

House File 2107 - Introduced

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A BILL FOR

1 An Act relating to employee organization elections administered
2 by the public employment relations board and including
3 effective date and applicability provisions.

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

1 Section 1. Section 20.15, Code 2018, is amended by striking
2 the section and inserting in lieu thereof the following:

3 **20.15 Elections.**

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

13 2. If a majority of the votes cast on the question is
14 for no bargaining representation, the public employees in
15 the bargaining unit found appropriate by the board shall not
16 be represented by an employee organization. If a majority
17 of the votes cast on the question is for a listed employee
18 organization, then that employee organization shall represent
19 the public employees in the bargaining unit found appropriate
20 by the board.

21 3. If none of the choices on the ballot receives the vote
22 of a majority of the public employees voting, the board shall
23 conduct a runoff election among the two choices receiving the
24 greatest number of votes.

25 4. Upon written objections filed by any party to the
26 election within ten days after notice of the results of
27 the election, if the board finds that misconduct or other
28 circumstances prevented the public employees eligible to
29 vote from freely expressing their preferences, the board may
30 invalidate the election and hold a second election for the
31 public employees.

32 5. Upon completion of a valid election in which the majority
33 choice of the employees voting is determined, the board shall
34 certify the results of the election and shall give reasonable
35 notice of the order to all employee organizations listed on the

1 ballot, the public employers, and the public employees in the
2 appropriate bargaining unit.

3 6. *a.* A petition for certification as exclusive bargaining
4 representative of a bargaining unit shall not be considered
5 by the board for a period of one year from the date of the
6 noncertification of an employee organization as the exclusive
7 bargaining representative of that bargaining unit following a
8 certification election. A petition for certification as the
9 exclusive bargaining representative of a bargaining unit shall
10 also not be considered by the board if the bargaining unit is
11 at that time represented by a certified exclusive bargaining
12 representative.

13 *b.* A petition for the decertification of the exclusive
14 bargaining representative of a bargaining unit shall not be
15 considered by the board for a period of one year from the date
16 of its certification, or within one year of its continued
17 certification following a decertification election, or during
18 the duration of a collective bargaining agreement which, for
19 purposes of this section, shall be deemed not to exceed two
20 years. However, if a petition for decertification is filed
21 during the duration of a collective bargaining agreement, the
22 board shall award an election under this section not more than
23 one hundred eighty days and not less than one hundred fifty
24 days prior to the expiration of the collective bargaining
25 agreement. If an employee organization is decertified, the
26 board may receive petitions under section 20.14, provided that
27 no such petition and no election conducted pursuant to such
28 petition within one year from decertification shall include as
29 a party the decertified employee organization.

30 7. A collective bargaining agreement with the state, its
31 boards, commissions, departments, and agencies shall be for two
32 years. The provisions of a collective bargaining agreement or
33 arbitrator's award affecting state employees shall not provide
34 for renegotiations which would require the refinancing of
35 salary and fringe benefits for the second year of the term of

1 the agreement, except as provided in section 20.17, subsection
2 6. The effective date of any such agreement shall be July 1 of
3 odd-numbered years, provided that if an exclusive bargaining
4 representative is certified on a date which will prevent the
5 negotiation of a collective bargaining agreement prior to
6 July 1 of odd-numbered years for a period of two years, the
7 certified collective bargaining representative may negotiate
8 a one-year contract with the public employer which shall be
9 effective from July 1 of the even-numbered year to July 1
10 of the succeeding odd-numbered year when new contracts shall
11 become effective.

12 Sec. 2. Section 22.7, subsection 69, Code 2018, is amended
13 to read as follows:

14 69. The evidence of public employee support for
15 the certification, ~~retention and recertification~~, or
16 decertification of an employee organization as defined in
17 section 20.3 that is submitted to the public employment
18 relations board as provided in [section 20.14](#) or [20.15](#).

19 Sec. 3. Section 22.7, subsection 70, Code 2018, is amended
20 to read as follows:

21 70. Information indicating whether a public employee
22 voted in a certification, ~~retention and recertification~~, or
23 decertification election held pursuant to [section 20.15](#) or
24 how the employee voted on any question on a ballot in such an
25 election.

26 Sec. 4. Section 602.1401, subsection 3, paragraph b, Code
27 2018, is amended to read as follows:

28 *b.* For purposes of [chapter 20](#), the certified representative,
29 which on July 1, 1983, represents employees who become judicial
30 branch employees as a result of [1983 Iowa Acts, ch. 186](#), shall
31 remain the certified representative when the employees become
32 judicial branch employees and thereafter, unless the public
33 employee organization is ~~not retained and recertified or is~~
34 decertified in an election held under [section 20.15](#) or amended
35 or absorbed into another certified organization pursuant to

1 chapter 20. Collective bargaining negotiations shall be
2 conducted on a statewide basis and the certified employee
3 organizations which engage in bargaining shall negotiate on a
4 statewide basis, although bargaining units shall be organized
5 by judicial district. The public employment relations board
6 shall adopt rules pursuant to [chapter 17A](#) to implement this
7 subsection.

8 Sec. 5. DIRECTIVES TO PUBLIC EMPLOYMENT RELATIONS BOARD.

9 1. The public employment relations board shall cancel any
10 elections scheduled or in process pursuant to section 20.15,
11 subsection 2, Code 2018, as of the effective date of this Act.

12 2. Notwithstanding section 20.15, subsection 1, paragraph
13 "c", Code 2018, the public employment relations board
14 shall consider a petition for certification of an employee
15 organization as the exclusive representative of a bargaining
16 unit for which an employee organization was not retained and
17 recertified as the exclusive representative of that bargaining
18 unit regardless of the amount of time that has elapsed since
19 the retention and recertification election at which an employee
20 organization was not retained or recertified.

21 Sec. 6. EFFECTIVE DATE. This Act, being deemed of immediate
22 importance, takes effect upon enactment.

23 Sec. 7. APPLICABILITY. This Act applies to all elections
24 carried out pursuant to section 20.15 on and after the
25 effective date of this Act.

26 EXPLANATION

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

29 This bill strikes and rewrites Code section 20.15, relating
30 to elections for employee organizations representing public
31 employee collective bargaining units pursuant to Code chapter
32 20. The bill strikes statutory changes made by 2017 Iowa Acts,
33 ch. 2 (House File 291), and restores statutory language in
34 effect prior to the enactment of 2017 Iowa Acts, ch. 2 (House
35 File 291).

1 The bill eliminates language providing for retention and
2 recertification elections. The bill requires the public
3 employment relations board to cancel any such elections
4 scheduled or in process. The bill requires the board
5 to consider a petition for certification of an employee
6 organization as the exclusive representative of a bargaining
7 unit for which an employee organization was not retained and
8 recertified as the exclusive representative of that bargaining
9 unit regardless of the amount of time that has elapsed since
10 the retention and recertification election, notwithstanding
11 prior requirements prohibiting such consideration for two
12 years.

13 The bill provides that the outcome of a certification or
14 decertification election is determined by a majority vote of
15 the members of the bargaining unit voting, rather than the
16 total membership of the bargaining unit. The bill provides for
17 a runoff election if none of the choices on the ballot in a
18 certification election receives a majority vote of the members
19 of the bargaining unit voting.

20 The bill lowers the required percentage of support from
21 employees in a bargaining unit required for an employee
22 organization that did not submit a petition for certification
23 as the exclusive bargaining representative of a bargaining unit
24 to be listed on the ballot for a certification election from 30
25 percent to 10 percent.

26 The bill strikes language prohibiting the board from
27 considering a petition for certification as the exclusive
28 bargaining representative of a bargaining unit unless a
29 period of two years has elapsed from the date of the last
30 certification election in which an employee organization
31 was not certified as the exclusive representative of that
32 bargaining unit or of the last decertification election in
33 which an employee organization was decertified as the exclusive
34 representative of that bargaining unit. The bill prohibits
35 the board from considering a petition for certification as the

1 exclusive bargaining representative of a bargaining unit for
2 one year after the employee organization is not certified in
3 a certification election. The bill makes additional changes
4 relating to the scheduling of decertification elections.

5 The bill makes conforming changes.

6 The bill takes effect upon enactment and applies to all
7 elections carried out pursuant to Code section 20.15 on and
8 after the effective date of the bill.