

How Labor 5/15

FILED MAY 11 1977

SENATE FILE 393

By COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Passed Senate, Date 5-12-77 (p. 1513) Passed House, Date 5-19-77 (p. 2476)

Vote: Ayes 41 Nays 6 Vote: Ayes 69 Nays 24

Approved July 13, 1977

Revisions to reconsider p. 1514 H.R. 5/10 (12/12)

A BILL FOR

1 An Act relating to the form of the ballot for public employee
2 representation elections, voting requirement for such
3 elections, and the duration of collective bargaining
4 agreements.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA

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S.F. 393

SENATE FILE 393

S-3592

1 Amend Senate File 393 as follows:
2 1. Page 1, by striking lines 2 through page 2,
3 line 4 and inserting in lieu thereof the following:
4 "subsection two (2), Code 1977, is amended to read as
5 follows:
6 2. If a majority of the votes cast on the first
7 question is in the negative, the public employees shall
8 not be represented by an employee organization. If a
9 majority of the votes cast on the first question is in
10 the affirmative public employees who could be represented
11 by an employee organization vote in the affirmative on
12 the first question, then the employee organization receiving
13 a majority of the votes cast on the second question shall
14 represent the public employees in an appropriate bar-
15 gaining unit. If a majority of the public employees
16 who could be represented by an employee organization do
17 not vote in the affirmative on the first question, the
18 public employees shall not be represented by an employee
19 organization."
20 2. Renumber sections as necessary.

1 Section 1. Section twenty point fifteen (20.15),  
2 subsections one (1) and two (2), Code 1977, are amended to  
3 read as follows:

4 1. Upon the filing of a petition for certification of  
5 an employee organization, the board shall submit ~~two-questions~~  
6 a question to the public employees at an election in an ap-  
7 propriate bargaining unit. The ~~first~~ question on the ballot  
8 shall permit the public employees to ~~determine-whether-or~~  
9 ~~not-such-public-employees-desire-exclusive-bargaining~~  
10 ~~representation.--The-second-question-on-the-ballot-shall-list~~  
11 vote for no bargaining representation or for any employee  
12 organization which has petitioned for certification or which  
13 has presented proof satisfactory to the board of support of  
14 ten percent or more of the public employees in the appropriate  
15 unit.

16 2. If a majority of the votes cast on the ~~first~~ question  
17 is ~~in-the-negative~~ for no bargaining representation, the  
18 public employees shall not be represented by an employee  
19 organization. If a majority of the votes cast on the ~~first~~  
20 question is ~~in-the-affirmative~~ for a listed employee  
21 organization, then the employee organization ~~receiving-a~~  
22 ~~majority-of-the-votes-east-on-the-second-question~~ shall  
23 represent the public employees in an appropriate bargaining  
24 unit.

25 Sec. 2. Section twenty point fifteen (20.15), subsections  
26 three (3) and five (5), Code 1977, are amended to read as  
27 follows:

28 3. If none of the choices on the ballot receive the vote  
29 of a majority of the public employees ~~who-could-be-represented~~  
30 ~~by-an-employee-organization~~ voting, the board shall conduct  
31 a runoff election among the two choices receiving the greatest  
32 number of votes.

33 5. Upon completion of a valid election in which the  
34 majority choice of the employees ~~who-could-be-represented~~  
35 ~~by-an-employee-organization~~ voting is determined, the board

1 shall certify the results of the election and shall give  
2 reasonable notice of the order to all employee organizations  
3 listed on the ballot, the public employers, and the public  
4 employees in the appropriate bargaining unit.

5 Sec. 3. Section twenty point fifteen (20.15), subsection  
6 six (6), Code 1977, is amended to read as follows:

7 6. A petition for certification as an exclusive bargain-  
8 ing representative shall not be considered by the board for  
9 a period of one year from the date of the certification or  
10 noncertification of an exclusive bargaining representative  
11 or during the duration of a collective bargaining agreement  
12 which shall not exceed two years. A collective bargaining  
13 agreement with the state, its boards, commissions, departments,  
14 and agencies shall be for two years and the effective date  
15 of any such agreement shall be July + first of odd-numbered  
16 years, provided that if an exclusive bargaining representative  
17 is certified on a date which will prevent the negotiation  
18 of a collective bargaining agreement prior to July first of  
19 odd-numbered years for a period of two years, the certified  
20 collective bargaining representative may negotiate a one year  
21 contract with a public employer which shall be effective from  
22 July first of the even-numbered year to July first of the  
23 succeeding odd-numbered year when new contracts shall become  
24 effective. However, if a petition for decertification is  
25 filed during the duration of a collective bargaining agreement,  
26 the board shall award an election under this section not more  
27 than one hundred eighty days nor less than one hundred fifty  
28 days prior to the expiration of the collective bargaining  
29 agreement. If an employee organization is decertified, the  
30 board may receive petitions under section 20.14, provided  
31 that no such petition and no election conducted pursuant to  
32 such petition within one year from decertification shall  
33 include as a party the decertified employee organization.

34 EXPLANATION

35 This bill deletes the double issue ballot in favor of a

1 ballot question listing the alternatives of no representation  
2 and the one or more employee organizations qualifying to be  
3 voted on by bargaining unit employees, changes the voting  
4 requirements for public employee representation elections  
5 from a majority of the employees eligible to vote to a majority  
6 of those voting, and revises the two-year requirement for  
7 state collective bargaining agreements to allow a one-year  
8 contract in those instances where a collective bargaining  
9 representative is initially certified and there is not  
10 sufficient time to negotiate a contract within the time  
11 limitations in the present law.

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SENATE FILE 393

S-3596

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Amend Senate File 393 as follows:

1. Page 1, by inserting before line 1 the following:

"Section 1. Section twenty point three (20.3), subsection four (4), Code 1977, is amended to read as follows:

4. "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. An employee organization shall not represent in employment relations nonpublic employees nor shall an employee organization be affiliated with an organization that represents in employment relations nonpublic employees."

S-3596 FILED  
MAY 13, 1977

BY RICHARD R. RAMSEY

RULED OUT OF ORDER (p. 15/12)

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LSB 1604S  
bk/rh/8A

SENATE FILE 393

S-3597

1 Amend Senate File 393 as follows:  
 2 1. Page 2, by striking line 16 and inserting in  
 3 lieu thereof the following: "years. However, if  
 4 the collective bargaining agreement with the state,  
 5 its boards, commissions, departments, or agencies  
 6 is not agreed upon by April first of the year in which  
 7 it is to take effect, the agreement shall become  
 8 effective July first of the following year. If an  
 9 exclusive bargaining representative".

S-3597 FILED BY RICHARD R. RAMSEY  
 MAY 13, 1977  
 RULED OUT OF ORDER (p. 1513)

SENATE FILE 393

H-4284

1 Amend Senate File 393, as passed by the Senate,  
 2 as follows:  
 3 1. Page 1, line 26, by inserting before the word  
 4 "three" the word and number "two (2)".  
 5 2. Page 1, by inserting after line 27 the follow-  
 6 ing:  
 7 "2. If a majority of the votes cast on the first  
 8 question is in the negative, the public employees  
 9 shall not be represented by an employee organization.  
 10 If a majority of the votes cast on the first question  
 11 is in the affirmative, then the employee organization  
 12 receiving a majority of the votes cast on the second  
 13 question shall represent the public employees in an  
 14 appropriate bargaining unit. If a majority of the  
 15 votes cast on the first question is in the affirmative  
 16 but the majority is not more than twenty-five percent  
 17 of the public employees who could vote on the question,  
 18 the question shall fail. Also, if a majority of the  
 19 votes cast for an employee organization under this  
 20 subsection or subsection three (3) of this section  
 21 does not exceed twenty-five percent of the votes which  
 22 could be cast by public employees eligible for the  
 23 election, the employee organization shall not be  
 24 certified under subsection five (5) of this section."

H-4284 FILED *Lant* BY DAGGETT of Adams  
 MAY 19, 1977 (p. 2476)

SENATE FILE 393

H-4287

1 Amend Senate File 393, as passed by the Senate,  
 2 as follows:  
 3 1. By striking page 1, line 25 through page 2,  
 4 line 4.  
 5 2. Amend the title, lines 2 and 3, by striking  
 6 the words ", voting requirement: for such elections,".  
 7 3. By renumbering sections to conform to this  
 8 amendment.

H-4287 FILED *W. D.* BY DAGGETT of Adams  
 MAY 19, 1977 (p. 2474)

SENATE FILE 393

AN ACT

RELATING TO THE FORM OF THE BALLOT FOR PUBLIC EMPLOYEE REPRESENTATION ELECTIONS, VOTING REQUIREMENT FOR SUCH ELECTIONS, AND THE DURATION OF COLLECTIVE BARGAINING AGREEMENTS.

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

Section 1. Section twenty point fifteen (20.15), subsections one (1) and two (2), Code 1977, are amended to read as follows:

1. Upon the filing of a petition for certification of an employee organization, the board shall submit ~~two questions~~ a question 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~~ vote for no bargaining representation or for 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 is ~~in-the-negative for no bargaining representation~~, 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 for a listed employee organization~~, 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.

Sec. 2. Section twenty point fifteen (20.15), subsections

three (3) and five (5), Code 1977, are amended to read as follows:

3. If none of the choices on the ballot receive the vote of a majority of the public employees ~~who could be represented by an employee organization voting~~, the board shall conduct a runoff election among the two choices receiving the greatest number of votes.

5. Upon completion of a valid election in which the majority choice of the employees ~~who could be represented by an employee organization 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.

Sec. 3. Section twenty point fifteen (20.15), subsection six (6), Code 1977, is amended to read as follows:

6. 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. A collective bargaining agreement with the state, its boards, commissions, departments, and agencies shall be for two years and the effective date of any such agreement shall be July + first of odd-numbered years, provided that if an exclusive bargaining representative is certified on a date which will prevent the negotiation of a collective bargaining agreement prior to July first of odd-numbered years for a period of two years, the certified collective bargaining representative may negotiate a one year contract with a public employer which shall be effective from July first of the even-numbered year to July first of the succeeding odd-numbered year when new contracts shall become effective. 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 20.14, 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.

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ARTHUR A. NEU  
President of the Senate

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DALE M. COCHRAN  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 393, Sixty-seventh General Assembly.

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STEVEN C. CROSS  
Secretary of the Senate

Approved July 13, 1977

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ROBERT D. RAY  
Governor