

*Reprinted*

SENATE FILE

*364*

BY COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

FORMERLY SSB 147

*Approved 3/1/85 (p. 506)*

FILED MAR 1 1985

Passed Senate, Date 3-6-84 (p. 645) Passed House, Date 5-1-85 (p. 2129)

Vote: Ayes 26 Nays 21 Vote: Ayes 56 Nays 44

Approved May 30, 1985

*Revised to recommend (p. 676) 3/7/85  
" w/d 3/8 (p. 678)*

### A BILL FOR

1 An Act relating to the scope of negotiation in public employ-  
2 ment contract negotiations, membership in a bargaining  
3 unit, and the remedial powers of the public employment  
4 relations board.

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

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*SF 364*

1 Section 1. Section 20.3, subsection 7, unnumbered  
2 paragraph 1, Code 1985, is amended by striking the unnumbered  
3 paragraph and inserting in lieu thereof the following:

4 "Confidential employee" means a public employee who acts  
5 and assists, in a confidential capacity, persons who  
6 formulate, determine, and effectuate managerial decisions  
7 affecting labor relations.

8 Sec. 2. Section 20.4, subsection 2, unnumbered paragraph  
9 2, Code 1985, is amended to read as follows:

10 Supervisory employee means any individual having authority  
11 in the interest of the public employer to hire, transfer,  
12 suspend, layoff, recall, promote, discharge, assign, reward or  
13 discipline other public employees, or the responsibility to  
14 direct them, or to adjust their grievances, or effectively to  
15 recommend such action, if in connection with the foregoing  
16 exercise of such authority is not of a merely routine or  
17 clerical nature, but requires the use of independent judgment.  
18 All school superintendents, and assistant superintendents,  
19 ~~principals-and-assistant-principals~~ shall be deemed to be  
20 supervisory employees.

21 Sec. 3. NEW SECTION. 20.6A REMEDY VIOLATIONS OF THIS  
22 CHAPTER.

23 The board may stay an action by a party prior to hearing,  
24 by temporary order, if the board determines a stay of an  
25 action is necessary to achieve the purposes of this chapter.  
26 The board may issue but is not limited to the following orders  
27 after a hearing is conducted:

- 28 1. Cease and desist orders.
- 29 2. Orders of affirmative action to correct wrongful  
30 conduct.
- 31 3. Orders of reinstatement of employees.
- 32 4. Awards of actual damages plus interest as allowed by  
33 law.

34 An order of remedy by the board constitutes a final agency  
35 action under chapter 17A.

1     Sec. 4. Section 20.9, Code 1985, is amended by striking  
2 the section and inserting in lieu thereof the following:

3     20.9 SCOPE OF NEGOTIATIONS.

4     1. The public employer and employee organization shall  
5 meet at reasonable times, including meeting reasonably in  
6 advance of the employer's budget-making process, to negotiate  
7 in good faith on proposals reasonably related to wages, hours,  
8 and other terms and conditions of employment.

9     2. Negotiations shall also include terms authorizing dues  
10 checkoff and payroll deductions for members of the employee  
11 organization. If an agreement provides for dues checkoff or  
12 payroll deduction, a member's dues may only be checked off or  
13 a deduction made upon the member's written request and the  
14 member may terminate the dues checkoff or deduction at any  
15 time by giving thirty days' written notice. An agreement  
16 reached under this section shall be embodied in writing and  
17 signed by the parties. The obligation to negotiate in good  
18 faith does not compel either party to agree to a proposal or  
19 make a concession.

20     3. The employee organization and the public employer may  
21 mutually agree to negotiate on items which are not listed in  
22 this section. Existing provisions of a collective bargaining  
23 agreement which is the subject of negotiation shall not be  
24 eliminated from a subsequent agreement without the mutual  
25 consent of the parties to the agreement.

26     4. This section does not diminish the authority and power  
27 of the Iowa merit employment department, state board of  
28 regents' merit system, educational radio and television  
29 facility board's merit system, or any civil service commission  
30 established by constitutional provision, statute, charter or  
31 special act to recruit employees, prepare, conduct and grade  
32 examinations, rate candidates in order of their relative  
33 scores for certification for appointment or promotion or for  
34 other matters of classification, reclassification or appeal  
35 rights in the classified service of the public employer

1 served.

2 5. Proposals in conflict with state-mandated retirement  
3 systems are excluded from the scope of negotiations.

4 6. Discharged public employees of the state covered under  
5 chapter 279 shall follow either the grievance procedures pro-  
6 vided in their collective bargaining agreement or the pro-  
7 cedures under chapter 279.

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EXPLANATION

9 Section 1 changes the definition of a confidential  
10 employee.

11 Section 2 eliminates the automatic exclusion of principals  
12 and assistant principals from the provisions of chapter 20.

13 Section 3 provides remedies which may be ordered by the  
14 public employment relations board and allows the board to  
15 petition the district court for enforcement of board orders.

16 Section 4 strikes the scope of negotiations section of  
17 chapter 20 and replaces the existing specific language  
18 defining the scope of bargaining with general language setting  
19 the scope of bargaining to include hours and other terms and  
20 conditions of employment. The bill also allows the parties to  
21 negotiate dues checkoff and payroll deductions for members of  
22 the employee organization. The employer or employee  
23 organization may not refuse to negotiate on the listed items  
24 and the listed items are given their ordinary meaning. Only  
25 state-mandated retirement systems are excluded from  
26 negotiations. However, the authority granted merit employment  
27 and other political subdivisions is retained. Discharged  
28 teachers are required to pursue either the procedures provided  
29 under chapter 279 or the grievance procedures provided in  
30 their collective bargaining agreement.

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1 Amend Senate File 364 as follows:

2 1. Page 3, by inserting after line 7 the  
3 following:

4 "Sec. 5. Section 20.10, subsection 2, paragraph f,  
5 Code 1985, is amended by striking the paragraph.

6 Sec. 6. Section 20.14, subsection 1, Code 1985, is  
7 amended to read as follows:

8 1. Board certification of an employee organization  
9 as the ~~exclusive~~ a bargaining representative of a  
10 bargaining unit shall be upon a petition filed with  
11 the board by a public employer, public employee, or an  
12 employee organization and ~~an election conducted~~  
13 ~~pursuant to section 20.15.~~

14 Sec. 7. Section 20.14, subsection 5, unnumbered  
15 paragraph 1, Code 1985, is amended to read as follows:

16 The board shall investigate the allegations of any  
17 petition and shall give reasonable notice of the  
18 receipt of ~~such a~~ the petition to all public  
19 employees, employee organizations and public employers  
20 named or described in ~~such petitions~~ the petition or  
21 interested in the representation questioned. The  
22 board shall ~~thereafter call an election under section~~  
23 ~~20.15,~~ certify the employee organization as a  
24 bargaining representative unless:

25 Sec. 8. Section 20.16, Code 1985, is amended to  
26 read as follows:

27 20.16 DUTY TO BARGAIN.

28 Upon the receipt by a public employer of a request  
29 from an employee organization to bargain on behalf of  
30 public employees, the duty to engage in collective  
31 bargaining shall arise if the employee organization  
32 has been certified by the board as the ~~exclusive~~ a  
33 certified bargaining representative agent for the  
34 public employees in that bargaining unit.

35 Sec. 9. Section 20.17, subsection 1, Code 1985, is  
36 amended by striking the subsection and inserting in  
37 lieu thereof the following:

38 1. It is the public policy of this state that a  
39 provision of a contract or agreement between the state  
40 or a political subdivision of the state and a public  
41 employee organization which provides that the public  
42 employee organization represents a public employee who  
43 is not a voluntary member of the employee organization  
44 is void.

45 Sec. 10. Section 20.18, unnumbered paragraph 1,  
46 Code 1985, is amended to read as follows:

47 An agreement with an employee organization which is  
48 the ~~exclusive~~ a certified bargaining representative of  
49 public employees in an appropriate unit may provide  
50 procedures for the consideration of public employee

S-3204 page 2

1 grievances and of disputes over the interpretation and  
2 application of agreements. Negotiated procedures may  
3 provide for binding arbitration of public employee  
4 grievances and of disputes over the interpretation and  
5 application of existing agreements. An arbitrator's  
6 decision on a grievance may not change or amend the  
7 terms, conditions or applications of the collective  
8 bargaining agreement. Such The procedures shall  
9 provide for the invoking of arbitration only with the  
10 approval of the employee organization, and in the case  
11 of an employee grievance, only with the approval of  
12 the public employee. The costs of arbitration shall  
13 be shared equally by the parties.

14 Sec. 11. Section 602.1401, subsection 3,  
15 unnumbered paragraph 2, Code 1985, is amended to read  
16 as follows:

17 For purposes of chapter 20, certifications of  
18 employee organizations, which on July 1, 1983  
19 represent employees who become court employees as a  
20 result of this Act, shall remain in effect when the  
21 employees become court employees and thereafter,  
22 unless a public employee files a petition under  
23 section 20.14, subsection 3, ~~and the employee~~  
24 ~~organization is decertified in an election held under~~  
25 ~~section 20.15~~. However, collective bargaining  
26 negotiations shall be conducted by judicial district  
27 and the certified employee organizations which engage  
28 in bargaining shall negotiate by judicial district.  
29 The public employment relations board shall adopt  
30 rules pursuant to chapter 17A to implement this  
31 subsection.

32 Sec. 12. Section 20.15, Code 1985, is repealed."

33 2. Renumber as necessary.

S-3204 Filed & Lost (p. 64)

March 6, 1985

*Revised and Amended (p. 639)*

BY TAYLOR

S-3211

SENATE FILE 364

1 Amend the amendment S-3204 to Senate File 364 as  
2 follows:

- 3 1. Page 1, by striking lines 4 through 34.
- 4 2. By striking page 1, line 45 through page 2,  
5 line 32.

S-3211 Filed & Adopted

March 6, 1985 (p. 640)

By TAYLOR

S-3212

SENATE FILE 364

1 Amend the amendment S-3210 to Senate File 364 as  
2 follows:

- 3 1. Page 2, line 40, by inserting after the word  
4 "agreement." the following: "Section 20.7 does not  
5 apply to the subjects of bargaining contained in  
6 subsections 1 and 2. The bargaining subjects listed  
7 under subsections 1 and 2 shall be given their  
8 ordinary meaning."

S-3212 Filed & Adopted

March 6, 1985 (p. 642)

By MANN

S-3214

SENATE FILE 364

1 Amend Senate File 364 as follows:

- 2 1. Page 1, by striking lines 18 and 19, and  
3 inserting the following: "All school superintendents,  
4 assistant superintendents, principals and assistant  
5 principals shall be deemed to be".

S-3214 Filed

March 6, 1985

*Out of order 3/6 (p. 645)*

By HULTMAN

S-3216

SENATE FILE 364

1 Amend Senate amendment S-3210 to Senate File 364 as  
2 follows:

- 3 1. Page 1, line 27, by inserting after the word  
4 "examinations," the words "pay for unused sick leave  
5 upon separation,".
- 6 2. Page 2, line 20, by inserting after the word  
7 "procedures;" the words "pay for unused sick leave  
8 upon separation;".

S-3216 Filed & Adopted (p. 644)

March 6, 1985

By MURPHY & SMALL

S-3217

SENATE FILE 364

1 Amend Senate amendment S-3200 to Senate File 364 as  
2 follows:

- 3 1. Page 1, line 24, by inserting after the word  
4 "procedures;" the following: "pay for unused sick  
5 leave upon separation;".

S-3217 Filed

March 6, 1985

*Placed out of order 3/6 (p. 644)*

By MURPHY & SMALL

- B 1 Amend Senate File 364 as follows:  
2 1. Page 1, by inserting after line 7 the  
3 following:  
4 "Sec. 2. Section 20.3, Code 1985, is amended by  
5 adding the following new subsection:  
6 NEW SUBSECTION. 13. "Certified employee" means  
7 all certificated employees of a school corporation  
8 including nurses, principals, and assistant  
9 principals."  
10 2. By striking page 2, line 4 through page 3,  
11 line 7 and inserting the following:  
12 "1. For the purpose of negotiations between a  
13 public employer and a certificated employee  
14 organization:  
15 a. The public employer and the employee  
16 organization shall meet at reasonable times, including  
17 meetings reasonably in advance of the public  
18 employer's budget-making process, to negotiate in good  
19 faith with respect to wages, hours, vacations,  
20 insurance, holidays, leaves of absence, shift  
21 differentials, overtime compensation, supplemental  
22 pay, seniority, transfer procedures, job  
23 classifications, health and safety matters, evaluation  
24 procedures, procedures for staff reduction, in-service  
25 training, salary schedules, breaks and preparation  
26 time, early retirement programs, physical  
27 examinations, and other matters mutually agreed upon.  
28 Negotiations shall also include terms authorizing dues  
29 checkoff for members of the employee organization and  
30 grievance procedures for resolving any questions  
31 arising under the agreement, which shall be embodied  
32 in a written agreement and signed by the parties. If  
33 an agreement provides for dues checkoff, a member's  
34 dues may be checked off only upon the member's written  
35 request and the member may terminate the dues checkoff  
36 at any time by giving thirty days' written notice.  
37 Such obligation to negotiate in good faith does not  
38 compel either party to agree to a proposal or make a  
39 concession.  
40 b. Proposals in conflict with state-mandated  
41 retirement systems are excluded from the scope of  
42 negotiations.  
43 c. Discharged certificated employees shall follow  
44 either the grievance procedures provided in their  
45 collective bargaining agreement or the procedures  
46 under chapter 279.  
47 2. For the purpose of negotiations between a  
48 public employer and public employee organizations  
49 other than certificated employee organizations:  
50 a. The public employer and employee organization

B 1 shall meet at reasonable times, including meeting  
2 reasonably in advance of the employer's budget-making  
3 process, to negotiate in good faith on proposals  
4 reasonably related to wages; a salary schedule; shift  
5 differentials; overtime compensation, including credit  
6 for compensatory time; supplemental pay and benefits;  
7 allowances and reimbursements for necessary costs  
8 incurred in employment; secondary employment; break or  
9 preparation time; insurance; physical examination and  
10 fitness standards for an employee's continued  
11 employment and job assignment; early retirement  
12 incentive programs; life and health insurance premiums  
13 for present employees when retired; training and  
14 education benefits; evaluation procedures and  
15 remediation; promotion procedures; transfers;  
16 procedures and criteria for staff reduction and  
17 recall; discipline and discharge; vacations; holidays;  
18 leaves of absence; seniority; health and safety  
19 matters including minimum equipment and staffing;  
20 hours; grievance procedures; and separate grievance  
21 files.

3216  
22 b. Negotiations shall also include terms  
23 authorizing dues checkoff and payroll deductions for  
24 members of the employee organization. If an agreement  
25 provides for dues checkoff or payroll deduction, a  
26 member's dues may only be checked off or a deduction  
27 made upon the member's written request and the member  
28 may terminate the dues checkoff or deduction at any  
29 time by giving thirty days' written notice. An  
30 agreement reached under this section shall be embodied  
31 in writing and signed by the parties. The obligation  
32 to negotiate in good faith does not compel either  
33 party to agree to a proposal or make a concession.

34 c. The employee organization and the public  
35 employer may mutually agree to negotiate on items  
36 which are not listed in this section. Existing  
37 provisions of a collective bargaining agreement which  
38 is the subject of negotiation shall not be eliminated  
39 from a subsequent agreement without the mutual consent  
3212  
40 of the parties to the agreement.

41 d. This section does not diminish the authority  
42 and power of the Iowa merit employment department,  
43 state board of regents' merit system, educational  
44 radio and television facility board's merit system, or  
45 any civil service commission established by  
46 constitutional provision, statute, charter or special  
47 act to recruit employees, prepare, conduct and grade  
48 examinations, rate candidates in order of their  
49 relative scores for certification for appointment or  
50 promotion or for other matters of classification,

B 1 reclassification or appeal rights in the classified  
2 service of the public employer served."

3 3. Page 3, by inserting after line 7 the  
A 4 following:

5 "Sec. 6. Section 20.17, Code 1985, is amended by  
6 adding the following new subsection:  
7 NEW SUBSECTION. A collective bargaining agreement  
8 between a school corporation and an employee  
9 organization shall be effective for a period of two  
10 consecutive school years. The negotiations for a  
11 proposed collective bargaining agreement between the  
12 representatives of a school corporation and a  
13 certificated employee organization shall commence in  
14 even-numbered years. The negotiations for a proposed  
15 collective bargaining agreement between the  
16 representatives of a school corporation and all other  
17 employee organizations shall commence in odd-numbered  
18 years. The employee organization shall present its  
19 opening bargaining position at the first bargaining  
20 session to be held no sooner than fourteen days before  
21 the final school day. The school corporation shall  
22 present its opening bargaining position at the second  
23 bargaining session which shall be held no later than  
24 seven days following the first session. If  
25 negotiations have not produced an agreement within  
26 fourteen days following the second bargaining session,  
27 either party may declare an impasse and seek mediation  
28 or fact-finding either according to the parties' own  
29 agreement or according to this chapter. If the  
30 impasse persists, the board shall arrange for  
31 arbitration under section 20.22 not later than August  
32 1. The determination by the panel of arbitrators  
33 shall be announced not later than September 1.  
34 Sec. 7. Section 442.7, subsections 1 through 5,  
35 Code 1985, are amended by striking the subsections and  
36 inserting in lieu thereof the following:  
37 1. Prior to May 1 of each year the general  
38 assembly shall establish the state percent of growth  
39 for the budget year beginning on July 1 of the next  
40 calendar year."  
41 4. Renumber as necessary.

42

A- Adopted 3/6/85 (p. 642)  
B- Adopted as amended by 3210 (p. 644)

S-3210 Filed  
March 6, 1985

By WELSH & BROWN

S-3209

SENATE FILE 364

1 Amend the amendment S-3204 to Senate File 364 as  
2 follows:  
3 1. Page 1, by inserting after line 34, the  
4 following:  
5 "2. Page 3, by inserting after line 7, the  
6 following:".

S-3209 Filed & Withdrawn  
March 6, 1985 (p. 640)

By TAYLOR

S-3205

SENATE FILE 364

- 1 Amend the amendment S-3200 to Senate File 364 as  
2 follows:  
3 1. Page 1, lines 13 and 14, by striking the words  
4 "and job descriptions; bargaining unit work".  
5 2. Page 1, by striking line 17 and inserting in  
6 lieu thereof the following: "retirement incentive  
7 programs; life and health insurance premiums for  
8 present employees when retired;".  
9 3. Page 1, line 18, by striking the word  
10 "benefits;".

S-3205 Filed & Adopted

March 6, 1985

(p. 638)

By SMALL

S-3206

SENATE FILE 364

- 1 Amend Senate File 364 as follows:  
2 1. Page 2, by striking lines 4 through 19 and  
3 inserting the following:  
4 "The public employer and the employee organization  
5 shall meet at reasonable times, including meetings  
6 reasonably in advance of the public employer's budget-  
7 making process, to negotiate in good faith with  
8 respect to wages, hours, vacations, insurance,  
9 holidays, leaves of absence, shift differentials,  
10 overtime compensation, supplemental pay, seniority,  
11 transfer procedures, job classifications, health and  
12 safety matters, evaluation procedures, procedures for  
13 staff reduction, in-service training, salary  
14 schedules, breaks and preparation time, early  
15 retirement programs, physical examinations and other  
16 matters mutually agreed upon. Negotiations shall also  
17 include terms authorizing dues checkoff for members of  
18 the employee organization and grievance procedures for  
19 resolving any questions arising under the agreement,  
20 which shall be embodied in a written agreement and  
21 signed by the parties. If an agreement provides for  
22 dues checkoff, a member's dues may be checked off only  
23 upon the member's written request and the member may  
24 terminate the dues checkoff at any time by giving  
25 thirty days' written notice. Such obligation to  
26 negotiate in good faith does not compel either party  
27 to agree to a proposal or make a concession."  
28 2. Title page, lines 2 through 4 by striking the  
29 words ", membership in a bargaining unit, and the  
30 remedial powers of the public employment relations  
31 board".  
32 3. By renumber as necessary.

S-3206 Filed

March 6, 1985

By GRATIAS

Placed out of order 3/6 (p. 644)

1 Amend Senate File 364 as follows:  
 2 1. Page 2, by striking lines 4 through 8 and  
 3 inserting the following:  
 4 "1. The public employer and employee organization  
 5 shall meet at reasonable times, including meeting  
 6 reasonably in advance of the employer's budget-making  
 7 process, to negotiate in good faith on proposals  
 8 reasonably related to wages; a salary schedule; shift  
 9 differentials; overtime compensation, including credit  
 10 for compensatory time; supplemental pay and benefits;  
 11 allowances and reimbursements for necessary costs  
 12 incurred in employment; secondary employment; break or  
 13 preparation time; insurance; job classifications and  
 14 job descriptions; bargaining unit work; physical  
 15 examination and fitness standards for an employee's  
 16 continued employment and job assignment; early  
 17 retirement programs and individual retirement  
 18 benefits; training and education benefits; evaluation  
 19 procedures and remediation; promotion procedures;  
 20 transfers; procedures and criteria for staff reduction  
 21 and recall; discipline and discharge; vacations;  
 22 holidays; leaves of absence; seniority; health and  
 23 safety matters including minimum equipment and  
 24 staffing; hours; grievance procedures; and separate  
 25 grievance files."

S-3200 Filed  
 March 6, 1985

By MANN, GRONSTAL, MURPHY, LIND,  
 READINGER, COLEMAN, RODGERS,  
 ALVIN MILLER, NEIGHBOUR, GETTINGS  
 SENATE FILE 364

*Placed out of order 3/6/85 (p. 644)*  
 S-3203

1 Amend Senate File 364 as follows:  
 2 1. Page 2, line 25, by inserting after the word  
 3 "agreement." the following: "Section 20.7 does not  
 4 apply to the subjects of bargaining contained in  
 5 subsections 1 and 2. The bargaining subjects listed  
 6 under subsections 1 and 2 shall be given their  
 7 ordinary meaning."

S-3203 Filed  
 March 6, 1985

By MANN

*Placed out of order 3/6 (p. 644)*

Labor and Industrial Relations: Sherzan, Chair: Bennett, Connors, Hummel and Running.

*Amend (3379) & Dr. Pass 3/20/85*

SENATE FILE 364

BY COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

(AS AMENDED AND PASSED BY THE SENATE MARCH 6, 1985)

Passed Senate, Date See below Passed House, Date 5-1-85 (p. 2129)

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes 56 Nays 44

Disapproved May 30, 1985

### A BILL FOR

1 An Act relating to the scope of negotiation in public employ-  
2 ment contract negotiations, membership in a bargaining  
3 unit, and the remedial powers of the public employment  
4 relations board.

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

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*Conference Committee Appointed 5-2-85*

*Senators Mann (Chair), Gronstal, Brown, Jansen, Sultman (p. 1920)  
Representatives Sherzan (Chair), Varr, Groth, Bennett, Corey (p. 2196)*

*Passed a/w Conference Committee Report*

*Senate 5-3-85 (p. 1952)  
29-20*

*House 5-4-85 (p. 2322)  
55-38*

*Motion to reconsider w/d 5/4  
(p. 1963)*

= New Language  
by the Senate

1 Section 1. Section 20.3, subsection 7, unnumbered  
2 paragraph 1, Code 1985, is amended by striking the unnumbered  
3 paragraph and inserting in lieu thereof the following:

4 "Confidential employee" means a public employee who acts  
5 and assists, in a confidential capacity, persons who  
6 formulate, determine, and effectuate managerial decisions  
7 affecting labor relations.

8 Sec. 2. Section 20.3, Code 1985, is amended by adding the  
9 following new subsection:

10 NEW SUBSECTION. 13. "Certified employee" means all  
11 certificated employees of a school corporation including  
12 nurses, principals, and assistant principals.

13 Sec. 3. Section 20.4, subsection 2, unnumbered paragraph  
14 2, Code 1985, is amended to read as follows:

15 Supervisory employee means any individual having authority  
16 in the interest of the public employer to hire, transfer,  
17 suspend, layoff, recall, promote, discharge, assign, reward or  
18 discipline other public employees, or the responsibility to  
19 direct them, or to adjust their grievances, or effectively to  
20 recommend such action, if in connection with the foregoing  
21 exercise of such authority is not of a merely routine or  
22 clerical nature, but requires the use of independent judgment.  
23 All school superintendents, and assistant superintendents,  
24 ~~principals-and-assistant-principals~~ shall be deemed to be  
25 supervisory employees.

26 Sec. 4. NEW SECTION. 20.6A REMEDY VIOLATIONS OF THIS  
27 CHAPTER.

28 The board may stay an action by a party prior to hearing,  
29 by temporary order, if the board determines a stay of an  
30 action is necessary to achieve the purposes of this chapter.  
31 The board may issue but is not limited to the following orders  
32 after a hearing is conducted:

- 33 1. Cease and desist orders.
- 34 2. Orders of affirmative action to correct wrongful  
35 conduct.

1 3. Orders of reinstatement of employees.

2 4. Awards of actual damages plus interest as allowed by  
3 law.

4 An order of remedy by the board constitutes a final agency  
5 action under chapter 17A.

6 Sec. 5. Section 20.9, Code 1985, is amended by striking  
7 the section and inserting in lieu thereof the following:

8 20.9 SCOPE OF NEGOTIATIONS.

9 1. For the purpose of negotiations between a public  
10 employer and a certificated employee organization:

11 a. The public employer and the employee organization shall  
12 meet at reasonable times, including meetings reasonably in  
13 advance of the public employer's budget-making process, to  
14 negotiate in good faith with respect to wages, hours,  
15 vacations, insurance, holidays, leaves of absence, shift  
16 differentials, overtime compensation, supplemental pay,  
17 seniority, transfer procedures, job classifications, health  
18 and safety matters, evaluation procedures, procedures for  
19 staff reduction, in-service training, salary schedules, breaks  
20 and preparation time, early retirement programs, physical  
21 examinations, pay for unused sick leave upon separation, and  
22 other matters mutually agreed upon. Negotiations shall also  
23 include terms authorizing dues checkoff for members of the  
24 employee organization and grievance procedures for resolving  
25 any questions arising under the agreement, which shall be  
26 embodied in a written agreement and signed by the parties. If  
27 an agreement provides for dues checkoff, a member's dues may  
28 be checked off only upon the member's written request and the  
29 member may terminate the dues checkoff at any time by giving  
30 thirty days' written notice. Such obligation to negotiate in  
31 good faith does not compel either party to agree to a proposal  
32 or make a concession.

33 b. Proposals in conflict with state-mandated retirement  
34 systems are excluded from the scope of negotiations.

35 c. Discharged certificated employees shall follow either

1 the grievance procedures provided in their collective  
2 bargaining agreement or the procedures under chapter 279.

3 2. For the purpose of negotiations between a public  
4 employer and public employee organizations other than  
5 certificated employee organizations:

6 a. The public employer and employee organization shall  
7 meet at reasonable times, including meeting reasonably in  
8 advance of the employer's budget-making process, to negotiate  
9 in good faith on proposals reasonably related to wages; a  
10 salary schedule; shift differentials; overtime compensation,  
11 including credit for compensatory time; supplemental pay and  
12 benefits; allowances and reimbursements for necessary costs  
13 incurred in employment; secondary employment; break or  
14 preparation time; insurance; physical examination and fitness  
15 standards for an employee's continued employment and job  
16 assignment; early retirement incentive programs; life and  
17 health insurance premiums for present employees when retired;  
18 training and education benefits; evaluation procedures and  
19 remediation; promotion procedures; transfers; procedures and  
20 criteria for staff reduction and recall; discipline and  
21 discharge; vacations; holidays; leaves of absence; seniority;  
22 health and safety matters including minimum equipment and  
23 staffing; hours; grievance procedures; pay for unused sick  
24 leave upon separation; and separate grievance files.

25 b. Negotiations shall also include terms authorizing dues  
26 checkoff and payroll deductions for members of the employee  
27 organization. If an agreement provides for dues checkoff or  
28 payroll deduction, a member's dues may only be checked off or  
29 a deduction made upon the member's written request and the  
30 member may terminate the dues checkoff or deduction at any  
31 time by giving thirty days' written notice. An agreement  
32 reached under this section shall be embodied in writing and  
33 signed by the parties. The obligation to negotiate in good  
34 faith does not compel either party to agree to a proposal or  
35 make a concession.

1 c. The employee organization and the public employer may  
2 mutually agree to negotiate on items which are not listed in  
3 this section. Existing provisions of a collective bargaining  
4 agreement which is the subject of negotiation shall not be  
5 eliminated from a subsequent agreement without the mutual  
6 consent of the parties to the agreement. Section 20.7 does  
7 not apply to the subjects of bargaining contained in  
8 subsections 1 and 2. The bargaining subjects listed under  
9 subsections 1 and 2 shall be given their ordinary meaning.

10 d. This section does not diminish the authority and power  
11 of the Iowa merit employment department, state board of  
12 regents' merit system, educational radio and television  
13 facility board's merit system, or any civil service commission  
14 established by constitutional provision, statute, charter or  
15 special act to recruit employees, prepare, conduct and grade  
16 examinations, rate candidates in order of their relative  
17 scores for certification for appointment or promotion or for  
18 other matters of classification, reclassification or appeal  
19 rights in the classified service of the public employer  
20 served.

21 Sec. 6. Section 20.17, Code 1985, is amended by adding the  
22 following new subsection:

23 NEW SUBSECTION. A collective bargaining agreement between  
24 a school corporation and an employee organization shall be  
25 effective for a period of two consecutive school years. The  
26 negotiations for a proposed collective bargaining agreement  
27 between the representatives of a school corporation and a  
28 certificated employee organization shall commence in even-  
29 numbered years. The negotiations for a proposed collective  
30 bargaining agreement between the representatives of a school  
31 corporation and all other employee organizations shall  
32 commence in odd-numbered years. The employee organization  
33 shall present its opening bargaining position at the first  
34 bargaining session to be held no sooner than fourteen days  
35 before the final school day. The school corporation shall

1 present its opening bargaining position at the second  
2 bargaining session which shall be held no later than seven  
3 days following the first session. If negotiations have not  
4 produced an agreement within fourteen days following the  
5 second bargaining session, either party may declare an impasse  
6 and seek mediation or fact-finding either according to the  
7 parties' own agreement or according to this chapter. If the  
8 impasse persists, the board shall arrange for arbitration  
9 under section 20.22 not later than August 1. The  
10 determination by the panel of arbitrators shall be announced  
11 not later than September 1.

12 Sec. 7. Section 442.7, subsections 1 through 5, Code 1985,  
13 are amended by striking the subsections and inserting in lieu  
14 thereof the following:

15 1. Prior to May 1 of each year the general assembly shall  
16 establish the state percent of growth for the budget year  
17 beginning on July 1 of the next calendar year.

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SENATE FILE 364

H-4168

1 Amend Senate File 364 as amended, passed and  
2 reprinted by the Senate as follows:

3 1. Page 4, by inserting after line 20 the  
4 following:

5 "Sec. \_\_\_\_\_. Section 20.17, subsection 3, Code 1985,  
6 is amended to read as follows:

7 3. Negotiating sessions, strategy meetings of  
8 public employers or employee organizations, mediation  
9 and the deliberative process of arbitrators shall be  
10 exempt from the provisions of chapter 21. However,  
11 the employee organization shall present its initial  
12 bargaining position to the public employer at the  
13 first bargaining session. The public employer shall  
14 present its initial bargaining position to the  
15 employee organization at the second bargaining  
16 session, which shall be held no later than two-weeks  
17 ten days following the first bargaining session. Both  
18 sessions shall be open to the public and subject to  
19 the provisions of chapter 21. Hearings conducted by  
20 arbitrators shall be open to the public.

21 Sec. \_\_\_\_\_. Section 20.17, subsection 10, Code 1985,  
22 is amended by striking the subsection and inserting  
23 the following:

24 10. A collective bargaining agreement between a  
25 public employer and an employee organization shall be  
26 effective for two consecutive years. The negotiations  
27 for a proposed collective bargaining agreement between  
28 the representatives of a public employer other than a  
29 city and an employee organization shall commence in  
30 even numbered years. The negotiations for a proposed  
31 collective bargaining agreement between the  
32 representatives of a city and an employee organization  
33 shall commence in odd numbered years. The employee  
34 organization shall present its opening bargaining  
35 position at the first bargaining session to be held no  
36 sooner than November 1 and no later than November 10.  
37 The public employer shall present its opening  
38 bargaining position at the second bargaining session  
39 which shall be held no later than ten days following  
40 the first session. The parties shall hold a third  
41 bargaining session no later than ten days from the  
42 second bargaining session and after the third  
43 bargaining session either party may request mediation.  
44 If negotiations have not produced an agreement before  
45 January 5, the board shall arrange for mediation and  
46 set up the first mediated session. The parties may  
47 then meet thereafter at their discretion with or  
48 without the mediator. If an impasse persists ten days  
49 after the mediator is appointed, the board shall  
50 arrange for fact-finding under section 20.21. The

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1 board shall arrange for a final mediated session  
2 within fifteen days of service of the fact finder's  
3 report at which final bargaining positions shall be  
4 submitted. If there is no agreement within three days  
5 from the final mediated session, the board shall  
6 arrange for arbitration on the final bargaining  
7 positions under section 20.22. The determination by  
8 the panel of arbitrators shall be announced not later  
9 than March 15."

10 2. Page 5, by inserting after line 11 the  
11 following:

12 "Sec. \_\_\_\_ . Section 20.19, Code 1985, is repealed.

13 Sec. \_\_\_\_ . Section 20.20, Code 1985, is amended to  
14 read as follows:

15 20.20 MEDIATION.

16 ~~In the absence of an impasse agreement between the~~  
17 ~~parties or the failure of either party to utilize its~~  
18 ~~procedures, one hundred twenty days prior to the~~  
19 ~~certified budget submission date~~ Upon the request of  
20 either party or if there is not an agreement by  
21 January 5, the board shall, upon the request of either  
22 party, appoint an impartial and disinterested person  
23 to act as mediator. It shall be the function of the  
24 mediator to bring the parties together to effectuate a  
25 settlement of the dispute, but the mediator may not  
26 compel the parties to agree.

27 Sec. \_\_\_\_ . Section 20.22, subsections 1, 2, and 3,  
28 Code 1985, are amended to read as follows:

29 1. If an impasse persists after the findings of  
30 fact and recommendations are made public by the fact-  
31 finder, ~~the parties may continue to negotiate or,~~ the  
32 board shall have the power, ~~upon request of either~~  
33 ~~party,~~ to arrange for arbitration, which shall be  
34 binding. ~~The request for arbitration shall be in~~  
35 ~~writing and a copy of the request shall be served upon~~  
36 ~~the other party.~~

37 2. Each party shall submit to the board within  
38 ~~four days of request a final offer on the impasse~~  
39 ~~items with proof of service of a copy upon the other~~  
40 party a copy of the party's final offer on the impasse  
41 items submitted to the mediator at the final mediated  
42 session. Each party shall also submit a copy of a  
43 draft of the proposed collective bargaining agreement  
44 to the extent to which agreement has been reached and  
45 the name of its selected arbitrator. The parties may  
46 continue to negotiate all offers until an agreement is  
47 reached or a decision rendered by the panel of  
48 arbitrators.

49 As an alternative procedure, the two parties, may  
50 agree to submit the dispute to a single arbitrator.

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1 If the parties cannot agree on the arbitrator within  
2 four days, the selection shall be made pursuant to  
3 subsection 5. The full costs of arbitration under  
4 this provision shall be shared equally by the parties  
5 to the dispute.

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

BY GROTH of Buena Vista  
VARN of Johnson

H-4168 FILED APRIL 30, 1985

*H/D 5/1 (p 2128)*

SENATE FILE 364

H-4129

1 Amend Senate File 364 as amended, passed, and  
2 reprinted by the Senate as follows:  
3 1. Page 3, line 22, by striking the word "including"  
4 and inserting the word "and".  
5 2. Page 3, line 23, by inserting after the word  
6 "staffing" the words "related to health and safety".

H-4129 FILED APRIL 30, 1985 BY MAULSBY of Calhoun

*H/D 5/1*

SENATE FILE 364

H-4130

1 Amend Senate File 364 as amended, passed, and  
2 reprinted by the Senate as follows:  
3 1. Page 1, line 7, by inserting after the word  
4 "relations" the words ", or persons who have access  
5 to information relating to labor relations".

H-4130 FILED APRIL 30, 1985 BY SCHNEKLOTH of Scott

*H/D 5/1*

SENATE FILE 364

H-4125

1 Amend Senate File 364 as amended, passed, and  
 2 reprinted by the Senate as follows:  
 3 1. Page 3, line 19 by striking the word  
 4 "transfers" and inserting the words "transfer  
 5 procedures".

H-4125 FILED APRIL 30, 1985 BY HERMANN of Scott

*W/D 5/1*

SENATE FILE 364

H-4126

1 Amend Senate File 364 as amended, passed, and  
 2 reprinted by the Senate as follows:  
 3 1. Page 3, line 19, by inserting after the word  
 4 "remediation" the following: "procedures".

H-4126 FILED APRIL 30, 1985 BY HERMANN of Scott

*W/D 5/1*

SENATE FILE 364

H-4128

1 Amend Senate File 364 as amended, passed, and  
 2 reprinted by the Senate as follows:  
 3 1. Page 3, by inserting after line 24 the  
 4 following:  
 5 "For the purposes of this section, the term  
 6 "procedures" shall not include matters of substance."

H-4128 FILED APRIL 30, 1985 BY HERMANN of Scott

*W/D 5/1*

SENATE FILE 364

H-4127

1 Amend Senate File 364 as amended, passed, and  
 2 reprinted by the Senate as follows:  
 3 1. Page 3, line 21, by inserting after the word  
 4 "discharge" the word "procedures".

H-4127 FILED APRIL 30, 1985 BY HERMANN of Scott

*W/D 5/1*

SENATE FILE 364

H-4123

1 Amend Senate File 364 as amended, passed, and  
 2 reprinted by the Senate as follows:  
 3 1. Page 4, by inserting after line 20 the following:  
 4 "\_\_\_\_. Certificated employees discharged for purposes  
 5 other than a reduction in force shall follow the pro-  
 6 cedures provided under chapter 279."

H-4123 FILED APRIL 30, 1985 BY BENNETT of Ida

*W/D 5/1*

SENATE FILE 364

H-4119

1 Amend Senate File 364 as amended, passed, and  
2 reprinted by the Senate as follows:  
3 1. Page 3, line 6, by inserting before the word  
4 "The" the following:  
5 "A collective bargaining agreement between a public  
6 employer and an employee organization shall be  
7 effective for two consecutive years. Proposals  
8 reasonably related to wages shall be renegotiated  
9 in the second year of a contract."

H-4119 FILED APRIL 30, 1985 BY MILLER of Cherokee

*H/O 5/1*

SENATE FILE 364

H-4120

1 Amend Senate File 364 as amended, passed, and re-  
2 printed by the Senate as follows:  
3 1. Page 3, line 23, by inserting after the word  
4 "procedures;" the word "and".  
5 2. Page 3, line 24, by striking the words "; and  
6 separate grievance files".

H-4120 FILED APRIL 30, 1985 BY HALVORSON of Clayton

*H/O 5/1*

SENATE FILE 364

H-4122

1 Amend Senate File 364 as amended, passed, and  
2 reprinted by the Senate as follows:  
3 1. Page 3, lines 19 and 20, by striking the words  
4 "and criteria".

H-4122 FILED APRIL 30, 1985 BY DAGGETT of Taylor

*H/O 5/1*

SENATE FILE 364

H-4121

1 Amend Senate File 364 as amended, passed, and  
2 reprinted by the Senate as follows:  
3 1. Page 3, line 21, by striking the word "seniority;".

H-4121 FILED APRIL 30, 1985 BY HARBOR of Mills

*H/O 5/1*

## SENATE FILE 364

H-4118

1 Amend Senate File 364 as amended, passed and  
2 reprinted by the Senate as follows:

3 1. Page 3, by inserting after line 20 the  
4 following:

5 "Sec. \_\_\_\_ Section 20.17, subsection 3, Code 1985,  
6 is amended to read as follows:

7 3. Negotiating sessions, strategy meetings of  
8 public employers or employee organizations, mediation  
9 and the deliberative process of arbitrators shall be  
10 exempt from the provisions of chapter 21. However,  
11 the employee organization shall present its initial  
12 bargaining position to the public employer at the  
13 first bargaining session. The public employer shall  
14 present its initial bargaining position to the  
15 employee organization at the second bargaining  
16 session, which shall be held no later than two-weeks  
17 ten days following the first bargaining session. Both  
18 sessions shall be open to the public and subject to  
19 the provisions of chapter 21. Hearings conducted by  
20 arbitrators shall be open to the public.

21 Sec. \_\_\_\_ Section 20.17, subsection 10, Code 1985,  
22 is amended by striking the subsection and inserting  
23 the following:

24 10. A collective bargaining agreement between a  
25 public employer and an employee organization shall be  
26 effective for two consecutive years. The negotiations  
27 for a proposed collective bargaining agreement between  
28 the representatives of a public employer other than a  
29 city and an employee organization shall commence in  
30 even numbered years. The negotiations for a proposed  
31 collective bargaining agreement between the  
32 representatives of a city and an employee organization  
33 shall commence in odd numbered years. The employee  
34 organization shall present its opening bargaining  
35 position at the first bargaining session to be held no  
36 sooner than November 1 and no later than November 10.  
37 The public employer shall present its opening  
38 bargaining position at the second bargaining session  
39 which shall be held no later than ten days following  
40 the first session. The parties shall hold a third  
41 bargaining session no later than ten days from the  
42 second bargaining session and after the third  
43 bargaining session either party may request mediation.  
44 If negotiations have not produced an agreement before  
45 January 1, the board shall arrange for mediation and  
46 set up the first mediated session. The parties may  
47 then meet thereafter at their discretion with or  
48 without the mediator. If an impasse persists ten days  
49 after the mediator is appointed, the board shall  
50 arrange for fact-finding under section 20.21. The

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1 board shall arrange for a final mediated session  
 2 within fifteen days of service of the fact finder's  
 3 report at which final bargaining positions shall be  
 4 submitted. If there is no agreement within three days  
 5 from the final mediated session, the board shall  
 6 arrange for arbitration on the final bargaining  
 7 positions under section 20.22. The determination by  
 8 the panel of arbitrators shall be announced not later  
 9 than March 15."

10 2. Page 5, by inserting after line 11 the  
 11 following:

12 "Sec. \_\_\_\_\_. Section 20.19, Code 1985, is repealed.

13 Sec. \_\_\_\_\_. Section 20.20, Code 1985, is amended to  
 14 read as follows:

15 20.20 MEDIATION.

16 ~~In the absence of an impasse agreement between the~~  
 17 ~~parties or the failure of either party to utilize its~~  
 18 ~~procedures, one hundred twenty days prior to the~~  
 19 ~~certified budget submission date~~ Upon the request of  
 20 either party or if there is not an agreement by  
 21 January 5, the board shall, upon the request of either  
 22 party, appoint an impartial and disinterested person  
 23 to act as mediator. It shall be the function of the  
 24 mediator to bring the parties together to effectuate a  
 25 settlement of the dispute, but the mediator may not  
 26 compel the parties to agree.

27 Sec. \_\_\_\_\_. Section 20.22, subsections 1 and 2, Code  
 28 1985, are amended to read as follows:

29 1. If an impasse persists after the findings of  
 30 fact and recommendations are made public by the fact-  
 31 finder, ~~the parties may continue to negotiate or,~~ the  
 32 board shall have the power, upon request of either  
 33 party, to arrange for arbitration, which shall be  
 34 binding. ~~The request for arbitration shall be in~~  
 35 ~~writing and a copy of the request shall be served upon~~  
 36 ~~the other party.~~

37 2. Each party shall submit to the board within  
 38 ~~four days of request a final offer on the impasse~~  
 39 ~~items with proof of service of a copy upon the other~~  
 40 ~~party a copy of the party's final offer on the impasse~~  
 41 ~~items submitted to the mediator at the final mediated~~  
 42 ~~session.~~ Each party shall also submit a copy of a  
 43 draft of the proposed collective bargaining agreement  
 44 to the extent to which agreement has been reached and  
 45 the name of its selected arbitrator. The parties may  
 46 continue to negotiate all offers until an agreement is  
 47 reached or a decision rendered by the panel of  
 48 arbitrators."

BY GROTH of Buena Vista  
 VARN of Johnson

H-4118 FILED APRIL 30, 1985

W/S 5/1

## SENATE FILE 364

H-3889

1 Amend House amendment H-3379 to Senate File 364 as  
2 amended, passed, and reprinted by the Senate as  
3 follows:

4 1. Page 1, by inserting after line 10 the  
5 following:

6 "\_\_\_\_\_. Page 3, lines 16 and 17, by striking the  
7 following: "life and health insurance premiums for  
8 present employees when retired;".

9 \_\_\_\_\_. Page 3, line 19, by inserting after the word  
10 "remediation" the following: "procedures".

11 \_\_\_\_\_. Page 3, line 19, by striking the word  
12 "transfers" and inserting the following: "transfer  
13 procedures".

14 \_\_\_\_\_. Page 3, lines 19 and 20, by striking the  
15 words "and criteria".

16 \_\_\_\_\_. Page 3, line 22, by striking the word  
17 "including" and inserting the following: "and".

18 \_\_\_\_\_. Page 3, line 23, by inserting after the word  
19 "staffing" the words "related to health and safety".

20 2. Page 1, by inserting after line 14 the  
21 following:

22 "\_\_\_\_\_. Page 4, by striking lines 3 through 8 and  
23 inserting the following: "this section. The  
24 bargaining subjects listed under"".

25 3. Page 1, by striking lines 22 through 26 and  
26 inserting the following:

27 "6. Certificated employees discharged for the  
28 purpose of a reduction in force shall follow the  
29 grievance procedures provided in their collective  
30 bargaining agreement. Discharged certificated  
31 employees who do not have reduction in force  
32 procedures provided in their collective bargaining  
33 agreement shall follow the termination procedures  
34 provided under chapter 279. A certificated employee  
35 organization may unilaterally reject negotiated  
36 reduction in force procedures in the collective  
37 bargaining agreement through March 1, 1986. A  
38 certificated employee organization shall notify the  
39 board of a rejection of reduction in force procedures  
40 prior to March 1, 1986."

41 4. Page 1, by inserting before line 27 the  
42 following:

43 "\_\_\_\_\_. Page 4, by inserting before line 21 the  
44 following:

45 "Sec. \_\_\_\_\_. Section 20.17, subsection 4, Code 1985,  
46 is amended to read as follows:

47 4. The terms of a proposed collective bargaining  
48 agreement shall be made public and reasonable notice  
49 shall be given to the public employees prior to a  
50 ratification election. The collective bargaining

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1 agreement shall become effective only if ratified by a  
2 majority of those voting by secret ballot. Balloting  
3 may be conducted by mail in whole or in part.

4 Sec. \_\_\_\_ . Section 20.17, subsection 10, Code 1985,  
5 is amended to read as follows:

6 10. A collective bargaining agreement between a  
7 public employer and an employee organization shall be  
8 effective for two consecutive years. The negotiation  
9 of a proposed collective bargaining agreement by  
10 representatives of a state public employer and a state  
11 employee organization shall be complete not later than  
12 March 15 of the year when the agreement is to become  
13 effective. The board shall provide, by rule, a date  
14 on which any impasse item must be submitted to binding  
15 arbitration and for such other procedures as deemed  
16 necessary to provide for the completion of  
17 negotiations of proposed state collective bargaining  
18 agreements not later than March 15 the dates  
19 established by this section. The date selected for  
20 the mandatory submission of impasse items to binding  
21 arbitration shall be sufficiently in advance of March  
22 15 the date established for completion of negotiations  
23 to insure that the arbitrators' decision can be  
24 reasonably made before March 15 the completion date."

25 5. Page 1, by striking lines 27 and 28 and  
26 inserting the following:

27 " \_\_\_\_ . By striking page 4, line 23 through page 5,  
28 line 11 and inserting the following:

29 NEW SUBSECTION. The negotiations for a proposed  
30 collective bargaining agreement between the  
31 representatives of a public employer other than a city  
32 and an employee organization shall commence in even  
33 numbered years. The negotiations for a proposed  
34 collective bargaining agreement between the  
35 representatives of a city and an employee organization  
36 shall commence in odd numbered years. The employee  
37 organization shall present its opening bargaining  
38 position at the first bargaining session to be held no  
39 sooner than November 1 and no later than November 10.  
40 The public employer shall present its opening  
41 bargaining position at the second bargaining session  
42 which shall be held no later than ten days following  
43 the first session. The parties shall hold a third  
44 bargaining session no later than ten days from the  
45 second bargaining session and after the third  
46 bargaining session either party may request mediation.  
47 If negotiations have not produced an agreement before  
48 January 5, the board shall arrange for mediation and  
49 set up the first mediated session. The parties may  
50 then meet thereafter at their discretion with or

1 without the mediator. The board shall arrange for a  
2 final mediated session within fourteen days of the  
3 first mediated session at which final bargaining  
4 positions shall be submitted. If there is no  
5 agreement within three days from the final mediated  
6 session, the board shall arrange for arbitration on  
7 the final bargaining positions under section 20.22.  
8 The determination by the panel of arbitrators shall be  
9 announced not later than March 1."

10 6. Page 1, by inserting after line 28 the  
11 following:

12 "\_\_\_\_. Page 5, by inserting before line 12 the  
13 following:

14 "Sec. \_\_\_\_ . Section 20.21, Code 1985, is repealed.

15 Sec. \_\_\_\_ . Section 20.22, subsections 1 and 3, Code  
16 1985, are amended to read as follows:

17 1. If an impasse persists after the findings of  
18 ~~fact and recommendations are made public by the fact-~~  
19 ~~finder mediation~~, the parties may continue to  
20 negotiate or, the board shall have the power, upon  
21 request of either party, to arrange for arbitration,  
22 which shall be binding. The request for arbitration  
23 shall be in writing and a copy of the request shall be  
24 served upon the other party.

25 3. The submission of the impasse items to the  
26 arbitrators shall be limited to those issues that had  
27 been considered ~~by the fact-finder~~ during mediation  
28 and upon which the parties have not reached agreement.  
29 ~~With respect to each such item, the~~ The arbitration  
30 board award shall be restricted to either of the final  
31 offers on each all impasse item items submitted by the  
32 parties to the arbitration board ~~or to the~~  
33 ~~recommendation of the fact-finder on each impasse~~  
34 ~~item."~~

H-3889 FILED APRIL 18, 1985 BY GROTH of Buena Vista  
DIVISIONS A AND D - LOST, DIVISIONS B AND C - ADOPTED (pp. 1675, 1676, 1678)  
VARN of Johnson

SENATE FILE 364

H-3883

1 Amend Senate File 364 as amended, passed, and  
2 reprinted by the Senate as follows:

3 1. Page 3, by striking lines 9 through 24 and  
4 inserting the words "in good faith on proposals  
5 reasonably related to wages, hours, and other terms  
6 and conditions of employment."

7 2. Page 4, by inserting after line 20 the  
8 following:

9 "Sec. \_\_\_\_ . Section 20.12, subsection 1, Code 1985,  
10 is amended to read as follows:

11 1. It shall be unlawful for any public employee or  
12 any employee organization, directly or indirectly, to  
13 induce, instigate, encourage, authorize, ratify or  
14 participate in a strike against any public employer  
15 before the submission of the fact-finder's  
16 recommendations under section 20.21."

H-3883 FILED APRIL 17, 1985  
n/d 5/1

BY HUMMEL of Benton  
SCHNEKLOTH of Scott

SENATE FILE 364

H-3875

1 Amend Senate File 364 as amended, passed, and  
2 reprinted by the Senate as follows:

3 "1. Page 5, by inserting before line 12 the  
4 following:

5 "Sec. \_\_\_\_\_. Section 20.21, Code 1985, is repealed.

6 Sec. \_\_\_\_\_. Section 20.22, subsections 1 and 3, Code  
7 1985, are amended to read as follows:

8 1. If an impasse persists after the findings of  
9 ~~fact and recommendations are made public by the fact-~~  
10 ~~finder mediation~~, the parties may continue to  
11 negotiate or, the board shall have the power, upon  
12 request of either party, to arrange for arbitration,  
13 which shall be binding. The request for arbitration  
14 shall be in writing and a copy of the request shall be  
15 served upon the other party.

16 3. The submission of the impasse items to the  
17 arbitrators shall be limited to those issues that had  
18 been considered ~~by the fact-finder~~ during mediation  
19 and upon which the parties have not reached agreement.  
20 With respect to each such item, the arbitration board  
21 award shall be restricted to the final offers on each  
22 impasse item submitted by the parties to the  
23 arbitration board ~~or to the recommendation of the~~  
24 ~~fact-finder on each impasse item.~~"

H-3875 FILED APRIL 17, 1985 BY HALVORSON of Clayton  
o/b 4/18 (p. 1679)

SENATE FILE 364

H-3876

1 Amend Senate File 364 as amended, passed, and  
2 reprinted by the Senate as follows:

3 1. Page 4, by inserting after line 20 the  
4 following:

5 "Sec. \_\_\_\_\_. Section 20.17, subsection 3, Code 1985,  
6 is amended to read as follows:

7 3. ~~Negotiating sessions~~ Strategy Strategy  
8 meetings of public employers or employee  
9 organizations, mediation and the deliberative process  
10 of arbitrators shall be exempt from the provisions of  
11 chapter 21. However, the employee organization shall  
12 present its initial bargaining position to the public  
13 employer at the first bargaining session. The public  
14 employer shall present its initial bargaining position  
15 to the employee organization at the second bargaining  
16 session, which shall be held no later than two weeks  
17 following the first bargaining session. Both sessions  
18 shall be open to the public and subject to the  
19 provisions of chapter 21. Hearings conducted by  
20 arbitrators shall be open to the public."

H-3876 FILED APRIL 17, 1985 BY HALVORSON of Clayton  
4/10 51,

SENATE FILE 364

H-3907

1 Amend Senate File 364 as amended, passed, and  
2 reprinted by the Senate as follows:  
3 1. Page 3, by inserting after line 35 the  
4 following:  
5 " \_\_\_\_\_. Notwithstanding section 279.10, subsection  
6 1, negotiations between a school corporation and an  
7 employee organization shall also include the setting  
8 of the school opening date."

H-3907 FILED APRIL 18, 1985 BY CARPENTER of Polk

*4/18 5/1*

SENATE FILE 364

H-3909

1 Amend Senate File 364 as amended, passed, and  
2 reprinted by the Senate as follows:  
3 1. Page 3, line 6, by inserting before the word  
4 "The" the following:  
5 "A collective bargaining agreement between a public  
6 employer and an employee organization shall be  
7 effective for two consecutive years. However,  
8 proposals reasonably related to wages shall be  
9 renegotiated in the second year of a contract."

BY VARN of Johnson

H-3909 FILED APRIL 18, 1985 GROTH of Buena Vista

*4/18 5/1*

SENATE FILE 364

H-3910

1 Amend Senate File 364 as amended, passed and  
2 reprinted by the Senate as follows:  
3 1. Page 3, line 10, by inserting after the word  
4 "differentials;" the words "job classifications;".

H-3910 FILED APRIL 19, 1985 BY SHERZAN of Polk

*4/19 5/1*

SENATE FILE 364

H-3925

1 Amend Senate File 364 as amended, passed and  
2 reprinted by the Senate as follows:  
3 1. Page 3, by striking line 15, and inserting the  
4 following: "standards having a reasonable relationship  
5 with job requirements for an employee's continued  
6 employment and job".

H-3925 FILED APRIL 19, 1985 BY ZIMMERMAN of Dallas

*4/19 5/1 (j. 2128)*

H-3899

1 Amend House amendment H-3883 to Senate File 364 as  
 2 amended, passed, and reprinted by the Senate as  
 3 follows:

4 1. Page 1, by striking lines 3 through 16 and  
 5 inserting the following:

6 "\_\_\_\_\_. Page 3, by striking lines 9 through 24 and  
 7 inserting the words "in good faith on proposals  
 8 reasonably related to wages, hours, and other terms  
 9 and conditions of employment."

10 \_\_\_\_\_. Page 4, by inserting after line 20 the  
 11 following:

12 "Sec. \_\_\_\_\_. Section 20.12, subsection 1, Code 1985,  
 13 is amended to read as follows:

14 1. It shall be unlawful for any public employee or  
 15 any employee organization, directly or indirectly, to  
 16 induce, instigate, encourage, authorize, ratify or  
 17 participate in a strike against any public employer  
 18 before the submission of the fact-finder's  
 19 recommendations under section 20.21 or after  
 20 arbitration is agreed to and arranged under section  
 21 20.22.

22 Sec. \_\_\_\_\_. Section 20.12, Code 1985, is amended by  
 23 inserting after subsection 5 the following new  
 24 subsection:

25 NEW SUBSECTION. In the event of a lawful strike by  
 26 a public employee or employee organization the public  
 27 employer may petition the district court for the  
 28 county where the strike occurs for an injunction to  
 29 compel the employee or employee organization to return  
 30 to work. If the court finds that the strike is  
 31 immediately injurious to the public health, safety, or  
 32 welfare, the court may compel the employee or employee  
 33 organization to return to work for a period of time  
 34 set by the court. Failure of an employee to return to  
 35 work upon the issuance of the injunction is grounds  
 36 for termination from public employment."

37 \_\_\_\_\_. Page 5, by inserting after line 11 the  
 38 following:

39 "Sec. \_\_\_\_\_. Section 20.22, subsection 1, Code 1985,  
 40 is amended to read as follows:

41 1. If an impasse persists after the findings of  
 42 fact and recommendations are made public by the fact-  
 43 finder, the parties may continue to negotiate or, the  
 44 board shall have the power, upon request of ~~either~~  
 45 party both parties, to arrange for arbitration, which  
 46 shall be binding. The request for arbitration shall  
 47 be in writing and ~~a copy of the request shall be~~  
 48 served upon the other party once the request for  
 49 arbitration is made to the board by both parties, the  
 50 right to strike granted under section 20.12,

H-3899

Page Two

1 subsection 1, is terminated."

BY HUMMEL of Benton  
 SCHNEKLOTH of Scott

H-3899 FILED APRIL 18, 1985

H/D 5/1

SENATE FILE 364

H-3872

1 Amend House amendment H-3379 to Senate File 364 as  
2 amended, passed, and reprinted by the Senate as  
3 follows:

4 1. Page 1, by inserting after line 10 the  
5 following:

6 "\_\_\_\_\_. Page 3, lines 16 and 17, by striking the  
7 following: "life and health insurance premiums for  
8 present employees when retired;".

9 \_\_\_\_\_. Page 3, line 19, by inserting after the word  
10 "remediation" the following: "procedures".

11 \_\_\_\_\_. Page 3, line 19, by striking the word  
12 "transfers" and inserting the following: "transfer  
13 procedures".

14 \_\_\_\_\_. Page 3, lines 19 and 20, by striking the  
15 words "and criteria".

16 \_\_\_\_\_. Page 3, line 22, by striking the word  
17 "including" and inserting the following: "and".

18 \_\_\_\_\_. Page 3, line 23, by inserting after the word  
19 "staffing" the words "related to health and safety".

20 2. Page 1, by inserting after line 14 the  
21 following:

22 "\_\_\_\_\_. Page 4, by striking lines 3 through 8 and  
23 inserting the following: "this section. The  
24 bargaining subjects listed under"."

25 3. Page 1, by striking lines 22 through 26 and  
26 inserting the following:

27 "6. Certificated employees discharged for the  
28 purpose of a reduction in force shall follow the  
29 grievance procedures provided in their collective  
30 bargaining agreement. Discharged certificated  
31 employees who do not have reduction in force  
32 procedures provided in their collective bargaining  
33 agreement shall follow the termination procedures  
34 provided under chapter 279. A certificated employee  
35 organization may unilaterally reject negotiated  
36 reduction in force procedures in the collective  
37 bargaining agreement through March 1, 1986. A  
38 certificated employee organization shall notify the  
39 board of a rejection of reduction in force procedures  
40 prior to March 1, 1986."

41 4. Page 1, by inserting before line 27 the  
42 following:

43 "\_\_\_\_\_. Page 4, by inserting before line 21 the  
44 following:

45 "Sec. \_\_\_\_\_. Section 20.17, subsection 4, Code 1985,  
46 is amended to read as follows:

47 4. The terms of a proposed collective bargaining  
48 agreement shall be made public and reasonable notice  
49 shall be given to the public employees prior to a  
50 ratification election. The collective bargaining

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Page Two

1 agreement shall become effective only if ratified by a  
2 majority of those voting by secret ballot. Balloting  
3 may be conducted by mail in whole or in part.

4 Sec. \_\_\_\_ . Section 20.17, subsection 10, Code 1985,  
5 is amended to read as follows:

6 10. A collective bargaining agreement between a  
7 public employer and an employee organization shall be  
8 effective for two consecutive years. The negotiation  
9 of-a-proposed-collective-bargaining-agreement-by  
10 representatives-of-a-state-public-employer-and-a-state  
11 employee-organization-shall-be-complete-not-later-than  
12 March-15-of-the-year-when-the-agreement-is-to-become  
13 effective: The board shall provide, by rule, a date  
14 on which any impasse item must be submitted to binding  
15 arbitration and for such other procedures as deemed  
16 necessary to provide for the completion of  
17 negotiations of proposed state collective bargaining  
18 agreements not later than March-15 the dates  
19 established by this section. The date selected for  
20 the mandatory submission of impasse items to binding  
21 arbitration shall be sufficiently in advance of March  
22 15 the date established for completion of negotiations  
23 to insure that the arbitrators' decision can be  
24 reasonably made before March-15 the completion date."

25 5. Page 1, by striking lines 27 and 28 and  
26 inserting the following:

27 " \_\_\_\_ . By striking page 4, line 22 through page 5,  
28 line 11 and inserting the words "following new  
29 subsections:

30 NEW SUBSECTION. The negotiations for a proposed  
31 collective bargaining agreement between the  
32 representatives of a school corporation and an  
33 employee organization shall commence in even numbered  
34 years. The employee organization shall present its  
35 opening bargaining position at the first bargaining  
36 session to be held no sooner than May 1 and no later  
37 than May 10. The school corporation shall present its  
38 opening bargaining position at the second bargaining  
39 session which shall be held no later than ten days  
40 following the first session. The parties shall hold a  
41 third bargaining session no later than ten days from  
42 the second bargaining session and after the third  
43 bargaining session either party may request mediation.  
44 If negotiations have not produced an agreement before  
45 June 5, the board shall arrange for mediation and set  
46 up the first mediated session. The parties may then  
47 meet thereafter at their discretion with or without  
48 the mediator. The board shall arrange for a final  
49 mediated session within fourteen days of the first  
50 mediated session at which final bargaining positions

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Page Three

1 shall be submitted. If there is no agreement within  
2 three days from the final mediated session, the board  
3 shall arrange for arbitration on the final bargaining  
4 positions under section 20.22. The determination by  
5 the panel of arbitrators shall be announced not later  
6 than August 15.

7 NEW SUBSECTION. Except as otherwise provided for  
8 school corporations, the negotiations for a proposed  
9 collective bargaining agreement between the  
10 representatives of a public employer other than a city  
11 and an employee organization shall commence in even  
12 numbered years. The negotiations for a proposed  
13 collective bargaining agreement between the  
14 representatives of a city and an employee organization  
15 shall commence in odd numbered years. The employee  
16 organization shall present its opening bargaining  
17 position at the first bargaining session to be held no  
18 sooner than November 1 and no later than November 10.  
19 The public employer shall present its opening  
20 bargaining position at the second bargaining session  
21 which shall be held no later than ten days following  
22 the first session. The parties shall hold a third  
23 bargaining session no later than ten days from the  
24 second bargaining session and after the third  
25 bargaining session either party may request mediation.  
26 If negotiations have not produced an agreement before  
27 January 5, the board shall arrange for mediation and  
28 set up the first mediated session. The parties may  
29 then meet thereafter at their discretion with or  
30 without the mediator. The board shall arrange for a  
31 final mediated session within fourteen days of the  
32 first mediated session at which final bargaining  
33 positions shall be submitted. If there is no  
34 agreement within three days from the final mediated  
35 session, the board shall arrange for arbitration on  
36 the final bargaining positions under section 20.22.  
37 The determination by the panel of arbitrators shall be  
38 announced not later than March 1."

39 6. Page 1, by inserting after line 28 the  
40 following:

41 "\_\_\_\_\_. Page 5, by inserting before line 12 the  
42 following:

43 "Sec. \_\_\_\_\_. Section 20.21, Code 1985, is repealed.

44 Sec. \_\_\_\_\_. Section 20.22, subsections 1 and 3, Code  
45 1985, are amended to read as follows:

46 1. ~~If an impasse persists after the findings of~~  
47 ~~fact and recommendations are made public by the fact-~~  
48 ~~tinder mediation, the parties may continue to~~  
49 negotiate or, the board shall have the power, upon  
50 request of either party, to arrange for arbitration,

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Page Four

1 which shall be binding. The request for arbitration  
2 shall be in writing and a copy of the request shall be  
3 served upon the other party.  
4 3. The submission of the impasse items to the  
5 arbitrators shall be limited to those issues that had  
6 been considered ~~by-the-fact-finder~~ during mediation  
7 and upon which the parties have not reached agreement.  
8 ~~With-respect-to-each-such-item, the~~ The arbitration  
9 board award shall be restricted to either of the final  
10 offers on each all impasse item items submitted by the  
11 parties to the arbitration board ~~or-to-the~~  
12 ~~recommendation-of-the-fact-finder-on-each-impasse~~  
13 item. ""

H-3872 FILED APRIL 17, 1985

*W/D 4/18 (p. 1612)*

BY GROTH of Buena Vista  
VARN of Johnson

SENATE FILE 364

H-3867

1 Amend Senate File 364 as amended, passed, and  
2 reprinted by the Senate as follows:

3 1. Page 5, by inserting after line 11 the  
4 following:

5 "Sec. \_\_\_\_ . Section 20.20, Code 1985, is amended to  
6 read as follows:

7 20.20 MEDIATION.

8 In the absence of an impasse agreement between the  
9 parties or the failure of either party to utilize its  
10 procedures, one hundred twenty days prior to the  
11 certified budget submission date, the board shall,  
12 upon the request of either party, appoint an impartial  
13 and disinterested person to act as mediator. It shall  
14 be the function of the mediator to bring the parties  
15 together to effectuate a settlement of the dispute,  
16 but the mediator may not compel the parties to agree.  
17 The cost of mediation shall be shared equally by the  
18 parties.

H-3867 FILED APRIL 17, 1985 BY RENSINK of Sioux  
o/s 4/18 (p. 1677)

SENATE FILE 364

H-3870

1 Amend amendment H-3825 to Senate File 364 as  
2 amended, passed and reprinted by the Senate as follows:

3 1. Page 1 by striking lines 4 and 5 and inserting the  
4 following: "procedures for staff reduction;"

H-3870 FILED APRIL 17, 1985 BY CARPENTER of Polk  
w/a 4/17 (p. 1702)

SENATE FILE 364

H-3863

1 Amend Senate File 364 as amended, passed, and re-  
2 printed by the Senate as follows:  
3 1. Page 3, lines 18 and 19, by striking the words  
4 "evaluation procedures and remediation;".

H-3863 FILED APRIL 17, 1985 BY DAGGETT of Taylor

*Loas 4/19/85 (p. 1700)*

SENATE FILE 364

H-3864

1 Amend House amendment H-3379 to Senate File 364 as  
2 amended, passed, and reprinted by the Senate as  
3 follows:  
4 1. Page 1, by striking lines 19 through 21 and  
5 inserting the following:  
6 "All retirement systems shall be excluded from the  
7 scope of negotiations."

H-3864 FILED APRIL 17, 1985 BY BENNETT of Ida

*Loas 4/18 (p. 1677)*

SENATE FILE 364

H-3865

1 Amend Senate File 364 as amended, passed, and re-  
2 printed by the Senate as follows:  
3 1. Page 1, by striking lines 13 through 25.

H-3865 FILED APRIL 17, 1985 BY HUMMEL of Benton

*Adopted 4/18/85 (p. 1680)*

SENATE FILE 364

H-3866

1 Amend Senate File 364 as amended, passed, and re-  
2 printed by the Senate as follows:  
3 1. Page 3, by striking lines 9 through 24 and in-  
4 serting the words "in good faith with respect to  
5 wages, hours, vacations, insurance, holidays, leaves  
6 of absence, shift differentials, overtime  
7 compensation, supplemental pay, seniority, transfer  
8 procedures, job classifications, health and safety  
9 matters, evaluation procedures, procedures for staff  
10 reduction, in-service training and other matters  
11 mutually agreed upon."

H-3866 FILED APRIL 17, 1985 BY HUMMEL of Benton

*W/P 5/1*

SENATE FILE 364

H-3833

- 1 Amend Senate File 364 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 3, lines 12 and 13, by striking the words
- 4 "allowances and reimbursements for necessary costs
- 5 incurred in employment;".

H-3833 FILED APRIL 16, 1985 BY WELDEN of Hardin  
*Loat 4/18 (p. 1681)*

SENATE FILE 364

H-3835

- 1 Amend Senate File 364 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 3, lines 11 and 12, by striking the words
- 4 "supplemental pay and benefits;".

H-3835 FILED APRIL 16, 1985 BY KREMER of Buchanan  
*Loat 4/18 (p. 1680)*

SENATE FILE 364

H-3839

- 1 Amend Senate File 364 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 3, by striking line 9 and inserting the
- 4 following: "in good faith with respect to wages; a".

H-3839 FILED APRIL 16, 1985 BY BENNETT of Ida  
*Loat 4/18 (p. 1670)*

SENATE FILE 364

H-3841

- 1 Amend Senate File 364 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 4, by striking lines 3 through 6 and
- 4 inserting the following: "this section. Section
- 5 20.7 does".

H-3841 FILED APRIL 16, 1985 BY BENNETT of Ida  
*o/o 4/18 (p. 1679)*

SENATE FILE 364

H-3840

- 1 Amend Senate File 364 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 4, by striking lines 6 through 9 and
- 4 inserting the following: "consent of the parties
- 5 to the agreement.".

H-3840 FILED APRIL 16, 1985 BY BENNETT of Ida  
*o/o 4/18 (p. 1679)*

SENATE FILE 364

H-3842

- 1 Amend Senate File 364 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 3, lines 23 and 24, by striking the words
- 4 "pay for unused sick leave upon separation;".

H-3842 FILED APRIL 16, 1985 BY MAULSBY of Calhoun  
*w/d 5/1 (p. 2129)*

SENATE FILE 364

H-3825

- 1 Amend Senate File 364 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 3, lines 19 and 20, by striking the words
- 4 "procedures and criteria for staff reduction and
- 5 recall;".

H-3825 FILED APRIL 16, 1985 BY CARPENTER of Polk  
*Loss 4/19/85 (p. 1702)*

SENATE FILE 364

H-3826

- 1 Amend Senate File 364 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 3, lines 14 through 16, by striking the
- 4 words "physical examination and fitness standards for
- 5 an employee's continued employment and job
- 6 assignment;".

BY HARBOR of Mills  
HALVORSON of Clayton  
H-3826 FILED APRIL 16, 1985  
*Loss 4/18 (p. 1682) Motion to reconsider (p. 1682)*  
*" 4/18 5/11"*

SENATE FILE 364

H-3827

- 1 Amend Senate File 364 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 3, lines 13 and 14, by striking the words
- 4 "break or preparation time;".

H-3827 FILED APRIL 16, 1985 BY TORRENCE of Muscatine  
*4/18 5/1*

SENATE FILE 364

H-3828

- 1 Amend Senate File 364 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 3, lines 16 and 17, by striking the words
- 4 "life and health insurance premiums for present
- 5 employees when retired;".

BY HALVORSON of Clayton  
HARBOR of Mills  
H-3828 FILED APRIL 16, 1985  
*Adopted 4/18/85 (p. 1682)*

SENATE FILE 364

H-3829

- 1 Amend Senate File 364 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 3, lines 22 and 23, by striking the words
- 4 "including minimum equipment and staffing".

H-3829 FILED APRIL 16, 1985 BY DAGGETT of Taylor  
*Loss 4/30/85 (p. 2034)*

SENATE FILE 364

H-3821

- 1 Amend Senate File 364 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 3, lines 10 and 11, by striking the words
- 4 "overtime compensation, including credit for
- 5 compensatory time;".

H-3821 FILED APRIL 16, 1985 BY RENKEN of Grundy

*4/15 4/13/85 (p. 1681)*

SENATE FILE 364

H-3822

- 1 Amend Senate File 364 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 3, lines 20 and 21, by striking the words
- 4 "discipline and discharge;".

H-3822 FILED APRIL 17, 1985 BY SCHNEKLOTH of Scott

*Loss 4/19 (p. 1702)*

SENATE FILE 364

H-3820

- 1 Amend Senate File 364 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 3, line 13, by striking the words
- 4 "secondary employment;".

H-3820 FILED APRIL 17, 1985 BY BENNETT of Ida

*Loss 4/18 (p. 1681)*

SENATE FILE 364

H-3834

- 1 Amend Senate File 364 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 3, line 18, by striking the words
- 4 "training and education benefits;".

H-3834 FILED APRIL 17, 1985 BY HANDORF of Marshall

*Loss 4/19 (p. 1700)*

SENATE FILE 364

H-3832

- 1 Amend Senate File 364 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 3, line 19, by striking the words
- 4 "promotion procedures;".

H-3832 FILED APRIL 17, 1985 BY METCALF of Polk

*Loss 4/19 (p. 1702)*

SENATE FILE 364

H-3379

- 1 Amend Senate File 364 as amended, passed, and  
 2 reprinted by the Senate as follows:  
 3 1. Page 1, by striking lines 8 through 12.  
 4 2. Page 2, line 9, by striking the figure "1."  
 5 3. Page 2, line 10, by striking the word  
 6 "certificated" and inserting the word "public".  
 7 4. By striking page 2, line 11, through page 3,  
 8 line 5.  
 9 5. Page 3, line 6, by striking the letter "a" and  
 10 inserting the figure "1".  
 11 6. Page 3, line 25, by striking the letter "b"  
 12 and inserting the figure "2".  
 13 7. Page 4, line 1, by striking the letter "c" and  
 14 inserting the figure "3".  
 15 8. Page 4, line 10, by striking the letter "d"  
 16 and inserting the figure "4".  
 17 9. Page 4, by inserting after line 20 the  
 18 following:  
 19 "5. Proposals in conflict with state-mandated  
 20 retirement systems are excluded from the scope of  
 21 negotiations.  
 22 6. Discharged public employees of the state  
 23 covered under chapter 279 shall follow either the  
 24 grievance procedures provided in their collective  
 25 bargaining agreement or the procedures under chapter  
 26 279."  
 27 10. By striking page 4, line 21 through page 5,  
 28 line 17.

3889, 3872

386

3889

3889

BY COMMITTEE ON LABOR

H-3379 FILED MARCH 20, 1985 AND INDUSTRIAL RELATIONS

*Adopted as amended by 3889 B+C 4/18/85  
(p.1674)*

SENATE FILE 364

H-3823

- 1 Amend Senate File 364 as amended, passed and  
 2 reprinted by the Senate as follows:  
 3 1. Page 3, line 16, by striking the words "early  
 4 retirement incentive programs;"

H-3823 FILED APRIL 16, 1985 BY HESTER of Pottawattamie

*Lost 4/18 (p.1682)*

SENATE FILE 364

H-3824

- 1 Amend Senate File 364 as amended, passed and  
 2 reprinted by the Senate as follows:  
 3 1. Page 3, lines 18 and 19, by striking the words  
 4 "and remediation".

H-3824 FILED APRIL 16, 1985 BY BENNETT of Ida

*4/15 5/1*

SENATE 10  
MAY 3, 1985

S-4191

HOUSE AMENDMENT TO  
SENATE FILE 364

- 1 Amend Senate File 364 as amended, passed, and re-  
2 printed by the Senate as follows:  
3 1. Page 1, by striking lines 8 through 12.  
4 2. Page 1, by striking lines 13 through 25.  
5 3. Page 2, line 9, by striking the figure "1."  
6 4. Page 2, line 10, by striking the word  
7 "certificated" and inserting the word "public".  
8 5. By striking page 2, line 11, through page 3,  
9 line 5.  
10 6. Page 3, line 6, by striking the letter "a" and  
11 inserting the figure "1".  
12 7. Page 3, lines 16 and 17, by striking the words  
13 "life and health insurance premiums for present  
14 employees when retired;".  
15 8. Page 3, line 25, by striking the letter "b"  
16 and inserting the figure "2".  
17 9. Page 4, line 1, by striking the letter "c" and  
18 inserting the figure "3".  
19 10. Page 4, by striking lines 3 through 8 and  
20 inserting the following: "this section. The  
21 bargaining subjects listed under"  
22 11. Page 4, line 10, by striking the letter "d"  
23 and inserting the figure "4".  
24 12. Page 4, by inserting after line 20 the  
25 following:  
26 "5. Proposals in conflict with state-mandated  
27 retirement systems are excluded from the scope of  
28 negotiations.  
29 6. Certificated employees discharged for the  
30 purpose of a reduction in force shall follow the  
31 grievance procedures provided in their collective  
32 bargaining agreement. Discharged certificated  
33 employees who do not have reduction in force  
34 procedures provided in their collective bargaining  
35 agreement shall follow the termination procedures  
36 provided under chapter 279. A certificated employee  
37 organization may unilaterally reject negotiated  
38 reduction in force procedures in the collective  
39 bargaining agreement through March 1, 1986. A  
40 certificated employee organization shall notify the  
41 board of a rejection of reduction in force procedures  
42 prior to March 1, 1986."  
43 13. By striking page 4, line 21 through page 5,  
44 line 17.  
45 14. By renumbering, relettering, or redesignating  
46 and correcting internal references as necessary.

*Senate refused to concur 5/2/85 (p. 1961)*  
RECEIVED FROM THE HOUSE  
*House initiated 5/2 (p. 2146)*

FILED MAY 3 1985 REPORT OF THE CONFERENCE COMMITTEE  
ON SENATE FILE 364

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to consider the differences between the Senate and the House of Representatives on Senate File 364, a bill for an Act relating to the scope of negotiations in public employment contract negotiations, membership in a bargaining unit, and the remedial powers of the public employment relations board, respectfully submit the following recommendations:

1. That the House recede from its amendment, S-4191.
2. That Senate File 364 as amended, passed, and reprinted by the Senate be amended as follows:
  1. Page 1, by striking lines 8 through 12.
  2. Page 1, by striking lines 13 through 25.
  3. Page 2, line 9, by striking the figure "1."
  4. Page 2, line 10, by striking the word "certificated" and inserting the word "public".
  5. By striking page 2, line 11, through page 3, line 5.
  6. Page 3, line 6, by striking the letter "a" and inserting the figure "1".
  7. Page 3, line 10, by inserting after the word "differentials;" the words "job classifications;"
  8. Page 3, line 16, by inserting before the word "life" the words "contributions toward".
  9. Page 3, line 17, by inserting after the word "retired" the words ", at a fixed cost".
  10. Page 3, line 19, by striking the word "transfers" and inserting the words "transfer procedures;"
  11. Page 3, line 25, by striking the letter "b" and inserting the figure "2".
  12. Page 4, line 1, by striking the letter "c" and inserting the figure "3".

Page 2--conference rep. on SF 364

13. Page 4, by striking lines 3 through 8 and inserting the following: "this section. The bargaining subjects listed under"

14. Page 4, line 10, by striking the letter "d" and inserting the figure "4".

15. Page 4, by inserting after line 20 the following:

"5. Proposals in conflict with state-mandated retirement systems are excluded from the scope of negotiations.

6. Certificated employees discharged for the purpose of a reduction in force shall follow the grievance procedures provided in their collective bargaining agreement. Discharged certificated employees who do not have reduction in force procedures provided in their collective bargaining agreement shall follow the termination procedures provided under chapter 279. A certificated employee organization may unilaterally reject negotiated reduction in force procedures in the collective bargaining agreement through March 1, 1986. A certificated employee organization shall notify the board of a rejection of reduction in force procedures prior to March 1, 1986."

16. By striking page 4, line 21 through page 5, line 17, and inserting the following:

"Sec. \_\_\_\_ . Section 20.17, subsection 3, Code 1985, is amended to read as follows:

3. Negotiating sessions, strategy meetings of public employers or employee organizations, mediation and the deliberative process of arbitrators shall be exempt from the provisions of chapter 21. However, the employee organization shall present its initial bargaining position to the public employer at the first bargaining session. The public employer shall present its initial bargaining position to the employee organization at the second bargaining session, which shall be held no later than two-weeks ten days following the first bargaining session. Both sessions shall be open to the public and subject to the provisions of chapter 21. Hearings conducted by arbitrators shall be open to the public.

Sec. \_\_\_\_ . Section 20.17, subsection 10, Code 1985, is

ge 3--conference rep. on SF 364  
amended by striking the subsection and inserting the following:

10. A collective bargaining agreement between a public employer and an employee organization shall be effective for two or more consecutive years. The negotiations for a proposed collective bargaining agreement between the representatives of a public employer and an employee organization shall commence in the final contract year, however, proposals reasonably related to wages shall be renegotiated each year of a contract. The employee organization shall present its opening bargaining position at the first bargaining session to be held no sooner than November 1 and no later than November 10. The public employer shall present its opening bargaining position at the second bargaining session which shall be held no later than ten days following the first session. The parties shall hold a third bargaining session no later than ten days from the second bargaining session and after the third bargaining session either party may request mediation. If negotiations have not produced an agreement before January 5, the board shall arrange for mediation and set up the first mediated session. The parties may then meet thereafter at their discretion with or without the mediator. If an impasse persists ten days after the mediator is appointed, the board shall arrange for fact-finding under section 20.21. Within three days of service of the fact finder's report, the parties shall hold a bargaining session. If there is no agreement, the board shall arrange for a final mediated session within fifteen days of service of the fact finder's report at which final bargaining positions shall be submitted. If there is no agreement within three days from the final mediated session, the board shall arrange for arbitration on the final bargaining positions under section 20.22. The determination by the panel of arbitrators shall be announced not later than March 15.

Sec. \_\_\_\_ . Section 20.20, Code 1985, is amended to read as follows:

20.20 MEDIATION.

In the absence of an impasse agreement between the parties or the failure of either party to utilize its procedures, one hundred-twenty-days-prior-to-the-certified-budget-submission date or upon the request of either party or if there is not an agreement by January 5, the board shall, ~~upon the request of either party,~~ appoint an impartial and disinterested person to act as mediator. It shall be the function of the mediator to bring the parties together to effectuate a settlement of the dispute, but the mediator may not compel the parties to agree.

Sec. \_\_\_\_ . Section 20.22, subsections 1, 2, and 3, Code 1985, are amended to read as follows:

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~~ a copy of the party's final offer on the impasse items submitted to the mediator at the final mediated session. 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 decision rendered by the panel of arbitrators.

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 5. The full costs of arbitration under this provision shall be shared equally by the parties to the dispute.

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

SENATE 45

May 3 amendments

Page 5--conference rep. on SF 364

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."

17. By renumbering, relettering, or redesignating and correcting internal references as necessary.

ON THE PART OF THE SENATE:

ON THE PART OF THE HOUSE:

Tom Mann  
TOM MANN, Jr., Chairperson

Gary Sherzan  
GARY SHERZAN, Chairperson

Joe Brown  
JOE BROWN

R. Groth  
RICHARD GROTH

\_\_\_\_\_  
CALVIN O. HULTMAN

R. Varn  
RICHARD VARN

\_\_\_\_\_  
JOHN W. JENSEN

\_\_\_\_\_  
WAYNE BENNETT

Michael E. Gronstal  
MICHAEL E. GRONSTAL

\_\_\_\_\_  
VIRGIL COREY

Filed May 3, 1985

*Senate adopted 5/3/85 (p. 1951)  
House adopted 5/4 (p. 2322)*

*SSB 147  
Labor Indust Rel*

*New  
SF 364*

SENATE FILE \_\_\_\_\_

BY (PROPOSED COMMITTEE ON  
LABOR BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

### A BILL FOR

1 An Act relating to the scope of negotiation in public employ-  
2 ment contract negotiations, membership in a bargaining  
3 unit, and the remedial powers of the public employment  
4 relations board.

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

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1 Section 1. Section 20.3, subsection 7, unnumbered  
2 paragraph 1, Code 1985, is amended by striking the unnumbered  
3 paragraph and inserting in lieu thereof the following:

4 "Confidential employee" means a public employee who acts  
5 and assists, in a confidential capacity, persons who  
6 formulate, determine, and affectuate managerial decisions  
7 affecting labor relations.

8 Sec. 2. Section 20.4, subsection 2, unnumbered paragraph  
9 2, Code 1985, is amended to read as follows:

10 Supervisory employee means any individual having authority  
11 in the interest of the public employer to hire, transfer,  
12 suspend, layoff, recall, promote, discharge, assign, reward or  
13 discipline other public employees, or the responsibility to  
14 direct them, or to adjust their grievances, or effectively to  
15 recommend such action, if in connection with the foregoing  
16 exercise of such authority is not of a merely routine or  
17 clerical nature, but requires the use of independent judgment.  
18 All school superintendents, and assistant superintendents,  
19 ~~principals-and-assistant-principals~~ shall be deemed to be  
20 supervisory employees.

21 Sec. 3. NEW SECTION. 20.6A REMEDY VIOLATIONS OF THIS  
22 CHAPTER.

23 The board may stay an action by a party prior to hearing,  
24 by temporary order, if the board determines a stay of an  
25 action is necessary to achieve the purposes of this chapter.  
26 The board may issue but is not limited to the following orders  
27 after a hearing is conducted:

28 1. Cease and desist orders.

29 2. Orders of affirmative action to correct wrongful  
30 conduct.

31 3. Orders of reinstatement of employees.

32 4. Awards of actual damages plus interest as allowed by  
33 law.

34 An order of remedy by the board constitutes a final agency  
35 action under chapter 17A.

1     Sec. 4. Section 20.9, Code 1985, is amended by striking  
2 the section and inserting in lieu thereof the following:

3     20.9 SCOPE OF NEGOTIATIONS.

4     1. The public employer and employee organization shall  
5 meet at reasonable times, including meeting reasonably in  
6 advance of the employer's budget-making process, to negotiate  
7 in good faith on proposals reasonably related to wages, hours,  
8 and other terms and conditions of employment.

9     2. Negotiations shall also include terms authorizing dues  
10 checkoff and payroll deductions for members of the employee  
11 organization. If an agreement provides for dues checkoff or  
12 payroll deduction, a member's dues may only be checked off or  
13 a deduction made upon the member's written request and the  
14 member may terminate the dues checkoff or deduction at any  
15 time by giving thirty days' written notice. An agreement  
16 reached under this section shall be embodied in writing and  
17 signed by the parties. The obligation to negotiate in good  
18 faith does not compel either party to agree to a proposal or  
19 make a concession.

20     3. The employee organization and the public employer may  
21 mutually agree to negotiate on items which are not listed in  
22 this section. Existing provisions of a collective bargaining  
23 agreement which is the subject of negotiation shall not be  
24 eliminated from a subsequent agreement without the mutual  
25 consent of the parties to the agreement.

26     4. This section does not diminish the authority and power  
27 of the Iowa merit employment department, state board of  
28 regents' merit system, educational radio and television  
29 facility board's merit system, or any civil service commission  
30 established by constitutional provision, statute, charter or  
31 special act to recruit employees, prepare, conduct and grade  
32 examinations, rate candidates in order of their relative  
33 scores for certification for appointment or promotion or for  
34 other matters of classification, reclassification or appeal  
35 rights in the classified service of the public employer

1 served.

2 5. Proposals in conflict with state-mandated retirement  
3 systems are excluded from the scope of negotiations.

4 6. Discharged public employees of the state covered under  
5 chapter 279 shall follow either the grievance procedures pro-  
6 vided in their collective bargaining agreement or the pro-  
7 cedures under chapter 279.

8

EXPLANATION

9 Section 1 changes the definition of a confidential  
10 employee.

11 Section 2 eliminates the automatic exclusion of principals  
12 and assistant principals from the provisions of chapter 20.

13 Section 3 provides remedies which may be ordered by the  
14 public employment relations board and allows the board to  
15 petition the district court for enforcement of board orders.

16 Section 4 strikes the scope of negotiations section of  
17 chapter 20 and replaces the existing specific language  
18 defining the scope of bargaining with general language setting  
19 the scope of bargaining to include hours and other terms and  
20 conditions of employment. The bill also allows the parties to  
21 negotiate dues checkoff and payroll deductions for members of  
22 the employee organization. The employer or employee  
23 organization may not refuse to negotiate on the listed items  
24 and the listed items are given their ordinary meaning. Only  
25 state-mandated retirement systems are excluded from  
26 negotiations. However, the authority granted merit employment  
27 and other political subdivisions is retained. Discharged  
28 teachers are required to pursue either the procedures provided  
29 under chapter 279 or the grievance procedures provided in  
30 their collective bargaining agreement.

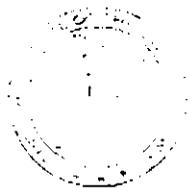
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TERRY E BRANSTAD  
GOVERNOR

## OFFICE OF THE GOVERNOR

STATE CAPITOL  
DES MOINES, IOWA 50319

515 281 5211

May 30, 1985

The Honorable Mary Jane Odell  
Secretary of State  
State Capitol Building  
L O C A L

Dear Madam Secretary:

Senate File 364, an act relating to the scope of negotiation in public employment contract negotiations, membership in a bargaining unit, and the remedial powers of the public employment relations board, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

Senate File 364 is the so-called scope of bargaining bill. This bill makes substantial changes in the Iowa Public Employee Relations Act which was enacted in 1974. Senate File 364 modifies chapter 20 of the Iowa Code by substantially expanding the list of items which are mandatory subjects of public employee collective bargaining. This bill also makes other significant changes in the Public Employment Relations Act including strictly limiting the number of employees who are exempt from the bargaining process because of their confidential relationship with managers who make decisions affecting labor relations.

The current Iowa Public Employment Relations Act strikes a balance between the rights of public employers and employees under collective bargaining. Chapter 20 strictly defines the list of items which must be bargained in order to maintain this balance between employer and employee rights. These strict limitations on mandatory subjects of bargaining are appropriate given the fact that the ultimate resolution of disputes under chapter 20 is binding arbitration.

The Honorable Mary Jane Odell  
May 30, 1985  
Page 2

I understand that the proponents of Senate File 364 believe the courts and administrative agencies have too narrowly interpreted the statutory language which outlines the mandatory subjects of bargaining. However, I am concerned that this bill not only broadly and vaguely redefines these items but substantially expands the scope of collective bargaining beyond the items originally included in the Iowa Public Employment Relations Act.

Of specific concern is an amendment to chapter 20 which would make subject of bargaining proposals which "reasonably relate" to wages. This language could be interpreted to broadly expand the meaning of all the items currently in the mandatory list. Moreover, this definition could reasonably make the size of classes in our public schools mandatorily subject to bargaining.

In addition, Senate File 364 expands the scope of bargaining to include items which would likely add to the cost of government while reducing funds available for purposes other than personnel costs. Of greatest concern are these additional bargainable items:

#### Promotion Procedures

Current promotional procedures are covered by statute and Merit rules and provide appropriate protections to employees. Adding promotion procedures to the mandatory list of items subject to bargaining could substantially increase the influence of seniority on promotion decisions and would be contrary to fundamental Merit system principles. Promotion of public employees should be done on the basis of the employee's ability to do the work. And, in order to accomplish that, public employers must have the flexibility to make promotion decisions without strict limitations placed in collective bargaining contracts.

#### Criteria for staff reduction and recall

Under the present law, staff reduction procedures are already mandatory subjects of bargaining. However, Senate File 364 would require public employers to bargain over decisions to initially implement a staff reduction. Public employers need to retain the ability to order a staff reduction when necessary.

The Honorable Mary Jane Odell  
May 30, 1985  
Page 3

Senate File 364 would restrict public employers' abilities to make those kinds of essential determinations and could result in a budget crisis if needed staff reductions are prohibited by bargaining contract.

#### Minimum Equipment and Staffing

Senate File 364 would require the employer to bargain over the type of equipment that would be provided to employees and the staffing levels which are required at public work places. The ability to determine staffing levels and appropriating equipment is essential to a public employers ability to operate government efficiently. This language could, for example, make mandatorily subject to bargaining the number of police officers assigned to each patrol car. Management must retain this essential right to control staff and to make staffing decisions.

Senate File 364 would also expand the list of items in a number of other areas which would reduce needed management authority. Expanding the scope of collective bargaining to require negotiation on these topics could substantially tilt the delicate balance in our existing Public Employment Relations Act toward the side of the unions. While I understand the interest among public employees to have input into personnel decisions in a number of these areas, it would be inappropriate to require public employers to bargain on each of these items.

At the present time, public employers can permissibly bargain many of these items and, in the case of state government, a number of items included in Senate File 364 are already negotiated.

However, the state should not mandate that these items be negotiated by city and county governments and schools districts. This would violate fair play toward these local units of government.

In addition, Senate File 364 also substantially limits the number of employees who are exempted from the bargaining process because of their confidential relationship with state managers. Currently, the employees of the Iowa Merit Employment Department are appropriately exempted from collective bargaining because of their confidential relationship with those involved

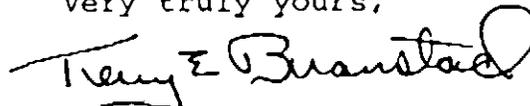
The Honorable Mary Jane Odell  
May 30, 1985  
Page 4

in management decisions. The modified definition of confidential employee included in Senate File 364 could extend union coverage to many of the Merit Department's employees and other confidential employees which could severely restrict the ability of management to efficiently provide information and services to those involved in the collective bargaining process.

In short, Iowa's present Public Employment Relations Act strikes a delicate balance between management and union rights. To maintain this balance is critical to the smooth functioning of government at both the state and local levels. Current laws work quite well in meeting that goal and should not be altered at this time. Moreover, this bill would substantially tip the balance in favor of the unions by significantly adding to the items which must be made subject to collective bargaining. These items could substantially restrict the ability of public employers to efficiently and effectively manage government and to control costs for Iowa taxpayers.

For the above reasons, I hereby respectfully disapprove Senate File 364.

Very truly yours,



Terry E. Branstad  
Governor

TEB/ps

SENATE FILE 364

AN ACT  
RELATING TO THE SCOPE OF NEGOTIATION IN PUBLIC EMPLOYMENT  
CONTRACT NEGOTIATIONS, MEMBERSHIP IN A BARGAINING UNIT,  
AND THE REMEDIAL POWERS OF THE PUBLIC EMPLOYMENT RELATIONS BOARD.

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

Section 1. Section 20.3, subsection 7, unnumbered paragraph 1, Code 1985, is amended by striking the unnumbered paragraph and inserting in lieu thereof the following:

"Confidential employee" means a public employee who acts and assists, in a confidential capacity, persons who formulate, determine, and effectuate managerial decisions affecting labor relations.

Sec. 2. NEW SECTION. 20.6A REMEDY VIOLATIONS OF THIS CHAPTER.

The board may stay an action by a party prior to hearing, by temporary order, if the board determines a stay of an action is necessary to achieve the purposes of this chapter. The board may issue but is not limited to the following orders after a hearing is conducted:

1. Cease and desist orders.
2. Orders of affirmative action to correct wrongful conduct.
3. Orders of reinstatement of employees.
4. Awards of actual damages plus interest as allowed by law.

An order of remedy by the board constitutes a final agency action under chapter 17A.

Sec. 3. Section 20.9, Code 1985, is amended by striking the section and inserting in lieu thereof the following:

20.9 SCOPE OF NEGOTIATIONS.

For the purpose of negotiations between a public employer and a public employee organization:

1. The public employer and employee organization shall meet at reasonable times, including meeting reasonably in advance of the employer's budget-making process, to negotiate in good faith on proposals reasonably related to wages; a salary schedule; shift differentials; job classifications; overtime compensation, including credit for compensatory time; supplemental pay and benefits; allowances and reimbursements for necessary costs incurred in employment; secondary employment; break or preparation time; insurance; physical examination and fitness standards for an employee's continued employment and job assignment; early retirement incentive programs; contributions toward life and health insurance premiums for present employees when retired, at a fixed cost; training and education benefits; evaluation procedures and remediation; promotion procedures; transfer procedures; procedures and criteria for staff reduction and recall; discipline and discharge; vacations; holidays; leaves of absence; seniority; health and safety matters including minimum equipment and staffing; hours; grievance procedures; pay for unused sick leave upon separation; and separate grievance files.

2. Negotiations shall also include terms authorizing dues checkoff and payroll deductions for members of the employee organization. If an agreement provides for dues checkoff or payroll deduction, a member's dues may only be checked off or a deduction made upon the member's written request and the member may terminate the dues checkoff or deduction at any time by giving thirty days' written notice. An agreement reached under this section shall be embodied in writing and signed by the parties. The obligation to negotiate in good faith does not compel either party to agree to a proposal or make a concession.

3. The employee organization and the public employer may mutually agree to negotiate on items which are not listed in this section. The bargaining subjects listed under subsections 1 and 2 shall be given their ordinary meaning.

S.F. 364

*Retired 5-30-85*

4. This section does not diminish the authority and power of the Iowa merit employment department, state 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.

5. Proposals in conflict with state-mandated retirement systems are excluded from the scope of negotiations.

6. Certificated employees discharged for the purpose of a reduction in force shall follow the grievance procedures provided in their collective bargaining agreement. Discharged certificated employees who do not have reduction in force procedures provided in their collective bargaining agreement shall follow the termination procedures provided under chapter 279. A certificated employee organization may unilaterally reject negotiated reduction in force procedures in the collective bargaining agreement through March 1, 1986. A certificated employee organization shall notify the board of a rejection of reduction in force procedures prior to March 1, 1986.

Sec. 4. Section 20.17, subsection 3, Code 1985, is amended to read as follows:

3. Negotiating sessions, strategy meetings of public employers or employee organizations, mediation and the deliberative process of arbitrators shall be exempt from the provisions of chapter 21. However, the employee organization shall present its initial bargaining position to the public employer at the first bargaining session. The public employer shall present its initial bargaining position to the employee organization at the second bargaining session, which shall be held no later than ~~two weeks~~ ten days following the first bargaining session. Both sessions shall be open to the public

and subject to the provisions of chapter 21. Hearings conducted by arbitrators shall be open to the public.

Sec. 5. Section 20.17, subsection 10, Code 1985, is amended by striking the subsection and inserting the following:

10. A collective bargaining agreement between a public employer and an employee organization shall be effective for two or more consecutive years. The negotiations for a proposed collective bargaining agreement between the representatives of a public employer and an employee organization shall commence in the final contract year, however, proposals reasonably related to wages shall be renegotiated each year of a contract. The employee organization shall present its opening bargaining position at the first bargaining session to be held no sooner than November 1 and no later than November 10. The public employer shall present its opening bargaining position at the second bargaining session which shall be held no later than ten days following the first session. The parties shall hold a third bargaining session no later than ten days from the second bargaining session and after the third bargaining session either party may request mediation. If negotiations have not produced an agreement before January 5, the board shall arrange for mediation and set up the first mediated session. The parties may then meet thereafter at their discretion with or without the mediator. If an impasse persists ten days after the mediator is appointed, the board shall arrange for fact-finding under section 20.21. Within three days of service of the fact finder's report, the parties shall hold a bargaining session. If there is no agreement, the board shall arrange for a final mediated session within fifteen days of service of the fact finder's report at which final bargaining positions shall be submitted. If there is no agreement within three days from the final mediated session, the board shall arrange for arbitration on the final bargaining positions under section 20.22. The determination by the panel of arbitrators shall be announced not later than March 15.

Sec. 6. Section 20.20, Code 1985, is amended to read as follows:

20.20 MEDIATION.

In the absence of an impasse agreement between the parties or the failure of either party to utilize its procedures, ~~one hundred-twenty-days-prior-to-the-certified-budget-submission date or upon the request of either party or if there is not an agreement by January 5,~~ the board shall, ~~upon the request of either party,~~ appoint an impartial and disinterested person to act as mediator. It shall be the function of the mediator to bring the parties together to effectuate a settlement of the dispute, but the mediator may not compel the parties to agree.

Sec. 7. Section 20.22, subsections 1, 2, and 3, Code 1985, are amended to read as follows:

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 a copy of the party's final offer on the impasse items submitted to the mediator at the final mediated session.~~ 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 decision rendered by the panel of arbitrators.

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 5. The full costs of arbitration under this provision shall be shared equally by the parties to the dispute.

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.~~

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ROBERT T. ANDERSON  
President of the Senate

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DONALD D. AVENSON  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 364, Seventy-first General Assembly.

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K. MARIE THAYER  
Secretary of the Senate

Approved \_\_\_\_\_, 1985

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TERRY E. BRANSTAD  
Governor