

2017 Iowa Law regarding Public Sector Employees

Summary of HF 291, passed by the Iowa House and Senate and signed by Governor Branstad on February 17, 2017

In public sector bargaining units with fewer than 30% public safety employees:

- “Base wages” is now the only *mandatory* topic of bargaining. PERB has interpreted “base wages” to mean *only* the lowest wage in each job classification. If asked to settle a dispute over base wages, an arbitrator may award annual increases of no more than 3%, or the increase in CPI, *whichever is lower*. Factors arbitrators can consider include comparable private sector wages; they may not consider past contracts or ability to tax.
- It is now *illegal* to bargain over the following formerly mandatory topics:
 - insurance (the new law requires public employers to “offer” health insurance to “regular full-time employees” with costs “as otherwise determined by law”)
 - leaves of absence for political activities
 - supplemental pay
 - transfer procedures
 - evaluation procedures
 - procedures for staff reduction
 - subcontracting public services

Retirement systems (ex: pensions) were already an illegal topic under IA law.

- Many formerly mandatory topics are now *permissive* (items which may be negotiated into a contract if both parties agree, but may **not** be arbitrated.) There is no official list of *permissive* topics, which can include a broad range of any other matters “mutually agreed upon.” Examples include:
 - grievance procedures
 - seniority and any wage increase or benefit based on seniority
 - wages (other than base wages or supplemental pay)
 - hours
 - vacations
 - holidays
 - leaves of absence (other than for political activities)
 - release time
 - overtime compensation
 - seniority
 - job classifications
 - health & safety matters
 - in-service training

In ALL public sector bargaining units, including public safety employee units, the 2017 law:

- Makes it *illegal* to bargain over payroll deduction of union dues, payroll deductions for political action committees, or other political contributions or political activities.
- Makes it more difficult for workers to win union elections. A majority of all workers in a bargaining unit (not just those who vote) must vote yes in order to certify a new union. If the union loses, workers must wait at least two years for a new vote.
- Requires workers to vote to recertify their existing union each time their contract expires, following the same voting rules as above. Unions are required to fully pay all fees associated with recertification elections.
- Limits contracts to 5 years (state contracts continue to have a required 2-year length).
- Increases penalties for public sector strikes. If a union is convicted of inducing, instigating, encouraging, authorizing, ratifying, or participating in a public sector strike, the union is decertified for at least 24 months (in addition to existing penalties including union and individual fines, jail time, and 12-month employee ban from public service).
- Gives a newly-elected Governor the right to reject a proposed state collective bargaining agreement negotiated with the prior Governor, and begin negotiations from scratch.

Weakens civil service laws that protect police, firefighters, and teachers (with or without a union) against retaliation, mismanagement, nepotism, and corruption.

- Lowers the standard for discipline of police and firefighters, to allow a police or fire chief to discipline an employee for being “unsuitable” or “unfit” *in the judgement of the chief*. Makes it harder for an employee to challenge discipline, by requiring courts to “give deference to” decisions of local civil service commission (appointed by the mayor) if an employee tries to appeal the local decision in court.
- Makes it very difficult for a teacher to successfully challenge a termination. The new law removes key provisions of the previous law which allowed a teacher to present evidence before a neutral adjudicator. The new system makes the school board the final decision maker, subject to extremely limited review in court.

Public disclosure of employee disciplinary records and personnel settlement agreements

- Makes disciplinary records public whenever a public employee is discharged, demoted, or resigns in order to avoid being terminated. Requires disclosure of “documented reasons” and “rationale” for the discharge (even if false or damaging to the employee or employer).
- Requires disclosure of all personnel settlement agreements involving state employees, including employees of Regents institutions (state universities and related entities). Prohibits confidentiality agreements and requires that state agencies publicize the terms of any settlements on the internet.