

## PERB Perspective

James R. Riordan, Chair

The recent and significant reductions in PERB's operating budget has forced the agency to carefully review our operations and ultimately make changes to our delivery of mediation services. As a result we will provide one mediation session and compensate ad hoc mediators for a maximum of five (5) hours per case.

Mediation is most effective when the parties are truly at impasse and not when the mediator is called in merely to "start the clock." We encourage the parties to utilize the mediator's services at the time when there is a greater likelihood the mediator's assistance will aid the parties in reaching a final settlement.

Labor and management can, and often do, enter into an independent impasse procedures that delay or waive statutory deadlines in order to allow more time to bargain effectively. These independent impasse procedures can be entered into at any time in the bargaining process, and if utilized, could result in mediation occurring at the most opportune time to assist the parties in their final negotiations. Effective use of mediators and their time can reduce PERB's costs related to mediation.

We would urge the parties to use their best judgment when the mediator's services can be most effectively utilized.

### PERB's Website

PERB's statutory duty to assist labor and management resolve disputes and PERB's responsibility to provide data and information relevant to collective bargaining and workplace issues inspired the development of PERB's website at <http://iowaperb.iowa.gov>. Our website includes:

- The full text of the Public Employment Relations Act, Chapter 20.
- The full text of PERB's administrative rules.
- The full text of fact-finding and interest arbitration decisions from 2001 to present including an index by employer, union, association, neutral, and issue(s).
- Current wage settlements as reported to PERB by labor and management representatives.
- A full-text database which allows word search of PERB and court decisions, collective bargaining agreements, and neutral decisions.
- An online system for collection of Iowa public sector information regarding health insurance, health care coverages, costs, and cost containment efforts. To set up an account for submission of information applicable to your bargaining unit, or to update the information previously submitted, click on the navigation bar on the left "Health Care Database" and click on "Create a survey or edit survey." To view or search information go to the same navigation bar and click on "Search surveys." Questions about submitting bargaining unit information or the overall purpose or use of the Project may be addressed to Barb Marchant at 515/281-4048 or [barbara.marchant@iowa.gov](mailto:barbara.marchant@iowa.gov).
- Biographical information on neutrals approved by PERB to serve as teacher termination adjudicators, fact-finders, and interest and grievance arbitrators.

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## 2009 PERB Conference

The PERB Conference marked 35 years of collective bargaining under the Public Employment Relations Act. The Conference took place on October 8 and 9, 2009, in Des Moines.



Robert D. Ray, Governor of Iowa (1969-1983)

Governor Robert D. Ray was the honored guest at the Conference's Reception. Governor Ray initiated legislation, which resulted in the passage in 1974 of the Public Employment Relations Act. Jerry Addy, former Labor Commissioner, served as the Reception's Master of Ceremony and Jerry introduced former legislators, and labor and management representatives who shared their antidotes and memories.



"A Look Back"

(L-R) Former PERB Mediators and Hearing Officers John Ayers, Ron Hoh and Jeffrey A. Krausman. Not pictured Bill Snyder, and former PERB Executive Director & Board Member Peter Pashler

The "Look Back" panel reflected on the challenges faced in establishing PERB.



(L-R) Arbitrators Ruth Weatherly, Peter Feuille,  
Dennis Krueger and Richard Pegnetter

Panelists discussed the use of statutory criteria used by arbitrators in interest arbitration awards.



**"PERB Update"**

(L-R) Administrative Law Judges Susan Bolte and  
Diana Richeson and PERB Chair Jim Riordan

The PERB Update included an overview of PERB's website which includes an electronic research and retrieval database for PERB decisions and collective bargaining agreements.

**The following comments were not received by PERB in time to include within the Conference participants packets.**

**Larry Pope, Law Professor Emeritus (Retired), Drake University**

I am very sorry not to be able to attend this special celebration. I am especially sorry to miss the opportunity to see and visit with old friends in the public employment law arena.

Permit me some observations about the PERA and its 35 years.

First, the law itself. Its birth was certainly tumultuous. Governor Ray, Brice Oakley and Ed Bittle were among its most helpful midwives. Their efforts paid off. I believed then and still believe now that the law was and is one of the best in the nation.

Second, labor and management may have had doubts about the law and some of its provisions, but they committed to make the law work. I speculated in my 1975 law review article that the impasse procedures and no-strike provisions were going to be under great pressure. As it turned out, the threat of strikes vanished as the parties lived up to the mandates of the Act. Particular credit should go to Iowa's public employee unions which sold their members on the viability of arbitration as a replacement for strikes.

Third, the efforts of Peter Pashler were a major factor in the success of the law. From the beginning of the process, he was a tireless and effective leader. His service at PERB and in private practice has been exemplary.

Finally, though the law was good in its form, it was the people administering and practicing it who made it a success. There are many heroes and few villains in this story.

I apologize to those whom I did not single out. All of you played an important and productive role.

We should always look to the future, but it is also important to recognize and celebrate positive efforts. This event today does that.

Congratulations to all of you.

**Ted Davidson - Executive Director (Retired), Iowa Association of School Boards**

The Iowa Association of School Boards opposed the enactment of the Public Employment Relations Act. However, when it became obvious that the Iowa Legislature was pretty well set to consider and probably enacted a public employment relations bill we geared up with some proposed amendments to make the legislation more acceptable to school board members and administrators.

There were a number of representatives and senators who shared our concern. The Senate was in a stronger position to pass this legislation. Consequently, proponents of the legislation decided to start the bill in the Senate. Even in the Senate there was a concerted effort to defeat the bill and when that did not work we tried to amend the bill to be more acceptable to public employers. We had some success. I remember one of our greatest supporters was Senator Cliff Lamborn, Republican Senate Majority Leader from Maquoketa. He was great to work with. The bill passed the Senate and the decision was made to hold the bill in the Senate until the next term of the legislature. That decision gave IASB, and other public employer groups, the opportunity to build up support to defeat the bill in the House or at least amend it to be a more acceptable law.

We worked in concert with many other public employer groups. The overwhelming majority of these groups opposed the collective bargaining bill. In so far as possible the employer groups worked together to enact amendments to improve

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the Senate bill. In this regard we were quite successful. The bill that passed the House was far more acceptable to school boards and other public employers than the Senate bill. BUT, don't misunderstand me; we vigorously opposed the public employee collective bargaining law. As I recall (it was a long time ago) the House collective bargaining bill was approved by the Senate.

Thus the law was enacted, and the next step was informing and educating public employers about the bill, employer rights, and subjects of negotiations, impasse procedures and techniques for successful negotiations. It was a whole new situation for both public employers and employees. There is no doubt that employers had the most to lose. The days of "Take it or leave it" discussions with school employees was over.

IASB sponsored a series of regional meetings to acquaint school board members and superintendents with regard to the law and most importantly about employer rights and scope of bargaining. These meetings were very well attended and I think probably helped school officials avoid mistakes such as negotiating about subjects that were not required. The first was difficult but overall I think school board and administrators did a good job of implementing the public employment relations law.

Through the year's public employees and school boards have worked and learned to manage public employment relations under the current law. It is a process that calls for patience, understanding and personal skills. Given our choice the law would not have been enacted. But that was not our choice! I think school boards, superintendents, and administrators, have done an outstanding job considering the circumstances that we had to work with.

## Scot Beckenbaugh, Deputy Director, Federal Mediation and Conciliation Service

It is with deep regret that I am unable to attend the PERB conference celebrating 35 years of service under the Public Employment Relations Act. Our new director was confirmed by the Senate late yesterday. We are awaiting President Obama's signature on the appointment and the official "taking of the oath" of the 17th Director of FMCS, George H. Cohen. Hopefully, that will all occur in short order but until it does, my responsibilities as the Acting Director require my continued presence in Washington D.C.

On behalf of the Federal Mediation and Conciliation Service, I offer my congratulations and thanks for the wonderful work that you do on behalf of the collective bargaining process. Please convey my best wishes to all of your staff and all of the conference attendees. I still cherish my time on the PERB staff and my brief tenure on the Board. I learned my chosen profession during those times and will be forever grateful for the patient mentoring and collegial support that PERB and the Iowa Labor Management Community provided to me. Obviously, I am honored by the many opportunities and blessings I have enjoyed here at FMCS but I fondly recall the many hours spent in mediation at public sector bargaining tables around the state. The wonderful memories are not of struggles, or issues or even places. Rather they are of the amazing people, management and labor, that worked so hard and were so tolerant of a sometimes difficult process; all because they were well grounded in the simple understanding that the best solutions are nearly always those arrived at by the parties. (Ok, maybe a little nudge from the mediator helped from time to time).

Finally, I want to acknowledge the historically cooperative and mutually beneficial relationship enjoyed by the Iowa Public Employment Relations Board and the Federal Mediation and Conciliation Service. As PERB historians no doubt remember, when the PERA was first passed PERB had no trained staff or ad hoc mediators prepared to mediate under the Act's provisions. At PERB's request, FMCS sent mediators from around the US to provide direct mediation assistance and staff training. It is typical Iowa that those of us who have practiced side by side for so many years, sometimes take our Agency's relationship as a given because it has been there from the beginning. It is all we have known. I know, from my perspective at FMCS, that the relationship is unique in its quality, its endurance, value to the collective bargaining process, value to the practice of mediation, and ultimately in its value to the parties and to the taxpayer. In this time of historic celebration for PERB, I simply want to give pause to extend my sincere thank you. FMCS is grateful for your continuing commitment to highest levels of collegiality, professionalism and cooperation.

## Impasse Timeline Guide

The Public Employment Relations Act (PERA) contains specific requirements to implement mediation, fact-finding and interest arbitration when an impasse arises in negotiations. Section 20.19 of the PERA allows labor and management to enter into an independent impasse procedure. However, the following chart highlights important deadlines under PERA's impasse process.

EMPLOYER TYPE(S)	UNIT TYPE	STEPS IN PROCEDURE	FIRST DATE PERB WILL ACT ON A UNILATERAL MEDIATION REQUEST (120 days prior to budget completion deadline)	DEADLINE TO FILE REQUEST FOR ARBITRATION	DEADLINE TO COMMENCE ARBITRATION HEARING	COMPLETION DEADLINE
City, County or State	All Units	3 <sup>1</sup>	11/15			3/15
School District or AEA	Non-Teachers	3 <sup>1</sup>	12/15			4/15
Community College	Non-Teachers	3 <sup>1</sup>	1/31		5/13	5/31
School District, AEA or Community College	Licensed Teachers	2 <sup>2</sup>	1/31	4/16	5/13	5/31

<sup>1</sup>Mediation, factfinding & arbitration

<sup>2</sup>Mediation & arbitration