

House File 525 - Introduced

HOUSE FILE 525

BY COMMITTEE ON LABOR

(SUCCESSOR TO HSB 117)

A BILL FOR

- 1 An Act relating to public employee collective bargaining
- 2 agreements and including applicability provisions.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 20.3, Code 2011, is amended by adding the
2 following new subsections:

3 NEW SUBSECTION. 1A. "*Bargaining unit*" means only those
4 employees in a particular class of employees who have not
5 declared themselves a free agent employee.

6 NEW SUBSECTION. 4A. "*Free agent employee*" means a public
7 employee who has signed a release declaring that the employee
8 rejects representation by an employee organization and that the
9 employee understands that signing the release waives any claim
10 or right to representation by that employee organization.

11 Sec. 2. Section 20.8, Code 2011, is amended by adding the
12 following new subsection:

13 NEW SUBSECTION. 5. Declare themselves a free agent
14 employee.

15 Sec. 3. Section 20.9, Code 2011, is amended to read as
16 follows:

17 **20.9 Scope of negotiations.**

18 1. The public employer and the employee organization
19 shall meet at reasonable times, including meetings reasonably
20 in advance of the public employer's budget-making process,
21 to negotiate in good faith with respect to wages, hours,
22 vacations, ~~insurance~~, holidays, leaves of absence, shift
23 differentials, overtime compensation, supplemental pay,
24 seniority, transfer procedures, job classifications, health and
25 safety matters, evaluation procedures, ~~procedures for staff~~
26 ~~reduction~~, in-service training, and other matters mutually
27 agreed upon. Negotiations shall also include terms authorizing
28 dues checkoff for members of the employee organization and
29 grievance procedures for resolving any questions arising under
30 the agreement, which shall be embodied in a written agreement
31 and signed by the parties. If an agreement provides for dues
32 checkoff, a member's dues may be checked off only upon the
33 member's written request and the member may terminate the dues
34 checkoff at any time by giving thirty days' written notice.
35 Such obligation to negotiate in good faith does not compel

1 either party to agree to a proposal or make a concession.

2 2. Nothing in this section shall diminish the authority
3 and power of the department of administrative services, board
4 of regents' merit system, Iowa public broadcasting board's
5 merit system, or any civil service commission established by
6 constitutional provision, statute, charter, or special act to
7 recruit employees, prepare, conduct, and grade examinations,
8 or rate candidates in order of their relative scores for
9 certification for appointment or promotion or for other matters
10 of classification, reclassification, or appeal rights in the
11 classified service of the public employer served.

12 3. ~~All retirement systems~~ The following subjects shall be
13 excluded from the scope of negotiations:

14 a. All retirement systems.

15 b. Health insurance or any other insurance.

16 c. Restrictions or limitations on outsourcing.

17 d. Any restriction on the right of a public employer to
18 consider any factor which the employer may lawfully consider
19 in a layoff.

20 Sec. 4. Section 20.22, subsections 3, 6, 7, 9, 10, and 11,
21 Code 2011, are amended to read as follows:

22 3. The submission of the impasse items to the arbitrator
23 shall be limited to those items upon which the parties have not
24 reached agreement. ~~With~~ However, with respect to each such
25 item, the arbitrator's award shall not be restricted to the
26 final offers on each impasse item submitted by the parties to
27 the arbitrator.

28 6. From the time the board notifies the arbitrator of the
29 selection of the arbitrator until such time as the arbitrator's
30 ~~selection~~ decision on each impasse item is made, there shall be
31 no discussion concerning recommendations for settlement of the
32 dispute by the arbitrator with parties other than those who are
33 direct parties to the dispute.

34 7. The arbitrator shall consider, and may consider
35 additional information presented by either party, in addition

1 to any other relevant factors, the following factors:

2 ~~a. Past collective bargaining contracts between the parties~~
3 ~~including the bargaining that led up to such contracts.~~

4 ~~b.~~ a. Comparison of wages, benefits, hours, and conditions
5 of employment of the involved public employees with those
6 of other public employees, including public employees not
7 represented by an employee organization, and with private
8 sector employees doing comparable work, giving consideration to
9 factors peculiar to the area and the classifications involved.
10 In considering this comparison, the arbitrator shall strive to
11 maintain parity in wages, benefits, hours, and conditions of
12 employment between the public sector and the private sector
13 for comparable types of work, and shall give consideration to
14 similar and equitable economic conditions where applicable.

15 ~~c.~~ b. The interests and welfare of the public, the ability
16 of the public employer to finance economic adjustments without
17 raising any tax, and the effect of such adjustments on the
18 normal standard of services.

19 ~~d. The power of the public employer to levy taxes and~~
20 ~~appropriate funds for the conduct of its operations.~~

21 c. Efficiency of the public employer in its ability to carry
22 out any of its functions.

23 9. The arbitrator shall ~~select~~ render a decision within
24 fifteen days after the hearing ~~the most reasonable offer, in~~
25 ~~the arbitrator's judgment, of the final offers on~~ consisting
26 of final terms for each impasse item submitted by the parties.
27 The arbitrator may select one of the final offers on each
28 impasse item submitted by the parties or the arbitrator may
29 make an award which does not go beyond the terms of a final
30 offer for any impasse item submitted by the parties.

31 10. The ~~selections~~ decisions by the arbitrator and
32 items agreed upon by the public employer and the employee
33 organization, shall be deemed to be the collective bargaining
34 agreement between the parties.

35 11. The ~~determination~~ decisions of the arbitrator shall be

1 final and binding subject to the provisions of section 20.17,
2 subsection 6. The arbitrator shall give written explanation
3 for the arbitrator's ~~selections~~ decision regarding the final
4 terms for each impasse item and inform the parties of the
5 decision.

6 Sec. 5. APPLICABILITY. This Act applies to collective
7 bargaining agreements entered into on or after the effective
8 date of this Act.

9 EXPLANATION

10 This bill relates to public employee collective bargaining
11 agreements.

12 The bill provides that a public employee has the right
13 to declare oneself a free agent employee, meaning a public
14 employee who has signed a release declaring that the employee
15 rejects representation by an employee organization and that
16 the employee understands that signing the release waives any
17 claim or right to representation by that organization. The
18 bill specifies that for the purposes of collective bargaining,
19 a bargaining unit only consists of employees in a particular
20 class of employees who have not declared themselves free agent
21 employees.

22 The bill excludes certain subjects from the scope of
23 negotiations for public employee collective bargaining
24 agreements, including health insurance or any other insurance,
25 restrictions or limitations on outsourcing, and any restriction
26 on the right of a public employer to consider any factor which
27 the employer may lawfully consider in a layoff.

28 The bill provides that the final decision of an arbitrator
29 for a public employee collective bargaining agreement is not
30 limited to each party's final offer for each impasse item,
31 but that the final decision must not go beyond the terms of
32 either party's final offer for each impasse item. The bill
33 strikes the requirement of an arbitrator to consider past
34 collective bargaining contracts between the parties including
35 the bargaining that led up to such contracts and to consider

1 the power of the public employer to levy taxes and appropriate
2 funds for the conduct of its operations as factors when
3 rendering a final decision. The bill adds additional factors
4 which an arbitrator must consider, including a comparison of
5 wages, benefits, hours, and conditions of employment of the
6 involved public employees with those of public employees not
7 represented by employment organizations and private-sector
8 employees doing comparable work, giving consideration to
9 similar and equitable economic conditions where applicable.
10 The bill requires an arbitrator making that comparison to
11 strive to maintain parity in wages, benefits, hours, and
12 conditions of employment between the public sector and the
13 private sector for comparable types of work. The bill requires
14 an arbitrator to consider the ability of the public employer to
15 finance economic adjustments without raising any tax. The bill
16 also requires an arbitrator to consider as a factor efficiency
17 by the public employer in its ability to carry out any of its
18 functions. The bill provides that the arbitrator may consider
19 additional information presented by either party.
20 The bill applies to collective bargaining agreements entered
21 into on or after the effective date of the bill.