

House File 549 - Reprinted

HOUSE FILE 549
BY COMMITTEE ON LABOR

(SUCCESSOR TO HSB 204)

(As Amended and Passed by the House March 17, 2015)

A BILL FOR

1 An Act relating to collective bargaining arbitration
2 proceedings involving individuals employed by school
3 districts and area education agencies and including
4 applicability 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 employed by a public employer which is a school district or
10 area education agency, the arbitrator's award with respect to
11 each such item shall not be restricted to the final offers on
12 each impasse item submitted by the parties to the arbitrator.

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

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

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

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

34 c. The interests and welfare of the public, the ability of
35 the public employer to finance economic adjustments and the

1 effect of such adjustments on the normal standard of services.
2 The ability of the public employer to finance economic
3 adjustments and the effect of such adjustments on the normal
4 standard of services shall not be considered in an arbitration
5 in which the public employees are employed by a public employer
6 which is a school district or area education agency.

7 *d.* The power of the public employer to levy taxes and
8 appropriate funds for the conduct of its operations. This
9 factor shall not be considered in an arbitration in which the
10 public employees are employed by a public employer which is a
11 school district or area education agency.

12 9. *a.* The For an arbitration in which the public employees
13 are not employed by a public employer which is a school
14 district or area education agency, the arbitrator shall select
15 within fifteen days after the hearing the most reasonable
16 offer, in the arbitrator's judgment, of the final offers on
17 each impasse item submitted by the parties.

18 *b.* For an arbitration in which the public employees are
19 employed by a public employer which is a school district
20 or area education agency, the arbitrator shall render a
21 decision within fifteen days after the hearing consisting of
22 the arbitrator's award on each impasse item submitted by the
23 parties. The arbitrator may select one of the final offers on
24 an impasse item submitted by the parties or the arbitrator may
25 make any award which stays within the confines of the final
26 offers on an impasse item submitted by the parties.

27 10. The selections or decisions by the arbitrator and
28 items agreed upon by the public employer and the employee
29 organization, shall be deemed to be the collective bargaining
30 agreement between the parties.

31 11. ~~The determination~~ selections or decisions of the
32 arbitrator shall be final and binding subject to the provisions
33 of section 20.17, subsection 6. The arbitrator shall give
34 written explanation for the arbitrator's selections or
35 decisions and inform the parties of the decision.

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