

P.174- Failed to Pass Committee
1-24-94

JAN 12 1995
LABOR & INDUSTRIAL RELATIONS

HOUSE FILE 40
BY MILLAGE, TYRRELL, and SUKUP

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

A BILL FOR

1 An Act relating to the public employee collective bargaining law
2 by requiring an appropriation prior to implementing items in a
3 collective bargaining award to state employees that require
4 economic adjustments.

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

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HF 40

1 Section 1. Section 20.3, subsection 1, Code 1995, is
2 amended to read as follows:

3 1. "Arbitration" means the procedure whereby the parties
4 involved in an impasse submit their differences to a third
5 party for a ~~final-and-binding~~ decision or as provided in this
6 chapter.

7 Sec. 2. Section 20.17, subsection 10, Code 1995, is
8 amended to read as follows:

9 10. The negotiation of a proposed collective bargaining
10 agreement by representatives of a state public employer and a
11 state employee organization shall be complete not later than
12 March 15 of the year when the agreement is to become
13 effective. The board shall provide, by rule, a date on which
14 any impasse item must be submitted to ~~binding~~ arbitration and
15 for such other procedures as deemed necessary to provide for
16 the completion of negotiations of proposed state collective
17 bargaining agreements not later than March 15. The date
18 selected for the mandatory submission of impasse items to
19 ~~binding~~ arbitration shall be sufficiently in advance of March
20 15 to insure that the arbitrators' decision can be reasonably
21 made before March 15.

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

24 1. If an impasse persists after the findings of fact and
25 recommendations are made public by the fact-finder, the
26 parties may continue to negotiate or, the board shall have the
27 power, upon request of either party, to arrange for
28 arbitration, ~~which shall be binding~~. The request for
29 arbitration shall be in writing and a copy of the request
30 shall be served upon the other party.

31 Sec. 4. Section 20.22, subsection 12, Code 1995, is
32 amended to read as follows:

33 12. The selections by the panel of arbitrators and items
34 agreed upon by the public employer and the employee
35 organization, shall be deemed to be the collective bargaining

1 agreement between the parties subject to the provisions of
2 section 20.22A.

3 Sec. 5. Section 20.22, subsection 13, Code 1995, is
4 amended to read as follows:

5 13. The determination of the panel of arbitrators shall be
6 by majority vote and shall be final and binding subject to the
7 provisions of section 20.17, subsection 6, and section 20.22A.
8 The panel of arbitrators shall give written explanation for
9 its selection and inform the parties of its decision.

10 Sec. 6. NEW SECTION. 20.22A STATE EMPLOYEE NEGOTIATIONS.

11 1. The items of a collective bargaining agreement reached
12 pursuant to this chapter between a public employer and an
13 employee organization representing state employees which
14 require economic adjustments shall not take effect and the
15 agreement is not final and binding until moneys have been
16 appropriated to fund the economic adjustments by the general
17 assembly, specifically to fund the economic adjustments of the
18 collective bargaining agreement at issue. Items of a
19 collective bargaining agreement concerning an employee
20 organization representing state employees that are not
21 economic adjustments are not subject to approval by the
22 general assembly and are final and binding upon their
23 determination subject to the provisions of section 20.17,
24 subsection 6.

25 2. Within ten days following the determination of a
26 collective bargaining agreement on all negotiated items by
27 agreement of the parties or by an arbitration decision, the
28 governor, or the governor's designee, shall inform the general
29 assembly the amount of the appropriation necessary to fund the
30 economic adjustments required to fund the collective
31 bargaining agreement.

32 3. The general assembly shall appropriate funds in any
33 amount up to and including the amount indicated by the
34 governor, or the governor's designee, under subsection 2. If
35 less than the entire amount indicated by the governor, or the

1 governor's designee, is appropriated by the general assembly,
2 the collective bargaining agreement shall be administered on
3 the basis of the amounts appropriated by and any directions of
4 the general assembly.

5 4. The general assembly shall make an appropriation as
6 provided by this section prior to the date the collective
7 bargaining agreement is to become effective.

8 5. The items of a collective bargaining agreement that
9 require economic adjustments subject to the provisions of this
10 section shall become final and binding upon an appropriation
11 of funds by the general assembly, subject to the provisions of
12 section 20.17, subsection 6.

13 EXPLANATION

14 The bill provides that the economic provisions of a
15 collective bargaining agreement are not final and binding as
16 to state employees until the general assembly makes an
17 appropriation. The bill provides that once a collective
18 bargaining agreement is determined between a public employer
19 and an employee organization representing state employees, the
20 governor shall inform the general assembly of the money
21 necessary to fund the award within 10 days. The general
22 assembly shall then appropriate funds, up to and including the
23 amount indicated by the governor, prior to the date the new
24 collective bargaining agreement is to become effective.

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