

STATE OF IOWA
BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD

IN THE MATTER OF:)	
)	
KEVIN KILGORE,)	
Petitioner.)	CASE NO. 8809
)	

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RULING

On December 15, 2014, Kevin Kilgore filed a petition for rule making pursuant to Public Employment Relations Board (PERB or Board) rule 621—1.5. The petition requests that the PERB adopt an administrative rule, which would provide:

Strategy meetings of public employers shall only be held in the two weeks between the first bargaining session and the second bargaining session, and those meetings shall be public meetings.

The petition characterizes the proposed rule as “a logical interpretation” of Iowa Code section 20.17(3). The Board does not agree. That section provides:

20.17 Procedures

. . .

3. Negotiating sessions, strategy meetings of public employers, mediation, and the deliberative process of arbitrators shall be exempt from the provisions of chapter 21. However, the employee organization shall present its initial bargaining position to the public employer at the first bargaining session. The public employer shall present its initial bargaining position to the employee organization at the second bargaining session, which shall be held no later than two weeks following the first bargaining session. Both sessions shall be open to the public and subject to the provisions of chapter 21. Parties who by agreement are utilizing a cooperative alternative bargaining process may exchange their respective initial interest statements in lieu of initial bargaining positions at these open sessions. Hearings conducted by arbitrators shall be open to the public.

. . .

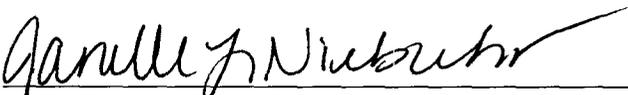
Assuming, as Petitioner alleges, that Iowa Code chapter 21 (Open Meetings) would otherwise require employer strategy meetings to be open to the public, section 20.17(3) specifically exempts such meetings from the requirements of chapter 21.

The Board thinks the provisions of Iowa Code section 20.17(3) are specific and quite clear about the status of strategy meetings of the public employer. Its effect, as an exception to otherwise-applicable provisions of chapter 21, is to provide that strategy meetings of public employers need not be open to the public. The proposed rule requiring such meetings be open, thus directly conflicts with Iowa Code section 20.17(3). The petition for rule making is therefore DENIED.

DATED at Des Moines, Iowa, this 2nd day of February, 2015.

PUBLIC EMPLOYMENT RELATIONS BOARD

By: 
Michael G. Cormack, Chair


Janelle L. Niebuhr, Board Member