

# House Study Bill 204 - Introduced

HOUSE FILE \_\_\_\_\_

BY (PROPOSED COMMITTEE ON  
LABOR BILL BY CHAIRPERSON  
FORRISTALL)

## A BILL FOR

1 An Act relating to collective bargaining arbitration  
2 proceedings involving teachers employed by school districts  
3 and area education agencies and including applicability  
4 provisions.

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

1 Section 1. Section 20.22, subsections 3, 6, 7, 9, 10, and  
2 11, Code 2015, are amended to read as follows:

3 3. The submission of the impasse items to the arbitrator  
4 shall be limited to those items upon which the parties have  
5 not reached agreement. With respect to each such item, the  
6 arbitrator's award shall be restricted to the final offers on  
7 each impasse item submitted by the parties to the arbitrator.  
8 However, in an arbitration in which the public employees are  
9 teachers licensed under chapter 272 who are employed by a  
10 public employer which is a school district or area education  
11 agency, the arbitrator's award with respect to each such item  
12 shall not be restricted to the final offers on each impasse  
13 item submitted by the parties to the arbitrator.

14 6. From the time the board notifies the arbitrator of the  
15 selection of the arbitrator until such time as the arbitrator's  
16 selection or decision on each impasse item is made, there shall  
17 be no discussion concerning recommendations for settlement of  
18 the dispute by the arbitrator with parties other than those who  
19 are direct parties to the dispute.

20 7. The arbitrator shall consider, in addition to any other  
21 relevant factors, the following factors:

22 a. Past collective bargaining contracts between the parties  
23 including the bargaining that led up to such contracts.

24 b. Comparison of wages, hours and conditions of employment  
25 of the involved public employees with those of other public  
26 employees doing comparable work, giving consideration to  
27 factors peculiar to the area and the classifications involved.  
28 In an arbitration in which the public employees are teachers  
29 licensed under chapter 272 who are employed by a public  
30 employer which is a school district or area education agency,  
31 the comparison shall also include comparison of wages, hours,  
32 and conditions of employment of the involved public employees  
33 with those of private sector employees doing comparable work,  
34 giving consideration to factors peculiar to the area and the  
35 classifications involved.

1     *c.* The interests and welfare of the public, the ability  
2 of the public employer to finance economic adjustments and  
3 the effect of such adjustments on the normal standard of  
4 services. The ability of the public employer to finance  
5 economic adjustments and the effect of such adjustments on  
6 the normal standard of services shall not be considered in an  
7 arbitration in which the public employees are teachers licensed  
8 under chapter 272 who are employed by a public employer which  
9 is a school district or area education agency.

10     *d.* The power of the public employer to levy taxes and  
11 appropriate funds for the conduct of its operations. This  
12 factor shall not be considered in an arbitration in which the  
13 public employees are teachers licensed under chapter 272 who  
14 are employed by a public employer which is a school district or  
15 area education agency.

16     9. *a.* The For an arbitration in which the public employees  
17 are not teachers licensed under chapter 272 who are employed by  
18 a public employer which is a school district or area education  
19 agency, the arbitrator shall select within fifteen days after  
20 the hearing the most reasonable offer, in the arbitrator's  
21 judgment, of the final offers on each impasse item submitted  
22 by the parties.

23     *b.* For an arbitration in which the public employees are  
24 teachers licensed under chapter 272 who are employed by a  
25 public employer which is a school district or area education  
26 agency, the arbitrator shall render a decision within fifteen  
27 days after the hearing consisting of the arbitrator's award on  
28 each impasse item submitted by the parties. The arbitrator may  
29 select one of the final offers on an impasse item submitted by  
30 the parties or the arbitrator may make any award which stays  
31 within the confines of the final offers on an impasse item  
32 submitted by the parties.

33     10. The selections or decisions by the arbitrator and  
34 items agreed upon by the public employer and the employee  
35 organization, shall be deemed to be the collective bargaining

1 agreement between the parties.

2 11. The ~~determination~~ selections or decisions of the  
3 arbitrator shall be final and binding subject to the provisions  
4 of section 20.17, subsection 6. The arbitrator shall give  
5 written explanation for the arbitrator's selections or  
6 decisions and inform the parties of the decision.

7 Sec. 2. APPLICABILITY. This Act applies to binding  
8 arbitrations to which parties submit pursuant to chapter 20 on  
9 or after the effective date of this Act.

10 EXPLANATION

11 The inclusion of this explanation does not constitute agreement with  
12 the explanation's substance by the members of the general assembly.

13 This bill provides that, in an arbitration pursuant to Code  
14 chapter 20, the public employment relations Act, in which the  
15 public employees are teachers licensed under Code chapter  
16 272 who are employed by a public employer which is a school  
17 district or area education agency, the arbitrator's award with  
18 respect to each impasse item shall not be restricted to the  
19 final offers on each such item submitted by the parties to the  
20 arbitrator. The arbitrator may select one of the final offers  
21 on an impasse item or may make an award which stays within the  
22 confines of the final offers on an impasse item. Under current  
23 law, an arbitrator is only permitted to choose between the  
24 final offers of the parties on each impasse item.

25 The bill modifies the factors that an arbitrator in an  
26 arbitration in which the public employees are teachers licensed  
27 under Code chapter 272 who are employed by a public employer  
28 which is a school district or area education agency may  
29 consider when making a decision on an impasse item.

30 The bill requires an arbitrator to consider a comparison  
31 of wages, hours, and conditions of employment of the involved  
32 public employees with those of private sector employees doing  
33 comparable work, giving consideration to factors peculiar to  
34 the area and the classifications involved.

35 The bill prohibits an arbitrator from considering the

1 ability of the public employer to finance economic adjustments  
2 and the effect of such adjustments on the normal standard  
3 of services. The bill also prohibits an arbitrator from  
4 considering the power of the public employer to levy taxes and  
5 appropriate funds for the conduct of its operations.

6 The bill applies to binding teacher contract arbitrations to  
7 which parties submit pursuant to Code chapter 20 on or after  
8 the effective date of the bill.