

PUBLIC EMPLOYMENT RELATIONS BOARD[621]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 20.6(5), the Public Employment Relations Board hereby proposes to amend Chapter 1, “General Provisions,” Chapter 2, “General Practice and Hearing Procedures,” and Chapter 4, “Bargaining Unit and Bargaining Representative Determination”; to rescind Chapter 5, “Elections,” and to adopt a new chapter with the same title; and to amend Chapter 6, “Negotiations and Negotiability Disputes,” Chapter 7, “Impasse Procedures,” Chapter 8, “Internal Conduct of Employee Organizations,” Chapter 11, “State Employee Appeals of Grievance Decisions and Disciplinary Actions,” and Chapter 16, “Electronic Document Management System,” Iowa Administrative Code.

The purpose of these amendments is to update the agency’s rules to reflect and implement the provisions of 2017 Iowa Acts, House File 291. A major portion of the amendments involve Chapter 5, “Elections.” Due to the breadth of the amendments to Iowa Code chapter 20, the agency determined that it was impracticable to amend Chapter 5 on a rule-by-rule basis and that a reorganization of the chapter was necessary in order to present the rules in a logical and understandable fashion. Accordingly, Item 13 proposes to rescind existing Chapter 5 and replace it with a reorganized chapter which reflects changes responsive to House File 291, even though many of the rules contained in that chapter are identical, or nearly identical, to those contained in existing Chapter 5. As has been the case in other instances where significant statutory changes are implemented, many of the amendments constitute technical, conforming amendments to other rules which were necessitated by the reorganization of that chapter.

Interested persons may make written comments on the proposed amendments until 4:30 p.m. on September 19, 2017. Comments should be directed to Diana Machir, Iowa Public Employment Relations Board, 510 E. 12th Street, Suite 1B, Des Moines, Iowa 50319. Comments may be personally delivered, submitted by fax to (515)242-6511 or e-mailed to diana.machir@iowa.gov.

Requests for a public hearing must be received by 4:30 p.m. on September 19, 2017.

Although the implementation of 2017 Iowa Acts, House File 291, will cause an increase in the expenditure of funds by the agency and affected persons, due primarily to the need for the agency to contract with a vendor to conduct elections on the agency’s behalf and the requirement that these costs be paid by the employee organizations involved, the agency does not anticipate that these expenditures will exceed \$100,000 per year or \$500,000 within five years.

These rules do not provide for a waiver of their terms, but are instead subject to the agency’s general waiver provisions found at rule 621—1.9(17A,20).

These amendments were also Adopted and Filed Emergency and are published herein as **ARC 3278C**. The content of that submission is incorporated by this reference.

After analysis and review of these amendments, and consideration of anecdotal information concerning the effects of the implementation of amendments to public sector collective bargaining in the State of Wisconsin which are similar in many respects to the amendments contained in 2017 Iowa Acts, House File 291, the agency anticipates that the amendments to Iowa Code chapter 20 may reduce the number of private sector jobs or potential job opportunities for individuals in the private sector who provide legal or support services to labor organizations or public employers in Iowa, although the extent of any such reduction cannot be reasonably determined.

These amendments are intended to implement Iowa Code chapter 20 as amended by 2017 Iowa Acts, House File 291.