

CHAPTER 20 TRANSITION GUIDANCE

Sections 25, 26 and 27 of the bill (H.F. 291), in combination, provide that unless a proposed collective bargaining agreement has been ratified, an arbitrator has made a final determination or a collective agreement has become effective prior to the enactment date of H.F. 291, the parties, mediators or arbitrators who are engaged in bargaining or those impasse procedures shall immediately terminate those procedures. So unless your situation puts you within one of those three exceptions, STOP what you're doing, whether it's bargaining, mediating or arbitrating.

Section 25(1) of the bill, however, then provides that on or after the enactment date of H.F. 291, parties may commence collective bargaining in accordance with section 20.17, as amended. Under amended section 20.17, collective bargaining is commenced by the union's presentation of its initial bargaining position in an open meeting subject to the provisions of Iowa Code chapter 21, followed by the employer's presentation of its initial bargaining position in another open meeting subject to the provisions of chapter 21. Then bargain. Then mediate (unless the parties agree to waive mediation). Then arbitrate, if necessary.

The effect of the bill is to require that parties who (1) haven't ratified a proposed agreement, (2) haven't received an arbitrator's award, or (3) don't already have an agreement in effect, are to STOP and START OVER under the new statute. The revised statute does not affect the March 15 completion date applicable to the state, counties, cities and some other political subdivisions, but does establish a new completion date of June 30 for units employed by a school district, AEA or community college. ALL OF THESE COMPLETION DEADLINES MAY BE WAIVED BY MUTUAL AGREEMENT OF THE PARTIES. Parties should immediately agree to different completion deadlines or, if they do not, should immediately schedule their open meetings for the earliest possible date. In order to facilitate the restarting of bargaining and the completion of this "restarted" bargaining and impasse procedures prior to the applicable completion deadline, PERB has adopted emergency rules, which can be found [here](#).

PERB's emergency rules establish new timelines for the time periods specified in Code section 20.17 and 20.22 and are designed to produce agreements or arbitration awards not later than the applicable completion deadline. The process, by necessity, is severely compressed in order to produce agreements or awards by the applicable deadline. TIME IS OF THE ESSENCE for those who do not agree to extend their otherwise-applicable completion deadline. Parties should accordingly keep their calendars as open as is possible in order to be able to meet the new timelines coming early next week.

UPDATED February 22, 2017.