

Labor and Industrial Relations: Connors, Chair, Halvorson, Pavich, Poney and Thompson.

House File 2314

Labor and Industrial Relations

HOUSE FILE 2314

By WELLS

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the authority of the public employment
2 relations board to hear and decide prohibited practice
3 violations and imposing civil penalties.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section twenty point eleven (20.11), subsec-
2 tions one (1) and two (2), Code 1977, are amended to read
3 as follows:

4 1. Proceedings against a party alleging a violation of
5 section 20.10, shall be commenced by filing a complaint with
6 the board within ninety days of the alleged violation causing
7 a copy of the complaint to be served upon the accused party
8 in the manner of an original notice as provided in this
9 chapter. The accused party shall have ten days within which
10 to file a written answer to the complaint. ~~However, the~~ The
11 board may conduct a preliminary investigation of the alleged
12 violation, and if the board determines that the complaint
13 has no basis in fact, the board may dismiss the complaint.
14 The board shall ~~promptly thereafter~~ set a time and place for
15 hearing in the county where the alleged violation occurred
16 which hearing shall be held within fourteen days after the
17 complaint is filed. The parties shall be permitted to be
18 represented by counsel, summon witnesses, and request the
19 board to subpoena witnesses on the requestor's behalf.
20 Compliance with the technical rules of pleading and evidence
21 shall not be required.

22 2. The board may designate a hearing officer to conduct
23 the hearing. The hearing officer shall have such powers as
24 may be exercised by the board for conducting the hearing and
25 shall follow the procedures adopted by the board for conducting
26 the hearing. The decision of the hearing officer shall be
27 rendered within fourteen days after the conclusion of the
28 hearing. The decision of the hearing officer may be appealed
29 to the board and the board may hear the case de novo or upon
30 the record as submitted before the hearing officer, utilizing
31 procedures governing appeals to the district court in this
32 section so far as applicable.

33 Sec. 2. Section twenty point eleven (20.11), Code 1977,
34 is amended by striking subsection four (4) and inserting in
35 lieu thereof the following:

1 4. The board shall file its findings of fact and
2 conclusions of law. If the board finds that the party accused
3 has committed a prohibited practice, the board shall order
4 an appropriate remedy. The board may assess the party
5 committing a prohibited practice a civil penalty of not more
6 than five hundred dollars for each violation or may petition
7 the district court for injunctive relief.

8 Sec. 3. This Act is effective January 1, 1979.

9 EXPLANATION

10 This bill provides that the public employment relations
11 board shall hold a hearing within fourteen days after a prohi-
12 bited practice complaint is filed and render a decision with-
13 in fourteen days after conclusion of the hearing. The board
14 is also authorized to order an appropriate remedy if a
15 prohibited practice violation is found and may assess a civil
16 penalty of not more than five hundred dollars against the
17 guilty party for each violation.

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