Reprinted

FILED MAR 2 7 1991

SENATE FILE 501

BY COMMITTEE ON BUSINESS
AND LABOR RELATIONS

(SUCCESSOR TO SSB 344)

Passed Senate, Date 3/27/91 (p. 905) Passed House, Date _____

Vote: Ayes 47 Nays 0 Vote: Ayes _____ Nays _____

Approved _____

Motion to reconsider (p. 910)
Reconsidered, amended & Passed 3/27/91 (p. 915)
Ayes 43 Nays 1

A BILL FOR

1 An Act relating to collective bargaining by delineating certain
2 duties and powers of the public employment relations board and
3 eliminating fact-finding as an impasse procedure for certain
4 teachers.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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SF 501

TLSB 2730SV 74
aa/cf/24

S.F. 501 H.F. _____

1 Section 1. Section 20.1, subsection 3, Code 1991, is
2 amended to read as follows:
3 3. Fashioning appropriate remedial relief for violations
4 of this chapter, including but not limited to the
5 reinstatement of employees with or without back pay and
6 benefits and the issuance of preliminary and permanent
7 injunctions.
8 Sec. 2. Section 20.6, subsection 3, Code 1991, is amended
9 by striking the subsection and inserting in lieu thereof the
10 following:
11 3. Establish minimum qualifications for arbitrators and
12 mediators, establish procedures for appointing, maintaining,
13 and removing from a list persons representative of the public
14 to be available to serve as arbitrators and mediators, and
15 establish compensation rates for arbitrators and mediators.
16 Sec. 3. Section 20.11, subsection 4, Code 1991, is amended
17 to read as follows:
18 4. The board shall file its findings of fact and
19 conclusions of law within sixty days of the close of any
20 hearing or of submission of the record and any briefs. If the
21 board finds that the party accused has committed a prohibited
22 practice, the board may, within thirty days of its decision,
23 enter into a consent order with the party to discontinue the
24 practice, or after the thirty days following the decision may
25 petition the district court for injunctive relief pursuant to
26 rules of civil procedure 320 to 330.
3204>
27 Sec. 4. Section 20.21, Code 1991, is amended by adding the
28 following new unnumbered paragraph:
29 NEW UNNUMBERED PARAGRAPH. However, the board shall not
30 appoint a fact-finder representative of the public if the
31 public employees in a certified employee organization are
32 teachers licensed under chapter 260 and the public employer is
33 a school district, community college, or area education
34 agency. The board shall adopt rules regarding the time period
35 after mediation when binding arbitration procedures must begin

1 for teachers exempt from this section.

2 EXPLANATION

3 This bill changes provisions governing collective
4 bargaining in the public employment relations Act.
5 Section 1 of the bill gives the public employment relations
6 board (PERB) the authority to issue preliminary and permanent
7 injunctions as remedial relief for violations of the Act.
8 Section 2 requires PERB to establish minimum qualifications
9 for arbitrators and mediators, establish procedures for
10 appointing, maintaining, and removing from a list persons
11 representative of the public to be available to serve as
12 arbitrators and mediators, and establish their compensation
13 rates.
14 Section 3 requires PERB to issue decisions regarding
15 prohibited practice violations within 60 days of the close of
16 any hearing or submission of the record and any briefs.
17 Section 4 eliminates fact-finding as a step in the impasse
18 procedures for teachers licensed under chapter 260, except for
19 those teachers employed by regents' institutions.
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SENATE FILE 501

S-3204

1 Amend Senate File 501 as follows:
2 1. Page 1, by inserting after line 26, the
3 following:
4 "Sec. ___. Section 20.15, Code 1991, is amended by
5 adding the following new subsection:
6 NEW SUBSECTION. 7. A petition for certification
7 as an exclusive bargaining representative, if the
8 public employees are teachers licensed under chapter
9 260 whose public employer is a school district,
10 community college, or area education agency, shall not
11 be considered by the board for a period of one year
12 from the date of the certification or noncertification
13 of an exclusive bargaining representative or during
14 the duration of a collective bargaining agreement
15 which shall be two years. A collective bargaining
16 agreement under this subsection shall be for two years
17 and the provisions of a collective bargaining
18 agreement or arbitrators' award affecting the public
19 employees under this subsection shall not provide for
20 renegotiations which would require the refinancing of
21 salary and fringe benefits for the second year of the
22 term of the agreement, except as provided in section
23 20.17, subsection 6, and the effective date of any
24 such agreement shall be in even-numbered years,
25 provided that if an exclusive bargaining
26 representative is certified on a date which will
27 prevent the negotiation of a collective bargaining
28 agreement prior to the date of the agreement in even-
29 numbered years for a period of two years, the
30 certified collective bargaining representative may
31 negotiate a one-year contract with a public employer
32 which shall be effective from a date in the odd-
33 numbered year to the same date in the succeeding even-
34 numbered year when new contracts shall become
35 effective. However, if a petition for decertification
36 is filed during the duration of a collective
37 bargaining agreement, the board shall award an
38 election under this section not more than one hundred
39 eighty days nor less than one hundred fifty days prior
40 to the expiration of the collective bargaining
41 agreement. If an employee organization is
42 decertified, the board may receive petitions under
43 section 20.14, provided that no such petition and no
44 election conducted pursuant to such petition within
45 one year from decertification shall include as a party
46 the decertified employee organization.
47 Sec. ___. Section 20.17, Code 1991, is amended by
48 adding the following new subsection:
49 NEW SUBSECTION. 11. If the public employees in a
50 certified employee organization are teachers licensed

1 under chapter 260, and the public employer is a school
2 district, community college, or area education agency,
3 the negotiation of a proposed collective bargaining
4 agreement shall be complete not later than June 1 of
5 the year when the agreement is to become effective.
6 The board shall provide, by rule, a date on which any
7 impasse item must be submitted to binding arbitration
8 and for such other procedures as deemed necessary to
9 provide for the completion of negotiations of proposed
10 state collective bargaining agreements not later than
11 June 1. The date selected for the mandatory
12 submission of impasse items to binding arbitration
13 shall be sufficiently in advance of June 1 to insure
14 that the arbitrators' decision can be reasonably made
15 before June 1.
16 Sec. ___. Section 20.19, Code 1991, is amended to
17 read as follows:
18 20.19 IMPASSE PROCEDURES -- AGREEMENT OF PARTIES.
19 As the first step in the performance of their duty
20 to bargain, the public employer and the employee
21 organization shall endeavor to agree upon impasse
22 procedures. Such agreement shall provide for
23 implementation of these impasse procedures not later
24 than one hundred twenty days prior to the certified
25 budget submission date of the public employer.
26 However, if the public employees in the employee
27 organization are teachers licensed under chapter 260,
28 and the public employer is a school district,
29 community college, or area education agency, the
30 agreement shall provide for implementation of impasse
31 procedures not later than ninety days prior to the
32 certified budget submission date of the public
33 employer. If the parties fail to agree upon impasse
34 procedures under the provisions of this section, the
35 impasse procedures provided in sections 20.20 to 20.22
36 shall apply.
37 Sec. ___. Section 20.20, Code 1991, is amended to
38 read as follows:
39 20.20 MEDIATION.
40 In the absence of an impasse agreement between the
41 parties or the failure of either party to utilize its
42 procedures, one hundred twenty days prior to the
43 certified budget submission date, or ninety days prior
44 to the certified budget submission date if the public
45 employees in the employee organization are teachers
46 licensed under chapter 260 and the public employer is
47 a school district, community college, or area
48 education agency, the board shall, upon the request of
49 either party, appoint an impartial and disinterested
50 person to act as mediator. It shall be the function

1 of the mediator to bring the parties together to
2 effectuate a settlement of the dispute, but the
3 mediator may not compel the parties to agree."
4 2. Title page, by striking line 3, and inserting
5 the following: "modifying certain collective
6 bargaining procedures for".
7 3. By renumbering as necessary.

By RICHARD VARN

S-3204 FILED MARCH 27, 1991
ADOPTED (p. 915)

SENATE FILE 501
FISCAL NOTE

A fiscal note for **Senate File 501** is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 501 modifies certain duties and powers of the Public Employment Relations Board (PERB) in regard to collective bargaining procedures for teachers, including:

1. Authority to issue preliminary and permanent injunctions.
2. Requires issuance of findings within 60 days of the close of a hearing or submission of the record and briefs.
3. Procedures for impasse and mediation to apply to teachers of a public school district, community college or area education agency.
4. Eliminates factfinding for teachers.

ASSUMPTIONS:

1. Elimination of factfinding from the impasse procedure will increase the use of mediation and arbitration.
2. Addition of authority for preliminary and permanent injunctions will result in increased need for personnel and court reporters to conduct hearings on requests for preliminary injunctive relief.

FISCAL IMPACT:

With elimination of factfinding, it is estimated that 50% of all disputes will require an additional mediation session. Total dispute requests for teachers in FY 1990 totalled 353 at an average cost of $204 per session. This would require an addition of $36,108 and the equivalent of 0.89 FTE for the PERB.

With the addition of injunction authority, it is estimated that 25% of petitions filed would require a hearing. This would require an addition of $19,536 for personnel and court reporting costs, which is the equivalent of 0.5 FTE for the PERB.

TOTAL IMPACT for FY 1992 would be an increase of General Fund expenditures of $55,644 and 1.39 FTE positions for the PERB.

NOTE: Currently, the cost of factfinding is paid by the parties involved. Elimination of factfinding for teachers increases the need for State paid services, effectively shifting costs from private sources to the State.

Source: Public Employment Relations Board (LSB 2730sv, MAS)

FILED APRIL 18, 1991 BY DENNIS PROUTY, FISCAL DIRECTOR

Hse Labor 4/1 Amend (3603) & Be Pass 4/11/91

SENATE FILE 501
BY COMMITTEE ON BUSINESS
AND LABOR RELATIONS

(SUCCESSOR TO SSB 344)

(AS AMENDED AND PASSED BY THE SENATE MARCH 27, 1991)

_____ - New Language by the Senate

Re Passed Senate, per House amendment as amended Date 5/1/91 (p.1593) Passed House, Date 4/22/91 (p.1440)
Vote: Ayes 47 Nays 0 Vote: Ayes 69 Nays 26
Approved May 14, 1991

Motion to reconsider (p.1440)
" w/d 4/24/91

A BILL FOR

1 An Act relating to collective bargaining by delineating certain
2 duties and powers of the public employment relations board and
3 modifying certain collective bargaining procedures for
4 teachers.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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S.F. 501

SF 501
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S.F. 501 H.F. _____

3603 1 Section 1. Section 20.1, subsection 3, Code 1991, is
2 amended to read as follows:
3 3. Fashioning appropriate remedial relief for violations
4 of this chapter, including but not limited to the
5 reinstatement of employees with or without back pay and
6 benefits and the issuance of preliminary and permanent
7 injunctions.
8 Sec. 2. Section 20.6, subsection 3, Code 1991, is amended
9 by striking the subsection and inserting in lieu thereof the
10 following:
11 3. Establish minimum qualifications for arbitrators and
12 mediators, establish procedures for appointing, maintaining,
13 and removing from a list persons representative of the public
14 to be available to serve as arbitrators and mediators, and
15 establish compensation rates for arbitrators and mediators.
16 Sec. 3. Section 20.11, subsection 4, Code 1991, is amended
17 to read as follows:
18 4. The board shall file its findings of fact and
19 conclusions of law within sixty days of the close of any
3700 20 hearing or of submission of the record and any briefs. If the
21 board finds that the party accused has committed a prohibited
22 practice, the board may, within thirty days of its decision,
23 enter into a consent order with the party to discontinue the
24 practice, or after the thirty days following the decision may
25 petition the district court for injunctive relief pursuant to
26 rules of civil procedure 320 to 330.
27 Sec. 4. Section 20.15, Code 1991, is amended by adding the
28 following new subsection:
29 NEW SUBSECTION. 7. A petition for certification as an
30 exclusive bargaining representative, if the public employees
31 are teachers licensed under chapter 260 whose public employer
32 is a school district, community college, or area education
33 agency, shall not be considered by the board for a period of
34 one year from the date of the certification or
35 noncertification of an exclusive bargaining representative or

1 during the duration of a collective bargaining agreement which
2 shall be two years. A collective bargaining agreement under
3 this subsection shall be for two years and the provisions of a
4 collective bargaining agreement or arbitrators' award
5 affecting the public employees under this subsection shall not
6 provide for renegotiations which would require the refinancing
7 of salary and fringe benefits for the second year of the term
8 of the agreement, except as provided in section 20.17,
9 subsection 6, and the effective date of any such agreement
10 shall be in even-numbered years, provided that if an exclusive
11 bargaining representative is certified on a date which will
12 prevent the negotiation of a collective bargaining agreement
13 prior to the date of the agreement in even-numbered years for
14 a period of two years, the certified collective bargaining
15 representative may negotiate a one-year contract with a public
16 employer which shall be effective from a date in the odd-
17 numbered year to the same date in the succeeding even-numbered
18 year when new contracts shall become effective. However, if a
19 petition for decertification is filed during the duration of a
20 collective bargaining agreement, the board shall award an
21 election under this section not more than one hundred eighty
22 days nor less than one hundred fifty days prior to the
23 expiration of the collective bargaining agreement. If an
24 employee organization is decertified, the board may receive
25 petitions under section 20.14, provided that no such petition
26 and no election conducted pursuant to such petition within one
27 year from decertification shall include as a party the
28 decertified employee organization.
29 Sec. 5. Section 20.17, Code 1991, is amended by adding the
30 following new subsection:
3603 31 NEW SUBSECTION. 11. If the public employees in a
32 certified employee organization are teachers licensed under
33 chapter 260, and the public employer is a school district,
34 community college, or area education agency, the negotiation
35 of a proposed collective bargaining agreement shall be

1 complete not later than June 1 of the year when the agreement
2 is to become effective. The board shall provide, by rule, a
3 date on which any impasse item must be submitted to binding
4 arbitration and for such other procedures as deemed necessary
5 to provide for the completion of negotiations of proposed
3700 6 state collective bargaining agreements not later than June 1.
7 The date selected for the mandatory submission of impasse
8 items to binding arbitration shall be sufficiently in advance
9 of June 1 to insure that the arbitrators' decision can be
10 reasonably made before June 1.
11 Sec. 6. Section 20.19, Code 1991, is amended to read as
12 follows:
13 20.19 IMPASSE PROCEDURES -- AGREEMENT OF PARTIES.
14 As the first step in the performance of their duty to
15 bargain, the public employer and the employee organization
16 shall endeavor to agree upon impasse procedures. Such
17 agreement shall provide for implementation of these impasse
18 procedures not later than one hundred twenty days prior to the
19 certified budget submission date of the public employer.
3700 20 However, if the public employees in the employee organization
21 are teachers licensed under chapter 260, and the public
22 employer is a school district, community college, or area
23 education agency, the agreement shall provide for
24 implementation of impasse procedures not later than ninety
25 days prior to the certified budget submission date of the
26 public employer. If the parties fail to agree upon impasse
27 procedures under the provisions of this section, the impasse
28 procedures provided in sections 20.20 to 20.22 shall apply.
29 Sec. 7. Section 20.20, Code 1991, is amended to read as
30 follows:
31 20.20 MEDIATION.
32 In the absence of an impasse agreement between the parties
33 or the failure of either party to utilize its procedures, one
34 hundred twenty days prior to the certified budget submission
35 date, or ninety days prior to the certified budget submission

3700 1 date if the public employees in the employee organization are
2 teachers licensed under chapter 260 and the public employer is
3 a school district, community college, or area education
4 agency, the board shall, upon the request of either party,
5 appoint an impartial and disinterested person to act as
6 mediator. It shall be the function of the mediator to bring
7 the parties together to effectuate a settlement of the
8 dispute, but the mediator may not compel the parties to agree.
9 Sec. 8. Section 20.21, Code 1991, is amended by adding the
10 following new unnumbered paragraph:
11 NEW UNNUMBERED PARAGRAPH. However, the board shall not
12 appoint a fact-finder representative of the public if the
3700 13 public employees in a certified employee organization are
14 teachers licensed under chapter 260 and the public employer is
15 a school district, community college, or area education
16 agency. The board shall adopt rules regarding the time period
17 after mediation when binding arbitration procedures must begin
18 for teachers exempt from this section.
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SENATE FILE 501

H-3766

1 Amend Senate File 501, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by inserting after line 7, the
4 following:
5 "Sec. ___. Section 20.1, Code 1991, is amended by
6 adding the following new subsection:
7 NEW SUBSECTION. 8. Maintain a panel of twelve
8 qualified persons to arbitrate cases pursuant to
9 section 279.13 and to adjudicate cases pursuant to
10 section 279.17, to provide such persons training in
11 statutory standards and procedures, and to provide
12 requesting parties a list for purposes of selection of
13 an arbitrator or adjudicator from the panel. Listing
14 on this panel shall be for a period of two years.
15 Initial appointment and reappointment shall occur only
16 after board consultation with the parties.
17 Arbitrators and adjudicators who fail to follow
18 statutory standards and procedures shall not be
19 reappointed. The parties may in the course of
20 negotiations mutually agree to alternative selection
21 procedures for an arbitrator, however, such
22 arbitrations shall be governed by the provisions of
23 this section.
24 A hearing before an arbitrator on a grievance
25 concerning a termination or discharge of a licensed
26 teacher shall be transcribed by a certified court
27 reporter and the arbitrator shall, thirty days
28 following the issuance of the decision, transmit the
29 entire record of the proceedings to the school board
30 secretary. If either party rejects the arbitrator's
31 decision, the rejecting party shall, within thirty
32 days of the initial filing of such decision, appeal to
33 the district court of the county in which the
34 administrative office of the school district is
35 located in accordance with the procedures of section
36 17A.19, applying the standards of review set forth in
37 this section. The notice of appeal shall be
38 immediately mailed by certified mail to the other
39 party. The board secretary shall transmit to the
40 reviewing court the original or a certified copy of
41 the entire record which may be the subject of the
42 petition. In proceedings for judicial review of the
43 arbitrator's decision, the court shall not hear any
44 further evidence but shall hear the case upon the
45 certified record. The court shall reverse, modify, or
46 grant any other appropriate relief from the
47 arbitrator's decision, either equitable or legal, and
48 including declaratory relief if substantial rights of
49 the petitioner have been prejudiced because the
50 arbitrator's award is any of the following:

1 a. In violation of constitutional or statutory
2 provisions.
3 b. In excess of the statutory authority of the
4 arbitrator.
5 c. In violation of a board rule, policy, or
6 contract.
7 d. Not in strict adherence to school board's
8 standards of expectations or criteria for professional
9 performance or conduct established pursuant to this
10 section.
11 e. In violation of public policy.
12 f. Made upon unlawful procedure.
13 g. Affected by other error of law.
14 h. Unsupported by a preponderance of the competent
15 evidence in the record made before the arbitrator when
16 that record is viewed as a whole.
17 i. In violation of the standard of just cause.
18 j. Unreasonable, arbitrary, or capricious or
19 characterized by an abuse of discretion or a clearly
20 unwarranted exercise of discretion.
21 An aggrieved or adversely affected party to the
22 judicial review proceeding may obtain a review of any
23 final judgment of the district court by appeal to the
24 supreme court. The appeal shall be taken as in other
25 civil cases, although the appeal may be taken
26 regardless of the amount involved.
27 Notwithstanding the provisions of section 279.14,
28 each school board with a bargaining unit of licensed
29 teachers, and not the board of educational examiners,
30 shall establish and implement standards of performance
31 for teachers, which shall be deemed to be a part of
32 every collective bargaining agreement negotiated
33 pursuant to chapter 20 and part of every teacher's
34 contract of employment entered into pursuant to
35 section 279.13. Such standards shall maintain the
36 superior quality, performance, and role model
37 effectiveness of teachers and shall provide for the
38 termination of teachers failing to meet such
39 standards. These performance standards shall not be
40 mandatory subject of bargaining pursuant to section
41 20.9."
42 2. By renumbering as necessary.

By McNEAL of Hardin

H-3766 FILED APRIL 22, 1991
NOT GERMANE (p. 1438)

SENATE FILE 501

H-3768

1 Amend Senate File 501, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 4, by striking lines 9 through 18.

By IVERSON of Wright

H-3768 FILED APRIL 22, 1991
LOST (p. 1439)

SENATE FILE 501

H-3603

1 Amend Senate File 501, as amended, passed, and
2 reprinted by the Senate as follows:
3 1. Page 1, by striking lines 1 through 7.
4 2. By striking page 1, line 27 through page 2,
5 line 28.
6 3. Page 3, line 1, by striking the word and
7 figure "June 1" and inserting the following: "April
8 15".
9 4. Page 3, line 6, by striking the word and
10 figure "June 1." and inserting the following: "April
11 15."
12 5. Page 3, line 9, by striking the word and
13 figure "June 1" and inserting the following: "April
14 15".
15 6. Page 3, line 10, by striking the word and
16 figure "June 1." and inserting the following: "April
17 15."
18 7. Page 4, by inserting after line 18, the
19 following:
20 "Sec. ___. Section 279.15, subsection 1, Code
21 1991, is amended to read as follows:
22 1. The superintendent or the superintendent's
23 designee shall notify the teacher not later than ~~March~~
24 April 15 that the superintendent will recommend in
25 writing to the board at a regular or special meeting
26 of the board held not later than ~~March 31~~ April 30
27 that the teacher's continuing contract be terminated
28 effective at the end of the current school year.
29 However, if the district is subject to reorganization
30 under chapter 275, the notification shall not occur
31 until after the first organizational meeting of the
32 board of the newly formed district."
33 8. By renumbering as necessary.

By COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS
RENAUD of Polk, Chairperson

H-3603 FILED APRIL 11, 1991
Adopted 4/22/91 (p. 1436)

SENATE FILE 501

H-3700

1 Amend Senate File 501, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by striking line 20 and inserting the
4 following: "hearing, receipt of the transcript, or
5 submission of any briefs. If the".
6 2. Page 3, line 6, by striking the word "state".
7 3. Page 3, line 20, by striking the word "in" and
8 inserting the following: "represented by".
9 4. Page 4, line 1, by striking the word "in" and
10 inserting the following: "represented by".
11 5. Page 4, line 13, by striking the word "in" and
12 inserting the following: "represented by".

By CONNORS of Polk

H-3700 FILED APRIL 17, 1991
Adopted 4/22/91 (p. 1439)

HOUSE AMENDMENT TO
SENATE FILE 501

S-3568

1 Amend Senate File 501, as amended, passed, and
2 reprinted by the Senate as follows:
3 1. Page 1, by striking lines 1 through 7.
4 2. Page 1, by striking line 20 and inserting the
5 following: "hearing, receipt of the transcript, or
6 submission of any briefs. If the".
7 3. By striking page 1, line 27 through page 2,
8 line 28.
9 4. Page 3, line 1, by striking the word and
10 figure "June 1" and inserting the following: "April
11 15".
12 5. Page 3, line 6, by striking the word "state".
13 6. Page 3, line 6, by striking the word and
14 figure "June 1." and inserting the following: "April
15 15."
16 7. Page 3, line 9, by striking the word and
17 figure "June 1" and inserting the following: "April
18 15".
19 8. Page 3, line 10, by striking the word and
20 figure "June 1." and inserting the following: "April
21 15."
22 9. Page 3, line 20, by striking the word "in" and
23 inserting the following: "represented by".
24 10. Page 4, line 1, by striking the word "in" and
25 inserting the following: "represented by".
26 11. Page 4, line 13, by striking the word "in"
27 and inserting the following: "represented by".
28 12. Page 4, by inserting after line 18, the
29 following:
30 "Sec. ___. Section 279.15, subsection 1, Code
31 1991, is amended to read as follows:
32 1. The superintendent or the superintendent's
33 designee shall notify the teacher not later than ~~March~~
34 April 15 that the superintendent will recommend in
35 writing to the board at a regular or special meeting
36 of the board held not later than ~~March 31~~ April 30
37 that the teacher's continuing contract be terminated
38 effective at the end of the current school year.
39 However, if the district is subject to reorganization
40 under chapter 275, the notification shall not occur
41 until after the first organizational meeting of the
42 board of the newly formed district."
43 13. By renumbering, relettering, or redesignating
44 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-3568 FILED APRIL 24, 1991
Senate concurred 5/1/91 (p 1593)

SENATE FILE 501

S-3672

1 Amend the House amendment, S-3568, to Senate File
2 501, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, by inserting after line 3 the fol-
5 lowing:
6 "___. Page 1, by inserting after line 15 the
7 following:
8 "___. Section 100. Section 20.9, Code 1991, is
9 amended by adding the following new unnumbered para-
10 graph:
11 NEW UNNUMBERED PARAGRAPH. Collective bargaining
12 agreements for professional staff licensed under
13 chapter 260 shall not provide salary increases at a
14 percent higher than the actual percent of increase in
15 the budgets of the school corporation from the
16 previous school year.""
17 2. Page 1, line 42, by striking the word
18 "district." and inserting the following: "district.
19 Sec. ___. APPLICABILITY DATE. Section 100 applies
20 to collective bargaining agreements entered into on or
21 after the effective date of this Act."
22 3. Page 1, by inserting after line 42 the fol-
23 lowing:
24 "___. Title page, line 2, by striking the words
25 "board and" and inserting the following: "board,".
26 ___. Title page, line 4, by inserting after the
27 word "teachers" the following: ", and providing for
28 the applicability of a provision of the Act"."

By RAY TAYLOR

S-3672 FILED MAY 1, 1991
RULED OUT OF ORDER (p.1593)

Running, Ch.
Buhr
Rensink

SSB 344
Business & Labor Relations

SENATE FILE 501
BY (PROPOSED COMMITTEE ON BUSINESS AND LABOR RELATIONS BILL BY CHAIRPERSON RUNNING)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to collective bargaining by delineating certain
2 duties and powers of the public employment relations board and
3 eliminating fact-finding as an impasse procedure for certain
4 teachers.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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TLSB 2730SC 74
aa/cf/24

1 Section 1. Section 20.1, subsection 3, Code 1991, is
2 amended to read as follows:
3 3. Fashioning appropriate remedial relief for violations
4 of this chapter, including but not limited to the
5 reinstatement of employees with or without back pay and
6 benefits and the issuance of preliminary and permanent
7 injunctions.
8 Sec. 2. Section 20.6, subsection 3, Code 1991, is amended
9 by striking the subsection and inserting in lieu thereof the
10 following:
11 3. Establish minimum qualifications for arbitrators and
12 mediators, establish procedures for appointing, maintaining,
13 and removing from a list persons representative of the public
14 to be available to serve as arbitrators and mediators, and
15 establish compensation rates for arbitrators and mediators.
16 Sec. 3. Section 20.11, subsection 4, Code 1991, is amended
17 to read as follows:
18 4. The board shall file its findings of fact and
19 conclusions of law within sixty days of the close of any
20 hearing or of submission of the record and any briefs. If the
21 board finds that the party accused has committed a prohibited
22 practice, the board may, within thirty days of its decision,
23 enter into a consent order with the party to discontinue the
24 practice, or after the thirty days following the decision may
25 petition the district court for injunctive relief pursuant to
26 rules of civil procedure 320 to 330.
27 Sec. 4. Section 20.21, Code 1991, is amended by adding the
28 following new unnumbered paragraph:
29 NEW UNNUMBERED PARAGRAPH. However, the board shall not
30 appoint a fact-finder representative of the public if the
31 public employees in a certified employee organization are
32 teachers licensed under chapter 260 and the public employer is
33 a school district, community college, or area education
34 agency. The board shall adopt rules regarding the time period
35 after mediation when binding arbitration procedures must begin

1 for teachers exempt from this section.

2 EXPLANATION

3 This bill changes provisions governing collective
4 bargaining in the public employment relations Act.
5 Section 1 of the bill gives the public employment relations
6 board (PERB) the authority to issue preliminary and permanent
7 injunctions as remedial relief for violations of the Act.
8 Section 2 requires PERB to establish minimum qualifications
9 for arbitrators and mediators, establish procedures for
10 appointing, maintaining, and removing from a list persons
11 representative of the public to be available to serve as
12 arbitrators and mediators, and establish their compensation
13 rates.
14 Section 3 requires PERB to issue decisions regarding
15 prohibited practice violations within 60 days of the close of
16 any hearing or submission of the record and any briefs.
17 Section 4 eliminates fact-finding as a step in the impasse
18 procedures for teachers licensed under chapter 260, except for
19 those teachers employed by regents' institutions.
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SENATE FILE 501

AN ACT

RELATING TO COLLECTIVE BARGAINING BY DELINEATING CERTAIN DUTIES AND POWERS OF THE PUBLIC EMPLOYMENT RELATIONS BOARD AND MODIFYING CERTAIN COLLECTIVE BARGAINING PROCEDURES FOR TEACHERS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 20.6, subsection 3, Code 1991, is amended by striking the subsection and inserting in lieu thereof the following:

3. Establish minimum qualifications for arbitrators and mediators, establish procedures for appointing, maintaining, and removing from a list persons representative of the public to be available to serve as arbitrators and mediators, and establish compensation rates for arbitrators and mediators.

Sec. 2. Section 20.11, subsection 4, Code 1991, is amended to read as follows:

4. The board shall file its findings of fact and conclusions of law within sixty days of the close of any hearing, receipt of the transcript, or submission of any briefs. If the board finds that the party accused has committed a prohibited practice, the board may, within thirty days of its decision, enter into a consent order with the party to discontinue the practice, or after the thirty days following the decision may petition the district court for injunctive relief pursuant to rules of civil procedure 320 to 330.

Sec. 3. Section 20.17, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 11. If the public employees in a certified employee organization are teachers licensed under chapter 260, and the public employer is a school district, community college, or area education agency, the negotiation of a proposed collective bargaining agreement shall be complete not later than April 15 of the year when the agreement is to become effective. The board shall provide, by rule, a date on which any impasse item must be submitted to binding arbitration and for such other procedures as deemed necessary to provide for the completion of negotiations of proposed collective bargaining agreements not later than April 15. The date selected for the mandatory submission of impasse items to binding arbitration shall be sufficiently in advance of April 15 to insure that the arbitrators' decision can be reasonably made before April 15.

Sec. 4. Section 20.19, Code 1991, is amended to read as follows:

20.19 IMPASSE PROCEDURES -- AGREEMENT OF PARTIES.

As the first step in the performance of their duty to bargain, the public employer and the employee organization shall endeavor to agree upon impasse procedures. Such agreement shall provide for implementation of these impasse procedures not later than one hundred twenty days prior to the certified budget submission date of the public employer. However, if the public employees represented by the employee organization are teachers licensed under chapter 260, and the public employer is a school district, community college, or area education agency, the agreement shall provide for implementation of impasse procedures not later than ninety days prior to the certified budget submission date of the public employer. If the parties fail to agree upon impasse procedures under the provisions of this section, the impasse procedures provided in sections 20.20 to 20.22 shall apply.

Sec. 5. Section 20.20, Code 1991, is amended to read as follows:

20.20 MEDIATION.

In the absence of an impasse agreement between the parties or the failure of either party to utilize its procedures, one hundred twenty days prior to the certified budget submission date, or ninety days prior to the certified budget submission date if the public employees represented by the employee organization are teachers licensed under chapter 260 and the public employer is a school district, community college, or area education agency, the board shall, upon the request of either party, appoint an impartial and disinterested person to act as mediator. It shall be the function of the mediator to bring the parties together to effectuate a settlement of the dispute, but the mediator may not compel the parties to agree.

Sec. 6. Section 20.21, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. However, the board shall not appoint a fact-finder representative of the public if the public employees represented by a certified employee organization are teachers licensed under chapter 260 and the public employer is a school district, community college, or area education agency. The board shall adopt rules regarding the time period after mediation when binding arbitration procedures must begin for teachers exempt from this section.

Sec. 7. Section 279.15, subsection 1, Code 1991, is amended to read as follows:

1. The superintendent or the superintendent's designee shall notify the teacher not later than ~~March~~ April 15 that the superintendent will recommend in writing to the board at a regular or special meeting of the board held not later than ~~March 31~~ April 30 that the teacher's continuing contract be terminated effective at the end of the current school year. However, if the district is subject to reorganization under chapter 275, the notification shall not occur until after the

first organizational meeting of the board of the newly formed district.

JOE J. WELSH
President of the Senate

ROBERT C. ARNOULD
Speaker of the House

I hereby certify that this bill originat d in the Senate and is known as Senate File 501, Seventy-fourth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved May 14, 1991

TERRY E. BRANSTAD
Governor