

Senate File 2374 - Introduced

SENATE FILE 2374
BY COMMITTEE ON WORKFORCE

(SUCCESSOR TO SSB 3158)

A BILL FOR

1 An Act relating to retention and recertification elections for
2 public employee collective bargaining units and including
3 applicability provisions.

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

1 Section 1. Section 20.15, subsection 2, paragraph a, Code
2 2024, is amended to read as follows:

3 a. (1) The board shall conduct an election to retain and
4 recertify the bargaining representative of a bargaining unit
5 prior to the expiration of the bargaining unit's collective
6 bargaining agreement. The question on the ballot shall be
7 whether the bargaining representative of the public employees
8 in the bargaining unit shall be retained and recertified as
9 the bargaining representative of the public employees in the
10 bargaining unit.

11 (2) For collective bargaining agreements with a June 30
12 expiration date, the election shall occur between June 1 and
13 November 1, both dates included, in the year prior to that
14 expiration date. For collective bargaining agreements with a
15 different expiration date, the election shall occur between
16 three hundred sixty-five and two hundred seventy days prior to
17 the expiration date.

18 (3) Prior to conducting an election under this paragraph,
19 the board shall issue a written notice of intent to conduct
20 an election to the public employer and the bargaining
21 representative. The public employer, after receiving such
22 notice, shall submit to the board a list of employees in the
23 bargaining unit within ten days. The board shall utilize the
24 submitted list to determine the employees eligible to vote
25 in the election and the outcome of the election as provided
26 in paragraph "b". The board shall establish procedures for
27 filing an objection to the board concerning a notice of intent
28 to conduct an election or a list of employees in a bargaining
29 unit.

30 (4) If the public employer fails to submit a list of
31 employees to the board as required by subparagraph (3), the
32 board shall issue written notice of the failure to the public
33 employer and the bargaining representative. Five days after
34 issuance of such notice, the board shall immediately decertify
35 the representative and the public employees shall not be

1 represented by an employee organization except pursuant to
2 the filing of a subsequent petition for certification of an
3 employee organization as provided in section 20.14 and an
4 election conducted pursuant to such petition.

5 (5) The board shall not decertify the bargaining
6 representative under subparagraph (4) if within the five-day
7 period provided in subparagraph (4), either of the following
8 occurs:

9 (a) The public employer submits to the board a list of
10 employees in the bargaining unit as required by subparagraph
11 (3).

12 (b) The bargaining unit or the bargaining representative
13 petitions the district court to require the public employer to
14 submit to the board a list of employees in the bargaining unit
15 as required by subparagraph (3). The bargaining representative
16 shall immediately notify the board in writing when the petition
17 is filed. The petition may be filed in the district court
18 at the seat of government or in the county where the alleged
19 violation of subparagraph (3) occurred. The district court
20 shall expedite resolution of the petition, and the board may
21 extend the timelines provided in subparagraph (2) for carrying
22 out an election as needed to allow for resolution of the
23 petition and any resulting appeals. If the bargaining unit or
24 the bargaining representative prevails, the court shall award
25 court costs and reasonable attorney fees to the bargaining unit
26 or the bargaining representative.

27 (6) The board shall adopt rules pursuant to chapter 17A
28 establishing procedures and timelines applicable to this
29 subsection, including but not limited to procedures for
30 extending the timelines provided in subparagraph (2) as
31 described in subparagraph (5).

32 Sec. 2. APPLICABILITY. This Act applies to a retention and
33 recertification election under section 20.15, subsection 2, for
34 which the date of issuance of a notice of intent to conduct an
35 election by the public employment relations board occurs on or

1 after the effective date of this Act.

2 EXPLANATION

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

5 This bill relates to retention and recertification elections
6 for public employee collective bargaining units conducted by
7 the public employment relations board (PERB).

8 The bill requires the PERB to issue a written notice of
9 intent to conduct such an election to the public employer
10 and the bargaining representative prior to conducting the
11 election. The bill requires a public employer, after receiving
12 such notice, to submit to the PERB a list of employees in the
13 bargaining unit within 10 days. The PERB shall utilize the
14 submitted list to determine the employees eligible to vote in
15 the election and the outcome of the election.

16 If the public employer fails to submit a list of employees to
17 the PERB, the bill requires the PERB to issue written notice
18 of the failure to the public employer and the bargaining
19 representative. Five days after issuance of such notice,
20 the PERB shall immediately decertify the representative and
21 the public employees shall not be represented by an employee
22 organization except pursuant to the filing of a subsequent
23 petition for certification of an employee organization and an
24 election conducted pursuant to the petition.

25 The bill provides that the PERB shall not decertify the
26 bargaining representative if within the five-day period, either
27 of two specified actions occurs. The first is the public
28 employer submitting to the PERB a list of employees in the
29 bargaining unit. The second is the bargaining unit or the
30 bargaining representative petitioning the district court to
31 require the public employer to submit to the PERB a list of
32 employees in the bargaining unit. The district court shall
33 expedite resolution of the petition, and the PERB may extend
34 the timelines for carrying out an election as needed to allow
35 for resolution of the petition and any resulting appeals. If

1 the bargaining unit or the bargaining representative prevails,
2 the court shall award court costs and reasonable attorney fees
3 to the bargaining unit or the bargaining representative.

4 The bill requires the PERB to adopt rules establishing
5 applicable procedures and timelines, including but not limited
6 to procedures for extending the timelines in which the election
7 must be held.

8 The bill applies to a retention and recertification election
9 for which the date of issuance of a notice of intent to conduct
10 an election by the PERB occurs on or after the effective date
11 of the bill.