



HOUSE REPUBLICAN STAFF ANALYSIS

Bill: House File 2485
Committee: Labor
Date: February 25, 2010
Staff: Lon Anderson (1-5184)

Chapter 20 / Collective Bargaining Changes

HF 2485 makes changes to Chapter 20 – Public Employment Relations (Collective Bargaining). This is exactly the same as HF 2645, the bill that the Democrats attached open scope collective bargaining and teacher termination language to on the floor that was eventually vetoed by the Governor in May, 2008. As it was approved in the House Labor Committee, the bill was agreed to by business and the unions.

Summary of Action

The House Labor Committee **PASSED** HF 2485 on a unanimous on February 11, 2010.

Section by Section Analysis

Section 1 – Fact Finders Eliminates fact finders as a way to resolve impasses in negotiations.

Section 2 – Public Policy This section removes the requirement for PERB to assist the Attorney General in preparing legal briefs and allows PERB to represent itself in court (which is current practice).

Section 3 – Definitions This section removes redundant language in the definition of “employee organization” by striking the word “public”.

Section 4 – Fact Finders Eliminates fact finders from the definitions to conform with Section 1.

Section 5 – Public Employee Relations Board. This section removes technically incorrect language in that PERB is not employed by PERB by striking the word “other.”

Section 6 – General Powers and Duties of the Board. This section requires that PERB “interpret, apply and administer” the provisions of Chapter 20. Currently, the Code only requires PERB to “administer” Chapter 20.

Sections 7, 8 and 10 – Prohibited Practices. These sections eliminate the requirement that an act giving rise to a prohibited practice must be willful in order to constitute a violation.

Section 9 – Prohibited Practices. This section strikes the words “exclusive recognition” because rights are only accompany certification and there is no “exclusive recognition” under Chapter 20.

Section 11 – Prohibited Practice. This sections corrects the typo of the word “on” to the correct word “or”.

Section 12 – Prohibited Practices. This section removes unnecessary language by striking the word “public.”

Section 13 – Prohibited Practices. This section allows that oral expressions of views / opinions / arguments without the threat of reprisal or force shall not constitute or be evidence of a prohibited practice in addition to written, printed, graphic or visual expressions. Additionally, this section strikes the words “unfair labor practice” and replaces with “prohibited.”

Section 14 – Prohibited Practices Violations. This section allows the presiding officer in a prohibited practice hearing through the use of technology (the ICN or other teleconferencing) from a remote location (other than where the alleged violation occurred) – if the parties agree or if witness demeanor will not be a substantial factor in resolving any disputed factual issue.

This section allows PERB to designate one of the PERB members or any other qualified person to preside at a prohibited practice hearing. Additionally, Section 13 allows that a transcript’s cost may be taxes, as well as the reporter’s service fee. This section also provides that Chapter 17A, the Iowa Administrative Procedure Act, governs the hearing and appeal proceedings.

Section 15 – Bargaining Unit Determination. This section strikes the notice to all interested parties, to keep this subsection consistent with subsection 1 of 20.13, subsection 1, which does not provide for filing of a petition by PERB. Additionally, this section removes outdated language and states that Chapter 17A governs the hearing and appeal proceedings.

Section 16 – Bargaining Representative Determination. This section corrects error in 20.14 by striking the word “with” and replaces with “on behalf of.”

Section 17 - Bargaining Representative Determination. This section removes unnecessary language and removes an inconsistency with Chapter 17A.

Section 18 – Elections. This section requires that the current time limits for filing a petition for certification of an exclusive bargaining representative also applies to petitions for decertification of a certified bargaining representative and removes outdated language as well as clarifies for internal consistency.

Section 19 – Procedures. This section provides that parties utilizing a cooperative alternative bargaining process may exchange their initial interest statements in lieu of an initial bargaining position during bargaining. The modernizes Chapter 20 to recognize that some parties utilize interest-based bargaining, instead of positional bargaining.

Sections 20 and 21 – Procedures. These sections changes the term “arbitrators decision” to arbitrator’s award for consistency with changes to arbitration provisions.

Section 22 – Procedures. This section matches the deadlines for community college employee bargaining to the date that is applicable to other educational bargaining units.

Section 23 – Grievance Procedures. This section eliminates a possible interpretation that grievances are somehow different than disputes over the interpretation and application of agreements by striking the words “and of disputes.” Additionally, this section adds “employee organization” this allows that an agreement with an employee organization may include procedures for the consideration of employee organization grievances, in addition to public employee grievances.

Section 24 – Impasse Procedures – Agreement of Parties. This section requires that parties using a cooperative alternative bargaining process establish impasse procedures at the outset of the process.

Sections 25 - 29 – Binding Arbitration. These sections provide that arbitration will be conducted by a single arbitrator, not a panel of arbitrators. These sections also provide for the method of selecting the arbitrator and provides that PERB will submit a list of five arbitrators to the parties upon the filing of a request for arbitration and then each party, in an order determined by lot, shall alternatively remove names from the list until one name remains.

Section 30 – Notice and Service. This section updates notice and service by striking “parties” and replacing with intended recipient.

Section 31 -- Supervisory Member – No Reduction Before Retirement. This section repeals 20.30, as this has been an outdated provision since June 30, 1981, a noted in the Code.