

House File 2404 - Introduced

HOUSE FILE 2404

BY PRICHARD

A BILL FOR

1 An Act relating to collective bargaining, health insurance for
2 a surviving spouse and children of certain employees of the
3 department of corrections, assaults on persons engaged in
4 certain occupations, and certain operational and employment
5 matters involving the department of corrections, and
6 providing penalties.

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

DIVISION I

COLLECTIVE BARGAINING

1
2
3 Section 1. Section 20.1, subsection 2, paragraph a, Code
4 2022, is amended to read as follows:

5 a. Determining appropriate bargaining units, amending
6 the composition of previously determined bargaining units
7 represented by a certified employee organization, reconsidering
8 and altering the composition of previously determined
9 bargaining units which are not represented by a certified
10 employee organization, and conducting representation elections.

11 Sec. 2. Section 20.3, subsection 11, Code 2022, is amended
12 by adding the following new paragraphs:

13 NEW PARAGRAPH. g. An employee of the Iowa department of
14 corrections who is responsible for the custody and supervision
15 of inmates through ongoing direct inmate contact, to enforce
16 and maintain discipline, safety, and security within a
17 correctional facility.

18 NEW PARAGRAPH. h. A jailer or detention officer who
19 performs duties as a jailer, including but not limited to the
20 transportation of inmates, who is certified as having completed
21 jailer training pursuant to chapter 80B, and who is employed
22 by a county as a jailer.

23 NEW PARAGRAPH. i. An emergency dispatcher for a county
24 sheriff.

25 NEW PARAGRAPH. j. A probation or parole officer employed by
26 the Iowa department of corrections.

27 NEW PARAGRAPH. k. A residential officer employed by
28 the department of corrections working at a community-based
29 corrections residential facility.

30 Sec. 3. Section 20.13, Code 2022, is amended to read as
31 follows:

32 20.13 Bargaining unit determination, amendment, and
33 reconsideration.

34 1. ~~Board~~ The board's determination of an appropriate
35 bargaining unit shall be upon petition filed by a public

1 employer, public employee, or employee organization. Except
2 as provided in subsection 4, the board's amendment of the
3 composition of a represented bargaining unit shall be upon
4 petition filed by the employer or certified representative
5 of the bargaining unit. The board's reconsideration of the
6 composition of a previously determined bargaining unit which is
7 not represented by a certified representative shall be upon the
8 combined petition of an employee organization which also seeks
9 a representation election pursuant to section 20.14, subsection
10 2.

11 2. Within thirty days of receipt of a petition, the board
12 shall conduct a public hearing, receive written or oral
13 testimony, and promptly thereafter file an order defining
14 the appropriate bargaining unit, amending or refusing to
15 amend the composition of a represented bargaining unit or
16 reconsidering and altering or refusing to alter the composition
17 of an unrepresented bargaining unit. In defining the unit,
18 or determining whether a unit should be amended or altered
19 in response to a petition for amendment or reconsideration,
20 the board shall take into consideration, along with other
21 relevant factors, the principles of efficient administration
22 of government, the existence of a community of interest among
23 public employees, the history and extent of public employee
24 organization, geographical location, and the recommendations
25 of the parties involved.

26 ~~3. Appeals from such order shall be governed by the~~
27 ~~provisions of [chapter 17A.](#)~~

28 ~~4.~~ 3. Professional and nonprofessional employees shall not
29 be included in the same bargaining unit unless a majority of
30 both agree.

31 4. Notwithstanding the provisions of subsection 1, a
32 petition to amend the composition of a represented bargaining
33 unit by the removal of public safety employees may be filed
34 by a public safety employee who is a member of the bargaining
35 unit. If the petition is accompanied by evidence satisfactory

1 to the board that the public safety employees in the bargaining
2 unit do not constitute at least thirty percent of the employees
3 in the unit and that a majority of the public safety employees
4 in the unit support the petition, the board shall conduct
5 a hearing within thirty days of its finding such evidence
6 satisfactory and shall promptly thereafter issue an order
7 granting or denying the requested amendment. If the board
8 amends the composition of the bargaining unit by removing
9 public safety employees, those employees may immediately be the
10 subject of a separate bargaining unit determination petition
11 filed in accordance with subsection 1.

12 5. Appeals from such orders shall be governed by the
13 provisions of chapter 17A.

14 Sec. 4. Section 20.15, Code 2022, is amended by striking the
15 section and inserting in lieu thereof the following:

16 **20.15 Elections.**

17 1. Upon the filing of a petition for certification of an
18 employee organization, the board shall submit a question to
19 the public employees at an election in the bargaining unit
20 found appropriate by the board. The question on the ballot
21 shall permit the public employees to vote for no bargaining
22 representation or for any employee organization which has
23 petitioned for certification or which has presented proof
24 satisfactory to the board of support of ten percent or more of
25 the public employees in the appropriate unit.

26 2. If a majority of the votes cast on the question is
27 for no bargaining representation, the public employees in
28 the bargaining unit found appropriate by the board shall not
29 be represented by an employee organization. If a majority
30 of the votes cast on the question is for a listed employee
31 organization, then that employee organization shall represent
32 the public employees in the bargaining unit found appropriate
33 by the board.

34 3. If none of the choices on the ballot receives the vote
35 of a majority of the public employees voting, the board shall

1 conduct a runoff election among the two choices receiving the
2 greatest number of votes.

3 4. Upon written objections filed by any party to the
4 election within ten days after notice of the results of
5 the election, if the board finds that misconduct or other
6 circumstances prevented the public employees eligible to
7 vote from freely expressing their preferences, the board may
8 invalidate the election and hold a second election for the
9 public employees.

10 5. Upon completion of a valid election in which the majority
11 choice of the employees voting is determined, the board shall
12 certify the results of the election and shall give reasonable
13 notice of the order to all employee organizations listed on the
14 ballot, the public employers, and the public employees in the
15 appropriate bargaining unit.

16 6. *a.* A petition for certification as exclusive bargaining
17 representative of a bargaining unit shall not be considered
18 by the board for a period of one year from the date of the
19 noncertification of an employee organization as the exclusive
20 bargaining representative of that bargaining unit following a
21 certification election. A petition for certification as the
22 exclusive bargaining representative of a bargaining unit shall
23 also not be considered by the board if the bargaining unit is
24 at that time represented by a certified exclusive bargaining
25 representative.

26 *b.* A petition for the decertification of the exclusive
27 bargaining representative of a bargaining unit shall not be
28 considered by the board for a period of one year from the date
29 of its certification, or within one year of its continued
30 certification following a decertification election, or during
31 the duration of a collective bargaining agreement which, for
32 purposes of this section, shall be deemed not to exceed two
33 years. However, if a petition for decertification is filed
34 during the duration of a collective bargaining agreement, the
35 board shall award an election under this section not more than

1 one hundred eighty days and not less than one hundred fifty
2 days prior to the expiration of the collective bargaining
3 agreement. If an employee organization is decertified, the
4 board may receive petitions under section 20.14, provided that
5 no such petition and no election conducted pursuant to such
6 petition within one year from decertification shall include as
7 a party the decertified employee organization.

8 7. A collective bargaining agreement with the state, its
9 boards, commissions, departments, and agencies shall be for two
10 years. The provisions of a collective bargaining agreement or
11 arbitrator's award affecting state employees shall not provide
12 for renegotiations which would require the refinancing of
13 salary and fringe benefits for the second year of the term of
14 the agreement, except as provided in section 20.17, subsection
15 6. The effective date of any such agreement shall be July 1 of
16 odd-numbered years, provided that if an exclusive bargaining
17 representative is certified on a date which will prevent the
18 negotiation of a collective bargaining agreement prior to
19 July 1 of odd-numbered years for a period of two years, the
20 certified collective bargaining representative may negotiate
21 a one-year contract with the public employer which shall be
22 effective from July 1 of the even-numbered year to July 1
23 of the succeeding odd-numbered year when new contracts shall
24 become effective.

25 Sec. 5. Section 22.7, subsections 69 and 70, Code 2022, are
26 amended to read as follows:

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

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

1 election.

2 Sec. 6. Section 602.1401, subsection 3, paragraph b, Code
3 2022, is amended to read as follows:

4 b. For purposes of [chapter 20](#), the certified representative,
5 which on July 1, 1983, represents employees who become judicial
6 branch employees as a result of [1983 Iowa Acts, ch. 186](#), shall
7 remain the certified representative when the employees become
8 judicial branch employees and thereafter, unless the public
9 employee organization is ~~not retained and recertified or is~~
10 decertified in an election held under [section 20.15](#) or amended
11 or absorbed into another certified organization pursuant to
12 chapter 20. Collective bargaining negotiations shall be
13 conducted on a statewide basis and the certified employee
14 organizations which engage in bargaining shall negotiate on a
15 statewide basis, although bargaining units shall be organized
16 by judicial district. The public employment relations board
17 shall adopt rules pursuant to [chapter 17A](#) to implement this
18 subsection.

19 Sec. 7. Section 905.4, subsection 2, Code 2022, is amended
20 to read as follows:

21 2. Employ a director having the qualifications required by
22 section 905.6 to head the district department's community-based
23 correctional program and, within a range established by the
24 Iowa department of corrections, fix the compensation of and
25 have control over the director and the district department's
26 staff. For purposes of collective bargaining under chapter
27 20, employees of the district board who are not exempt from
28 chapter 20 are employees of the state, and the employees of all
29 of the district boards shall be included within one collective
30 bargaining unit. Furthermore, employees of the district board
31 shall be considered state employees for purposes of section
32 8A.415, subsection 2.

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

34 1. The public employment relations board shall cancel any
35 elections scheduled or in process pursuant to section 20.15,

1 subsection 2, Code 2022, as of the effective date of this
2 division of this Act.

3 2. Notwithstanding section 20.15, subsection 1, paragraph
4 "c", Code 2022, the public employment relations board
5 shall 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 at which an employee
11 organization was not retained or recertified.

12 DIVISION II

13 HEALTH INSURANCE COVERAGE — SURVIVING SPOUSE AND CHILDREN OF
14 CERTAIN DEPARTMENT OF CORRECTIONS EMPLOYEES

15 Sec. 9. Section 509A.13D, subsection 3, Code 2022, is
16 amended to read as follows:

17 3. The governing body of the state shall ~~not~~ be required
18 to pay for the full cost of the health insurance under this
19 section; ~~however, the governing body of the state may pay the~~
20 ~~full cost or a portion of the cost of the health insurance. If~~
21 ~~the full cost or a portion of the cost of the coverage is not~~
22 ~~paid by the governing body of the state, the surviving spouse~~
23 ~~and each surviving child who is eligible for health insurance~~
24 ~~under this section may elect to continue coverage by paying~~
25 ~~that portion of the cost of the health insurance not paid by~~
26 ~~the governing body of the state.~~

27 DIVISION III

28 ASSAULTS ON PERSONS ENGAGED IN CERTAIN OCCUPATIONS

29 Sec. 10. Section 708.3A, subsections 3 and 4, Code 2022, are
30 amended to read as follows:

31 3. A person who commits an assault, as defined in section
32 708.1, against a peace officer, jailer, correctional staff,
33 member or employee of the board of parole, health care
34 provider, employee of the department of human services,
35 employee of the department of revenue, civilian employee of a

1 law enforcement agency, civilian employee of a fire department,
2 or fire fighter, whether paid or volunteer, who knows that
3 the person against whom the assault is committed is a peace
4 officer, jailer, correctional staff, member or employee of
5 the board of parole, health care provider, employee of the
6 department of human services, employee of the department
7 of revenue, civilian employee of a law enforcement agency,
8 civilian employee of a fire department, or fire fighter, and
9 who causes bodily injury or mental illness, is guilty of an
10 ~~aggravated misdemeanor~~ a class "D" felony.

11 4. Any other assault, as defined in [section 708.1](#), committed
12 against a peace officer, jailer, correctional staff, member
13 or employee of the board of parole, health care provider,
14 employee of the department of human services, employee of the
15 department of revenue, civilian employee of a law enforcement
16 agency, civilian employee of a fire department, or fire
17 fighter, whether paid or volunteer, by a person who knows
18 that the person against whom the assault is committed is a
19 peace officer, jailer, correctional staff, member or employee
20 of the board of parole, health care provider, employee of
21 the department of human services, employee of the department
22 of revenue, civilian employee of a law enforcement agency,
23 civilian employee of a fire department, or fire fighter, is a
24 ~~serious misdemeanor~~ an aggravated misdemeanor.

25 Sec. 11. Section 708.3A, Code 2022, is amended by adding the
26 following new subsections:

27 NEW SUBSECTION. 4A. Any person who commits an assault,
28 as defined in section 708.1, against a jailer or correctional
29 staff while the person is in the custody and control of the
30 department of corrections in a correctional institution,
31 community-based correctional facility, or an institution under
32 the management of the Iowa department of corrections which
33 is used for the purposes of confinement of persons who have
34 committed public offenses, or a county jail or other facility
35 used for purposes of confinement of persons who have committed

1 public offenses, shall, upon conviction of a violation of
2 this section, in addition to any other sentence imposed, lose
3 one-half of all earned time accumulated pursuant to section
4 903A.2 for a first conviction, and shall lose all earned
5 time accumulated pursuant to section 903A.2 for a second or
6 subsequent conviction.

7 NEW SUBSECTION. 4B. If the county attorney of the county
8 where a violation of this section occurs against a jailer
9 or correctional staff by a person who is in the custody
10 and control of the department of corrections while in any
11 correctional institution or a county jail or other facility
12 used for purposes of confinement fails to prosecute the case
13 against the person, the area prosecutions division of the
14 attorney general's office may elect to prosecute the case.

15 DIVISION IV

16 DEPARTMENT OF CORRECTIONS

17 Sec. 12. DEPARTMENT OF CORRECTIONS — CONTRABAND AND
18 SURVEILLANCE CAMERAS — TRAUMA EVENTS.

19 1. For fiscal years beginning on or after July 1, 2022,
20 the department of corrections shall increase funding for
21 screening for contraband and surveillance cameras at all state
22 correctional facilities and for upgrades to provide for an
23 enhanced technology system to improve the safety and efficiency
24 of operations at all state correctional facilities.

25 2. The department of corrections shall amend its
26 administrative rules pursuant to chapter 17A to allow an
27 employee of the department who has witnessed a trauma event to
28 take between five and thirty days of paid leave depending upon
29 the severity of the trauma event. If the appointing authority
30 of a correctional institution determines that an employee
31 has been held hostage, the employee shall be eligible for a
32 paid leave of absence of up to ninety days, as determined by
33 a licensed physician, to allow for recovery from stress and
34 any related conditions. Such paid leave shall not be charged
35 against the employee's sick leave account.

1

EXPLANATION

2

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

3

4 This bill relates to collective bargaining, health insurance
5 for a surviving spouse and children of certain employees of
6 the department of corrections, assaults on persons engaged in
7 certain occupations, and certain operational and employment
8 matters involving the department of corrections.

9 DIVISION I — COLLECTIVE BARGAINING. The bill makes changes
10 to public employment collective bargaining and bargaining unit
11 determinations. The bill makes changes to the definition of
12 a "public safety employee" to include a correctional officer,
13 a jailer or detention officer, an emergency dispatcher, a
14 probation or parole officer, and a residential officer working
15 at a community-based corrections residential facility. The
16 bill allows public safety employees to be the subject of a
17 separate bargaining unit if they comprise fewer than 30 percent
18 of the current unit and the majority of the public safety
19 employees support a petition to form a new unit.

20 ELECTIONS. The bill strikes current Code section 20.15
21 concerning the certification of public employee organization
22 certification and replaces it with language which does
23 not require recertification. The bill provides that upon
24 the filing of a petition for certification of an employee
25 organization, the public employment relations board shall
26 submit a question to the public employees at an election in
27 the bargaining unit found appropriate by the board. The
28 public employees may vote for no bargaining representation
29 or for any employee organization which has petitioned for
30 certification or which has presented proof satisfactory to
31 the board of support of 10 percent or more of the public
32 employees in the appropriate unit. If none of the choices
33 on the ballot receives the vote of a majority of the public
34 employees voting, the board shall conduct a runoff election
35 among the two choices receiving the greatest number of votes.

1 Upon completion of a valid election in which the majority
2 choice of the employees voting is determined, the board shall
3 certify the results of the election and shall give reasonable
4 notice of the order to all employee organizations listed on the
5 ballot, the public employers, and the public employees in the
6 appropriate bargaining unit. A petition for certification as
7 exclusive bargaining representative of a bargaining unit shall
8 not be considered by the board for a period of one year from
9 the date of the noncertification of an employee organization
10 as the exclusive bargaining representative of that bargaining
11 unit following a certification election, and a petition for
12 certification as the exclusive bargaining representative of a
13 bargaining unit shall not be considered by the board if the
14 bargaining unit is at that time represented by a certified
15 exclusive bargaining representative.

16 The bill provides that a petition for the decertification of
17 the exclusive bargaining representative of a bargaining unit
18 shall not be considered by the board for a period of one year
19 from the date of its certification, or within one year of its
20 continued certification following a decertification election,
21 or during the duration of a collective bargaining agreement
22 which, for purposes of the bill, shall be deemed not to exceed
23 two years. A collective bargaining agreement with the state,
24 its boards, commissions, departments, and agencies shall be for
25 two years. The provisions of a collective bargaining agreement
26 or arbitrator's award affecting state employees shall not
27 provide for renegotiations which would require the refinancing
28 of salary and fringe benefits for the second year of the term
29 of the agreement, except as provided in Code section 20.17(6).

30 DIVISION II — HEALTH INSURANCE COVERAGE — SURVIVING SPOUSE
31 AND CHILDREN OF CERTAIN DEPARTMENT OF CORRECTIONS EMPLOYEES.

32 The bill provides that if the governing body of the state has
33 procured health insurance coverage for its employees, the
34 governing body of the state shall be required to pay for the
35 full cost of continuing health insurance for the surviving

1 spouse and any surviving children of an employee of the Iowa
2 department of corrections whose death has been determined
3 by the department to be the direct and proximate result of
4 a traumatic personal injury incurred in the line of duty.
5 Current law provides that the governing body of the state shall
6 not be required to pay for the cost of the health insurance
7 for a surviving spouse and any surviving children under such
8 circumstances; however, the governing body of the state may pay
9 the full cost or a portion of the cost of the health insurance.

10 DIVISION III — ASSAULTS ON PERSONS ENGAGED IN CERTAIN
11 OCCUPATIONS. The bill increases the penalties for a person
12 who commits an assault, as provided in Code section 708.1,
13 against a peace officer, jailer, correctional staff, member or
14 employee of the board of parole, health care provider, employee
15 of the department of human services, employee of the department
16 of revenue, civilian employee of a law enforcement agency,
17 civilian employee of a fire department, or fire fighter,
18 whether paid or volunteer, who knows that the person against
19 whom the assault is committed is a peace officer, jailer,
20 correctional staff, member or employee of the board of parole,
21 health care provider, employee of the department of human
22 services, employee of the department of revenue, civilian
23 employee of a law enforcement agency, civilian employee of a
24 fire department, or fire fighter which causes bodily injury or
25 mental illness from an aggravated misdemeanor to a class "D"
26 felony, or for any other assault from a serious misdemeanor to
27 an aggravated misdemeanor. A class "D" felony is punishable by
28 confinement for no more than five years and a fine of at least
29 \$1,025 but not more than \$10,245. An aggravated misdemeanor is
30 punishable by confinement for no more than two years and a fine
31 of at least \$855 but not more than \$8,540.

32 The bill provides that any person who commits an assault, as
33 defined in Code section 708.1, against a jailer or correctional
34 staff, while the person is in the custody and control of
35 the department of corrections in a correctional institution,

1 community-based correctional facility, or an institution under
2 the management of the Iowa department of corrections which
3 is used for the purposes of confinement of persons who have
4 committed public offenses, or a county jail or other facility
5 used for purposes of confinement of persons who have committed
6 public offenses, shall, upon conviction of a violation of the
7 bill, in addition to any other sentence imposed, lose one-half
8 of all earned time accumulated pursuant to Code section 903A.2
9 for a first conviction, and shall lose all earned time for a
10 second or subsequent conviction.

11 The bill provides that if the county attorney of the
12 county where a violation of the bill occurs against a jailer
13 or correctional staff by a person who is in the custody and
14 control of the department of corrections in any correctional
15 institution or a county jail or other facility used for
16 purposes of confinement fails to prosecute the case against
17 the person, the area prosecutions division of the attorney
18 general's office may elect to prosecute the case.

19 DIVISION IV — DEPARTMENT OF CORRECTIONS — CONTRABAND AND
20 SURVEILLANCE CAMERAS — TRAUMA EVENTS. The bill provides
21 that for fiscal years beginning on or after July 1, 2022,
22 the department of corrections shall increase funding for
23 screening for contraband and surveillance cameras at all state
24 correctional facilities and for upgrades to provide an enhanced
25 system to improve the safety and efficiency of operations
26 at all state correctional facilities. The department of
27 corrections shall amend its administrative rules to allow for
28 5 to 30 days of paid leave for employees of the department who
29 have witnessed a trauma event and to allow for up to 90 days of
30 paid leave for employees of the department who have been held
31 hostage.