

Senate File 472 - Introduced

SENATE FILE 472
BY COMMITTEE ON WORKFORCE

(SUCCESSOR TO SSB 1172)

A BILL FOR

1 An Act relating to retention and recertification elections for
2 public employee collective bargaining units and including
3 effective date and applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. Section 20.15, subsection 2, paragraph a, Code
2 2025, 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) (a) 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.

15 (b) For collective bargaining agreements with a ~~different~~ an
16 expiration date different than the one specified in subparagraph
17 division (a), the election shall occur between three hundred
18 sixty-five and two hundred seventy days prior to the expiration
19 date.

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

31 (4) Upon the conclusion of the ten-day period for a public
32 employer to submit a list of employees in a bargaining unit
33 to the board as required by subparagraph (3), the board shall
34 publish on its internet site a list of public employers to
35 which a notice of intent to conduct an election has been

1 issued as provided in subparagraph (3), but the election has
2 not yet been conducted by the board. The list shall specify
3 any public employers on the list that have failed to submit a
4 list of employees to the board as required by subparagraph (3).
5 The board's list shall also include the date on which it was
6 initially published. The board shall update the list if a public
7 employer subsequently submits a list of employees to the board.

8 (5) (a) It shall be unlawful for any public employer to
9 fail to submit a list of employees to the board as required by
10 subparagraph (3).

11 (b) Within sixty days of the board's initial publication of a
12 list of public employers pursuant to subparagraph (4), a resident
13 of Iowa may petition the district court within the jurisdictional
14 boundaries of a public employer or the district court for Polk
15 county for a writ of mandamus to compel the public employer
16 to provide the list to the board as required by subparagraph
17 (3). The individual need not show that failure by the public
18 employer to submit a list of employees to the board as required
19 by subparagraph (3) has caused or will cause injury to the
20 individual. The court shall expedite resolution of such an
21 action and shall grant such a writ if it appears to the court
22 that the public employer has failed to submit a list of employees
23 to the board as required by subparagraph (3).

24 (c) The court shall award court costs, reasonable attorney
25 fees, and any other relief the court determines is appropriate to
26 the prevailing party in such an action.

27 (6) The board shall extend the timelines established in or
28 implementing subparagraph (2) as needed to allow for resolution
29 of the petition and any resulting appeals. The board may
30 also reschedule an election originally scheduled as provided
31 in subparagraph (2), subparagraph division (a), for the next
32 election period provided in subparagraph (2), subparagraph
33 division (b), or vice versa, if necessary to allow for such
34 resolution.

35 (7) The board shall adopt rules pursuant to chapter

1 17A establishing procedures and timelines applicable to this
2 subsection, including but not limited to procedures for extending
3 the timelines established in or implementing subparagraph (2) as
4 described in subparagraph (6).

5 Sec. 2. EFFECTIVE DATE. This Act, being deemed of immediate
6 importance, takes effect upon enactment.

7 Sec. 3. APPLICABILITY. This Act applies to a retention and
8 recertification election under section 20.15, subsection 2, for
9 which the date of issuance of a notice of intent to conduct an
10 election by the employment appeal board occurs on or after the
11 effective date of this Act.

12 EXPLANATION

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

15 This bill relates to retention and recertification elections
16 for public employee collective bargaining units conducted by the
17 employment appeal board (board).

18 The bill requires the board to issue to the public employer
19 and the bargaining representative a written notice of intent to
20 conduct such an election prior to conducting the election. The
21 bill requires a public employer, after receiving such notice, to
22 submit to the board a list of employees in the bargaining unit
23 within 10 days. The board shall utilize the submitted list to
24 determine the employees eligible to vote in the election and the
25 outcome of the election.

26 The bill requires the board to publish on its internet site
27 a list of public employers to which a notice of intent to
28 conduct an election has been issued, but the election has not
29 yet been conducted by the board. The board shall do so upon the
30 conclusion of the 10-day period for a public employer to submit
31 a list of employees in a bargaining unit to the board. The list
32 shall specify any public employers on the list that have failed
33 to submit a list of employees to the board. The board shall
34 update the list if a public employer subsequently submits a list
35 of employees to the board.

1 The bill provides that it shall be unlawful for any public
2 employer to fail to submit a list of employees to the board as
3 required by the bill.

4 The bill authorizes an Iowa resident, within 60 days of the
5 board's initial publication of a list of public employers, to
6 petition the district court for a writ of mandamus to compel a
7 public employer to provide the list to the board. The individual
8 need not show that failure by the public employer to submit a
9 list of employees to the board has caused or will cause injury
10 to the individual. The court shall expedite resolution of such
11 an action and shall grant such a writ if it appears to the
12 court that the public employer has failed to submit a list of
13 employees to the board. The bill provides for awarding court
14 costs, reasonable attorney fees, and other appropriate relief to
15 the prevailing party in such an action.

16 The bill requires the board to extend the timelines for
17 carrying out an election as needed to allow for resolution of the
18 petition and any resulting appeals.

19 The bill requires the board to adopt rules establishing
20 applicable procedures and timelines, including but not limited to
21 procedures for extending the timelines in which the election must
22 be held.

23 The bill takes effect upon enactment. The bill applies to
24 a retention and recertification election for which the date of
25 issuance of a notice of intent to conduct an election by the
26 employment appeal board occurs on or after the effective date of
27 the bill.