

CHAPTER 6
NEGOTIATIONS AND NEGOTIABILITY DISPUTES

621—6.1(20) Scope of negotiations. The scope of negotiations shall be as provided in section nine of the Act. Either party may introduce other matters for negotiation, and negotiation on these matters may continue until resolved by mutual agreement of the parties or until negotiations reach the fact-finding or arbitration stage of impasse; provided, however, that no party may be required to negotiate on nonmandatory subjects of bargaining. Unresolved other matters shall be excluded from the fact-finding or arbitration processes unless submission has been mutually agreed upon by the parties. The agreement is applicable only to negotiations toward the collective bargaining agreement then sought and is not binding upon the parties for future negotiations.

621—6.2(20) Consolidated negotiations. Nothing in these rules shall prohibit, by agreement of the parties, more than one certified bargaining representative from bargaining jointly with a common public employer, or more than one public employer from bargaining jointly with a common certified bargaining representative, or any other combination thereof.

621—6.3(20) Negotiability disputes.

6.3(1) Defined. “*Negotiability dispute*” is a dispute arising in good faith during the course of collective bargaining as to whether a proposal is subject to collective bargaining under the Act.

6.3(2) Expedited resolution. In the event that a negotiability dispute arises between the employer and the certified employee organization, either party may petition the board for expedited resolution of the dispute. The petition shall set forth the material facts of the dispute, the precise question of negotiability submitted for resolution, and certificate of service upon the other party. The parties shall present evidence on all issues to the fact finder or arbitrator, including the issue which is the subject of the negotiability dispute. A negotiability dispute raised at the fact-finding hearing shall be upon written objection to the submission of the proposal to the fact finder or arbitrator. The objection shall request the fact finder or arbitrator to seek a negotiability ruling from the board regarding the proposal or state that the objecting party will file a petition for resolution of the dispute with the board. In the event a negotiability dispute arises at the arbitration stage of impasse procedures, either party may petition the board for expedited resolution, which petition shall be filed within seven days of the submission of final offers. Arbitrators and fact finders shall rule on all issues submitted to them including the issue which is the subject of the negotiability dispute unless explicitly stayed by the board. Arbitration awards and fact finder’s recommendations issued prior to the final determination of the negotiability dispute will be contingent upon that determination.

6.3(3) Decisions. The petition filed pursuant to subrule 6.3(2) shall be given priority by the board. If deemed necessary by the board, the petition may be set for hearing or argument.

621—6.4(20) Acceptance of proposed agreement. Where the parties have reached a proposed (or “tentative”) collective bargaining agreement, the terms of that agreement shall be made public, and the employee organization shall give reasonable notice of the date, time and place of a ratification election on the tentative agreement to the public employees; provided, however, that such notice shall be at least 24 hours prior to the election and the election shall be within seven days of the date of the tentative agreement. The vote shall be by secret ballot and only members of the employee organization shall be entitled to vote; provided, however, that the employee organization may, pursuant to its internal procedures, extend voting rights to nonmember bargaining unit employees. The employee organization shall within 24 hours notify the public employer whether the proposed agreement has been ratified.

The public employer shall, within ten days of the tentative agreement, likewise meet to accept or reject the agreement, and shall within 24 hours serve notice on the employee organization of its acceptance or rejection of the proposed agreement; provided, however, that the public employer shall not be required to either accept or reject the tentative agreement if it has been rejected by the employee organization.

The above time limits may be modified by a written mutual agreement between the public employer and the employee organization.

The above time limits shall not apply to proposed agreements between the state and any bargaining unit of state employees.

621—6.5(20) Negotiations report—filing of agreement. Not later than 60 days after conclusion of an agreement, the public employer shall submit to the board a report of negotiations procedures on a form provided by the board and shall attach two copies of the agreement.

These rules are intended to implement Iowa Code chapter 20.

[Filed 3/4/75]

[Filed 10/29/76, Notice 9/22/76—published 11/17/76, effective 12/22/76]

[Filed 10/26/77, Notice 9/21/77—published 11/16/77, effective 12/21/77]

[Filed 2/3/78, Notice 12/28/77—published 2/22/78, effective 3/29/78]

[Filed 9/11/79, Notice 7/11/79—published 10/3/79, effective 11/12/79]

[Filed 11/7/80, Notice 9/17/80—published 11/26/80, effective 12/31/80]

[Filed 10/22/82, Notice 9/15/82—published 11/10/82, effective 12/15/82]

[Filed emergency 7/23/85—published 8/14/85, effective 7/23/85]

[Filed 10/9/86, Notice 8/27/86—published 11/5/86, effective 12/10/86]