

621—7.9 (20) Bargaining and impasse procedures conducted on or after February 17, 2017.**7.9(1) Applicability.**

a. This rule applies to parties that, on February 17, 2017:

(1) Were engaged in bargaining or impasse procedures for a collective bargaining agreement to become effective in 2017;

(2) Were engaged in bargaining or impasse procedures for a collective bargaining agreement which would be applicable to a bargaining unit of employees of a state public employer or of a city, county or other public employer with a certified budget submission date of March 15, 2017;

(3) Are not parties to an independent impasse agreement establishing a bargaining and impasse completion deadline other than the employer's certified budget submission date; and

(4) Are not excepted by subrule 7.9(2).

b. All other provisions of 621—Chapters 6 and 7 shall apply to such parties except as altered by this rule.

c. 2017 Iowa Acts, House File 291, establishes a deadline for the completion of collective bargaining and impasse procedures of June 30, 2017, for bargaining units employed by a school district, area education agency or community college, unless the parties establish a different deadline by mutual agreement. The procedures applicable to such bargaining units are not subject to this rule.

7.9(2) Exceptions. The emergency bargaining and impasse procedures provided by this rule do not apply to parties to a collective bargaining agreement which, as of the enactment of 2017 Iowa Acts, House File 291:

a. Has been ratified in a ratification election referred to in Iowa Code section 20.17(4);

b. Has been established by an arbitrator's final determination specifying the terms of the collective bargaining agreement as described in Iowa Code section 20.22(11); or

c. Has become effective.

7.9(3) Waiver of completion deadlines. Because of the short period of time between the enactment of 2017 Iowa Acts, House File 291, and March 15, 2017, parties subject to a March 15 completion deadline are encouraged to negotiate and enter into an independent impasse agreement waiving that deadline and establishing an alternative deadline which allows for a less hurried procedure than is required by subrule 7.9(4).

7.9(4) Bargaining and impasse procedures conducted on or after February 17, 2017. For parties, mediators, arbitrators and bargaining units within the scope of this rule, the following procedures apply:

a. The parties must complete their exchange of initial bargaining positions not later than Monday, February 27, 2017. Subject to the requirements of Iowa Code chapter 21, the parties may make their exchanges on the same day, with the certified employee organization presenting its initial bargaining position first.

b. If the impasse has not been resolved, the parties must participate in mediation not later than Thursday, March 2, 2017, if requested by either party. A party that has previously filed a request for mediation need not file a new request, and may instead renew the party's prior request by e-mail to the agency at iaperb@iowa.gov. Other parties shall complete a formal request for mediation form which shall be signed by at least one party and be personally delivered or e-mailed to the agency. The party requesting mediation shall copy the other party on its e-mail renewing its earlier request or shall serve a copy of its formal request upon the other party by personal service or e-mail. The renewal of an earlier request or new formal request must be made as soon as possible to allow the agency to assign a mediator and the mediator to schedule and hold mediation with the parties not later than March 2, 2017.

c. If the impasse has not been resolved, either party may, not later than Friday, March 3, 2017, request that the agency arrange for binding arbitration. A party that has previously filed a request for arbitration need not file a new request, and may instead renew the party's prior request by e-mail to the agency at iaperb@iowa.gov. Other parties shall complete a formal request for arbitration form which

shall be completed and signed by at least one party and be personally delivered or e-mailed to the agency. The party requesting arbitration shall copy the other party on its e-mail renewing its earlier request or shall serve a copy of its formal request upon the other party by personal service or e-mail.

d. The agency will provide the parties with a list of available arbitrators by e-mail as soon as is practicable following the agency's receipt of the renewed or new request for arbitration.

e. If the impasse has not been resolved, the parties must strike the list of arbitrators, notify the agency of the parties' selected arbitrator and exchange their final offers by personal delivery or e-mail not later than Monday, March 6, 2017. All disputes concerning the negotiability of any final offer shall be submitted to the agency by personal delivery or e-mail not later than March 7, 2017.

f. All arbitration hearings must be held not later than March 10, 2017.

g. Arbitrators must consider the criteria listed in Iowa Code section 20.22 as amended by 2017 Iowa Acts, House File 291, section 12, and issue a written award specifying and explaining the arbitrator's selection(s) and specifically addressing the section 20.22 criteria not later than March 15, 2017.