

# House Study Bill 269

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
LABOR BILL BY CHAIRPERSON  
OLSON)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act concerning public employee collective bargaining.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
3 TLSB 2677YC 83  
4 ec/rj/5

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1 1 Section 1. Section 20.1, subsection 2, paragraph g, Code  
1 2 2009, is amended to read as follows:  
1 3 g. ~~Assisting the attorney general in the preparation of~~  
1 4 ~~Preparing~~ legal briefs and ~~the presentation of~~ presenting oral  
1 5 arguments in the district court, ~~the court of appeals,~~ and the  
1 6 supreme court in cases affecting the board.  
1 7 Sec. 2. Section 20.3, subsection 4, Code 2009, is amended  
1 8 to read as follows:  
1 9 4. "Employee organization" means an organization of any  
1 10 kind in which public employees participate and which exists  
1 11 for the primary purpose of representing public employees in  
1 12 their employment relations.  
1 13 Sec. 3. Section 20.5, subsection 3, Code 2009, is amended  
1 14 to read as follows:  
1 15 3. The chairperson and the remaining two members shall be  
1 16 compensated as provided in section 7E.6, subsection 5.  
1 17 Members of the board and ~~other~~ employees of the board shall be  
1 18 allowed their actual and necessary expenses incurred in the  
1 19 performance of their duties. All expenses and salaries shall  
1 20 be paid from appropriations for such purposes and the board  
1 21 shall be subject to the budget requirements of chapter 8.  
1 22 Sec. 4. Section 20.6, subsection 1, Code 2009, is amended  
1 23 to read as follows:  
1 24 1. ~~Administer Interpret, apply, and administer~~ the  
1 25 provisions of this chapter.  
1 26 Sec. 5. Section 20.6, subsection 3, Code 2009, is amended  
1 27 to read as follows:  
1 28 3. Establish minimum qualifications for arbitrators,  
1 29 ~~fact=finders,~~ and mediators, establish procedures for  
1 30 appointing, maintaining, and removing from a list persons  
1 31 representative of the public to be available to serve as  
1 32 arbitrators, ~~fact=finders,~~ and mediators, and establish  
1 33 compensation rates for arbitrators, ~~fact=finders,~~ and  
1 34 mediators.  
1 35 Sec. 6. Section 20.10, subsection 1, Code 2009, is amended  
2 1 to read as follows:  
2 2 1. It shall be a prohibited practice for any public  
2 3 employer, public employee or employee organization to  
2 4 ~~willfully~~ refuse to negotiate in good faith with respect to  
2 5 the scope of negotiations as defined in section 20.9.  
2 6 Sec. 7. Section 20.10, subsection 2, unnumbered paragraph  
2 7 1, Code 2009, is amended to read as follows:  
2 8 It shall be a prohibited practice for a public employer or  
2 9 the employer's designated representative ~~willfully~~ to:  
2 10 Sec. 8. Section 20.10, subsection 2, paragraph f, Code  
2 11 2009, is amended to read as follows:  
2 12 f. Deny the rights accompanying certification ~~or exclusive~~  
2 13 ~~recognition~~ granted in this chapter.  
2 14 Sec. 9. Section 20.10, subsection 3, unnumbered paragraph  
2 15 1, Code 2009, is amended to read as follows:  
2 16 It shall be a prohibited practice for public employees or  
2 17 an employee organization or for any person, union or  
2 18 organization or their agents ~~willfully~~ to:  
2 19 Sec. 10. Section 20.10, subsection 3, paragraph b, Code

2 20 2009, is amended to read as follows:

2 21 b. Interfere, restrain, or coerce a public employer with  
2 22 respect to rights granted in this chapter or with respect to  
2 23 selecting a representative for the purposes of negotiating  
2 24 collectively ~~on~~ or the adjustment of grievances.

2 25 Sec. 11. Section 20.10, subsection 3, paragraph f, Code  
2 26 2009, is amended to read as follows:

2 27 f. Violate the provisions of sections 732.1 to 732.3,  
2 28 which are hereby made applicable to public employers, public  
2 29 employees, and public employee organizations.

2 30 Sec. 12. Section 20.10, subsection 4, Code 2009, is  
2 31 amended to read as follows:

2 32 4. The expressing of any views, argument or opinion, or  
2 33 the dissemination thereof, whether orally or in written,  
2 34 printed, graphic, or visual form, shall not constitute or be  
2 35 evidence of any ~~unfair labor prohibited~~ practice under any of  
3 1 the provisions of this chapter, if such expression contains no  
3 2 threat of reprisal or force or promise of benefit.

3 3 Sec. 13. Section 20.11, subsections 1, 2, and 3, Code  
3 4 2009, are amended to read as follows:

3 5 1. Proceedings against a party alleging a violation of  
3 6 section 20.10, shall be commenced by filing a complaint with  
3 7 the board within ninety days of the alleged violation, causing  
3 8 a copy of the complaint to be served upon the accused party ~~in~~  
3 9 ~~the manner of an original notice as provided in this chapter.~~

3 10 The accused party shall have ten days within which to file a  
3 11 written answer to the complaint. However, the board may  
3 12 conduct a preliminary investigation of the alleged violation,  
3 13 and if the board determines that the complaint has no basis in  
3 14 fact, the board may dismiss the complaint. The board shall  
3 15 promptly thereafter set a time and place for hearing in the  
3 16 county where the alleged violation occurred, provided,  
3 17 however, that the presiding officer may conduct the hearing  
3 18 through the use of technology from a remote location if the  
3 19 parties so agree or if witness demeanor will not be a  
3 20 substantial factor in resolving any disputed factual issues.

3 21 The parties shall be permitted to be represented by counsel,  
3 22 summon witnesses, and request the board to subpoena witnesses  
3 23 on the requester's behalf. Compliance with the technical  
3 24 rules of pleading and evidence shall not be required.

3 25 2. The board may designate one of its members, an  
3 26 administrative law judge, or any other qualified person  
3 27 employed by the board to conduct ~~serve as the presiding~~  
3 28 ~~officer at the hearing. The administrative law judge~~

3 29 presiding officer has the powers as may be exercised by the  
3 30 board for conducting the hearing and shall follow the  
3 31 procedures adopted by the board for conducting the hearing.

3 32 The proposed decision of the ~~administrative law judge~~  
3 33 presiding officer may be appealed to the board ~~and the board~~  
3 34 ~~may hear the case de novo or upon the record as submitted~~  
3 35 ~~before the administrative law judge, utilizing procedures~~

4 1 ~~governing appeals to the district court in this section so far~~  
4 2 ~~as applicable, or reviewed on motion of the board, in~~  
4 3 ~~accordance with the provisions of chapter 17A.~~

4 4 3. The board shall appoint a certified shorthand reporter  
4 5 to report the proceedings and the board shall fix the  
4 6 reasonable amount of compensation for such service, and for  
4 7 any transcript requested by the board, which amount amounts  
4 8 shall be taxed as other costs.

4 9 Sec. 14. Section 20.13, subsections 2 and 3, Code 2009,  
4 10 are amended to read as follows:

4 11 2. Within thirty days of receipt of a petition ~~or notice~~  
4 12 ~~to all interested parties if on its own initiative,~~ the board  
4 13 shall conduct a public hearing, receive written or oral  
4 14 testimony, and promptly thereafter file an order defining the  
4 15 appropriate bargaining unit. In defining the unit, the board  
4 16 shall take into consideration, along with other relevant  
4 17 factors, the principles of efficient administration of  
4 18 government, the existence of a community of interest among  
4 19 public employees, the history and extent of public employee  
4 20 organization, geographical location, and the recommendations  
4 21 of the parties involved.

4 22 3. Appeals from such order shall be governed by ~~appeal~~  
4 23 ~~provisions provided in section 20.11 the provisions of chapter~~  
4 24 ~~17A.~~

4 25 Sec. 15. Section 20.14, subsection 2, paragraph a, Code  
4 26 2009, is amended to read as follows:

4 27 a. The employee organization has submitted a request to a  
4 28 public employer to bargain collectively with on behalf of a  
4 29 designated group of public employees.

4 30 Sec. 16. Section 20.14, subsection 6, Code 2009, is

4 31 amended by striking the subsection.

4 32 Sec. 17. Section 20.15, subsections 1, 2, and 6, Code  
4 33 2009, are amended to read as follows:

4 34 1. Upon the filing of a petition for certification of an  
4 35 employee organization, the board shall submit a question to  
5 1 the public employees at an election in ~~an appropriate the~~  
5 2 bargaining unit found appropriate by the board. The question  
5 3 on the ballot shall permit the public employees to vote for no  
5 4 bargaining representation or for any employee organization  
5 5 which has petitioned for certification or which has presented  
5 6 proof satisfactory to the board of support of ten percent or  
5 7 more of the public employees in the appropriate unit.

5 8 2. If a majority of the votes cast on the question is for  
5 9 no bargaining representation, the public employees in the  
5 10 bargaining unit found appropriate by the board shall not be  
5 11 represented by an employee organization. If a majority of the  
5 12 votes cast on the question is for a listed employee  
5 13 organization, then ~~the that~~ employee organization shall  
5 14 represent the public employees in ~~an appropriate the~~  
5 15 bargaining unit found appropriate by the board.

5 16 6. A petition for certification as an exclusive bargaining  
5 17 representative, ~~or a petition for decertification of a~~  
5 18 ~~certified bargaining representative~~, shall not be considered  
5 19 by the board for a period of one year from the date of the  
5 20 certification or noncertification of an employee organization  
5 21 as an exclusive bargaining representative or. The board shall  
5 22 also not consider a petition for certification as an exclusive  
5 23 bargaining representative or a petition for decertification of  
5 24 an exclusive bargaining representative during the duration of  
5 25 a collective bargaining agreement which, for purposes of this  
5 26 section, shall be deemed not to exceed two years. A

5 27 collective bargaining agreement with the state, its boards,  
5 28 commissions, departments, and agencies shall be for two years  
5 29 and the provisions of a collective bargaining agreement ~~except~~  
5 30 ~~agreements agreed to or tentatively agreed to prior to July 1,~~  
5 31 ~~1977, or arbitrators' or arbitrator's award~~ affecting state  
5 32 employees shall not provide for renegotiations which would  
5 33 require the refinancing of salary and fringe benefits for the  
5 34 second year of the term of the agreement, except as provided  
5 35 in section 20.17, subsection 6, and the effective date of any  
6 1 such agreement shall be July 1 of odd-numbered years, provided  
6 2 that if an exclusive bargaining representative is certified on  
6 3 a date which will prevent the negotiation of a collective  
6 4 bargaining agreement prior to July 1 of odd-numbered years for  
6 5 a period of two years, the certified collective bargaining  
6 6 representative may negotiate a one-year contract with ~~a~~ the  
6 7 public employer which shall be effective from July 1 of the  
6 8 even-numbered year to July 1 of the succeeding odd-numbered  
6 9 year when new contracts shall become effective. However, if a  
6 10 petition for decertification is filed during the duration of a  
6 11 collective bargaining agreement, the board shall award an  
6 12 election under this section not more than one hundred eighty  
6 13 days nor less than one hundred fifty days prior to the  
6 14 expiration of the collective bargaining agreement. If an  
6 15 employee organization is decertified, the board may receive  
6 16 petitions under section 20.14, provided that no such petition  
6 17 and no election conducted pursuant to such petition within one  
6 18 year from decertification shall include as a party the  
6 19 decertified employee organization.

6 20 Sec. 18. Section 20.17, subsection 3, Code 2009, is  
6 21 amended to read as follows:

6 22 3. Negotiating sessions, strategy meetings of public  
6 23 employers ~~or employee organizations~~, mediation, and the  
6 24 deliberative process of arbitrators shall be exempt from the  
6 25 provisions of chapter 21. However, the employee organization  
6 26 shall present its initial bargaining position to the public  
6 27 employer at the first bargaining session. The public employer  
6 28 shall present its initial bargaining position to the employee  
6 29 organization at the second bargaining session, which shall be  
6 30 held no later than two weeks following the first bargaining  
6 31 session. Both sessions shall be open to the public and  
6 32 subject to the provisions of chapter 21. Parties who by  
6 33 agreement are utilizing a cooperative alternative bargaining  
6 34 process may exchange their respective initial interest  
6 35 statements in lieu of initial bargaining positions at these  
7 1 open sessions. Hearings conducted by arbitrators shall be

7 2 open to the public.

7 3 Sec. 19. Section 20.17, subsection 6, Code 2009, is  
7 4 amended to read as follows:

7 5 6. ~~No~~ A collective bargaining agreement or ~~arbitrators'~~  
7 6 ~~decision~~ arbitrator's award shall not be valid or enforceable

7 7 if its implementation would be inconsistent with any statutory  
7 8 limitation on the public employer's funds, spending or budget,  
7 9 or would substantially impair or limit the performance of any  
7 10 statutory duty by the public employer. A collective  
7 11 bargaining agreement or ~~arbitrators'~~ arbitrator's award may  
7 12 provide for benefits conditional upon specified funds to be  
7 13 obtained by the public employer, but the agreement shall  
7 14 provide either for automatic reduction of such conditional  
7 15 benefits or for additional bargaining if the funds are not  
7 16 obtained or if a lesser amount is obtained.

7 17 Sec. 20. Section 20.17, subsection 10, Code 2009, is  
7 18 amended to read as follows:

7 19 10. The negotiation of a proposed collective bargaining  
7 20 agreement by representatives of a state public employer and a  
7 21 state employee organization shall be complete not later than  
7 22 March 15 of the year when the agreement is to become  
7 23 effective. The board shall provide, by rule, a date on which  
7 24 any impasse item must be submitted to binding arbitration and  
7 25 for such other procedures as deemed necessary to provide for  
7 26 the completion of negotiations of proposed state collective  
7 27 bargaining agreements not later than March 15. The date  
7 28 selected for the mandatory submission of impasse items to  
7 29 binding arbitration shall be sufficiently in advance of March  
7 30 15 to ~~insure~~ ensure that the ~~arbitrators' decision~~  
7 31 arbitrator's award can be reasonably made before March 15.

7 32 Sec. 21. Section 20.17, subsection 11, Code 2009, is  
7 33 amended to read as follows:

7 34 11. a. In the absence of an impasse agreement negotiated  
7 35 pursuant to section 20.19 which provides for a different  
8 1 completion date, public employees represented by a certified  
8 2 employee organization who are teachers licensed under chapter  
8 3 272 and who are employed by a public employer which is a  
8 4 school district or area education agency shall complete the  
8 5 negotiation of a proposed collective bargaining agreement not  
8 6 later than May 31 of the year when the agreement is to become  
8 7 effective. The board shall provide, by rule, a date on which  
8 8 impasse items in such cases must be submitted to binding  
8 9 arbitration and for such other procedures as deemed necessary  
8 10 to provide for the completion of negotiations of proposed  
8 11 collective bargaining agreements not later than May 31. The  
8 12 date selected for the mandatory submission of impasse items to  
8 13 binding arbitration in such cases shall be sufficiently in  
8 14 advance of May 31 to ensure that the ~~arbitrators' decision~~  
8 15 arbitrator's award can be reasonably made ~~before~~ by May 31.

8 16 b. ~~If the public employer is a community college, the~~  
8 17 ~~following apply:~~

8 18 ~~(1) The negotiation of a proposed collective bargaining~~  
8 19 ~~agreement shall be complete not later than May 31 of the year~~  
8 20 ~~when the agreement is to become effective, absent the~~  
8 21 ~~existence. In the absence of an impasse agreement negotiated~~  
8 22 ~~pursuant to section 20.19 which provides for a different~~  
8 23 ~~completion date, public employees represented by a certified~~  
8 24 ~~employee organization who are employed by a public employer~~  
8 25 ~~which is a community college shall complete the negotiation of~~  
8 26 ~~a proposed collective bargaining agreement not later than May~~  
8 27 ~~31 of the year when the agreement is to become effective. The~~  
8 28 ~~board shall adopt rules providing for provide, by rule, a date~~  
8 29 ~~on which impasse items in such cases must be submitted to~~  
8 30 ~~binding arbitration and for such other procedures as deemed~~  
8 31 ~~necessary to provide for the completion of negotiations of~~  
8 32 ~~proposed collective bargaining agreements not later than May~~  
8 33 ~~31. The date selected for the mandatory submission of impasse~~  
8 34 ~~items to binding arbitration in such cases shall be~~  
8 35 ~~sufficiently in advance of May 31 to ensure that the~~  
9 1 ~~arbitrators' decision~~ arbitrator's award can be reasonably  
9 2 made by May 31.

9 3 ~~(2) c. Notwithstanding the provisions of subparagraph (1)~~  
9 4 ~~paragraphs "a" and "b", the May 31 deadline may be waived by~~  
9 5 ~~mutual agreement of the parties to the collective bargaining~~  
9 6 ~~agreement negotiations.~~

9 7 Sec. 22. Section 20.18, unnumbered paragraph 1, Code 2009,  
9 8 is amended to read as follows:

9 9 An agreement with an employee organization which is the  
9 10 exclusive representative of public employees in an appropriate  
9 11 unit may provide procedures for the consideration of public  
9 12 employee and employee organization grievances ~~and of disputes~~  
9 13 over the interpretation and application of agreements.  
9 14 Negotiated procedures may provide for binding arbitration of  
9 15 public employee and employee organization grievances ~~and of~~  
9 16 ~~disputes~~ over the interpretation and application of existing  
9 17 agreements. An arbitrator's decision on a grievance may not

9 18 change or amend the terms, conditions or applications of the  
9 19 collective bargaining agreement. Such procedures shall  
9 20 provide for the invoking of arbitration only with the approval  
9 21 of the employee organization in all instances, and in the case  
9 22 of an employee grievance, only with the additional approval of  
9 23 the public employee. The costs of arbitration shall be shared  
9 24 equally by the parties.

9 25 Sec. 23. Section 20.19, Code 2009, is amended by adding  
9 26 the following new unnumbered paragraph:

9 27 NEW UNNUMBERED PARAGRAPH. Parties who by agreement are  
9 28 utilizing a cooperative alternative bargaining process shall,  
9 29 at the outset of such process, agree upon a method and  
9 30 schedule for the completion of impasse procedures should they  
9 31 fail to reach a collective bargaining agreement through the  
9 32 use of such alternative process.

9 33 Sec. 24. Section 20.21, unnumbered paragraphs 1 and 2,  
9 34 Code 2009, are amended to read as follows:

9 35 If the impasse persists ten days after the mediator has  
10 1 been appointed, the board shall appoint a fact-finder  
10 2 representative of the public, from a list of qualified persons  
10 3 maintained by the board. The fact-finder shall conduct a  
10 4 hearing, may administer oaths, and may ~~request the board to~~  
10 5 issue subpoenas to compel the attendance of witnesses and the  
10 6 production of records. The fact-finder may petition the  
10 7 district court at the seat of government or of the county in  
10 8 which the hearing is held to enforce the subpoena. The  
10 9 fact-finder shall make written findings of facts and  
10 10 recommendations for resolution of ~~the dispute each impasse~~  
10 11 ~~item~~ and, not later than fifteen days from the ~~day of~~  
10 12 ~~appointment date of the hearing~~, shall serve such findings and  
10 13 recommendations on the public employer and the certified  
10 14 employee organization.

10 15 ~~The~~ Upon receipt of the fact-finder's findings and  
10 16 recommendations, the public employer and the certified  
10 17 employee organization shall immediately accept the  
10 18 fact-finder's recommendation recommendations in their entirety  
10 19 or shall within five days submit the fact-finder's  
10 20 recommendations to the governing body of the public employer  
10 21 and members of the certified employee organization for such  
10 22 acceptance or rejection. If the dispute is not resolved by  
10 23 both parties' acceptance of the fact-finder's recommendations,  
10 24 the parties may continue to negotiate and resolve any disputed  
10 25 impasse items. If the dispute continues ten days after the  
10 26 report is submitted fact-finder's findings and recommendations  
10 27 are served, the report findings and recommendations shall be  
10 28 made available to the public by the board.

10 29 Sec. 25. Section 20.22, subsections 1, 2, and 3, Code  
10 30 2009, are amended to read as follows:

10 31 1. If an impasse persists after the fact-finder's findings  
10 32 of fact and recommendations are made available to the public  
10 33 by the fact-finder board, the parties may continue to  
10 34 negotiate or, the board shall have the power, upon request of  
10 35 either party, to arrange for arbitration, which shall be  
11 1 binding. The request for arbitration shall be in writing and  
11 2 a copy of the request shall be served upon the other party.

11 3 2. a. Each party shall submit to the board serve its  
11 4 final offer on each of the impasse items upon the other party  
11 5 within four days of the board's receipt of the request a final  
11 6 offer on the impasse items with proof of service of a copy  
11 7 upon the other party for arbitration. Each party shall also  
11 8 submit a copy of a draft of the proposed collective bargaining  
11 9 agreement to the extent to which agreement has been reached  
11 10 and the name of its selected arbitrator. The parties may  
11 11 continue to negotiate all offers until an agreement is reached  
11 12 or a decision an award is rendered by the panel of arbitrators  
11 13 arbitrator.

11 14 b. As an alternative procedure, the two parties may agree  
11 15 to submit the dispute to a single arbitrator. If the parties  
11 16 cannot agree on the arbitrator within four days, the selection  
11 17 shall be made pursuant to subsection 5. The full costs of  
11 18 arbitration under this provision section shall be shared  
11 19 equally by the parties to the dispute.

11 20 3. The submission of the impasse items to the arbitrators  
11 21 arbitrator shall be limited to those issues that had been  
11 22 considered by the fact-finder and upon which the parties have  
11 23 not reached agreement. With respect to each such item, the  
11 24 arbitration board arbitrator's award shall be restricted to  
11 25 the final offers on each impasse item submitted by the parties  
11 26 to the arbitration board arbitrator or to the recommendation  
11 27 of the fact-finder on each impasse item.

11 28 Sec. 26. Section 20.22, subsection 4, Code 2009, is

11 29 amended by striking the subsection and inserting in lieu  
11 30 thereof the following:

11 31 4. Upon the filing of the request for arbitration, a list  
11 32 of five arbitrators shall be served upon the parties by the  
11 33 board. Within five days of service of the list, the parties  
11 34 shall determine by lot which party shall remove the first name  
11 35 from the list and the parties shall then alternately remove  
12 1 names from the list until the name of one person remains, who  
12 2 shall become the arbitrator. The parties shall immediately  
12 3 notify the board of their selection and the board shall notify  
12 4 the arbitrator. After consultation with the parties, the  
12 5 arbitrator shall set a time and place for an arbitration  
12 6 hearing.

12 7 Sec. 27. Section 20.22, subsections 5 and 6, Code 2009,  
12 8 are amended by striking the subsections.

12 9 Sec. 28. Section 20.22, subsections 7 and 8, Code 2009,  
12 10 are amended to read as follows:

12 11 7. ~~The panel of arbitrators~~ arbitrator shall at no time  
12 12 engage in an effort to mediate or otherwise settle the dispute  
12 13 in any manner other than that prescribed in this section.

12 14 8. ~~From the time of appointment the board notifies the~~  
12 15 ~~arbitrator of the selection of the arbitrator until such time~~

12 16 ~~as the panel of arbitrators makes its final determination~~  
12 17 ~~arbitrator's selection on each impasse item is made, there~~

12 18 shall be no discussion concerning recommendations for  
12 19 settlement of the dispute by the ~~members of the panel of~~

~~12 20 arbitrators~~ arbitrator with parties other than those who are  
12 21 direct parties to the dispute. ~~The panel of arbitrators may~~

~~12 22 conduct formal or informal hearings to discuss offers~~  
12 23 ~~submitted by both parties.~~

12 24 Sec. 29. Section 20.22, subsection 9, unnumbered paragraph  
12 25 1, Code 2009, is amended to read as follows:

12 26 The ~~panel of arbitrators~~ arbitrator shall consider, in  
12 27 addition to any other relevant factors, the following factors:

12 28 Sec. 30. Section 20.22, subsections 10, 11, 12, and 13,  
12 29 Code 2009, are amended to read as follows:

12 30 10. ~~The chairperson of the panel of arbitrators~~ arbitrator  
12 31 ~~may hold hearings and~~ administer oaths, examine witnesses and

12 32 documents, take testimony and receive evidence, and issue  
12 33 subpoenas to compel the attendance of witnesses and the

12 34 production of records, ~~and delegate such powers to other~~

~~12 35 members of the panel of arbitrators.~~ The chairperson of the  
13 1 ~~panel of arbitrators~~ arbitrator may petition the district

13 2 court at the seat of government or of the county in which any  
13 3 the hearing is held to enforce the order of the chairperson

13 4 arbitrator compelling the attendance of witnesses and the  
13 5 production of records.

13 6 11. ~~A majority of the panel of arbitrators~~ The arbitrator  
13 7 shall select within fifteen days after ~~its first meeting the~~

~~13 8 hearing~~ the most reasonable offer, in ~~its~~ the arbitrator's

13 9 judgment, of the final offers on each impasse item submitted  
13 10 by the parties, or the recommendations of the fact-finder on

13 11 each impasse item.

13 12 12. The selections by the ~~panel of arbitrators~~ arbitrator  
13 13 and items agreed upon by the public employer and the employee

13 14 organization, shall be deemed to be the collective bargaining  
13 15 agreement between the parties.

~~13 16 13. The determination of the panel of arbitrators shall be~~  
13 17 ~~by majority vote and~~ arbitrator shall be final and binding

13 18 subject to the provisions of section 20.17, subsection 6. The  
13 19 ~~panel of arbitrators~~ arbitrator shall give written explanation

13 20 for ~~its selection~~ the arbitrator's selections and inform the  
13 21 parties of ~~its~~ the decision.

13 22 Sec. 31. Section 20.24, Code 2009, is amended to read as  
13 23 follows:

13 24 20.24 NOTICE AND SERVICE.

13 25 Any notice required under the provisions of this chapter  
13 26 shall be in writing, but service thereof shall be sufficient

13 27 if mailed by restricted certified mail, return receipt  
13 28 requested, addressed to the last known address of the parties

13 29 intended recipient, unless otherwise provided in this chapter.  
13 30 Refusal of restricted certified mail by any party shall be

13 31 considered service. Prescribed Unless otherwise provided in  
13 32 this chapter, prescribed time periods shall commence from the

13 33 date of the receipt of the notice. Any party may at any time  
13 34 execute and deliver an acceptance of service in lieu of mailed  
13 35 notice.

14 1 Sec. 32. Section 20.30, Code 2009, is repealed.

14 2 EXPLANATION

14 3 This bill makes changes to Code chapter 20 governing public  
14 4 employee collective bargaining.

14 5 Code section 20.1, subsection 2, is amended to provide that  
14 6 one of the powers and duties of the public employment  
14 7 relations board (PERB) is to represent the board in court.  
14 8 Code section 20.6 is amended to provide that PERB shall  
14 9 establish the qualifications and procedures for appointing  
14 10 fact=finders in the same manner as for arbitrators and  
14 11 mediators and that PERB shall interpret, apply, and administer  
14 12 the provisions of Code chapter 20.  
14 13 Code section 20.10, subsections 1, 2, and 3, are amended to  
14 14 eliminate the requirement that an act giving rise to a  
14 15 prohibited practice under this Code section must be willful to  
14 16 constitute a violation.  
14 17 Code section 20.10, subsection 4, is amended to  
14 18 specifically provide that oral expression of views without  
14 19 threat of reprisal or force shall not constitute or be  
14 20 evidence of a prohibited practice.  
14 21 Code section 20.11 is amended to allow a presiding officer  
14 22 in a prohibited practice hearing to hear the case through the  
14 23 use of technology from a location other than the county where  
14 24 the alleged violation occurred if the parties agree or witness  
14 25 demeanor is not a factor. The bill also allows PERB to  
14 26 designate one of its members or any other qualified person to  
14 27 preside at a prohibited practice hearing.  
14 28 The bill amends Code sections 20.11, 20.13, and 20.14 to  
14 29 provide that Code chapter 17A, the Iowa administrative  
14 30 procedure Act, governs hearing and appeal proceedings  
14 31 described in those sections.  
14 32 Code section 20.15, concerning certification elections for  
14 33 exclusive bargaining representation, is amended to require  
14 34 that the current time limits for filing a petition for  
14 35 certification of an exclusive bargaining representative also  
15 1 apply to petitions for decertification of a certified  
15 2 bargaining representative.  
15 3 Code section 20.17, subsection 3, concerning bargaining  
15 4 procedures, is amended to provide that parties utilizing a  
15 5 cooperative alternative bargaining process may exchange their  
15 6 initial interest statements in lieu of an initial bargaining  
15 7 position during bargaining.  
15 8 Code section 20.17, subsection 11, concerning the deadlines  
15 9 for community college employee bargaining, is amended to match  
15 10 the provisions of the subsection applicable to other  
15 11 educational bargaining units.  
15 12 Code section 20.18, concerning grievance procedures, is  
15 13 amended to provide that an agreement with an employee  
15 14 organization may include procedures for the consideration of  
15 15 employee organization grievances in addition to public  
15 16 employee grievances.  
15 17 Code section 20.19, concerning impasse procedures, is  
15 18 amended to require that parties using a cooperative  
15 19 alternative bargaining process establish impasse procedures at  
15 20 the outset of the process.  
15 21 Code section 20.21, concerning fact=finding procedures, is  
15 22 amended to require that the fact=finder make recommendations  
15 23 on each impasse item between the parties and that the parties  
15 24 accept or reject the fact=finder's recommendations in their  
15 25 entirety.  
15 26 Code section 20.22, concerning binding arbitration, is  
15 27 amended to provide that arbitration will be conducted by a  
15 28 single arbitrator and not a panel of arbitrators. The bill  
15 29 also provides for the method of selecting the arbitrator. The  
15 30 bill provides that PERB will submit a list of five arbitrators  
15 31 to the parties upon the filing of a request for arbitration  
15 32 and then each party, in an order determined by lot, shall  
15 33 alternatively remove names from the list until one name  
15 34 remains.  
15 35 LSB 2677YC 83  
16 1 ec/rj/5