

House File 549 - Introduced

HOUSE FILE 549

BY COMMITTEE ON LABOR

(SUCCESSOR TO HSB 204)

A BILL FOR

1 An Act relating to collective bargaining arbitration
2 proceedings involving teachers employed by school districts
3 and area education agencies and including applicability
4 provisions.

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

1 Section 1. Section 20.22, subsections 3, 6, 7, 9, 10, and
2 11, Code 2015, are amended to read as follows:

3 3. The submission of the impasse items to the arbitrator
4 shall be limited to those items upon which the parties have
5 not reached agreement. With respect to each such item, the
6 arbitrator's award shall be restricted to the final offers on
7 each impasse item submitted by the parties to the arbitrator.
8 However, in an arbitration in which the public employees are
9 teachers licensed under chapter 272 who are employed by a
10 public employer which is a school district or area education
11 agency, the arbitrator's award with respect to each such item
12 shall not be restricted to the final offers on each impasse
13 item submitted by the parties to the arbitrator.

14 6. From the time the board notifies the arbitrator of the
15 selection of the arbitrator until such time as the arbitrator's
16 selection or decision on each impasse item is made, there shall
17 be no discussion concerning recommendations for settlement of
18 the dispute by the arbitrator with parties other than those who
19 are direct parties to the dispute.

20 7. The arbitrator shall consider, in addition to any other
21 relevant factors, the following factors:

22 a. Past collective bargaining contracts between the parties
23 including the bargaining that led up to such contracts.

24 b. Comparison of wages, hours and conditions of employment
25 of the involved public employees with those of other public
26 employees doing comparable work, giving consideration to
27 factors peculiar to the area and the classifications involved.
28 In an arbitration in which the public employees are teachers
29 licensed under chapter 272 who are employed by a public
30 employer which is a school district or area education agency,
31 the comparison shall also include comparison of wages, hours,
32 and conditions of employment of the involved public employees
33 with those of private sector employees doing comparable work,
34 giving consideration to factors peculiar to the area and the
35 classifications involved.

1 *c.* The interests and welfare of the public, the ability
2 of the public employer to finance economic adjustments and
3 the effect of such adjustments on the normal standard of
4 services. The ability of the public employer to finance
5 economic adjustments and the effect of such adjustments on
6 the normal standard of services shall not be considered in an
7 arbitration in which the public employees are teachers licensed
8 under chapter 272 who are employed by a public employer which
9 is a school district or area education agency.

10 *d.* The power of the public employer to levy taxes and
11 appropriate funds for the conduct of its operations. This
12 factor shall not be considered in an arbitration in which the
13 public employees are teachers licensed under chapter 272 who
14 are employed by a public employer which is a school district or
15 area education agency.

16 9. *a.* The For an arbitration in which the public employees
17 are not teachers licensed under chapter 272 who are employed by
18 a public employer which is a school district or area education
19 agency, the arbitrator shall select within fifteen days after
20 the hearing the most reasonable offer, in the arbitrator's
21 judgment, of the final offers on each impasse item submitted
22 by the parties.

23 *b.* For an arbitration in which the public employees are
24 teachers licensed under chapter 272 who are employed by a
25 public employer which is a school district or area education
26 agency, the arbitrator shall render a decision within fifteen
27 days after the hearing consisting of the arbitrator's award on
28 each impasse item submitted by the parties. The arbitrator may
29 select one of the final offers on an impasse item submitted by
30 the parties or the arbitrator may make any award which stays
31 within the confines of the final offers on an impasse item
32 submitted by the parties.

33 10. The selections or decisions by the arbitrator and
34 items agreed upon by the public employer and the employee
35 organization, shall be deemed to be the collective bargaining

1 agreement between the parties.

2 11. The ~~determination~~ selections or decisions of the
3 arbitrator shall be final and binding subject to the provisions
4 of section 20.17, subsection 6. The arbitrator shall give
5 written explanation for the arbitrator's selections or
6 decisions and inform the parties of the decision.

7 Sec. 2. APPLICABILITY. This Act applies to binding
8 arbitrations to which parties submit pursuant to chapter 20 on
9 or after the effective date of this Act.

10 EXPLANATION

11 The inclusion of this explanation does not constitute agreement with
12 the explanation's substance by the members of the general assembly.

13 This bill provides that, in an arbitration pursuant to Code
14 chapter 20, the public employment relations Act, in which the
15 public employees are teachers licensed under Code chapter
16 272 who are employed by a public employer which is a school
17 district or area education agency, the arbitrator's award with
18 respect to each impasse item shall not be restricted to the
19 final offers on each such item submitted by the parties to the
20 arbitrator. The arbitrator may select one of the final offers
21 on an impasse item or may make an award which stays within the
22 confines of the final offers on an impasse item. Under current
23 law, an arbitrator is only permitted to choose between the
24 final offers of the parties on each impasse item.

25 The bill modifies the factors that an arbitrator in an
26 arbitration in which the public employees are teachers licensed
27 under Code chapter 272 who are employed by a public employer
28 which is a school district or area education agency may
29 consider when making a decision on an impasse item.

30 The bill requires an arbitrator to consider a comparison
31 of wages, hours, and conditions of employment of the involved
32 public employees with those of private sector employees doing
33 comparable work, giving consideration to factors peculiar to
34 the area and the classifications involved.

35 The bill prohibits an arbitrator from considering the

1 ability of the public employer to finance economic adjustments
2 and the effect of such adjustments on the normal standard
3 of services. The bill also prohibits an arbitrator from
4 considering the power of the public employer to levy taxes and
5 appropriate funds for the conduct of its operations.

6 The bill applies to binding teacher contract arbitrations to
7 which parties submit pursuant to Code chapter 20 on or after
8 the effective date of the bill.