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PERB'S Searchable Contracts Database A TOOL FOR BARGAINING

The use of PERB's new electronic contracts database has increased as representatives of public employers and employee organizations prepare for upcoming negotiations. The parties are using the database to conduct word searches on specific bargaining topics and to research information from comparable contracts. With the system available from the PERB website, this will be the first bargaining season where all parties can access this information from a laptop computer right at the bargaining table.

Some frequently asked questions have arisen with increased usage of the contracts database:

Q: How do I access the entire contract?

A: Once a contract is opened, you can scroll through a maximum of 10 pages at one time. Use the arrow keys, located at the bottom of the screen, to navigate to additional pages. As an alternative, you can download the contract for access to the entire contract by using the "document fields" link at the top of the screen. By clicking this link, the option of downloading a pdf and/or Word version is available and displayed.

Q: How do I print the entire contract?

A: Click on the document fields link, then download a pdf or Word version of the document to print the entire contract.

Q: Can I copy, cut, and paste to-and-from a contract?

A: If a Word version of the contract is available, download the contract to copy, cut, and paste. This is not possible with a pdf version which is a picture or scanned image of the document.

Q: How do I send our contract to PERB for inclusion in the database?

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Representative Elections

One of PERB's statutory duties is to conduct representation elections. In the past ten years, PERB has conducted 237 representative determination elections. The vast majority (186) were certification elections, 39 were decertification elections, and 12 were elections which determined if employees appropriate for amendment into an existing unit wished to be represented by that unit's certified representative. In the certification elections employees voted 94% of the time to be represented, and in the elections to amend employees into an existing bargaining unit, employees voted 92% of the time to be represented. In the past ten years, where PERB conducted decertification elections, employees voted 54% of the time to decertify the certified employee representative.

Currently, there are 1,175 bargaining units: 321 city, 267 county; 21 state; 11 AEA – professional; 8 AEA – classified; 13 Community College – professional; 8 Community College – classified; 351 K/12 – professional; and 175 K/12 – classified.

PERB's Healthcare Database Update

Further development of the database is temporarily delayed due to resource limitations from Iowa Interactive which is the technology consultant in this area. PERB will provide further information as the database is updated. If you have questions please contact Jim McClimon at 515/281-4053.

Guest Perspective

This feature provides an opportunity for practitioners, neutrals or other interested persons to share their opinions and viewpoints on topics related to Chapter 20. PERB intends to provide a wide variety and balance of viewpoints over time in selecting contributors to this column.

John H. Connors

A Legislative Perspective On The Iowa Law

I would like to open with a short explanation of what it was like before the Iowa PERA became law. It will be short because the length and the outcome of the process depended entirely upon the employer. "Negotiations" if the employer wanted to, federal mediation if the employer wanted to, and for fire fighters only - advisory arbitration, not binding. Politics were very important. Who was elected to the city council, board of supervisors, school board, state legislature, and governor all affected the process.

Numerous attempts to pass a meaningful law were to no avail because groups of employees were pitted against each other. Positions like, "we will do it for the teachers but not fire fighters or policemen," "we are in favor of doing it for the fire fighters but not for the teachers" were taken. Then an interim study committee was created by the 1969 session of the Iowa Legislature. This followed a 1967 job action by most Des Moines city employees including fire fighters who called in sick because their international union constitution forbade strikes at that time. (This was later removed from their constitution). The Des Moines City Council created a disparity in pay in favor of police over fire fighters. The city council voted to restore the parity or equal pay, but after pressure from the established power structure - the city council reneged. There was also a strike by Des Moines fire fighters in 1969.

The legislative interim study committee in 1969 was made up of two senators, two representatives, two governor appointees and nine other "real" people appointed by employers and employee organizations. All employees were for a meaningful law, and all employers said "we don't need any law at all. It's good the way it is. Under local control elected officials should have the final say." The majority report of the interim study committee recommended a comprehensive bill and, of course, there was a dissenting report.

A meaningful comprehensive bill was passed into law in 1974, thanks to many hours of work by some beautiful people, support from Republican Governor Bob Ray, bipartisan floor work, and most of the votes by Democratic legislators.

I have three outstanding memories of the evening prior to PERA's final passage in the House of Representatives:

1. The Republican Party floor leader said "this is a black day for Iowa."
2. After standing by my chair and applauding Representative Brice Oakley, who managed the bill for Governor Ray, for his comments the acting speaker of the house called me to order.
3. Upon adjournment, I went upstairs to the legislative lounge and let my pent up emotions take over. Twenty years of hope and work were now a reality.

After passage of the law, the employers thought the world had come to an end, and the employees thought we had reached Utopia. Both were wrong, wrong, wrong. Many, but not all, employers put up and some are still putting up every stumbling block available to them to impede the process. Most all, if not all, of the employees believed that they would not be able to catch up and receive all those things they had been denied and so justly deserved.

One of the first and vital stabs at the employees' jugular vein was the "supervisory employee" fight in the determination of a bargaining unit. I know - I had served the Des Moines Association of Professional Fire Fighters as president and chief negotiator for 20 years, as a private, a lieutenant, and as a captain. My beloved city manager and fire chief had made it their number one goal to take the officers out of the unit. I, who had fought all these years for a collective bargaining law, was about to become a victim of it!! That hurt.

The PERB hearing officer ruled that lieutenants and captains were not supervisors, and PERB upheld his decision. The city then took this case to a district court judge who overturned PERB and said all officers were supervisors. The Association appealed to the Iowa Supreme Court and thank God the Supreme Court, in its wisdom, overturned the district court judge and upheld PERB.

Most initial attempts to deal with bargaining and the new law were frustrating to both sides and a continuation of the adversarial climate. The 1975 session of the Iowa Legislature created another interim study committee made up entirely of legislators, and chaired

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by the Chairman of the Labor and Industrial Relations Committee, one John Connors. The committee held five meetings and heard presentations from employers, employee organizations and PERB. While the employee organizations requested 20 "improvements," and PERB requested 14 mostly technical and administrative changes, the committee report recommended 22 changes, most of the PERB endorsed changes.

During the interim study committee's meetings, the most revealing and astounding statement came from employer representatives: "We opposed the passage of the present law, we are not particularly happy with the present law. But, it has worked, and is working well!" There could be no finer testimonial to the work and dedication of the Iowa PERB, and those who worked for so many years to pass such a law. Employees predictably wanted to redefine "supervisory employees" and allow supervisors to organize and bargain, and to provide for the open scope of bargaining. There have been calls to remove factfinding because of the cost, and (mostly from employer representatives) to allow strikes instead of binding arbitration, and for open negotiation sessions.

Two substantive changes have been made in the law to date:

1. The double ballot: majority of those eligible was eliminated and replaced with a single ballot majority of those voting.
2. The first request of the employee organization and the first offer of the employer are made in open session.

All other attempts at substantive changes have failed:

1. The first year after the law was passed a bill was introduced to repeal it.
2. Open negotiating sessions' bills have been introduced.
3. Open scope and broadening scope bills have been introduced, passed, and vetoed.
4. Several other bills have been introduced - mainly to weaken the law.

The future success of the law depends upon:

1. Rational and knowledgeable leaders on both sides of the negotiating table.
2. Continued dedicated performance of the Iowa PERB.

3. Continued vocal support from the governor, whomever he, or she, may be.
4. The right makeup of the Iowa Legislature.

I support open scope. Both sides should be allowed to negotiate anything and everything. This does not mean that they must agree on everything, but it does remove the "red flag" of one side saying "I won't talk to you about that - I don't have to."

I oppose open negotiating sessions. The employer would have the taxpayers' association and the power structure establishment criticizing any concession they might make, and the employee organization would have their members doing the same. The "goldfish bowl" is no place to negotiate. I am not yet ready to eliminate factfinding as I believe the factfinder's report can lead to improved "final offers" submitted to arbitration. I believe that the mediation process is very important, and I am not ready to substitute a strike for binding arbitration. A strike in the public sector is a management tool. The employee loses wages and usually public opinion.

I believe both employers and employee organizations have learned much since the passage of our law. If they do not want to go back to the "law of the jungle" they both should be concerned about the right makeup of the Iowa Legislature, and who sits in the governor's chair. I do not know where all candidates stand, but we should all be concerned with electing officials who understand the negotiating process and the general success of the Iowa bargaining law.

The latest attempt to improve the law came with a Democratic governor and Democratic majority members of the House and Senate in the 2008 session of the legislature. A comprehensive bill was passed (House File 2645) that would require public employees and employers to negotiate a wider range of issues. Opening the wider range of issues with an open scope of bargaining does not mean that labor and management must agree on each issue. Both employers and employees can go to mediation, factfinding, and binding arbitration to settle the issues.

Opponents say that open scope may cost taxpayers more money. But, aren't public employees taxpayers that help pay the salaries of public employers and their organizations?

Hopefully when the 2009 legislative session begins, the

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fight will be over and the legislature and governor can get an improved bill signed into law.

John Connors was a fire fighter for 28 years, and during this time he served as vice-president and president for the Des Moines Association of Professional Fire Fighters Local 4. For 21 years, he was the Secretary-Treasurer and lobbyist for the Iowa Association of Professional Fire Fighters. John was a Democratic State Representative for 32 years and during this time he served as Speaker Pro Tem; Assistant Minority and Majority Leader; and Chairman of the Labor and Industrial Relations Committee.

2009 PERB Conference

Save the dates and plan to attend the next PERB Conference on October 8-9, 2009, at the West Des Moines Marriott. The conference will mark the 35th anniversary of the Public Employment Relations Act. Look for updates as more information becomes available.

Neutral Update

Section 1.5 of the Public Employment Relations Act requires PERB to provide "... fact-finders, and arbitrators to resolve impasses in negotiations." Currently, PERB has a panel of 77 individuals, including 18 individuals who live in Iowa, who serve as fact-finders, interest and grievance arbitrators. Given the number on the panel who reside outside of the state versus those who are Iowa residents PERB is currently not accepting applications from neutrals who reside outside of Iowa. PERB may still consider applications from Iowa residents who have prior labor or management experience but no current affiliation with labor or management.

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: nancy.anders@iowa.gov. Should you discover that you have not previously sent contracts currently in effect we would like to have those, too.

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A: If you have not sent in your contract or as soon as you have a new agreement, e-mail your contract preferably in Word format, to nancy.anders@iowa.gov.

For additional information about the PERB electronic database system, see the July 2008 PERB Newsletter, accessible through the "Newsletter Archive" link on PERB's Home Page at <http://iowaperb.iowa.gov>. Send questions or comments regarding searchable databases to diana.richeson@iowa.gov.