

### 20.15 Elections — agreements with the state.

#### 1. *Initial certification elections.*

a. Upon the filing of a petition for certification of an employee organization, the board shall submit a question to the public employees at an election in the bargaining unit found appropriate by the board. The question on the ballot shall permit the public employees to vote for no bargaining representation or for any employee organization which has petitioned for certification or which has presented proof satisfactory to the board of support of thirty percent or more of the public employees in the appropriate unit.

b. (1) If a majority of the public employees in the bargaining unit vote for no bargaining representation, the public employees in the bargaining unit found appropriate by the board shall not be represented by an employee organization.

(2) If a majority of the public employees in the bargaining unit vote for a listed employee organization, then that employee organization shall represent the public employees in the bargaining unit found appropriate by the board.

(3) If none of the choices on the ballot receive the vote of a majority of the public employees in the bargaining unit, the public employees in the bargaining unit found appropriate by the board shall not be represented by an employee organization.

c. The board shall not consider a petition for certification of an employee organization as the exclusive representative of a bargaining unit unless a period of two years has elapsed from the date of the last certification election in which an employee organization was not certified as the exclusive representative of that bargaining unit, of the last retention and recertification election in which an employee organization was not retained and recertified as the exclusive representative of that bargaining unit, or of the last decertification election in which an employee organization was decertified as the exclusive representative of that bargaining unit. The board shall also not consider a petition for certification as the exclusive bargaining representative of a bargaining unit if the bargaining unit is at that time represented by a certified exclusive bargaining representative.

#### 2. *Retention and recertification elections.*

a. The board shall conduct an election to retain and recertify the bargaining representative of a bargaining unit prior to the expiration of the bargaining unit's collective bargaining agreement. The question on the ballot shall be whether the bargaining representative of the public employees in the bargaining unit shall be retained and recertified as the bargaining representative of the public employees in the bargaining unit. For collective bargaining agreements with a June 30 expiration date, the election shall occur between June 1 and November 1, both dates included, in the year prior to that expiration date. For collective bargaining agreements with a different expiration date, the election shall occur between three hundred sixty-five and two hundred seventy days prior to the expiration date.

b. (1) If a majority of the public employees in the bargaining unit vote to retain and recertify the representative, the board shall retain and recertify the bargaining representative and the bargaining representative shall continue to represent the public employees in the bargaining unit.

(2) If a majority of the public employees in the bargaining unit do not vote to retain and recertify the representative, the board, after the period for filing written objections pursuant to [subsection 4](#) has elapsed, shall immediately decertify the representative and the public employees shall not be represented by an employee organization except pursuant to the filing of a subsequent petition for certification of an employee organization as provided in [section 20.14](#) and an election conducted pursuant to such petition. Such written objections and decertifications shall be subject to applicable administrative and judicial review.

#### 3. *Decertification elections.*

a. Upon the filing of a petition for decertification of an employee organization, the board shall submit a question to the public employees at an election in the bargaining unit found appropriate by the board. The question on the ballot shall be whether the bargaining representative of the public employees in the bargaining unit shall be decertified as the bargaining representative of public employees in the bargaining unit.

b. (1) If a majority of the public employees in the bargaining unit vote to decertify the

bargaining representative, the board, after the period for filing written objections pursuant to [subsection 4](#) has elapsed, shall immediately decertify the representative and the public employees shall not be represented by an employee organization except pursuant to the filing of a subsequent petition for certification of an employee organization as provided in [section 20.14](#) and an election conducted pursuant to such petition. Such written objections and decertifications shall be subject to applicable administrative and judicial review.

(2) If a majority of the public employees in the bargaining unit do not vote to decertify the bargaining representative, the bargaining representative shall continue to represent the public employees in the bargaining unit.

c. The board shall not consider a petition for decertification of an employee organization unless a bargaining unit's collective bargaining agreement exceeds two years in length. The board shall not schedule a decertification election for a bargaining unit within one year of a prior certification, retention and recertification, or decertification election involving the bargaining unit. Unless otherwise prohibited by this paragraph, the board shall schedule a decertification election not less than one hundred fifty days before the expiration date of the bargaining unit's collective bargaining agreement.

4. *Invalidation of elections.* Upon written objections filed by any public employee, public employer, or employee organization involved in the election within ten days after notice of the results of the election, if the board finds that misconduct or other circumstances prevented the public employees eligible to vote from freely expressing their preferences, the board may invalidate the election and hold a second election for the public employees.

5. *Results certified.* Upon completion of a valid election in which the majority choice of the public employees in the bargaining unit is determined, the board shall certify the results of the election and shall give reasonable notice of the order to all employee organizations listed on the ballot, the public employers, and the public employees in the appropriate bargaining unit.

6. *State agreements.* A collective bargaining agreement with the state, its boards, commissions, departments, and agencies shall be for two years. The provisions of a collective bargaining agreement or arbitrator's award affecting state employees shall not provide for renegotiations which would require the refinancing of subjects within the scope of negotiations under [section 20.9](#) for the second year of the term of the agreement, except as provided in [section 20.17, subsection 6](#). The effective date of any such agreement shall be July 1 of odd-numbered years, provided that if an exclusive bargaining representative is certified on a date which will prevent the negotiation of a collective bargaining agreement prior to July 1 of odd-numbered years for a period of two years, the certified collective bargaining representative may negotiate a one-year contract with the public employer which shall be effective from July 1 of the even-numbered year to July 1 of the succeeding odd-numbered year when new agreements shall become effective.

[C75, 77, 79, 81, §20.15]

[2010 Acts, ch 1165, §18](#); [2017 Acts, ch 2, §9, 26, 27](#)

Referred to in [§20.6, 20.12, 20.14, 20.33, 22.7\(69\), 22.7\(70\), 602.1401](#)

For provisions relating to applicability of 2017 amendment to collective bargaining agreements and procedures under this chapter before, on, or after February 17, 2017, see [2017 Acts, ch 2, §26, 27](#)