

House File 2542

H-8121

1 Amend House File 2542 as follows:

2 1. Page 1, before line 1 by inserting:

3 <DIVISION I
4 HABITUAL OFFENDERS>

5 2. Page 2, after line 9 by inserting:

6 <DIVISION ____
7 COLLECTIVE BARGAINING

8 Sec. ____ . Section 20.1, subsection 2, paragraph a, Code
9 2026, is amended to read as follows:

10 a. Determining appropriate bargaining units, amending
11 the composition of previously determined bargaining units
12 represented by a certified employee organization, reconsidering
13 and altering the composition of previously determined
14 bargaining units which are not represented by a certified
15 employee organization, and conducting representation elections.

16 Sec. ____ . Section 20.3, subsection 11, Code 2026, is amended
17 by adding the following new paragraphs:

18 NEW PARAGRAPH. g. An employee of the Iowa department of
19 corrections who is responsible for the custody and supervision
20 of inmates through ongoing direct inmate contact, to enforce
21 and maintain discipline, safety, and security within a
22 correctional facility.

23 NEW PARAGRAPH. h. A jailer or detention officer who
24 performs duties as a jailer, including but not limited to the
25 transportation of inmates, who is certified as having completed
26 jailer training pursuant to chapter 80B, and who is employed
27 by a county as a jailer.

28 NEW PARAGRAPH. i. An emergency dispatcher for a county
29 sheriff.

30 NEW PARAGRAPH. j. A probation or parole officer employed by
31 the Iowa department of corrections.

32 NEW PARAGRAPH. k. A residential officer employed by
33 the department of corrections working at a community-based
34 corrections residential facility.

35 Sec. ____ . Section 20.13, Code 2026, is amended to read as

1 follows:

2 **20.13 Bargaining unit determination, amendment, and**
3 **reconsideration.**

4 1. ~~Board~~ The board's determination of an appropriate
5 bargaining unit shall be upon petition filed by a public
6 employer, public employee, or employee organization. Except
7 as provided in subsection 4, the board's amendment of the
8 composition of a represented bargaining unit shall be upon
9 petition filed by the employer or certified representative
10 of the bargaining unit. The board's reconsideration of the
11 composition of a previously determined bargaining unit which is
12 not represented by a certified representative shall be upon the
13 combined petition of an employee organization which also seeks
14 a representation election pursuant to section 20.14, subsection
15 2.

16 2. Within thirty days of receipt of a petition, the board
17 shall conduct a public hearing, receive written or oral
18 testimony, and promptly thereafter file an order defining
19 the appropriate bargaining unit, amending or refusing to
20 amend the composition of a represented bargaining unit or
21 reconsidering and altering or refusing to alter the composition
22 of an unrepresented bargaining unit. In defining the unit,
23 or determining whether a unit should be amended or altered
24 in response to a petition for amendment or reconsideration,
25 the board shall take into consideration, along with other
26 relevant factors, the principles of efficient administration
27 of government, the existence of a community of interest among
28 public employees, the history and extent of public employee
29 organization, geographical location, and the recommendations
30 of the parties involved.

31 3. Professional and nonprofessional employees shall not be
32 included in the same bargaining unit unless a majority of both
33 agree.

34 4. Notwithstanding the provisions of subsection 1, a
35 petition to amend the composition of a represented bargaining

1 unit by the removal of public safety employees may be filed
2 by a public safety employee who is a member of the bargaining
3 unit. If the petition is accompanied by evidence satisfactory
4 to the board that the public safety employees in the bargaining
5 unit do not constitute at least thirty percent of the employees
6 in the unit and that a majority of the public safety employees
7 in the unit support the petition, the board shall conduct
8 a hearing within thirty days of its finding such evidence
9 satisfactory and shall promptly thereafter issue an order
10 granting or denying the requested amendment. If the board
11 amends the composition of the bargaining unit by removing
12 public safety employees, those employees may immediately be the
13 subject of a separate bargaining unit determination petition
14 filed in accordance with subsection 1.

15 Sec. _____. Section 20.15, Code 2026, is amended by striking
16 the section and inserting in lieu thereof the following:

17 **20.15 Elections.**

18 1. Upon the filing of a petition for certification of an
19 employee organization, the board shall submit a question to
20 the public employees at an election in the bargaining unit
21 found appropriate by the board. The question on the ballot
22 shall permit the public employees to vote for no bargaining
23 representation or for any employee organization which has
24 petitioned for certification or which has presented proof
25 satisfactory to the board of support of ten percent or more of
26 the public employees in the appropriate unit.

27 2. If a majority of the votes cast on the question is
28 for no bargaining representation, the public employees in
29 the bargaining unit found appropriate by the board shall not
30 be represented by an employee organization. If a majority
31 of the votes cast on the question is for a listed employee
32 organization, then that employee organization shall represent
33 the public employees in the bargaining unit found appropriate
34 by the board.

35 3. If none of the choices on the ballot receives the vote

1 of a majority of the public employees voting, the board shall
2 conduct a runoff election among the two choices receiving the
3 greatest number of votes.

4 4. Upon written objections filed by any party to the
5 election within ten days after notice of the results of
6 the election, if the board finds that misconduct or other
7 circumstances prevented the public employees eligible to
8 vote from freely expressing their preferences, the board may
9 invalidate the election and hold a second election for the
10 public employees.

11 5. Upon completion of a valid election in which the majority
12 choice of the employees voting is determined, the board shall
13 certify the results of the election and shall give reasonable
14 notice of the order to all employee organizations listed on the
15 ballot, the public employers, and the public employees in the
16 appropriate bargaining unit.

17 6. *a.* A petition for certification as exclusive bargaining
18 representative of a bargaining unit shall not be considered
19 by the board for a period of one year from the date of the
20 noncertification of an employee organization as the exclusive
21 bargaining representative of that bargaining unit following a
22 certification election. A petition for certification as the
23 exclusive bargaining representative of a bargaining unit shall
24 also not be considered by the board if the bargaining unit is
25 at that time represented by a certified exclusive bargaining
26 representative.

27 *b.* A petition for the decertification of the exclusive
28 bargaining representative of a bargaining unit shall not be
29 considered by the board for a period of one year from the date
30 of its certification, or within one year of its continued
31 certification following a decertification election, or during
32 the duration of a collective bargaining agreement which, for
33 purposes of this section, shall be deemed not to exceed two
34 years. However, if a petition for decertification is filed
35 during the duration of a collective bargaining agreement, the

1 board shall award an election under this section not more than
2 one hundred eighty days and not less than one hundred fifty
3 days prior to the expiration of the collective bargaining
4 agreement. If an employee organization is decertified, the
5 board may receive petitions under section 20.14, provided that
6 no such petition and no election conducted pursuant to such
7 petition within one year from decertification shall include as
8 a party the decertified employee organization.

9 7. A collective bargaining agreement with the state, its
10 boards, commissions, departments, and agencies shall be for two
11 years. The provisions of a collective bargaining agreement or
12 arbitrator's award affecting state employees shall not provide
13 for renegotiations which would require the refinancing of
14 salary and fringe benefits for the second year of the term of
15 the agreement, except as provided in section 20.17, subsection
16 6. The effective date of any such agreement shall be July 1 of
17 odd-numbered years, provided that if an exclusive bargaining
18 representative is certified on a date which will prevent the
19 negotiation of a collective bargaining agreement prior to
20 July 1 of odd-numbered years for a period of two years, the
21 certified collective bargaining representative may negotiate
22 a one-year contract with the public employer which shall be
23 effective from July 1 of the even-numbered year to July 1
24 of the succeeding odd-numbered year when new contracts shall
25 become effective.

26 Sec. _____. Section 22.7, subsections 69 and 70, Code 2026,
27 are amended to read as follows:

28 69. The evidence of public employee support for
29 the certification, ~~retention and recertification~~, or
30 decertification of an employee organization as defined in
31 section 20.3 that is submitted to the employment appeal board
32 as provided in [section 20.14](#) or [20.15](#).

33 70. Information indicating whether a public employee
34 voted in a certification, ~~retention and recertification~~, or
35 decertification election held pursuant to [section 20.15](#) or

1 how the employee voted on any question on a ballot in such an
2 election.

3 Sec. _____. Section 602.1401, subsection 3, paragraph b, Code
4 2026, is amended to read as follows:

5 b. For purposes of [chapter 20](#), the certified representative,
6 which on July 1, 1983, represents employees who become judicial
7 branch employees as a result of [1983 Iowa Acts, ch. 186](#), shall
8 remain the certified representative when the employees become
9 judicial branch employees and thereafter, unless the public
10 employee organization is ~~not retained and recertified or is~~
11 decertified in an election held under [section 20.15](#) or amended
12 or absorbed into another certified organization pursuant to
13 chapter 20. Collective bargaining negotiations shall be
14 conducted on a statewide basis and the certified employee
15 organizations which engage in bargaining shall negotiate on a
16 statewide basis, although bargaining units shall be organized
17 by judicial district. The employment appeal board shall adopt
18 rules pursuant to [chapter 17A](#) to implement [this subsection](#).

19 Sec. _____. DIRECTIVES TO EMPLOYMENT APPEAL BOARD.

20 1. The employment appeal board shall cancel any elections
21 scheduled or in process pursuant to section 20.15, subsection
22 2, Code 2026, as of the effective date of this division of this
23 Act.

24 2. Notwithstanding section 20.15, subsection 1, paragraph
25 "c", Code 2026, the employment appeal board shall consider a
26 petition for certification of an employee organization as the
27 exclusive representative of a bargaining unit for which an
28 employee organization was not retained and recertified as the
29 exclusive representative of that bargaining unit regardless of
30 the amount of time that has elapsed since the retention and
31 recertification election at which an employee organization was
32 not retained or recertified.>

33 3. Title page, line 1, after <relating to> by inserting
34 <corrections, including>

35 4. Title page, line 1, after <offenders> by inserting

1 <and collective bargaining by employees of the department of
2 corrections>

3 5. By renumbering as necessary.

RAMIREZ of Linn