

621—7.10 (20) Binding arbitrations conducted on or after February 17, 2017.

7.10(1) *Applicability.* All parties engaged in bargaining or impasse procedures for a collective bargaining agreement to become effective in 2017 are subject to the binding arbitration procedures specified in this rule unless otherwise specified in rule 621—7.8(20). All other provisions of 621—Chapters 6 and 7 shall apply except as altered by this rule.

7.10(2) *Exchange of offers.* Except for parties utilizing the procedures specified in rule 621—7.8(20), each party shall serve its final offer on each of the impasse items upon the other party within four days of the board's receipt of the request for arbitration, or by a deadline otherwise agreed upon by the parties.

7.10(3) *Submission of impasse items and limitation of evidence.* The submission of the impasse items to the arbitrator shall be limited to those mandatorily negotiable items upon which the parties have not reached agreement and any permissive items which the parties have agreed to submit to arbitration. With respect to each such impasse item, the arbitrator's award shall be restricted to the final offers on each impasse item submitted by the parties to the arbitrator, except as provided in paragraph 7.10(5) "d." The parties shall not introduce, and the arbitrator shall not accept or consider, any direct or indirect evidence regarding any subject excluded from negotiations pursuant to Iowa Code section 20.9 as amended by 2017 Iowa Acts, House File 291, except as required for purposes of the consideration of the factors specified in subrule 7.10(4) and paragraph 7.10(5) "a."

7.10(4) *Arbitration involving a bargaining unit that has at least 30 percent of members who are public safety employees.* The arbitrator shall consider and specifically address in the arbitrator's determination, in addition to any other relevant factors, the following factors:

- a. Past collective bargaining contracts between the parties including the bargaining that led up to such contracts.
- b. Comparison of wages, hours and conditions of employment of the involved public employees with those of other public employees doing comparable work, giving consideration to factors peculiar to the area and the classifications involved.
- c. The interests and welfare of the public, the ability of the public employer to finance economic adjustments and the effect of such adjustments on the normal standard of services.

7.10(5) *Arbitration involving a bargaining unit that does not have at least 30 percent of members who are public safety employees.*

a. The arbitrator shall consider and specifically address in the arbitrator's determination, in addition to any other relevant factors, the following factors:

(1) Comparison of base wages, hours, and conditions of employment of the involved public employees with those of other public employees doing comparable work, giving consideration to factors peculiar to the area and the classifications involved. To the extent adequate, applicable data is available, the arbitrator shall also compare base wages, hours, and conditions of employment of the involved public employees with those of private sector employees doing comparable work, giving consideration to factors peculiar to the area and the classifications involved.

(2) The interests and welfare of the public.

(3) The financial ability of the employer to meet the cost of an offer in light of the current economic conditions of the public employer. The arbitrator shall give substantial weight to evidence that the public employer's authority to utilize funds is restricted to special purposes or circumstances by state or federal law, rules, regulations, or grant requirements.

b. The arbitrator shall not consider the following factors:

(1) Past collective bargaining agreements between the parties or bargaining that led to such agreements.

(2) The public employer's ability to fund an award through the increase or imposition of new taxes, fees, or charges or to develop other sources of revenue.

c. The arbitrator's award on the impasse item of base wages shall not exceed the lesser of the following percentages in any one-year period in the duration of the bargaining agreement:

- (1) Three percent.
- (2) A percentage equal to the increase in the consumer price index for all urban consumers for the Midwest region, if any, as provided by the agency.

d. Should the final offers of both parties on the impasse item of base wages exceed the lesser of the percentages specified in paragraph 7.10(5) "c," the arbitrator shall select neither of the parties' offers, but shall instead award the lesser of the amounts listed in paragraph 7.10(5) "c."

Rules 621—7.8(20) to 621—7.10(20) are intended to implement Iowa Code chapter 20 as amended by 2017 Iowa Acts, House File 291.

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