Senate Study Bill 1172 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON WORKFORCE BILL BY CHAIRPERSON DICKEY)

A BILL FOR

An Act relating to retention and recertification elections for public employee collective bargaining units and including effective date and applicability provisions.

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

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Section 1. Section 20.15, subsection 2, paragraph a, Code 2025, is amended to read as follows:

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

(2) (a) For collective bargaining agreements with a June 30 expiration date, the election shall occur between June 1 and November 1, both dates included, in the year prior to that expiration date.

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

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

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

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as provided in subparagraph (3), but the election has not yet been conducted by the board. The list shall specify any public employers on the list that have failed to submit a list of employees to the board as required by subparagraph (3). The board shall update the list if a public employer subsequently submits a list of employees to the board.

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

(b) A resident of Iowa may petition the district court within the jurisdictional boundaries of a public employer or the district court for Polk county for a writ of mandamus to compel the public employer to provide the list to the board as required by subparagraph (3). The individual need not show that failure by the public employer to submit a list of employees to the board as required by subparagraph (3) has caused or will cause injury to the individual. The court shall expedite resolution of such an action and shall grant such a writ if it appears to the court that the public employer has failed to submit a list of employees to the board as required by subparagraph (3).

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

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

(7) The board shall adopt rules pursuant to chapter 17A establishing procedures and timelines applicable to this subsection, including but not limited to procedures for extending the timelines established in or implementing subparagraph (2) as

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described in subparagraph (6).

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

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

EXPLANATION

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

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

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

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

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

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The bill authorizes an Iowa resident to petition the district court for a writ of mandamus to compel a public employer to provide the list to the board. The individual need not show that failure by the public employer to submit a list of employees to the board has caused or will cause injury to the individual. The court shall expedite resolution of such an action and shall grant such a writ if it appears to the court that the public employer has failed to submit a list of employees to the board. The bill provides for awarding court costs, reasonable attorney fees, and other appropriate relief to the prevailing party in such an action.

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

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

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

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