

IOWA

PUBLIC EMPLOYMENT RELATIONS BOARD

ANNUAL REPORT

FY2017

July 1, 2016 to June 30, 2017

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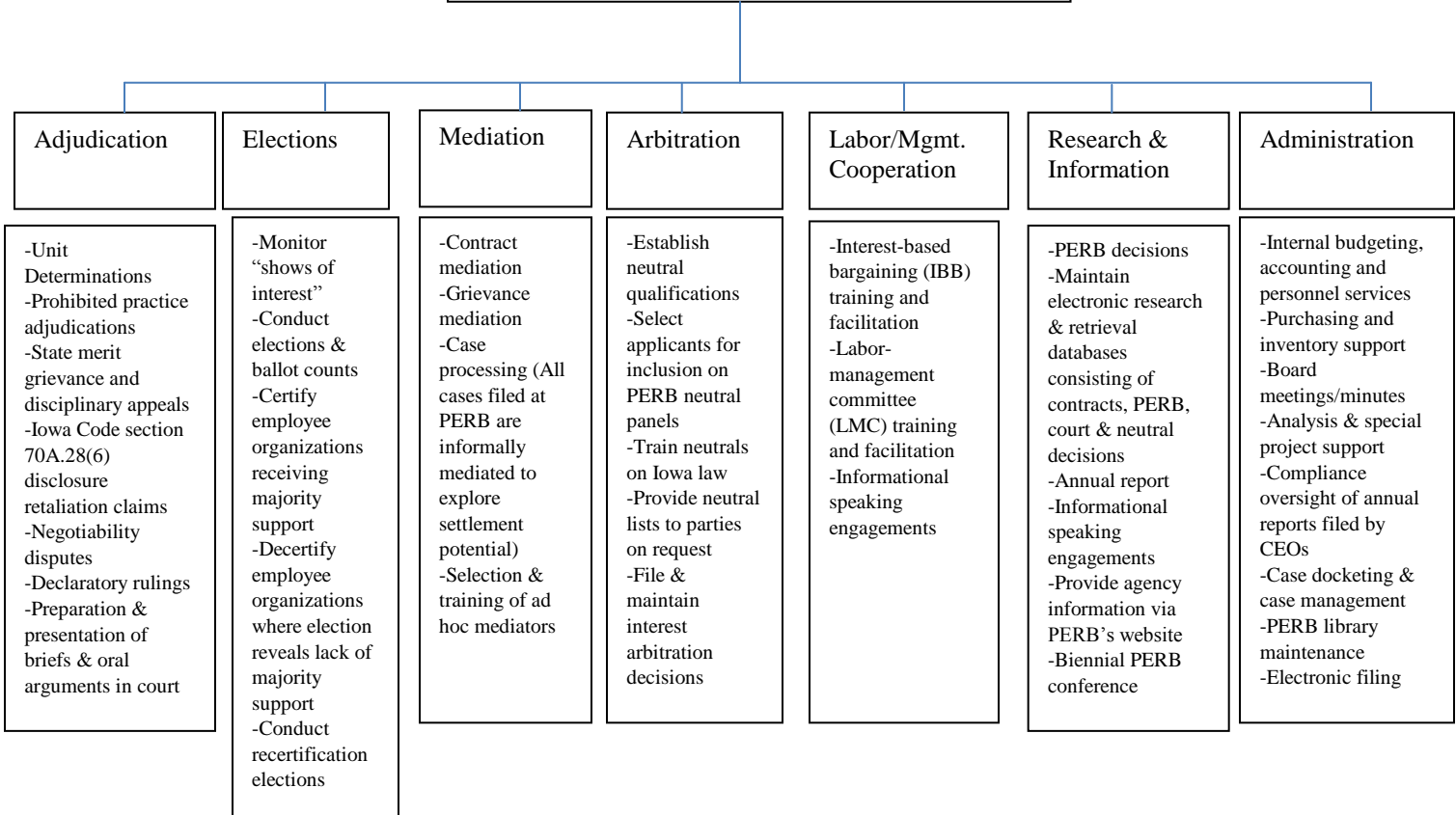
IOWA PUBLIC EMPLOYMENT RELATIONS BOARD

TABLE OF ORGANIZATION

FTE = 10

CHAIR
Michael G. Cormack

BOARD MEMBERS
Jamie K. Van Fossen
Mary T. Gannon



PROFESSIONAL STAFF

Jan Berry	Administrative Law Judge
Susan Bolte	Administrative Law Judge
Amber DeSmet	Administrative Law Judge
Diana Machir	Administrative Law Judge
Jasmina Sarajlija	Administrative Law Judge

SUPPORT STAFF

Nancy Lawrence	Legal Secretary
Leisa Luttrell	Executive Secretary

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PERB's MISSION STATEMENT

PERB's mission is derived from Section 1 of the Public Employment Relations Act, Iowa Code chapter 20, which establishes the powers, duties and responsibilities of the Public Employment Relations Board. During FY17, that section provided:

- 1) The general assembly declares that it is the public policy of the state to promote harmonious and cooperative relationships between government and its employees by permitting public employees to organize and bargain collectively; to protect the citizens of this state by assuring effective and orderly operations of government in providing for their health, safety, and welfare; to prohibit and prevent all strikes by public employees; and to protect the rights of public employees to join or refuse to join, and to participate in or refuse to participate in, employee organizations.
- 2) The general assembly declares that the purposes of the public employment relations board established by this chapter are to implement the provisions of this chapter and adjudicate and conciliate employment-related cases involving the state of Iowa and other public employers and employee organizations. For these purposes, the powers and duties of the board, include but are not limited to the following:
 - a. Determining appropriate bargaining units and conducting representation elections.
 - b. Adjudicating prohibited practice complaints including the exercise of exclusive original jurisdiction over all claims alleging the breach of the duty of fair representation imposed by section 20.17.
 - c. Fashioning appropriate remedial relief for violations of this chapter, including but not limited to the reinstatement of employees with or without back pay and benefits.
 - d. Adjudicating and serving as arbitrators regarding state merit system grievances and, upon joint request, grievances arising under collective bargaining agreements between public employers and certified employee organizations.
 - e. Providing mediators and arbitrators to resolve impasses in negotiations.
 - f. Collecting and disseminating information concerning the wages, hours, and other conditions of employment of public employees.
 - g. Preparing legal briefs and presenting oral arguments in the district court, the court of appeals, and the Supreme Court in cases affecting the board.

OVERVIEW

The Public Employment Relations Board (PERB) was established effective July 1, 1974, by the General Assembly's enactment of the Public Employment Relations Act (the Act), Iowa Code Chapter 20.

Chapter 20 defines the collective bargaining rights and duties of Iowa public employers and public employees. It has broad coverage, applying to virtually all public employees within the state except supervisors, confidential employees and other classifications specified in Iowa Code section 20.4.

Chapter 20 provides that public employees may organize and bargain collectively with their employers through labor organizations of the employees' choosing. To assure that representation by a labor organization is truly the employees' choice, secret ballot representation elections are conducted by PERB. To ensure that the rights of public employers, employee organizations and employees are protected and to prevent labor disputes from resulting in the disruption of services to the public, Chapter 20 defines certain prohibited labor practices and provides PERB with the statutory authority to fashion appropriate remedial relief for violations of Chapter 20.

Strikes are prohibited in the Iowa public sector with strong sanctions imposed in the event of an illegal work stoppage. In lieu of the right to strike, Chapter 20 contains a detailed procedure for the resolution of collective bargaining impasses.

Iowa Code sections 20.1(4) and 8A.415 impose upon PERB the responsibility to hear and decide grievance and disciplinary action appeals filed by certain employees covered by the state merit system. Iowa Code section 70A.28 also directs PERB to hear and decide appeals filed by certain state employees who assert they were retaliated against after disclosing information which purportedly evidenced a violation of law or rule, mismanagement, a gross abuse of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

Since its inception, PERB has certified representatives for over 1,610 bargaining units and has issued approximately 1,790 formal decisions. During FY 17, PERB provided impasse resolution services (mediators and/or arbitrators) in 353 disputes involving state, county, city, school district, area education agency and community college employers and employees.

On February 17, 2017, the Governor Terry Branstad signed House File 291 which made significant changes to Chapter 20. The law was effective upon enactment. The law

- Makes distinctions between the bargaining rights of public safety bargaining units and nonpublic safety bargaining units leaving the list of mandatory subjects largely unchanged for public safety bargaining units but limiting nonpublic safety units to the mandatory subject of base wage.
- Added the topics of dues deductions and payroll deductions for PACS and other political contributions for all union employees to the list of prohibited subjects of bargaining.
- Limits arbitration awards on the topic of base wages to the lesser of three percent or a percentage equal to the increase in the consumer price index urban for all urban consumers in the midwest region. PERB updates this data monthly on its web site.
- Requires recertification elections for all unions approximately 10 months before the expiration of the applicable collective bargaining agreement.

As a result of immediate enactment, PERB began working on amendments to administrative rules as the changes were effective mid-bargaining season. The rules also had to include the recertification election rules as the first set of elections were held in the fall of 2017.

Emergency rules providing for the transition and implementation of HF 291's provisions were adopted and became effective on February 22, 2017. The staff also began on an RFP for a vendor to conduct the retention and recertification elections for the almost 500 units up for retention and recertification. The Notice of Intent to Award the contract to the election vendor was issued in early June.

In order to ensure Iowans, employers and employees knew about the changes to the law and the new recertification process, PERB held almost 40 training sessions around the state regarding the new law focusing on the recertification elections beginning in late FY 17.

Fiscal 2017 was a year of change in the world of public employment relations in Iowa. PERB continues to serve Iowans as a neutral state agency dedicated to enforcing the law in an impartial manner. While some state laws have changed and other state laws have remained the same, in both cases, PERB will continue to work to enact Iowa law in a manner that fosters harmonious and cooperative relationships throughout our state.

SUMMARY OF PERB DUTIES

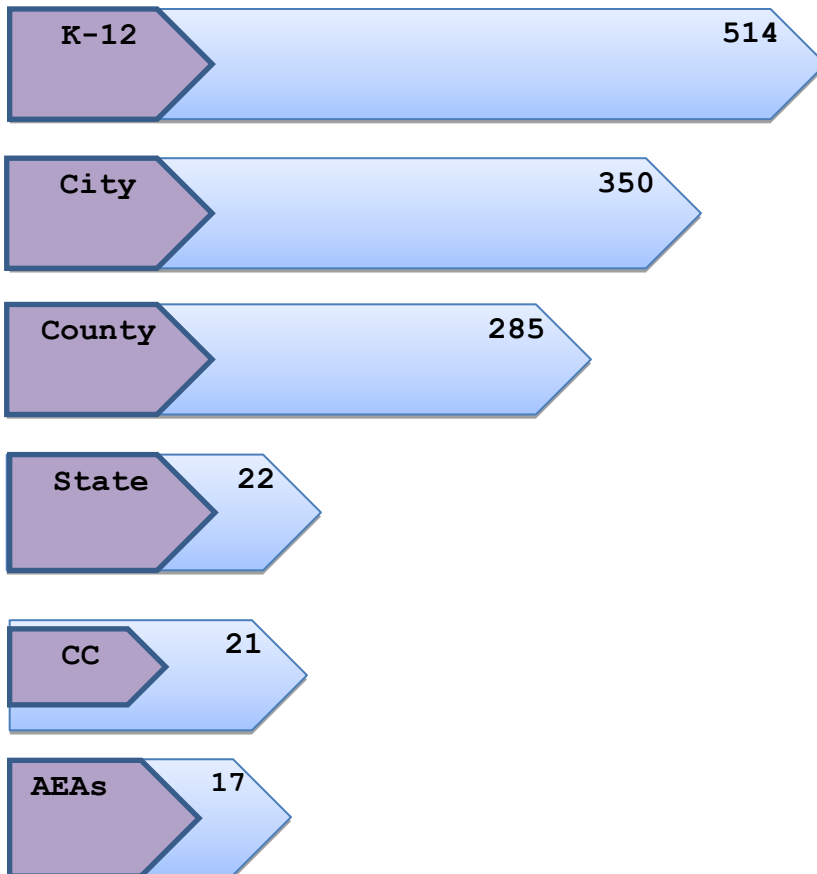
I. BARGAINING UNIT DETERMINATIONS/REPRESENTATION ELECTIONS

Bargaining unit questions continue to generate a great deal of agency activity. As part of its statutory responsibility to determine appropriate bargaining units and conduct representation elections under Iowa Code sections 20.13-20.15, the Board received 27 petitions in FY 17. Petitions to amend the composition of existing bargaining units were the most frequent type of unit filings.

Representation elections constitute the most visible PERB activity in these statutory areas. In an effort to minimize costs during FY 17 all elections were conducted utilizing PERB's established mail-balloting procedures. Public employees are provided maximum opportunity to participate in the process which determines, by secret ballot, whether they will be represented by an employee organization for the purpose of collective bargaining and, if so, the identity of their labor representative. Eligible voter participation rates of 75-100% are not uncommon. The average participation rate was 57.58% ranging from 45% to 89%.

During FY 17, PERB processed 13 election petitions and conducted 12 elections. The number of representation elections during FY 17 demonstrates a continued interest in collective bargaining activities in the Iowa public sector. The number of represented public sector bargaining units in Iowa has increased from 421 in 1975 to 1,209 during FY 17.

Number of Units based upon Employer Type – please note an individual employer may have more than one unit.



II. ADJUDICATORY FUNCTIONS

One of PERB's primary responsibilities involves the processing and adjudication of a variety of cases filed with the agency pursuant to Chapter 20, including:

- unit determination cases (those involving the composition, amendment, clarification and reconsideration of appropriate bargaining units);
- prohibited practice complaints (cases involving claimed violations of the statutory rights of public employers, public employees or employee organizations);
- declaratory orders (cases seeking PERB's interpretation of the Act's provisions);
- objections to elections, and,
- negotiability disputes (cases interpreting the scope of the mandatory subjects of bargaining).

Although some acts allegedly constituting prohibited practices may also be remedied by resort to contractual grievance procedures or action in the district courts, PERB possesses exclusive original jurisdiction over all employee claims which allege an employee organization's breach of its Iowa Code section 20.17 duty to fairly represent all employees in a collective bargaining unit. PERB also serves as the final administrative step in personnel action cases adjudicating grievances and disciplinary actions filed by state merit system employees pursuant to Iowa Code section 8A.415. Additionally, certain state employees may file an appeal with PERB claiming retaliation for the disclosure of information that may provide evidence of a violation of law or rule, mismanagement, a gross abuse of funds, an abuse of authority or a substantial and specific danger to public health or safety under Iowa Code section 70A.28.

Each petition or complaint filed with the agency is initially assigned to a PERB Administrative Law Judge (ALJ) who, by working with the parties involved, attempts to informally resolve the matter prior to a hearing. If all issues are not resolved, the case is referred to either the Board or a PERB ALJ and a hearing is held. In cases assigned to another PERB ALJ, a proposed decision and order is issued which becomes the final agency decision unless it is appealed to, or reviewed on motion of, the Board. Declaratory order petitions and negotiability disputes are heard and decided by the Board without the involvement of an ALJ.

Judicial review of PERB decisions is governed by the Iowa Administrative Procedure Act, Iowa Code chapter 17A. The district courts, sitting in an appellate capacity, review the record created before the agency to determine whether any of the grounds for reversal or modification of agency action specified by Iowa Code section 17A.19 have been established. District court decisions reviewing PERB actions are appealable to the Iowa Supreme Court.

In addition to deciding contested cases, the Board and its ALJs act as grievance mediators in cases involving disputes arising under collective bargaining agreements if requested by both parties.

During FY 17, 54 prohibited practice complaints, petitions for declaratory rulings, state employee grievance or discipline appeals, petitions for resolution of negotiability disputes and other non-unit cases were filed with PERB.

III. COURT ACTION: JUDICIAL REVIEW

In addition to serving as ALJs, PERB staff attorneys represent PERB in the courts when any final agency action is judicially reviewed. In so doing, PERB attorneys prepare pleadings, draft briefs and deliver oral arguments in cases before the district courts, the Iowa Court of Appeals and the Iowa Supreme Court.

During FY 17, one petition for judicial review was filed in the district courts and PERB's decision was upheld by the district court.

IV. IMPASSE RESOLUTION SERVICES

One often-overlooked aspect of collective bargaining impasse resolution under Chapter 20 is the parties' ability to design their own impasse-resolution procedure. Iowa Code section 20.19 directs the parties, as the first step in the performance of their duty to bargain, to endeavor to agree upon impasse-resolution procedures. The only restriction specifically placed upon the parties' ability to tailor the parties own impasse procedures is the section's requirement that any agreed or "independent" impasse-resolution procedures provide for the parties implementation not later than 120 days prior to the applicable deadline for the completion of the process.

Parties have frequently exercised this ability to design and utilize independent impasse procedures which may take many forms. Such procedures often change the date for exchange of final offers or provide for a completion date different than the otherwise-applicable statutory deadline. As with the "statutory" impasse-resolution procedures, summarized below, PERB offers parties, operating under independent procedures, whatever impasse-resolution services they may require which are within PERB's ability to provide.

If the parties fail to agree upon independent impasse procedures as contemplated by section 20.19, the statutory impasse-resolution procedures set out in Iowa Code sections 20.20-20.22 apply. For all bargaining units the statutory impasse-resolution procedure consisted of two steps – first, mediation, which if unsuccessful in producing a complete agreement, is followed by binding arbitration. PERB's professional staff and board members serve as mediators. PERB also maintains a list of qualified ad hoc mediators, as well as lists of arbitrators to assist in the resolution of bargaining impasses. Mediators from the Federal Mediation and Conciliation Service (FMCS) also provide mediation services for PERB.

Statutory impasse procedures are initiated by the filing of a request for mediation. Upon the filing of such a request, PERB appoints a mediator to the dispute during a statutorily-prescribed period who meets with the parties to assist them in reaching a voluntary agreement. If mediation does not produce a complete agreement upon the terms of a contract, arbitration can be requested. Upon receipt of an arbitration request, PERB provides a list of five arbitrators to the parties from which both parties strike two until one arbitrator is left on the list. A hearing is held, and an arbitration award is issued which, absent judicial intervention, is binding on the parties and establishes the disputed terms of their collective bargaining agreement.

The numbers tell the story of how successful Iowa's impasse resolution processes work. Due to the passage of HF 291 mid-bargaining season and the significant changes in the scope of negotiations, there were fewer requests for impasse than in previous years. In FY 17, the agency received requests for mediation in 353 bargaining impasses, only 9 of these impasses ultimately proceeded through arbitration--a pre-arbitration resolution rate of 97.5%. Only two interest arbitration awards were issued as the State/AFSCME bargaining unit impasse requests were consolidated and only one hearing was held. The table below provides more detailed impasse data concerning the previous five years.

HISTORICAL IMPASSE ACTIVITY

YEAR	TOTAL REPRESENTED UNITS	REQUESTS FOR IMPASSE SERVICES	MEDIATED SETTLEMENTS	INTEREST ARBITRATION AWARDS ISSUED
2012-13	1211	591	187	14
2013-14	1206	512	181	14
2014-15	1206	607	192	14
2015-16	1203	469	143	10
2016-17	1209	353	46	2

V. RESEARCH & INFORMATION SERVICES

Pursuant to Iowa Code sections 20.1 and 20.6, PERB collects and makes available to the public various types of information relating to public employment and public sector collective bargaining in Iowa. During FY 06, the Board began the transition to an internet-based system for the distribution of agency information and to discontinue its existing “paper” systems for indexing\researching agency decisions and providing other informational services.

In FY 07, the Board partnered with an information technology provider to develop a database and search engine for all final agency decisions and PERB-related court decisions. This system became operational during FY 08. The system is a powerful search tool and offers a comprehensive collection of documents. There are four databases of full-text documents in the system: Contracts, PERB, Neutral and Court Decisions. For each database, the system displays an index of its full-text documents, allows electronic access to these documents and provides search functions to facilitate research by any user. The databases are accessible through the "Searchable Databases" link on the PERB website's homepage which allows public access. Volumes of the hard-copy index and digest of PERB decisions covering decisions issued from 1974 through June 30, 2005 are still available from the agency.

In the past, the Board produced annual “Contract Summaries” which summarized major contract provisions for units. During FY 07, the Board discontinued the publication of these summaries when it implemented the contracts database. The database is searchable and allows immediate access to more complete and accurate information than could be provided through the contract summaries. Biographical data concerning arbitrators listed with PERB is also available on the website. Upon passage of HF 291, employers are now required to file the signed contracts with PERB within 10 days of the date the agreement was entered into.

As of FY 16, fact finding recommendations (formerly a step in the impasse-resolution procedures) and interest arbitration decisions since 1974 are now retrievable via the PERB electronic filing system on the PERB web site. Copies of collective bargaining agreements, some grievance arbitration awards and impasse resolution information are also available on the PERB web site. The PERB library is available to the general public for research purposes.

PERB’s website address is: <http://iowaperb.iowa.gov>.

VI. ELECTRONIC FILING

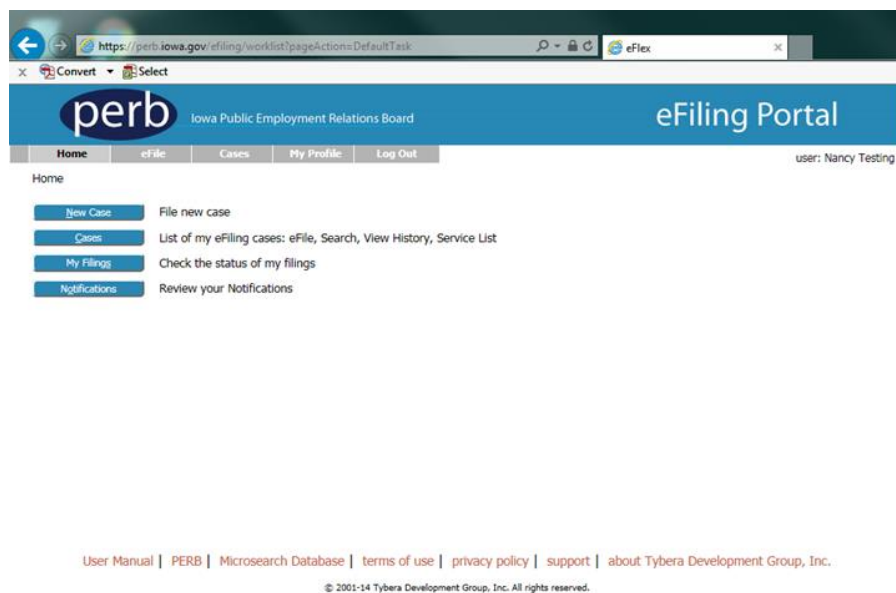
In 2014, PERB began moving to a mandatory electronic filing system. Statutory changes were made during 2014 which included the hiring of a technology development company to design an all-inclusive system for the filing, service, management and storage of all documents in

adjudicatory proceedings before the agency. Three distinct technological products comprise the e-filing system:

- an online filing interface – the online filing interface interacts with the document management system and the case management system to recall information for the user to access and allows the user to submit information and documents to the document management system and case management system. The online filing interface is accessible through the “eFiling” link on the PERB website’s homepage.
- case management system – the case management system stores the data associated with a case and allows for queries to be run against that data.
- document management system – the document management system stores all documents filed with the agency.

PERB’s online filing system became operational in FY 15. All cases initiated on or after January 1, 2015, and all employee organization annual reports submitted after February 22, 2017 must be electronically filed. Additionally, PERB also utilizes its online filing system when filing notices and information pertaining to the recertification elections now required by HF 291.

Based off the same platform, PERB’s online filing interface mimics the look and feel of the Iowa Judicial Branch’s e-filing system, and therefore, provides ease of use for constituents already familiar with the Iowa court’s system. These advanced systems improve workflow; reduce costs associated with paper filings for both PERB and its constituents and grant the public real-time access to all case filings, unless otherwise protected by law.



VII. CERTIFIED EMPLOYEE ORGANIZATION REPORTS

Pursuant to Iowa Code section 20.25, PERB monitors certain internal operations of certified employee organizations and enforces compliance with statutory requirements. PERB ensures that each certified employee organization has a constitution and by-laws filed with the agency that contain certain safeguards relating to financial accountability and membership rights as set out in the statute. It maintains these records which are updated when changes in the organizations’ governing documents are reported. PERB also receives, reviews and maintains each certified employee organization’s annual report, including a financial statement and audit, which is required for the employee organization to maintain its certification. PERB assists with the completion of the documents, issues delinquency letters and orders hearings when organizations are not in compliance. As of February, 2017, any documents submitted to PERB pursuant to section 20.25 are electronically maintained and readily available on PERB's online

filing system.

VIII. PERB'S PROBLEM-SOLVING PROCESSES

During its 43-year history, PERB has provided mediation, training, and facilitation services to Iowa public employers. PERB's statutory duty is to promote harmonious and cooperative relationships between government and its employees by utilizing problem-solving processes.

INTEREST-BASED BARGAINING

Interest-based bargaining (IBB) is a process designed as an alternative to the traditional, historically adversarial process to settle contract disputes.

The legal duty to bargain a contract requires labor and management to follow an impasse resolution process if a voluntary agreement is not reached. The statute's "default" process includes mediation and arbitration to resolve disputes over the list of mandatory subjects of bargaining contained in Chapter 20. Labor and management have typically used traditional, adversarial bargaining methods and strategies under Chapter 20's impasse resolution process. That is, each have taken positions and offered proposals and counterproposals to resolve the outstanding issues before them.

IBB focuses on labor and management interests as opposed to bargaining positions. IBB contains three key elements.

- a commitment from labor and management leadership to move from an adversarial to a joint problem-solving process.
- the use of consensus decision-making.
- an agreement on specific ground rules; that is, how the parties will conduct themselves during contract negotiations.

PERB serves as facilitators and trainers of the IBB process.

LABOR-MANAGEMENT COMMITTEE

A labor-management committee (LMC) is an alternative dispute resolution process. An LMC is designed to build better working relationships through cooperation and problem-solving using consensus decision-making. An LMC is not intended to replace either contract negotiations or a contractual grievance procedure.

The initial focus of an LMC is to develop its statement of purpose, and establish ground rules. An LMC's statement of purpose varies according to labor and management's needs. LMCs have been established to address specific needs, for example health care costs, as well as broader issues such as how to build and maintain trust in the workplace. In addition to establishing procedural ground rules, *i.e.* who are the members of the LMC and when it will meet, the LMC also establishes substantive ground rules including respecting each other's opinions, developing a working definition of consensus decision-making and requiring the LMC to focus on problems, not people.

LMCs facilitated by PERB continue to function primarily with Iowa public employers and their respective unions or associations to address workplace issues.

FY 2017 CASE REVIEW

I. BOARD - DECLARATORY ORDERS

Iowa Code section 17A.9 requires each agency to provide, by rule, for the filing and disposition of petitions for declaratory orders as to the applicability to specified circumstances of a statute, rule, or order within the primary jurisdiction of the agency. 621 Ch. 10 of PERB's rules governs such proceedings. In addition, the Board has enacted other rules for a specialized type of petition for declaratory order (discussed below)--those which raise negotiability questions requiring expedited processing. During FY 17, the agency received one petition and issued a Declaratory Order.

United Electrical Workers and State of Iowa/Board of Regents

17 PERB 100825 (6/29/17) [Declaratory Order]

- Proposal for an “annual” base wage is mandatory, as would be a proposal for an “hourly” base wage.
- Proposal that employees be paid on 1st and 15th days of each month is fundamental aspect of base wages and mandatory.
- Proposal specifying number of hours in day or week, number of holidays, amount of paid vacation and sick leave and wage rate for hours over 40 in a week are permissive. But when confronted with proposals premised upon assumptions about the quantity of work required of employees in exchange for their base wage, employer’s duty to bargain in good faith requires employer to inform union of accuracy/inaccuracy of its assumptions, so union can knowingly and rationally bargain base wages.
- Proposal that employees working overnight 11 p.m.-7 a.m. shift be paid at different level than others in same classification working different schedules is permissive “shift differential” proposal (pay in addition to the minimum).
- Question premised on impasse over base wages for contract to become effective July 1, 2018, of “may the arbitrator look to the past collective bargaining agreement, the one expiring June 20, 2018 and consider the wage paid in past collective bargaining as consideration for an award on base wages?” answered in the affirmative. Board expresses doubt that contract in effect at time of the arbitration is a “past collective bargaining agreement” within meaning of Iowa Code 20.22(7A)(b)(1). But even if it is viewed as such, 20.22(7A)(a)(1) requiring arbitrator to compare base wages, hours and conditions of employment of the unit employees with other comparable employees and 20.22(9)(b)(1) prohibition of base wage awards over the established maximum would allow arbitrator to look to the existing agreement to determine the existing base wages, hours and other conditions of employment, and should be viewed as a limited exception to 20.22(7A)(b)(1).

II. BOARD - EXPEDITED NEGOTIABILITY RULINGS

The scope of bargaining for public employers and employee organizations is set out in Iowa Code section 20.9. HF 291 significantly changed the scope of bargaining. The bill separates out two distinct classes of public employees - public safety units and nonpublic safety units. A public safety unit is comprised of at least 30 percent public safety employees, as defined by Code. Public safety units' scope of bargaining is broader than that of the nonpublic safety units. Public safety units' mandatory subjects of bargaining are

wages, hours, vacations, insurance, holidays, leaves of absence, shift differentials, overtime compensation, supplemental pay, seniority, transfer procedures, job classifications, health and safety matters, evaluation procedures, procedures for staff reduction, in-service training, grievance procedures for resolving any questions arising under the agreement, and other matters mutually agreed upon.

For nonpublic safety units, the mandatory subject of bargaining is base wages.

Both types of units are prohibited from negotiating retirement systems, dues checkoffs and other payroll deductions for political action committees or other political contributions or political activities. In addition to those topics, nonpublic safety units are also prohibited from bargaining

insurance, leaves of absence for political activities, supplemental pay, transfer procedures, evaluation procedures, procedures for staff reduction, and subcontracting public services

Because it is not uncommon for the parties to disagree, either during negotiations or impasse-resolution procedures, as to whether certain contract proposals are mandatorily negotiable, it is sometimes necessary for PERB to make a legal determination as to the negotiability status of disputed proposals. This past season saw a number of cases focused on interpreting the new language defining the scope of bargaining. Pursuant to its Iowa Code section 17A.9 authority to establish rules for the disposition of petitions for declaratory orders, PERB has established, by rule, an expedited mechanism for the resolution of such negotiability issues.

Pursuant to this procedure, a party petitions PERB for an expedited negotiability ruling, setting out the precise language of the proposal(s) at issue. The parties are allowed to submit written and/or oral arguments to PERB on the issues. PERB then typically issues a short-form "Preliminary Ruling" on the matter, designating each proposal at issue as mandatory, permissive or prohibited, without supporting rationale or discussion. This preliminary ruling is not final agency action. If, after receiving a preliminary ruling, a party desires a final agency ruling supported by written reasoning, such may be requested in writing within 30 days and a final ruling will be issued.

During FY 17, the agency received seven petitions and issued two preliminary and two final negotiability rulings.

Columbus Community Sch. Dist. and Columbus Education Association

17 PERB 100820 (5/17/17)

- “Base wages” defined as the minimum (bottom) pay for a job classification, category or title, exclusive of additional pay such as bonuses, premium pay, performance pay or longevity pay.
- Section 20.3(12) “supplemental pay” definition interpreted and applied. (Permissive subjects for non-public-safety units which are listed mandatory subjects for public-safety units are “permitted” subjects specified in section 20.9. Compensation which is within one of those subjects is thus not excluded as supplemental pay.)
- Extra-curricular positions such as coaches are job classifications and the base wage for each is mandatorily negotiable if created or maintained by the employer and are or may be occupied by bargaining unit employees.
- Compensation for unit employees staffing extra-curricular events on occasional basis is permissive as “wages” rather than excluded as “supplemental pay,” because it is payment for services rendered.

Oskaloosa Community Sch. Dist. and Oskaloosa Education Association

17 PERB 100823 (5/17/17)

- Definition of “base wages” announced in *Columbus* applied to salary matrices for teachers and nurses.
- Longevity “steps” represent additional pay above the minimum for a classification and are therefore permissive “wage” proposals, not “base wages.”
- Horizontal “lanes” (BA, BA+30, MA, MA+30, etc.) are job classifications and not themselves mandatory, but base (minimum) wage for each classification created or maintained by the employer is mandatorily negotiable.
- Starting point for the calculation of the size of a base wage increase is the minimum wage

for an employee's classification, rather than the individual employee's total existing compensation.

- Base wages do not include TSS money included in an existing combined salary schedule because it is additional pay above the minimum. It is permissive as "wages" because it is payment for services rendered by the teacher, and thus not excluded as "supplemental pay."

III. BOARD - OBJECTIONS TO IMPASSE

Chapter 20 has been interpreted by the Board and the courts as requiring the completion of bargaining and impasse-resolution services by a particular date, absent certain recognized exceptions. The Board has established, by rule, a procedure for raising objections to the conduct of further impasse-resolution procedures where it appears the applicable deadline will not be met. Although this has at times been a fertile area for litigation, in FY 17 only one objection to impasse case was filed and decided.

As a result of the immediate enactment of HF 291, bargaining deadlines for contracts expiring in 2017, were severely truncated unless parties had completed bargaining by February 17.

IV. OBJECTIONS TO ELECTIONS

Upon written objections filed by any party to a representation election, the Act allows the Board to invalidate an election and hold a second election if the Board finds that misconduct or other circumstances prevented the eligible voters from freely expressing their preferences. The Board has established rules governing objections to elections. In FY 17, no objections were filed.

V. CONTESTED CASE DECISIONS

"Contested cases" are proceedings in which the opportunity for an evidentiary hearing is required by statute or constitution before the rights, duties or privileges of parties are determined by an agency. Although at times forming a significant part of the Board's caseload, neither petitions for declaratory orders, petitions seeking the resolution of negotiability disputes nor objections to continued impasse-resolution procedures constitute true contested cases.

During FY 17, the Board and its administrative law judges issued 12 rulings or decisions in true contested cases involving the composition of collective bargaining units, alleged prohibited practices and state employee grievance or disciplinary action appeals.

VI. JUDICIAL REVIEW DECISIONS

Final PERB decisions are subject to judicial review by the district courts pursuant to Iowa Code section 17A.19, and the resulting district court judgments are then subject to review by the Iowa Supreme Court or Court of Appeals.

In FY 17, one decision was appealed to district court which upheld the PERB decision.

LISTS OF QUALIFIED NEUTRALS MAINTAINED BY PERB

Chapter 20 requires PERB to maintain lists of qualified mediators and interest arbitrators. PERB also maintains a list of qualified grievance arbitrators for parties to utilize.

As of June 30, 2017, PERB's neutral lists included 50 active grievance arbitrators and interest arbitrators (12 of whom are Iowans) and 27 active ad hoc mediators (25 of whom are Iowans).

In 1991, pursuant to legislation which had amended Iowa Code section 20.6, PERB established minimum qualifications for these neutrals and established procedures for appointing neutrals to the various lists, for maintaining the lists, and for removing neutrals from the lists. A neutral may be removed from a list by request of the neutral or through procedures initiated by PERB or a complaining party. A neutral may also request that he or she be placed on inactive status for periods of time, due to unavailability.

In 2016, PERB received its first complaint about a neutral under PERB's new rules regarding arbitrator conduct.

In the Matter of John L. Sandy
17 PERB 100726 (8/9/17)

In this case, a grievant filed a complaint against the grievance arbitrator alleging the arbitrator had poor communication skills, was unable to write a clear and reasoned award and did not meet the standard of fair and impartial, vital in an arbitrator. In the decision, the board reminded the parties and others that the board was not there to substitute its judgment for that of the grievance arbitrator. Rather, the board's role was to determine whether any of the grounds for the discipline or removal of the arbitrator specified in PERB rule 621-14.9 existed and, if so, what discipline was appropriate. The board determined grounds for discipline did exist and suspended the arbitrator for six months.

PERB BUDGET**FISCAL YEARS 2016 & 2017**

RECEIPTS	ACTUAL FY 16	ACTUAL FY 17
Appropriations	\$1,342,452	\$1,342,452
Salary Adjustment	0	0
Training & Technology Carry Forward	71,269	67,265
Legislative Reduction	0	(14,323)
Transfer	0	0
DAS Distribution	0	0
Reimbursement from Other Agencies	0	0
Miscellaneous Income	<u>9,079</u>	<u>36,305</u>
TOTAL	\$1,422,800	\$1,431,699

EXPENDITURES

101	Personal Services	\$1,090,610	\$1,180,841
202	In State Travel	8,824	23,186
205	Out of State Travel	8,264	10,959
301	Office Supplies	12,037	14,281
309	Printing & Binding	1,220	7,958
313	Postage	1,034	749
401	Communications	7,225	7,149
402	Rentals	0	4,121
406	Outside Services	32,007	29,368
409	Outside Repairs	974	1,052
414	Reimbursements –Other agencies	35,127	37,792
416	ITS Reimbursements	22,378	23,556
418	IT Outside Services	5,800	22,000
434	Gov FundTransfers-Other Agencies Serv.	80	0
502	Office Equipment	0	0
503	Equip Non-Inventory	11,514	3,156
510	IT Equipment	9,711	6,724
705	Refunds/Other	<u>0</u>	<u>1,135</u>
TOTAL		\$ 1,246,805	\$1,374,026

REVERSION \$ 175,995 \$ 67,265

TOTAL T&T RETURNED TO GENERAL FUND \$41,465 \$16,435

FINAL REVERSION \$134,530 \$57,673

TRAINING & TECHNOLOGY

CARRY FORWARD (50% of reversion) \$ 67,265 0