

FEB 26 2003
COMMERCE, REGULATION & LABOR

HOUSE FILE 308
BY MURPHY and T. TAYLOR

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

A BILL FOR

1 An Act relating to discipline and discharge provisions of
2 collective bargaining agreements for public sector employees.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HF 308

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

1 Section 1. Section 20.9, unnumbered paragraph 1, Code
2 2003, is amended to read as follows:

3 The public employer and the employee organization shall
4 meet at reasonable times, including meetings reasonably in
5 advance of the public employer's budget-making process, to
6 negotiate in good faith with respect to wages, hours,
7 vacations, insurance, holidays, leaves of absence, shift
8 differentials, overtime compensation, supplemental pay,
9 seniority, transfer procedures, discipline and discharge, job
10 classifications, health and safety matters, evaluation
11 procedures, procedures for staff reduction, in-service
12 training and other matters mutually agreed upon. Negotiations
13 shall also include terms authorizing dues checkoff for members
14 of the employee organization and grievance procedures for
15 resolving any questions arising under the agreement, which
16 shall be embodied in a written agreement and signed by the
17 parties. If an agreement provides for dues checkoff, a
18 member's dues may be checked off only upon the member's
19 written request and the member may terminate the dues checkoff
20 at any time by giving thirty days' written notice. Such
21 obligation to negotiate in good faith does not compel either
22 party to agree to a proposal or make a concession.

23 Sec. 2. Section 275.33, subsection 1, Code 2003, is
24 amended to read as follows:

25 1. The terms of employment of superintendents, principals,
26 and teachers, for the school year following the effective date
27 of the formation of the new district shall not be affected by
28 the formation of the new district, except in accordance with
29 the provisions of sections 279.15 to 279.18 and 279.24, to the
30 extent those provisions are applicable, and the authority and
31 responsibility to offer new contracts or to continue, modify,
32 or terminate existing contracts pursuant to sections 279.12,
33 279.13, 279.15 to 279.21, 279.23, and 279.24 for the school
34 year beginning with the effective date of the reorganization
35 shall be transferred from the boards of the existing districts

1 to the board of the new district on the third Tuesday of
2 January prior to the school year the reorganization is
3 effective.

4 Sec. 3. Section 279.13, Code 2003, is amended by adding
5 the following new subsection:

6 NEW SUBSECTION. 4. If a teacher is represented by an
7 employee organization and covered by a collective bargaining
8 agreement negotiated under chapter 20 which includes
9 procedures for discipline and discharge, sections 279.15
10 through 279.19 shall not apply to the teacher.

11 Sec. 4. Section 279.14, Code 2003, is amended by striking
12 the section and inserting in lieu thereof the following:

13 279.14 EVALUATION CRITERIA.

14 The board of educational examiners shall develop summative
15 evaluation criteria which shall be used by local school
16 districts to evaluate teachers licensed under chapter 272,
17 unless the parties to the collective bargaining agreement
18 mutually agree to alternate evaluation criteria.

19 Sec. 5. Section 279.27, Code 2003, is amended to read as
20 follows:

21 279.27 DISCHARGE OF TEACHER.

22 A teacher may be discharged at any time during the contract
23 year for just cause. The superintendent or the
24 superintendent's designee, shall notify the teacher
25 immediately that the superintendent will recommend in writing
26 to the board at a regular or special meeting of the board held
27 not more than fifteen days after notification has been given
28 to the teacher that the teacher's continuing contract be
29 terminated effective immediately following a decision of the
30 board. The procedure for dismissal shall be as provided in
31 ~~sections-279-15(2)~~ section 279.15, subsection 2, and sections
32 279.16 to 279.19, to the extent those procedures are
33 applicable, or under the terms of the base bargaining
34 agreement. The superintendent may suspend a teacher under
35 this section pending hearing and determination by the board.

1 Sec. 6. Section 400.18, Code 2003, is amended to read as
2 follows:

3 400.18 REMOVAL, DEMOTION, OR SUSPENSION.

4 No person holding civil service rights as provided in this
5 chapter shall be removed, demoted, or suspended arbitrarily,
6 except as otherwise provided in this chapter, but may be
7 removed, demoted, or suspended after a hearing by a majority
8 vote of the civil service commission, for neglect of duty,
9 disobedience, misconduct, or failure to properly perform the
10 person's duties. However, if a person holding civil service
11 rights as provided in this chapter is represented by an
12 employee organization and covered by a collective bargaining
13 agreement negotiated under chapter 20 which includes removal,
14 demotion, or suspension procedures, the procedures provided in
15 this chapter for removal, demotion, or suspension shall not
16 apply to the person.

17 EXPLANATION

18 This bill makes changes relating to discipline and
19 discharge procedures as they relate to collective bargaining
20 agreements for public sector employees.

21 The bill adds discipline and discharge to the list of
22 mandatory subjects of collective bargaining agreements entered
23 into pursuant to Code chapter 20.

24 The bill provides that a teacher whose collective
25 bargaining agreement includes procedures for discipline and
26 discharge cannot use Code chapter 279 provisions for appeal of
27 a discharge.

28 The bill requires the board of educational examiners to
29 develop summative evaluation criteria which shall be used by
30 local school districts to evaluate teachers, unless the
31 parties to a collective bargaining agreement mutually agree to
32 alternate evaluation criteria. Current law provides that the
33 determination of standards of performance of school district
34 personnel is not subject to mandatory collective bargaining
35 and objections to an evaluation used in a teacher termination

1 proceeding shall not be subject to negotiated grievance
2 procedures.

3 The bill provides that the procedures in a collective
4 bargaining agreement covering removal, demotion, or suspension
5 apply to a person holding city civil service rights and who is
6 covered by the collective bargaining agreement rather than the
7 procedures specified in Code chapter 400.

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35