

**STATE OF IOWA
BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD**

IN THE MATTER OF:)
)
 FORT DODGE COMMUNITY,)
 SCHOOL DISTRICT,)
 Petitioner/Public Employer,)
)
 and)
)
 FORT DODGE EDUCATION)
 ASSOCIATION – TEACHER ASSOCIATE)
 BARGAINING UNIT (ASSOCIATES),)
 Certified Employee Organization.)

Case No. 8776

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 PUBLIC EMPLOYMENT
 RELATIONS BOARD

RULING ON NEGOTIABILITY DISPUTE

The Fort Dodge Community School District (District) has filed a petition with the Public Employment Relations Board (PERB or Board) pursuant to PERB rule 621-6.3(20). The petition seeks the Board’s ruling on whether a proposal the Fort Dodge Education Association – Teacher Associate Bargaining Unit (Association) made during the course of collective bargaining is a mandatory or permissive subject of bargaining. After the petition was filed, but before oral arguments, the parties proceeded to interest arbitration.

At issue is the negotiability of the following proposal:

ARTICLE X: HOURS OF WORK

Adverse Weather/Emergency Dismissal
 Adverse Weather/Emergency Dismissal: When the superintendent has determined that the schools are to be closed and the students are not to report to their respective buildings due to adverse weather or other emergencies, employees are not to report for work. However, if employees report to work within 15 minutes of their contract time and school is called, each employee will be paid for two hours or the actual hours worked, whichever is greater. In the event of an early dismissal due to adverse weather or other

emergencies, employees are to leave within 15 minutes after students leave school premises. ~~If the school day is not made up at a later date, the employee will be given the opportunity to make up the missed hours.~~

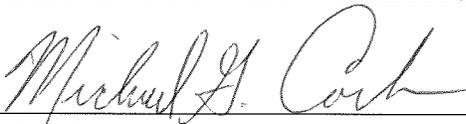
Paraeducators shall be paid their normal contracted hours of work for any workday that is shortened due to inclement weather or homecoming.

On July 8, 2014, the interest arbitrator issued his award on the impasse items in dispute between the two parties, including the impasse item for which the Association made the above proposal. The arbitrator did not adopt the Association's proposal as outlined above, but instead determined that the District's proposal of the current contract's language was the most reasonable. Because bargaining has concluded and the negotiability status of the proposal does not affect or alter the contract between the parties as awarded by the arbitrator, the issue presented in this matter is moot. The Board declines to rule on negotiability disputes which are moot. *See, e.g., Pub. Prof'l & Maint. Employees, Local 2003 and Black Hawk County, 2006 PERB 7012, at p. 1.* The petition for expedited resolution of a negotiability dispute is DISMISSED.

DATED at Des Moines, Iowa, this 14th day of July, 2014.

PUBLIC EMPLOYMENT RELATIONS BOARD

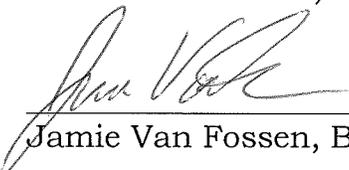
By:



Michael G. Cormack, Chair



Janelle L. Niebuhr, Board Member



Jamie Van Fossen, Board Member

Original filed.

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