, which shall be binding. The request for arbitration shall be in writing and a copy of the request shall be served upon the other party.

2. Each party shall submit to the board within four days of request a final offer on the impasse items with proof of service of a copy upon the other party. Each party shall also submit a copy of a draft of the proposed collective bargaining agreement to the extent to which agreement has been reached and the name of its selected arbitrator. The parties may continue to negotiate all offers until an agreement is reached or a

1 *decision rendered by the panel of arbitrators.*
2 *As an alternative procedure, the two parties may agree to*
3 *submit the dispute to a single arbitrator. If the parties can-*
4 *not agree on the arbitrator within four days, the selection shall*
5 *be made pursuant to subsection five (5) of this section. The full*
6 *costs of arbitration under this provision shall be shared equally*
7 *by the parties to the dispute.*
8 *3. The submission of the impasse items to the arbitrators*
9 *shall be limited to those issues that had been considered by the*
10 *fact-finder and upon which the parties have not reached agreement.*
11 *With respect to each such item, the arbitration board award shall*
12 *be restricted to the final offers on each impasse item submitted*
13 *by the parties to the arbitration board or to the recommendation*
14 *of the fact-finder on each impasse item.*
15 *4. The panel of arbitrators shall consist of three members*
16 *appointed in the following manner:*
17 *a. One member shall be appointed by the public employer.*
18 *b. One member shall be appointed by the employee organi-*
19 *zation.*
20 *c. One member shall be appointed mutually by the members*
21 *appointed by the public employer and the employee organization.*
22 *The last member appointed shall be the chairman of the panel of*
23 *arbitrators. No member appointed shall be an employee of the*
24 *parties.*
25 *d. The public employer and employee organization shall each*
26 *pay the fees and expenses incurred by the arbitrator each selected.*
27 *The fee and expenses of the chairman of the panel and all other*
28 *costs of arbitration shall be shared equally.*
29 *5. If the third member has not been selected within four*
30 *days of notification as provided in subsection two (2) of this*
31 *section, a list of three arbitrators shall be submitted to the*
32 *parties by the board. The two arbitrators selected by the public*
33 *employer and the employee organization shall determine by lot*
34 *which arbitrator shall remove the first name from the list sub-*
35 *mitted by the board. The arbitrator having the right to remove*

1 *the first name shall do so within two days and the second*
2 *arbitrator shall have one additional day to remove one of the*
3 *two remaining names. The person whose name remains shall be-*
4 *come the chairman of the panel of arbitrators and shall call*
5 *a meeting within ten days at a location designated by him.*
6 *6. If a vacancy should occur on the panel of arbitrators,*
7 *the selection for replacement of such member shall be in the*
8 *same manner and within the same time limits as the original*
9 *member was chosen. No final selection under subsection nine (9)*
10 *of this section shall be made by the board until the vacancy*
11 *has been filled.*
12 *7. The panel of arbitrators shall at no time engage in an*
13 *effort to mediate or otherwise settle the dispute in any manner*
14 *other than that prescribed in this section.*
15 *8. From the time of appointment until such time as the panel*
16 *of arbitrators makes its final determination, there shall be no*
17 *discussion concerning recommendations for settlement of the dispute*
18 *by the members of the panel of arbitrators with parties other than*
19 *those who are direct parties to the dispute. The panel of arbi-*
20 *trators may conduct formal or informal hearings to discuss offers*
21 *submitted by both parties.*
22 *9. The panel of arbitrators shall consider, in addition to*
23 *any other relevant factors, the following factors:*
24 *a. Past collective bargaining contracts between the parties*
25 *including the bargaining that led up to such contracts.*
26 *b. Comparison of wages, hours and conditions of employment*
27 *of the involved public employees with those of other public employees*
28 *doing comparable work, giving consideration to factors peculiar to*
29 *the area and the classifications involved.*
30 *c. The interests and welfare of the public, the ability of*
31 *the public employer to finance economic adjustments and the effect*
32 *of such adjustments on the normal standard of services.*
33 *d. The power of the public employer to levy taxes and appro-*
34 *priate funds for the conduct of its operations.*
35 *10. The chairman of the panel of arbitrators may hold hearings*

and administer oaths, examine witnesses and documents, take testimony and receive evidence, issue subpoenas to compel the attendance of witnesses and the production of records, and delegate such powers to other members of the panel of arbitrators. The chairman of the panel of arbitrators may petition the district court at the seat of government or of the county in which any hearing is held to enforce the order of the chairman compelling the attendance of witnesses and the production of records.

11. A majority of the panel of arbitrators shall select within fifteen days after its first meeting the most reasonable offer, in its judgment, of the final offers on each impasse item submitted by the parties, or the recommendation of the fact-finder on each impasse item.

12. The selections by the panel of arbitrators and items agreed upon by the public employer and the employee organization, shall be deemed to be the collective bargaining agreement between the parties.

13. The determination of the panel of arbitrators shall be by majority vote and shall be final and binding subject to the provisions of section seventeen (17), subsection six (6), of this Act. The panel of arbitrators shall give written explanation for its selection and inform the parties of its decision.

Sec. ~~22.~~ *23.* NEW SECTION. LEGAL ACTIONS. Any employee organization and public employer may sue or be sued as an entity under the provisions of this Act. Service upon the public employer shall be in accordance with law or the rules of civil procedure. ~~Individual assets of any public official and an employee of an employee organization shall be exempt from judgment.~~ *Nothing in this Act shall be construed to make any individual or his assets liable for any judgment against a public employer or an employee organization.*

Sec. ~~23.~~ *24.* NEW SECTION. NOTICE AND SERVICE. Any notice required under the provisions of this Act shall be in writing, but service thereof shall be sufficient if mailed by restricted certified mail, return receipt requested addressed to the last known

1 address of the parties, unless otherwise provided in this
2 Act. Refusal of restricted certified mail by any party shall
3 be considered service. Prescribed time periods shall commence
4 from the date of the receipt of the notice. Any party may at
5 any time execute and deliver an acceptance of service in lieu
6 of mailed notice.
7 Sec. ~~24.~~ *25.* NEW SECTION. INTERNAL CONDUCT OF EMPLOYEE
8 ORGANIZATIONS.
9 1. Every employee organization which is certified as a
10 representative of public employees under the provisions of this
11 Act shall file with the board a registration report, signed
12 by its president or other appropriate officer. The report
13 shall be in a form prescribed by the board and shall be ac-
14 companied by two copies of the employee organization's con-
15 stitution and bylaws. A filing by a national or international
16 employee organization of its constitution and bylaws shall be
17 accepted in lieu of a filing of such documents by each subordinate
18 organization. All changes or amendments to such constitutions
19 and bylaws shall be promptly reported to the board.
20 2. Every employee organization shall file with the board
21 an annual report and an amended report whenever changes are made.
22 The reports shall be in a form prescribed by the board, and
23 shall provide the following information:
24 a. The names and addresses of the organization, any parent
25 organization or organizations with which it is affiliated, the
26 principal officers, and all representatives.
27 b. The name and address of its local agent for service of
28 process.
29 c. A general description of the public employees the organi-
30 zation represents or seeks to represent.
31 d. The amounts of the initiation fee and monthly dues
32 members must pay.
33 e. A pledge, in a form prescribed by the board, that the
34 organization will ~~conform to~~ *comply with* the laws of the state
35 and that it will accept members without regard to age, race, sex,

1 religion, ~~or national origin~~ *national origin, or physical*
2 *disability as provided by law.*
3 f. A financial report and audit.
4 3. The constitution or bylaws of every employee organiza-
5 tion shall provide that:
6 a. Accurate accounts of all income and expenses shall be
7 kept, and annual financial report and audit shall be prepared,
8 such accounts shall be open for inspection by any member of
9 the organization, and loans to officers and agents shall be
10 made only on terms and conditions available to all members.
11 b. Business or financial interests of its officers and
12 agents, their spouses, minor children, parents, or otherwise,
13 that conflict with the fiduciary obligation of such persons
14 to the organization shall be prohibited.
15 c. Every official or employee of an employee organization
16 who handles funds or other property of the organization, or
17 trust in which an organization is interested, or a subsidiary
18 organization, shall be bonded. The amount, scope, and form of
19 the bond shall be determined by the board.
20 4. The governing rules of every employee organization
21 shall provide for periodic elections by secret ballot subject
22 to recognized safeguards concerning the equal right of all
23 members to nominate, seek office, and vote in such elections,
24 the right of individual members to participate in the affairs
25 of the organization, and fair and equitable procedures in
26 disciplinary actions.
27 5. The board shall prescribe rules and regulations necessary
28 to govern the establishment and reporting of trusteeships over
29 employee organizations. Establishment of such trusteeships shall
30 be permitted only if the constitution or bylaws of the organi-
31 zation set forth reasonable procedures.
32 6. An employee organization that has not registered or filed
33 an annual report, or that has failed to comply with other pro-
34 visions of this Act, shall not be certified. Certified employee
35 organizations failing to comply with this Act may have such

1 certification revoked by the board. Prohibitions ~~shall~~ *may*
2 be enforced by injunction upon the petition of the board to
3 the district court of the county in which the violation occurs.
4 Complaints of violation of this section shall be filed with the
5 board.
6 *7. Upon the written request of any member of a certified*
7 *employee organization, the auditor of state may audit the*
8 *financial records of the certified employee organization.*
9 Sec. ~~25.~~ *26.* NEW SECTION. EMPLOYEE ORGANIZATIONS--POLITICAL
10 CONTRIBUTIONS. An employee organization shall not make any direct
11 or indirect contribution out of the funds of the employee organi-
12 zation to any political party or organization or in support of any
13 ~~political~~ candidate for *elective* public office.
14 Any employee organization which violates the provisions
15 of this section or fails to file any required report or affidavit
16 or files a false report or affidavit shall, upon conviction, be
17 subject to a fine of not more than two thousand dollars.
18 Any person who willfully violates this section, or who
19 makes a false statement knowing it to be false, or who knowingly
20 fails to disclose a material fact shall, upon conviction, be
21 subject to a fine of not more than one thousand dollars or
22 imprisoned for not more than thirty days or shall be subject
23 to both such fine and imprisonment. Each individual required
24 to sign affidavits or reports under this section shall be per-
25 sonally responsible for filing such report or affidavit and for
26 any statement contained therein he knows to be false.
27 Nothing in this section shall be construed to prohibit
28 voluntary contributions by individuals to political parties
29 or candidates.
30 *Nothing in this section shall be construed to limit or deny*
31 *any civil remedy which may exist as a result of action which may*
32 *violate this section.*
33 ~~Sec.-26.--Chapter-nineteen-A-(19A),-Code-1973,-is-amended~~
34 ~~by-adding-the-following-new-section:~~
35 ~~NEW-SECTION.--A-pay-plan-established-pursuant-to-this-Act~~

1 ~~shall be altered to the extent necessary and possible in order~~
2 ~~to reflect an agreement resulting from collective bargaining~~
3 ~~pursuant to the public employment negotiations Act.~~
4 *Sec. 27. Section nineteen A point nine (19A.9), subsection*
5 *two (2), Code 1973, is amended to read as follows:*
6 *2. For a pay plan within the purview of an appropriation*
7 *made by the general assembly and not otherwise provided by law*
8 *for all employees in the merit system, after consultation with*
9 *appointing authorities with due regard to the results of a col-*
10 *lective bargaining agreement negotiated under the provisions of*
11 *this Act and after a public hearing held by the commission. Such*
12 *pay plan shall become effective only after it has been approved*
13 *by the executive council after submission from the commission.*
14 *Review of the pay plan for revisions shall be made in the same*
15 *manner at the discretion of the director, but not less than*
16 *annually. The annual review by the director shall be made avail-*
17 *able to the governor a sufficient time in advance of collective*
18 *bargaining negotiations to permit its recommendations to be con-*
19 *sidered during such negotiations. Each employee shall be paid*
20 *at one of the rates set forth in the pay plan for the class of*
21 *position in which employed and, unless otherwise designated by*
22 *the commission, shall begin employment at the first step of the*
23 *established range for his class. Unless otherwise established*
24 *by law, the governor, with the approval of the executive council,*
25 *shall establish a pay plan for all exempt positions in the executive*
26 *branch of government except for employees of the governor, board of*
27 *regents, the state educational radio and television facility board,*
28 *the superintendent of public instruction and members of the*
29 *professional staff of the department of public instruction, ap-*
30 *pointed under the provisions of section 257.24, who possess a*
31 *current, valid teacher's certificate or who are assigned to*
32 *vocational activities or programs, the commission for the blind,*
33 *members of the Iowa highway safety patrol and other peace officers,*
34 *as defined in section 97A.1, employed by the department of public*
35 *safety, and officers and enlisted men of the armed services under*

1 *state jurisdiction.*
2 *Sec. 28. NEW SECTION. If any provision of this Act*
3 *jeopardizes the receipt by the state or any of its political*
4 *subdivisions of any federal grant-in-aid funds or other federal*
5 *allotment of money, the provisions of this Act shall, insofar*
6 *as the fund is jeopardized, be deemed to be inoperative.*
7 Sec. ~~27.~~ *29.* This Act shall become effective on July 1,
8 ~~1973~~ *1974,* but the provisions of this Act relative to the duty
9 to bargain shall not become effective until July 1, ~~1974~~ *1975.*
10 *However, public employees of the state, its boards, commissions,*
11 *departments, and agencies may not bargain collectively until*
12 *June 1, 1976.*
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