

**REGULATORY PLAN
OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD
for Fiscal Year 2009**

JULY 28, 2008

Pursuant to Executive Order No. 9 issued by Governor Vilsack on September 14, 1999, the Public Employment Relations Board ("PERB" or "Board") submits the following regulatory plan concerning the regulatory action it presently expects to issue in proposed or final form during Fiscal Year 2009 or thereafter.

PERB's agency rules administrator, Jan V. Berry, may be contacted for additional information about any of the contemplated actions discussed in this plan--by mail at the Board's offices at 510 E. 12th Street, Suite 1B, Des Moines, Iowa 50319, by telephone at 515/281-4414 or by email at Jan.Berry@iowa.gov.

Current Regulatory Objectives and Priorities

PERB's function, broadly stated, is to administer the provisions of the Iowa Public Employment Relations Act, Iowa Code chapter 20. The Act has broad coverage, applying to virtually all public employees within the state except for supervisors, confidential employees and certain other narrow classifications or groups specified in Iowa Code section 20.4. Iowa Code section 20.6(5) requires the Board to adopt rules in accordance with the provisions of chapter 17A as it may deem necessary to carry out the purposes of the Act.

The Act contemplates that the Board, in performing many of its statutory functions, will serve as a neutral, quasi-judicial forum for the adjudication of certain types of cases involving employee organizations, public employees and public employers. As a neutral adjudicatory body, one of the Board's continuing regulatory objectives is to maintain a concise, coherent and complete set of procedural rules governing the processing and adjudication of the various types of cases which may come before the agency, as well as rules addressing nuts-and-bolts details of the collective bargaining and bargaining impasse-resolution processes.

Since their issuance in September, 1999, an additional regulatory objective has been to comply in all respects with the provisions of Executive Orders 8 and 9, both in its review and assessment of existing administrative rules and in its future rulemaking.

Anticipated Regulatory Actions During FY 2009

The Board anticipates taking proposed or final rulemaking action in five areas during FY 2009. All were among the areas

included in PERB's regulatory plan for FY 2008. However, because of the continuing effects of staff reductions precipitated by decreased appropriations for PERB's operation in 2002 (which have not been fully restored during subsequent sessions of the General Assembly) and the need to focus on the performance of its statutorily required responsibilities, PERB was unable to devote the time necessary to take all of those contemplated actions during FY 2008. Consequently, rulemaking concerning the following areas is contemplated during FY 2009:

(1) The adoption of rules of a procedural nature to implement new Iowa Code section 70A.28(5A), a provision which creates an administrative "whistleblower" action before PERB for certain State employees who allege they have suffered adverse employment action due to their having made a disclosure of information which was authorized by Iowa Code section 70A.28(2).

(2) The adoption of a rule establishing a process by which the reasonable compensation of certified shorthand reporters reporting prohibited practice hearings before the Board or its administrative law judges is taxed as a cost to a party or parties to the proceeding. Iowa Code section 20.11(3) requires the Board to appoint a certified shorthand reporter to report prohibited practice proceedings, and clearly authorizes the Board to tax the reporter's reasonable compensation "as other costs."

(3) The adoption of a rule memorializing the annual listing fee paid to PERB by the qualified neutrals who make up the agency's fact finding/interest arbitration, grievance arbitration and teacher termination adjudication panels.

(4) The adoption of a rule standardizing the timing of the filing of briefs on intra-agency appeal from proposed decisions of ALJs in contested cases.

(5) The rules review and assessment mandated by Executive Order No. 8 is ongoing, the Board having received a blanket approval of the assessment report it previously submitted to the Governor's Office. That report contained recommendations that many of the agency's rules be amended, that others be eliminated and that new rules be adopted in certain areas. The Board anticipated that the contemplated rulemaking would have taken place by this time, but was unable to accomplish the task due in large part to the continuing effects of prior staff reductions coupled with a need to devote Board and staff time to matters requiring priority treatment. While the volume of the Board's assessment recommendations precludes detailing them here, additional information concerning the particulars of the approved recommendations, or copies of the Board's Assessment Report itself, may be obtained by contacting the Board's agency rules administrator.

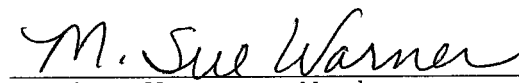
Anticipated Regulatory Actions after FY 2009

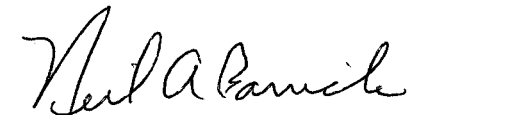
The Board presently has no plan to take any particular regulatory action after FY 2009, except to the extent it may be necessary to complete the adoption of the rules discussed above.

APPROVED this 28th day of July, 2008.

PUBLIC EMPLOYMENT RELATIONS BOARD


James R. Riordan, Chair


M. Sue Warner, Member


Neil A. Barrick, Member