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Sue Warner, Jim McClimon and Barb Marchant Retire



(L-R) Barb Marchant, Jim McClimon and Sue Warner.

A board member and two staff members at PERB are retiring after many years of service to the agency and the State of Iowa.

Sue Warner will retire from her position as a board member on June 24, 2010. Sue served as a PERB administrative law judge from 1980-1988 and has served as a member of the Public Employment Relations Board since 1988.

Jim McClimon will retire from his position as administrative law judge with PERB on May 28, 2010. Jim was one of the original staff members at PERB, starting with the agency in May, 1975. Jim was also a member of the board from 1983-1988.

Barb Marchant will retire from her position as administrative secretary on May 28, 2010. Barb has been with PERB since February, 1990.

Sue, Barb and Jim have provided long and valuable service to the agency and they will be missed.

Legislature Enacts Changes To Chapter 20

Governor Culver recently signed several pieces of legislation that made a number of changes to Chapter 20 of the Iowa Code. Many of the changes are of a technical nature and will not noticeably impact the parties' practice or procedures followed by practitioners before the agency. The following is a brief summary of the more notable changes. Copies of all the changes can be found on the PERB website.

The major change to current practice is the elimination of factfinding as a step in the statutory impasse procedure. Factfinding may still be used pursuant to an independent impasse agreement between the parties.

When Chapter 20 was originally enacted the arbitration step of the impasse process called for a tripartite arbitration panel to hear and rule on impasse items submitted to arbitration. This panel has been eliminated and the statute now provides for a single arbitrator to conduct hearings and rule on the parties' unresolved items. Again, if the parties wish to utilize a tripartite panel they are free to do so as part of an independent impasse agreement.

Three other changes of note were made. First, the requirement that an alleged prohibited conduct by either party be willful has been eliminated. Next, PERB now has the express authority to interpret the provisions of Chapter 20 as well as administer the statute. Finally, the statute now contains provisions for implementation of impasse procedures for impasses involving a public employer that is not subject to budget certification requirements.

The changes to Chapter 20 as embodied in the recently enacted legislation is the result of input from many constituents, and interested parties, and PERB looks forward to implementing the changes in the coming months.

<http://iowaperb.iowa.gov/>

The IPERB newsletter is published by the Public Employment Relations Board. The opinions expressed should not be considered official opinions of the Iowa PERB. Address inquiries and correspondence to Neil A. Barrick, Editor, at neil.barrick@iowa.gov.

PERB And Simpson College Conduct Survey On Collective Bargaining Statutes

PERB and Simpson College have a unique agreement and working relationship through which students have assisted with PERB projects.* One of those projects was an in-depth research and analysis of public sector bargaining laws. The survey includes information on all fifty states and the District of Columbia. The survey contains information such as the agency or agencies that enforce the laws, statute(s) governing public sector bargaining, jurisdiction, scope of negotiations, and impasse procedures.

Eleven states do not have mandated public sector bargaining: Arizona, with the exception of the City of Phoenix, Arkansas, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, Texas, Utah, Virginia, and Wyoming. Among the states that have public sector bargaining there are variations in jurisdiction, scope of negotiations, and impasse procedures. Most jurisdictions give bargaining rights for comprehensive coverage of state, county, school district, and other employees. Separate coverages for police, fire, school districts, and other public employees are found in some statutes. Most statutes surveyed identify a broad scope of bargaining to include wages, hours, and other terms and conditions of employment. Likewise, most of the statutes surveyed contain some form of binding, advisory, or voluntary interest arbitration as part of the statutes' impasse procedures. Specific questions regarding survey data may be directed to Professor Ruth Weatherly, Simpson College, at ruth.weatherly@simpson.edu.

**Beginning with the fall semester 2007, a total of ten students have gained real-world experience working on PERB projects and contributed to PERB goals. Tim and Luke Stover who graduated in December, 2009, with degrees in management performed the initial research on the survey; David Albrecht and Justin Goodwin (May, 2010 graduates) worked on the survey during the fall 2008 semester, and Iris Willis (August, 2009, BA, Management) and Danielle Benson, (now attending the University of Nebraska Law School) completed the research on the survey in May, 2009. PERB and Simpson College are confident of the students' efforts. However, because the research extended over a period of time and because statutes are subject to change PERB and Simpson College would caution reliance on specific research analysis or results.*

Reminder To Certified Employee Organizations

Section 25 of the Public Employment Relations Act requires that certified employee organizations must file an annual report and audit, and PERB rule 8.2 requires that an annual report and audit must be filed with PERB within 90 days following the end of the certified employee organization's fiscal year. Annual report forms are available from PERB or on PERB's website at <http://iowaperb.iowa.gov>. In addition to PERB's form, the report must have a Financial Statement with the beginning balance, itemized receipts and expenditures, and the ending balance. The third part of the report is the Audit Statement with original signatures. The signature(s) must be from an auditing committee or a person or persons who hold no other office in the employee organization and who did not prepare the financial report.

Reminder To Employers

Employers are reminded that they are required to forward copies of all collective bargaining agreements to PERB as soon as they have been prepared. If possible, send the contracts via e-mail, preferably in Word format but PDF's are also acceptable. Address them to: leisa.luttrell@iowa.gov. Should you discover that you have not previously sent contracts currently in effect we would like to have those, too.