

JAN 16 1997  
LABOR & INDUSTRIAL RELATIONS

HOUSE FILE 41  
BY MILLAGE

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, and providing  
4 effective and applicability dates.

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

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1 Section 1. Section 20.3, subsection 1, Code 1997, 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 1997, 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 1997, 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 1997, 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 1997, 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 shall not  
14 take effect and the agreement is not final and binding until  
15 moneys have been appropriated to fund the collective  
16 bargaining agreement at issue.

17 2. Within ten days following the determination of a  
18 collective bargaining agreement on all negotiated items by  
19 agreement of the parties or by an arbitration decision, the  
20 governor, or the governor's designee, shall inform the general  
21 assembly of the amount of the appropriation necessary to fund  
22 the collective bargaining agreement.

23 3. The general assembly shall appropriate funds in any  
24 amount up to and including the amount indicated by the  
25 governor, or the governor's designee, under subsection 2. If  
26 less than the entire amount indicated by the governor, or the  
27 governor's designee, is appropriated by the general assembly,  
28 the collective bargaining agreement shall be administered on  
29 the basis of the amounts appropriated by and any directions of  
30 the general assembly.

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

34 5. A collective bargaining agreement subject to the  
35 provisions of this section shall become final and binding upon

1 an appropriation of funds by the general assembly, subject to  
2 the provisions of section 20.17, subsection 6.

3 Sec. 7. EFFECTIVE AND APPLICABILITY DATES. This Act,  
4 being deemed of immediate importance, takes effect upon  
5 enactment and applies to collective bargaining negotiations  
6 that have commenced, but have not been finalized, as of the  
7 effective date of this Act, and to all subsequent collective  
8 bargaining negotiations commenced after that date.

9 EXPLANATION

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

21 This bill takes effect upon enactment and applies to  
22 negotiations ongoing, but not yet finalized, as of that date,  
23 and to all subsequent negotiations commenced after that date.

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