

A new legal landscape.

In 2017, the Iowa General Assembly made sweeping changes to Iowa's public sector collective bargaining law (Chapter 20 of Iowa Code), which had been the basis for labor relations in Iowa cities, counties, schools, and state agencies for over 40 years.

The changes have understandably caused a great deal of confusion.

The changes removed certain forms of local discretion from the bargaining process, while at the same time placing a high degree of responsibility on local officials to decide how to handle labor relations in their communities.

This brochure is intended to clarify the most basic provisions of the law, as public employers, employee unions, and community members make important decisions about how to proceed with collective bargaining under the new law.



Brief glossary of terms:

Bargaining unit: Group of employees (usually with similar jobs, skills, or common interests within a given workplace) recognized as having legal standing to form their own union and bargain collectively with their employer.

Certification: Legal recognition gained when a bargaining unit of workers votes to form a union in an election administered by PERB. Once a unit is "certified" by PERB, the employer is obligated to recognize and negotiate with the union formed by bargaining unit members.

Public Employment Relations Board (PERB): Neutral state agency that administers Iowa's collective bargaining law. More information about the law (including full text of Chapter 20 of Iowa Code), copies of public sector contracts, and PERB case decisions can be found on the PERB web site: <https://iowaperb.iowa.gov>

Recertification: Under Iowa's new law, all existing public employee unions must undergo "recertification" elections on a regular basis. In order to maintain legal standing to negotiate a new contract, a majority of a bargaining unit's members must vote yes in an election administered by PERB (non-voters are counted as no votes).

This brochure provides information as a public service. It includes information that is current as of the date noted on the cover. All laws (especially new laws) are subject to change as new cases are heard under them, and we cannot guarantee that all information will remain up-to-date. Likewise, this brochure is not intended to serve as legal advice.

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Quick Guide to Understanding Public Sector Bargaining under Iowa's New Law



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The University of Iowa Labor Center



What is a collective bargaining agreement—and how does it differ from an employer policy or “handbook”?

Changes to Iowa’s law have generated new questions about how collective bargaining compares to other means of crafting employment policies.

Collective bargaining is a formal process in which employer and employee representatives negotiate agreements about working conditions which become part of a legally binding contract (collective bargaining agreement). Both parties have the security of knowing that the terms of the contract cannot be changed until it expires, except by mutual agreement.

Matters not covered in a contract can be addressed through policies or handbooks in consultation with employees. Policies can be established through a vote by elected officials for the cities, counties, or schools they govern. Or administrative staff can outline policies in employee manuals or “handbooks,” while retaining the right to change the policies at any time.

What can be negotiated under Iowa’s public sector bargaining law?

Is it a “mandatory” or “permissive” topic?

Most items can remain in existing contracts and/or be negotiated.

- 1) The “mandatory” topic of base wages must be discussed in negotiations.
- 2) All other non-prohibited topics are “permissive,” and can be left in contracts or discussed in negotiations, as long as both parties agree. Examples include:
 - Overtime pay
 - Incentive pay for certain shifts, additional duties, years of service or other factors
 - Hours and work schedules
 - Breaks and lunch periods
 - Vacation, sick leave, bereavement leave, holidays, or other time off
 - Grievance procedures for resolving workplace problems
 - “Just cause” standards to ensure due process in discipline
 - Seniority
 - Health and safety provisions
 - Job postings, classifications, training
 - **...and ANY other topic not listed as prohibited (see list at right)**

Is it a “prohibited” topic?

A few items can’t legally be included in contracts.

- Retirement systems (pension)
- Health insurance*
- Supplemental pay
- Procedures for transfers, evaluations, or staff reductions
- Subcontracting
- Leaves of absence for political activities
- Payroll deductions of dues and/or political contributions

** The new law requires public employers to “offer” insurance to “regular full-time employees”*

While “prohibited” items cannot legally be negotiated at the bargaining table or included in collective bargaining agreements, they can be discussed by employers and employees in other settings (e.g., labor-management committee meetings, or “meet and confer” sessions), and agreements on these items can be adopted as policy or incorporated into employee handbooks.

What about “public safety” employees? The 2017 law created a new distinction between bargaining units of “public safety” employees and all other public workers. Note that information in this brochure applies ONLY to non-public safety bargaining units. For public safety units, most of the topics listed above remain “mandatory” topics of negotiation.

