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HOUSE FILE 183

LABOR & INDUSTRIAL RELATIONS

BY GRUNDBERG

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to public employee collective bargaining by  
2 eliminating fact-finding in negotiations, modifying the time  
3 guidelines concerning bargaining by certain employees, and  
4 changing the budget certification date and the notice of  
5 teacher termination date for school districts.

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

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HF 183

1 Section 1. Section 20.1, subsection 5, Code 1995, is  
2 amended to read as follows:

3 5. Providing mediators, ~~fact-finders~~, and arbitrators to  
4 resolve impasses in negotiations.

5 Sec. 2. Section 20.3, subsection 5, Code 1995, is amended  
6 by striking the subsection.

7 Sec. 3. Section 20.17, subsection 11, paragraph a, Code  
8 1995, is amended to read as follows:

9 a. In the absence of an impasse agreement negotiated  
10 pursuant to section 20.19 which provides for a different  
11 completion date, public employees represented by a certified  
12 employee organization, who-are including teachers licensed  
13 under chapter 272, and who are employed by a public employer  
14 which is a school district or area education agency shall  
15 complete the negotiation of a proposed collective bargaining  
16 agreement not later than ~~May-31~~ April 30 of the year when the  
17 agreement is to become effective. The board shall provide, by  
18 rule, a date on which impasse items in such cases must be  
19 submitted to binding arbitration and for such other procedures  
20 as deemed necessary to provide for the completion of  
21 negotiations of proposed collective bargaining agreements not  
22 later than ~~May-31~~ April 30. The date selected for the  
23 mandatory submission of impasse items to binding arbitration  
24 in such cases shall be sufficiently in advance of ~~May-31~~ April  
25 30 to ensure that the arbitrators' decision can be reasonably  
26 made before ~~May-31~~ April 30.

27 Sec. 4. Section 20.19, Code 1995, is amended to read as  
28 follows:

29 20.19 IMPASSE PROCEDURES -- AGREEMENT OF PARTIES.

30 As the first step in the performance of their duty to  
31 bargain, the public employer and the employee organization  
32 shall endeavor to agree upon impasse procedures. Such  
33 agreement shall provide for implementation of these impasse  
34 procedures not later than one hundred twenty days prior to the  
35 certified budget submission date of the public employer.

1 However, ~~if public employees represented by the employee~~  
2 ~~organization are teachers licensed under chapter 272, and the~~  
3 ~~public employer is a school district or area education agency,~~  
4 ~~the agreement shall provide for implementation of impasse~~  
5 ~~procedures not later than one hundred twenty days prior to May~~  
6 ~~31 of the year when the collective bargaining agreement is to~~  
7 ~~become effective.~~ If the public employer is a community  
8 college, the agreement shall provide for implementation of  
9 impasse procedures not later than one hundred twenty days  
10 prior to May 31 of the year when the collective bargaining  
11 agreement is to become effective. If the parties fail to  
12 agree upon impasse procedures under the provisions of this  
13 section, the impasse procedures provided in sections 20.20 to  
14 and 20.22 shall apply.

15 Sec. 5. Section 20.20, Code 1995, is amended to read as  
16 follows:

17 20.20 MEDIATION.

18 In the absence of an impasse agreement negotiated pursuant  
19 to section 20.19 or the failure of either party to utilize its  
20 procedures, one hundred twenty days prior to the certified  
21 budget submission date, ~~or one hundred twenty days prior to~~  
22 ~~May 31 of the year when the collective bargaining agreement is~~  
23 ~~to become effective if public employees represented by the~~  
24 ~~employee organization are teachers licensed under chapter 272~~  
25 ~~and the public employer is a school district or area education~~  
26 ~~agency,~~ the board shall, upon the request of either party,  
27 appoint an impartial and disinterested person to act as  
28 mediator. If the public employer is a community college, and  
29 in the absence of an impasse agreement negotiated pursuant to  
30 section 20.19 or the failure of either party to utilize its  
31 procedures, one hundred twenty days prior to May 31 of the  
32 year when the collective bargaining agreement is to become  
33 effective, the board, upon the request of either party, shall  
34 appoint an impartial and disinterested person to act as  
35 mediator. It shall be the function of the mediator to bring

1 the parties together to effectuate a settlement of the  
2 dispute, but the mediator may not compel the parties to agree.

3 Sec. 6. Section 20.22, subsection 1, Code 1995, is amended  
4 to read as follows:

5 1. If an impasse persists after ~~the findings of fact and~~  
6 ~~recommendations are made public by the fact finder~~ at least  
7 ten days following the effective date of the appointment of  
8 the mediator, the parties may continue to negotiate or, the  
9 board shall have the power, upon request of either party, to  
10 arrange for arbitration, which shall be binding. The request  
11 for arbitration shall be in writing and a copy of the request  
12 shall be served upon the other party.

13 Sec. 7. Section 20.22, subsection 3, Code 1995, is amended  
14 to read as follows:

15 3. The submission of the impasse items to the arbitrators  
16 shall be limited to those issues ~~that had been considered by~~  
17 ~~the fact finder and~~ upon which the parties have not reached  
18 agreement. With respect to each such item, the arbitration  
19 board award shall be restricted to the final offers on each  
20 impasse item submitted by the parties to the arbitration board  
21 ~~or to the recommendation of the fact finder on each impasse~~  
22 ~~item.~~

23 Sec. 8. Section 20.22, subsection 11, Code 1995, is  
24 amended to read as follows:

25 11. A majority of the panel of arbitrators shall select  
26 within fifteen days after its first meeting the most  
27 reasonable offer, in its judgment, of the final offers on each  
28 impasse item submitted by the parties, ~~or the recommendations~~  
29 ~~of the fact finder on each impasse item.~~

30 Sec. 9. Section 24.17, unnumbered paragraph 1, Code 1995,  
31 is amended to read as follows:

32 The local budgets of the various political subdivisions  
33 shall be certified by the chairperson of the certifying board  
34 or levying board, as the case may be, in duplicate to the  
35 county auditor not later than March 15 of each year on blanks

1 prescribed by the state board, and according to the rules and  
2 instruction which shall be furnished all certifying and  
3 levying boards in printed form by the state board or city  
4 finance committee in the case of cities. However, if a city  
5 or county holds a special levy election, the certification  
6 shall be not later than fourteen days following the special  
7 levy election, and if the political subdivision is a school  
8 district, as defined in section 257.2, its budget shall be  
9 certified not later than ~~April 15~~ April 30 of each year.

10 Sec. 10. Section 24.27, Code 1995, is amended to read as  
11 follows:

12 24.27 PROTEST TO BUDGET.

13 Not later than March 25 or ~~April 25~~ May 10 if the  
14 municipality is a school district, a number of persons in any  
15 municipality equal to one-fourth of one percent of those  
16 voting for the office of governor, at the last general  
17 election in the municipality, but the number shall not be less  
18 than ten, and the number need not be more than one hundred  
19 persons, who are affected by any proposed budget, expenditure  
20 or tax levy, or by any item thereof, may appeal from any  
21 decision of the certifying board or the levying board by  
22 filing with the county auditor of the county in which the  
23 municipal corporation is located, a written protest setting  
24 forth their objections to the budget, expenditure or tax levy,  
25 or to one or more items thereof, and the grounds for their  
26 objections. If a budget is certified after March 15 or ~~April~~  
27 ~~15~~ April 30 in the case of a school district, all appeal time  
28 limits shall be extended to correspond to allowances for a  
29 timely filing. Upon the filing of a protest, the county  
30 auditor shall immediately prepare a true and complete copy of  
31 the written protest, together with the budget, proposed tax  
32 levy or expenditure to which objections are made, and shall  
33 transmit them forthwith to the state board, and shall also  
34 send a copy of the protest to the certifying board or to the  
35 levying board, as the case may be.

1 Sec. 11. Section 76.2, unnumbered paragraph 2, Code 1995,  
2 is amended to read as follows:

3 If the resolution is filed prior to April 1 or ~~May-1~~ May  
4 15, if the political subdivision is a school district, the  
5 annual levy shall begin with the tax levy for collection  
6 commencing July 1 of that year. If the resolution is filed  
7 after April 1 or ~~May-1~~ May 15, in the case of a school  
8 district, the annual levy shall begin with the tax levy for  
9 collection in the next succeeding fiscal year. However, the  
10 governing authority of a political subdivision may adjust a  
11 levy of taxes made under this section for the purpose of  
12 adjusting the annual levies and collections for property  
13 severed from the political subdivision, subject to the  
14 approval of the director of the department of management.

15 Sec. 12. Section 257.19, unnumbered paragraph 2, Code  
16 1995, is amended to read as follows:

17 Certification of a board's intent to participate for a  
18 budget year, the method of funding, and the amount to be  
19 raised shall be made to the department of management not later  
20 than ~~April-15~~ April 30 of the base year. Funding for the  
21 instructional support program shall be obtained from  
22 instructional support state aid and from local funding using  
23 either an instructional support property tax or a combination  
24 of an instructional support property tax and an instructional  
25 support income surtax.

26 Sec. 13. Section 257.29, unnumbered paragraph 2, Code  
27 1995, is amended to read as follows:

28 The educational improvement program shall provide  
29 additional revenues each fiscal year equal to a specified  
30 percent of the regular program district cost of the district,  
31 as determined by the board but not more than the maximum  
32 percent authorized by the electors if an election has been  
33 held. Certification of a district's participation for a  
34 budget year, the method of funding, and the amount to be  
35 raised shall be made to the department of management not later

1 than ~~April-15~~ April 30 of the base year.

2 Sec. 14. Section 279.15, subsection 1, Code 1995, is  
3 amended to read as follows:

4 1. The superintendent or the superintendent's designee  
5 shall notify the teacher not later than ~~April-30~~ May 15 that  
6 the superintendent will recommend in writing to the board at a  
7 regular or special meeting of the board, held not later than  
8 ~~May-15~~ May 31, that the teacher's continuing contract be  
9 terminated effective at the end of the current school year.  
10 However, if the district is subject to reorganization under  
11 chapter 275, the notification shall not occur until after the  
12 first organizational meeting of the board of the newly formed  
13 district.

14 Sec. 15. Section 279.16, unnumbered paragraph 6, Code  
15 1995, is amended to read as follows:

16 If the teacher fails to timely request a private hearing or  
17 does not appear at the private hearing, the board may proceed  
18 and make a determination upon the superintendent's  
19 recommendation. If the teacher fails to timely file a request  
20 for a private hearing, the determination shall be not later  
21 than ~~May-31~~ June 15. If the teacher fails to appear at the  
22 private hearing, the determination shall be not later than  
23 five days after the scheduled date for the private hearing.  
24 The board shall convene in open session and by roll call vote  
25 determine the termination or continuance of the teacher's  
26 contract.

27 Sec. 16. Section 279.54, unnumbered paragraph 1, Code  
28 1995, is amended to read as follows:

29 If a majority of those voting in an election approves  
30 raising the additional enrichment amount for an asbestos  
31 project under section 279.53 and this section, not later than  
32 ~~April-15~~ April 30 of the previous school year the board shall  
33 certify to the department of management that the required  
34 procedures have been carried out, the method of funding the  
35 amount to be raised, and the department of management shall

1 establish the amount of additional enrichment property tax to  
2 be levied or the amount of the combination of the enrichment  
3 property tax and the amount of enrichment income surtax to be  
4 imposed for each school year for which the additional  
5 enrichment amount for an asbestos project is authorized. The  
6 enrichment property tax and income surtax, if an income surtax  
7 is imposed, shall be levied and imposed, collected, and paid  
8 to the school district in the manner provided for the  
9 instructional support program in sections 257.21 through  
10 257.26.

11 Sec. 17. Section 298.2, subsection 2, Code 1995, is  
12 amended to read as follows:

13 2. The board of directors of a school district may certify  
14 for levy by ~~April-15~~ April 30 of a school year a tax on all  
15 taxable property in the school district for the regular  
16 physical plant and equipment levy.

17 Sec. 18. Section 298.2, subsection 3, unnumbered paragraph  
18 2, Code 1995, is amended to read as follows:

19 If a combination of a property tax and income surtax is  
20 used, by ~~April-15~~ April 30 of the previous school year, the  
21 board shall certify the percent of the income surtax to be  
22 imposed and the amount to be raised to the department of  
23 management and the department of management shall establish  
24 the rate of the property tax and income surtax for the school  
25 year. The physical plant and equipment property tax and  
26 income surtax shall be levied or imposed, collected, and paid  
27 to the school district in the manner provided for the  
28 instructional support program in sections 257.21 through  
29 257.26.

30 Sec. 19. Section 298.4, unnumbered paragraph 1, Code 1995,  
31 is amended to read as follows:

32 The board of directors of a school district may certify for  
33 levy by ~~April-15~~ April 30 of a school year, a tax on all  
34 taxable property in the school district for a district  
35 management levy. The revenue from the tax levied in this

1 section shall be placed in the district management levy fund  
2 of the school district. The district management levy shall be  
3 expended only for the following purposes:

4 Sec. 20. Section 298.10, Code 1995, is amended to read as  
5 follows:

6 298.10 LEVY FOR CASH RESERVE.

7 The board of directors of a school district may certify for  
8 levy by ~~April 15~~ April 30 of a school year, a tax on all  
9 taxable property in the school district in order to raise an  
10 amount for a necessary cash reserve for a school district's  
11 general fund. The amount raised for a necessary cash reserve  
12 does not increase a school district's authorized expenditures  
13 as defined in section 257.7.

14 Sec. 21. Section 300.2, unnumbered paragraph 2, Code 1995,  
15 is amended to read as follows:

16 If a majority of the votes cast upon the proposition is in  
17 favor of the proposition, the board shall certify the amount  
18 required for a fiscal year to the county board of supervisors  
19 by ~~April 15~~ April 30 of the preceding fiscal year. The board  
20 of supervisors shall levy the amount certified. The amount  
21 shall be placed in the public education and recreation levy  
22 fund of the district and shall be used only for the purposes  
23 specified in this chapter.

24 Sec. 22. Section 20.21, Code 1995, is repealed.

25 EXPLANATION

26 This bill eliminates fact-finding as a method of resolving  
27 an impasse concerning collective bargaining for public  
28 employees.

29 The bill changes from May 31 to April 30 the date that  
30 collective bargaining for employees of a school district or  
31 area education agency, including teachers, must be completed.  
32 The bill also provides that, for teachers, an agreement by the  
33 parties on impasse procedures must be implemented no later  
34 than 120 days prior to the certified budget submission date  
35 for the public employer instead of the current 120 days prior

1 to May 31. If impasse procedures are not agreed upon or  
2 followed in regards to teachers, the bill also provides that a  
3 mediator can be appointed 120 days prior to the certified  
4 budget submission date for the public employer instead of the  
5 current 120 days prior to May 31.

6 The bill also provides that binding arbitration can be  
7 requested by the parties in all public employee negotiations  
8 after 10 days following appointment of a mediator. Currently,  
9 public employees that are not teachers can request binding  
10 arbitration after fact-finding and the 10-day provision only  
11 applies to teachers pursuant to the administrative rules.

12 The bill also changes the budget certification date for  
13 school districts from April 15 to April 30, and adjusts the  
14 time guidelines for other related budgetary requirements and  
15 the time for a protest to the budget accordingly.

16 The bill also changes the date for notice of teacher  
17 terminations from April 30 to May 15, and adjusts the time  
18 guidelines for other related matters accordingly.

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