



HOUSE REPUBLICAN STAFF ANALYSIS

Bill:	HF 291/HSB 84	House Committee: 11-6 (2/8/17)
Committee:	Labor	House Floor:
Floor Manager:	Rep. Holt	Senate Floor:
Date:	2/14/17	Governor:
Staff:	Mackenzie Nading (1-3626)	

Collective Bargaining and Public Employee Personnel Reform

Breakdown of Divisions:

Division I: Chapter 20 – Public employment relations + collective bargaining

Division II: Chapters 279 and 284 – Teacher performance, compensation and career development + powers and duties of school directors

Division III: Chapter 22—Examination of public records + personnel records and settlement agreements

Division IV: Chapter 400 – Civil Service

Division V: Chapter 70.A – Financial and other provisions for public officers and employees

Definitions:

Employee Organization: Chapter 20 refers to unions as employee organizations – for purposes of this bill analysis the term union will be used instead, where applicable

Bargaining Unit: all public employees that are eligible for union representation by the same union – usually this includes employees who work for the same employer, or who work for different employers but perform the same work

Section by Section Analysis Division I

Section 1—20.3 – Definitions – new subsection:

Adds “Public Safety Employee”, and “Supplemental Pay” to the definitions for Public Employee Relations (Collective Bargaining)

A “Public Safety Employee” means a public employee who is employed as one of the following:

- A sheriff or a sheriff’s regular deputy
- A marshal or police officer of a city, township, or special-purpose district or authority who is a member of a paid police department

- A member, except a non-peace officer, of the division of state patrol, narcotics enforcement, state fire marshal, or criminal investigation, including but not limited to a gaming enforcement officer, in accordance with section 80.15
- A conservation officer or park ranger as authorized by section 456A.13
- A permanent or full-time fire righter of a city, township, or special-purpose district or authority who is a member of a paid fire department

“Supplemental Pay” means a payment of moneys or other thing of value that is in addition to compensation received pursuant to any other permitted subject of negotiation and is related to employment relationship

Section 2 – 20.6 – General powers and duties of the board:

The Board – Public Employee Relations Board (PERB) shall administer the provisions of this chapter

- Previously, PERB also had the authority to interpret and apply this section of code

Section 3 – General powers and duties of the board – new subsections:

Allows for PERB to appoint a shorthand reporter to document grievance and discipline resolution proceedings

Allow PERB to contract with a vendor to conduct elections required by section 20.15

Allow PERB to establish by rule, fees to cover the cost of elections. Such fees shall be paid in advance of an election by each union listed on the ballot

Section 4 – 20.7 – Public employer rights:

Mandates that public employers now have the right to evaluate, as well as hire, promote, demote, transfer, assign and retain public employees

Strikes the need for “proper cause” when an employer suspends or discharges a public employee

Section 5 – 20.8 – Public Employee Rights:

Clarifies that changes made in this section shall not take away an employee’s right to seek any remedy provided by other existing law

Section 6 – 20.9 – Scope of negotiations:

Mandatory Negotiations

Public Safety Employees	Non-Public Safety Employees
Wages Hours Vacations Insurance Holidays Leaves of absence Shift differentials Overtime compensation Supplemental pay Seniority Transfer procedures Job classifications Health and safety matters Evaluation procedures Procedures for staff reduction In-service training Grievance procedures for resolving any questions arising under the agreement Other matters mutually agreed upon	Base Wages Other matters mutually

Prohibited Negotiations

Public Safety Employees	Non –Public Safety Employees
All retirement systems Dues checkoffs Other payroll deductions for political action committees or other political contributions or political activities	All retirement systems Dues checkoffs Other payroll deductions for political action committees or other political contributions or political activities Procedures for staff reduction Release time Subcontracting public services Leaves of absence for political activities Insurance Supplemental pay Transfer procedures Evaluation procedures Grievance procedures for resolving any questions arising under the agreement Seniority and any wage increase Employment benefit Other employment advantage based on seniority

Note: the bolded items above are the differences in prohibited negotiations between the two sectors of employees

A bargaining unit that has a **majority of members** who are considered “public safety employees” will be subject to the applicable guidelines listed above

PERB shall interpret mandatory subjects of negotiation narrowly and restrictively

Bargaining agreements shall not exceed five years

Section 7 – 20.10 – Prohibited Practices:

Subsection j was moved from section 20.17 as a better fit under “Prohibited Practices” for consistency and clarification

Section 8 – 20.12 – Strikes Prohibited:

Conforming changes with regards to certification and decertification elections in section 20.15

If a union is decertified for having violated this section, they must wait two years before filing a petition for recertification with a bargaining unit

Section 9 – 20.15 – Elections:

See the last page of the analyses for more information about the filing of petitions in union elections

The amount of votes needed for a petition so a union may be placed on the ballot for a certification vote is thirty percent or more of the employees in the appropriate bargaining unit

- Previously, only ten percent was needed

Initial Certification Elections:

The amount of votes needed for a successful union certification is a majority of the employees in the bargaining unit

- Previously, a majority vote was needed of only those participating in the election

If a majority of employees in the bargaining unit do not vote for a union listed on the ballot, the certification vote fails, and by default no union will be allowed to represent that bargaining unit

If a certification vote fails, no union is allowed to petition a vote for certification with that bargaining unit for two years

The board shall not consider a petition for certification by a union to represent a bargaining unit if that bargaining unit is already represented by a certified union

Retention and Recertification Elections:

PERB shall conduct an election to retain and recertify a union of a bargaining unit within a year prior to the expiration of the collective bargaining agreement

A majority of the employees in a bargaining unit must vote to retain their current union representation

If a re-certification vote fails, PERB shall decertify the union immediately and the current collective bargaining agreement will expire upon decertification

If a re-certification vote fails, no union is allowed to petition for a vote of certification with that bargaining unit for two years

Decertification Elections:

PERB shall conduct an election to decertify the current union representation upon a successful submission of a petition to decertify

If a majority of employees in the bargaining unit do not vote to decertify, the union representation will continue until the expiration of the current collective bargaining unit – at which time a re-certification election will take place in the year prior

If a majority of the employees in the bargaining unit vote to decertify the union, PERB shall decertify the union immediately and the current collective bargaining agreement will expire upon decertification

If a decertification vote is successful, no union is allowed to petition for a vote for certification with that bargaining unit for two years

PERB shall not consider a petition for decertification of a union unless the bargaining unit's collective bargaining agreement exceeds two years

PERB shall not schedule a decertification election if it falls within one year of a prior certification or re-certification election, or a failed decertification election, of the same union

Invalidation of Elections:

A public employee, the public employer, or union involved in the election may file a written objection to the board within ten days of the results of the election

Upon findings of misconduct the board may invalidate the election and hold a second election for the public employees

Subsections 6a and 6b have been struck as they are now irrelevant because of the new election language

Section 10 – 20.17 – Procedures:

For collective bargaining agreements between a state employer and its employees, which would become effective in the year after a gubernatorial election, the parties shall not enter into an agreement before the date the newly elected governor takes office

PERB has rulemaking authority if the above situation arises to set deadlines for the agreement

Conforming changes with regards to changes made in section 20.9

Section 11 – 20.17 – Procedures

Subsection j is struck and moved to 20.10 for consistency and clarification

Section 12 – 20.18 – Grievance Procedures:

Only collective bargaining agreements that cover bargaining units with a majority of members who are public safety employees may include negotiations on grievance procedures

An arbitrator's decision regarding a negotiation of grievance procedures shall not change or amend the terms, conditions, or applications of the collective bargaining agreement

- Previously, an arbitrator's decision regarding grievance procedures could have changed other terms of the collective bargaining agreement

Section 13 & 14 – 20.22 – Binding Arbitration – new subsection:

Allows a deadline other than what's listed in code to be agreed upon by both parties

Public Safety Employees

An Arbitrator Must Consider	An Arbitrator is Prohibited from Considering
<ul style="list-style-type: none"> • Past collective bargaining contracts • A comparison of wages, hours, and conditions of employment with those of other employees doing comparable work in the public sector • The interest and welfare of the public • The ability of the public employer to finance economic adjustments and the effect of such adjustment on the standard of services 	<ul style="list-style-type: none"> • Direct or indirect evidence regarding any subject excluded from negotiations pursuant to section 20.9 introduced by any party

Non Public Safety Employees

An Arbitrator Must Consider	An Arbitrator is Prohibited from Considering
<ul style="list-style-type: none"> • A comparison of wages, hours, and conditions of employment with those of other employees doing comparable work in both the private and public sector (to the extent adequate, applicable data is available) • The financial ability of the employer to meet the cost of an offer in light of current economic conditions • The restrictions put on the employer’s authority to utilize specific funds for specific purposes by law, rules, regulations, or grant requirements 	<ul style="list-style-type: none"> • Past collective bargaining agreements • The employer’s ability to fund an award through the increase of new taxes, fees, or chargers, or to develop other sources of revenue <p>Direct or indirect evidence regarding any subject excluded from negotiations pursuant to section 20.9 introduced by any party</p>

For Non Public Safety Employees Only:

With regard to negotiations on increased base wages, an arbitrator’s final decision shall not exceed 3% or a percentage equal to the increase in the Consumer Price Index for the Midwest Region (CPI), whichever is lower

The arbitrator shall select within 15 days after the hearing the most reasonable offer in their judgement of the final offers on each impasse item

PERB shall provide information to both parties in preparation of their final wage offers about the change in CPI

Section 15 – 20.26 – Employee Organizations – Political Contributions:

Employees may still contribute to political parties or candidates, provided that such contributions are not made through payroll deductions

Section 16 – 20.29 – Filing agreement – public access – internet site:

The board shall maintain an internet site that allows searchable access to a database of collective bargaining information and agreements

Section 17 – 20.30 – Supervisory member – no reduction before retirement:

A supervisory member of a department shall not be granted a voluntary reduction to a nonsupervisory rank during 36 months prior to retirement

An employee who voluntarily requests a reduction in rank, who retires less than 36 months before retirement, shall be ineligible for a benefit to which the member is entitled as a nonsupervisory member

Section 18 – 20.31 – Mediator Privilege:

A mediator shall not be required to testify in any judicial, administrative, arbitration, or grievance proceeding regarding any matters occurring in the course of mediation

- Previously, a mediator could testify during the arbitration process

Section 19 & 20 – 22.7 – Confidential Records:

The list of those who voted in a petition of support for any union election shall be confidential

The list of those who voted in any certification, recertification, or decertification election shall be confidential

Section 21 & 22 – 70A.17A – Payroll Deductions or Dues:

Conforming changes with regard to automatic dues deductions

Prohibits any automatic payroll deductions for union dues or donations

Section 23 – 412.12 – Sources of Funds:

This section addresses waterworks employees, or any other city employees, with their own designated retirement system. Previously these employees were exempt from the portion of section 20.9 that prohibits retirement contributions from being included in their scope of negotiations. This change removes that exemption, and now these employees are also not allowed to negotiate their retirement contribution through a union

Section 24 – 602.1401 – Personnel System:

Conforming changes with regard to recertification and decertification elections

Section 25 – Transition Procedures – Emergency Rules:

Parties engaging in the collective bargaining process, that have not entered into a collective bargaining agreement prior to the effective date of this bill, shall immediately terminate any such collective bargaining procedures in process

After terminating an ongoing collective bargaining process, parties may begin the process again in accordance with section 20.17 of this act

Temporary Deadlines for the First Year of Enactment:

**See the last page of this analysis for details regarding current CBA deadlines for different public employees and rationale for these dates*

For state employees: collective bargaining agreements must be completed under these new guidelines no later than March 15, 2017

For school district, AEAs, or community college employees: collective bargaining agreements must be completed under these new guidelines no later than June 30, 2017

For city and county employees: No codified deadline for completion

PERB shall adopt emergency rules to provide for procedures as deemed necessary to implement the provisions of this section and the rules shall be effective immediately upon filing

- PERB may set deadlines different than listed above if they see fit

Section 26 – Effective Upon Enactment:

This act takes effective immediately upon enactment

Section 27 – Applicability:

This act does not apply to collective bargaining agreements that have been agreed to and entered into before the effective date of this enactment

“Entered into” means:

- Ratified in a ratification election
- If an arbitrator has made a final determination described in 20.22
- Have become effective and such events occurred before the effective date of this act

The new rules and regulations regarding recertification elections will not affect collective bargaining agreements with expiration dates occurring before April 1, 2018

Division II

Educator Employment Matters

Section 28 – 279.13 – Contracts with teachers – automatic continuation – initial background investigations:

A teacher contract may be modified in accordance with the new provisions outlined in this chapter

Allows for a temporary teaching contract to be issued for up to six months, one may also be issued to fill a vacancy created by a leave of absence

Temporary contracts will not be subject to the provisions that guide regular contracts, such as the ability to terminate and the appeals process

Section 29 – 279.13 – Contracts with teachers – automatic continuation – initial background investigations:

Section 279.17 – Appeals by teacher to adjudicator, will later be struck entirely from this chapter, and this change strikes 279.17 from applying to teacher contracts addressed under chapter 279

Section 30 – 279.14 – Evaluation criteria and procedures:

School boards shall establish evaluation criteria and evaluation procedures

- Conforming changes with regards to the new scope of negotiations in section 20.9

Conforming changes with regards to changes made about grievance procedures and evaluation criteria no longer being a mandatory subject of bargaining

Section 31 – 279.15 – Note of termination – requests for hearing:

If a teacher requests a hearing with the board upon note of termination, the hearing shall be held no sooner than twenty days and no later than forty days following the receipt of request

- This allows approximately double the time previously granted for boards to have a hearing

Section 32 – 279.16 – Private hearing – decision – record:

For a teacher termination hearing, the board no longer needs to employ a court reporter, the subpoena process of possible witnesses is eliminated, the briefing process is consolidated, and the requirements relating to the written decision of the board are simplified

The board may issue a one year nonrenewable contract to the teacher following a hearing

The record of a private hearing shall only include the final decision of the board, which shall be in writing

Section 33 – 279.16 – Private hearing – decision – record:

Two subsections from this chapter section have been eliminated to be consistent with the changes made in Section 29

Section 34 – 279.18 – Appeal by either party to court:

The title of this section is amended to read: “Appeal by teacher to court”

Appeals of the boards’ decision by a teacher will go directly to the district court because the adjudication process has been removed

Section 35 – 279.19 – Probationary period:

If a teacher has successfully completed a probationary period of employment for another school district in Iowa, the probationary period in the current district shall not exceed two years

- Previously, it could not exceed one year

A teacher under a probationary contract may be terminated by the board of directors effective at the end of a school year without cause

The terminated teacher may request a private hearing with the board, but the boards’ decision will be final and the teacher will have no appeal rights as granted in sections 279.15 and 279.16

Section 36 – 279.19A – Extracurricular contracts:

Salaries under extracurricular contracts shall no longer be tied to the negotiation of supplemental pay schedules

Extracurricular contracts will not exceed a one year term, and must be renewed at the expiration of each contract

- Previously, these contracts would renew automatically

An extracurricular contract may be terminated mid-year following an informal private meeting with the board, after which the boards’ decision will be final with no appeal process in place

Section 37 – 279.23 – Continuing contract for administrators:

Administrators’ contracts will state the rate of compensation – discretion for such compensation is left up to the Board

Section 38 – 279.23 – Continuing contract for administrators:

Boards may issue temporary contracts for administrators up to nine months in length, which may be terminated after an informal private meeting with the board, in which the boards’ decision is final and no appeal process is in place

Administrators employed in a school district for less than three consecutive years are considered probationary

- Previously, it was only two consecutive years

The board may no longer waive a probationary period for an administrator who has previously served a probationary period at another school district

Section 39 & 40 – 279.24 – Contract with administrators – automatic continuation or termination:

The board may issue one year nonrenewable contracts to administrators

After termination of a contract, an administrator may request a private hearing with the board

If an administrator requests a hearing with the board upon note of termination, the hearing shall be held no sooner than twenty days and no later than forty days following the receipt of request

- This adds double the time previously granted for boards to have a hearing

The board may issue a one year nonrenewable contract to the administrator following a hearing

Section 41 – 279.27 – Discharge of a teacher:

A teacher may be fired for just cause if they have received a violation from the board of educational examiner’s and the Board of Educational Examiners has taken disciplinary action against a teacher after a disciplinary proceeding

The School’s Board must take action to fire a teacher who has received a violation within 6 months of the Board of Education Examiner’s official finding

Section 42 – 284.3 – Iowa teaching standards:

This code section is amended to reference the elimination of the adjudicator level of appeal and the reference to changes in Chapter 20 eliminating the mandatory negotiation of evaluation criteria and procedures

Section 43 – 284.4 – Participation:

Conforming language with regards to changes made in Chapter 20 about mandatory bargaining topics

Section 44 – 284.8 – Performance review requirements for teachers – peer group reviews:

A teacher who has previously participated in an intensive assistance program shall not be entitled to participate in another intensive assistance program relating to the same standards or criteria new subsection 5 (see section 42)

Section 45 – 284.8 – Performance review requirements for teachers – peer group reviews:

Subsection 3, which addresses an adjudication process for a teacher, is struck to align with previous changes made to Chapter 279

Section 46 – 284.8 – Performance review requirements for teachers – peer group reviews:

New subsection 5 is added to address teachers participating in an intensive assistance program:

Following a teacher’s participation in an intensive assistance program, the teacher shall be reevaluated to determine whether the teacher successfully completed the program and is meeting district expectations

If the teacher did not successfully complete the program, or continues to not meet the Iowa teaching standards, the board may do any of the following:

- Terminate the teacher’s contract immediately
- Terminate the teacher’s contract at the end of the school year
- To issue a nonrenewable one year contract

Section 47 – Repeal:

Section 279.17, which outlines the adjudication step in a teacher’s appeal rights, is repealed

Section 48 – Effective Upon Enactment:

This act takes effective immediately upon enactment

Section 49 – Applicability:

This division of this Act applies to employment contracts of school employees entered into on and after the effective date of this division of this Act

“Entered into” means:

- Ratified in a ratification election
- If an arbitrator has made a final determination described in 20.22
- Have become effective and such events occurred before the effective date of this act

Division III

Personnel Records and Settlement Agreements

Section 50 – 22.7 – Confidential Records:

When a state employee has resigned in lieu of termination, was discharged, or was demoted as the result of disciplinary action, this information shall be public record

Section 51 – 22.13A – New Section – Personnel settlement agreements- state employees – confidentiality – disclosure:

Defines a “personnel settlement agreement” as a binding legal agreement between a state employee and the state employee’s employer to resolve a personal dispute including but not limited to a grievance; it does not include an initial decision by a state employee’s employer concerning a personnel dispute or grievance.

Personnel settlement agreements shall not contain any confidentiality or nondisclosure provisions that attempt to prevent the disclosure of the personnel settlement agreement

Requirements in this section shall not be superseded by any provision of a collective bargaining agreement

Section 52 – 22.15 – New Section – Personnel Records – discipline – employee notification:

Before taking disciplinary action against an employee that may result in information being made public pursuant to Section 50, an employer shall notify the employee in writing that such information may be made public

Section 53 – Effective Upon Enactment:

The division of this act takes effect upon enactment

Section 54 – Applicability:

This section applies to any personnel settlement agreements placed in an individual’s personnel records on or after the effective date of this act

This provision is not retroactive

Division IV

City Civil Service Requirements

Section 55 – 400.12 – Seniority:

Only civil service employees who are fire fighters or police officers may accrue and apply seniority rights

- Previously, any civil service employee could accrue and apply seniority

Section 56 – 400.17 – Employees under civil service – qualifications:

A person shall not be appointed, denied appointment, promoted, removed, discharged, suspended, or demoted to or from a civil service position or discriminated against because of political or religious opinions or affiliations, race, national origin, sex, or age

- This change added “removed” and “suspended” to the above list

Section 57 – 400.18 – Removal, demotion, or suspension

This section is renamed to, “Removal, discharge, demotion, or suspension”

A civil service employee may be peremptorily removed, discharged, demoted or suspended due to any act or failure to act that is in violation of law, city policies, or the standard operating procedures, or if the judgement of the commission is sufficient to show an employee is unsuitable or fit for employment

An employee who is removed, discharged, demoted or suspended may request a hearing before the civil service commission to review the decision

In such a hearing the city shall have the burden to prove their right to remove, demote, discharge or suspend the employee

Section 58 – 400.19 – Removal or discharge of subordinates:

This section is renamed to, “Removal, discharge, demotion, or suspension of subordinates”

A civil service employee may be peremptorily removed, discharged, demoted or suspended due to any act or failure to act that is in violation of law, city policies, or the standard operating procedures, or if the judgement of the commission is sufficient to show an employee is unsuitable or fit for employment

Section 59 – 400.20 – Appeal:

Includes removal and discharge as actions that allow for a civil service employee to appeal to the civil service commission

Section 60 – 400.21 – Notice of Appeal:

Includes removal and discharge as actions that now fall into the notice of appeal procedure

Removes language that is no longer applicable because 400.27 is eliminating the right of an employee to appeal to district court under this section

Section 61 – 400.22 – Charges:

Includes removal and discharge as actions that now fall into the charges procedure

Removes this section as it is no longer applicable after 400.21 and 400.27 have been changed

Section 62 – 400.27 – Jurisdiction – attorney -- appeal:

Under this code section, the civil service commission has the jurisdiction to hear and determine matters involving the rights of civil service employees, and may affirm, modify, or reverse any case on its merits

The ruling of the civil service commission under this chapter shall be final, and the ability for an employer to appeal to a district court is taken away under this chapter

Section 63 – 400.28 – Employees – number diminished:

A city council may implement a diminution of employees in a classification or grade under civil service

Previously many other requirements and qualifications had to be met for a city council to reduce staff; all of those sections have been removed

Section 64 – 411.1 – Definitions:

Conforming changes

Section 65 – Seniority Rights – applicability:

After enactment, any civil service seniority previously accrued by any civil service employee, that is not police or fire, is extinguished

Section 66 – Effective Upon Enactment:

The division of this act is effective upon enactment

Division V Health Insurance Matters

Section 67 – 70A.41 – new section – Public employee health insurance:

A public employer shall offer health insurance to all public employees by the public employer

Section 68 – State and regents employee health insurance – Enrolment period:

A 30 day enrollment change period for health insurance may be established and administered for any employees of the state of Iowa, the board of regents, or an institution governed by the board of regents eligible to participate in a health insurance plan offered by the state, state board, or institution pursuant to chapter 509A

Section 69 – Effective upon enactment:

The division of this act is effective upon enactment

Amendment Analyses

H-1096 by Deyoe:

Section 1 – 400.27 – Jurisdiction – attorney:

This amendment reinstates the right of a civil service employee under Chapter 400 to appeal the decision of the civil service commission to district court.

The court shall give deference to the civil service commission’s decision

Section 2 – 70A.41 – Public employee health insurance:

This amendment clarifies that employers must provide health insurance to only “permanent, full time employees”

H-1019 by Hunter:

This amendment strikes the entirety of HF 291, and therefore no changes are made to Chapter 20

H-1018 by Hunter – Strike After:

Section 1:

Reorganizes the scope of negotiations so that the following are mandatory items of negotiation:

- Wages
- Hours
- Vacations
- Insurance
- Holidays
- Leaves of absence
- Shift differentials
- Overtime compensation
- Supplemental pay
- Seniority

- Transfer procedures
- Job classifications
- Health and safety matters
- Safety equipment (new)
- Evaluation procedures
- Procedures for staff reduction
- In-service training
- Other matters mutually agreed upon
- Dues check offs
 - If a member's dues may be checked it may only happen upon the member's written request and the member may terminate this automatic deduction at any time giving thirty days written notice
- Grievance procedures

Section 2:

Removes the "public safety employee" exemption

H-1031 by Hunter-strike after:

Section 1:

This amendment inserts language for a "public safety employee" that is the same as HF 291

Section 2:

Amends the title page, striking language about what this bill does and inserting "employees including collective bargaining"

H-1091 by Finkenaue- strike after:

Section 1 – 8F.3 – Contractual Requirements:

Chapter 8F provides oversight and ethical restraints on public-private entities that contract with the state

This amendment regulates such entities by preventing discrimination, and specifically wage discrimination

H-1094 by Finkenaue-strike after:

This amendment replaces HF 291 with new language that deals with wage discrimination in employment and the establishment of an equal pay task force

H-1095 by Taylor, T.-strike after:

This amendment replaces HF 291 with new language that mandates an interim legislative study committee to study the effects of the provisions of the state of Wisconsin's Act 10

H-1024 by Wessel-Kroeschell:

Adds DOT employees who do maintenance on primary roads to the list of employees who are considered public safety employees

H-1025 by Wessel-Kroeschell:

Adds employees who plow snow to the list of employees who are considered public safety employees

H-1027 by Taylor, T.:

Adds Corrections Officers to the list of employees who are considered public safety employees

H-1028 by Brown-Powers:

This amendment adds registered nurses to the list of employees who are considered public safety employees

H-1032 by Kacena:

This amendment adds emergency medical care provider to the list of employees who are included in the public safety employee definition

H-1033 by Nielsen:

This amendment adds social workers to the list of employees who are included in the public safety definition

H-1034 by Taylor, T.:

This amendment strikes section 4 on Page 2 of the bill. This would remove the ability of the employer to evaluate, promote, demote, transfer, assign and retain public employees in positions within the public agency, and the ability to suspend or discharge public employees

H-1035 by Kearns:

This amendment adds “an officer employed for work in a community-based correctional facility” to the list of employees who are included in the public safety employee definition

H-1036 by McConkey:

This amendment adds “an individual employed as a building inspector” to the list of employees who are included in the public safety employee definition

H-1037 by Forbes:

This amendment adds “an individual whose terms or conditions of employment include work with a contagious or infectious disease” to the list of employees who are included in the public safety employee definition

H-1043 by Wolfe:

This amendment adds parole officer to the list of employees who are included in the public safety employee definition

H-1055 by Bearinger:

This amendment adds “an officer employed for work in a civil commitment unit for sex offenders operated by DHS” to the list of employees who are included in the public safety employee definition

H-1064 by Nieleesen:

This amendment adds teachers to the list of employees who are included in the public safety definition

H-1065 by Kearns:

This amendment adds veterans, or those who has/have served honorably on federal active duty, state active duty, or National Guard duty to the list of employees who are included in the public safety employee definition

H-1066 by Hall:

This amendment adds probation officers to the list of employees who are included in the public safety employee definition

H-1079 by Lensing:

This amendment adds peace officers employed by the board of regents to the list of employees who are included in the public safety employee definition

H-1080 by Staed:

This amendment adds officers employed for work in a residential treatment facility or center to the list of employees who are included in the public safety employee definition

H-1086 by Taylor, T.:

This amendment adds an individual serving on state active duty to the list of employees who are included in the public safety employee definition

H-1023 by Hunter:

Section 1:

Reverts to the old language in Chapter 20 that gives PERB the authority to interpret, apply and administer provisions in this section. HF 291 only allows PERB to administer this code section.

Section 2:

This amendment makes all changes in this act with regards to applicability effective to public safety employees. HF 291 exempts the public safety employee contracts from the applicability section.

H-1021 by Taylor, T.:

Amends page 2, line 15 by inserting “just cause” where the bill originally has struck the term “proper cause”

H-1093 by Kacena:

This amendment changes the threshold of a bargaining unit to qualify for the “public safety employee” exemption to have **at least one member who is a public safety employee.** This amendment would have conforming changes that affect multiple sections of Division I and Division IV

H-1044 by Running-Marquardt:

This amendment adds “reasonable accommodations for pregnant employees” to the list of mandatory negotiations for both public safety and nonpublic safety employees

H-1051 by Bennett:

This amendment adds “access to bullet proof vests” to the list of mandatory negotiations for nonpublic safety and public safety employees

H-1075 by Running-Marquardt:

This amendment adds “working conditions” to the list of mandatory negotiations for both nonpublic safety and public safety employees

H-1085 by Kacena:

This amendment adds scheduling of work shifts to the list of mandatory negotiations for both nonpublic safety and public safety employees

H-1039 by Kearns:

This amendment adds seniority into the scope of mandatory negotiations for nonpublic safety employees

H-1041 by Brown-Powers:

Section 1:

This amendment adds insurance into the scope of mandatory negotiations for both nonpublic safety and public safety employees

H-1042 by Brown-Powers:

This amendment adds “establishment of classroom supply funds” to the scope of mandatory negotiations for nonpublic safety employees

H-1049 by Winckler:

This amendment adds “evaluation procedures” to the list of mandatory negotiations for both public safety and nonpublic safety employees

H-1070 by Taylor, T.:

This amendment adds grievance procedures to the list of mandatory negotiations for both nonpublic safety and public safety employees

H-1071 by Breckenridge:

Section 1:

This amendment adds leaves of absence to the list of mandatory negotiations for nonpublic safety employees

Section 2:

This amendment removes leaves of absence for political activities from the list of prohibited negotiations for nonpublic safety employees

H-1074 by Mascher:

This amendment adds procedures for staff reduction to the list of mandatory negotiations for nonpublic safety employees

H-1078 by Steckman:

This amendment adds supplemental pay to the list of mandatory negotiations for nonpublic safety employees

H-1081 by Kacena

This amendment adds shift differentials to the list of mandatory negotiations for nonpublic safety employees

H-1087 by Hunter:

This amendment adds health and safety matters to the list of mandatory negotiations for nonpublic safety employees

H-1030 by Nielsen:

This amendment removes “leaves of absence for political activities” from the list of prohibited items to be bargained on by a union and employer

H-1040 by Running-Marquardt:

This amendment removes insurance from the list of prohibited topics a union may not bargain for with an employer

H-1045 by Lensing:

This amendment adds insurance coverage for terminal care to the list of mandatory negotiations for nonpublic safety employees

H-1046 by Forbes:

This amendment adds dental insurance to the list of mandatory negotiations for nonpublic safety employees

H-1047 by Running – Marquardt:

This amendment adds insurance coverage for obstetrical and gynecological services to the mandatory negotiations for nonpublic safety employees

H-1048 by Miller:

This amendment adds insurance coverage for mammography to the mandatory negotiations for nonpublic safety employees

H-1052 by Heddens:

This amendment adds insurance coverage for autism to the mandatory negotiations for nonpublic safety employees

H-1054 by Gaines:

This amendment adds insurance coverage for speech therapy to the mandatory negotiations for nonpublic safety employees

H-1057 by Kearns:

This amendment adds insurance coverage for veterans for mental illness to the mandatory negotiations for nonpublic safety employees

H-1058 by Breckenridge:

This amendment adds insurance coverage for physical therapy to the mandatory negotiations for nonpublic safety employees

H-1059 by Finkenauer:

This amendment adds insurance coverage for adopted or newly born children to the mandatory negotiations for nonpublic safety employees

H-1060 by Oldson:

This amendment adds insurance coverage for chemotherapy to the mandatory negotiations for nonpublic safety employees

H-1061 by Finkenauer:

This amendment adds insurance coverage for hearing tests to the mandatory negotiations for nonpublic safety employees

H-1062 by Bennett:

This amendment adds insurance coverage for pediatrics to the mandatory negotiations for nonpublic safety employees

H-1063 by Forbes:

This amendment adds insurance coverage for participation in clinical trials to the mandatory negotiations for nonpublic safety employees

H-1067 by Forbes:

This amendment adds insurance coverage for diabetes to the mandatory negotiations for nonpublic safety employees

H-1068 by Steckman:

This amendment removes supplemental pay from the list of prohibited negotiations for nonpublic safety employees

H-1084 by Taylor, T.:

This amendment removes transfer procedures from the list of prohibited negotiations for nonpublic safety employees

H-1038 by Steckman:

This amendment removes evaluation procedures from the list of prohibited topics a union may not bargain for with an employer with regards to non-public safety employees

H-1073 by Bearinger:

This amendment removes release time from the list of prohibited negotiations for nonpublic safety employees

H-1069 by Taylor, T.:

This amendment removes grievance procedures from the list of prohibited negotiations for nonpublic safety employees

H-1072 by Kearns:

This amendment removes seniority from the list of prohibited negotiations for nonpublic safety employees

H-1077 by Bennett:

Administrators are not allowed to have better benefits than their subordinates

H-1083 by Taylor, T.:

This amendment removes the requirement for recertification elections

H-1090 by Nielsen:

This amendment adds that an arbitrator shall consider wages, hours and conditions of employment of the involved public employees with those of other public employees doing comparable work **and having comparable levels of education and experience** for both public safety and nonpublic safety employees

H-1092 by Gaskill:

New Section –Wage increases- health insurance costs:

This amendment creates a new section that mandates a collective bargaining agreement shall provide an annual percentage increase in wages or base wages, which is at least equal to any percentage increase in the cost of health insurance offered to the bargaining unit by the public employer over the cost of the previous year

H-1022 by Hunter:

Section 1:

Repealing the intent section of chapter 20, Chapter 20.1

H-1088 by Wolfe:

This amendment reinstates subpoena powers to the board of education during a teacher termination hearing in Chapter 279

H-1029 by Nielsen:

This amendment changes chapter 279 to mandate that classroom size in any school district in the state does not exceed 25 students

H-1089 by Kacena:

This amendment removes all changes made to Chapter 400

H-1096 by Deyoe:

This is when our amendment will be brought up

H-1020 by Kacena:

Strikes section 64 of the bill. This is the section that would interfere with Chapter 411, the Municipal Fire and Police Retirement System

H-1026 by Steckman:

New Section – Contingent Effective Date – Gender Impact Analysis:

This amendment makes the effective date of HF 291 contingent upon the completion of a gender impact analysis by the Department of Administrative Services

H-1050 by Gaines:

New Section – Contingent Effective Date – Minority Impact Analysis:

This amendment makes the effective date of HF 291 contingent upon the completion of a minority impact analysis by the Department of Administrative Services

H-1053 by Kearns:

New Section – Contingent Effective Date – Veteran Impact Analysis:

This amendment makes the effective date of HF 291 contingent upon the completion of a veteran impact analysis by the Department of Administrative Services

H-1056 by Prichard:

New Section – Contingent Effective Date – Health Insurance:

This amendment mandates that HF 291 not take effective until the director of DAS has certified that each public employee has been offered health insurance as required by section 70A.41 of this bill

H-1076 by Kacena:

New Division – Veterans Hiring Preference:

This amendment adds a division that mandates this act shall not be construed to supersede, conflict with, or diminish any hiring preference for veterans established under state or federal law

H-1082 by Prichard:

New Division – Applicability – Veterans:

This amendment mandates that no provision of this act shall apply to any veterans in this state

Petition for Union Elections

For two types of union elections – certification and decertification – a successful petition of support must be filed with PERB before an election may even be administered

For certification elections – thirty percent of employees in the bargaining unit must sign a petition of support for **each** union wishing to be placed on the ballot. With at least thirty percent support for one union being shown, PERB will then administer an election.

For decertification elections – thirty percent of employees in the bargaining unit must sign a petition for decertification. With at least thirty percent of employees showing support for decertification of a union, PERB will then administer an election.

Collective Bargaining Agreement Deadlines

Under current code, the deadlines for each type of collective bargaining agreement are as follows:

State Employees: March 15th

- Under guidance from DAS, they do not believe their deadline needs to be extended temporarily under this new act

School District, AEs, or Community College Employees: April 15th

- Under guidance from LSA the temporary deadline under this new act will be June 30, 2017 so all agreements are final before the start of the new fiscal year

City and County Employees: No codified date for completion

- County and Cities have never had a codified deadline for their CBAs to take effect, therefore we are not mandating a temporary one in this new act either

