

SENATE FILE 2280
BY COMMITTEE ON LABOR
AND INDUSTRIAL RELATIONS
Approved (y. 623)

MAR 7 1986

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

A BILL FOR

1 An Act relating to the negotiation for and operation of a
2 collective bargaining agreement between a public employer and
3 a public employee organization by including discipline and
4 discharge in the scope of negotiations, by requiring a minimum
5 period of negotiations, by providing that if grievance
6 procedures for issues on discipline and discharge are provided
7 in the collective bargaining agreement, those procedures are
8 the exclusive remedy on those issues, and by prohibiting the
9 appointment of a mediator unless the parties have conducted a
10 minimum period of negotiations, and by providing for the
11 appointment of another mediator after submission of the fact-
12 finder's report.

S.F. 2280

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

SENATE FILE 2280

S-5293

- 1 Amend Senate File 2280 as follows:
2 1. Page 1, by striking lines 23 through 33.
3 2. By renumbering sections as required by this
4 amendment.

S-5293 Filed March 10, 1986 BY JENSEN

1 Section 1. Section 20.9, unnumbered paragraph 1, Code
2 1985, is amended to read as follows:

3 The public employer and the employee organization shall
4 meet at reasonable times, including meetings reasonably in
5 advance of the public employer's budget-making process, to
6 negotiate in good faith with respect to wages, hours,
7 vacations, insurance, holidays, leaves of absence, shift
8 differentials, overtime compensation, supplemental pay,
9 seniority, transfer procedures, job classifications, health
10 and safety matters, discipline and discharge, evaluation
11 procedures, procedures for staff reduction, in-service
12 training, and other matters mutually agreed upon.
13 Negotiations shall also include terms authorizing dues
14 checkoff for members of the employee organization and
15 grievance procedures for resolving any questions arising under
16 the agreement, which shall be embodied in a written agreement
17 and signed by the parties. If an agreement provides for dues
18 checkoff, a member's dues may be checked off only upon the
19 member's written request and the member may terminate the dues
20 checkoff at any time by giving thirty days' written notice.
21 Such obligation to negotiate in good faith does not compel
22 either party to agree to a proposal or make a concession.

23 Sec. 2. Section 20.17, Code 1985, is amended by adding the
24 following new subsection after subsection 3 and renumbering
25 the following subsections:

26 NEW SUBSECTION. Following the presentation of the initial
27 bargaining positions, the public employer and the employee
28 shall schedule by mutual agreement and meet a minimum of forty
29 hours to conduct negotiations. The meetings shall be
30 scheduled during the normal working day and any costs
31 associated with the negotiations due to the loss of employee
32 and supervisor work time shall be born equally by the public
33 employer and the employee organization.

34 Sec. 3. Section 20.18, unnumbered paragraph 2, Code 1985,
35 is amended to read as follows:

1 Public employees of the state shall follow either the
2 grievance procedures provided in a collective bargaining
3 agreement, or ~~in the event that~~ if no such procedures are so
4 provided, shall follow grievance procedures established
5 pursuant to chapter 19A. If grievance procedures are provided
6 in a collective bargaining agreement for discipline and
7 discharge issues, they are the exclusive remedy for a public
8 employer and employee organization on those issues.

9 Sec. 4. Section 20.20, Code 1985, is amended to read as
10 follows:

11 20.20 MEDIATION.

12 In the absence of an impasse agreement between the parties
13 or in case of the failure of either party to utilize its
14 procedures, one hundred twenty days prior to the certified
15 budget submission date, the board shall, upon the request of
16 either party, appoint an impartial and disinterested person to
17 act as mediator. However, the board shall not appoint a
18 mediator in the absence of evidence that the parties have
19 conducted a minimum of forty hours of negotiations. It shall
20 be the function of the mediator to bring the parties together
21 to effectuate a settlement of the dispute, but the mediator
22 may shall not compel the parties to agree.

23 Sec. 5. Section 20.21, unnumbered paragraph 2, Code 1985,
24 is amended to read as follows:

25 The public employer and the certified employee organization
26 shall immediately accept the fact-finder's recommendation or
27 shall within five days submit the fact-finder's
28 recommendations to the governing body and members of the
29 certified employee organization for acceptance or rejection.
30 If the report is not accepted within two days of its
31 submission, the board shall appoint another impartial and
32 disinterested person to act as mediator in negotiations
33 between the parties. If the dispute continues ten days after
34 the report is submitted, the report shall be made public by
35 the board.

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EXPLANATION

This bill includes the subjects of discipline and discharge within the scope of negotiations between a public employer and an employee organization. The bill provides that if the collective bargaining agreement establishes grievance procedures on discipline and discharge issues, those grievance procedures are the exclusive remedy on those issues.

The bill also requires the parties to schedule 40 hours for collective bargaining negotiations. The hours will be scheduled during the normal working day and the cost of the negotiations due to lost employee and supervisor work time will be born equally by both of the parties. The public employment relations board is prohibited from appointing a mediator to aid negotiations between the parties in the absence of evidence that the parties have conducted a minimum of 40 hours of negotiations. The bill further provides for the appointment of another mediator to aid negotiations between the parties upon submission of the fact-finder's report.